

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Second Amended Plat of Lot 2A, Block 2, Zimmerman Acreage Tracts Subdivision, 2nd Filing. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3)(a) and BMCC 23-303(H)(1)]

1. Effect on agriculture and agricultural water user facilities

The subject property is not used for agriculture. The Cove Ditch runs along the southern border of the property, but there is no farming activity on the parcel being subdivided. Cove Ditch currently has a 66 foot wide easement on it that the subdivider will be keeping in place as recorded. It is currently a vacant lot with no improvements on it, the owners are proposing to create four lots for infill development. The proposal may help alleviate development pressure on existing agricultural areas by creating additional lots on vacant land already in an area easily accessible to City services. There is no anticipated negative effect on agricultural irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – Water service for the proposed Lots 2B2 and 2B3 will be from a water line in Loma Vista Drive within the subdivision. Lots 2B1 and 2B4 will connect to an existing water service in 46th Street West. Water service is provided by the City of Billings. The water lines will be placed under the new road that goes into the subdivision. When the lots develop, any applicable fees will be paid at that time. All water line installation shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations. **(Condition #1)**

Sewer services are to be provided by the City of Billings. The new sewer service will be installed in the new road into this subdivision, Loma Vista Drive. This new service line will provide sewer service to all lots with the exception of Lot 2B1. Lot 2B1 will obtain sewer service from 46th Street West. When the new lots develop, any applicable fees will be paid at that time. All sewer line installation shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations. **(Condition #1)**

Private utilities such as electric and gas are available to the lots upon development. The applicant is showing an 8-foot-wide utility easement that runs around the entire perimeter of the new road into the subdivision.

- b. **Storm water** – Storm drainage shall be provided by a combination of surface drainage, curb and gutters and a detention pond area on the northeast corner of Lot 2B4. All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the *Stormwater Management Manual* in place at the time of development. A

complete stormwater management plan shall be submitted to the City Engineering Division and Montana Department of Environmental Quality for review and approval at the time of development. **(Condition #1)**

- c. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- d. **Streets** – The property currently will have access to the lots from the new road within the subdivision, an extension of Loma Vista Drive. Loma Vista Drive intersects with 46th Street West which will provide access out of the proposed subdivision. 46th Street West is a collector road within the City of Billings. No additional right of way is required for 46th Street West and the new section of Loma Vista Drive meets the required street right of way width.
- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest Fire Station is located at 1501 54th Street West (Station #7). The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** – The schools serving this subdivision will be West High School, Will James Middle School and Arrowhead Elementary. This subdivision should have a minimal effect on schools as it is a 4 lot residential development.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision pursuant Section 23-1008, A, a minor subdivision
- h. **Mail Delivery** - Staff had not received a response from the USPS at the time of the writing of this staff report. It is recommended the applicant contact the USPS to coordinate type and location of delivery boxes. **(Condition #2)**

3. Effect on the natural environment

The proposed subdivision should have only minor effects on the natural environment. There will be short term air and noise pollution associated with construction on the property. Storm water shall be managed in compliance with an approved plan and the property is outside of the flood plain. New development on the property will need to prepare and submit a project-specific geotechnical analysis to minimize any potential impacts from soil and groundwater conditions.

4. Effect on wildlife and wildlife habitat

The proposed subdivision should not affect wildlife or habitat. There are no known endangered or threatened species on the property.

5. Effect on the public health, safety and welfare

The subdivision should not negatively affect public health or safety. The subject property is not within a mapped floodway or flood zone. A geotechnical survey will be required prior to construction to ensure appropriate foundation designs are installed based on the subsurface conditions. There are no obvious threats to public health, safety or welfare.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-901]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA and 23-901, BMCC.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2006 Billings Heights Neighborhood Plan, the 2014 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]

1. City of Billings 2016 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. **Essential Investments (relating public and private expenditures to public values):** Infill development and development near existing City infrastructure may be the most cost effective. (p.6) Neighborhoods that are safe and attractive and provide essential services are much desired (p. 7).
- b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Implementation of the Infill Policy is important to encourage development of underutilized properties. (p.8)
- c. **Home Base (healthy, safe and diverse housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.9)

2. 2014 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Transportation Plan and preserves the street network and street hierarchy specified within the plan.

3. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan covers this area. There is a proposed short-range bike lane shown on Rimrock Road to the north and a potential future trail alignment alongside the Big Ditch to the south. No new improvements will be required with this subdivision to meet the Trail Plan recommendations.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b), BMCC 23-303(H)(2)]

The proposed subdivision, with the proposed conditions, satisfies the requirements of the Montana Subdivision and Platting Act and conforms to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-303(H)(2)(e)]

The subject property is located in Residential 9600 zoning. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-303(H)(2)(b)]

The plat provides easements for utilities within the proposed subdivision for private utility companies to utilize.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-303(H)(2)(c)]

Access to the subdivision will be from a new section of Loma Vista Drive off of 46th Street West. This will give all lots within the subdivision legal and physical access to a public street.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Second Amended Plat of Lot 2A, Block 2, Zimmerman Acreage Tracts Subdivision, 2nd Filing, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy, and does not conflict with the 2014 Transportation Plan or the Bikeway and Trail Master Plan.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, June 12, 2017

Thomas W. Hanel, Mayor