

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Tierra Yellowstone Subdivision. 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, although Canyon Creek Ditch does cross the property. The proposal may help alleviate development pressure on existing agricultural areas by creating additional lots in a non-agriculture area of Billings where development continues to take place around the subject property. 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 is provided by the City of Billings. There is existing water service from a 12-inch water main extended in Conrad Road from a public main in south 32nd Street West. All water line connections for individual lots 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 existing sewer service is from the sewer main in South 32nd Street West. An 8-inch diameter sanitary sewer main in Conrad road will provide sewer services to each lot within the proposed subdivision. 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. To ensure the proper utility easements are provided, it is recommended that the developer consult with the utility companies and place the requested easements on the final plat. **(Condition #2)**

- b. **Storm water** – There is an existing 24-inch diameter storm drain in Conrad road that ends west of the common lot line of Lots 2 and 3, Block 1. An 18-inch diameter storm drain pipe is to be installed to provide stormwater services out to Lot 5. 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. This requirement is called out in the SIA under the heading **V. Storm Drainage**.

- 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 has access to a platted road, Conrad Road, which is a 60-foot-wide right of way. Conrad Road will be built to provide a 44 foot back to back curb street width to the cul-de-sac bulb just west of the common lot line between Lots 3 and 4. From that point going west it will be a 34 foot back to back width. The roads will be built to meet all the requirements of the City of Billings Engineering Division. Access into each lot will be constructed at the time of lot development.
- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. This property is serviced by Fire Station #5 which is located at 605 South 24th Street West. The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** – This subdivision should have a minimal effect on schools as it is a commercial development and will not add any housing to the area.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision pursuant Section 23-1008, A. A minor Subdivision and C. Subdivision into parcels that are all nonresidential.
- h. **Mail Delivery** - The subdivider will provide centralized delivery boxes for the United States Postal Service with the appropriate pullout to accommodate a mail carrier vehicle. The location will be reviewed and approved by the USPS prior to installation.

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. **Prosperity (promoting equal opportunity and economic advancement)** A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community. (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. The nearest identified bike trail is on Gabel Road north of the subject property. 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 Controlled Industrial zoning. All development shall comply with the standards set forth in Section 27-309, 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 will provide easements for utilities within the proposed subdivision. It is recommended that the developer work with NWE and MDU and show the needed easements on the final plat.

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 Conrad Road. Accesses to each lot will be determined at the time of lot development. The plat does provide legal and physical access to each lot.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Tierra Yellowstone Subdivision, 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, July 24, 2017

Thomas W. Hanel, Mayor