

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Amended Lot 2, Block 4, Claimstake 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, and has no agriculture irrigation facilities serving it. There is currently no commercial use on the subject property, the owners are proposing to create two lots for infill development. The proposal may help alleviate development pressure on existing agricultural areas by creating additional lots in under used areas already within the City. 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 water main in Overland Avenue for proposed lot 2B. It is proposed to stub a water service to proposed lot 2A from Enterprise Avenue. 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.

Sewer services are to be provided by the City of Billings. The existing sewer service is from the sewer main in Enterprise Avenue for use by lot 2A. The applicant is proposing to provide a second connection to the sewer line for lot 2B from Overland Avenue. When the 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.

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 #1)**

- b. **Storm water** – Storm drainage shall be provided by a combination of surface drainage, curb and gutters, and storm drain piping. 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 #2)**

- 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 an existing access to Overland Avenue and Enterprise Avenue. This proposed subdivision may create a shared parking area for both lots. A reciprocal access and parking easement will be created with this subdivision to provide physical and legal access to Overland Avenue and Enterprise Avenue for both properties.
- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The Fire Station that services this area is located at 605 South 24<sup>th</sup> Street West (Station #5). 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 United States Postal Service did not respond to the request for information. The future property owners will need to arrange postal delivery.

### **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 City of Billings 2016 Growth Policy Update, the 2014 Billings Urban Area Long Range Transportation Plan, and the 2017 Billings Area Bikeway and Trails Master Plan Update? [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. 2017 Billings Area Bikeway and Trail Master Plan Update**

The Billings Area Bikeway and Trail Master Plan covers this area. No new improvements will be required with this subdivision to meet the Trail Plan recommendations. There is no bike trail identified in the area.

**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 provides 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 Overland Avenue and Enterprise Avenue. The accesses may be shared. Reciprocal access easement and parking easement documents will be submitted and recorded with the final plat documents.

**CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat for Amended Lot 2, Block 4, Claimstake 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, January 8, 2018

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William A. Cole, Mayor