

## WOLF SUBDIVISION FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary Amended Plat of the N ½ of Lot 1, Wolf 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 are currently two established four-plex buildings, the owners are proposing to create two lots to separate the two buildings on its own parcel. 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. Both proposed lots are currently served by individual water services. No additional water system improvements are proposed for this subdivision. **VI. Utilities.**

Sewer services are provided by the City of Billings. Both proposed lots are currently served by individual sanitary sewer services. No additional sanitary sewer system improvements are proposed for this subdivision. **VI. Utilities.**

Both proposed lots are currently served by individual power, telephone, gas, and cable television services. No addition power, telephone, gas, or cable television improvements are proposed for this subdivision. 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** –All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management plan. An existing on-site storm drainage system has previously been approved and constructed for the subject parcels. No additional storm drainage improvements are proposed for this subdivision.
- c. **Solid waste** - The City of Billings provides solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- d. **Streets** – The proposed subdivision fronts Rehberg Lane, and Boulder Avenue, both are 60-foot-wide dedicated rights of way. No additional right of way is required for either street. The south half of Boulder Avenue, along the frontage of the subject parcel, will be improved to City Residential Local Access Standards with a 34' back of curb to back of curb width (30' paved width). Improvements will consist of paving an additional width

of approximately 4.25' and installing concrete curb and gutter. Street improvements will be completed by final plat approval. **(Condition #2 & #3).**

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest Fire Station is located at 1928 17<sup>th</sup> Street West (Station #3). The subdivision is located within the ambulance service area of American Medical Response. Minimum requirements detailed under section IV in the SIA.
- f. **Schools** – This subdivision should have a minimal effect on schools as it is an established 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 is satisfied with the existing location for mail delivery. **(Condition #3)**

### **3. Effect on the natural environment**

The proposed subdivision should have only minor effects on the natural environment. Storm water shall be managed in compliance with an approved plan and the property is outside of the flood plain.

### **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. 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 Growth Policy Update, the 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):** Neighborhoods that are safe and attractive and provide essential services are much desired (p. 7).
- b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).
- c. **Home Base (healthy, safe and divers housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.8)

**2. Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 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. 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-6000 zoning. All development shall comply with the standards set forth in Section 27-300, BMCC. The existing structures currently comply with the zoning regulations; the division of land will not change the compliance.

**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 and existing easements on the final plat. **(Condition #1)**

**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 both parcels is currently provided from Rehberg Lane. A reciprocal access and parking easement will be placed over the existing parking lot to provide legal, shared access and parking to both lots.

**CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat for the Amended lot 1, of Wolf 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 Transportation Plan or the Billings Area 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, May 29, 2018

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William Cole, Mayor