

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of 44 West 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 currently has no agriculture irrigation facilities serving it. It is currently a vacant lot with no improvements on it, the owners are proposing to create five lots for infill development. The proposal may help alleviate development pressure on existing agricultural areas by creating additional lots on under used areas already within the urban core. 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. The lots will be serviced by connecting to and extending an existing water main located in South 44th Street West. From that main water line in South 44th Street West other water lines will be extended into the subdivision for future developments. When the lots develop the developer of said lot will extend water lines into the individual lots to any buildings proposed on the lots, 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 lots will be serviced by connecting to and extending an existing sewer main located in South 44th Street West. From that main sewer line in South 44th Street West other sewer lines will be extended into the subdivision for future developments. When the lots develop the developer of said lot will extend sewer lines into the individual lots to any buildings proposed on the lots, 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. 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** – 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 #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 proposed subdivision fronts South 44th Street West, south of King Avenue West. South 44th Street West is identified as a collector street on the Functional Class Map. The developer will be constructing South 44th Street West from its current terminus point to a point just north of the Hogan Slough. They will be responsible for a 30-foot width with curb gutter and sidewalk on the west side. The property to the east is owned by the City of Billings and the developer is not responsible for the east edge of South 44th Street West.

Internal streets in the subdivision will be public easements providing access to Lots 1, 2 and 3. The southern Lots, 4 and 5, of the subdivision those internal roads will be private roads and they will be laid out at a future date when Lots 4 and 5 are reviewed as a master plan. Lots 1, 2, and 3 are to be zoned Residential Multi-Family Restricted. Lots 4 and 5 are proposed to be zoned Residential Manufactured Home.

The applicant will be making contributions to other intersections in the area for future improvements. City of Billings Engineering reviewed the application and had several comments regarding the SIA that included streets, storm water and utilities, that document has been attached to the staff report, see Attachment Engineering Comments. The applicant will review that document and address all of the comments from Engineering. **(Condition #3)**

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. This property is within Fire Station number 7 service area. Station number 7 is located at 1501 54th Street West. The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** – This subdivision is within the Elder Grove School district for K-8. For high school they are with School District #2 and will be going to West High. Elder Grove has some capacity left for more students they are also in the process of building a new Middle School to increase their capacity for students. West High is over capacity at this time and will continue to be over capacity in the foreseeable future.
- g. **Parks and Recreation** - Parkland dedication for this subdivision is proposed to be done with a cash in lieu contribution to the City Parks Department. They are providing a trail along the north side of the Hogan Slough that will connect to the trail in the Shiloh Conservation area. This trail will be constructed with the development of lots 4 and 5 as outlined in the SIA under the heading Transportation B. Sidewalks paragraph 2.

- h. **Mail Delivery** - The United States Postal Service has requested a CBU for the entire subdivision. It is recommended the applicant contact the USPS to coordinate the location of the CBU. (**Condition #4**)

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. 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. Fish Wildlife and Parks did not have any concerns with impacts to wildlife in the area.

5. Effect on the public health, safety and welfare

The subdivision should not negatively affect public health or safety. In the Conditions that Run with the Land section of the SIA it states that portions of the property lie within the floodplain/floodway identified by Flood Insurance Rate Maps (FIRM) and that special development restrictions may apply. Staff is still working with the developer and City Floodplain Administrator to verify this information and has included a condition to ensure this is fully addressed before final plat approval (**Condition #5**). 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)

2. 2014 Billings Urban Area Long Range Transportation Plan

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

3. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan covers this area. The trail system plan identifies a trail along the north side of the Hogan Slough that will connect to the Shiloh Conservation area. The developer, in the SIA, has stated that the trail will be built with the development of lots 4 and 5.

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 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. It is recommended that the developer work with NWE and MDU and show the needed easements on the final plat. (Condition #2)

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 proposed lots within the subdivision will be provided by South 44th Street West and other roads built within the subdivision. Each lot will have access as required by subdivision regulations.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for the 44 West 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, December 10, 2018

William A. Cole, Mayor