

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Zimmerman Home Place Subdivision, 2nd Filing, Amended Lots 1, Blocks 4 & 5. 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 23-302.H.2.]**

#### **1. Effect on agriculture and agricultural water user facilities**

The land to be subdivided has been historically used for farming. The 34.66-acre parcel is located at the north west corner of the intersection of Grand Avenue and Zimmerman Trail. The property was annexed into the City limits on May 14, 2018. The agricultural land in this area have become more valuable as residential and commercial properties, and their development may possibly alleviate some development pressure on irrigated agricultural lands farther to the west. The development of the subject property should have minimal effects on agriculture and agricultural water user facilities in the area.

#### **2. Effect on local services**

- a. **Utilities** – All lots will be served by city water lines in the area. A new 12-inch water main will be installed in Green Valley Drive from a 12-inch water main connection to an existing stub that terminates at the subdivision boundary on Grand Avenue. There will be a 12-inch water main in Avenue E connected to an existing 12-inch water main from existing Avenue E. Avenue D will have an 8-inch water main installed in it to the subdivision boundary for future connections. The lot owners will be responsible to connect to the water lines at the time of lot development.

All water line installation shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations. This requirement is called out in the SIA under the heading VI. Utilities.

- b. **Sanitary Sewer** – All lots will be served by city sewer lines in the area. A new 12-inch sewer main will be installed in Green Valley Drive from a 12-inch sewer main connection to an existing stub that terminates at the subdivision boundary on Grand Avenue. There will be a 12-inch sewer main in Avenue E connected to an existing 12-inch sewer main from existing Avenue E. Avenue D will have an 8-inch sewer main installed in it to the subdivision boundary for future connections. The lot owners will be responsible to connect to the sewer lines at the time of lot development.

Sewer main installation and placement will meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations. This requirement is called out in the SIA under the heading VI. Utilities.

Power, natural gas, telephone, and cable will all be located within the right-of-way and utility easements shown on the plat.

- c. **Storm water** – Storm drainage shall be provided by a combination of surface drainage, curb and gutters, and storm drain piping and detention pond. The detention pond will be released into the City of Billings storm drains located in Grand Avenue at a rate allowed by City Engineering standards. An HOA will be created to maintain all storm drainage systems. Those responsibilities will be outlined in an Operation and Maintenance Manual. 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.
- d. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste. Location of solid waste receptacles will be reviewed and approved by City of Billings Solid Waste division at the time of site development.
- e. **Streets** –All roads within the subdivision were dedicated to the public at the time of the original subdivision, Zimmerman Home Place Subdivision, document number 3811344. All streets shall be built in accordance with the City of Billings Engineering site development standards. Roads within the subdivision, Green Valley Drive and Avenue E, shall be built to commercial road standards having a minimum width of 45 feet back-of-curb to back-of-curb. Green Valley Drive is an 80-foot-wide right of way; Avenue E is a 70-foot-wide right of way. The applicant will be required to build Avenue E to a minimum of 30 feet of asphalt surface with curb and gutter on the south edge. The applicant notes this in the SIA under III Transportation A. Streets, at the fourth bullet point. Future development to the north will be required to complete the full width to 45 feet back-of-curb to back-of-curb road surface. Avenue D will be constructed to a 34 foot back of curb to back of curb width to the property edge.

A Traffic Impact Study (TIS) was submitted for this subdivision and will be reviewed and approved by the City of Billings Engineering Division to determine if all the accesses are acceptable and the type of accesses they will be. (**Condition #1**)

- f. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. This property is in the coverage

area of fire station #7 located at 1501 54<sup>th</sup> St. West. The subdivision is located within the ambulance service area of American Medical Response (AMR).

- g. **Schools** –School District #2 provides educational services to elementary through high school students. Because this is a commercial subdivision there will be no students added to the schools in the area.
- h. **Parks and Recreation** – Commercial subdivisions are not required to provide parkland.
- i. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required. The centralized mailbox unit needs to be located in an area with a safe pull off area for the postal vehicle and worker. **(Condition #2)**

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

The subject property consists of approximately 34.7 acres of irrigated farm land gently sloping to the south, southeast. A preliminary Geotechnical Investigation Report was performed and submitted for review. This report acknowledged the need for additional site-specific reports prior to construction, which will be required when an applicant submits drawings for a building permit. A paragraph in the SIA under the heading Conditions that Run with the Land notify future lot owners of the need for future geotechnical studies based on proposed specific site development.

### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

### **5. Effect on the public health, safety and welfare**

The subdivision is located in an area with no known natural hazards.

## **B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]**

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

## **C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2014 Billings Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]**

### **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.
- b. **Essential Investments (relating public and private expenditures to public values):** Infill development and development near existing City infrastructure may be the most cost effective.
- 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.

**2. 2014 Urban Area 2014 Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2014 Functional Class Map and preserves the street network and street hierarchy specified in the plan. It also meets some of the goals of the 2016 City of Billings Growth Policy.

**3. Billings Area Bikeways and Trail Master Plan (BABTMP)**

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. There is a trail along the east side of Zimmerman Trail that is already constructed. There is a boulevard sidewalk constructed on the west side of Zimmerman Trail for public use also. It is encouraged that the applicant provides pedestrian/bike routes out of the commercial areas of this proposed development to the future residential zoned area to the north.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]**

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and 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 23-302.H.3.e.]**

The subject property is located within CC and NC zoning. The lot sizes conform to the requirements of these zones. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

**F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]**

The subdivider will coordinate and provided utility easements as requested by MDU and NWE on the face of the plat. **(Condition #3)**

**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 23-302.H.3.c.]**

Legal and physical access is provided to the proposed lots from Grand Avenue, Zimmerman Trail, Green Valley Drive and Avenue E.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Zimmerman Home Place Subdivision, 2<sup>nd</sup> Filing, Amended Lots 1, Blocks 4 & 5, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway and Trail plans.
- 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.

**RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Zimmerman Home Place Subdivision, 2<sup>nd</sup> Filing, Amended Lots 1, Blocks 4 & 5 to the City Council, and adopt the Findings of Fact as presented in the staff report.