

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Lake Hills Subdivision, 25th Filing, Amended. 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. The land is currently vacant lots with no improvements on them. The owners are proposing to create a single lot and abandon the existing public right of way for future infill single family homes with common area. To the east of the property is a BBWA waterway. Comments from the BBWA has indicated that they require a 100 foot easement over the ditch to be able to access it for cleaning and other maintenance with a track hoe and a bulldozer. The applicant will need to coordinate an easement with the BBWA along the east edge of the proposed subdivision. **(Condition #1)**

2. Effect on local services

- a. **Utilities** – The County Water District of Billings Heights provides water service for the proposed subdivision. This proposed subdivision is being submitted to remove existing lots and abandon the existing public road. There will be no need for water service to this subdivision until a future time when it is replatted or they propose a master site plan.

Sewer services are to be provided by the City of Billings. This proposed subdivision is being submitted to remove existing lots and abandon the existing public road. There will be no need for sewer service to this subdivision until a future time when it is replatted or they propose a master site plan.

Private utilities will not be required for this proposed subdivision. There will be no need for private utilities to this subdivision until a future time when it is replatted or they propose a master site plan.

- b. **Storm water** – Storm water management will continue as has historically taken place on the vacant land. At a future time when the land is replatted or there is a master site plan proposed storm water management will be addressed.
- 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 existing right of way platted. A road has never been built within that right of way. With the single lot being platted there is no need for roads to be constructed with this plat. The applicant will be vacating the existing right of way.

Prior to final plat approval they will need to have the process of street vacation finished.
(Condition #2)

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The Fire Station that provides service for this area is located at 1601 Saint Andrews Drive (Station #6). 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 there is no proposal to build any housing with this subdivision.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision pursuant Section 23-1008, A. A minor Subdivision.
- h. **Mail Delivery** - No postal service will be required for this proposed subdivision.

3. Effect on the natural environment

The proposed subdivision should have no effect on the natural environment. There is no proposal to build on the resulting lot so there will be no effect on the environment from this subdivision.

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 2016 Growth Policy Update, the 2018 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. 2018 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 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 trail goes along Annandale Road to the south of this proposed subdivision. No 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 9600 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 does not provide easements for utilities. Those will be provided at a future time when the land is either re-subdivided or there is a proposed Master Site Plan.

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 are from Ditton Drive and from Lake Heights Drive.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat for Lakehills Subdivision, 25th Filing, Amended, 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 2018 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, March 11, 2019

William A. Cole, Mayor

pc. WWC Engineering