

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of MK Subdivision, 2nd Filing. These findings are based on the preliminary plat application and supplemental documents; addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(8), 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 (8)(b)]

1. Effect on agriculture and agricultural water user facilities

The subject property is not used as farmland. The original MK subdivision was platted in 2007 and was planned as a commercial development. The land has not been used for farming since that time. This proposed subdivision will have no effect on agriculture or water user facilities.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. When the 3 lots are developed the developing party will connect to existing 8 inch water main lines in Hawk Creek Avenue. An easement is shown on the plat to extend water lines to Lot 1. New fire hydrants will be installed in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ).

Sanitary sewer service will be provided by the City of Billings. When the 3 lots are developed the developing party will connect to the existing 8 inch sewer main lines in Hawk Creek Avenue. An easement is shown on the plat to extend sewer lines to Lot 1. The new sewer lines will be installed in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ as outlined in the SIA under the heading VI Utilities.

Easements have been shown on the face of the plat for private utility companies to use.

- b. **Storm water** – Storm water drainage will be handled by curb and gutters that discharge into storm drainage piping as well as surface conveyance in some areas. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Division.
- 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** – All internal streets are currently built to City standards providing the required road width, curb/gutters. Boulevard sidewalks will be installed with the development of each lot. They will be built to meet the requirements of the City of Billings Engineering Division and receive their approval before any construction. Any additional street length that may be added to access lots will be built to the City of Billings Engineering standards.

The TIS will need to be updated with the new lots being added to the original subdivision. The updated TIS needs to account for additional commercial lots that will be created with this filing and any additional impact they may have on the surrounding streets and intersections. The original SIA for MK Subdivision required lot 4 to make a cash contribution for improvements to 54th Street and Grand Avenue fronting the subdivision. The required contribution amount needs to be included in the SIA for MK Sub 2nd Filing. The cash contribution is due before any building permit will be issued within this subdivision. **(Condition #1)**

Access to lot 1 will need to be identified. The plat shows a 20' Utility Easement but does not identify an access to lot 1. Subdivision regulations require legal and physical access to all lots in a subdivision. In the SIA under the heading III Transportation E. Access, it states there will be a driveway access to Lot 1 from Hawk Creek Avenue. That would require an easement across Lot 2, which is not called out or shown on the plat. This will need to be addressed before final plat. **(Condition #2)**

- e. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1501 54th St. West (Station #7). When the lots develop in the future, the lot developer will be installing fire hydrants at the required locations to meet regulations outlined in Fire Code. The Billings Police noted in comments that “continued development will eventually require additional resources to maintain current levels of service”. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – Although this subdivision is in School District #2 it is a commercial development and will have no effect on the school population.
- g. **Parks and Recreation** – This is a commercial development and they are not required to provide any parkland with this proposed subdivision.
- h. **Mail Delivery** - The United States Postal Service (USPS) will provide postal service to the subdivision; the USPS has indicated centralized mailbox units will be required.

3. Effect on the natural environment

The subject property is relatively level, former farmland, which is now mostly grassland adjacent to residential development to the north and southeast. In the SIA there is a

paragraph notifying the future lot owner there may be limitations or special requirements of the lot soils that should be investigated before construction on the lots.

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 wildlife habitat in the area, and wildlife indigenous to the area may cause damage to their landscaping or interface with domestic animals, residents, and visitors. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

There should be no impacts to public health, safety and welfare because of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-902)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616 (2), MCA.

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

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).

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. 2018 Urban Area Transportation Plan

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

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

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a long-range bike lane identified on Grand Avenue and a short-range bike lane identified on 54th Street West. With the original MK Subdivision, a 25-foot landscape and bike trail was established along the entire length of the north boundary of the subdivision. This filing will be retaining that feature. The development of the lots will require that trail and landscape buffer to be installed.

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(8)(b)(1)]

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 (8)(b)(5)]

The subject property will conform to the requirements of current zoning in reference to lot size. When the lots are sold and they submit for a building permit at that time the additional requirements of zoning will be reviewed with the permit process.

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 (8)(b)(2)]

The subdivider has provided utility easements as requested by private utility companies on the face of the 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 23-302 (8)(b)(3)]

Legal and physical access to the proposed lots is provided from Hawk Creek Avenue and Chy Way. However, Access to lot 1 will need to be identified. The plat shows a 20' Utility Easement but does not identify an access to lot 1. Subdivision regulations require legal and physical access to all lots in a subdivision. In the SIA under the heading III Transportation E. Access, it states there will be a driveway access to Lot 1 from Hawk Creek Avenue. That would require an easement across Lot 2, which is not called out or shown on the plat. This will need to be addressed before final plat. **(Condition #2)**

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of MK Subdivision, 2nd Filing 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 Plan or Billings Area Bikeways 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.

RECOMMENDATION

Staff recommends conditional approval of the preliminary plat of MK Subdivision, 2nd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, September 9, 2019

William A. Cole, Mayor

pc. PEC Engineering