

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Midland Subdivision, 1st Filing, Amended L1, B1. 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(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 subject property is currently a parking lot. There are no existing irrigation facilities on the subject property. The proposed subdivision will not have an impact on existing agricultural areas. There is no anticipated negative effect on agricultural irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will connect to existing water lines in South 24th Street West at time of development on proposed Lot 1B. New water main connection and any needed fire hydrants shall be 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). **(Condition #1)**

Sanitary sewer service will be provided by the City of Billings. This subdivision will be connecting to the existing sanitary sewer service that currently runs to proposed Lot 1A in lieu of constructing separate sanitary sewer service. Lot 1B will be allowed to share the line with Lot 1A through a Multiple Service Agreement. The subdivider will install sewer lines 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 B. Sanitary Sewer. **(Condition #1)**

Private utility companies will provide gas and electric services to the subdivision. Easements and services already existing within the subdivision.

- b. **Storm water** – Storm water drainage is to be handled through surface flow and piping within the existing Midland Subdivision, 1st Filing. All 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. **(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** – All internal streets are built and are private streets within Midland Subdivision. There will be no additional streets constructed within the proposed subdivision.

The applicants' agent will be providing a TIS prior to final plat approval. It will be submitted to the City Engineering Division for review and approval. Any construction and/or financial contributions for improvements along adjacent streets and within the subdivision identified within the TIS shall be addressed at the time of final plat approval and installed as agreed upon with the City Engineering Division. **(Condition #2)**

- e. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The fire station that services this area is located at 604 S. 24th St. West (Station #5). The applicant will be installing fire hydrants at the required locations to meet regulations outlined in Fire Code. **(Condition #1)**

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** – The subdivision is within School District #2. Because it is a commercial development, there will be no impact to schools in the area.
- g. **Parks and Recreation** – There is no parkland dedication requirement for this subdivision, as it is a commercial subdivision and a minor subdivision.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. The applicant will work with the USPS to determine postal delivery to their location. **(Condition #3)**

3. Effect on the natural environment

The subject property is not a significant habitat for wildlife. During development, storm water pollution prevention best management practices are required and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. This subdivision is in a high traffic area with major development surrounding the lots. 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 23-302.H.1.)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-210, MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2016 Growth Policy, the 2018 Billings Urban Long Range Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [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:

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).

Prosperity (promoting equal opportunity and economic advancement): A diversity of available jobs can ensure a strong Billings' economy (p.9).

2. 2018 Billings Urban 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 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 future bike boulevard along South 24th Street West with a proposed bike boulevard along Stillwater Drive. This subdivision will not be installing any bike trail facilities.

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 complies with current zoning and further compliance requirements will be enforced with future construction on the newly created Lot 1B.

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 has provided utility easements required by the private utility companies.

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 Marketplace Street.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Midland Subdivision, 1st Filing, Amended L1, B1 does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to some of the goals and policies of the 2016 Growth Policy and does not conflict with the 2018 Billings Urban Long Range 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

The Planning Staff recommends conditional approval of the preliminary plat of Midland Subdivision, 1st Filing, Amended L1, B1 to the City Council, and adopt the Findings of Fact as presented in the staff report and the SIA.

Approved by the Billings City Council, August 10, 2020.

William A. Cole, Mayor