

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Amended Lots 1-B-1 and 1-C, Block 29, Descro Subdivision, 7<sup>th</sup> 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 Descro Subdivision, 7<sup>th</sup> Filing was platted in 1968 and was planned as a commercial development. The land has not been used for farming for quite some 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. Lot 1-B-2 has a 4-inch water line providing water and water for fire service to the existing shopping center. It comes onto the property where, past the property line it is manifold into a 4-inch fire line and a 2-inch domestic water service. Lot 1-C-2 is provided with an existing 6-inch water service that is manifold at the property line for a 6-inch fire service and a 2-inch domestic water service. At the time of development, Lot 1-C-1 will be required to provide an additional water service from the existing water main in 24<sup>th</sup> Street West. At the time of development, it will be determined what size of water line will be needed for fire service and domestic water service. 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).
  
- b. **Sewer** - Sanitary sewer service will be provided by the City of Billings. Currently lots 1-B-2 has an existing 6-inch City Sanitary Sewer service from 25<sup>th</sup> Street West. This provides storm water drainage for the existing shopping center. Lot 1-C-1 is currently has an existing 6 inch City Sanitary Sewer service from 25<sup>th</sup> Street west that runs within an easement through lot 1-B-2. At the time of future development, Lot 1-C-2 will be required to provide and additional City Sanitary Sewer service form existing sanitary sewer lines within 24<sup>th</sup> Street West. It will be determined at the time of development what size and type of sanitary sewer will be required. The subdivider will install new sewer line services for in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

Private utilities exist on the lots and they are currently within easements that have been provided in the past for existing development. Easements for any future needs for private utilities will be created at time of development.

- c. **Storm water** –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.
- d. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- e. **Streets** – This subdivision currently takes access off 24<sup>th</sup> Street West and 25<sup>th</sup> Street West. There are internal reciprocal access and parking easements on the internal subdivision to facilitate circulation within the commercial development. Boulevard sidewalks will be installed with the development of Lots 1-C-1 and 1-C-2 along 24<sup>th</sup> Street West. They will be built to meet the requirements of the City of Billings Engineering Division and receive their approval before any construction.

The TIS has been submitted to City Engineering to show impacts of the new lots being developed. The TIS will show if there is a need for additional improvements to surrounding streets and intersections. Any improvements or cash contributions will be made at time of development of Lots 1-C-1 and 1-C-2.  
**(Condition #1)**

- f. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire station is located at 605 24<sup>th</sup> St. West (Station #5). When the lots develop in the future, the lot developer will install 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).

- g. **Schools** – Although this subdivision is in School District #2 it is a commercial development and will have no effect on the school population.
- h. **Parks and Recreation** – This is a commercial development and they are not required to provide any parkland with this proposed subdivision.
- i. **Mail Delivery** - The United States Postal Service (USPS) will provide postal service to the subdivision.

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

The subject property is relatively level that has existing commercial development on it. 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. This land has been used as a commercial development for many years and there is no longer any native habitat on the land. 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 Billings Urban Area Long Range 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 no trail identified within the proposed subdivision nor along 24<sup>th</sup> Street West. There is a possibility of something along Central Avenue in the future should that road every have a major reconstruction and reconfiguration to allow a bike lane.

**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. 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 for private utility companies. Those utilities are in place at this time as this is a redevelopment of an existing commercial development.

**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 24<sup>th</sup> Street West and 25<sup>th</sup> Street West. There are reciprocal easement documents in place that allow the circulation of vehicle within the subdivision to get to the various businesses. With the addition of another lot, there will be a need for a reciprocal access and parking agreement to be established to include all lots in the business development. **(Condition #2)**

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Amended Lots 1-B-1 and 1-C, Block 29, Descro Subdivision, 7<sup>th</sup> 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 Amended Lots 1-B-1 and 1-C, Block 29, Descro Subdivision, 7<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, September 14, 2020

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William A. Cole, Mayor

pc. Sanderson Stewart