

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Amended Lots 1 and 2, Block 3, Terra West Subdivision, 3rd 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 Terra West Subdivision, 3rd Filing was platted in 1994 with single lots for residential development. In 1998 the Villas on the Park condominium association was created to place three homes on two lots. 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. All homes are constructed and have all water connections to them from existing water lines in the street. There will be no additional water line work to do with this subdivision.
- b. **Sewer** - Sanitary sewer service will be provided by the City of Billings. All homes are constructed and have all sewer connections to them from existing sewer lines in the street. There will be no additional sewer line work to do with this subdivision.

Private utilities exist on the lots and they are currently within easements that have been provided in the past for existing development.

- c. **Storm water** –All drainage improvements have been installed and will not be changed with this subdivision.
- 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 Solar Boulevard. Solar Boulevard is built with curb, gutter and sidewalks in place. Each home has been built with a drive access off Solar Boulevard. There will be no additional road construction for this subdivision.
- 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 24th St. West (Station #5). Fire hydrants are installed and no additional fire suppression systems are required.

The Billings Police will continue to provide service to the existing homes in this subdivision. The subdivision is located within the ambulance service area of American Medical Response (AMR).

- g. **Schools** – No additional burden will be placed on School District #2 as the homes already exist.
- h. **Parks and Recreation** –They are not required to provide any parkland with this proposed minor subdivision.
- i. **Mail Delivery** - The United States Postal Service (USPS) is providing postal service to the subdivision.

3. Effect on the natural environment

The subject property has existing residential development on it. There will be no additional environmental impact on the subject property.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. This land has been a residential development for many years and native habitat is minimal 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).

Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community (p. 6)

Strong Neighborhood (livable, safe, sociable and resilient neighborhoods)
Neighborhoods that are safe and attractive (p. 8)

Home Base (healthy, safe and diverse housing options) A mix of housing types that meet the needs of a diverse population is important (p. 8)

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 or in the surrounding subdivision. The nearest trail is along South 32nd Street West.

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 conform to the requirements of current zoning. A zoning variance was granted to the property owners for smaller lots than what is required by R-80 zoning. City Zoning Variance # 1308.

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)]

There are existing utility easements for private utility companies. Those utilities are in place at this time as the proposed lots already have existing houses on them.

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 Solar Boulevard.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Amended Lots 1 and 2, Block 3, Terra West Subdivision, 3rd 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 and 2, Block 3, Terra West Subdivision, 3rd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, October 12, 2020

William A. Cole, Mayor

pc. Essex Suveying