

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Big Iron Subdivision. 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 land currently is a commercial development with one building on the property. 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. There is currently a 12-inch waterline along the frontage of the subdivision in South Frontage Road. At the time of Lot 1 development, they shall connect to the water service for domestic water supply. Lot 2 currently has a well that provides water to the building that is on the site. At the time of redevelopment of Lot 2, or should the current system fall into disrepair, Lot 2 owners will connect to the existing water line in South Frontage Road. All utility installation will be done 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). This is outlined in the SIA under the heading VI. Utilities, A. Water.

- b. **Sewer** – Lot 2 currently has a subsurface septic system in place; this system was permitted by Yellowstone County under permit No. 7891. There is an existing 48-inch sanitary sewer main adjacent to the subdivision in South Frontage Road. Lot 1, when it develops, shall install an individual sanitary sewer service by connecting to the existing main in South Frontage Road. Lot 2 shall install an individual sanitary sewer service when it redevelops, or the existing system is in disrepair. The developer will install new sewer line services in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. This is outlined in the SIA under the heading VI. Utilities, B. Sanitary Sewer.

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. A stormwater management plan shall be submitted to and approved by City Engineering Division at the time of development of Lot 1 or redevelopment of Lot 2. This is outlined in the SIA under the heading V. Storm Drainage.
- 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 South Frontage Road. There are currently two access points onto the property. A reciprocal access easement agreement will be submitted with the final plat enabling both lots to use either access.
- f. **Sidewalks** – South Frontage Road is a Principal Arterial street; subdivision regulations require boulevard sidewalks on both sides of an arterial street. There is the option to have a 10-foot-wide multiuse trail on one side with no sidewalk on the other side. When Lot 1 develops the subdivider will be required to install a 10-foot-wide multiuse trail along the lot frontage along South Frontage Road. This requirement is outlined in the SIA under the heading III Transportation F. Billings Area Bikeway and Trail Master Plan.
- g. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The fire station that serves this location is 475 6th Street West (Station #4). No new construction shall take place on either lot or an addition to the existing building, until fire hydrants are installed per City of Billings Fire Department and Public Works. This is outlined in the SIA under the heading IV. Emergency Services.

The Billings Police noted in their comments: “Although this area is very close to existing patrol areas and facilities, continued development and annexation has adversely affected our ability to deliver service in general”.

The subdivision is located within the ambulance service area of American Medical Response (AMR) and they state they will be able to serve this subdivision.

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

for the existing business. The USPS stated they would need another box in the same location for any new address in 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.

In the SIA there is also a paragraph under the heading II Property Conditions and Information for Lot Purchasers F. This paragraph lets future owners know this property is within a 100-year floodplain. This information will let future owners know there may be limitations to what can be done on the lots. The 100-year floodplain boundary is shown on the proposed plat.

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 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): Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings. (p. 6)8/*

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 subdivision is included in the Billings Area Bikeway and Trail Master Plan. Improvements identified in that plan shall be made at time of development of Lot 1. The Subdivider shall construct a ten-foot wide multi-use asphalt trail along the subdivision's frontage of South Frontage Road at the time of Lot 1 development.

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 lots are sold and a building permit is submitted for new construction or remodel. 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. Future development will use existing easements or provide new easements if needed for private utilities.

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 South Frontage Road. The subdivider is proposing to continue use of the existing accesses for both lots. The subdivider will provide reciprocal access easement documents at final plat for this subdivision. This is outlined in the SIA under the heading III Transportation E. Access.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Big Iron Subdivision 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 Big Iron Subdivision to the City Council and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, November 23, 2020

William A. Cole, Mayor

pc. Sanderson Stewart