

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary subsequent minor plat of Amended Lot 9A, Block 12 Hilltop 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 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 County Water District of Billings Heights. Currently, the property has access to a water line in Sapphire Avenue or Crestline Drive. They will stub a water connection into the main water line in either line upon development of the new lot. New water connections will be reviewed and approved by the County Water District of Billings Heights before installation. They will also meet the requirements of Montana Department of Environmental Quality (MDEQ). **(Condition #1)**
- b. **Sewer** - Sanitary sewer service will be provided by the City of Billings. The property is currently served by an existing sanitary sewer main that is within Sapphire Avenue. The subdivider 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. **(Condition #1)**
- c. **Storm water** – There are no anticipated changes to the Storm Water drainage with the addition of one lot. At the time of development on the lot with the review of a building permit, 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)**
- 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** – The subdivision will have access from Sapphire Avenue and Crestline Drive. Sapphire Avenue is a paved road, Crestline Drive is a gravel surface road. The new lot will take access from Crestline Drive. The existing house on the lot has access from Sapphire Avenue. No additional right of way or construction is anticipated with this subdivision. Road construction is included in the Waiver or Right to Protest future SID’s should the road be paved.

- f. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1605 Saint Andrews Drive (Station #6). There is an existing fire hydrant on the north west corner of the intersection of Sapphire Avenue and Crestline Drive.

The subdivision is located within the ambulance service area of American Medical Response (AMR). AMR comments indicate they have adequate staff and equipment to service the new subdivision.

- g. **Schools** – Because this is a two-lot minor only adding one additional home there will be minimal effect on the school system.
- h. **Parks and Recreation** – There is no parkland requirement for this subdivision.
- i. **Mail Delivery** - The United States Postal Service (USPS) already has a route in this subdivision.

3. Effect on the natural environment

The subject property is relatively level. In the SIA there is a paragraph notifying future lot owners there may be limitations or special requirements of the lot soils that should be investigated before construction on the lots (SIA page 2, II B).

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. 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: Infill development and development near existing City infrastructure may be the most cost effective. (p.6)

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

Home Base (healthy, safe and diverse housing options) Homes that are safe and sound support a healthy community

2. Billings Heights Neighborhood Plan

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for low density residential development. The subdivision meets the following goals of the Heights Neighborhood Plan:

Issue: Urban Sprawl

Goal: Encourage infill housing.

Objectives: To preserve and conserve resources and curb urban sprawl. This subdivision will be building houses in an already established neighborhood and subdivision, reducing sprawl to new land.

Issue: Residential Development

Goal: To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods.

Objectives: To encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood.

This subdivision provides low-density residential single-family development in a neighborhood with existing low-density single-family development.

3. 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.

4. 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.

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 lot is 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.

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 will be provided from Crestline Drive for the new lot. The existing house on the property has access from Sapphire Avenue.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Amended Lot 9A, Block 12 Hilltop 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 Amended Lot 9A, Block 12 Hilltop 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, December 20, 2021

William A. Cole, Mayor