

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary subsequent minor plat of Amended Plat of Legacy 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 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. With this proposed subdivision vacating lots and resulting in one lot for future subdivision and redevelopment there will be no water lines installed with this subdivision.
- b. **Sewer** - Sanitary sewer service will be provided by the City of Billings. The property is currently undeveloped and as this proposed subdivision is to create one lot from 24 to be re-subdivided they will not be installing sanitary sewer with this proposed subdivision.
- c. **Storm water** – The property is currently undeveloped and as this proposed subdivision is to create one lot from 24 to be re-subdivided they will not be installing storm water systems with this proposed 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** – The subdivision has three streets and one short cul-de-sac, Rich Lane, Will Way and Camp Lane. The short cul-de-sac is off Camp Lane. These roads will be vacated with the vacation of the lots. Rich Lane and Camp Lane will be re-aligned but Will Way and the short cul-de-sac will no longer exist in this subdivision. The vacation of the roads shall be completed before the final plat of the subdivision. **(Condition #1)**
- f. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station serving this area is located at 54th St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR).

- g. **Schools** – Because this is a one-lot minor 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) has a route to include this subdivision.

3. Effect on the natural environment

The subject property is not currently farmland. This land was platted in March of 2006 as Legacy Subdivision and has not developed completely. This vacation of a portion of Legacy Subdivision will allow the developer to re-subdivide this portion of Legacy Subdivision and it will have little effect on the natural environment.

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)

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 a trail identified along the Big Ditch. The original Legacy subdivision provided a 60-foot right-of-way over the Big Ditch that can accommodate a trail in the future.

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 future 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 will not be providing utility easements for private utility companies as this single lot will be subdivided in the future. At that time the developer will provide private utility easements.

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 Beringer Way for the new lot.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Amended Plat of Legacy 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 Amended Plat of Legacy Subdivision, to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, July 11, 2022

William A. Cole, Mayor