

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Midland Subdivision, 4<sup>th</sup> Filing. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), 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.H.2.]**

#### **1. Effect on agriculture and agricultural water user facilities**

The subject property is not used for agricultural purposes. There will be no irrigation infrastructure affected by this subdivision. There are no water rights or shares that will be available to this proposed subdivision. Any perimeter ditches and drains, that have downstream users, shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities.

#### **2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings. Lot 1-K-2 currently has water service to it. Lot 1-K-1 will be required to connect to existing water line stub-outs or connect to the existing 16-inch water main in South 29<sup>th</sup> Street West. The parcel will be required to install private fire hydrants within the proposed subdivision. The water line will be approved by the Engineering Division and shall be installed in conformance with the design standards, specifications, rules and regulations of the City of Billings and Montana Department of Environmental Quality. This information will be added into the SIA under the heading VI, Utilities.
- b. Sanitary sewer service will be provided by the City of Billings. Lot 1-K-2 currently has sewer service to it. Lot 1-K-1 will be required to connect to existing sewer line stub-outs or connect to the existing 8-inch sewer main in South 29<sup>th</sup> Street West. Sewer services shall be reviewed and approved and built in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. This information will be added into the SIA under the heading VI, Utilities.

Private utility companies will provide services to the subdivision. Private utility easements run along the western side of the lots.

**Stormwater** – This subdivision 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 Department. A Stormwater Report will be submitted for review and approval by City Engineering at the time of individual lot development. This information is within the SIA under the heading V, Storm Drainage.

- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. **Streets** – The lots within the subdivision will be served by a connection to South 29<sup>th</sup> Street West. All internal circulation will be private drives through parking provided for proposed residential/commercial development. There is a second way out through other parking lot access drives to Millennium Circle. There is another way out to the north through a shopping area which is also part of the Midland Subdivision, 4<sup>th</sup> Filing. Either option will require the applicant to obtain a reciprocal access easement to gain additional access to South 29<sup>th</sup> Street West. **(Condition #1)**

A traffic impact study was not submitted for this subdivision. Future development of the lots will require a traffic impact study if the proposed development will produce more than 500 trips per day. At that time all identified intersection impact contributions identified within the traffic impact study must be made prior to issuance of any building permit. Language in the SIA under the heading III Transportation E, to require a TIS with future development. **(Condition #2)**

The internal sidewalks will be installed by individual lot owners when the lots are developed. All sidewalks will be 5-foot-wide with a 5-foot-wide boulevard behind the curb.

- e. **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 605 South 24<sup>th</sup> Street West. (Station #5). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – School District #23, Elysian School provides educational services to elementary through Middle school students. School District #2 will provide services to high school Students at West High School. Response from School District #2 shows West is over capacity. School District #23 did not respond at the time of the writing of this staff report.
- g. **Parks and Recreation** – This subdivision is a minor subdivision and is not required to provide parkland. Section 23-1008 A, Billings Subdivision Regulations.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. Future development of the property will require coordination with the developer and the postal service for location of mail delivery boxes.
- i. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

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

The subject property, as currently subdivided in 2003 is vacant subdivision lots that have not developed up to this point. The property is somewhat flat, generally draining south. There is the Bannister Drain and the BBWA on the west boundary of the subject property. There is also a Bannister Drain right of way south of the subject property.

The geotechnical study will be performed when future development is proposed on the land. The subdivision should have a minimal effect on the natural environment.

#### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

#### **5. Effect on the public health, safety and welfare**

There will be minimal impacts to public health, safety and welfare because of this subdivision.

### **B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]**

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

### **C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2014 Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]**

#### **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)** Infill development and development near existing City infrastructure may be the most cost effective

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

Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels

**Home Base (healthy, safe and diverse housing options)** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

A mix of housing types that meet the needs of a diverse population is important.

#### **2. 2018 Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan. The applicant will be connecting Avenue D through the proposed subdivision.

**3. Billings Area Bikeway and Trail Master Plan (BABTMP)**

There is an existing trail along the west edge of the subdivision along the Bannister Drain. There are no trails within the subdivision. Connection to the existing trail on the west is encouraged.

**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.H.3.a.]**

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.H.3.e.]**

The subject property is located within CMU2 zoning. The lot frontages conform to the requirements of these zonings. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

**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.H.3.b.]**

The subdivider will provide utility easements as requested by private utility companies on the face of the plat. There are existing utility easements along the western side of the subdivision.

**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.H.3.c.]**

Legal and physical access is provided to the proposed lots from South 29<sup>th</sup> Street West. Future access points will be determined at the time of development.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Amended Lot 1-K Midland Subdivision, 4<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 2018 Growth Policy and does not conflict with the Transportation or Bikeway/Trail Plans.

- 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**

It is recommended to City Council that the preliminary plat of Amended Lot 1-K Midland Subdivision, 4<sup>th</sup> Filing, be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, December 19, 2022

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William A. Cole, Mayor