

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Price Subdivision, Amended Lots 1 and 5, Block 1. 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(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 currently was originally subdivided for large lot residential development. Water rights will not be transferred to subdivision property owners. Any existing ditches near this proposed development will remain in place and will not be altered by the future property owners. The subdivision should not affect agricultural water users' facilities.

2. Effect on local services

- a. **Utilities** – Public water services already exist to proposed lots 1A and 5A where existing houses are located. Proposed lots 1B and 5B will not be connecting to the existing water main located within the existing easement as shown on the plat. Lots 1B and 5B will have a 'No Build' provision placed on them so there will be no buildings allowed that need a connection to water.

Fire hydrants were installed as required by the City of Billings Fire Department. The City Fire Department reviewed and approved all hydrant locations prior to installation with the original filing of the subdivision.

Public sewer services already exist to proposed lots 1A and 5A where existing houses are located. Proposed lots 1B and 5B will not be connecting to the existing sewer main located within the existing easement as shown on the plat. Lots 1B and 5B will have a 'No Build' provision placed on them so there will be no buildings allowed that need a connection to sewer.

All telephone, gas, electrical power, and cable television lines that are placed within the public right-of-way shall be installed prior to surface improvements.

In the SIA under the heading XI No Build Provision, it outlines the reason for the no build restriction. Lots 1A and 5A have the 'No Build' restriction placed on them to maintain the original subdivision requirement of 5 buildable lots. As a condition of approval this information needs to be added to the SIA under the heading II Property Conditions and Information for lot Purchasers. **(Condition #1)**

- b. Storm water** – Stormwater management for the proposed subdivision will not be modified from the storm water system put in place with the original filing. With the extremely large lots the majority of the water from storms will be handled as the land has historically done. Percolation into the ground and possible storm collection into the existing large drainage to the south that flows east.
- 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** – There is an existing private road, Canyonwoods Drive, within the subdivision. A cul-de-sac turn around is constructed near the westerly boundary of Price Subdivision. This is a private access road for the subdivision and is gated at the cul-de-sac.

Sidewalks were not installed within this subdivision and will not be required with this 2-lot amendment.

- e. Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1501 54th Street West (Station #7).

The subdivision is located within the ambulance service area of American Medical Response (AMR) although because of the distance from the nearest AMR station they will not be able to make it there in 8 minutes or less.

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

- f. Schools** –School district #2 provides service to students within this subdivision. There will be no additional students going to the school as the two new proposed lots will have a ‘No Build’ restriction on them.
- g. Parks and Recreation** – There is no parkland dedication requirement for this subdivision. Subdivision that create lots over 5 acres are not required to dedicate parkland. 76-3-621, MCA
- h. Mail Delivery** – There are an existing Central Box Unit (CBU) at the cul-de-sac that the existing home receive mail delivery from United States Postal Service within this subdivision.

3. Effect on the natural environment

There will be no further effect on the land, as the two new proposed lots will have a ‘No Build’ restriction on them. A geotechnical study was performed for the original subdivision.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open farm land areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading, II Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants been installed to meet fire department requirements. The effects on public health and safety should be minimal.

6. Phasing of the Subdivision

There are no plans to phase the subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-603 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 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:

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

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

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)
Natural landscapes are important because they define the uniqueness of Billings and help protect the environment.

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.

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

The proposed subdivision lies within the jurisdiction of the BABTMP, but there is no trail identified within this 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.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 a N3 zoning district. All building development on the lots shall comply with the N3 zoning when applying for a building permit.

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 furnish private utility easements as required by private utility providers.

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 Canyonwood Drive. Canyonwood drive within this subdivision is a private street.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Price Subdivision, Amended Lots 1 and 5, Block 1 does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway and Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, 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 is forwarding to the City Council, the preliminary plat of Price Subdivision, Amended Lots 1 and 5, Block 1, recommending conditional approval and adoption of the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, May 22, 2023

William A. Cole, Mayor