

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Miller Crossing Subdivision, 4th 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 was historically used for agricultural purposes. The original plat of Miller Crossing was recorded on June 25, 1997. 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. Water lines have already been installed within the subdivision. Each lot will have access to the existing waterlines. Lots 1 and 3, Block 1 currently do not have water line stubs to them. Those will be installed when the lot is developed. All water line and stubs 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 is within the SIA under the heading VI, Utilities.

Sanitary sewer service will be provided by the City of Billings. Sanitary sewer lines have already been installed within the subdivision. Each lot will have access to the existing sanitary sewer lines. Lots 1 and 3, Block 1 currently do not have sanitary sewer stubs to them. Those will be installed when the lot is developed. All sanitary sewer line and stubs 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 is within the SIA under the heading VI, Utilities.

Private utility companies will provide services to the subdivision. Easements on the lot frontage have been provided by the subdivider for the private utility companies to install the needed infrastructure with previous filings.

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.

- b. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- c. **Streets** – The lots within the subdivision are served by connections to King Avenue East. Roads within the subdivision are private roads. This subdivision will not be required to provide additional street dedication on any of the streets inside or outside the subdivision. When the lots develop they will be required to install curb gutter and sidewalk on their lot street frontage.

A traffic impact study was done with the original subdivision development. There have been subsequent traffic impact studies done with individual developments in the subdivision. Lot developers may be required to provide updates to the traffic impact study with their proposed developments. Future lot owners can contact City of Billings Engineering to obtain existing material on the traffic impact studies done in the past.

The 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. This is outlined in the SIA under the heading III Transportation B Sidewalks.

- d. **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 475 6th Street West. (Station #4). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** – Schools will not be impacted with the development of this commercial subdivision.
- f. **Parks and Recreation** – This subdivision is a minor subdivision and is not required to provide parkland. Section 23-1008 A, Billings Subdivision Regulations.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. The USPS has requested 1 Centralized delivery located in front of Cabela’s. Development of the property will require coordination with the developer and the postal service for preferred location of mail delivery boxes.
- h. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

3. Effect on the natural environment

The subject property is a vacant subdivision property that has been farmed in the past. The farming activity from the past has mostly removed natural habitat from the land.

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

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)
Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity

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)
Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

Prosperity (promoting equal opportunity and economic advancement)
A diversity of available jobs can ensure a strong Billings' economy

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 no trail identified within the proposed subdivision. The nearest trails are on the south side of King Avenue East.

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 zoned Corridor Mixed Use 2 (CMU2). 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 subdivision has provided utility easements as requested by private utility companies with past platting. There are private utility easements shown on the plat.

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 King Avenue East and from streets within the proposed subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Miller Crossing Subdivision, 4th 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 Miller Crossing Subdivision, 4th Filing, be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, July 10, 2023

William A. Cole, Mayor