

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Skyview Ridge Subdivision, 2nd 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 has historically been native grass and scrub land. 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. The subdivider will connect to a water line in Wicks Lane at this time. In the future when Targhee Avenue on the south end of the proposed subdivision is built, water for this subdivision will be taken from a line within Targhee Avenue. If phase 2 of this subdivision begins before development to the south takes place the applicant will provide a financial guarantee for ½ of the estimated cost of the water line within Targhee Avenue. 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. **(Condition #1)**

Sanitary sewer service will be provided by the City of Billings. The subdivider will connect to a sewer line in Wicks Lane at this time. In the future when Targhee Avenue on the south end of the proposed subdivision is built, sewer service for this subdivision will be taken from a line within Targhee Avenue. If phase 2 of this subdivision begins before development to the south takes place the applicant will provide a financial guarantee for ½ of the estimated cost of the sewer line within Targhee Avenue. 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. **(Condition #1)**

Private utility companies will provide services to the subdivision. The developer will coordinate with the private utility companies and provide easements for them

where requested for the private utility companies to install the needed infrastructure.

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. **(Condition #1)**

- 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** – Initially the lots within the subdivision will have access from Wicks Lane. There is a proposed shared access from Wicks Lane for both of the proposed lots. In the future, when Targhee Avenue, on the south end of the subdivision, is constructed to this subdivision, access to the subdivision will be from Targhee Avenue and the access from Wicks Lane will be abandon.

The developer shall be responsible for construction of Targhee Avenue along the Subdivision’s southern boundary at the point in time that adjacent development extends Targhee Avenue from the east or west. The developer will work with other developers to build Targhee Avenue. Should phase 2 of this development commence before other developments occur around this proposed subdivision, this developer will provide a financial guarantee for public improvement construction along their southern border. The contribution will include the cost of curb and gutter, a boulevard sidewalk, 30 feet of asphalt and 8’ water and sewer lines. These improvements will occur on the northern half of Targhee Avenue. This information is in the SIA under the heading III Transportation, A. Streets.

A traffic impact study will be done if it is determined that this development will generate more than 500 trips per day. The proposed development is for storage buildings, these types of developments do not generate a great deal of traffic in a day.

- 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 1601 St Andrews Drive (Station #6). 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 developer will coordinate with the USPS for mail delivery to the proposed subdivision.
- h. **Phasing of Development** - The applicant is proposing to develop this subdivision in phases. Phase 1 will be Lot 1 and Phase 2 will be Lot 2.

3. Effect on the natural environment

The subject property is a vacant native grass land. This will be the first development on this property. It will change the native grass 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

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.

2. 2023 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2023 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

There is no trail identified within the proposed subdivision. There is an existing trail on the south side of Wicks Lane. This subdivision will not be required to build any trail infrastructure.

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 conducting a zone change to zone the property as 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. (Condition #2)

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 will provide utility easements as requested by private utility companies. Private utility easements will be 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 Wicks Lane. There is a proposed shared access from Wicks Lane. In the future Targhee Avenue will provide access to the subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Skyview Ridge 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 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 Skyview Ridge Subdivision, 2nd Filing, be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, March 25, 2024

William A. Cole, Mayor