

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Broso Valley Park 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

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 and 2 will be provided with water service from the existing 12” water main located in Majestic Lane. Each lot will be served by their own individual water service line. Private fire hydrants will be installed with this project. All water lines 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. The City Fire Department will also approve location of all fire hydrants with this development. This information is within the SIA under the heading VI, Utilities.

Sanitary sewer service will be provided by the City of Billings. Lot 1 and 2 will access an existing 12” sewer line located in Majestic Lane. Each lot will be served by their own individual sewer service line. There is a possibility the City Public Works Department may extend a public main within a 20’ public utility easement dedicated to the City of Billings from which individual services to each lot will be connected. All sanitary sewer lines 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 lots will be provided by the subdivider 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. Development on these lots will not impede or hinder the existing subdivision drainage plan already in place. 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 will be served by a connection to Majestic Lane. That connection will provide access to both lots. It is a private drive access with a reciprocal access easement for both lots. This subdivision will not be required to provide additional street dedication on Majestic Lane. When the lots develop they will be required to install a curb access to the lots along their 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 will 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 sidewalk will be installed by the developer at the time of the first lot to be developed. The side walk will be installed along with the drive access within the 60 feet of frontage these two lots have along Majestic Lane.

- 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 605 South 24th Street West. (Station #5). 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. 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 not been developed up to this point in time. It is currently grass and shrub covered 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 2023 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.

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

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. The applicant will not be adding any new roads with this proposed subdivision.

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

There is no trail identified within the proposed subdivision. The nearest trails proposed or existing are on Gabel Road and Zoo Drive.

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 Heavy Commercial (CX). 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 will provide utility easements as requested by private utility companies with final 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 Majestic Lane and from a private access easement to the proposed lots.

CONCLUSIONS OF FINDINGS OF FACT

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

Approved by the Billings City Council, May 28, 2024

William A. Cole, Mayor