

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Yellowstone Valley Subdivision. 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 currently a City of Billings park, Wilson Park. There are no permanent irrigation ditches, field laterals, or irrigation easements that exist on the subject property. 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. There is an existing 12-inch water main located in Riverside Road. There is also a County water main in Hannon Road from riverside road to Minnie Place. Water lines and services will be approved by the City of Billings Public Works Department 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 (MDEQ). **(Condition #1)**

Sanitary sewer service will be provided by the City of Billings. The Subdivider will connect to an existing 30-inch sewer main located along the north property line of the proposed subdivision. 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. **(Condition #1)**

Private utility companies will provide services to the subdivision. Any easement required by a private utility company will be coordinated with the subdivider and the utility company.

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. **(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** – Riverside Road runs along the western boundary of this proposed subdivision. Both lots can access Riverside Road. No internal roads are proposed for this subdivision. The subdivider will be providing an additional 37 feet of right of way for Riverside Road. That road currently has only 30 feet of right of way. Riverside Road is classified as a collector.

All sidewalks will be 5-feet-wide with a 5-foot-wide boulevard behind the curb to the edge of the sidewalk. There will be ADA compliant ramps installed where necessary.

Widening of Riverside Road and the installation of sidewalks will be done at a future date. These items are included in the Waiver or Right to Protest. The property owner will participate in the proportional costs when the road is improved at a future date.

- 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 503 South 28th Street (Station #2). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** –This subdivision will have no effect on schools in the area. It is a commercial / Parkland subdivision.
- f. **Parks and Recreation** – Commercial subdivisions are not required by City of Billings Subdivision Regulations to provide parkland. The land for this subdivision is a City of Billings park. Lot 1 will remain as parkland.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. Location of mail delivery boxes will need to be coordinate with the developer and the postal service.
- 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 currently a City of Billings Park, Wilson Park. This park has not been developed and is a native grassland area with trees in a few locations on the property. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. 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:

Place Making (Enhance, maintain, preserve, and improve existing public places): Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods.

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Implementation of the Infill Policy is important to encourage development of underutilized properties.

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. Riverside Road is identified as a collector road. The subdivision will not be creating any new roads.

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

There is a future trail identified on Riverside Road. At a future time when the street is widened, the trail would be on constructed at that time.

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 subdivision will have two zonings, Lot 1 will be zoned P1 and Lot 2 will be zoned P2. 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 provided utility easements as requested by private utility companies. Those easements will be shown on the face of 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 existing roads, Riverside Road.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Yellowstone Valley Subdivision, 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

Staff recommends to the City Council that the preliminary plat of Yellowstone Valley Subdivision, be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, May 12, 2025

William A. Cole, Mayor