

Cenex Park Subdivision, Lot 2, Block 4, Subdivision for Rent or Lease  
Findings of Fact

Staff is forwarding the recommended Findings of Fact for Cenex Park Subdivision, Lot 2, Block 4, Subdivision for Rent or Lease for review and approval by the City Council. These findings are based on the preliminary plan application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the City of Billings Subdivision Regulations (Sections 23-304(c), BMCC).

**A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-304 (c) (1)]**

**1. Effect on agriculture and agricultural water user facilities**

The subject property is vacant industrial property located in the City limits that has been slated for urban development since it was originally platted in 1985. It is surrounded by a variety of commercial and industrial businesses. There are no active irrigation ditches on the property and no water rights will be transferred as a result of this subdivision for rent or lease. Overall, this development should not have a negative effect on the agricultural industry.

**2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will access water and sewer services from the existing mains in South 25<sup>th</sup> Street West. New individual services for the buildings, and any required fire hydrants will be installed in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ).

MDU will provide gas services and Northwestern Energy will provide electric services to the subdivision. Easements are existing and are shown on the site plan.

- b. **Storm water** –Because the subject property is greater than one acre in size and a Storm Water Pollution Prevention Plan (SWPPP) is required for the property. These and all other drainage improvements 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.
- 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** – The subject property is served by South 25th Street West. No additional right-of-way dedication or street improvements are required with this subdivision.
- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The property is within an existing police patrol area and nearest fire station is located at 604 S. 24<sup>th</sup> St. West. (Station #5). The

subdivision is also located within the ambulance service area of American Medical Response (AMR).

- f. **Schools** –As a commercial/industrial subdivision, there should be little to no impact on schools.
- g. **Parks and Recreation** – Commercial and industrial subdivisions are exempt from parkland dedication requirements under MCA 76-3-621.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required.

### **3. Effect on the natural environment**

The subject property is located in a developed urban area on flat terrain. A geotechnical study has been completed for this property and recommends specific construction methods based on the subsurface conditions. The recommendations will be implemented at the time of building permit review. Overall, impacts to the natural environment should be minimal.

### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. There is a note 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**

Based on the provision for emergency services as discussed above, there are no anticipated effects on public health, safety and welfare resulting from this subdivision.

## **B. Was an Environmental Assessment required? [(MCA 76-3-603; BMCC 23-304 (c) (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 Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan 2009 Update, and the Billings Area Bikeways and Trail Master Plan? [BMCC 23-304 (c) (3)]**

### **1. Yellowstone County-City of Billings 2008 Growth Policy**

The proposed subdivision is an example of a good “infill” development and is consistent with the following goals of the Growth Policy:

- a. Goal: Contiguous development focused in and around existing population centers separated by open space (p. 6).
- b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (p. 6).

## **2. Urban Area Transportation Plan 2009 Update**

The proposed subdivision adheres to the goals and objectives of the 2009 Transportation Plan Update and preserves the street network and street hierarchy specified in the plan.

## **3. Billings Area Bikeways and Trail Master Plan**

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. No future trail corridors or on-street bikeways are identified adjacent to the subject property.

### **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 23-304 (c) (4)]**

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 subdivision conform to sanitary requirements? [BMCC 23-304 (c) (5)]**

The subdivision will utilize the City's water, sanitary sewer, and solid waste collection and disposal services. All services are approved and regulated by state and federal authorities.

### **F. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-304 (c) (6)]**

The subject property is located within the CI zone. The proposed site development plan conforms to the requirements of this zone.

### **G. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-304 9 (c) (7)]**

The site plan shows appropriate utility easements that are acceptable to MDU, NWE and the other utility providers.

### **H. 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 23-304 9 (c) (8)]**

Legal and physical access is provided to the proposed development from South 25<sup>th</sup> Street West.

## **CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Cenex Park Subdivision, Lot 2, Block 4, Subdivision for Rent or Lease 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 2008 Growth Policy Update 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.

Approved by the Billings City Council, August 13, 2012.

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Thomas W. Hanel, Mayor