

Findings of Fact
Amended Lot 4A1, Block 1, Parkco Industrial Subdivision

Staff is forwarding the recommended Findings of Fact for Amended Lot 4A1, Block 1, Parkco Industrial Subdivision for review and approval by the City Council. 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 23-303(H)(1)]

1. Effect on agriculture and agricultural water user facilities

The subject property is not used for agriculture purposes. On the street frontage of the lot is the current location of Mr. Thrifty Foods. The second lot is being created behind the existing building on extra land that is not needed by the current owner for his business. Along the south western edge of the proposed back lot there is a length of the Hogan Slough. A 30 foot easement exists along the southwest property line for Hogan's Slough and a 15 foot wide easement exists north of the north property line for the Canyon Creek Ditch. The waterways will stay in place as well as the existing easements. It is anticipated that there will be no effect on agriculture or water user facilities.

2. Effect on local services

- a. **Utilities** – The subdivision is currently served by a public water main located in South 29th Street West. Proposed lot 4A1-1 is currently connected to city water and sewer. Proposed Lot 4A1-2 will need to connect to city services at the time of lot development if the proposed use requires water and sewer. Water for proposed Lot 4A1-2 will come off of Millennium Circle through an access and utility easement that runs between Lot 7 and 8 in Millennium Market Subdivision to the north.
- b. **Sewer** - The subdivision is currently served by a sanitary sewer main located in South 29th Street West. Lot 4A1-1 is currently connected to sewer service from the existing main. Lot 4A1-2 will receive sanitary sewer service at the time of development should the proposed use require sanitary sewer service. Sewer for proposed Lot 4A1-2 will come off of Millennium Circle through an access and utility easement that runs between Lot 7 and 8 in Millennium Market Subdivision to the north

Private utilities such as electric and gas are available to the lots upon development. According to a response from Northwestern Energy the existing utilities run in an easement on the north edge of the existing subdivision. To ensure the proper utility easements are provided, it is recommended that the

developer consult with the utility companies and place the requested easements on the final plat (**Condition #1**).

- c. **Storm water** –All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Chapter 28, BMCC, and shall be in accordance with the recommendations of the approved storm drain study to be submitted to the Engineering Division at the time of site development.
- d. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- e. **Streets** – The subdivision has street frontage on South 29th Street West. South 29th Street West has an existing 80-foot wide right-of-way dedication and is constructed with curb gutter and sidewalk already in place.

No street improvements are required with this subdivision.

- f. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency service station is located at 605 South 24th Street West (Station #5). The subdivider will need to have a new address assigned to the second parcel which is done through the fire department. The subdivision is located within the ambulance service area of American Medical Response.
- g. **Schools** –This commercial subdivision should have a minimal effect on schools.
- h. **Parks and Recreation** - Parkland dedication is not required for this subdivision, as it is a commercial subdivision.
- i. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. Any special requirements will have to be submitted and approved by the Postal Service.

3. Effect on the natural environment

The proposed subdivision should have only minor effects on the natural environment. There will be short term air and noise pollution associated with construction on the property. Storm water shall be managed in compliance with an approved plan and the property is outside of the flood plain. New development proposals will need to prepare and submit a project-specific geotechnical analysis to minimize any potential impacts from soil and groundwater conditions.

4. Effect on wildlife and wildlife habitat

The proposed subdivision should not affect wildlife or habitat. There are no known endangered or threatened species on the property. However Montana Fish Wildlife and Parks stated that the area is known to have resident deer, wild turkeys and other wildlife presence.

5. Effect on the public health, safety and welfare

The subdivision should not negatively affect public health or safety. The subject property is not within a mapped floodway or flood zone. A geotechnical survey will be required prior to construction to ensure appropriate foundation designs are installed based on the subsurface conditions. There are no obvious threats to public health, safety or welfare.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-901]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA and 23-901, BMCC.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2006 Billings Heights Neighborhood Plan, the Urban Area Transportation Plan, 2009 Update, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]

1. Yellowstone County-City of Billings 2008 Growth Policy Update

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. **Goal:** Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans (p. 6).
- b. **Goal:** New developments that are sensitive to and compatible with the character of adjacent city neighborhoods and County townsites (p.6).
- c. **Goal:** Contiguous development focused in and around existing population centers separated by open space (p. 6).
- d. **Goal:** More housing and business choices within each neighborhood (p. 6).

2. Urban Area Transportation Plan Update 2009

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

3. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan does not identify a bike trail in this subdivision. There is however an opportunity for a bike trail connection where Canyon Creek and Hogan Slough meet at the western tip of proposed lot 4A1-2. A bikeway and trail exists north of this property near the cul-de-sac of Millennium Circle and it dead ends at this point. Future bikeway and trail that continues from its current location alongside the Hogan Slough would help make more connected trail system for the population of Billings and connect more neighborhoods.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b), BMCC 23-303(H)(2)]

The proposed subdivision, with the proposed conditions, satisfies the requirements of the Montana Subdivision and Platting Act and conforms 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 23-303(H)(2)(e)]

The subject property is located in Controlled Industrial zoning. All development shall conform to all the requirements of the zoning in effect at the time of lot development. Final zoning compliance will be determined at the time of the building permit.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-303(H)(2)(b)]

The plat provides easements for utilities throughout the proposed subdivision. It is recommended that the developer work with NWE and MDU to show the needed easements on the final plat (**Condition #1**).

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 23-303(H)(2)(c)]

Access to Lot 4A1-1 will be directly from South 29th Street West and for Lot 4A1-2 via a 42 foot wide Access and Utility Easement from South 29th Street West.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Amended Lot 4A1, Block 1, Parkco Industrial Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy, and does not conflict with the 2009 Transportation Plan Update or the Trail Plan.
- 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, June 23, 2014

Thomas W. Hanel, Mayor