

Findings of Fact
Amended Lot 6, Block 3, Burlington Northern Subdivision 19th Filing

Staff is forwarding the recommended Findings of Fact for Amended Lot 6, Block 3, Burlington Northern Subdivision 19th Filing 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 and 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, and has no irrigation facilities serving it. It is currently developed for commercial uses; it is the current location of Empire Lath and Plaster. Overall, there is no anticipated effect on irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – This parcel of land has an existing commercial use on it and existing water services from a private water main located on the west side of Charles Street.

The subdivision is served by an existing 8-inch sanitary sewer line located in a 10 foot wide sewer service easement on the western property line along Charles Street. Private sewer mains extend into the proposed subdivision to existing buildings.

Private utilities such as electric and gas are already in place and the buildings are connected to those services. The easement for electric and gas utilities are in an existing 10 foot wide easement on the western edge of this subdivision.

- b. **Storm water** – This parcel of land is developed and has a current storm water detention area on the east side of proposed Lot 6A and on the west frontage of proposed lot 6B that will continue to be used by the subdivision. Detention ponds and stormwater piping in the subdivision shall be shared between all lots and an agreement will be signed by all lot owners to share responsibility for maintenance. That agreement will be recorded with the Clerk and Recorders office with the final plat. (Condition #1)
- 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** – Charles Street is a public street with a cul-de-sac end at the edge of the Montana Rail Link right-of-way. It is a 60 foot right-of-way with asphalt paving of approximately 28 foot width. No further right-of-way or improvements are anticipated at this time but a Waiver of Right to protest is attached to the SIA for future improvements such as additional paving or sidewalks.

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest Fire Station appears to be located at 605 South 24th Street West (Station #5). The subdivision is located within the ambulance service area of American Medical Response.

There is a fire hydrant located on the west side of Charles Street near the north west corner of proposed Lot 6A.

- f. **Schools** –School will not be affected by this subdivision as it is a developed parcel with commercial uses on it.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision, as it is a Minor subdivision.
- h. **Mail Delivery** - This parcel of land already has some type of United States Postal Service provided.

3. Effect on the natural environment

No new development is anticipated at this time for the parcels. The property is developed with a commercial use on it at this time, Empire Lath and Plaster.

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, a note informing future land owners of this possibility is to be added the ‘Conditions that Run with the Land’ section of the SIA. (Condition #2)

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 any new 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 Urban Area Transportation Plan, 2009 Update, and the Heritage Trail 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: 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

There is no proposed long range bike lane identified on Charles Street but a Bike Lane is identified one road to the west on Daniel Street.

4. Neighborhood Plan

This proposed subdivision is not in an area that has a neighborhood plan. It does meet some of the goals and objectives of the Yellowstone County and City of Billings Growth Policy listed earlier in the Findings of Fact.

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.

Does the subdivision conform to sanitary requirements? [BMCC 23-408]

The subdivision will be served by an existing 8-inch sanitary sewer line located in an easement on the eastern edge of Charles Street. The existing buildings on the parcel are currently connected to the sanitary sewer line in the easement. The easement is identified on the proposed plat, the easement is also identified on the filed Burlington Northern Subdivision 19th Filing recorded on August 8, 1991. The building to the north on proposed Lot 6A is connected to the sanitary sewer in the existing easement, they are creating a new easement for this connection because it crosses the proposed lot line into proposed Lot 6B. The applicant will need to record an easement document for this easement to allow the sanitary sewer line from Lot 6A to cross into proposed Lot 6B. (Condition #3)

F. 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 comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of any future building permit.

G. 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)]

There is an existing 10 foot wide easement along the western edge of the property that allows for the placement of utilities. This parcel is already developed so utilities are in place for what is on the lot. The existing utility easement will provide for utility installation for any future development or re-development.

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

Access to the subdivision is from Charles Street. This parcel is currently built on and is the location of Empire Lath and Plaster accesses are established. They will be required to provide and reciprocal access easement document with the final plat for the single access point they currently use for the site. (Condition #4)

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Amended Lot 6, Block 3, Burlington Northern Subdivision 19th Filing 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, December 8, 2014

Thomas W. Hanel, Mayor