

Findings of Fact
Amended Lot 4, Block 1, Exchange Subdivision

Staff is forwarding the recommended Findings of Fact for Amended Lot 4, Block 1, Exchange 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. It is currently a developed property with two buildings and parking that goes with the existing buildings. There are no irrigation facilities on the site. 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 1st Avenue North. There will be no additional work needed at this time on the water line. Any future work will be the lot owners’ responsibility at the time of lot re-development. An easement is being created with this subdivision to ensure the back lot, 4B, has the right to maintain what already exists and for any future repairs or replacement.
- b. **Sewer** - The subdivision is currently served by a sanitary sewer main located in 1st Avenue North. There will be no additional work needed at this time on the sanitary sewer line. Any future work will be the lot owners’ responsibility at the time of lot re-development. An easement is being created with this subdivision to ensure the back lot, 4B, has the right to maintain what already exists and for any future repairs or replacement.

Private utilities such as electric and gas are already installed on the site and no additional utilities will be installed at this time. An easement is being created with this subdivision to ensure the back lot, 4B, has the right to maintain what already exists and for any future repairs or replacement.

Storm water –This subdivision is currently built out and has existing drainage systems in place. An easement is being created with this subdivision to ensure that both lots have the right to maintain what already exists and for any future repairs or replacement. All future drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Chapter 28, BMCC, and shall be in accordance with any recommendations of an approved storm drain study to be submitted to the Engineering Division at the time of site re-development.

- 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 subdivision fronts the existing 1st Avenue North. 1st Avenue North has an existing 80-foot wide right-of-way dedication and is constructed with 4 drive lanes and center turn lane with curb gutter and sidewalk on both sides at this location.

No street improvements are required with this subdivision.

There are currently two accesses to this property as it is currently used and those will remain as they are. The parking for both businesses will be accessible from those accesses and there is a reciprocal access easement being created with this subdivision to ensure access to both buildings on the lot.

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency service station is located at 2305 8th Avenue North (Station #1). The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** –This commercial subdivision should have a minimal effect on schools.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision, as it is a commercial subdivision.
- h. **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 minimal effects on the natural environment. As this is an existing built subdivision there should be no effect on the natural environment or storm water systems and the property is outside of the flood plain. Any new development proposals in the future 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.

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 re-

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:** Contiguous development focused in and around existing population centers separated by open space (p. 6).

2. Urban Area Transportation Plan Update 2009

The proposed subdivision adheres to the goals and objectives of the 2014 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 identify a bike lane on 1st Avenue North. No other bike trail is identified in this area or on this subdivision.

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 East Billings Industrial Sanctuary zoning. The site is completely built out at this time. In the future should any re-development take place the current owner shall comply with the standards set forth in Section 27-1001, BMCC. Final zoning compliance would 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 existing utilities throughout the proposed subdivision. Those easements will be provided for NWE, MDU, city water, sewer and storm water systems already in place.

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 the subdivision shall be from 1st Avenue North. With this subdivision the applicant will be creating an access easement to ensure access for both lots and shared parking.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Amended Lot 4, Block 1, Exchange 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 2014 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, May 11, 2015.

Thomas W. Hanel, Mayor