

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Willowbrook Subdivision, Amended Lot 4, Block 1. These findings are based on the preliminary plat application and supplemental documents; addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(8), 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 (8)(b)]

1. Effect on agriculture and agricultural water user facilities

The subject property is not used as farmland. The original Willowbrook subdivision was platted in 2002 and was planned as a commercial development. The land has been used mostly as an auto auction business. This proposed subdivision will have no effect on agriculture or water user facilities.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. When Lot 4A-1 is developed, the developing party will be required to meet the requirements for water line location and installation as outlined by the City of Billings Engineering department at the time of development. This requirement is outlined in the SIA under the heading VI. Utilities A. Water. New 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).

Sanitary sewer service will be provided by the City of Billings. When Lot 4A-1 is developed, the developing party will be required to install and connect to sanitary sewer lines as required and in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. This requirement is outlined in the SIA under the heading VI Utilities B. Sanitary Sewer.

Easements have been shown on the face of the plat for private utility companies to use.

- b. **Storm water** – Storm water drainage is not changing at this time, there is no proposed new construction on the proposed Lot 4A-1. In the future when this lot is developed the developing party will be required to 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 Division. This requirement is outlined in the SIA under the heading V. Storm Drainage.
- 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** – There are no public streets within the subdivision, they are access easements for the businesses inside the business park. There will be no new streets with this subdivision. Proposed Lot 4A-1 will have access off the internal access easement. Proposed Lot 4A-1 has frontage on its north boundary on South Frontage Road. In the future when this lot is developed, they will be required to do any road improvements that may be required by the Montana Department of Transportation.

There is no proposed sidewalk construction at this time but it is included in the Waiver of Right to Protest should there be sidewalk requirements in the future.

When Lot 4A-1 is developed, they will be required to install a 10-foot wide multi-use trail along the north property line. This requirement is outlined in the SIA under the heading III Transportation F.

- e. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 475 6th Avenue West (Station #4). When lots develop in the future, the lot developer will be installing fire hydrants at the required locations to meet regulations outlined in Fire Code. The Billings Police noted in comments that “continued development without comensurate resources has adversely affected our ability to provide service. Additional resources would be needed to adequatley support the area”. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – Although this subdivision is in School District #2 it is a commercial development and will have no effect on the school population.
- g. **Parks and Recreation** – This is a commercial development and they are not required to provide any parkland with this proposed subdivision.
- h. **Mail Delivery** - The United States Postal Service (USPS) will provide postal service to the subdivision; the USPS has requested that any new postal box be located at the same location as the one that exists for the Auto Auction business.

3. Effect on the natural environment

The subject property is relatively level which is now mostly grassland adjacent to residential development to the east and commercial development to the south and west. In the SIA there is a paragraph notifying the future lot owner there may be limitations or special requirements of the lot soils that should be investigated before construction on the lots.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of wildlife habitat in

the area, and wildlife indigenous to the area may cause damage to their landscaping or interface with domestic animals, residents, and visitors. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

There should be no impacts to public health, safety and welfare because of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-902)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616 (2), MCA.

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

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

Prosperity (promoting equal opportunity and economic advancement)

- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy
- Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes

2. 2018 Urban Area Transportation Plan

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

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

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a primary bike route identified on South Frontage Road. When Lot 4A-1 is developed, they will be required to install a 10-foot wide multi-use trail along the north property line. In the SIA, it states that the future developer of Lot 4A-1 will be required to install the 10-foot wide multi-use trail before a building permit is issued. This requirement is outlined in the SIA under the heading III Transportation F.

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(8)(b)(1)]

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 (8)(b)(5)]

The subject property will conform to the requirements of current zoning, the PUD states it will be for commercial development. When the lot is sold and a developer submits for a building permit, at that time the additional requirements of zoning will be reviewed with the permit process.

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 (8)(b)(2)]

The subdivider has provided utility easements as requested by private utility companies 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 (8)(b)(3)]

Legal and physical access to the proposed lots is provided from South Frontage Road. There is an internal access road for the lots within the subdivision. Legal and physical access is available to lots within the subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Willowbrook Subdivision, Amended Lot 4A 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 Plan or Billings Area Bikeways and Trail Master 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.

RECOMMENDATION

Staff recommends conditional approval of the preliminary plat of Willowbrook Subdivision, Amended Lot 4A to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, May 11, 2020

William A. Cole, Mayor

pc. IMEG / Kolten Knatterud