

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Yellowstone Landing Commercial Park Subdivision. 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(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 23-302.H.2.]**

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

The subject property is currently used as dry land farm ground, it has been rezoned and is annexed into the City. This proposed development will remove about 21.9 acres of dry land farming out of production. Being dryland farming there are no ditches or water rights to be transferred to new owners. All drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities.

#### **2. Effect on local services**

- a. **Utilities** – Public water services to the subject property will be provided by the City of Billings. This subdivision will connect to an existing 12-inch water line in Highway 3. Twelve-inch water lines will be installed in all internal roads with stubs to each lot. All water line construction shall be installed, by the subdivider, in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Division.

Fire hydrants will also be installed, by the subdivider, as required by the City of Billings Fire Department. The City Fire Department will review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings. The sanitary sewer system for the Subdivision will be installed by the subdivider and will consist of an 8-inch low-pressure sanitary sewer force main and gravity sewer main. A gravity sewer main will be constructed along AJ Way from a new connection to the existing manhole in Stoney Ridge Road to the northern extents of the Subdivision. A low-pressure sanitary sewer force main will be constructed along Supercub Way to the extent necessary to serve Lot 6 of Block 1.

Each lot will be provided with individual sewer service connections. All sewer line construction shall be installed, by the subdivider, in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

Private utility providers shall use the provided easement outside the public right of way, these easements are shown on the face of the plat.

- b. Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. Each lot will be required to have a detention facility on the lot. In the event of a 50-year storm event they will be allowed to do a controlled discharge into the main detention facility to the east. Stormwater is required to dissipate by means of infiltration that meets the requirements of City of Billings stormwater management manual. It has been proposed that in the event of a 50-year storm and overburden of water, the system will be designed to discharge, by pumping, into a coulee north of the subdivision located on City of Billings property through an easement. This easement would require permission granted by the City of Billings/Logan International Airport. Other methods of storm water management shall also be reviewed. All proposed drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual*.
- 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** – Access to the lots in this proposed subdivision will be from Highway 3. Each individual lot will be accessed from inside the subdivision from either AJ Way, Supercub Way or Huey Way. AJ Way is an existing street and has a 74-foot wide right-of-way. The two new internal streets, Supercub Way and Huey Way will have 70-foot-wide rights-of-way and be built, by the subdivider, to a City of Billings standard 45-foot top back of curb to top back of curb width. Sidewalks will be installed at time of lot construction with 5-foot wide boulevard sidewalks. Road construction will include installation of accessible ramps at the intersections. All proposed streets construction will be reviewed and approved by City Engineering before installation.
- e. Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 2308 8<sup>th</sup> Avenue North (Station #1).

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

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

- f. Schools** – This subdivision is a commercial subdivision and will have no impacts on the school system.
- g. Parks and Recreation** – This subdivision is a commercial subdivision and is not required to provide parkland dedication.

- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #1)**
- i. Historic features** – No known historic or cultural assets exist on the site.
- j. Phasing of Development** - The applicant is proposing to develop this subdivision in phases. Specifics of the proposed phasing and what improvements will be installed with each phase is identified in the SIA under the heading X. Phasing of Improvements.

Montana subdivision regulations require developers proposing to do phasing in the subdivision to set a date when they plan to proceed with each phase. This developer has provided proposed dates for phase 2 to begin, January 2025. Phase 3 is to begin by January 2029.

At or before this date the applicant is required to go through a public hearing to open the phases. At that public hearing, there is the possibility of additional conditions of approval being added to the original conditions of approval. Should the applicant not meet these dates they must propose new dates, at a public hearing, for the phases to begin.

Each phase will need to have a Certificate and Release for the phases to be submitted with the final plat, these documents need to be included at final plat. **(Condition #2)**

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

The subject property is relatively level land adjacent to dryland farming uses to the west and north. Across Highway 3 there is residential and to the east is future commercial development and the Billings Airport. The subdivision should have a minimal effect on the natural environment.

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

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

### **5. Effect on the public health, safety and welfare**

Fire hydrants will be installed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

**B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMCC 23-302.H.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 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 (p.9)

**Prosperity (promoting equal opportunity and economic advancement):** Successful businesses that provide local jobs benefit the community. (p.9)

**3. 2018 Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

**4. Billings Area Bikeway and Trail Master Plan (BABTMP)**

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP shows a future bike lane along Highway 3. There are no identified trails within the proposed subdivision.

**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.H.3.a.]**

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.H.3.e.]**

The subject property is located within the Heavy Commercial (CX) zoning district. All building development on the lots shall comply with current zoning when applying for a 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 23-302.H.3.b.]**

The subdivider has provided private utility easements as requested by private utility providers 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.H.3.c.]**

Legal and physical access is provided to the proposed lots from Highway 3. All existing and new proposed streets are dedicated to the public as shown on the plat.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Yellowstone Landing Commercial Park Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway and Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, 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 proposes the Planning Board forward a recommendation of conditional approval of the preliminary plat of Yellowstone Landing Commercial Park Subdivision to the City Council and adopt the Findings of Fact as presented in the staff report.