

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Howard Billings Industrial 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 farm land. Water rights will not be transferred to subdivision property owners. The Hogan Slough runs along the west edge of the proposed subdivision. Existing ditches around the perimeter of this proposed development will remain in place and will not be altered by the future property 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. The subdivision will install a 12-inch water main at the proposed intersection of Mallowney Lane and the Holiday Avenue. A second connection will be made at the proposed intersection of South Frontage Road and Leith Trail. The water lines will be looped to provide consistent pressure within the system. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings. The City of Billings, Engineering Department, will review and approve all proposed water lines prior to installation. **(Condition #1)**

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

The sewer system has been designed to drain two different directions. The east side of the subdivision will connect to a 4-inch low-pressure sewer main. The split system is due to existing sewer main depths and topographical constraints. This low-pressure sewer main will discharge into a manhole to be installed in Holiday Ave, approximately 800 feet west of Mallowney Lane. The remainder of the subdivision will drain wastewater to the west via 8 and 12-inch gravity sewer mains. The sanitary sewer will connect to existing City of Billings sewer collection system by tying into an existing manhole in the adjacent QFC Subdivision.

All lots will have a sanitary sewer stub to them from the proposed mains. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering

Department. The City of Billings Engineering Department will review and approve all proposed sanitary sewer lines prior to installation. **(Condition #1)**

All telephone, gas, electrical power, and cable television lines that are placed within the public right-of-way shall be installed prior to surface improvements.

- b. Storm water** – Stormwater management for the proposed subdivision will be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains. The new storm drain piping will discharge into one stormwater retention/detention basin in the subdivision that will manage storm drainage from the public streets. The basin will be located on the east side near Mallowney Lane and discharge water into the storm drainpipe alongside Mallowney Lane. This storm basin will have approximately 65,000 cubic feet of storage.

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A complete stormwater management plan shall be submitted to the Engineering Division for review and approval at the time of development. **(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** – Access to the lots in this proposed subdivision is from Mallowney Lane and South Frontage Road. Access to each individual lot will be from the internal streets that are proposed with this subdivision. All new streets will be in a 70-foot-wide right of way and will be constructed to 40-foot wide, back of curb to back of curb road. This right of way width and paved surface width is required for subdivisions that are commercial developments. Construction will include installation of accessible ramps at the intersections with all roads within the proposed subdivision.

The southern road within this subdivision is a continuation of a street, Holiday Lane, east across Mallowney Lane. In comments from City Engineering, they have requested that the developer directly line up their Holiday Lane road with the existing Holiday Lane on the east side of Mallowney. **(Condition #2)** The road currently shows an offset with the new section of Holiday Lane being slightly farther to the south of the existing road on the east of Mallowney Lane.

This subdivision has proposed lots along Mallowney Lane and South Frontage Road. Engineering has asked that a no access strip be added to those lots that have a lot line in common with the road edges of Mallowney Lane and South Frontage Road. Lot 2, Block 5 and Lot 1, Block 1, shall have a no access strip place on it from Mallowney Lane going west for 100 feet. Lot 17, Block 1, and Lot 1, Block 3 shall have a no access strip placed on them from South Frontage Road going south 100 feet. **(Condition #3)**

A traffic study has been completed for this proposed subdivision and the applicant will be making contributions to the intersections impacted by the additional traffic burden places on them. Those contributions are outlined in the SIA under the heading III Transportation H. Their proportional contribution will be made to the City prior to final plat approval.

City of Billings Subdivision Regulations Section 23-406 A 1 requires subdividers to provide future road connections to undeveloped land around them. The applicant has requested a variance from this requirement for a connection to the west. One of the requirements of asking for a variance is to provide an alternative design that can satisfy the objectives of the subdivision regulations. There was not an alternative proposed by the applicant.

City Staff is proposing a pedestrian bridge across Hogan's Slough and connecting the bridge to the new internal streets and sidewalks of the propose subdivision to the existing trail on the west side of Hogan's Slough. See Attachment A for further discussion. Staff believes the pedestrian bridge is a good alternative to a vehicle bridge in providing a connection between the subdivisions. (**Condition #4**)

Sidewalks will be installed at the time of individual lot development. All sidewalks will be boulevard type walks with 5-foot wide boulevard sidewalks.

- 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 605 South 24th Street West (Station #5).

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** – Because this is a commercial subdivision there will be no impact on the school populations in the area.
- g. **Parks and Recreation** – This proposed subdivision is for commercial development and therefore is not required to provide parkland.
- 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 #5**)

3. Effect on the natural environment

The subject property is relatively level land adjacent and is surrounded by other commercial development. This land has been used for farming purposes for many years and the natural environment does not exist any longer. There are pockets of natural landscape along some edges, but the overwhelming majority of the site has been farmed for years.

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 farm land 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.

6. Phasing of the Subdivision

The subdivider is not proposing to build the subdivision in phases.

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:

Home Base (healthy, safe and diverse housing options) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

Essential Investments (relating public and private expenditures to public values) Infill development and development near existing City infrastructure may be the most cost effective.

Community Fabric (attractive, aesthetically pleasing, uniquely Billings) Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.

2. 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.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision. There is a proposed trail along Mallowney Lane, there is also one identified along the South Frontage Road. There is a 10-foot paved trail along the south side of Elysian road that allows student to walk/bike to Elysian School.

There is an existing trail along the west side of Hogan's Slough. Staff is proposing the applicant provide a pedestrian bridge across Hogan's Slough with connecting trails to that bridge and connection to the existing trail on the west side of Hogan's Slough. See attachment A.

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 a Heavy Commercial – CX zoning. All building development on the lots shall comply with the CX 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 will furnish private utility easements as required by private utility providers.

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 Mallowney Lane and South Frontage Road. Each lot has legal and physical access from the proposed internal public streets.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Howard Billings 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 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

City staff recommends the Planning Board forward to the City Council, the preliminary plat of Howard Billings Industrial Subdivision, recommending conditional approval and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, July 24, 2023

William A. Cole, Mayor