

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Trailhead Subdivision. 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 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property has not been used for agricultural purposes for quite some time. Most recently it has been used for a hotel and convention center. The hotel has been owned by a few different firms over the past 10 years. The convention center has not been actively used for a few years now. There are no ditches that run through this project. The subdivision should have no effect on agricultural water users' facilities. There is a paragraph in the SIA under the heading Property Conditions and Information for Lot Purchasers alerting property owners of the potential for wildlife in the area.

2. Effect on local services

Utilities – Water service will be provided by the City of Billings. Service to the subdivision will be provided from a 12-inch water main stub located at Midland Road. There is an existing connection for the existing building on lot 7. Additional connections will be coordinated with the developments and the City of Billings Engineering department.

Any additional fire hydrants needed, will be installed as required by the City Fire Department.

Sanitary sewer service to the subdivision will be from the existing 8-inch and 10-inch Sanitary sewer stub located in Midland Road.

The subdivider will install all new water lines and sewer lines in accordance with design standards, specifications, rules, and regulations of the City of Billings Engineering/Public Works Department and MDEQ. This is outlined in the SIA under the heading VI Utilities.

Private utilities are available to the proposed subdivision as they go past the frontage to other developments along Midland Road. Extension of the private utilities will be the responsibility of each development as they build in the subdivision. The private utilities will be installed in easements, created when they are determined for the development being proposed for each lot, and as requested by the utility companies.

Stormwater – 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 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 Department.

- a. **Solid Waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this subdivision.
- b. **Streets** – This subdivision will not be creating any new streets. The subdivision is designed as a commercial development with internal circulation through the parking lot.

The development has frontage on Midland Road. Midland Road has the correct dedication for the road and is developed at this time with curb and gutter. There is a 5-foot-wide boulevard and sidewalk on the north side of the road. On the south side there is a multi-use trail with a boulevard separating the road and the trail. No additional improvements will be required by the subdivider.

Traffic Impact Study overview:

The applicant has provided a traffic study for the proposed commercial development. There were 4 intersections studied as required by City of Billings Engineering; 1 - King and Laurel Road, 2 - I-90 and the two exits, 3 - Midland Road and Mallowney and 4 - Midland Road and South Billings Boulevard.

Exhibit 11. Intersection LOS and Delay with and without the Project

Intersection	Traffic Control	LOS (delay, in seconds/vehicle)	
		Background	Total Traffic
AM Peak Hour			
1. King at Laurel Road	Signal	A (3.7)	A (3.9)
2. Mallowney at I-90 Ramps	Signal	C (28.0)	C (32.2)
3. Mallowney at Midland	Signal	B (12.9)	B (14.7)
4. South Billings Blvd at Midland	Signal	B (17.1)	B (17.9)
5. West Site Driveway Access	TWSC*	N/A	C (22.2) *
6. East Site Driveway Access	TWSC*	N/A	B (14.6) *
PM Peak Hour			
1. King at Laurel Road	Signal	A (5.1)	A (5.6)
2. Mallowney at I-90 Ramps	Signal	C (24.1)	C (30.8)
3. Mallowney at Midland	Signal	B (17.6)	B (19.7)
4. South Billings Blvd at Midland	Signal	B (19.7)	C (20.7)
5. West Site Driveway Access	TWSC*	N/A	E (42.4) *
6. East Site Driveway Access	TWSC*	N/A	C (19.0) *

* TWSC LOS reported only for the worst lane group, which is the northbound (exit) left at both site driveways.

Intersections 1 and 2 did not change enough with the anticipated increase to meet the minimum 2% threshold requiring contributions. Intersections 3 and 4 did go over the 2% threshold requiring the applicant to make contributions at those two intersections. Contributions will be made at final plat at the current cost of the intersection improvements.

Exhibit 13 shows the incremental intersection cost participation for the new trips associated with each of the two project phases and the cost share calculation. As shown in the table, neither of the intersections examined would qualify for the “sub-2%” waiver.

Exhibit 13. Intersection Cost Participation

Intersection	Critical Volume %		
	AM	PM	Highest
3. Muldowney at Midland	9.8%	19.2%	19.2%
4. South Billings Blvd at Midland	2.1%	3.1%	3.1%
	Total: 22.3%		
	x \$450,000 \$100,350		

The traffic study also has to be reviewed by MDT. During their review process they will be determining any contribution that needs to be made, if any, at the intersection of Muldowney Lane and Midland Road. Should MDT determine a need for a contribution or no contribution, this will be determined before final plat. **(Condition #1)**

Street lighting is not required for commercial subdivision. Street lights do exist within the public right-of-way adjacent to the subdivision along Midland Road. The existing parcel is part of the Street Light District, number 324. No additional street lighting is proposed for the development.

- c. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The police department comments that continued annexation and development without commensurate resources has adversely affected our ability to deliver service. The fire station that provides service for this area is Fire Station #5, it is located at 605 S 24th Street West. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- d. **Schools** – Schools will not be affected by the proposed subdivision because it is a commercial subdivision and will not have any homes with children needing school services.
- e. **Parks and Recreation** – This subdivision is not required to provide parkland. Commercial subdivisions are not required to provide any parkland.
- f. **Mail Delivery** - The developer shall coordinate with the United States Postal Service to determine the location of the Central Box Units for mail delivery within this subdivision. **(Condition #2)**

g. **Phasing of Development** – This subdivision will not be developed in phases.

3. Effect on the natural environment

The subject property is currently vacant former convention center and hotel parking lot. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

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 deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on public health, safety and welfare

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

B. Was an Environmental Assessment required? [(MCA 76-3-616 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 2023 Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

1. City of Billings 2016 Growth Policy

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

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):
Neighborhoods that are safe and attractive and provide essential services are much desired.

Essential Investments (relating public and private expenditures to public values):
Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.

Infill development and development near existing City infrastructure may be the most cost effective.

Mobility and Access (transportation choices in places where goods and services are accessible to all):

Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings

Prosperity (promoting equal opportunity and economic advancement)

Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses

3. 2023 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2023 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 has an existing 10-foot-wide multi-use trail along the frontage of Midland Road. No additional trails are required with 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) and BMCC 23-302.H.3.a.]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act, and 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 CMU-2 – Corridor Mixed Use 2. The lot frontages conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

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 provide 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.H.3.c.]

Legal and physical access to the subdivision will be provided from Midland Road. All internal parking lot circulation streets will provide access to individual lots.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Trailhead Subdivision, 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 or Bikeway/Trail Plans.

- 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 proposes the Planning Board recommends to City Council that the preliminary plat of Trailhead Subdivision, be conditionally approved and the Findings of Fact adopted as presented in the staff report.