

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Trails West, 6th Filing. 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

There is currently no farm activity on the land for the proposed subdivision. The Birely Drain runs along the west side of the property. With previous filings, a dedicated right-of-way around the Birely Drain was made to the City of Billings. The Birely Drain District is amenable to having the City of Billings take over ownership of the drain at some point in the future. Currently other existing subdivisions and streets are using the Birely Drain for stormwater drainage, this subdivision will be included as a user of the drain. No water rights are being transferred to future owners of this property.

2. Effect on local services

- a. Utilities** – Public water will be provided by the City of Billings. This filing will connect to existing waterlines in Blackberry Way, Phantom Creek Avenue and Stockman Avenue. These connections will provide a looped system for equalized pressure in the subdivision. Each lot will have a connection to the water system for the individual homes to be built. All water construction improvement shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings and MDEQ with a review and approval before installation.

Sanitary sewer services will be provided to the future lots through lines within the internal subdivision streets extended from an existing line in Blackberry Way and Phantom Creek Avenue. Sanitary sewer lines will be low-pressure mains, the subdivider will install low-pressure sanitary sewer mains this will require the installation grinder pumps in each household. A paragraph regarding this requirement is found in the SIA under the heading II Property Conditions and Information for Lot Purchasers K.

Private utility providers shall use the provided easement outside the public right of way, these easement 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. It will also pass through an existing mechanical stormwater filtration manhole to an existing stormwater detention facility built with the 3rd Filing. A

storm drain report was submitted to City Public Works with the preliminary plat submittal. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and are subject to review and approval by the City Engineering Department.

The SIA, under the heading V. Storm Drainage B., outlines the maintenance of the pond and all appurtenances associated with it as the responsibility of the HOA. There is an existing HOA with the subdivision and this filing will be included in the same HOA.

- 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 the 6th Filing will be via extension of roads built with the previous filings of this subdivision. The internal subdivision streets will be constructed to 34-foot pavement widths, with curb, gutter, and 5-foot wide boulevard style sidewalks within 56-foot wide rights-of-way. The one exception is Stockman Avenue. Stockman Avenue will function as a Collector street; it will be built to a width of 39 feet within a 74-foot wide right-of-way. Sidewalks will be built at the time of lot development with the exception of the ADA ramps at the street intersections. The developer will also be installing a 10-foot wide hard surface trail between Lots 18 and 19, Block 13 to connect the Birely Drain trail to the internal sidewalks of the subdivision. These above mentioned items will be built by the developer at the time of street construction. Proposed street names for the internal streets are extensions of existing streets within the subdivision.

The subdivider will be required to make off-site contributions toward the design and installation of future intersection traffic controls at the intersections of Grand Avenue and 54th Street West, at Grand Avenue and 56th Street West, and if determined necessary, at Central Avenue and 56th St. West. These intersections were identified in the Traffic Impact Study as being affected by the proposed subdivision. The required contributions are based on the estimated volume of subdivision traffic using these intersections and an estimated cost of the intersection for the design and construction of a traffic signal at the intersection. The final contribution amounts shall be approved by the City Traffic Engineer prior to final plat approval. **(Condition #1)**

A TIS has been submitted with each previous filing of the subdivision. As the filings get built out the number of trips change and the impacts of the surrounding roads and intersections change. The applicant will provide all TIS information and updates as needed by City of Billings Engineering division prior to final plat approval. **(Condition #1)**

The 6th Filing is the final filing of this subdivision, at this filing Stockman Avenue will be at the edge of the Birely Drain. This subdivider will provide a cash contribution of 50 percent of the cost for design, permitting and construction of the

Birely Drain Crossing on Stockman Avenue or construct 50 percent of the improvement for the crossing. This is outlined in the SIA under the heading III Transportation A. Streets, 4.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that provides fire suppression service for this area is at 1501, 54th St. West (Station #7). The Fire Department finds the proposed layout will provide adequate emergency access. Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.
- f. **Schools** – The subdivision is located within School District #2. Students from the subdivision will attend Meadowlark Elementary School, Ben Steele Middle School, and West High School. Comments from School District #2 state that all of the mentioned schools are over maximum capacity.
- g. **Parks and Recreation** – In accordance with State and City laws, the subdivider is required to provide a minimum of 0.6 acres of parkland. The subdivider has proposed to meet this requirement by providing cash in lieu of land dedication. In addition to cash, the developer is proposing to continue the 5-foot wide multi-use trail on the western property line within the Birely Drain right-of-way tract. This trail is proposed to be for public use, and maintained by the homeowners' association.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The USPS has requested a box on the corner of Phantom Creek Way and Blackberry. The developer will work with the USPS to provide the correct location and a safe amount of space for postal delivery. (**Condition #2**)

3. Effect on the natural environment

The subject property is vacant property that has been planned for urban development since the original Master Plan review in 2009. The property is generally flat, with the exception of the Birely Drain on the western edge, which is being protected in a dedicated right-of-way.

The geotechnical study was performed for the subdivision a summary of the information from that study is included in the SIA. 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.

5. Effect on the public health, safety and welfare

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

Comments received from the police state that continued growth of the city would require additional resources to be able to maintain expected levels of service.

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:

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)

Home Base (healthy, safe and diverse housing options) A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

The 2001 West Billings Plan identifies this area as residential. The proposed subdivision is for residential development.

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 Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. There is no trail identified within the proposed subdivision. There are connections to the Ben Steele middle school from the 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 R-60-R and R-96 zoning districts. All development shall comply with the standards set forth in Section 27-308, BMCC.

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 required 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 Grouse Berry Street, Phantom Creek Avenue and Stockman Avenue. The internal streets take access from Grand Avenue and 56th Street West.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Trails West Subdivision, 6th Filing 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 Update 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

The Planning Board recommends conditional approval of the preliminary plat of Trails West Subdivision, 6th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report and the SIA.

Approved by the Billings City Council, December 16, 2019

William A. Cole, Mayor