

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Buffalo Crossing 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 is currently used for agricultural purposes. The subdivision has the Birely Drain along the east edge and the southern end of the subdivision. Perimeter ditches and 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** – Water service will be provided by the City of Billings. There is a 20-inch water main in Grand Avenue. The applicant will extend the 20-inch water main in Grand Avenue to the north west corner of the proposed subdivision. As part of the plans for Buffalo Crossing Subdivision, an 8-inch water main is planned in Stockman Avenue, Buffalo Crossing. The water lines will be looped where possible within the subdivision to provide equalized water pressure. Mains and services will be approved by the Engineering Division and shall be installed in conformance with the design standards, specifications, rules and regulations of the City of Billings and Montana Department of Environmental Quality. An 8-inch water main will be extended across the Birely Drain crossing on Stockman Avenue to the Trails West Subdivision. The water main shall extend to the proposed Birely Drain right-of-way in the Trails West Subdivision. This information is within the SIA under the heading VI, Utilities.

Sanitary sewer service will be provided by the City of Billings. The Subdivider will extend 18-inch sanitary sewer from the existing manhole located at the intersection of 60<sup>th</sup> Street West and Grand Avenue to the northwest corner of the Buffalo Crossing Subdivision. An 8-inch sanitary sewer main will be constructed in 60<sup>th</sup> Street West to connect to the sanitary main located within Grand Avenue. The gravity sanitary sewer will be constructed as far as reasonably possible within the Buffalo Crossing Subdivision and low pressure force main will service the remainder of the Subdivision. Sewer services shall be reviewed and approved and built in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. This information is within the SIA under the heading VI, Utilities.

Private utility companies will provide services to the subdivision. Eight-foot-wide easements on the lot frontage have been requested and will be provided by the subdivider for the private utility companies to install the needed infrastructure.

**Stormwater** – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes. A storm pond will be provided on Lot 1, Block 9 of the Subdivision for the management of all stormwater within the Subdivision to meet City requirements. This lot will be dedicated to Stormwater Control on the face of the Plat and will be dedicated to the Public. Stormwater will be discharged from the pond to the Birely Drain per agreement obtained from the Birely Drain by the Subdivider. This system has already been installed with previous private contracts. This subdivision 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 Stormwater Report will be submitted for review and approval by City Engineering at the time of individual lot development. This information is within the SIA under the heading V, Storm Drainage.

The developer will provide access easement for the Birely Drain for maintenance of the drain on the east edge of the subdivision and the southern end of the subdivision.

- b. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- c. **Streets** – The lots within the subdivision will be served by new proposed streets. 60<sup>th</sup> Street West, Little River Loop, Buffalo Crossing Drive, Snake Butte Way, White Clay Drive, and Stockman Avenue. These streets will be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. The design section of said streets shall be submitted to, and approved by, the City Engineer prior to construction.

This new subdivision will be required to improve the southern half of Grand Avenue along the subdivision frontage. These improvements include curb and gutter on the south side of the right-of-way adjacent to the property, 10-foot-wide pedestrian trail along the south side of Grand Avenue adjacent to the Subdivision and paving necessary to construct a westbound left-turn lane at the primary access to the subdivision on Grand Avenue. Because of the uncertain grade information along Grand Avenue, these improvements may not be constructed at this time but shall, in this event, be secured by a suitable financial guarantee approved by the City of Billings. The financial guarantee shall be submitted at the time of improvements. The developer shall build a westbound left turn lane as part of the Subdivision improvements.

A traffic impact study has been completed for Buffalo Crossing Subdivision. All required intersection improvement contributions identified therein shall be completed by the Subdivider at the Subdivider’s expense. A table in the SIA

under the heading Transportation A Streets shows the required contributions to surrounding intersections.

The subdivision has an entry point off Grand Avenue at 60<sup>th</sup> Street West. Major subdivisions require two points of ingress and egress. The proposed second point of ingress and egress is Stockman Avenue that has been built through the 5<sup>th</sup> Filing of Trails West subdivision. Stockman has not been completed to the Birely Drain in Trails West, that will be completed with the 6<sup>th</sup> Filing. Stockman Avenue is identified as a collector. This subdivision will be continuing Stockman Avenue through the southern end of the subdivision. Both subdivisions are responsible for half the cost of installing a crossing over the Birely Drain. This subdivision will be built in two phases. Phase 1 will include construction of streets, 60<sup>th</sup> Street West, Little River Loop and Buffalo Crossing Drive to Lot 9 Block 1 and Lot 6, Block 3. There will be a temporary cul-de-sac turn around at the end of the road construction until the road is completed. **(Condition #1)**

Phase 2 will include the completion of Buffalo Crossing Drive, Snake Butte Way, White Clay Drive and Stockman Avenue. It will also include the crossing of Birely Drain with Stockman Avenue.

It is the subdividers intent to not phase the subdivision unless they are unable to secure an easement through Trails West Subdivision, 6<sup>th</sup> Filing. The subdivider will be pursuing an access through Trails West subdivision 6<sup>th</sup> Filing to obtain a 2<sup>nd</sup> way in and out of Buffalo Crossing Subdivision. Should this not be possible then the phasing of Buffalo Trail will take place. This plan is outlined in the SIA under the heading III Transportation 2. Roads and Access.

The Subdivider will install an 8-foot wide multi use trail along the side of the Birely Drain on the eastern side of the property. This trail will have surfacing as acceptable to the Birely Drain. Connections to the trail will be provided within the subdivision. Those connections will be built with the construction of the streets and maintained by the HOA. This is outlined in III Transportation 4, Street Construction, Widening, Multi-use Trail and Sidewalks.

The sidewalks will be installed by individual lot owners when the lots are developed. All sidewalks will be 5-foot-wide with a 5-foot-wide boulevard behind the curb.

- d. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station serving this area is located at 54<sup>th</sup> St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** –This subdivision could be developed with offices or with residential uses. School District #2 provides educational services to elementary through high school students. Schools serving these students are Meadowlark Elementary, Ben Steele Middle School, and West High School. Response from School District #2

was not received before this staff report was written. Past correspondence with School District #2 shows all these school as near maximum capacity or over.

- f. **Parks and Recreation** – Residential subdivisions are required by City of Billings Subdivision Regulations to provide parkland for the residents of the subdivision. This subdivision is required to provide 2.86 acres of parkland dedication, they are proposing to provide 3.4 acres. The parks are private parks maintained by the subdivision HOA.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. Location of mail delivery boxes will need to be coordinate with the developer and the postal service. **(Condition #2)**
- h. **Phasing of Development** - The applicant is proposing to develop this subdivision in phases if the secondary access easement or roadway cannot be completed with initial build out. They are proposing two phases. Those phases are outlined in the SIA under the heading, X. Phasing of Improvements. **(Condition #3)**

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

The subject property is currently farmland slightly sloping to the south away from Grand Avenue. Due to the potential flood waters from the Cove Creek Drainage, the main finish floor of each house is recommended to be a minimum of 18 inches above the top of curb elevation in the front of each lot. This is outlined in the SIA under the heading Property Conditions and Information for lot Purchasers, H. 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 the public health, safety and welfare**

There will be minimal 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 2014 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 (p.8).

**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.

**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. Stockman Avenue is identified as a collector road, it will be built to the standards of a collector through this subdivision.

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

This subdivider will be building a 10-foot-wide trail along the north edge of the subdivision along Grand Avenue.

**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 N2 – Mid-Century Neighborhood Residential, N3 – Suburban Neighborhood Residential, NX2 – Mixed Residential 2 and P1 - Parks and Open Space zoning. The lot frontages conform to the requirements of these zonings. 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 provided utility easements as requested by private utility companies on the face of the plat. There are 8-foot-wide private utility easements shown on 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 new roads within the proposed subdivision.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Buffalo Crossing 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 2018 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**

It is recommended to City Council that the preliminary plat of Buffalo Crossing Subdivision, be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, October 24, 2022

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William A. Cole, Mayor