

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of The Timbers Subdivision, 1st 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

The subject property is currently native grassland with trees and shrubs. Water rights will not be transferred to subdivision property owners. There are no existing ditches near this proposed development. 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 continue a 12-inch water main in Timbers Boulevard South. This will serve as the future City trunk line through the development. All other water lines in the proposed subdivision will be 8-inch water mains located in the other proposed streets with water stubs to individual lots for future home connections. The water mains within the subdivision will make looped connections whenever possible. 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. **(Condition #2)**

Sanitary sewer service to the proposed subdivision will be provided by the City of Billings. The applicant will install a 21-inch line in Timbers Boulevard South. This will serve as the trunk line through the development. All other sanitary sewer lines within the subdivision will be 8- inch diameter lines located in the proposed streets. All sanitary sewer mains will be stubbed to each lot. 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. This storm water will go to detention basins for a controlled drainage from the site. The historic drainage patterns, in undeveloped areas, will be allowed to remain at this time and drain into Alkali Creek as they have always done. An Operation and Maintenance (O&M) manual will be included with The Timbers Subdivision, 1st Filing. Any stormwater facility that is not in the city right of way will be maintained by the HOA of the subdivision. The subdivision HOA will be responsible for stormwater management system facilities outside City right of way, they will collect fees to cover the cost of O&M.

The proposed location for this subdivision has many natural drainage areas where water has historically drained to Alkali Creek. With the introduction of impervious hard surfaces, roads, sidewalks, driveways and homes, this will have a significant impact on the drainage of the site. The applicant will work closely with City Engineering to design the storm water system to mitigate, as much as possible, drainage within this subdivision that could create problems for those building homes in the subdivision. All drainage improvements shall comply with the provisions of the City of Billings Stormwater Management Manual and Section 23-706, BMCC, and any other stormwater management practices deemed necessary by City Engineering. Any additional information needed to clarify what will be happening in the subdivision with stormwater management shall be added in the SIA under the heading V Storm Drainage. A stormwater management plan shall be submitted to the Engineering Division prior to filing of the final plat. **(Condition #1)**

There are two Private Park w/storm pond labels on the proposed plat, one on Lot 7 and one of Lot 4. Lot 1 is shown as a storm pond also. Discharge from these ponds are not allowed to surface drain through public park land. Proposed discharge methods will be coordinated with City Parks Department and City Engineering. Any proposal must be reviewed and approved by City Parks Department and City Engineering prior to installation. **(Condition #3)**

- 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 Alkali Creek Road. This road is identified as an Arterial Road and is required to have a right of way width of 120 feet. It currently has 60 feet of right of way. This development will be providing an additional 30 feet towards that required 120 feet of right of way. The applicant will be providing 50% of the cost to build Alkali Creek Road, the southern half, to meet the required width of an arterial road. The northern half will be developed when development takes place on that side. With the 2nd filing of this subdivision another 50% will be contributed for the widening of Alkali Creek Road.

Timber Boulevard South, Angel Oak Lane, Olive Circle Court, White bark Lane, and Black Fig Court will be constructed with the first filing to create access to the proposed lots within the subdivision.

Timbers Boulevard North is the subject of a variance from the requirements of a fully built road, pavement, curb and gutter, with the first filing of the subdivision. This road is proposed to be built as a gravel road. The requirement for this road will be that it is able to support the weight of a 40-ton truck in all weather conditions and it will be maintained at all times to be drivable. See Attachment A.

Engineering has requested the following be placed in the SIA under the heading III Transportation A: The construction of the road, including curb and gutter and utility construction, will be monetarily secured for 50% of an engineer's estimate as reviewed by the City. The construction of the remainder of Timbers Boulevard North will be completed with a future filing. This includes construction of curb and gutter, street paving, water, sanitary sewer, and storm drain.

With Phase II annexation, to take place January 10, 2025, or earlier upon written request of the DEVELOPER. The city will annex the next area defined in the annexation agreement. Upon that annexation the developer will be required to build the section of Timber Boulevard North to a City paved street standard from the paved section completed with the first filing out to Alkali Creek Road. If Timber Boulevard North is not constructed at that time the City reserves the right to create a Special Improvement District to construct the remaining portion of Timbers Boulevard North out to Alkali Creek Road. This information will be outlined in the SIA under the heading III Transportation. **(Condition #1)**

Alkali Creek Road is the main access to this proposed subdivision. Access to each individual lot will be from the internal streets that are proposed with this subdivision. All new streets will be in a 60-foot-wide right of way and will be constructed to 34-foot wide, back of curb to back of curb road. Road construction will include installation of accessible ramps at the intersections. All roads shall be built to meet the requirements of City of Billings Engineering Division. All proposed road construction shall be reviewed and approved by City Engineering prior to construction. **(Condition #4)**

City of Billings Subdivision Regulations require that all subdivisions connect to undeveloped or under developed land with a road within a right of way. Sugar Pine Road is to be constructed to city road standards at the same time as the rest of the subdivision road construction. There is a connection shown along the north side of proposed Lot 57, Sugar Pine Road, that will be required to be built with the first filing of the subdivision. This information is included in the SIA under the heading III Transportation A.

Access to lots 18 and 19 is via a driveway easement shown on the face of the plat. This easement travels through lots 17 and 20. Easement documents will be provided for that driveway. **(Condition #5)**

A traffic study was submitted for this proposed subdivision. There are still areas that need to be taken into consideration for the traffic study to be complete. The applicant will submit an updated traffic study to that takes into account item required by City of Billings Engineering. With a comprehensive traffic study, the applicant may be required to make contributions to the intersections impacted by the additional traffic burden places on them. **(Condition #6)**

Sidewalks will be installed at the time of individual lot development. All sidewalks will be boulevard type walks with 5-foot wide boulevard and 5-foot-wide sidewalks. The Subdivider will install accessible ramps at the intersections, which shall be completed with the subdivision improvements. **(Condition #4)**

- 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 1601 Saint Andrews Dr., (Station #6).

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** – Eagle Cliffs Elementary School provides service to students within this subdivision for K through 5. Castle Rock Middle School will provide service to students in middle school 6-8. Skyview High School will provide services to students from 9-12. School District #2 responded stating the schools are currently just over capacity.

- g. **Parks and Recreation** – The required parkland dedication for this subdivision is 3.45 acres, the applicant is planning on dedicating 4.64 with this filing. The parkland will be a public. Lot owners need to be advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of the public park within The Timbers Subdivision. This information shall be included in the SIA under the heading II Property Conditions and Information for Lot Purchasers. **(Condition #7)**

The City of Billings Parks Department also provided language to be included in the SIA under the heading VII Parks/Open Space. A paragraph was left out by the applicant that included language about going through the process of a Parks Master Plan when developing a park within the proposed subdivision. The language provided by the City of Billings Parks Department, that was left out,

will be included in the SIA under the heading VII Parks/Open Space. (**Condition #8**)

- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of central box units (CBU). The developer will work with the USPS to provide a satisfactory location for CBUs for this filing. (**Condition #9**)

3. Effect on the natural environment

The subject property slopes up to the south. There are small valleys and hills to the south of Alkali Creek, which is the lowest point on the property. The land drains naturally to Alkali Creek and the creek does have an identified flood plain along its length. A geotechnical study was performed for the subdivision, a summary of the information from that study is included in the SIA under the heading II. Property Conditions and Information for the Lot Purchasers, paragraph C. Mitigation requirements with the stormwater requirements should minimize the 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, 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:

Essential Investments (relating public and private expenditures to public values): Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors. (p.8)

Natural landscapes are important because they define the uniqueness of Billings and help protect the environment. (p.8)

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. (p.9)

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 Long-range bike lane proposed along Alkali Creek Road. This subdivision will not be required to build a bike lane along Alkali Creek Road.

A trail along Alkali Creek is proposed for this subdivision. The final location of that trail will be determined in consultation with Parks Department and the Active Transportation Planner. The trail shall be built to City of Billings trail standards. To meet the requirements of conditions of approval for the annexation of this proposed subdivision the applicant will continue the trail, in the parkland, as a soft surface trail to the north west. The trail will be built to hard surface trail standards with future filings of the subdivision. **(Condition #10)**

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 PD zoning district. All building development on the lots shall comply with the PD 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 subdivision is from Alkali Creek Road. Other new internal streets will provide access to individual lots. All streets are dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of The Timbers Subdivision, 1st 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 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

It is recommended to the City Council, the preliminary plat of The Timbers Subdivision, 1st Filing be conditionally approval, adopt the Findings of Fact and approval of the variance as presented in the staff report.

Approved by the Billings City Council, February 28, 2022

William A. Cole, Mayor