

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Legacy Subdivision, 2nd Filing. 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 not currently used for agricultural purposes. This subdivision was originally platted March 2006. This filing replats a portion of the original 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. The developer will install new water mains as part of private contract number P-752. An existing 8-inch water main is in Beringer Way. The subdivider will connect to that water line with an 8-inch water main. There is a 12-inch water main in 52nd Street West from north from Dovetail Avenue to the east. The subdivider will install 8-inch water mains in all the new local streets, new individual services to all the lots, and new fire hydrants. The subdivider will extend the 12-inch water main to the north in 52nd Street West along this subdivisions border to the Big Ditch. The subdivider will install all new water lines in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Engineering/Public Works Department and MDEQ. This information is within the SIA under the heading VI, Utilities.

Sanitary sewer service will be provided by connecting to the existing City of Billings sewer mains. There are existing 8-inch sanitary sewer located in Beringer Way. The subdivider will extend the sanitary sewer to the north in 52nd Street West along this subdivisions border to the Big Ditch. The subdivider will install new sewer mains in the local streets and individual services for each lot 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 and eventually

to a stormwater detention basin constructed on Lot 1, Block 1 of Legacy Subdivision. This pond shall be extended to provide additional volume for Legacy Subdivision, 2nd Filing. This will ultimately take in Lots 1 and 2, Block 1 of Legacy Subdivision. Or it may be on other subdivision lots provided the required detention volume is provided and the stormwater plan is approved by the City of Billings Engineering Department. All drainage improvements 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. The detention basin facility/facilities, including piping, inlets, structures, detention lores and vegetation shall be maintained by the HOA. Construction of detention ponds and all appurtenances along with a Stormwater Report will be submitted for review and approval by City Engineering before final plat. This information is within the SIA under the heading V, Storm Drainage.

- 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 Camp Lane and Rich Lane with Beringer on the west and 52nd Street West on the east. Camp Lane and Rich Lane will both be 56-foot-wide rights-of-way. With the original Legacy Subdivision filing 40 feet of right-of-way was dedicated for 52nd Street West along the west edge of Oak Ridge Estates subdivision. Oak Ridge Estates Subdivision also provide 40 feet for right-of-way for a total of 80 feet of right-of-way. From Rich Lane going north to the Big Ditch Legacy Subdivision dedicated 40 feet of right-of-way, Certificate of Survey 2990 will provide the additional 40 feet when it is developed. Internal streets shall all be 34 feet back of curb to back of curb within a 56-foot-wide right of way and shall be built to City of Billings street standards. They shall be built to grade with a satisfactory subbase, base course, curb and gutter with asphalt surface.

A temporary turn around will be provided at the north end of 52nd Street West on the south side of the Big Ditch. Easement documents will be provided for that turn around. **(Condition #1)**

The sidewalks will be installed by the home builder on a lot-by-lot basis, as lots develop. The developer will install all ADA required ramps at the intersections within the proposed subdivision and in front of lots with detention basins. The developer will add language in the SIA under the heading III Transportation B Sidewalks stating they will install sidewalks on the lots where detention basins will be located. **(Condition #2)**

A Traffic Impact Study (TIS) update was completed with this filing to evaluate the subdivision’s impact on the street network in the surrounding area. The subdivision layout does not change the number of lots enough to alter the outcome of the TIS. Cash contributions for surrounding roads and intersection

will be made at the time of final plat as defined in the SIA under the heading III Transportation.

- 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 54th St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** – 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. At the time of the writing of this staff report all schools are shown as being over capacity.
- 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 provided a cash in lieu contribution with the original subdivision platting. With that contribution this subdivision is not required to provide any further land or cash contribution.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed in developed areas of this subdivision. The developer will need to coordinate mailbox locations with the postal service. (**Condition #3**)

3. Effect on the natural environment

The subject property is not currently farmland. This land was platted in March of 2006 as Legacy Subdivision and has not developed completely. This re-subdivision of the Legacy Subdivision overall will have little effect on the natural environment.

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.

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

There is a proposed trail along the Big Ditch on the north edge of this subdivision. With the original platting of Legacy Subdivision, a 60-foot-wide right-of-way was platted over the Big Ditch for a trail. This trail will eventually connect the subdivision to future trails identified in the BABTMP.

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 Suburban Neighborhood (N3) zoning. 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 provided 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 is provided to the proposed lots from Beringer Way. New internal streets will provide access to individual lots.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Legacy Subdivision, 2nd Filing 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

It is recommended to City Council that the preliminary plat of Legacy Subdivision, 2nd Filing be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, July 25, 2022

William A. Cole, Mayor