

COUNCIL ACTION *approved*
9-0g Mayor Cohen & Tidswell
absent / *Excused*
JUL 25 2022
db
CITY CLERK

Item 1. K.

City Council Regular

Date: 07/25/2022
Title: Wild Rose Subdivision, 1st Filing - Preliminary Major Plat
Presented by: Monica Plecker
Department: Planning & Community Services
Presentation: No
Legal Review Not Applicable

RECOMMENDATION

The Planning Board recommends conditional approval of the preliminary plat of Wild Rose Subdivision, 1st Filing and adoption of the Findings of Fact as presented in the staff report.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On May 2, 2022, In Site Engineering and Performance Engineering, agents for Regal Land Development, applied for preliminary major plat approval for Wild Rose Subdivision, 1st Filing. The proposed subdivision creates 64 new lots for residential development. The subject property is generally located south of Sweetgrass Creek Drive and west of 54th Street West. The property is a mix of zones and recently received approval of a planned neighborhood development, required for new properties greater than 10 acres annexing into the City limits. The property where this subdivision is located is zoned Neighborhood 1 (N1), Neighborhood 2 (N2), Neighborhood 3 (N3), Mixed Residential 1 (NX1) and Public 1 (P1).

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To protect public health and safety and ensure correct road construction, prior to final plat approval the applicant will receive approval for all street construction from City of Billings Engineering prior to street construction.
2. To protect public health and safety, prior to final plat approval the applicant will add the following language to the SIA under the heading III Transportation Streets: No obstructions may be placed in any public right of way such as subdivision entry signs, signs, planter beds or any other obstruction that would be a hazard to traffic in the public right-of-way.
3. To ensure correct additional road width construction on 54th Street West, prior to final plat approval, the applicant will add the following wording to the SIA under the heading III Transportation Streets: The subdivider will provide cash-in-lieu contribution for the construction of approximately 3 feet of asphalt surface with satisfactory sub-base, base course, standard curb and gutter along 54th Street West. The cash-in-lieu contribution will also include engineering design and construction administration.
4. To ensure public health and safety and to ensure safe pedestrian access to the south (Cottonwood Park), the developer shall construct a pedestrian crossing over the storm drainage area located along the southern property boundary. Further, the developer shall amend the SIA to include specific information regarding the construction of the crossing.
5. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
6. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
7. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY

- Pre-application meeting February 4, 2022
- Preliminary plat application submitted to Planning Division May 2, 2022
- Departmental review meeting May 19, 2022
- Preliminary plat re-submittal May 26, 2022
- Planning Board plat review June 14, 2022

- Planning Board public hearing June 28, 2022
- Preliminary plat to City Council July 25, 2022
- 60 working-day preliminary plat review period ends July 26, 2022

PLAT INFORMATION

General location: South of Sweetgrass Creek Drive and west of 54th Street West

Legal Description: R.L. Subdivision Lot 1

Owner/Subdivider: Regal Land Development, Inc.

Engineer and Surveyor: In Site Engineering and Performance Engineering

Existing Zoning: PD

Existing land use: Vacant / Farmland

Proposed land use: Residential

Gross and Net area: 53.452 acres; 47.84 acres

Proposed number of lots: 76

Lot size: Max: 36.71 acres
Min: 4,680 square feet

Parkland requirements: Parkland dedication requirements for this proposed plat is 1.224 acres. The applicant is proposing to provide 0.782 acres of land for private parks. The remaining amount will be a cash in lieu contribution to the future Cottonwood Park.

STAKEHOLDERS

Staff provided an overview presentation of the subdivision. President Cook called for questions and discussion. Board member Woods asked for an explanation of the parkland. Staff pointed out two private parks located at the entry and the remainder of the parkland contribution will be cash-in-lieu to Cottonwood Park.

Scott Worthington, agent for the applicant and project manager. Mr Worthington gave a brief background of the steps that have been taken to this point with the proposed subdivision with the zoning and annexation. He stated this parcel is compliant with all subdivision regulations and the applicant is in agreement with staff’s conditions of approval.

Dan Wells, developer, commented this first filing will be a needed price point for young families looking for a smaller home with less yard to maintain. He also stated he would be happy to answer any questions the board may have concerning this proposed subdivision.

There were no other comments or questions for staff, agent or applicant.

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against Wild Rose Subdivision. There were none. President Cook closed the public hearing and called for a motion.

A motion was made to forward a recommendation to the City Council to conditionally approve the proposed Wild Rose Subdivision with the conditions of approval and the findings of fact, the motion was seconded. The motion passed with a unanimous vote.

ALTERNATIVES

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on July 26, 2022. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner’s ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or

3. Deny the Preliminary Plat

FISCAL EFFECTS

This plat will have no fiscal impacts on the City/County Planning Division.

SUMMARY

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. Negative effects that are identified become the subdivider's responsibility to mitigate. Various City departments, private service/utility providers and the affected school district/s, have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this proposed subdivision.

Attachments

Findings of Fact
Proposed Plat
SIA Draft
Mayors Letter



July 25, 2022

Regal Land Development
P.O. Box 80445
Billings, MT 59108




Dear Applicant:

On July 25, 2022, the Billings City Council conditionally approved the preliminary plat of Wild Rose Subdivision, 1st Filing, subject to the following conditions of approval:

1. To protect public health and safety and ensure correct road construction, prior to final plat approval the applicant will receive approval for all street construction from City of Billings Engineering prior to street construction.
2. To protect public health and safety, prior to final plat approval the applicant will add the following language to the SIA under the heading III Transportation Streets: No obstructions may be placed in any public right of way such as subdivision entry signs, signs, planter beds or any other obstruction that would be a hazard to traffic in the public right-of-way.
3. To ensure correct additional road width construction on 54th Street West, prior to final plat approval, the applicant will add the following wording to the SIA under the heading III Transportation Streets: The subdivider will provide cash-in-lieu contribution for the construction of approximately 3 feet of asphalt surface with satisfactory sub-base, base course, standard curb and gutter along 54th Street West. The cash-in-lieu contribution will also include engineering design and construction administration.
4. To ensure public health and safety and to ensure safe pedestrian access to the south (Cottonwood Park) the developer shall construct a pedestrian crossing over the storm drainage area located along the southern property boundary. Further, the developer shall amend the SIA to include specific information regarding the construction of the crossing.
5. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
6. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
7. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have any questions please contact Dave Green at (406) 247-8666 or by email at greend@billingsmt.gov

Sincerely,


William A. Cole, Mayor

Bill Cole, Mayor
P.O. Box 1178
Billings, MT 59103
P 406.657.8296
F 406.657.8390

FINDINGS OF FACT

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

Portions of the subject property are currently used for agricultural purposes, about 15.743 acres of land would be used for this proposed development. 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, but it will take a small portion of the total land out of agricultural production.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all the new local streets, new individual services to all the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ). The water service will be provided by an existing 12-inch water line located in 54th Street West and connection to an existing 8-inch water line in Trail Creek Drive. New streets in this subdivision will have 8-inch water line installed. 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 A.

Sanitary sewer service will be provided by connecting to the existing City of Billings sewer mains. This proposed subdivision will connect to an existing 15-inch sanitary sewer located in 54th Street West. The subdivider will install new 8-inch sewer mains in the proposed streets within the subdivision 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 B.

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 retention ponds located on HOA owned lots. These and all other 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. 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 the continuation of Trail Creek Drive and new streets proposed for this subdivision. They 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. **(Condition #1)** No obstructions may be placed in any public right of way such as subdivision entry signs, signs, planter beds or any other obstruction that would be a hazard to traffic in the public right-of-way. **(Condition #2)**

The subdivider is responsible for the widening of the section of 54th Street West. This would be approximately 3 feet of additional asphalt and curb and gutter to complete the needed width of paved surface for 54th Street West. The applicant will add language to the SIA under the heading III Transportation Streets that outlines this requirement. **(Condition #3)**

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 the parkland. This is outlined in the SIA under the heading III Transportation B Sidewalks.

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. Cash contributions will be made for future intersection and road improvements as identified in the SIA under Transportation D. Traffic Control Devices. A proportionate contribution will be made for this 1st filing as described in the SIA.

- d. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station 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 Boulder 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.

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 creating 64 residential lots with this filing. The required parkland acreage is 1.224 acres. The applicant is proposing to provide 0.782 acres of private parkland. With the remaining amount being a cash-in-lieu contribution to Cottonwood Park. The future Cottonwood park is directly south of the proposed subdivision. To ensure pedestrian access to this public park the developer, through conditions of approval, will be required to construct a pedestrian crossing over the proposed storm drainage area (**Condition #4**) The HOA will be responsible for the maintenance of the private parkland. This is outlined in the SIA under the heading VII Parks/Open Space.

- f. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required. The developer will need to coordinate mailbox locations with the postal service. (**Condition #5**)

3. Effect on the natural environment

The subject property is currently mainly used for farmland. The natural environment has been changed with the use of the land for farming purposes. 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). 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.

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 (BAPTMP)

There is a Proposed Short-range bike Lane identified on Rimrock Road to the north, and one on 54th Street West. There is also the possibility of a future trail to the south of the subject property along the High Ditch.

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 Planned Neighborhood (PD) 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 and show those 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 54th Street West, and Trail Creek Drive. New internal streets will provide access to individual lots.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Wild Rose Subdivision, 1st 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 Wild Rose Subdivision, 1st 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