

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Trestles 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

The subject property has been used for agricultural purposes in the past. There are no ditches that run through this project. Little Cove Creek runs under the train tracks where Rimrock Road would go under the tracks. The Birely Drain is to the east near 62nd Street West on the south side of Rimrock Road. Cove Ditch runs through Falcon Ridge Subdivision and Reflections at Copper Ridge Subdivision to the east of this property. Cove Ditch is to the south of this proposed subdivision and is not part of the proposed area to be subdivided. 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. With farming activity wildlife habitat has not been maintained. There is a paragraph in the SIA under the heading Property Conditions and Information for Lot Purchasers alerting property owners of the potential for wildlife in the area.

2. Effect on local services

Utilities – Water service will be provided by the City of Billings. Service to the subdivision will be provided from a 12-inch water main stub located at Shiny Penny Way and an 8-inch stub in Bronze Boulevard. The subdivider will be extending the existing 12-inch water main from the existing terminus at 70th Street West/Rimrock Road. They will install a new line going west along Rimrock to the intersection with Street 5 (temporary name). The 12-inch water main will continue in Shiny Penny Way to the intersection of Street 1 (temp name). An 8-inch water main will be located in the remainder of Shiny Penny to Bronze Blvd. A 12-inch water main will be located in Street 1 (temp name) and stubbed out for future Filings. An 8-inch water main will be installed in the remaining streets, these lines will be looped to ensure consistent water pressure. New individual services will be provided to all the lots, and new fire hydrants will be installed as required by the City Fire Department.

Sanitary sewer service to the subdivision will be from the existing 8-inch sanitary sewer stub located in Shiny Penny Way. A 12-inch sanitary sewer main will be installed in Rimrock Road to street 5 (temp name). An 8-inch sewer main will be installed in all other proposed streets. Sewer lines within the subdivision shall be no smaller than 8-inches in diameter.

The subdivider will install all new water lines and sewer lines in the 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 is outlined in the SIA under the heading VI Utilities.

Private Utilities will be provided from existing facilities to the subdivision. The private utilities will be installed in easements included on the plat, as requested by the utility companies. Montana Dakota Utilities (MDU) has requested a 10-foot-wide easement along the front property lines of the lots. **(Condition #1)**

Stormwater – The storm drainage system for Trestles Subdivision, 1st Filing, will consist of a curb and gutter surface collection and curb inlets that drain into storm drainage piping, as well as surface conveyance.

The developer will construct two detention facilities with this filing located on Lot 15, Block 3 and Lot 70, Block 8. The remaining detention facility will be constructed with a future filing. The detention facilities will be located on Home Owner’s Association (HOA) owned lots and shall be operated and maintained by the HOA. The stormwater detention facilities will have an outlet to Rimrock Road and be piped to a City of Billings owned stormwater management facility located near the intersection of 62nd Street West and Rimrock Road via the Birely Drain.

The subdivider may direct runoff from this filing and any future filings to the City of Billings stormwater management facility located near the intersection of Rimrock Road and 62nd Street West. The City of Billings will review the stormwater storage provided on-site to ensure compliance with the City of Billings Stormwater Management Manual (SWMM). The Subdivision will be required to retain, or provide treatment, of the water quality volume/flow on-site in accordance with the SWMM.

All required stormwater storage for the subdivision will be provided on-site. Therefore, no off-site stormwater contributions to the City of Billings stormwater management facility will be required.

A complete stormwater management plan shall be submitted to the Engineering Division for review and approval at the time of development. This is outlined in the SIA under the heading V. Storm Drainage.

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.

- a. **Solid Waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this subdivision.
- b. **Streets** – All internal streets within the subdivision shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets in the subdivision will be public roads. They will be built to provide a 34-foot back-to-back curb street width. Street 5 (temporary name) will be in a 74-foot wide right of way dedication.

The drive lanes will be 18-feet wide, one on each side of a 16-foot wide median. There will be curb and gutter on both sides of the street.

Rimrock Road is classified as a Collector Street on the functional classification map of the City of Billings. The applicant will be providing a 74-foot-wide right of way for Rimrock Road. They are required to build a 30-foot-wide asphalt surface road on the northern side of right of way. This will include a 5-foot-wide sidewalk with a minimum of a 5-foot boulevard.

All streets and carriage lanes will be built according to the standards of the City of Billings Public Works Department. Street improvements are included in the Waiver of Right to Protest Future Special Improvement Districts.

The sidewalks will be installed by the respective lot owners on a lot-by-lot basis, as lots develop. Sidewalks along the street frontage shall be minimum 5-foot-wide and separated with a boulevard width not less than five feet. The developer will also install all ADA required ramps at the intersections within the proposed subdivision. The developer shall construct the 5-foot-wide boulevard sidewalk adjacent to parks and open spaces where no construction will be taking place on the lot. This information is all in the SIA under the heading Transportation.

Traffic Impact Study overview:

The subdivider shall furnish and install all necessary traffic control devices within and adjacent to the subdivision. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction.

A traffic impact study has been completed for Trestles. All required intersection improvement contributions identified therein shall be completed by the subdivider at the subdivider's expense. The percent of traffic contributions to the following intersections shall be in accordance with the traffic accessibility study:

- Rimrock Road and 70th Street West – 10.67 percent
- Rimrock Road & 62nd Street West – 10.83 percent
- Rimrock Road & 54th Street West – 8.08 percent
- 70th Street West & Colton Blvd – 2.98 percent
- 70th Street West & Grand Avenue – 2.28 percent
- Grand Avenue & 62nd Street West – 4.12 percent
- Grand Avenue & 56th Street West – 4.47 percent
- Grand Avenue & 54th Street West – 4.12 percent

The percentages are based on 330 total buildable lots in the First Filing.

The contributions for Trestles Subdivision, First Filing (330- residential lots) shall be made prior to final plat approval. No building permits or private contract permits will be issued until subdivider has made the cash contribution to the City.

Street lighting is required for this subdivision. In the SIA the applicant has indicated that street lighting will be installed by private contract or SID. A Street Light Maintenance District will be created for operation and maintenance of the lighting at a future date and is included in the waiver of right to protest.

- c. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The police department comments that continued annexation and development without commensurate resources has adversely affected our ability to deliver service. The fire station that provides service for this area is Fire Station #7, it is located at 1501 54th Street West. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- d. **Schools** – School District #2 provides service to students within this subdivision for elementary through high school. Boulder for elementary school, Ben Steele for middle school and West for high school. School District #2 stated they are over capacity at Boulder Elementary. Ben Steele is just under capacity and West is over capacity.
- e. **Parks and Recreation** – This subdivision is required to provide 2.7 acres of parkland. The applicant will be providing 10.55 acres of private parkland for this subdivision. The parkland will be maintained by the Homeowner Association. The Parks Department responded that they approve of the proposed parkland for the subdivision.
- f. **Mail Delivery** - The developer shall coordinate with the United States Postal Service to determine the location of the Central Box Units for mail delivery within this subdivision. **(Condition #2)**
- g. **Phasing of Development** – This subdivision will not be developed in phases.

3. Effect on the natural environment

The subject property is currently vacant with the proposed use of residential development. The land was historically farm land so the natural environment would have been altered by the farming activity. The property is not located within a floodplain. 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 public health, safety and welfare

There will be no significant 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 2023 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.

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.

Essential Investments (relating public and private expenditures to public values): Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.

Developed parks that provide recreation and active living opportunities are desirable for an attractive and healthy community.

3. 2023 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2023 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision is just outside the Billings Area Bikeways and Trail Master Plan. The master plan show proposed trails ending at 70th Street West. There are no trails identified within the subdivision. The applicant will be installing a sidewalk along the north side of Rimrock Road that provides continuity from the sidewalk to the east. No additional trails are required with this 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 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 N3 – Suburban Neighborhood, N1 – First Neighborhood and P1 Parks and Open Space. 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 provide utility easements as requested by private utility companies on the face of the plat. MDU has requested a 10-foot-wide easement on the front of the lots.

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 to the subdivision will be provided by Rimrock Road, and 70th Street West out to either Grand or Rimrock Road. All internal streets will provide access to residential lots within the subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Trestles 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

Staff proposes the Planning Board recommends to City Council that the preliminary plat of Trestles Subdivision, 1st Filing, be conditionally approved and the Findings of Fact adopted as presented in the staff report.