

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Clearwater Estates 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 has been used for agricultural purposes in the past. The Monad Drain 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. Perimeter ditches are good for birds to hide in as well as deer. But the main body of the land having farm activity on it has left it open without cover.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. A 16-inch water main will be extended along Central Avenue for the proposed subdivision. 12-inch and 8-inch water lines will be provided within the proposed subdivision. The 12-inch line will be installed in Double Haul Lane down to Tippet Trail and along Tippet Trail. 8-inch lines will be installed throughout the majority of the subdivision below Tippet Trail. 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 Clearwater Estates Subdivision, 2nd Filing will be provided by connecting to the existing 10-inch gravity main running north from the Monad collector. The existing 10-inch gravity main is located in the parkland area in the southeast corner of the Subdivision. 8-inch sanitary sewer mains will be extended throughout the Subdivision.

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

Private utility companies will provide services to the subdivision. Any easement required by a private utility company will be coordinated with the subdivider and the utility company.

Stormwater – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes. Stormwater drainage will discharge east to Lot 5 of Clearwater Estates Subdivision, 1st Filing. A ditch will convey stormwater drainage south to a stormwater detention facility that is located within an off-site area on Tract 3, Certificate of Survey No. 3844. This detention facility will be sized to accept runoff generated from the Clearwater Estates Subdivision, 2nd Filing. The detention facility will discharge into the Monad Drain.

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 is outlined in 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 Central Avenue. The new internal roads, Tippet Trail, Double Haul Lane and Roads B, G, and F. Roads B, G, and F are temporary street names. Final street names are required before final plat. (BMCC Section 23-406 Streets and Roads A 15) Road F will be a private road within the subdivision. The 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.

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 to the edge of the sidewalk. ADA compliant ramps will be installed by the subdivider at all intersections and the frontage along the parkland.

Block layout is required to have a maximum length and perimeter to them. Blocks of lots begin and end with a street, a 30-foot-wide multi-use trail, or parkland with a trail through it. Lots 1-16, Block 5 exceed block length requirements. In order to meet the requirements of maximum block length the applicant needs to provide a 30 foot wide easement with a multi-use trail or an opening that will include some park area and a trail. **(Condition #1)**

Traffic Impact Study overview:

A traffic accessibility study update has been completed for Clearwater Estates Subdivision, 2nd Filing. All required intersection improvement contributions identified therein shall be completed by the Subdivider at the Subdivider’s expense.

This traffic study was done for both 44 West Subdivision and Clearwater Estates Subdivision 2nd Filing. The traffic study reflects full build out of all filings of both subdivisions.

The studied intersections are anticipated to operate similarly to existing conditions at the time this subdivision is fully built out.

Intersection*	Phase 1			Phase 2			Higher Total
	AM	PM	Higher	AM	PM	Higher	
Total							
1. S. 48th at Central	0.9%	1.1%	1.1%	0.7%	1.2%	1.2%	2.3%
2. Shiloh at Broadwater	1.9%	2.3%	2.3%	1.9%	4.2%	4.2%	6.5%
3. Shiloh at Central	5.3%	6.3%	6.3%	4.1%	7.2%	7.2%	13.5%
5. Shiloh at Monad	1.2%	1.5%	1.5%	0.9%	1.8%	1.8%	3.3%
Total Participation:			11.2%			14.4%	25.6%
x \$450,000			\$50,400			\$64,800	\$115,200

The cash contributions shall be based on the percent of traffic contributions to the intersections based on the total cost of an intersection as determined. The contributions will be made at the time of final plat. **(Condition #2)**

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.

- d. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that provides service for this area is Fire Station #7, is located at 1501 54th Street West. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** – School District #2 provides service to students within this subdivision for elementary through high school. Meadowlark for elementary school, Ben Steele for middle school and West for high school. At the time of the writing of this staff report School District #2 had not responded to requests for comments.
- 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 1.7323 acres of parkland. They are proposing to provide 0.575 acres of land as shown on the proposed subdivision plat. The applicant is proposing to provide a cash in lieu contribution for the balance, 1.10 acres. There is a small private park in the subdivision to the east, 44 West Subdivision, that connects directly to the proposed parkland in this subdivision. The applicant has indicated there will be additional parkland dedicated with future filings to the south as this development continues to expand.

Comments from the Parks Department are that they would like to see more parkland for the subdivision.

- 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 #3)**
- h. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

3. Effect on the natural environment

The subject property is currently vacant with the proposed use of residential development with a small portion of commercial. 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 wildlife 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.

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.

2. 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. Central Avenue is identified as an arterial road, it will be widened to the standards of an arterial road.

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

The proposed subdivision is within the Billings Area Bikeways and Trail Master Plan. There are no trails identified within the subdivision. There is a 10-foot-wide bike and pedestrian trail proposed along the south side of Central Avenue. This will be installed by private contract or SIA as outlined in the SIA. No additional improvements of this nature are anticipated.

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 CMU1 – Corridor Mixed Use 1, N2 - Mid-Century Neighborhood Residential, NX1 - Mixed Residential 1, NX2 - Mixed Residential 2. 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 provide utility easements as requested by private utility companies. Those easements will be shown 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 existing roads and new roads within the proposed subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Clearwater Estates 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

Staff proposes the Planning Board recommends to City Council that the preliminary plat of Clearwater Estates Subdivision, 2nd Filing, be conditionally approved and the Findings of Fact adopted as presented in the staff report.