

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Clearwater Estates Subdivision, 3rd 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 Clearwater Estates Subdivision, 2nd Filing. An 8-inch line will be installed in Dead Drift Lane by the previous filing. Clearwater Estates Subdivision, 3rd Filing, will have individual services provided from the 8-inch line in Dead Drift Lane to all the lots.

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 Clearwater Estates Subdivision, 2nd Filing. An 8-inch sanitary sewer mains will be located in Dead Drift Lane. Clearwater Estates subdivision, 3rd Filing, will have sanitary sewer services provided by the 8-inch main installed by the previous filing.

All new water lines and sewer lines in the local streets and individual services for each lot shall be installed 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 by 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 and 3rd 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 three lots of this filing have access off Dead Drift Lane. Dead Drift Lane will be built with the 2nd Filing of Clearwater Estates 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.

Traffic Impact Study overview:

A traffic accessibility study was completed for Clearwater Estates Subdivision, 2nd Filing. This 3-lot minor will have no effect on the traffic study done with the previous filing. All required intersection improvement contributions identified therein shall be completed by the Subdivider at the Subdivider’s expense.

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, it 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. The addition of 3 lots to the subdivision will not have any noticeable effect on the schools.

f. Parks and Recreation – Because this is a minor subdivision there is no requirement for parkland cash in lieu or land.

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 #1)** The post office will most likely require the three additional lots have boxes with what is required for the 2nd filing.

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. 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. Dead Drift Lane is a local residential 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 SID with the second filing of the subdivision. 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 N3 zoning. The lot frontages conform to the requirements of this zoning. 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. 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 Dead Drift Lane within the Clearwater Estates Subdivision, 2nd Filing.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Clearwater Estates Subdivision, 3rd 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

The Planning Board is forwarding a recommendation to City Council to conditionally approve the preliminary plat of Clearwater Estates Subdivision, 3rd Filing, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, January 12, 2026

Mike Nelson, Mayor