

## **FINDINGS OF FACT – Mont Vista Subdivision, 1<sup>st</sup> Filing**

The Yellowstone County Board of Planning recommends the following Findings of Fact for the preliminary plat of Mont Vista Subdivision, 4<sup>th</sup> Filing, for adoption by the Billings City Council. 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 City of Billings Subdivision Regulations (Section 23-302(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 vacant former cropland located in the City limits that has been slated for urban development since it was originally annexed into the City limits and zoned in 2007. The Cove Ditch is adjacent to the north side of the property. The ditch is within a 66-foot wide easement on the two large remainder lots that will be developed as future filings of Mont Vista Subdivision. The Master Plan acknowledges that this Cove Ditch area will be retained as Open Space for the benefit of the residents.

Though this subdivision does not have water rights or shares from the ditch, the adjacent property owner to the south does, and has a lateral ditch through the center of Mont Vista, approximately where the parkland is proposed and then south. The subdividers will preserve this water right by slightly realigning the lateral's course. Easements for this realignment shall be shown on the final plat.

### **2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings from a water main in 54<sup>th</sup> St. West. The developer will install new water mains in all of the new local streets, new individual services to all of 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). A tie to the water main in 50<sup>th</sup> Street west will be made during future filings of the subdivision, to provide for a looped system.

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer main also in 54<sup>th</sup> Street West. 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.

MDU will provide gas services and Northwestern Energy will provide electric services to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers.

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to one of two

detention areas. With this filing most of the storm water (everything east of Tulane Drive) will be channeled to the detention pond within the private parkland area at the southwest corner of the subdivision. An easement shall be placed over this area so the use for storm water management cannot change in the future (**Condition #2**). The storm water pond will be designed to be used for park uses when not holding water. The parkland will be developed with grass, irrigation and subsurface drainage where determined necessary to prevent permanent ponding and wetlands. Part of this detention facility includes an outlet to the Hi-line Ditch to the south of the property via the borrow ditch along 54<sup>th</sup> St. West. The proposal is to discharge no more storm water to the ditch than has historically flowed into it from this property. In the event that the final management plan shows change in storm water discharge amounts or discharge points from the historical amounts or types, the subdivider shall provide a letter of approval of the storm water plan from the Hi-line Ditch, prior to final plat approval (**Condition #1**). The other eastern-most areas of this filing, and future filings will be channeled to a future storm water detention pond in the southeast corner of the property. These and all other drainage improvements shall also satisfy the criteria set forth by the *City of Billings Storm water Management Manual* and will be subject to review and approval by the City Engineering Department.

- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. **Streets** – The lots within the subdivision would be served by one main entry street off of 54<sup>th</sup> Street West. Because 54<sup>th</sup> Street West is a principle arterial street, it is recommended as a condition of approval that the remaining 54<sup>th</sup> Street West frontage of the subdivision have a one-foot no-access easement placed along it on the final plat, as well as along the Mont Vista entryway (**Condition #3**). From the entryway, a looped road network made up of Clemson Drive, Amherst Drive and Tulane Drive is proposed for this first filing. These internal streets will be built within 56-foot rights-of-way to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. Any dead-end sections of these streets greater than 150 feet in length will need to have a turnaround built to City standards at their terminus.

A Traffic Impact Study (TIS) was completed for the entire Mont Vista Subdivision Master Plan in order to evaluate the subdivision’s impact on the street network in the surrounding area. Cash contributions were identified for future intersection improvements at 54<sup>th</sup> Street West and Rimrock Road, and 54<sup>th</sup> St. West and Grand Avenue. City Engineering has provided an updated calculation for the off-site contributions and has requested updates to the final SIA language accordingly (**Condition #4**). Prior to final plat approval, the subdivider shall make the appropriate contributions totaling \$7,857.14 as updated in the SIA.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54<sup>th</sup> St. West and Grand Ave. (Station #7); this station also has a police presence. The Billings Chief of Police noted in comments that “...These areas are on the extreme limits of patrol and services may be delayed because of distance. Additional resources should

be considered in the near future.” The subdivision is located within the ambulance service area of American Medical Response (AMR).

Access to the First Filing of the subdivision will be from one entryway off of 54<sup>th</sup> Street West. In order to ensure an additional access point in the event of emergencies, the subdivider has proposed to build an emergency access road along the future street alignment within the Mont Vista master planned area, to the north to Rimrock Road. This emergency access road will need to be constructed to City standards prior to final plat approval. The Fire Department staff has recommended updated language be added to the final SIA to clarify the standards to which the emergency access road will need to be built **(Condition #5)**.

- f. **Schools** –School District #2 provides educational services to elementary through high school students. Schools serving these students are Burlington Elementary, Lewis and Clark Middle School, and Senior High School. No responses from the district were received at the time this report was drafted. However the district is in the process of master planning for growth and will be addressing school capacity and facilities as part of that process.
- g. **Parks and Recreation** – Residential subdivisions creating lots with housing densities less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. In this first filing the 11% requirement amounts to 1.62 acres.

The subdividers have master planned the Parks and Open Space areas for the entire Mont Vista Subdivision, and have established development plans and uses for the park areas as part of the Planned Development Agreement document previously accepted by the City in 2007. For this Filing, the proposal is to dedicate 1.755 acres of parkland in the middle of the subdivision, and have it adjoin with another 0.810-acre parcel that will be given to the City in exchange for the existing Cynthia Park on the subdivision’s east side. The consolidation of park area is desirable for use and maintenance purposes. However, the City Parks Department (PRPL) is concerned about a natural wetland area that exists on the southern portion of the proposed central park. In order to ensure the park’s usability, PRPL has requested language be added to the SIA specifying grading and drainage requirements **(Condition #6)** and the timing on the completion of a Park Master Plan **(Condition #7)**.

In addition to the central park area, a private 1.153- acre park is proposed in the southwest corner of the subdivision, which will also function as a stormwater detention area during large storm events. This parkland area will be privately developed, owned and maintained by the Home Owners’ Association to be created for the subdivision.

In total, 2.908 acres of parkland is proposed to be provided for the first filing. The subdivider wishes to acknowledge that 1.288 acres of parkland shall be “credited” to the requirements of future filings of the subdivision. In order to ensure this parkland credit,

staff recommends that the Master Plan exhibit for Mont Vista Subdivision be added to the SIA so as to formalize the plan (**Condition #8**).

- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required. In order to assure the coordination of mailbox locations, it is recommended as a condition of approval that subdivider provide a letter from the postal service acknowledging their agreement with the mailbox locations prior to final plat approval (**Condition #9**).

### **3. Effect on the natural environment**

The subject property is in an area that has been slated for urban development for many years. It consists of dry grassland slightly sloping to the southwest toward 54<sup>th</sup> Street West. There is a stand of cottonwood trees down the middle of the property where the neighbor's irrigation lateral exists. The trees will be preserved within the proposed parkland area. This area provides habitat to many birds and has been acknowledged in the Planned Development Agreement as an asset for the neighborhood to be preserved. Additionally, an open space corridor is planned with a natural trail along the south side of the Cove Ditch. Lastly, during development, stormwater pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. These provisions should help balance any impacts 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 note 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**

Based on the provision for emergency services, as discussed above, there are no anticipated effects on public health, safety and welfare resulting from this subdivision. Individual geotechnical surveys will be completed prior to home construction to ensure that foundations are built to accommodate for expanding soils and any other concerns.

## **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 Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan 2009 Update and the Billings Area Bikeways and Trail Master Plan? [BMCC 23-302(H)(4)]**

### **1. Yellowstone County-City of Billings 2008 Growth Policy**

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. Goal: More housing and business choices within each neighborhood (p. 6).

- b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (p. 6).
- c. Goal: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).

## **2. Urban Area Transportation Plan 2009 Update**

The proposed subdivision adheres to the goals and objectives of the 2009 Transportation Plan Update and preserves the street network and street hierarchy specified in the plan.

## **3. Billings Area Bikeways and Trail Master Plan**

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan. A trail corridor is identified in the plan to the south of the subdivision along the Hi-Line Ditch. In order to allow access to the eventual Hi-Line Ditch trail, City Engineering is recommending that a minimum 10-foot wide corridor be dedicated as a right-of-way connection to the south, somewhere mid-block of Block 3, from Amherst Drive to the southern property line (**Condition #10**). The plan also identifies a proposed short-range bike lane along 54<sup>th</sup> St. West. There are no immediate plans for either of these improvements, however, there is a natural trail corridor planned along Cove Ditch and within the parkland in future filings of 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 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 zoned as the Mont Vista Planned Unit Development. The lot sizes and building densities within this first filing conform to the requirements of the PUD Agreement. Further 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 has provided utility easements as requested by MDU and NW Energy 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 Mont Vista Way, Clemson Drive, Tulane Drive, and Amherst Drive.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Mont Vista Subdivision, 1<sup>st</sup> 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 2008 Growth Policy Update 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.

Approved by the Billings City Council, January 27, 2014.

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Thomas W. Hanel, Mayor