

Findings of Fact
Price Subdivision

Staff is forwarding the recommended Findings of Fact for Price Subdivision for review and approval by the 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 Billings Subdivision Regulations (Section 23-303(H), BMCC).

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health, safety and welfare? [MCA 76-3-608 (3)(a) and BMCC 23-303(H)(1)]

1. Effect on agriculture and agricultural water user facilities

The subject property is not used for agriculture, and has no irrigation facilities serving it. It is currently vacant land that is near another residential area of Billings. Overall, there is no anticipated effect on irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – Water services for the proposed Lots in the subdivision will come from the existing 12-inch water line that is in the City of Billings Right-of-way easement coming from the City of Billings water reservoir. The reservoir is located on the eastern side of this proposed subdivision. The easement is identified on the plat. Lot owners will be responsible for extension of water services at the time of lot development. When the lot is developed the owner will be responsible to install a meter vault because the services are longer than 250 feet. The meter vault will be appropriately sized to also include the installation of a back flow preventer on the fire line to the house. The fire line will be a separate and an independent line in addition to the domestic water line. Language in the SIA Section VI A. Water needs to be amended to addresses the requirements for the water lines to the homes. **(Condition #3)**

The subdivision has a City of Billings Right-of-Way easement, recorded document #336930, running through it. The easement document shall be amended so that the description and exhibit contain the constructed water main and roadway within the easement. **(Condition #4)**

The subdivision will be served by an existing 8-inch sanitary sewer line located in Canyonwoods Drive. Private sewer mains will be extended into Price Subdivision in the private portion of Canyonwoods Drive. Lot owners will connect to the sanitary sewer when construction takes place.

Private utilities such as electric and gas are available to the lots upon development. To ensure the proper utility easements are provided, it is recommended that the developer consult with the utility companies and place the requested easements on the final plat. **(Condition #1)**

- b. **Storm water** – Storm water management will be evaluated at the time of lot development. Storm water for any new developed hard surface must be retained on site for each parcel. The natural drainage shall not be altered for each parcel. All drainage improvements shall comply with the provisions of the 2011 City of Billings Storm Water Management Manual.
- 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** – Canyonwoods Drive which currently terminates at the western property line of the proposed Price Subdivision provides access to the proposed lots. Canyonwoods Drive will be extended and built to city standards. The extended portion of Canyonwoods Drive will be a private road and will serve lots 1, 4 and 5 as shown on the plat. Access to lots number 2 and 3 will be provided using a private access easement off the private road Canyonwoods Drive. It has been recommended by County GIS that the access easement for Lots 2 and 3 be named because of its length and to eliminate confusion when addressing a building on lot 2. **(Condition #2)**. The cul-de-sac end of Canyonwoods Drive will be built to meet Fire Department needs.

The private portion of Canyonwoods Drive in the proposed Subdivision will be gated at the subdivision entrance. In the SIA III Transportation D it states that access will be provided to emergency personnel and to city personnel that need access to the city reservoir site. Clarifications needs to be added to the SIA on who has access and what is in the City of Billings easement that runs through this subdivision. **(Condition #5)**. It also outlines how the gate functions in power outages and should the gate fail to work the Emergency personnel and City employees who need access to the water reservoir may destroy or remove gate to gain access and it will be replaced by the subdivider at no cost to the city.

The applicant has asked for two variances from city subdivision regulations one for sidewalks and one for length of dead end streets. Staff is supporting the variance request for the right-of-way dedication. The variance is discussed in the attachment at the end of this report.

- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency service station is located at 1501 54th Street West (Station #7). The subdivision is located within the ambulance service area of American Medical Response.

There is a fire hydrant at the current end of Canyonwoods Drive the subdivider will be installing a fire hydrant at the cul-de-sac end of the private portion of Canyonwoods Drive that is to be constructed. The private fire line and hydrant will be maintained by a homeowner’s associations (HOA). Because of the size of the lots and requirements for fire hydrants to be within 600 feet of the furthest portion of each residence each home will be required to have fire suppression systems within them. In the SIA under IV Emergency Services it states: “In accordance with the Covenants, Conditions and

Restrictions for the subdivision, each residence will be required to install an interior fire sprinkler system”.

In the SIA under Section II Conditions That Run With The Land: an additional paragraph shall be added that outlines what the HOA is responsible to maintain which includes but is not limited to, road repair of any nature, repair of water and sewer lines and snow removal. **(Condition #6)**

- f. **Schools** –School children would attend Boulder Elementary, Lewis & Clark Middle and Senior High School. Given there are only five building lots proposed with this subdivision there will be a minimal effect on schools.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision, as it is a Minor subdivision.
- h. **Mail Delivery** - The United States Postal Service indicated that a Central Box Unit will be required. The size of the box will depend on the number of deliveries. The location of the Central Box Unit shall be reviewed and approved by the post office.

3. Effect on the natural environment

The proposed subdivision should have only minor effects on the natural environment. There will be short term air and noise pollution associated with construction on the property. Stormwater shall be managed in compliance with an approved plan and the property is outside of the flood plain. New development will need to follow recommendations of the geotechnical analysis to minimize any potential impacts from soil and groundwater conditions.

Future home owners should be aware that they are building in close proximity to steep slopes and cliff areas. During storm events there is the possibility of water flooding down the steep grades causing damage to their property. Also, being near cliffs there is the heightened possibility of large rocks and boulders rolling down the steep slopes and doing damage to property. These things should be taken into consideration when constructing homes in the area. It is recommended that to alert future property owners in this subdivision of these issues, language should be added in the SIA under Conditions That Run With The Land **(Condition #7)**.

4. Effect on wildlife and wildlife habitat

The proposed subdivision should not affect wildlife or habitat. There are no known endangered or threatened species on the property. However Montana Fish Wildlife and Parks stated that the area is known to have resident deer, mountain lions, wild turkeys and other wildlife presence, a note informing future land owners of this possibility is found in the ‘Conditions that Run with the Land’ section of the SIA.

5. Effect on the public health, safety and welfare

The subdivision should not negatively affect public health or safety. The subject property is not within a mapped floodway or flood zone. A geotechnical survey will be required prior to

construction to ensure appropriate foundation designs are installed based on the subsurface conditions. There are no obvious threats to public health, safety or welfare.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-901]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA and 23-901, BMCC.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the Urban Area Transportation Plan, 2009 Update, and the Heritage Trail Plan? [BMCC 23-303(H)(3)]

1. Yellowstone County-City of Billings 2008 Growth Policy Update

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

- a. **Goal: Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans (p. 6).**
- b. **Goal: Contiguous development focused in and around existing population centers separated by open space (p. 6).**
- c. **Goal: More housing and business choices within each neighborhood (p. 6).**

2. Urban Area Transportation Plan Update 2009

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

3. Billings Area Bikeway and Trail Master Plan

There is a proposed long range bike lane identified north of this subdivision. No improvements will be required with this subdivision to meet the Billings Area Bikeway and Trail Master Plan recommendations. However the Alternative Modes Coordinator has identified a natural trail located on this property. It passes along the base of the Rimrocks through the eastern portion of Lot 2 and into Lot 1. The closest trailhead is located less than 400 feet to the south of the property. It appears to be used by humans and connects from on top of the Rimrocks through the subject property and east approximately 1.4 miles to Pine Cove Road. The subdivider may want to determine what the future of the existing trail will be in the subdivision.

4. Neighborhood Plan

This proposed subdivision is not in an area that has a neighborhood plan. It does meet some of the goals and objectives of the Yellowstone County and City of Billings Growth Policy listed earlier in the Findings of Fact.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b), BMCC 23-303(H)(2)]

The proposed subdivision, with the proposed conditions, satisfies the requirements of the Montana Subdivision and Platting Act and conforms 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.

Does the subdivision conform to sanitary requirements? [BMCC 23-408]

The subdivision will be served by an existing 8-inch sanitary sewer line located in Canyonwoods Drive. Private sewer mains will be extended into Price Subdivision in the private portion of Canyonwoods Drive. Lot owners will connect to the sanitary sewer when construction takes place. The private sanitary sewer under Canyonwoods Drive will be maintained by the homeowners association.

F. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-303(H)(2)(e)]

The subject property is located in R-96 zoning. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

G. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-303(H)(2)(b)]

It is recommended that the developer work with NWE and MDU to show the needed easements on the final plat (**Condition #1**).

H. 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 23-303(H)(2)(c)]

Access to the subdivision shall be from Canyonwoods Drive. In the proposed Price Subdivision Canyonwoods Drive will be extended as a private road. Canyonwoods Drive will provide access to Lots 1, 4 and 5 in the proposed subdivision. Lots 2 and 3 will have access off of a Private access easement that comes off of Canyonwoods Drive. Easements shown on the plat and described in an easement document will be filed with the final plat.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Price Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy and does not conflict with the 2009 Transportation Plan Update or the Trail Plan.
- 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, February 10, 2014

Thomas W. Hanel, Mayor