

**Findings of Fact**  
**Mont Vista Subdivision, 2<sup>nd</sup> Filing**

The Yellowstone County Board of Planning recommends the following Findings of Fact for Mont Vista Subdivision, 2<sup>nd</sup> Filing 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 23-302(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 contained on its own lot within a 66-foot wide easement. 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 in order to access that water there a lateral ditch through the center of Mont Vista, approximately where the parkland is proposed and then south. The subdividers have preserved this water right by slightly realigning the lateral's course. In addition, this realigned lateral ditch may be used to channel stormwater in large storm events as it historically done to the detention basin in the southeast corner of the subdivision.

**2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings from a water main extended to the subdivision from 54<sup>th</sup> St. West. The subdivider 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 the 3rd Filing 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 extended from 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 stormwater (everything east of Tulane Drive) will be channeled to the detention pond created in the 1<sup>st</sup> Filing within the private parkland area at the southwest corner of the subdivision. 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.

Storm water runoff from the other eastern-most areas of this filing will be channeled to a stormwater detention pond in the southwest corner of the central park area. These and all other drainage improvements shall also 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.

- 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 proposed subdivision will be served by the main entry street off of 54<sup>th</sup> Street West created with the first filing. From the entryway, the loop road Chappel Hill Drive will provide access to five cul-de-sac roads running north/south terminating at the Cove Ditch right-of-way. 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.

A Traffic Impact Study (TIS) was completed for the entire Mont Vista Subdivision Master Plan in order to evaluate the subdivision’s anticipated 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> Street West and Grand Avenue. Contributions were also identified for the future improvement of the property’s frontage along 54<sup>th</sup> Street West and Rimrock Road. Prior to final plat approval, the subdivider shall make the appropriate contributions for these improvements **(Condition #1)**.

- 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 “Continued development has adversely affected our ability to deliver service.” The subdivision is located within the ambulance service area of American Medical Response (AMR).

As with the first filing, access to the 2<sup>nd</sup> 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 built an emergency access road to the north to Rimrock Road. This emergency access road will extend from the end of Cornell Circle within an easement through Lot 24, Block 4, to Rimrock Road. A recordable easement

document shall accompany the final plat documents specifying that the emergency access road must remain in place until such time as a second full access to the subdivision via 50<sup>th</sup> Street West is constructed (**Condition #2**).

- 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. A new middle school is slated for construction just south at Grand Avenue and 56<sup>th</sup> Street West, and is expected to be completed by the Fall of 2017.
- 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 second filing the 11% requirement amounts to 1.76 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 preserve 1.88 acres of open space along the Cove Ditch on the northern property boundary. This open space is proposed to be kept in a natural state, and may be accessed by 10-foot wide private pedestrian easements found at the ends of Hanover Circle, Aurburn Circle, and Tulane Drive, as well as from the public park area dedicated with the first filing.

Concurrent with this second filing plat review process, the Parks Department staff are facilitating a developer-funded Park Master Plan process as was required by the Planned Development Agreement and 1<sup>st</sup> Filing Subdivision Improvements Agreement. The requirement stems from the need to ensure that the stormwater management area within the southern area of the park is designed to complement and coordinate with park needs.

- 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 #3**).

### **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 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. This requirement is noted in the 'Conditions that Run with the Land' section of the SIA.

### **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. 2014 Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2014 Billings Urban Area Long Range Transportation Plan 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. 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 corridor planned along Cove Ditch and within the open space preserved with this filing.

**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)]**

Phase I of the development is zoned as the Mont Vista Planned Unit Development. Phase II is zoned Residential-9600. The lot sizes and building densities within each phase conform to the requirements of the applicable zoning. 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 NWE 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 Chappel Hill Drive, Amherst Drive, Cornell Circle, Hanover Circle, Auburn Circle, and Tulane Drive.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Mont Vista Subdivision, 2<sup>nd</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, February 23, 2015.

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Thomas W. Hanel, Mayor