

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Canal Vista Subdivision. 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 23-303(H)(1)]**

**1. Effect on agriculture and agricultural water user facilities**

The subject property is not used for agriculture, and has no agriculture irrigation facilities serving it. The land is currently vacant lots with no improvements on them. The owners are proposing to create 2 lots for single family patio homes with common area. To the east of the property is a BBWA waterway. Comments from the BBWA has indicated that they require a 100 foot easement over the ditch to be able to access it for cleaning and other maintenance with a Track hoe and a Bulldozer. The applicant will need to coordinate an easement with the BBWA along the east edge of the proposed subdivision. **(Condition #1)**

**2. Effect on local services**

- a. **Utilities** – The County Water District of Billings Heights provides water service for the proposed subdivision. There currently exists 8 inch water mains in Ditton Drive and Lake Heights Drive at the north and south ends of the proposed subdivision. The applicant will be installing 8 inch water lines to create a looped water system in this subdivision. They will also include the installation of the required number of fire hydrants for the development with correct water lines to those as well. All water lines will be installed to meet the specifications of the District and the regulations of the MDEQ, with the required fees at the time of proposed installation. This requirement is noted in the SIA under the heading VI. Utilities A. Water.

Sewer services are to be provided by the City of Billings. There is an existing 8-inch sewer main in Ditton Drive that this proposed subdivision will connect to. The new sewer lines within the proposed subdivision will be sized as required by regulations and will provide connections to all proposed new houses within the subdivision. The applicant will do all installation in conformance with all design standards and requirements of the MDEQ and with the City of Billings Engineering Division, Public Works. Installation drawing will be reviewed and approved prior to installation. These requirements are noted in the SIA under the heading VI Utilities B Sanitary Sewer.

Private utilities will be installed in easements outside of the right of way and will be installed prior to surface improvements. Those easement sizes and locations will be coordinated with the private utility companies. **(Condition #2)**

- b. **Storm water** – Storm water management will be designed to meet the requirements of the City of Billings Stormwater Management Manual and Section 23-706 BMCC. The

applicant is proposing three different options in the SIA at this time. At the time of final plat they will have a final option in place as worked out with the City of Billings Engineering Division. **(Condition #3)**

- 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 applicant is proposing to construct two streets within the subdivision. One street will be a public street, Lake Channel Drive and will connect to Ditton Drive on the south and to Lake Heights Drive on the north. The streets will be built to city standards with a width of 34 feet back of curb to back of curb. Sidewalks will be boulevard type sidewalks on the public street and the timing of installation will be approved through City Engineering. There has been a variance request made to install curb walks on private streets within the subdivision that is discussed in Attachment A. All street improvements will meet the requirements of City of Billings Engineering Division. **(Condition #4)**
- e. **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 located at 1601 Saint Andrews Drive (Station #6). The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** – This subdivision is within the Independent School District for Elementary and they state they have additional capacity for students. They also state this subdivision is not on a bus route and the parents will be responsible to get the children to and from school. For Middle School and High School, this subdivision is in School District #2. Middle School is Medicine Crow which has additional capacity for students. High School will be Skyview, which shows it is just 3 students under maximum capacity. School District #2 did not state if there is a bus route in the area.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision as parkland dedication was met with the original Lake Hills Subdivision.
- h. **Mail Delivery** - Postal service will be required for this proposed subdivision. The post office has indicated they will be required to provide a location for a Central Box Unit (CBU). This area needs to provide enough space for the postal vehicle to safely pull off the road to deliver the mail. The applicant will work those details out with the USPS. **(Condition #5)**

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

The proposed subdivision should have minimal effect on the natural environment. There is housing to the west of the proposed subdivision and this land has been planned to have residential development on it for quite some time. 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. The proposed subdivision should have minimal affect wildlife or habitat.

### **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. 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 2016 City of Billings Growth Policy , the 2018 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]**

#### **1. City of Billings 2016 Growth Policy**

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

- a. **Essential Investments (relating public and private expenditures to public values):** Infill development and development near existing City infrastructure may be the most cost effective. (p.6) Neighborhoods that are safe and attractive and provide essential services are much desired (p. 7).
- b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Implementation of the Infill Policy is important to encourage development of underutilized properties. (p.8)

#### **2. 2018 Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified within the plan.

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

The Billings Area Bikeway and Trail Master Plan covers this area. The nearest trail goes along Annandale Road to the south of this proposed subdivision. No improvements will be required with this subdivision to meet the Trail Plan recommendations.

### **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.

**E. 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 Residential 9600 zoning. All development shall comply with the standards set forth in Section 27-309, BMCC. Final zoning compliance will be determined at the time of the building permit.

**F. 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)]**

The plat does not provide easements for utilities. Those will be provided at a future time when the land is either re-subdivided or there is a proposed Master Site Plan.

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

Access to the subdivision are from Ditton Drive and from Lake Heights Drive.

**CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat for Canal Vista Subdivision, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy, and does not conflict with the 2018 Transportation Plan or the Bikeway and Trail Master 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, March 11, 2019

---

William A. Cole, Mayor

pc. WWC Engineering