

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Silver Creek Estates Amended 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 used for agriculture and there is a ditch running along the southern boundary, High Ditch, and there is one just above the northern boundary, Cove Ditch. This parcel was previously platted and recorded on August 4, 2015. The proposal will not have an impact on existing agricultural areas as it was previously platted and will be again. There is no anticipated negative effect on agricultural irrigation facilities or agriculture from this proposal.

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

- a. **Utilities** – Water service for the proposed lot will be provided by the City of Billings. There are currently no water lines in the subdivision. There are existing water service lines in Silver Creek Trail and Gold Creek Trail to the east that will serve the subdivision. All water line connections shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations. The applicant in the SIA under Utilities A. Water, will define where the water lines are currently located near this proposed subdivision and that there will be no water lines installed within this subdivision. **(Condition #1)**

Sewer services are to be provided by the City of Billings. There are currently no sewer lines in the subdivision. There are existing sewer service lines in Silver Creek Trail and Gold Creek Trail to the east that will serve the subdivision. All sewer line installation shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations. The applicant in the SIA under Utilities A. Sanitary Sewer, will define where the sewer lines are currently located near this proposed subdivision and that there will be no sewer lines installed within this subdivision. **(Condition #2)**

Private utilities such as electric and gas are available to the lot. Existing Easements will be abandoned with this proposed plat. There are no existing private utilities in this area of the original filing of Silver Creek Estates Subdivision.

- b. **Storm water** – This subdivision is not proposed to be developed as a single lot and will continue to allow storm drainage to occur as it historically has as farm land. The applicant in the SIA under V. Storm Drainage, will define there will be no storm water infrastructure installed with this subdivision and when the single lot is re-subdivided in

the future at that time the applicant will be required to provide storm water management infrastructure. (**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 proposed subdivision does not create any new roads but it does vacate existing rights-of-way. The process of abandoning dedicated streets has been completed by City Engineering. There are no existing streets in the existing subdivision that are being vacated with this process just platted rights-of-way. The streets that will be vacated will be the entire length of Blue Mountain Trail. Silver Creek Trail will be vacated approximately 655 feet west from the intersection of Gold Creek Trail and Silver Creek Trail to its terminus to the north west. Gold Creek Trail will remain in its entirety; it is outside this proposed subdivision. In the SIA under III Transportation A., there is a paragraph that briefly describes the purpose of this subdivision. That paragraph needs to be clarified to more clearly define what is taking place. (**Condition #4**)
- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. This property is serviced by Fire Station #7 which is located at 1501 54<sup>th</sup> Street West. The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** – This subdivision should have minimal effect on schools as it is vacating a plat and will not add any housing to the area.
- g. **Parks and Recreation** - Parkland dedication is not required for this subdivision pursuant Section 23-1008, A., a minor Subdivision.
- h. **Mail Delivery** - The subdivider will not be required to provide mail delivery boxes.

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

The proposed subdivision should have no effects on the natural environment because there will be no construction associated with the proposed subdivision.

### **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.

### **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 City of Billings 2016 Growth Policy, the 2014 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trail Master Plan Update? [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:

- 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)
- b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Implementation of the Infill Policy is important to encourage development of underutilized properties. (p.8)

**2. 2014 Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2014 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 identified bike trail is along the Cove Ditch to the north of the subject property. No new 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 R-70 and R-60 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.

**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 will provide easements for utilities within the proposed subdivision. It is recommended that the developer work with NWE and MDU and show the needed easements on the final 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 23-303(H)(2)(c)]**

Access to the subdivision will be from Silver Creek Trail, Golden Creek Trail and 50<sup>th</sup> Street West. The plat does provide legal and physical access to each lot.

**CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat for Silver Creek Estates Amended 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 2014 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 12, 2018

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William A Cole, Mayor