

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Silver Creek Estates Subdivision, 2<sup>nd</sup> Filing. 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 23-302.H.2.]**

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

The subject property is used for agriculture and the High Ditch runs along the southern boundary. There is another ditch just above the northern boundary of the subdivision, called the Cove Ditch. The proposed subdivision will not have an impact on existing agricultural areas because it was previously platted and this proposed subdivision will re-plat the land. There is no anticipated negative effect on agricultural irrigation facilities or agriculture from this proposal.

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

- a. **Utilities** – Water service will be provided by the City of Billings. There are existing water lines located in Silver Creek Trail, east of the proposed subdivision. There is another existing water main in Gold Creek Trail near the north east corner of the proposed subdivision. New water services shall be installed in the streets and there will be a stub into each proposed lot for future homes to connect into the water line. Proposed water mainline installation will be reviewed and approved by City of Billings Engineering prior to installation **(Condition #1)**.

Sanitary sewer service will be provided by connecting to an existing sewer main located in Silver Creek Trail, east of the proposed subdivision. There is another existing sewer main in Gold Creek Trail near the north east corner of the proposed subdivision. There is also one in 50<sup>th</sup> Street West located near the south east corner of the proposed subdivision. New sewer services shall be installed in the streets and there will be a stub into each proposed lot for future homes to connect into the sewer line. Proposed sewer mainline installation will be reviewed and approved by City of Billings Engineering prior to installation **(Condition #1)**.

MDU will provide gas services, and Northwestern Energy will provide electric services to the subdivision. Both utilities are asking for easements along the front property line. Easements shall be shown on the face of the final plat that are acceptable to these utility providers **(Condition #2)**.

- b. **Storm water** – The applicant is proposing to collect storm water and direct it with the use of streets, gutters and storm drains to get it to detention facilities within the subdivision. The proposed systems will be required to be outlined in a

Stormwater Management report submitted to the City of Billings Engineering Department for review and approval. The detention ponds proposed in the subdivision shall be maintained by the Home Owner Association (HOA). There will be an Operation and Maintenance manual prepared by the applicants' agent that will be reviewed and approved by the City of Billings Engineering Department. The applicant will provide an easement over the entire drainage system with the City of Billings as the benefitted party. Should the HOA fail to maintain the drainage system the city would have the right to repair the system and create an SID in the subdivision to cover the cost of the repair (**Condition #1**). This is referred to in the SIA under V. Storm Drainage. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the 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 proposed subdivision will have access from Gold Creek Trail and Silver Creek Trail from the original filing of Silver Creek Estates Subdivision. Blue Mountain Trail and two other new streets yet to be named shall provide access to all lots within the proposed subdivision (**Condition #3**). Gold Creek Trail will connect to 50<sup>th</sup> Street West. This filing will connect to the original filing which provides access on Elk Ridge Trail and Silver Creek Trail out to 46<sup>th</sup> Street West. All new streets will be within a 56-foot-wide right-of-way built to a 34-foot width from back of curb to back of curb. The applicant is responsible for a portion of the construction of 50<sup>th</sup> Street West and will work with City of Billings Engineering to build their required portion from Gold Creek Trail to the north boundary of the Silver Creek Estates Subdivision. The subdivision is required to construct boulevard sidewalks. Sidewalks will be installed with the development of each lot. The applicant will install all required sidewalks and ramps at the intersections of the subdivision. The applicant will also build a sidewalk on the north edge of lot 27 at the time of street construction that connects to the future 50<sup>th</sup> Street West.
- 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** – School District #2 provides educational services from elementary through high school. School District #2 Administration states that Boulder Elementary School, Ben Steele Middle School, and West High School will serve the children in this subdivision. School District #2 Administration indicated that Boulder Elementary is under capacity with Ben Steele Middle School and West High School both over maximum capacity at this time.

- g. **Parks and Recreation** – Parkland dedication requirements for this subdivision were met with the previous filing of the original Silver Creek Estates Subdivision. The Parks Maintenance District (PMD) will be expanded to include the new lots within this subdivision.
- h. **Irrigation Ditches** – This proposed subdivision has two ditches near it, one on the north and one on the south. The one to the north, Cove Ditch, is not within this filings boundaries. The ditch to the south, High Ditch, is within this filings boundaries. On the face of the plat, the applicant is showing an existing 10-foot-wide easement for maintenance along the north edge of the High Ditch. The easement document number is 3749073. The applicant is providing an additional 10 feet to that easement for a total of a 20-foot-wide maintenance easement. A new easement document for the entire 20-foot easement shall be submitted with the final plat. In that easement document, the applicant will show that the easement is for the benefit of the High Ditch Company for maintenance. An agreement for the use of this ditch by the City of Billings for stormwater management is currently in place with the High Ditch Company. The easement document will also include language that will provide, in the future, for the City of Billings to be able to continue use of the ditch for drainage purposes should the High Ditch determine to no longer maintain ownership of the ditch (**Condition #4**). This information shall also be addressed in the SIA (**Condition #5**).
- i. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested central delivery site with boxes to serve the new houses. It is recommended as a condition of approval that the developer obtain a letter from the USPS approving the location of the new centralized mail box site(s) prior to final plat approval (**Condition #6**).

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

The subject property has been planned for urban development since its original platting in August of 2015. This land has been used for active farming in the recent past. The subject property is farm land and is not a significant habitat for wildlife. Montana Fish Wildlife and Parks indicates there is some antelope and deer grazing that takes place but not a significant amount. 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 deer and antelope 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**

There will be no impacts to public health, safety and welfare as a result of this subdivision. The subdivision is located in an area with no known natural hazards.

**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 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):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).
- c. **Mobility and Access (transportation choices in places where goods and services are accessible to all):** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings (p. 9).

**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 in the plan.

**3. Billings Area Bikeway and Trail Master Plan (BABTMP)**

The proposed subdivision lies within the jurisdiction of the BABTMP. 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) and BMCC 23-302.H.3.a.]**

The proposed subdivision 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 23-302.H.3.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 23-302.H.3.b.]**

Easements for utilities will be shown on the final plat as requested by all utility providers.

**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.]**

Access to the subdivision will be from Silver Creek Trail and Golden Creek Trail through the original filing of Silver Creek Estates Subdivision. The proposed plat does provide legal and physical access to each lot.

**CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat of Silver Creek Estates Subdivision, 2<sup>nd</sup> Filing 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 Map or BABTMP 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.

**RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Silver Creek Estates Subdivision, 2<sup>nd</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.