

Amended Lots 2A-4-A, 2A-5A, 3A, and 4E, Block 1, Shiloh Crossing Subdivision  
Findings of Fact

Staff is forwarding the recommended Findings of Fact for Amended Lots 2A-4-A, 2A-5A, 3A, and 4E, Block 1, Shiloh Crossing 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, 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 (23-303(H)(1), BMCC)]**

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

The subject property was historically used for irrigated agriculture land and more recently used as a gravel extraction site prior to the subdivision's originally platted in 2008. With completion of the Shiloh Road corridor upgrades last year, this and surrounding properties are poised for further development and should not have an impact on agriculture production or activities in the area. The Billing Bench Water Association's (BBWA) ditch is located on a portion of the south side of the property within its own right-of-way. The subject property does not have water rights or shares to this or other area ditches. Overall, there is no anticipated effect on irrigation facilities or agriculture in the area.

**2. Effect on local services**

- a. **Utilities** – Individual water services for the proposed subdivision shall come from the existing public main located within public utility easements. Lot owners will be responsible for extension of water services, hydrants, and any required water meter vaults at the time of lot development.

Sewer services are to be provided from an existing public sanitary sewer main within a public easement. Individual services may be provided upon lot development at the developers expense, to serve all lots in this subdivision.

Private utilities such as electric and gas are available to the lots upon development. It is recommended that the utility companies be given the opportunity to review and approve the final easement placement (**Condition #1**).

- b. **Storm water** – Storm water management improvements will be evaluated at the time of lot development. All drainage improvements shall comply with the provisions of the 2011 City of Billings Storm Water Management Manual. A Storm Water Pollution Prevention Plan (SWPPP) will also be required at the time of lot development to mitigate any construction related storm water pollution.
- 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** –Shiloh Road fronts the subject property’s west side, and a network of private interior roads built to City standards are found throughout the subject property. Access to all 5 lots will be gained from the interior private roads as a no-access easement exists along Shiloh Road with three approach exceptions. No improvements are needed for Shiloh Road as a result of this subdivision. Internal road development will be reviewed and approved at the time of lot development.
- e. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency services stations are located at Grand Avenue and 54<sup>th</sup> St. West (Station #7) and near South 24<sup>th</sup> St. and Monad (Station #5). The subdivision is located within the ambulance service area of American Medical Response. The Fire Department will review hydrant needs for new development at the time of building permit review.
- f. **Schools** –Schools will be minimally affected by this subdivision as it is a commercial subdivision.
- g. **Parks and Recreation** - A parkland dedication is not required, as this is a commercial subdivision.
- h. **Mail Delivery** - The United States Postal Service indicated that a centralized delivery site will be required. The location of any new mailbox units 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, as there may be short term air and noise pollution associated with construction on the property. The subdivision is located near the corner of two arterial streets in a developed area of the City. The subject property is outside of the flood plain.

### **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? (76-3-616, MCA) (23-901, BMCC)**

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? (23-303(H)(3), BMCC)**

**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: Visually appealing rights-of-way that serve the needs of all modes of travel (p. 11).**

**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. Heritage Trail Plan**

The Heritage Trail Plan has specified a multi-use trail along the Shiloh Road corridor, and this trail was constructed in recent years with the upgrades to the road. Additionally, a future trail corridor is identified along the north side of the BBWA. A 15-foot trail easement was provided with the original plat of this property in this area and is shown on this plat amendment. 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 (23-303(H)(2), BMCC)]**

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 subdivision conform to sanitary requirements? [(23-408, BMCC)]**

The property is served by the City of Billings' water, sewer and solid waste services.

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

The subject property is located within the CI and SSCOD zoning districts and complies with the standards set forth in Section 27-309, BMCC. New development will be further reviewed for compliance upon building permit submittal.

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

Many of the utilities are already in place so new development will just need to tap into the existing lines. In case the new service lines cross property boundaries, **Condition #1** requires the subdivider to work with the City Engineering Division and the private utility companies to provide acceptable utility easements on the plat if necessary.

**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 (23-303(H)(2), BMCC)]**

Access to the subdivision shall be from the internal private streets that will be reviewed at the time of site development. All internal shared streets or driveways are covered under existing reciprocal access easements filed with the original plat.

**CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat of Amended Lots 2A-4-A, 2A-5A, 3A, and 4E, Block 1, Shiloh Crossing 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 Heritage 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, October 24, 2011.

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Thomas W. Hanel, Mayor