

FINDINGS OF FACT

Staff is forwarding the recommended Findings of Fact for Shiloh Commons 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(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 land that has not been farmed in recent years. There are no irrigation ditches on the property. As such, this development should not have a negative effect on agriculture.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. The developer 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).

Water service for this proposed subdivision will be provided from a 12-inch water main installed within the private road, Shiloh Commons Way. Service stubs will be installed to each lot property line within the subdivision. At the time of individual lot development water from the property line stub to the buildings on the development will be done by the property developer/owner. This is identified in the SIA. The applicant is proposing with this subdivision to have the internal road as a private road. Water service lines inside the subdivision need to be identified as either public or private. In the SIA in **Section VI Utilities** language need to be added to identify public or private water service lines. **(Condition #1)**

Sanitary sewer service will be provided by connecting to an 8-inch public sewer main within the internal private road, Shiloh Commons Way. Each service will be stubbed to the property line. Extension of the sewer service from the property line shall take place at the time of lot development. The subdivider will install new sewer mains in the local street 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. The applicant is proposing with this subdivision to have the internal road as a private road. Sanitary sewer service lines inside the subdivision need to be identified as either public or private. In the SIA in **Section VI Utilities** language need to be added to identify public or private sanitary sewer service lines. **(Condition #1)**

MDU will provide gas services and Northwestern Energy will provide electric services to the subdivision. In the SIA under **VI Utilities C. Power, Telephone, Gas and Cable Television** it is stated that there is a 10-foot-wide private utility easement at locations shown on the face of the plat. The applicant will coordinate locations for utility easements with the private utility providers and place those easements on the plat. **(Condition #2)**

- a. **Storm water** – Storm water drainage system is proposed to be conveyed to the collections system via surface flows on the street and parking lots. The system will consist of a network of catch basins, inlets and piping to convey storm water to subsurface detention facilities. Discharge from these facilities will be to the Shiloh Drain system which is west of the subdivision and west of Shiloh Road. These and all other 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 City Engineering Division. **(Condition #3)**

Storm water facilities within the subdivision will be maintained by the Home Owners Association (HOA) as outlined by the City of Billings Engineering Department regulations. Along with this requirement the applicant will need to submit the HOA documents before final plat approval outlining how the HOA will maintain the system. Should the HOA fail to maintain the storm water system correctly the City of Billings would need to be able to come in and maintain it for them with the ability to create an SID to maintain the storm water facilities. The applicant will have the HOA documents completed and reviewed by the City of Billings Engineering before final plat approval. **(Condition #4)**

- b. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- c. **Streets** – The internal street is proposed to be built to City standards by providing a 38-foot wide street from back of curb to back of curb. The private road will be within a 40-foot-wide perpetual right of way easement. They will be built to meet the requirements of the City of Billings Engineering Department and receive their approval before any construction.

A Traffic Impact Study (TIS) was completed in order to evaluate the subdivision's impact on the street network in the surrounding area. In the TIS provided by the developer, it recommends contribution to Central Avenue construction. The City currently has plans to widen Central Avenue that will include the frontage of this subdivision. This subdivision will either provide a cash contribution to the project costs or participate in the construction of Central Avenue. This project is anticipated to be undertaken by the city in 2019. In other to make final determinations for what will be required from the developer as far as contributions to street construction and to which street intersections, the applicant is asked to add language in the SIA in **Section III, Transportation A. Streets 1. (Condition #5)**

When contributions for street construction are identified with the TIS the applicant will be required to participate in the costs of the street construction, including sidewalks, based on the impacts that are identified. In the SIA in **Section III, Transportation A. Streets** the applicant will add language outlining the different methods those street improvements costs can be met. **(Condition #6)**

Access to the subdivision will be provided by a full access off of Central Avenue, a new right in, right out from Central Avenue, a right in, right out from Shiloh Road, this already exists, and a $\frac{3}{4}$ approach from Shiloh Road on to Howard Avenue, also already in existence. All new proposed accesses will need to receive approval from City Engineering and built to City of Billings standards.

The proposed internal street is being shown on this developers' property and on property that belongs to Montana University System for MSU-B. The SIA states that the internal road will be built to City of Billings paved road standards but does not mention the roads location on two different properties within section **III Transportation A. Streets**, in the SIA. It is mentioned in the SIA under **III Transportation E. Access**. The placement of the internal road and the fact it is being built on both properties. In section **III Transportation A. Streets**, the applicant needs to define the internal road location in much more detail and have the appropriate paperwork for all parties to sign agreeing to the road location and reciprocal access to the internal road. **(Condition #7)**

Sidewalks along the internal road within the subdivision are required to be boulevard walks as by subdivision regulations. At the time of development of Lot 1 the developer will install a boulevard walk along the Howard Avenue frontage. **(Condition #8)** In the SIA under **III Transportation B. Sidewalks 2.**, the applicant will add language that specifies Boulevard sidewalks are required along the internal street Shiloh Commons Way. **(Condition #9)**

- d. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire stations are located 1501 54th St. West (Station #7) and 604 S. 24th St. West (Station #5). Fire Department staff has reviewed the proposed subdivision and approve of what is being proposed. The applicant will be installing fire hydrants at the required locations to meet regulations outlined in Fire Code. The Billings Police noted in comments that “continued development will eventually require additional resources to maintain current levels of service”. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** –School District #2 provides educational services to elementary through high school students. Schools that would serve this subdivision are West High School, Will James Middle School and Meadowlark Elementary School. When this subdivision is developed and has occupancy of buildings the school

redistricting will have been put in place and the schools affected by the subdivision may change. At this time a response from School District #2 indicates they have minimal capacity for more students at this time.

- f. **Parks and Recreation** – Because this is a minor subdivision there is no requirement for parkland dedication.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required. A note in the SIA acknowledges this, and indicates the developer’s intent to coordinate mailbox locations with the postal service. **(Conditions #10)**
- h. **Phasing** – There are no plans to phase this subdivision.

3. Effect on the natural environment

The subject property is not farmed and is currently dry grassland. The property is not located within any floodplain. During development, a Storm Water Pollution Prevention Plan (SWPPP) will be in place through the state and 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 note in the SIA that warns future lot owners of the presence of wildlife habitat in the area, and wildlife indigenous to the area may cause damage to their landscaping or interface with domestic animals, residents, and visitors. 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.

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 76-3-210, 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 Bikeway and Trail Master Plan? [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). 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).

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).

d. **Prosperity (promoting equal opportunity and economic advancement):** A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community. (p. 9).

2. 2014 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 Bikeways and Trail Master Plan (BABTMP)

The Billings Area Bikeway and Trail Master Plan covers this area. There is an existing multi-use trail on the west edge of this proposed subdivision along Shiloh Road. No new improvements will be required with this subdivision to meet the Trail Plan recommendation, However, pedestrian and bicycle facilities are planned for the improvements to Central Avenue along the frontage of this subdivision and these will be constructed by either the developer, or the developer will make contributions for the improvements and the City will construct them as part of the larger Central Avenue reconstruction project.

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.]

The subject property is zoned CC and lot sizes are in conformance with those requirements. At the time of building on the lots they will be reviewed for additional zoning requirements through the building permit process.

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 will be providing utility easements as requested by private utility companies throughout the development.

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 Central Avenue, Shiloh Road and Howard Avenue connects to the proposed internal road within the proposed Shiloh Commons Subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Shiloh Commons Subdivision 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 2016 Growth Policy and does not conflict with the Transportation Plan or Billings Area Bikeways 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.

RECOMMENDATION

Staff recommends that the City Council conditionally approve Shiloh Commons Subdivision and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, January 23, 2017

Thomas W. Hanel, Mayor