

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision. These findings are based on the preliminary plat application and supplemental documents; addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(8), 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 (8)(b)]

1. Effect on agriculture and agricultural water user facilities

The subject property is not used as farmland. The original Shiloh Crossing Subdivision was previously a heavy industrial area and there were no water user facilities. The land has not been used for farming for quite some time. This proposed subdivision will have no effect on agriculture or water user facilities.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. Both proposed lots currently have water service to them, no additional water system improvements are required for this subdivision. The subdivider will make connections to the existing water service and any new fire hydrants will be installed 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).
- b. **Sewer** - Sanitary sewer service will be provided by the City of Billings. Both proposed lots currently have sewer service to them, no additional sewer system improvements are required for this subdivision. The subdivider will make connections to the existing sewer service in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

Private utilities exist for the lots and they are currently within easements that have been provided in the past for existing development.

- c. **Storm water** – 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 City Engineering Division.
- d. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- e. **Streets** – The lots in this subdivision will take access from Shiloh Crossing Boulevard. Shiloh Crossing Boulevard is a private internal road built with curb

and gutter, boulevard sidewalks will be built with the development of the lots. There will be no additional road construction for this subdivision.

- f. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. This subdivision is in Fire Station number 5 service area. Station number 5 is located at 605 24th St. West. Fire hydrants will be installed as required by City of Billings Fire Department code.

The Billings Police will provide service to this subdivision. The subdivision is located within the ambulance service area of American Medical Response (AMR).

- g. **Schools** – No additional burden will be placed on School District #2 as this subdivision is for commercial development.
- h. **Parks and Recreation** –No parkland dedication is required to be provided as this is a minor plat and also for commercial development.
- i. **Mail Delivery** - The United States Postal Service (USPS) will provide postal service to the subdivision.

3. Effect on the natural environment

The subject property has been planned for commercial development for several years now, the impacts to the natural environment will be minimal. This property was part of a heavy industrial use site before the current overall development. The natural environment has not existed for quite some time. There will be no additional environmental impact on the subject property.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property.

5. Effect on the public health, safety and welfare

There should be no impacts to public health, safety and welfare because of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-902)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616 (2), MCA.

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

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

Prosperity (promoting equal opportunity and economic advancement): A diversity of available jobs can ensure a strong Billings' economy (p. 9).

Successful businesses that provide local jobs benefit the community (p. 9)

Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses. (p. 9)

2. 2018 Billings Urban Area Long Range Transportation Plan

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

3. Billings Area Bikeways and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a trail on the west side of Shiloh Road and sidewalk on the east side of Shiloh Road. There is no trail identified within this subdivision.

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(8)(b)(1)]

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 (8)(b)(5)]

The subject property conforms to the requirements of current zoning. Additional zoning requirements will be reviewed upon submission of a building permit for the subject lots.

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 (8)(b)(2)]

Private utilities exist for the lots and they are currently within easements that have been provided in the past for existing development. Private utilities will be extended to the new buildings when they are built on the subject property.

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 (8)(b)(3)]

Legal and physical access to the proposed lots is provided from Shiloh Crossing Boulevard.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to some 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 conditional approval of the preliminary plat of Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, March 22, 2021

William A. Cole, Mayor

pc. Stahly Engineering