

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Shiloh Flats 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 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property has been used for agricultural purposes in the past. On the west side of the property there is the Billings Bench Water Association (BBWA) canal. No water rights will be transferred to the future landowners within this subdivision as outlined in City Subdivision Regulations Section 23-412. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. There are lateral ditches present within the proposed subdivision land to irrigate and drain the subdivision when it was used for farming. There are no downstream users from the lateral ditches. These laterals will be abandoned, and the headgates will be removed. The subdivision should not affect agricultural water users' facilities. With farming activity wildlife habitat has not been maintained. There are perimeter areas good for birds to hide in and other smaller animals.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will be extending water lines into the subdivision from Shiloh Road and within Zoo Drive. The developer will be required to extend a 24-inch water main. This line will be from Shiloh Road to the west terminus of Shiloh Flats Way, a new road with this subdivision. New individual services will be provided to all the lots, and new fire hydrants will be installed as required by the City of Billings Fire Department.
- b. Sanitary Sewer service to the subdivision will be provided from an existing sanitary sewer main in Shiloh Road with a connection near the Zoo Drive and Pierce Parkway. The sanitary sewer service to the subdivision will be a gravity sanitary sewer main in Zoo Drive and new internal streets. Appropriately sized main and services in the new internal streets will provide service to the individual lots within the subdivision and future development to the west. Each lot shall be provided with its own separate gravity sewer service.

The subdivider will install all new water lines and sewer lines in the local streets and individual services for each lot in accordance with design standards, specifications, rules, and regulations of the City of Billings Engineering/Public Works Department and MDEQ. This is outlined in the SIA under the heading 'VI. Utilities.'

Private Utilities will be provided from existing facilities to the subdivision. The private utilities will be installed easements included on the plat, as requested by the utility companies.

- b. **Stormwater** – The storm drainage system will consist of curb and gutter surface drainage with curb inlets that drain into storm drainage piping. The storm drainage will discharge into a stormwater storage facility. This facility will be located within an easement on Lot 3, Block 1 at the southeast corner of the subdivision. The stormwater will discharge from the storage facility into Canyon Creek at the same rate as has been historically happening in the past. They will not be allowing more water to enter Canyon Creek than it received prior to land development. The storm water storage facility will be maintained by the Subdivider or a Property Owner’s Association (POA). The POA will be established with this subdivision.

Individual lots will be required to manage stormwater in accordance with the City of Billings Stormwater Management Manual in effect at the time of development. This is outlined in the SIA under the heading V. Storm Drainage.

- 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** – All internal access roads and site improvements within the subdivision will be in accordance with the City of Billings Site Development Ordinance, City Zoning Ordinance, the Stormwater Management Manual, and other applicable City codes, rules, and regulations.

Zoo Drive shall be a minimum width of 39 feet wide from back of curb to back of curb within a 70-foot-wide right-of-way. Flatiron Street north of Zoo Drive, Currently Bears Way, shall be a minimum of 34 feet wide, back of curb to back of curb within a 56-foot wide right of way. The street improvements will be completed by private contract. All street right-of-way shall be in accordance with subdivision regulations. The street from the subdivision to the north is currently named Bears Way. Bears Way is a private road; the developer has been in contact with City Engineering and with the owner of the private road. Changing Bears Way to Flatiron Street was agreeable to the property owner to the north. There are no homes addressed off Bears Way. The following is an email message from the agent to clarify the road names to planning. “We discussed this with Engineering and they wanted continuity either side of the roundabout for naming continuity. We reached out to Cal Kunkel about changing Bears Way to Flatiron Street, which he was agreeable to. Since Bears Way is private, Engineering said we could do that administratively. The developer will be required to make the road name change prior to final plat.” **(Condition #1)**

Flatiron Street, south of Zoo Drive and Shiloh Flats Way, shall have a right of way of 60 feet. Flatiron Street, shall have a combination of parallel and angled parking along its length and have a minimum 22-foot-wide, two-way, drive aisle. Shiloh Flats Way shall be 39-feet-wide from back of curb to back of curb. Public access through the subdivision for those that live on Summer Lane shall be maintained at all times. **(Condition #2)**

Access will be provided for the subdivision by constructing Zoo Drive west of Shiloh Road. This street connection will access Shiloh Road via the existing roundabout. A center

median shall be installed on Zoo Drive that extends west of the intersection with Shiloh Road to the intersection of Flatiron Street. The median and intersection designs shall be approved by the City Engineering office prior to any construction. One (1) right-in/right-out approach (each), to Zoo Drive, is allowed near the common lot line of Lots 1 and 2 of Block 1 and for Lot 1 of Block 2. These approaches must be a minimum of 250 feet west of the Shiloh Road right-of-way boundary (as measured along the center line of Zoo Drive).

The sidewalks will be installed by the respective lot owners on a lot-by-lot basis, as lots develop. Sidewalks along the street frontage shall be minimum 5-foot-wide and separated with a boulevard width not less than five feet. The developer will also install all ADA required ramps at the intersections within the proposed subdivision. This information is in the SIA under the heading III Transportation

A second access to the subdivision will be a private road, Shiloh Flats Way, with right in/right out access to Shiloh Road restricted by an existing median in Shiloh Road. Shiloh Flats Way shall be located approximately 620 feet south of the centerline of the Shiloh Road and Zoo Drive roundabout. Approaches from Shiloh Flats Way must be a minimum of 150 feet west of the Shiloh Road right-of-way boundary as measured along the center line of Shiloh Flats Way. The no access of 150 feet from Shiloh Road going west into the subdivision along both sides of Shiloh Flats Way, is to prevent conflicts in traffic coming off of Shiloh Road or those leaving the subdivision to access Shiloh Road.

There is an existing 30-foot-wide access road easement along the south property line. This access provides access for some homes on the west edge of the property near the BBWA. It is Summer Lane and currently provides unrestricted access to Shiloh Road. The easement is to remain in place west of the new road, Flatiron Street, to allow continued access to/from westerly properties. Summer Lane will end at the intersection of Summer Lane and Flatiron Street. It will connect to Flatiron Lane allowing movement through Shiloh Flats. This will enable home owners to the west to exit at the roundabout of Zoo Drive and Shiloh Road. The portion of the easement for Summer Lane will be vacated between Flatiron Street and Shiloh Road. The Summer Lane access to Shiloh Road is to be removed.

A 10-foot-wide multi-use path is already in place along the street frontage of Shiloh Road.

Traffic Impact Study overview:

The City of Billings calculates financial contributions toward improvement costs at impacted intersections based on the developer's contribution of entering traffic to the total entering volume at failing capacity for the intersection. The proposed contributions for this study were calculated based on the sum of critical lane volumes generated by both the Phase 1 and full buildout of this development compared to the capacity thresholds specified by the City of Billings. This development's portion of the critical volumes for impacted intersections are as follows for the Phase 1 (2030) / Full Buildout (2035) scenarios, respectively:

- ☐ Hesper Road & Shiloh Road – 6.54 percent / 7.42 percent
- ☐ Shiloh Road & Zoo Drive – 33.67 percent / 35.08 percent
- ☐ Shiloh Road & Pierce Parkway – 7.92 percent / 8.58 percent
- ☐ Shiloh Road & Neibauer Road – 2.28 percent / 2.46 percent
- ☐ Wise Lane & South Frontage Road – 1.32 percent / 1.40 percent
- ☐ Wise Lane & MT-302 – 0.92 percent / 1.08 percent
- ☐ Hesper Road & Gabel Road – 4.17 percent / 4.58 percent
- ☐ Gabel Road & Zoo Drive – 5.38 percent / 6.29 percent
- ☐ Zoo Drive & I-90 WB Ramps – 3.33 percent / 3.46 percent
- ☐ Zoo Drive & I-90 EB Ramps – 5.58 percent / 5.00 percent
- ☐ Zoo Drive & S Frontage Road – 4.00 percent / 4.17 percent
- ☐ Zoo Drive & Canyon Creek Road – 3.88 percent / 4.63 percent

The TIS shall be submitted, and reviewed, by City Engineering for a final approval before final plat can take place. The cash contributions shall be based on the percentage of traffic contributions to the intersections on the total cost of an intersection as determined by Engineering for the year in which the contribution is made. The cash contribution shall be made prior to final plat approval as outlined in III. Transportation, D. Traffic Control Devices.

Street lighting is not required in a commercial subdivision. Commercial developments tend to build their parking areas with lighting.

- e. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that provides service for this area is shown as Fire Station #9, Future, and will be located at the northeast corner of the intersection of S 48th St W and Hesper Road. 1501 54th St W station #7 and 605 S 24th St W station #5 are the other two that are closest to the subject property. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – This proposed subdivision is a commercial subdivision and will have no impacts on school enrollment.
- g. **Parks and Recreation** – This subdivision is not required to provide parkland. Minor subdivisions are not required to provide parkland.
- h. **Mail Delivery** - The developer shall coordinate with the United States Postal Service to determine the preferred type and location of mail delivery system for this subdivision. **(Condition #3)**
- i. **Phasing of Development** – This subdivision will not be developed in phases.

3. Effect on the natural environment

The subject property is currently vacant with the proposed use of commercial development. The property is not located within a floodplain. 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 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 public health, safety and welfare

There will be no significant impacts to public health, safety and welfare because 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 76-3-616, MCA.

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2014 Transportation Plan, 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:

Essential Investments (relating public and private expenditures to public values):

Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.

Landscaping of public rights of way and entryways make Billings more visually appealing to residents and visitors.

Infill development and development near existing City infrastructure may be the most cost effective.

Community Fabric (attractive, esthetically pleasing, uniquely Billings):

Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity.

Prosperity (promoting equal opportunity and economic advancement):

A diversity of available jobs can ensure a strong Billings' economy.

3. 2023 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2023 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. Billings Area Bikeway and Trail Master Plan (BABTMP)

The Subdivision is within the Billings Area Bikeway and Trail Master Plan. Along the west side of Zoo Drive there is a 10-foot-wide bike and pedestrian trail already built. Along the east side of

Shiloh Road and south side of Zoo Drive, along the frontage of the Costco retailer, there is a sidewalk for pedestrian use. No additional improvements of this nature are anticipated.

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 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 NX1 - Mixed Residential 1 to 4 units, CMU1 - Corridor Mixed Use 1 and P2 - Public - Civic & Institutional. The lot frontages conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

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 provide utility easements as requested by private utility companies on the face of the 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 23-302.H.3.c.]

Legal and physical access to the subdivision will be provided by Zoo Drive and Shiloh Road. Internal roads will provide access to individual lots.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Shiloh Flats 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 or Bikeway/Trail 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 to City Council that the preliminary plat of Shiloh Flats Subdivision be conditionally approved, and the Findings of Fact adopted as presented in the staff report.

Approved by the Billings City Council, October 12, 2026

Mike Nelson, Mayor