

PROPOSED YELLOWSTONE COUNTY BOARD OF PLANNING
FINDINGS OF FACT

The Findings of Fact for the preliminary plat of Lone Tree Industrial Park have been prepared by the Planning and Community Services Department staff. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

A. What are the effects on agriculture and agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety? (76-3-608(3)(a), MCA) (Section 3.2.H.2., YCSR)

1. Effect on agriculture and agricultural water user facilities

The Big Ditch is located near the northern lot line of this subdivision and is the nearest irrigation facility to the subject property. There is an existing 30 foot easement along the south side of the ditch that is on this property. There is also the Birely Drain buried under the subject property, there is also a 30 foot easement for the Birely Drain. Both of these easements are shown on the plat. There are no water rights to this property.

2. Effect on local services

a. Utilities – Cisterns are proposed for this subdivision along with septic facilities. Any proposed onsite water and septic systems must comply with the State of Montana Department of Environmental Quality (MDEQ). Preliminary water and sanitation information has been submitted for review by RiverStone Health and MDEQ.

MDU and Yellowstone Valley Electric Cooperative will provide gas and electrical utilities as necessary. There are existing service lines in the existing 55 foot wide access and utility easement. There are already existing utilities in this easement that will serve the proposed condo development.

b. Stormwater – Stormwater will be retained onsite and will be in compliance with Section 4.7, YCSR. A stormwater management plan will be submitted and approved by MDEQ prior to final plat approval.

c. Solid Waste – Solid waste disposal will be provided through a private hauler. The Billings landfill has the capacity to accommodate waste from this subdivision.

d. Streets – Access to the subdivision is from King Avenue West, then to internal private circulation roads. No additional street right-of-way is necessary. King Avenue West is a state maintained road; no additional RSID is being created at this time for its maintenance.

Access approaches for the lots were determined with the original plat. Internal driveways will be constructed to meet Fire Department width standards. Maintenance of the driveways will be shared proportionately, outlined in the Declaration of Unit Ownership documents to be recorded to establish the condominium ownership.

- e. **Emergency Services** – The subject property is within the jurisdiction of the Billings Urban Fire Service Area (BUFSA) and the Yellowstone County Sheriff’s Department. The two main concerns of the fire department are having adequate access to any structures and an adequate water supply for fighting fires. The proposed condos will be serviced by internal roadways / driveways that will be a minimum of 30 feet in width and constructed to meet the fire department needs. Also, in accordance with Section 4.14.C. of the County Subdivision Regulations, which describes requirements for fire suppression facilities for commercial subdivisions, the subdivider has an existing 30,000 gallon underground storage tank and dry hydrant system.

The Sheriff’s Department will provide law enforcement services for the subdivision and does not have any concerns.

- f. **Mail Delivery** - The United States Postal Service will service the new lots. There is currently centralized mail deliver in the development around this project. They will be adding more boxes to that existing are for this additional development.

3. Effects on the natural environment

No alteration of any stream will occur with this subdivision.

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. In accordance with state law, the developer has a weed control plan in place and will revise recommendations based on required site visits.

There are no apparent or known natural hazards on the property.

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Montana Fish, Wildlife and Parks (FWP) was provided information about the proposed subdivision and indicated that the subdivision is being built in close proximity to good deer habitat. They note that deer may damage landscaping and unless there is commercial agricultural damage, or a threat to public safety, FWP does not assist with wildlife problems. A note to this affect is found in the ‘Conditions that Run with the Land’ section of the SIA.

5. Effects on public health and safety

There are no known manmade public safety hazards that would affect this subdivision. Plans and designs for wells and septic systems will be reviewed and approved by MDEQ prior to final plat approval (**Condition #1**). Fire and emergency services are provided for this proposed subdivision, including a water supply for firefighting purposes there is an existing 30,000 gallon dry hydrant system in place within ½ road mile.

B. Was an Environmental Assessment required? (76-3-603, MCA)(Section 9.2.C.1, YCSR)

An environmental assessment was not required for this subdivision as per Section 9.2.C.1., YCSR. A Summary of Probable Impacts was provided. No major issues were identified.

C. Conformance with the Yellowstone County – City of Billings 2008 Growth Policy Update, the 2011 Billings Area Bikeway and Trail Master Plan, and the Billings Urban Area Transportation Plan 2009 Update (Section 3.2.H.4., YCSR)

1. Yellowstone County – City of Billings 2008 Growth Policy Update

The proposed subdivision is consistent with the following goals of the growth policy:

- Goal: Controlled weed populations. (p. 9)
The developer has an existing weed control plan and will modify it as needed based on required site visits by the County Weed Department.
- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)
The proposed subdivision is not within the County zoning jurisdiction. It is located in an area of the county that has developed into a commercial hub. Therefore, it is consistent with the neighborhood character in this area.
- Goal: More housing and business choices within each neighborhood (p.6).
The proposed subdivision would allow for additional business development at this location.

2. Billings Urban Area Transportation Plan 2014

King Avenue West is classified as a major arterial street and is expected to handle the additional traffic generated by this commercial subdivision. No additional right-of-way is required from this subdivision. The proposed subdivision maintains the street hierarchy defined in the Transportation Plan.

3. Billings Area Bikeway and Trail Master Plan

The subdivision does not have any bike trails identified in this area. The nearest on-street bikeway is identified on South 64th Street West and it runs north and

south along the street. There are no bike lanes, or even shoulders on S. 64th St. West, but these facilities may be considered when future upgrades to the road are made. A waiver of right to protest future RSID's for street improvements is being signed and recorded with this subdivision.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? (76-3-608(3)(b), MCA) (Section 3.2.H.3.a., YCSR)

The subdivision, with the proposed conditions, satisfies the requirements of the Montana Subdivision and Platting Act and conforms to the design standards specified in the Yellowstone County 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? (Section 3.2.H.3.e., YCSR)

The subject property is outside of the County zoning jurisdiction.

F. Does the proposed plat provide easements for the location and installation of any utilities? (76-3-608(3)(c), MCA) (Section 3.2.H.3.b., YCSR)

Utility easements have been provided on the face of the plat for both electric and natural gas, as requested by MDU and YVEC.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? (76-3-608(3)(d), MCA) Section 3.2.H.3.c., YCSR)

Access to the subdivision lots will be from internal private circulation roads that connect to King Avenue West.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Lone Tree Industrial Park Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- With the proposed conditions, Lone Tree Industrial Park Subdivision is in compliance with the Montana Subdivision and Platting Act and the Yellowstone County Subdivision Regulations.
- New water and wastewater facilities will be approved through the Montana Department of Environmental Quality.

ATTACHMENTS

A: Aerial Images

B: Plat and associated documents