

FINDINGS OF FACT

The Findings of Fact for the preliminary plat of Put It Here Subdivision have been prepared by the City-County Planning Division 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

There is a ditch that runs along the north frontage of the property. It is a service ditch for the benefit of others to the east. There are no water rights or shares connected with the subject property. The ditch borders the edge of the property and the road right-of-way. Neither the developer or Planning Division staff was able to locate any ownership information on the ditch, but the developer will leave it as is and unobstructed so water may continue to flow to the east.

2. Effect on local services

a. Utilities – This subdivision will not have any septic facilities as the buildings are condominiums for storage purposes. The applicant is proposing to drill a well for irrigation of landscape only. Any proposed onsite water systems must comply with the State of Montana Department of Environmental Quality (MDEQ). Water well information must be review by MDEQ. **(Condition #1)**

MDU and Northwest Energy will provide gas and electrical utilities as necessary. The applicant will coordinate with the private utility companies for placement of utility easements. **(Condition #2)**

b. Storm water – Storm water will be retained onsite and will be in compliance with Section 4.7, YCSR. A storm water management plan will be submitted and approved by MDEQ prior to final plat approval. **(Condition #1)**

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 Hesper Road. No additional street right-of-way is necessary. Hesper Road is built to County Road Standards with a 24-foot asphalt top and 2-foot gravel shoulders on each side. It is in an 80 foot right of way with drainage ditches on both sides. South 32nd Street is also paved to County Road Standards within a 60 foot right of way. Hesper Road and South 32nd Street West are County dedicated roads and do not have an RSID-M currently on them so this property will not have to expand the district.

Any culvert installed in the drainage swale will be a minimum of 15 inches in diameter. There will be a gated emergency access provided onto South 32nd Street West from the proposed storage facility. The developer will be paving the access from Hesper Road into the development and the interior driveways and areas between the storage buildings. Since the emergency access is not for normal use, it may remain gravel between 32nd Street West and the paved interior of the development.

- 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 drive accesses that are proposed to be just over 66 feet wide and constructed to meet the fire department needs. Also, in accordance with Section 4.14.C.1 of the County Subdivision Regulations, which describes requirements for fire suppression facilities for commercial subdivisions, there are two pressurized fire hydrants on the north side of Hesper Road across from the subject property. Additional fire hydrants may be required with construction of the condo development but that will be determined with BUFSA input upon development.

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 property. A centralized mail delivery area has been requested by the USPS. Since these are not proposed to be residential or retail in nature there will most likely be no need for USPS delivery service.

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. In accordance with state law, the developer will be required to have 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 they had no concerns with the proposed development and it is not prime deer, antelope or turkey habitat.

5. Effects on public health and safety

There are no known manmade public safety hazards that would affect this subdivision. Plans and designs for a well will be reviewed and approved by MDEQ prior to final plat approval. Fire and emergency services are provided for this proposed subdivision, including a water supply for firefighting purposes.

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.3., YCSR, it is within zoning and a Growth Policy area.

C. Conformance with the Yellowstone County – City of Billings 2008 Growth Policy Update, the 2011 Billings Area Bikeway and Trail Master Plan, and the 2014 Billings Urban Area Long Range Transportation Plan (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 will have a 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 within the County zoning jurisdiction. It is located in an area of the county that has developed into a commercial area. 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. 2014 Billings Urban Area Long Range Transportation Plan

Neither Hesper Road or South 32nd Street West at the location of the subject subdivision is identified on the Transportation Functional Class Map. No additional right-of-way is required from this subdivision.

3. Billings Area Bikeway and Trail Master Plan

Neither Hesper Road or South 32nd Street West at the location of the subject subdivision identifies any bike trails on the Billings Area Bikeway and Trail Master Plan. However, the Master Plan does show a proposed bike trail just west of the subject property along Hesper Road to Gabel Road. The 80-foot right of way of Hesper Road in this area may facilitate a future multi-use trail

along Hesper Road in this area. The subdivisions to the west and north across Hesper Road also either have sidewalk constructed or identify future sidewalk easements, indicating that pedestrian facilities will be constructed in this area as further development occurs in the City. While not required at this time, proposed amendments to the County Subdivision Regulations currently moving through the review process are designed to increase pedestrian safety in residential and commercial developments within the Unified Zoning Jurisdiction in the County and would require sidewalk to be built for this development. The area of the project is mixed in terms of property that is in the City and County, with the expectation that more urban style commercial development will occur over time, making more consistent transportation corridors for all users an important long range goal.

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 zoned Controlled Industrial in the County zoning jurisdiction area. The proposed structures on site will conform to the required setbacks and lot coverage.

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 will be provided on the face of the plat for both electric and natural gas, as requested by MDU and Northwest Energy. (**Condition #2**)

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 an existing access off of Hesper Road.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Put It Here Subdivision does not create any adverse impacts that warrant denial of the subdivision.

- With the proposed conditions, Put It Here Subdivision, is in compliance with the Montana Subdivision and Platting Act and the Yellowstone County Subdivision Regulations.
- New water facilities will be approved through the Montana Department of Environmental Quality.