

## Attachment A

### Staff Analysis and Recommendation

County Planning, County Public Works, County Legal staff and Billings Fire Department have reviewed the request for a variance from Yellowstone County Subdivision Regulations Section 4.6.A.6, Major and subsequent minor subdivisions shall have at least two means of vehicular access unless granted by variance.

The applicant is proposing to develop a subdivision that is a single dead-end cul-de-sac private road that is a maximum of 1,000 feet long. This is allowed in Yellowstone County subdivision regulations. This regulation does allow subdivisions to have dead end cul-de-sacs that are a maximum of 1,000 feet long within a larger development. There can be areas where a cul-de-sac is the only feasible option when taking topography, water and other obstacles into consideration that may not allow standard street layout. This developer is proposing to have a single road, dead end cul-de-sac, as the only road for this major subdivision. Yellowstone County subdivision regulations require two ways in and out of a major subdivision, the applicant is not proposing another exit out of the subdivision. The applicant is asking for a variance from the requirement of two ways in and out of the subdivision.

Staff has reviewed the proposed subdivision and the variance request for one way into and out of the subdivision. They are providing a cul-de-sac end that will accommodate emergency vehicles ability to turn around to exit the subdivision. The road will be private road built to Yellowstone County road standards.

*1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.*

The purpose of two ways in and out of a subdivision is for safety should one direction be closed for any reason, reduce traffic on one way in and out lowering the possibility of traffic conflicts/accidents, providing emergency vehicles ease of maneuvering in a subdivision.

Yellowstone County Subdivision Regulations do allow for a 1,000-foot-long dead-end road with a maximum of 30 residential lots. The subdivision regulations also require two ways in and out of a major subdivision, this is a major subdivision with 15 proposed lots. With only one way in and out, should something happen, blocking the single road it could block exiting the subdivision. There is a 60-foot-wide private road easement on the east edge of the proposed subdivision that may have been investigated to attain access.

The granting of this variance would not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties, although there may be issues within the subdivision with one way in and out. The applicant will be building a road to Yellowstone County Standards and will also be providing a cul-de-sac end with a large enough turning radius for fire equipment to turn around and exit.

*2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.*

There are no surrounding physical conditions that would result in an undue hardship to the developer. The land is currently used for farming and it basically flat. There is no physical hardship of the land.

*3. The variance will not result in an increase in taxpayer burden.*

The variance requested for this proposed subdivision will not increase taxpayer burden.

*4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.*

Approval of this variance will not place this subdivision in nonconformance of adopted zoning regulations or the growth policy. This subdivision road layout is not part of the Yellowstone County Zoning code. Zoning compliance will be reviewed when building of homes begin in the subdivision. This is zoned land within the county and the lot purchasers are required to obtain zoning compliance permits prior to construction the lots.

*5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied.*

The alternate option proposed is a cul-de-sac built to meet Yellowstone Count Subdivision regulations with a turnaround radius big enough to accommodate fire trucks and any other emergency vehicles. The Billings Fire Department finds the solution to be acceptable to them for this subdivision.

Therefore, Staff and the Planning Board is recommending approval of the proposed variance to the Board of County Commissioners.



# MEMO

**To:** Yellowstone County Planning Board  
**From:** Taylor Kasperick, Project Manager  
**Date:** 6/22/2022  
**Re:** The Waters Subdivision Variance Written Statement

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On behalf of Mason Shanks (Owner/Subdivider) of the proposed The Waters Subdivision, Performance Engineering is submitting two variance requests in connection with the proposed development. The Owner is requesting a variance from Section 4.6.A.6 and 4.6.B.1 of the Yellowstone County Subdivision Regulations which describe development requirements pertaining to multiple means of vehicular access for all major subdivision and the requirement to provide means for future connection to adjacent undeveloped areas, respectively. This written statement has been prepared and is submitted to the Planning Board to describe the facts of hardship and reasoning upon which the variances are being requested. Below are the criteria for which variances are reviewed against with findings of the variances requested to follow.

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
3. The variance will not result in an increase in taxpayer burden;
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy; and
5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.

Variance from *4.6.A.6 – “Major and subsequent minor subdivisions shall have at least two means of vehicular access unless granted by a variance.”*

1. The subdivision as proposed will be accessed via a single means off Central Avenue and include an 87' diameter cul-de-sac at the internal road's terminus. Two means of vehicular access are typically required to assist emergency services with through access to a given subdivision, however in discussions with the local fire jurisdiction and per Section 4.6.A.8, subdivisions with less than 30 living units are allowed a single access with an approved turnaround to assist those emergency services navigate the subdivision. The proposed subdivision will include an 87' diameter cul-de-sac providing a necessary means for an emergency vehicle to maneuver the roadway and turnaround without the need for a second access.
2. A second access to the subdivision is not available due to the physical constraints of the underlying parcel. The existing frontage along Central Avenue is approximately 50.22' wide, necessitating a 9.78' easement from the Subdivider's adjacent property to the east. As there is no other frontage surrounding the property, a second means of access is not feasible.
3. The variance will not result in an increase in taxpayer burden as there will be no additional public improvements necessary if approved.
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy. There are no planned roadways through the subdivision in the 2018 Billings Urban Area Long Range Transportation Plan, and the proposed zoning of the subdivision does not dictate number of means of access.
5. Provided the 87' diameter cul-de-sac at the terminus of the internal roadway and fewer than 30 living units, the single means of access to the subdivision will be equally effective and satisfy the objectives of having multiple means of access.