

PROPOSED YELLOWSTONE COUNTY BOARD OF PLANNING
FINDINGS OF FACT

The Findings of Fact for the preliminary plat of Curly Willow Condos Subdivision 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 Canyon Creek Ditch, which runs north of the subject property and under the Interstate near Zoo Drive, is the nearest irrigation facility to the subject property. There is a lateral irrigation ditch on the southern property line of Lot 5 to the south of Lot 4, it is shown within easements. The property was used for agriculture (hay crop) in the past until development occurred. No water rights will be transferred to the individual lots.

2. Effect on local services

Utilities – There is a well proposed on Lot 4 to serve the new building on the lot. The proposed well on lot 4 must be approved by MDEQ before final plat (**Condition #1**). The owners of the condos will have a permanent, non-exclusive right to use the well, and maintenance will be shared as outlined in the Declaration of Unit Ownership documents to be recorded with the establishment of the condominiums. All of the units on the lot will make use of an existing shared multi-user public drainfield system found on Lot 4, Curly Willow Subivision. Shared maintenance provisions will also be established for the septic system. The proposed new building will be connecting to the existing onsite septic systems and must to comply with the State of Montana Department of Environmental Quality (MDEQ) permit that was issued previously when Lots 3 and 5 were developed, MDEQ permit EQ# 11-1238.

MDU and NorthWestern Energy will provide gas and electrical utilities as necessary. There are existing service lines in South 56th St. West. The applicant has two existing utility easement on the shared common lot lines with lots 4 and 5. There should be no need for additional utility easement.

a. 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. Stormwater retention ponds are shown on the plan for lot 4.

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

c. Streets – Access to the subdivision is from South 56th St. West, a paved petitioned County road, fronts the west side of the proposed subdivision lots. An additional thirty feet of public right-of-way was dedicated for it with the original plat of Curly Willow Subdivision. No additional street right-of-way is necessary. South 56th St. West is currently maintained by the County and no additional RSID is being created at this time for its maintenance.

Access approaches for the lots were also determined with the original plat. Lot 3 uses a shared 50-foot wide approach, shared with Lot 4. Internal driveways will be constructed to meet Fire Department standards. They are proposed to be thirty feet wide and circling around the condominium units. Maintenance of the driveways will be shared proportionately, as outlined in the Declaration of Unit Ownership documents to be recorded to establish the condominium ownership.

d. 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 proposed condos will be serviced by looping driveways that will be 30 feet in width and constructed to meet the fire department needs. The subdivision has an existing 30,000 gallon underground storage tank and dry hydrant system. The RSID (RSID 799M) will be expanded to include the proposed condominium units prior to final plat approval to maintain the dry hydrant system (**Condition #2**).

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

e. Mail Delivery - The United States Postal Service will service the new lot. They have requested Centralized Mailbox Units. The applicant will be adding additional boxes in the same location as what is already in place on site.

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. A weed management plan will be completed and a property inspection done prior to final plat approval (**Condition #3**).

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 effect 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. 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.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 completed a weed management plan following an inspection performed 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 just south of Interstate-90 in an area that has been developed in recent years for commercial uses. Therefore, it seems to be 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 interstate junction.

2. 2014 Billings Urban Area Transportation Plan

South 56th St. West is classified as a major arterial street and is expected to handle the additional traffic generated by this commercial subdivision. An additional 30 feet of right-of-way was dedicated with the original Curly Willow Subdivision to meet the required 60-foot half width for principle arterial streets. The proposed subdivision maintains the street hierarchy defined in the Transportation Plan.

3. Billings Area Bikeway and Trail Master Plan

The subdivision is within the Billings Area Bikeway and Trail Master Plan jurisdictional area. South 56th St. West is considered a planned ‘primary on-street bikeway’. There are no bike lanes, or even shoulders on S. 56th 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 final plat for both electric and natural gas, as requested by MDU and NWE.

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 South 56th St. West, a petitioned County road.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Curly Willow Condos Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- With the proposed conditions, Curly Willow Condos 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: Plat and associated documents



Subject property ★

