



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

August 11, 2015 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MEETING MINUTES:** July 27, 2015

Attachments

2015_07_28_PLNB Minutes

4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
8. **NEW BUSINESS:** (Agenda items new to this meeting).

- a. **Plat Review. Second Amended Plat of Pike Subdivision, Amending Block 2, County Subsequent Minor Plat**

Attachments

Findings of Fact
Attachments
Proposed plat

- b. **Plat Review. Curly Willow Subdivision, Lot 4, County Subsequent Minor for Condominium Development**

Attachments

Findings of Fact
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- c. **Plat Review. Keller Place Subdivision, Amended Lot 3A, Block 1.**

Attachments

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1. **OTHER BUSINESS:** (Standing Item) Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects.

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, AUGUST 25, 2015

- a. **Public Hearing. Curly Willow Subdivision, Lot 4, Condominiums.** Brandon and Nicole Fleury, of Concrete Partners, LLP. Dave Green, Planner II. A County Subsequent Minor condominium complex of 5-units in a single building. The 2-acre property is on the east side of S. 56th St. West, south of the Frontage Road.
- b. **Public Hearing. Keller Place Subdivision, Amended Lot 3A, Block 1.** Jeff Winkler of HGFA Architects, on behalf of Skip King owner. Dave Green, Planner II. A a 3-lot subsequent minor subdivision located on the west side of Johnson Lane just south its intersection with Old Hardin Road in Lockwood.

- c. **Public Hearing. Amended Plat of Lots 5-11, and 15-18, Block 2, Pike Subdivision. Levi Britton, owner. Dave Green, Planner II.** A County Subsequent Minor located west of 80th Street West and north of King Avenue West. The original plat was created in 1972, but the subject lots remain vacant. The proposal would plat a new road to serve the lots instead of the original layout.

Public Hearing Participation Guidelines

The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: **Address the Planning Board directly. You must state your name and address before commenting.** This is an opportunity to explain how you will be affected by the decision and why that is an important consequence.

1. Be informed of the process and the requirements of the Board. If you are commenting about a subdivision, please limit your comments to the review criteria.

By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). These criteria include:

- Effect on agriculture and agricultural water user facilities
- Effect on local services
- Effect on the natural environment
- Effect on wildlife and wildlife habitat
- Effect on public health and safety

2. Provide specific information about why you are concerned about the pending application, how the decision will impact the review criteria listed above, and provide suggestions on how to minimize or eliminate the impact.
3. Respect the right of others to participate. Wait until the previous speaker has completed their comments before making your own comments. Do not talk over the person commenting or with other people in attendance.
4. The public hearing is not an opportunity to question or accuse the applicant or their agent. If you have questions of the Board, the applicant or the agent, ask the question directly to the Board during the public hearing portion of the meeting. The Board will respond or request the applicant or agent to respond after the public comment portion of the hearing is closed.
5. After the public comment portion of the hearing is closed, no further comments are allowed unless you are addressed directly by a Board member.
6. You should expect the Board to make a balanced recommendation in accordance with its statutory responsibilities. The Board's ability to make reasonable and thoughtful recommendations is dependent on a fair consideration of everyone's interests.

Thank you for participating.

Planning Board Meeting I (2nd Tuesday)

3.

Meeting Date: 08/11/2015

Information

Subject

MEETING MINUTES: July 27, 2015

Attachments

2015_07_28_PLNB Minutes

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

Board Attendance Roster: Please note: “E” stands for excused absence, “A” stands for un-excused absence, “1” stands for present.

BYLAWS, YELLOWSTONE COUNTY BOARD OF PLANNING, (Amended. May 25, 2004)

Section 4. Absences and Removal

- A. Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence.
- B. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term. Schedule: (** denotes a Wednesday meeting)

1	Position	01/13/2015	01/27/2015	02/11/2015	02/24/2015	03/10/2015	03/24/2015	04/14/2015	04/28/2015	05/12/2015	05/26/2015	06/09/2015	06/23/2015	07/14/2015	07/28/2015	08/11/2015	08/25/2015	09/08/2015	09/22/2015	10/13/2015	10/27/2015	11/10/2015	
Dave Goodridge	Mayor/Billings Ward I	-	-	-	-	1	1	-	1	E	E	E	1	1	E								
Patrick Klugman	Mayor/Billings Ward II	1	1	1	-	1	1	-	1	1	1	1	1	1	1								
Donna Forbes	Mayor/Billings Ward III	1	1	E	-	1	1	-	1	1	1	1	E	1									
Darell Tunnicliff	Mayor/Billings Ward IV	1	1	1	-	-	1	-	1	1	1	1	1	1									
Dick Clark (President)	Mayor/Billings Ward V	1	E	1	-	1	1	-	1	1	1	1	1	1	E								
Vacant	YC District 1	-	-	-	-	-	-	-	-	-	-	-	-	-									
Dennis Cook	YC District 2	1	1	1	-	-	E	-	1	1	1	1	1	1	1								
Lisa Sukut	YC District 3	1	E	E	-	-	E	-	E	1	E	1	1	1	1								
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-									
Don Reed	YC District 5	E	E	1	-	-	1	-	1	E	1	1	1	1	1								
Dean Clark	YC District 6	E	E	1	-	1	1	-	1	1	1	1	1	1	E								
Al Littler	YC District 7	1	1	1	-	1	E	-	E	E	E	E	1	E	1								
Clint McFarland	Y County Cons. District	1	1	1		1	1	-	E	1	1	1	1	E	A								
Scott Reiter	Ex-Officio S.D. 2 Facilities Director	E	E			1	1	-	1	-	E	E	1	E	1								
Supt. Terry Bouck	Ex-Officio S.D. 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

July 28, 2015

To be approved by a motion on August 11, 2015

1. Call the Meeting to Order

In the absence of President Dick Clark, Vice President Don Reed called the meeting to order at 6:00 p.m. on Tuesday, July 28, 2015, in the Miller Building 1st Floor conference room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

Vice President Reed called for introductions of the members of the Planning Board and staff. Attending Planning staff members are: Wyeth Friday, Planning Division Manager; Dave Green, Planner II, Tammy Deines, Planning Clerk, Jeffrey Butts, Alternative Modes Coordinator

Attending: Keith Egelhoff, Robert Walter, Tom Llewellyn, Darin Swenson, County Public Works.

- 2. Approval of the Agenda-**Vice President Reed called for approval of the July 28, 2015 meeting agenda.

Motion

Dennis Cook made a motion and it was seconded by Donna Forbes to approve the July 28, 2015 meeting agenda

The motion carried with a unanimous voice vote.

3. Meeting Minutes for June 23, 2015; July 14, 2015

Motion

Dennis Cook made a motion and Donna Forbes seconded the motion to approve the June 23, 2015 meeting minutes as submitted.

The motion carried with a unanimous voice vote.

Motion

Dennis Cook made a motion and Donna Forbes seconded the motion to approve the July 14, 2015 meeting minutes with a correction in the motion to change “Dave Green Goodrich” to “Dave Goodrich”.

The motion carried with a unanimous voice vote.

- 4. Public Comment:** Vice President Reed asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There were no Public Comments given during this time.

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5. Disclosure of Conflict of Interest – Board members and Planning Staff. There were no disclosures of conflict of interest. Patrick Klugman discussed that as BSEDA employee, he has worked extensively for TAP funding for the Lockwood project. Although he supports all four projects, he will be recusing himself from voting on this item.

5. Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff. The Ex Parte Communication Binder is available at the Sign-In and Agenda station. There was none.

7. OLD BUSINESS -

7a. Plat Review/Discussion. Holly’s Subdivision Amd Lot 1, B1, Dave Green, Planner II

INTRODUCTION

On June 1, 2015, the owners’ agent Tom Llewellyn for the Holly Huennekens Trust applied for preliminary subsequent minor plat approval for Holly’s Subdivision, Amended Lot 1, Block 1. The proposed plat creates 4 lots from a 25.25-acre parcel of land. The subject property is generally located at 7625 Neibauer Road. The property is outside of zoning and there is a mixture of farming and residential uses in the immediate vicinity. The Board of County Commissioners will act on the proposal on August 11, 2015.

VARIANCES REQUESTED

The applicant has requested a variance from Section 4.4 D of the Yellowstone County Subdivision Regulations, which states “No Single lot may be divided by a public road, alley, or access easement”. Staff is recommending approval of this variance request. Further explanation and analysis can be found in Attachment A.

RECOMMENDATION

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Holly’s Subdivision, Amended Lot 1, Block 1, and adopt the Findings of Fact and approve the variance request as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To minimize the effects on surrounding property owners the applicant will add language in the SIA under Conditions That Run with the Land to inform future property owners, should they use water from the Big Ditch to irrigate their property, that they will control irrigation water from flooding onto adjacent property owners land.
2. To ensure proper transfer or retention of water shares currently on Lot 1, in the SIA under an Irrigation Facilities heading, the applicant will clarify what water

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shares exist with Lot 1 and what will be done with them as per Section 4.13 of the Yellowstone County Subdivision Regulations (YCSR).

3. To ensure the Big Ditch company has proper access and room to perform maintenance on the Big Ditch applicant will contact the Big Ditch Company to determine what size the easement needs to be for the ditch company to properly access the ditch for maintenance purposes and provide documentation with signatures from the Big Ditch representative on what was agreed upon.
4. To minimize the effects on the natural environment and provide safe services to lot owners the subdivider will receive approval from MDEQ for the use of septic systems, and wells or cisterns before final plat approval
5. To minimize the effects on the existing ditches on the site any construction of culverts for getting over the ditch or trenches for the installation of utilities will require approval from the ditch company that is affected prior to construction or trenching for utilities.
6. To clarify the SIA and what is being built for access to the proposed lots the applicant will revise the transportation section of the SIA to clarify what lots have a paved private road on them, which lots have a dirt drive way as their access and how Lot 1C is required to have a separate access across the existing ditch than Lots 1A and 1B that are using the dirt drive way.
7. To ensure proper fire suppression systems installation the applicant will need a letter from the Laurel Fire Department that they have tested and accept the 10,000 gallon dry hydrant system.
8. To ensure the future maintenance of the dry hydrant system an RSID will need to be created for maintain of the 10,000 gallon dry hydrant tank.
9. To meet YCSR and ensure proper storm water management practices before final plat approval the applicant will submit proposed storm water management information to the MDEQ for review and approval.
10. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plat approval.
11. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
12. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

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Discussion

Vice President Reed called for discussion and questions from the Board. Donna Forbes asked Dave Green where the road will cross the irrigation ditch. He explained that the Yellowstone County regulations only allows two lots to be served by a driveway so in this instance there will be two crossings over the ditch. The roads will be graveled and built to County standards. The property owners will be responsible for snow plowing as it is a private road. Don Reed clarified that the crossing is for the minor ditch and not the Big Ditch. Al Littler asked if the Ditch Company will provide one water share for each lot and if each lot owner would have to purchase a water certificate. Dave Green said pumping rights could be maintained for irrigation purposes. Staff is requesting clarification on the remaining shares from Lot 1. Donna Forbes asked about the rail traffic and a citizen in the audience replied there are approximately 12-15 trains per day as it is a coal route to Great Falls.

Public Hearing

Vice President Reed opened the public hearing and asked if there was anyone wishing to speak in favor or against Holly’s Subdivision, Amended Lot 1, Block 1.

Tom Llewellyn, 1925 Grand Avenue, Billings, Montana

Mr. Llewellyn is the agent for the Holly Huennekens Trust. He stated he has submitted a new SIA with corrections to staff. He said the intent is to have the irrigation water shares transferred to each lot. There is a storm water management plan for each lot as required by DEQ to avoid runoff issues. The DEQ application for approval was submitted in June, and he expects a response on August 14, 2015. The easement with the BBWA ditch is about 50-70 feet wide. The Ditch Company will approve installation of the culverts, the fire suppression facility will be built; and the roads will be built to County Standards. There will be a hammerhead turnaround on the north lot for emergency purposes.

Robert Walter, 2405 S 64th Street, Billings, Montana

Mr. Walter said additional culverts will be needed to address irrigation water that flows from the Hi-Line Ditch to the subject property and crosses the Big Ditch... He is an adjacent property owner and farms. He wants a plan in place as to how these property owners will get water as currently water flows from the High Line Ditch 3/4 of a mile away through his property to reach the subject property. Don Reed asked if this a gentleman's agreement or if there are legal ramifications. Mr. Walker explained he has farmed the Huennekens property and it has not been a problem. He said it is possible for the lot owners to purchase pumping rights from the Big Ditch Company. Mr. Llewellyn said he thinks the property owners will drill wells instead of using the ditch water, and he plans to recommend they purchase pumping rights from the Big Ditch Company. He said it is unfair to the farmer to worry about this issue and he will clarify that the lot owners have either pumping rights or irrigation.

Wyeth Friday referred to Condition of Approval #2, “To ensure proper transfer or retention of water shares currently on Lot 1, in the SIA under an Irrigation Facilities heading, the applicant will clarify what water shares exist with Lot 1 and what will be

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done with them as per Section 4.13 of the Yellowstone County Subdivision Regulations (YCSR). He said a plan is required for water allocation and suggested clarifying this condition to address both the Hi-Line Ditch and Big Ditch in terms of irrigation access and rights for the subject property.

Darrell Tunncliff suggested modifying Condition of Approval #2 with language to vacate irrigation from the Highline Ditch as it would solve Mr. Walter's irrigation issues. Al Littler said the water accommodation to the joint landowner should have an easement and a disclosure. Mr. Walter pointed out the locations of the ditches used for High Line water and Big Ditch water. Mr. Littler spoke to the complexity of the two ditches being separate entities and stated the plan must accommodate both sources of water.

Mr. Llewellyn voiced some frustration as this information is not on the title report and he was unaware of this issue prior to this meeting. Per Mr. Llewellyn's request, Mr. Walter said he will work with Mr. Llewellyn to sort out this information.

Keith Engelhoff, 2522 80th Street West, Billings, Montana

Mr. Engelhoff asked about maintenance access to the east/west lateral ditch that brings waste off of the Big Ditch to the properties to the east of the subject property. Al Littler pointed out a 25-foot easement for the ditch shown on Lot 1-D and he reiterated the plan needs to take into consideration both sources and all uses of water.

Darrell Tunncliff asked if the surveyor identifies easements on the plat. Al Littler said it may not be a matter of record. Tom Llewellyn will meet with Mr. Walter at the end of the week.

At 6:49 p.m., Vice President Reed asked if there was anyone else wishing to speak in favor or against Holly's Subdivision, Amended Lot 1, Block There was none.

Vice President Reed closed the public hearing and called for a motion.

Motion

Al Littler made a motion and Donna Forbes seconded the motion to amend Condition of Approval #2 to address and clarify the water flows and usage from the High Line Ditch and Big Ditch, and the easements to convey irrigation water from both ditches to, or through, the subject property.

The motion carried with a unanimous voice vote.

Motion

Darrel Tunncliff made a motion and Donna Forbes seconded to include an additional Condition of Approval to state the lots in the Holly Subdivision will vacate their shares of water from the High Line Ditch for irrigation purposes in lieu of watering the property with pumping rights from the Big Ditch and/or using wells.

Motion carries, with Al Littler abstaining.

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Motion

Al Littler made a motion and Patrick Klugman seconded the motion to recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Holly’s Subdivision, Amended Lot 1, Block 1, and adopt the Findings of Fact and approve the variance request as presented in the staff report.

The motion carried with a unanimous voice vote.

8. NEW BUSINESS

8a. Motion. Transportation Alternative Program, (TAP), Support Letters. Wyeth Friday, Planning Division Manager -

Wyeth Friday said the Policy Coordinating Committee signed letters of support for the list of TAP applications below and Staff is asking the Planning Board to sign a letter of support for each project. Project submittals are due to MDT July 31st and the Federal Highway Committee will review them.

--Ben Steele Middle School Project currently there is no connectivity to the school. Project Cost estimate \$440,000

--Laurel Road Improvement Project- in large part fills in the sidewalk along the south side of Laurel Road to Parkway Lane and provides for crosswalk locations and ADA improvements. This project is scaled back from last year's project submittal. Cost estimate \$460,000

--Rimrock Parkland Scenic Overlook & Trail Project, (Highway 3 Bike Pedestrian Path Project) - ADA compliance and connection to 27th Street. This project has been scaled back from last year's submittal. Projected Cost \$314,00

--Lockwood Pedestrian Walkway Project along Becraft Lane, The County Attorney has determined these areas may have sidewalks constructed within the designated road tracts. BSEDA is submitting this project. Projected Cost: \$590,000

Discussion

Wyeth Friday explained this community is forwarding four projects for the Committee’s consideration but each application will be looked at individually. Don Reed voiced concern with the Laurel Road project and the width of the roadway; and said the Highway 3 Bike Pedestrian Path project is already walkable. It is his opinion the Lockwood Pedestrian Walkway Project along Becraft Lane is much more viable due to the safety factors. Darrel Tunnicliff suggested using a footnote to forward the Board’s project preference. Per request of Donna Forbes, Wyeth Friday explained the Transportation Alternatives Program replaced the former CTEP program. Communities throughout Montana will submit project applications and a MDT committee comprised of MDT staff and a Federal Highway

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representative will consider them for selection. Alternative Modes Coordinator Jeffery Butts said it his understanding the Review Committee's primary priorities for project selection are connectivity and ADA accessibility.

MOTION

Darrell Tunnick made a motion and it was seconded by Al Littler to sign a letter of support for each of these projects: Ben Steele Middle School Project; Laurel Road Improvement Project; Rimrock Parkland Scenic Overlook & Trail Project, (Highway 3 Bike Pedestrian Path Project), and the Lockwood Pedestrian Walkway Project along Becraft Lane.

The motion carried with a unanimous voice vote.

8b. Update/Discussion. AmeriCorps Vista Program/Planning Division-Jeffrey Butts, Bike Pedestrian Coordinator

Jeffrey Butts opened this item with a PowerPoint presentation titled, “Alternative Modes Outreach and Education”. The 2014 AmeriCorps VISTA volunteers, Isaac Mevis and Emily Jones, worked within the school system to increase bicycling and walking activity. The program was very successful. They were able to obtain a \$30,000 grant fund from St Vincent Hospital to continue the program in 2015. The Planning Division is expecting the arrival of AmeriCorps VISTA Anthony Chase/Incoming AmeriCorps this fall.

AmeriCorps VISTA 2014 Overview

- 4 bicycle repair clinics
- 2 after school bike rides
- 3 educational events
- www.bikebillings.com
- Post cards
- *Current State of Active Transportation in Billings Area Schools* report
- *Kids In Motion Vision Guide*
- KIM logo
- \$30,000 St. Vincent Funding
- More than 400 students reached

Incoming AmeriCorps VISTA 2015

- One VISTA
- Starts Aug 17, 2015
- 8 bicycle repair clinics
- Kids In Motion Committee
- Educational Resources on SD2 Portal
- More events, materials, ...

Discussion

Per request of Donna Forbes, Jeffrey explained this is a nationwide Federal program for stateside volunteers similar to the Peace Corps. Volunteers receive a small stipend and SNAP benefits. Donna Forbes commended Jeffrey and the volunteers for their efforts.

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Don Reed commented that the Lockwood School district would like to use this program but safe places to ride and walk need to be constructed first.

9. OTHER BUSINESS-

a. (Standing Item) Staff Update. Long Range Strategic Issues and an overview of future City and County issues and projects. There were no discussion items.

**The next Planning Board meeting will be held on Tuesday, August 11 2015.

FUTURE AGENDA ITEMS FOR AUGUST 11, 2015

- A. Plat Review. Curly Willow Subdivision, L4, Condominiums**
- B. Plat Review. Keller Place Subdivision, Amd L3A B1**
- C. Plat Review. Amended Plat of Lots 5-11, and 15-18, Block 2, Pike Subdivision**

ADJOURNMENT: 7:30 p.m.

ATTEST: DRAFT. To be approved on August 11, 2015

Tamara L. Deines, Planning Clerk

Candi Millar, Planning Board Executive Secretary and Planning and Community Services Department Director



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



Planning Board Meeting I (2nd Tuesday)

8. a.

Meeting Date: 08/11/2015

Information

INTRODUCTION

On July 1, 2015, the Planning Division received an application for preliminary plat approval for the proposed Second Amended Plat of Pike Subdivision, Amending Block 2. The property is generally located north of Stillwater Drive which is north of King Avenue West and west of 80th Street West. This 11-lot subdivision will re-arrange the western half of the original Pike Subdivision that was platted in December 1972. The proposed lots range from 1.09 acres to 1.96 acres. Planning Board will review the plat at this meeting and a conduct a public hearing on August 25, 2015.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Second Amendment of Pike Subdivision and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To ensure ditches are properly identified and easements are identified and in place for them, prior to final plat approval the applicant will show ditch locations and existing easements for the ditches, or provide easements and documentation for the creation of the ditches.
2. To ensure proper vacating of public road on Canyon Drive involving Lots 14-A-2, 20-A and 19-A, prior to final plat approval the applicant will go through the process of vacating portions of the existing cul-de-sac with County Public Works and the Board of County Commissioners.
3. To minimize the effects on local services, prior to final plat approval a Rural Special Improvement District (RSID) will be created to provide maintenance of the interior roads of this subdivision.
4. To ensure public park land is being used in accordance with the desires of the County Park Board, prior to final plat approval the applicant will get permission from the County Park Board to install the 10,000 gallon dry hydrant system in the park land off of South 80th Street West.
5. To ensure proper location and installation of the proposed 10,000 gallon dry hydrant, prior to final plat approval the applicant will receive written approval from the Laurel Fire Department for the proposed location, installation, and testing of the tank.

6. To meet Yellowstone County Subdivision Regulations and ensure proper storm water management practices, prior to final plat approval the applicant will receive MDEQ approval for the stormwater design and facilities in the subdivision.
7. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plat approval.
8. To minimize the effects on local services, prior to final plat approval the subdivider shall provide written verification that the US Postal Service has approved the mail facilities and locations for this subdivision.
9. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
10. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

No variances have been requested from the Yellowstone County Subdivision Regulations for this proposal.

PROCEDURAL HISTORY

- A subdivision pre-application meeting was held on May 29, 2015.
- The preliminary plat application was submitted to the Planning Division on July 1, 2015.
- The Yellowstone County Board of Planning will review the plat application on August 11, 2015.
- The Yellowstone County Board of Planning will hold a public hearing on this plat application and make a recommendation to the BOCC at its meeting on August 25, 2015.
- The BOCC will consider the subdivision application at its regular meeting on September 15, 2015.
- The 60-working day review period ends September 24, 2015 for this application.

PLAT INFORMATION

General location: North of Stillwater Drive, which is north of King Avenue
West and west of South 80th Street West

Legal Description: East ½, South East ¼ of Section 11, Township 1 South,
Range 24 East P.M.M. Amended Block 2, Lots 5-1, Lots 15-18, and Lots 14-A, 19, and 20.

Owner/Subdivider: Levi Britton

Surveyor/Engineer: D & J Surveying

Existing Zoning: Outside Zoning

Proposed Zoning: None

Existing land use: Lots for single family homes

Proposed land use: Residential

Gross area: 16.77 acres

Net area: 15.95 acres

Proposed number of lots: 11

Max.: 1.96 acres

Min.: 1.09 acres

Parkland requirements: Parkland dedication was met at original platting of the subdivision. The existing Pike Park is 5.31 Acres in size.

Attachments

Findings of Fact

Attachments

Proposed plat

PROPOSED YELLOWSTONE COUNTY BOARD OF PLANNING
FINDINGS OF FACT

The City/County Planning Staff has prepared the Findings of Fact for the Amended Plat of Pike Subdivision. 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, 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 users' facilities

This subdivision was originally platted in December 1972. The portion of the Pike Subdivision that is being re-platted with this amendment, Block 2, has only developed on the east half. The subject property has been historically used for crop land as have properties to the south. The lands to the east and west have been developed for residential uses. Land to the north has some farming and some land that is not suitable for farming. This subdivision is relocating lot lines and including a new proposed road and will remove approximately 17 acres of agricultural land. This area is not ideally suited to farming large tracts and is generally transitioning out of agricultural use.

High Ditch runs along the northern boundary of the existing subdivision between lots on the east side of the subdivision lots and the southern border of the existing Pike Park. The applicant will need to show any easement for ditches on the property. **(Condition #1)** The applicant states in the SIA that all ditches on the subject property have been enclosed in PVC pipe and relocated to the Public Utility Easement in Pike Court.

2. Effect on local services

- a. **Water and Sewer** – Domestic water is proposed to be supplied by using individual cisterns. Each lot will have its own septic system. Both of these will require that the Montana Department of Environmental Quality (MDEQ) review placement of cisterns and proposed septic system to ensure appropriate separations. This subdivision has received DEQ approval from the previous platting. In the SIA the applicant has indicated that they will be following all requirements set out by ARM Title 17 Chapter 36(101-805).

- b. **Streets and roads** – Current access to the subject properties is from Canyon Drive a dedicated county road. Canyon Drive comes off of South 80th Street West has a cul-de-sac end in the middle of the lots in this subdivision. The existing cul-de-sac end of Canyon Drive is proposed to be reduced to a hammer head end with the additional land going to the property owner on the east half of the cul-de-sac. Lots 14-A, 19-A and 20-A are the lots that would receive additional square footage. The other half of the cul-de-sac will be re-platted and incorporated into the newly aligned lots on the west half. Lots 15-A through 18-A would take in the western half of the cul-de-sac. The three affected property owners are aware of the proposed changes to the cul-de-sac and their signatures

are included on the SIA and will be included with the signature blocks on the final plat, which will be a separate page. County Public works has indicated that the applicant will need to complete paperwork for road abandonment to be able to change the cul-de-sac end of Canyon Drive. That process will need to be completed before final plat approval can take place. **(Condition #2)**

Lots 7 through 10 were to have access off of South 82nd Street West. South 82nd Street West has never been built and would be difficult to build because of the topography and soils, the proposed road location runs through some swampy areas in the landscape as well. The proposed new road, Pike Court, runs between Lots 6 through 10 and Lots 16 through 18 and 5. It is a 1,000 foot long cul-de-sac that will provide legal and physical access to Lots 5 – 11 and 15 – 18. This road will be built to county road standards for gravel roads and will provide access to the lots that have not been accessible because South 82nd Street West has not been built. Pike Court will have access off of Stillwater Drive, which is a dedicated county road that is a gravel surface road also. Culverts shall be provided to convey storm water under roads and driveways in the subdivision as per the stormwater drainage plan as reviewed and approved by MDEQ.

Maintenance for all public improvements will be through RSIDs which will be created prior to final plat approval. **(Condition #3)**

- c. **Fire and Police services** – The property is within the Laurel Fire Service Area’s jurisdiction and the Laurel Fire Department will provide fire service. It is the subdivider’s responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service’s needs. A 10,000 gallon dry hydrant is proposed to be installed in Pike Park off of South 80th Street West. The 10,000 gallon tank is shown on the preliminary plat located on the edge of South 80th Street West in Pike Park. Pike Park is a County Park and the applicant will have to have permission from the County Park Board to place the tank in the park **(Condition #4)**. Maintenance of the 10,000 gallon dry hydrant will be done through an RSID-M to be created prior to the filing of the final plat as stated in the SIA Section IV. The Fire Department indicated that the proposed location of the fire suppression facilities are sufficient but has requested that installation inspection and approval occur prior to final plat approval. **(Condition #5)**

The Yellowstone County Sheriff’s Department will provide law enforcement services. The Department did not have any concerns with the proposal.

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- e. **Storm water drainage** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and MDEQ. At Storm water management plan will be submitted and approved before final plat approval. **(Condition #6)**

- f. **School facilities** – The proposed subdivision is located in School Districts #8 and #2 service areas. Elementary and Middle school students would attend Elder Grove, while High School students would attend West High School. Elder Grove School has indicated that they have capacity for additional students at this time.
- g. **Parks and recreation** – The parkland dedication requirement for this subdivision is 5% of the net lot area. This subdivision was originally platted in 1972 and at that time park land was dedicated for the subdivision. The current park land dedicated is 5.31 acres, under current regulations the required parkland for the entire subdivision would be 2.9 acres. In the SIA a Park Maintenance District is proposed to be established for its maintenance in the future. There was never an RSID created for the park land with the original plat. In order to create one now it will require existing property owners in the subdivision to be willing to create it at this time.
- h. **Historic features** – No known historical or cultural assets exist on the site.

3. Effects on the natural environment

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 #7**).

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 although the area is good deer and antelope habitat. An advisory note to this effect is in the SIA, Conditions that Run with the Land Section. The existing parkland area has remained in its natural state, up to this time it has allowed for the perpetuation of existing wildlife habitat.

5. Effects on public health and safety

Plans and designs for the individual cisterns and septic systems will be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision. A 10,000 gallon tank with a dry hydrant system will be constructed prior to final plat approval for water supply for firefighting needs.

Effects on public health and safety should be minimized through these measures.

B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-603, MCA) (Chapter 9, YCSR)

An environmental assessment determined there will be no adverse effect on the land as it has been used as farm land for years and therefore has been disturbed from its natural state and this proposed subdivision does not disturb any natural features or habitat.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the Urban Area Transportation Plan--2009 Update, and the Billings Area Bikeway and Trail Master Plan? (Section 3.2(H)(4), YCSR)

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

- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)

This subdivision will create no new lots but the subdivision is for single family residences. This land use is consistent with surrounding developed properties.

- Goal: More housing and business choices within each neighborhood. (p. 9)

The proposed subdivision does not create any new lot the lots are for additional homes in this area.

- Goal: Protection of groundwater, surface water, riparian areas, air quality and productive agricultural land. (p. 9)

The proposed subdivision will maintain the natural drainage areas, although it is removing some agricultural land.

2. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is not within the boundary of the Transportation Plan. The subject property has frontage on Stillwater Drive and South 80th Street West. The appropriate amount of right-of-way is being preserved for these roads with this plat. Also, no-access strips are identified on the plat to prevent new drive approaches on to Stillwater Drive. The internal street in this subdivision is proposed to be a public local residential street built to County Gravel Road Standards.

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

The subject property is not within the jurisdiction of the BABTMP. No bikeway or trail improvements are required or proposed for this subdivision.

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

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [Section 4.8(C) and 4.9(C), YCSR]

The subdivider must receive approval from the MDEQ for the individual cisterns and the proposed septic facilities prior to final plat approval.

F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2(H)(3)(e), YCSR]

The subdivision is outside zoning therefore it doesn't need to meet any requirements of zoning.

G. Does the subdivision provide for necessary planned utilities? [76-3-608(3)(c), MCA and Section 3.2(H)(3)(b), YCSR]

Utility for the proposed lots will be placed in the outer edge of the public dedicated road. Additional utility access will be in an easement that runs from Canyon Drive in a 20 foot easement between lots 16-A and 17-A.

H. Does the proposed subdivision provide for Legal and Physical Access to all lots? [MCA 76-3-608 (3) (d) and Section 3.2 (H) (3) (c) (d), YCSR]

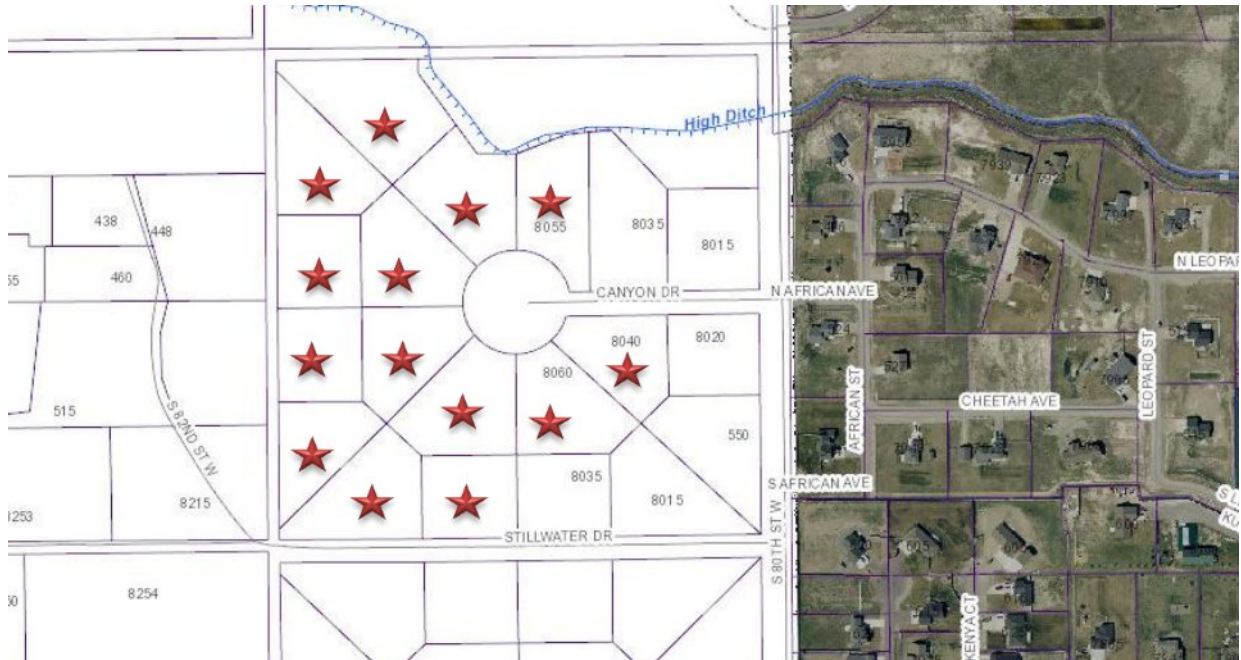
Legal and physical access will be provided for proposed lots off of the internal street. Access off of Stillwater Drive must be approved by the Yellowstone Public Works Department.

CONCLUSIONS OF FINDINGS OF FACT

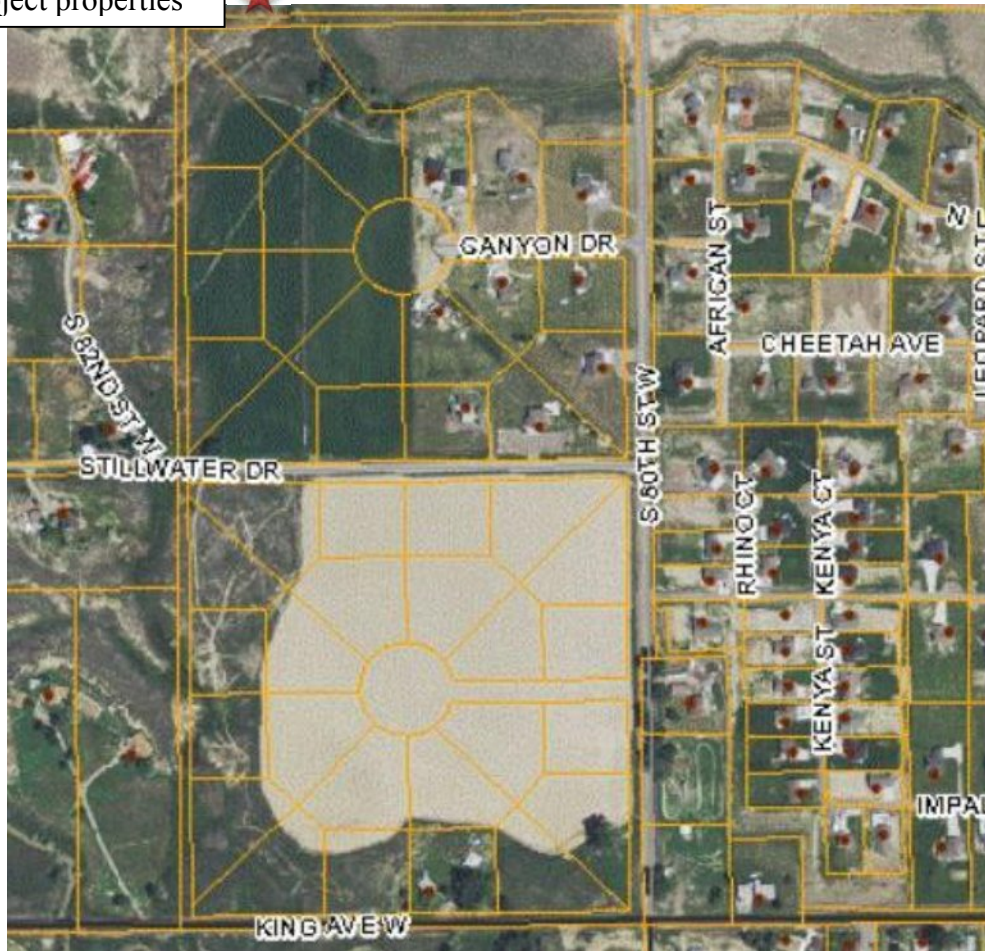
- Second Amended Pike Subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal. Impacts identified can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the 2008 Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

ATTACHMENTS

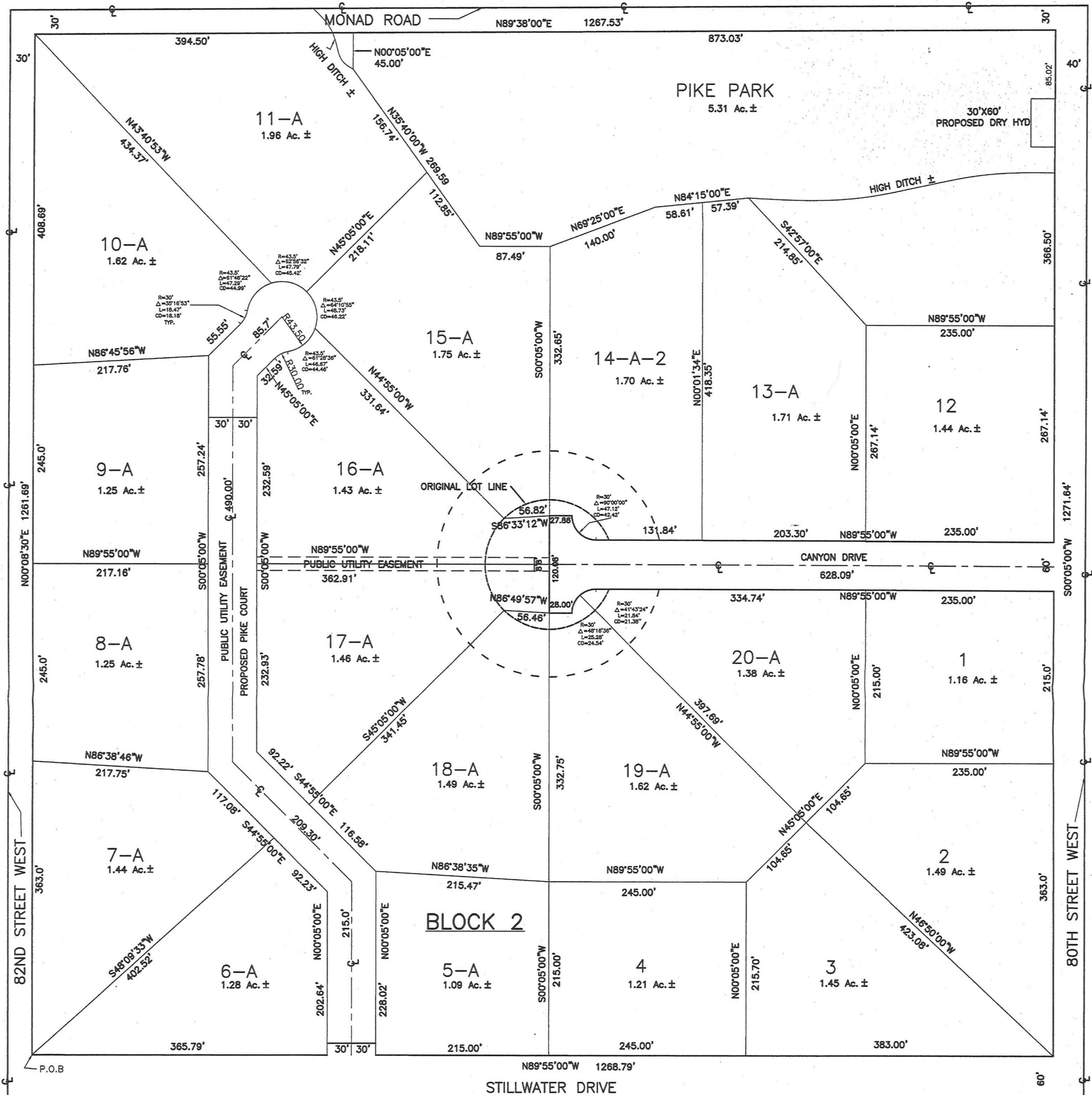
A: Aerial of existing site



Subject properties



Existing Site



MONAD ROAD N89°38'00"E 1267.53'

PIKE PARK
5.31 Ac. ±

30'X60'
PROPOSED DRY HYD

11-A
1.96 Ac. ±

10-A
1.62 Ac. ±

15-A
1.75 Ac. ±

14-A-2
1.70 Ac. ±

13-A
1.71 Ac. ±

12
1.44 Ac. ±

9-A
1.25 Ac. ±

16-A
1.43 Ac. ±

ORIGINAL LOT LINE

CANYON DRIVE

PUBLIC UTILITY EASEMENT

PUBLIC UTILITY EASEMENT
PROPOSED PIKE COURT

17-A
1.46 Ac. ±

20-A
1.38 Ac. ±

1
1.16 Ac. ±

8-A
1.25 Ac. ±

18-A
1.49 Ac. ±

19-A
1.62 Ac. ±

N89°55'00"W
235.00'

7-A
1.44 Ac. ±

BLOCK 2

2
1.49 Ac. ±

6-A
1.28 Ac. ±

5-A
1.09 Ac. ±

4
1.21 Ac. ±

3
1.45 Ac. ±

STILLWATER DRIVE

11

12
BLOCK 1

13

14

82ND STREET WEST

BOTH STREET WEST

P.O.B.



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



Planning Board Meeting I (2nd Tuesday)

8. b.

Meeting Date: 08/11/2015

Information

INTRODUCTION

On July 1, 2015, the Planning Division received an application for review and approval of a five-unit condominium subdivision on one lot of the recorded Curly Willow Subdivision. The property is located on the east side of South 56th Street West, south of Interstate-90. The property is not within the County zoning jurisdiction and therefore, in accordance with Chapter 8 of the County Subdivision Regulations, this condominium development must be reviewed as a subdivision. The Planning Board will conduct a plat review at this meeting and a public hearing on August 25, 2015.

RECOMMENDATION

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of the Curly Willow Condos Subdivision and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on public health and safety, prior to final plat approval the subdivider shall receive approval from the RiverStone Health for the proposed shared septic system and well.
2. To minimize affects on local services, the Rural Special Improvement District (RSID) established for the maintenance of the dry hydrant system, on Lot 2, shall be expanded to include each individual condominium.
3. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plat approval.

4. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

5. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

No variances were requested.

PROCEDURAL HISTORY

- A pre-application meeting was held on May 14, 2015 for this proposal. It was determined that this is a subsequent minor subdivision for condominium development as per Chapter 8 of the Yellowstone County Subdivision Regulations and follows the major subdivision review process.
- The preliminary plat application was submitted to the Planning Division on July 1, 2015.
- A Department Review Meeting was held on July 16, 2015, on this plat application.
- The Yellowstone County Board of Planning will hold a plat review for this application at its August 11, 2015, meeting.
- The Yellowstone County Board of Planning will conduct a public hearing on this application at its meeting on August 25, 2015.
- The Yellowstone County Board of County Commissioners will be considering the application at its regular meeting on September 15, 2015.

PLAT INFORMATION

General location:	South 56 th St. West, south of I-90
Legal Description:	Lot 4, Curly Willow Subdivision; SE1/4 Section 33, T1S, R25E
Subdivider and Owner:	Concrete Partnership, LLP
Engineer and Surveyor:	Chris Hertz, PE and Tim Grant, LS
Existing Zoning:	None
Existing land use:	Vacant Land
Proposed land use:	Commercial uses
Gross area:	2.0 acres
Net area:	2.0 acres
Proposed number of lots:	5 condominium units on one lot

Lot sizes: 2.0 acres

Parkland requirements: Not required for commercial subdivisions

Attachments

Findings of Fact

Attachments

Proposed Plat

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

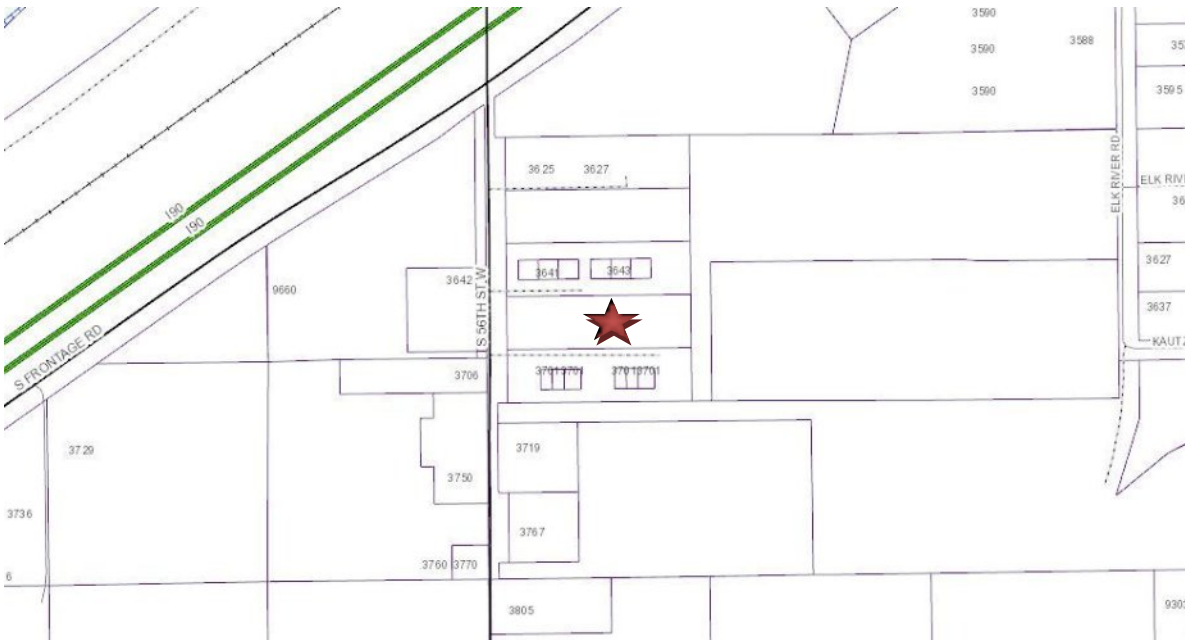
- The preliminary plat of Curly Willow Condos Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- With the proposed conditions, Curly Willow Condos Subdivision is in compliance with the Montana Subdivision and Platting Act and the Yellowstone County Subdivision Regulations.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

ATTACHMENTS

A: Plat and associated documents

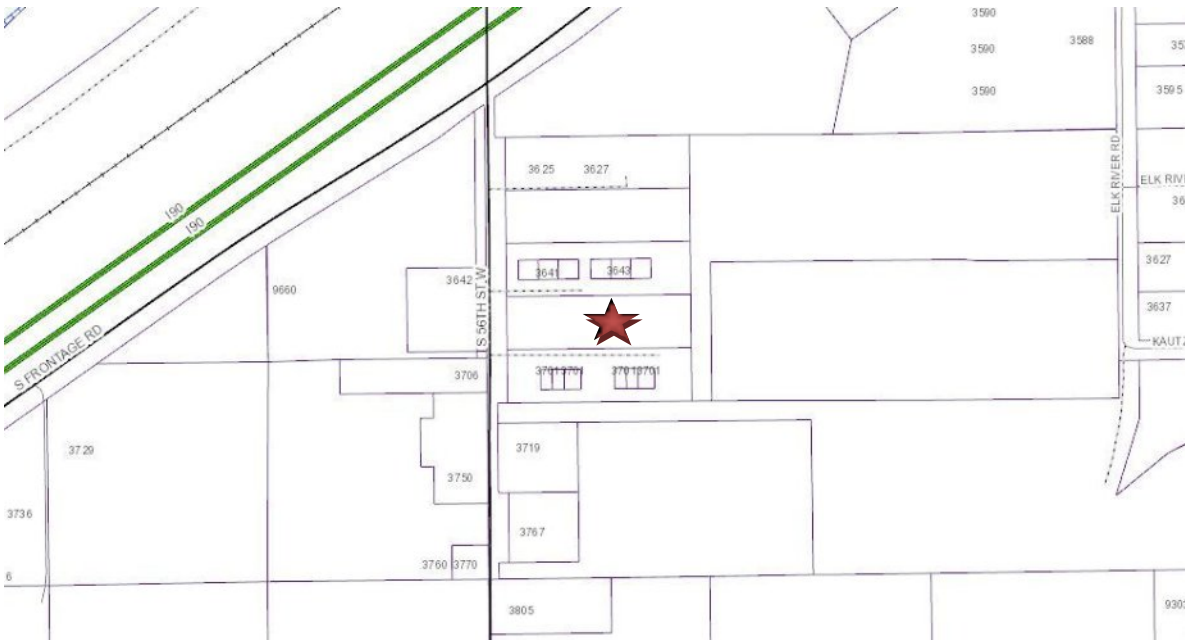


Subject property ★





Subject property ★





YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



Planning Board Meeting I (2nd Tuesday)

8. c.

Meeting Date: 08/11/2015

Information

INTRODUCTION

On July 1, 2015, Sanderson Stewart agents for Kimmert Properties, LLC applied for preliminary subsequent minor plat approval for Keller Place Subdivision, Amended Lot 3A, Block 1. The proposed plat creates 3 lots from a 3.315-acre parcel of land. The subject property is generally located on the west side of Johnson Lane, south of Old Hardin Road in Lockwood. The property is zoned Entryway General Commercial (EGC) and there are a mixture of commercial and residential uses in the immediate vicinity. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, August 25, 2015. The Board of County Commissioners will act on the proposal on September 15, 2015.

RECOMMENDATION

Staff recommends the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Keller Place Subdivision, Amended Lot 3A, Block 1 and adoption of the Findings of Fact as presented in the staff report. The proposed conditions of approval are as follows:

1. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plat approval.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

No variances have been requested from the Yellowstone County Subdivision Regulations for this proposal.

PROCEDURAL HISTORY

- A pre-application meeting was held on March 13, 2015, to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on July 1, 2015.
- A departmental review meeting was conducted on July 16, 2015.
- The preliminary plat was resubmitted with revisions based on department reviews on July 23, 2015.
- The Planning Board will review the plat on August 11, 2015.
- The Planning Board will conduct a public hearing on August 25, 2015, and forward a recommendation to the Board of County Commissioners.
- The Board of County Commission will consider the preliminary plat on September 15, 2015.
- The 60 working-day preliminary plat review period ends September 24, 2015.

PLAT INFORMATION

General location: Lockwood	West side of Johnson Road south of Old Hardin Road in
Legal Description:	Keller Place Subdivision, Amended Lot 3A, Block 1,
Subdivider/Owner:	Kimmet Properties LLC
Engineer and Surveyor:	Sanderson Stewart
Existing Zoning:	EGC
Existing land use:	Vacant, but previously platted property
Proposed land use:	Commercial
Gross/Net area:	3.315 acres
Proposed number of lots:	3
Lot size:	Max: 1.83 acres Min.: 0.73 acre
Parkland requirements: subsequent minor subdivision	No parkland dedication is required for this commercial

Attachments

Findings of Fact
Attachments
Proposed Plat

FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for the Keller Place Subdivision, Amended Lot 3A, Block 1. 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, 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 users' facilities

The subject property is not currently used for agricultural purposes and does not have water rights. The subdivision is in an area that is developed with a mix of other uses and should not affect agriculture or agricultural water users' facilities.

2. Effect on local services

- a. **Water and Sewer** – There is a 16 inch water line in Johnson Lane that will provide water service to the proposed subdivision. The proposed subdivision will also connect to the existing 10 inch sanitary sewer main located in Johnson Lane. Connections to both systems will require the approval of Lockwood water and sewer district.
- b. **Streets and roads** – The proposed subdivision is located on the west side of Johnson Lane, a designated principal arterial street that requires a 120-foot public right-of-way. There is no need for additional right-of-way from this subdivision.

Access to the individual lots will be done through three existing access points. There is an existing 40' wide easement that was created on the north side of the original Keller subdivision that will provide access to Lot 3A-1 and 3A-2, recorded document number 1842752. There is another Reciprocal Access Easement between proposed Lot 3A-1 and 3A-3 that is 40 feet wide, recorded document number 3120839. There is an additional easement proposed on the south east corner of the proposed subdivision.

- c. **Fire and Police Services** – The property is within the Lockwood Fire Department Service area and they will provide fire service to this subdivision. It is the subdivider's responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service's needs. At the time of lot development fire hydrants will be installed as required by the Lockwood Fire Department. Accesses into the development will also be built to Yellowstone County and Fire Department standards to support fire department apparatus.

The Yellowstone County Sheriff's Department will provide law enforcement services.

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- e. **Storm water drainage** – The proposed subdivision at this time has no storm drain facilities. At the time of lot development all storm water drainage shall satisfy storm water management requirements and specifications of Montana Department of Environmental Quality (MDEQ).
- f. **School facilities** – The proposed subdivision is located in Lockwood elementary school and Lockwood Middle School in the Lockwood District and Senior High School in Billings School District #2. Although it is not certain that the lots would be used for residential purposes, mixed use residential with commercial is an allowed use in Entryway General Commercial. It is currently believed that this parcel will most likely develop as a commercial site therefore the impact to the school system will be minimal.
- g. **Parks and recreation** – This proposed three-lot subsequent minor subdivision is not required to provide parkland dedication, YCSR Section 10.8 (A) and (76-3-621, MCA).
- h. **Historic features** – No known historical or cultural assets exist on the site.

3. Effects on the natural environment

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 #1**).

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) responded to a request for review and comment on the proposed subdivision. It is suggested that future land owners should be made aware that unless they take steps to deter animals they may experience damage problems. A note to this effect is found within the SIA to help inform future landowners.

5. Effects on public health and safety

Plans and designs for connection to utilities in Johnson Lane will be reviewed and approved by the Lockwood Water and Sewer District. Storm water management will be reviewed and approved by MDEQ before constructions on the site. Fire and emergency services are provided for this proposed subdivision. There should be minimal effects on public health and safety as a result of this subdivision.

B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-616, MCA) (Chapter 9, YCSR)

An environmental assessment was not required for this subdivision.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2014 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? (Section 3.2 (H)(4), YCSR)

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

- **Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)**

This subdivision will create 3 lots for either commercial or mixed use development, consistent with the immediately surrounding neighborhood.

- **Goal: New developments that are sensitive and compatible with the character of adjacent County townsites. (p. 6)**

There are similarly sized lots directly adjacent to the subject property.

- **Goal: Contiguous development focused in and around existing population centers separated by open space. (p. 6)**

The proposed subdivision will increase the development density on the subject property therefore concentrating development in an area in Lockwood that is proposed to be a commercial area.

- **Goal: More housing and business choices within each neighborhood. (p. 6)**

The proposed subdivision will create 2 developable lots in this area.

2. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is on the eastern edge of the study area of the Transportation Plan. The subject property has frontage on Johnson Lane which is a principal arterial road. No additional right-of-way is needed this plat.

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

The subject property is not in the study area of the BABTMP. The subject property has frontage on Johnson Lane which is identified as a principal arterial. This subdivision, when it is developed, would benefit greatly from boulevard sidewalks on Johnson Lane and internal sidewalks to provide safe pedestrian access. In the Lockwood Pedestrian Safety District document Johnson Lane from I-90 to Ford Road is identified as an area that would benefit greatly from the installation of pedestrian sidewalks for convenience and safety of pedestrians.

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

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [Section 4.8(C) and 4.9 (C), YCSR]

The subdivider will need to receive approval from MDEQ for any proposed development and how they will be handling the storm water. The proposed subdivision will have water and sewer connections to existing water and sewer systems in Lockwood and will be required to obtain approvals from the Lockwood Water and Sewer district.

F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2(H)(3)(e), YCSR]

The subdivision is in the County's zoning jurisdiction and is zoned EGC. The proposed lots sizes are in compliance with zoning and County Subdivision Regulations. In the SIA it is noted that future property owners and developers are required to obtain a Zoning Compliance Permit prior to any construction on the lots.

G. Does the subdivision provide for necessary planned utilities? [76-3-608(3)(c), MCA and Section 3.2 (H)(3)(b), YCSR]

Utility easements shall appear on the face of the final plat as requested by utility companies providing service to the proposed subdivision.

H. Does the proposed subdivision provide for legal and physical access to all lots? [76-3-608 (3)(d), MCA and Section 3.2 (H)(3)(c)(d), YCSR]

Legal and physical access will be provided for the proposed lots from Johnson Lane and an existing public access easements connecting to Old Hardin Road.

CONCLUSIONS OF FINDINGS OF FACT

- The Keller Place Subdivision, Amended Lot 3A, Block 1 does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal. Impacts identified can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the 2008 Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

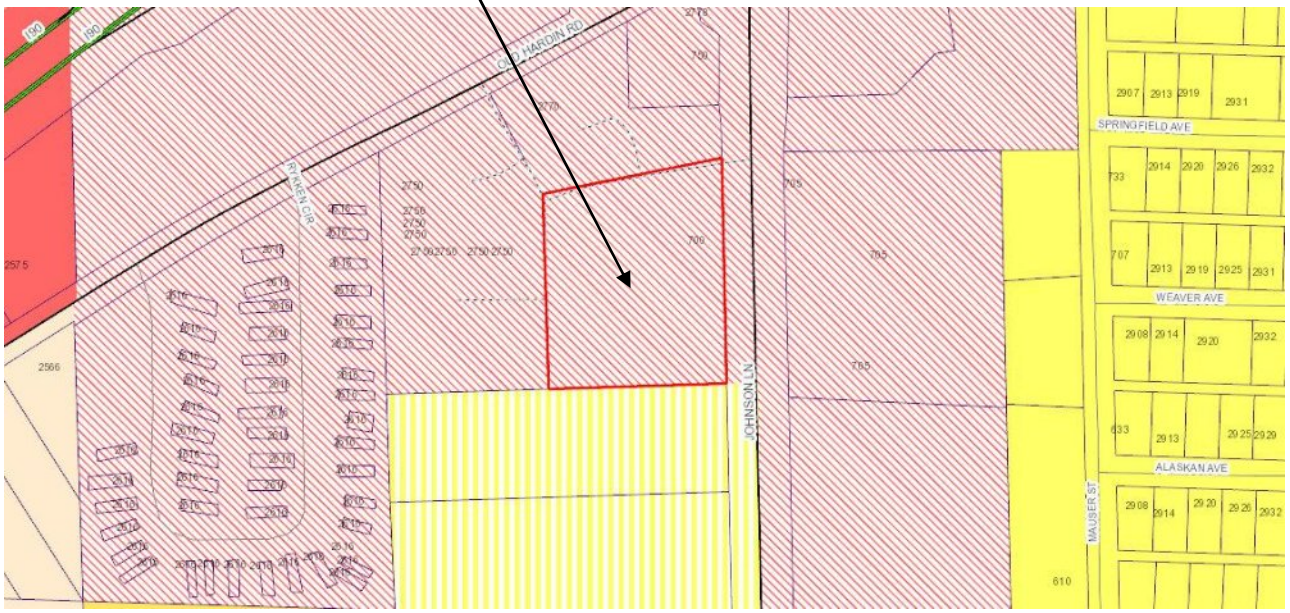
Staff recommends the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Keller Place Subdivision, Amended Lot 3A, Block 1 and adoption of the Findings of Fact as presented in the staff report.

ATTACHMENTS

A: Zoning Map

B: Preliminary Plat and Associated Documents

Subject Property



Aerial View

PRELIMINARY AMENDED PLAT OF LOT 3A, BLOCK 1,
KELLER PLACE SUBDIVISION

SITUATED IN THE NW 1/4 OF SECTION 30, T. 1 N., R. 27 E., P.M.M.
 YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : KING'S ACE HARDWARE

MAY, 2015

PREPARED BY : SANDERSON STEWART

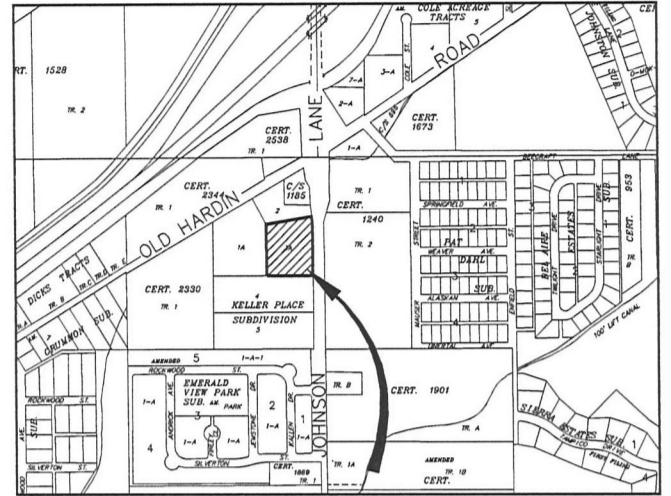
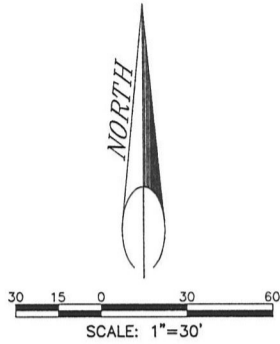
BILLINGS, MONTANA

BASIS OF BEARING: (ORIGINAL PLAT/C.O.S.) OR DETERMINED BY GPS OBSERVATIONS USING SURVEY GRADE RECEIVERS. CONVERGENCE NOT APPLIED TO BEARINGS SHOWN. DISTANCES ARE GROUND DISTANCES.

- FOUND SURVEY MONUMENT, AS NOTED
- SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
- SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

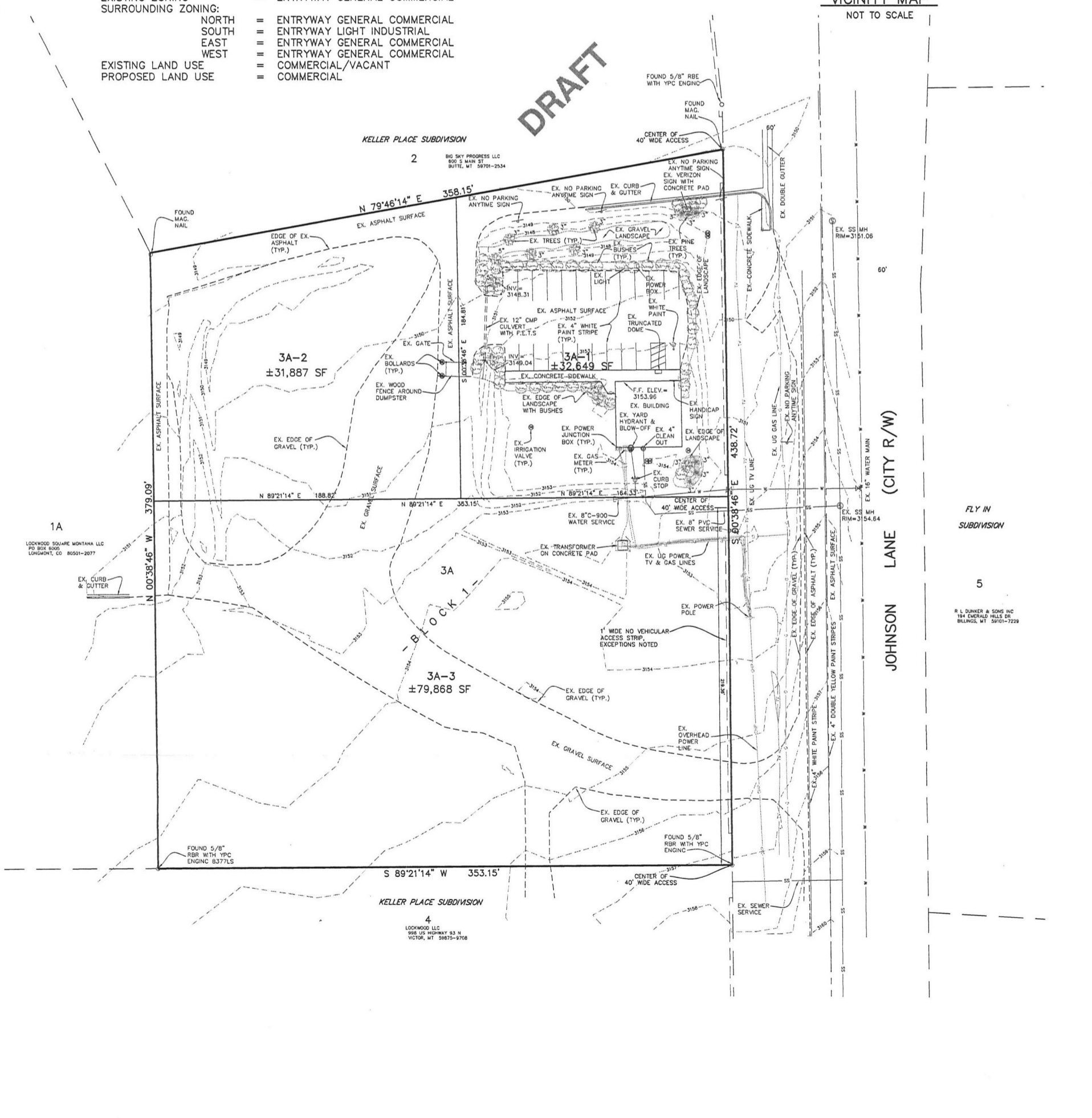
PLAT DATA

GROSS AREA	=	3.315 ACRES
NET AREA	=	3.315 ACRES
NUMBER OF LOTS	=	3
MINIMUM LOT SIZE	=	31,887 SF
MAXIMUM LOT SIZE	=	79,868 SF
LINEAL FEET OF STREETS	=	NONE
PARKLAND REQUIREMENT	=	NA
PARKLAND DEDICATION	=	NA
EXISTING ZONING	=	ENTRYWAY GENERAL COMMERCIAL
SURROUNDING ZONING:		
NORTH	=	ENTRYWAY GENERAL COMMERCIAL
SOUTH	=	ENTRYWAY INDUSTRIAL
EAST	=	ENTRYWAY GENERAL COMMERCIAL
WEST	=	ENTRYWAY GENERAL COMMERCIAL
EXISTING LAND USE	=	COMMERCIAL/VACANT
PROPOSED LAND USE	=	COMMERCIAL



VICINITY MAP
 NOT TO SCALE

DRAFT



FLY IN
 SUBDIVISION

5

R L DUNKER & SONS INC
 194 EMERALD HILLS DR
 BILLINGS, MT 59101-7229