



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



AGENDA

January 12, 2016 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. **Welcome! to Jared LeFevre, City Ward II; Francisco Saldivar, BOCC District t#7, Patrick Klugman, Ward V**
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. **MOTION. MEETING MINUTES:** DECEMBER 8, 2015
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).
 - a. **Recognition of retiring Board members: Al Littler, BOCC District #7; Richard Clark, City Ward I**

- b. **PUBLIC HEARINGS/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. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!

- 1. **Public Hearing. Motion/Recommendation to BOCC. Pinerock Subdivision, 1st Filing**

- 8. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. **Motion/Recommendation to BOCC. Application for Planning Board BOCC District 1. Troy Boucher**

 - b. **Plat Review. Glynn Abbey Subdivision, Wyeth Friday, Planning Division Manager**

- 9. **OTHER BUSINESS:**
 - a. **Election of the 2016 Planning Board Officers-Planning Board**

 - b. **Discussion. Urban Fringe Design Standards Subcommittee. Candi Millar, Director, Planning & Community Services**

 - c. **(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, JANUARY 26, 2015

- a. **Public Hearing. Motion/Recommendation. Glynn Abbey Subdivision, Wyeth Friday, Planning Division Manager**

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)

1.

Meeting Date: 01/12/2016

Information

Subject

CALL TO ORDER - Planning Board President: Welcome and Introduction of new and returning Board Members. **Welcome! to Jared LeFevre, City Ward II; Francisco Saldivar, BOCC District t#7, Patrick Klugman, Ward V**

Attachments

Saldivar Appointment

LeFevre appointment

Klugman appointment

Planning & Community Services Department

"Serving Billings, Broadview and Yellowstone County"

2825 3rd Avenue North, 4th Floor Miller Building
Billings, Montana 59101
Phone: (406) 657-8246
Fax: (406) 657-8327



December 9, 2015

Board of County Commissioners
Yellowstone County, Montana
P.O. Box 35000
Billings, MT 59105-5000

Dear Commissioners,

This letter is to verify that on December 9, 2015 the Yellowstone County Board of Planning forwarded a motion to the Board of County Commissioners to recommend appointment of the applicant below. Please place this item for your consideration on the agenda for your next scheduled meeting.

Motion

Patrick Klugman made a motion and it was seconded by Clint McFarland to forward a recommendation of approval to the Board of County Commissioners for Mr. Francisco Saldivar to serve as Planning Board representative for District #7. The motion carried with a unanimous voice vote.

BOARD/COMMISSION APPLIED FOR: Yellowstone County Board of Planning

NAME:	<u>Francisco Saldivar</u>	HOME PHONE:	<u>406-669-3182</u>
ADDRESS:	<u>13240 Medicine Man Tr</u>	WORK PHONE:	<u>406-247-3046</u>
CITY:	<u>Molt</u>	STATE:	<u>Montana 59057</u>
BUSINESS OR JOB:	<u>Instructor/Department Chair at City College at MSU Billings</u>		

According to our records, the applicant:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Is a resident of this district, and therefore, eligible for appointment to this district. |
| <input type="checkbox"/> | Is not a resident of this district, and therefore, ineligible for appointment. |
| <input checked="" type="checkbox"/> | May be considered for appointment for the Board of County Commissioners following district: Planning District 7 |

Sincerely,

A handwritten signature in blue ink, appearing to read "Candi Millar".

Candi Millar, Director
Planning & Community Services Department

CC: file

NOV 19 2015

BOARD APPLICATION FORM
YELLOWSTONE COUNTY, MONTANA _____

NAME: Francisco Saldivar HOME PHONE: (406) 669-3182
ADDRESS: 13240 Medicine Man Tr WORK PHONE: (406) 247-3046
CITY: Molt STATE: MT ZIP: 59057
BUSINESS OR JOB: Instructor/Department Chair at City College at MSU Billings
E-MAIL ADDRESS: Fwsaldivar@gmail.com
BOARD OR COMMISSION APPLIED FOR: County Planning: District 7

Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

I have been involved in the building trades industry for more than 15 years starting out in concrete construction and excavation and moving to general contracting. My wife and I owned and operated a concrete and excavation company for seven years and have worked with several municipalites, cities and counties on local and state projects. We currently own a small general contracting company.

Why do you wish to serve on this Board or Commission?

I would like to get invovled with local government. Serving on the County and Planning District 7 board would provide me an opportunity to be more involved with the local government and the community I live in. As a faculty member at MSU Billings, we are encouraged to participate in local government and community activites. Serving on this board will help me fulfill a personal goal and answer the call of my employer.

Additional information that you feel is pertinent (attach additional sheets if needed):

I teach energy technolgy at City College at MSU Billings and I am the Chair of the Business, Construction and Energy Technolgy Department. I served in the United States Air Force and I am an Operation Iraqi Freedom veteran. I will be graduateing this December from the University of Montana with a Master's degree in Public Administration.

Francisco W. Saldivar
Signature

16 NOV 15
Date

Return application to: Board of County Commissioners
P.O. Box 35000
Billings, MT 59107-5000

OFFICE USE ONLY:		
APPOINTED:	YES <input type="checkbox"/>	NO <input type="checkbox"/> DATE _____
TERM EXPIRATION DATE: _____		
(Circle one)		
ORIGINAL APPOINTMENT	REAPPOINTMENT	TERM NO: _____



CITY OF BILLINGS

THOMAS W. HANEL, MAYOR

P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 657-8296
FAX (406) 657-8390

December 22, 2015

Jared LeFevre
2206 Clubhouse Way
Billings MT 59105

Dear Mr. LeFevre:

This letter is to confirm that the Billings City Council endorsed your appointment to the Yellowstone County Planning Board at their regular Council meeting on December 21, 2015.

Please let us know if there is anything we can do to assist you in the performance of your duties. This board meets the second and fourth Tuesday of every month at 6:00 PM at the Miller Building, 1st Floor Conference Room, 2825 3rd Avenue North.

Sincerely,

Thomas W. Hanel
Mayor

TWH:wjm

1st Term Expires: 12/31/2017

cc: Candi Millar
File





RECEIVED

NOV 23 2015

ok

REQUEST TO SERVE AS A MEMBER OF A BOARD/COMMISSION/COMMITTEE FOR THE CITY OF BILLINGS

BOARD/COMMISSION/COMMITTEE: Planning Board

DATE: 11/20/15

Thank you for your interest. Citizen volunteers are regularly appointed to various City boards, commissions and committees. Board members must be at least 18, reside within the City limits (for at least the last 2 years-business or work address is not sufficient for proof of residency), live in Montana (for 3 years), and be a registered voter. Members serve without compensation.

Please complete the following and return it to: Mayor's Office, P. O. Box 1178, Billings, MT 59103.

Name (please print): Jared M. Le Fevre	
Home Address: 2206 Clubhouse Way, 59105	e-mail address: jlefevre@crowleyfleck.com
Home Phone: 406-671-1956	Work Phone: 406-255-7323
Occupation: Lawyer	Employer: Crowley Fleck PLLP
Would your work schedule conflict with meeting dates?	Yes ___ No <u>X</u> (If yes, explain.)
Education:	High School: _____
	College/Vo-Tech/Other: B.S, BYU; J.D., University of Utah School of Law; LL.M (Taxation),
Military Service None	University of Alabama
In which Ward do you reside? <u>2</u>	Branch: _____
Special Skills/Talents/Interests/Hobbies:	Running, Biking, mentoring young people (I have 5 children), public speaking
PLEASE MARK THE APPROPRIATE BOX BELOW :	
At least 18 years of age? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Registered voter? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Resident of Billings for at least the last 2 years? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Resident of Montana for at least 3 years? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
IF NECESSARY, ATTACH A SEPARATE SHEET OF PAPER FOR YOUR ANSWERS TO THE FOLLOWING:	
Previous and current community service: Member of Billings Downtown Rotary Club; Member of Billings Chamber of Commerce (Trails and Local Government Committees); Incoming Board Member of TrailNet; Boy Scouts Committee Member and Assistant Scout Master	
Previous and current public experience (elective or appointive): None	
Membership in other community organizations: See responsives above. I have also coached youth basketball at the YMCA.	
Have you ever worked for or are you currently working for the City of Billings? <u>No</u> If yes, where and during what dates?	
Do you have any relatives working for the City of Billings? <u>No</u> If yes, who, which department, and relationship?	
Have you ever served on a City or County Board? <u>No</u> Are you currently serving on a Board? <u>No</u> If yes, where, what Board, and when did you serve?	

Why are you interested in serving on this Board, Commission or Committee?

I have been a resident of Billings for more than 14 years and am an owner (partner) of a business (law firm). I have a strong interest in seeing Billings become the best community that it can be. I possess a business sense, have the community's best interests in mind and want to see Billings blossom. I get along well with others and pride myself in the ability to build consensus. Those traits will serve me well on this Board.

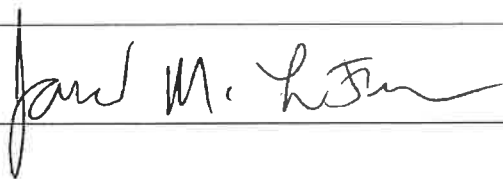
Please describe your experience and/or background which you believe qualifies you for service on this

Board/Commission/Committee: I have a business, real estate and tax law background, having practiced law in those fields for more than 14 years. I have a strong interest in the Billings community since I have 5 children growing up here and am a business owner.

Have you ever been convicted of a felony? No If yes, describe in full giving dates.

Have you ever been convicted of a crime? No Exclude traffic citations only. If yes, describe in full giving dates. (Criminal convictions are not an absolute bar to appointment, except for some felonies, but will be considered in relation to an appointment.)

Signature:



Date:

1/20/15



CITY OF BILLINGS

THOMAS W. HANEL, MAYOR

**P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 657-8296
FAX (406) 657-8390**

December 22, 2015

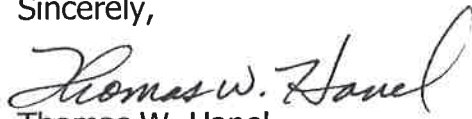
Patrick Klugman
1572 Nottingham Place #4
Billings MT 59105

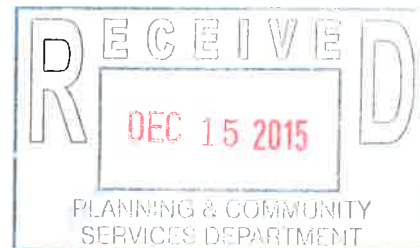
Dear Mr. Klugman:

This letter is to confirm that the Billings City Council endorsed your appointment to the Yellowstone County Planning Board at their regular Council meeting on December 21, 2015.

Please let us know if there is anything we can do to assist you in the performance of your duties. This board meets the second and fourth Tuesday of every month at 6:00 PM at the Miller Building, 1st Floor Conference Room, 2825 3rd Avenue North.

Sincerely,


Thomas W. Hanel
Mayor



TWH:wjm

Term Expires: 12/31/2016 (Unexpired term of Richard Clark)

cc: Candi Millar
File





REQUEST TO SERVE AS A MEMBER OF BOARD/COMMISSION/COMMITTEE FOR THE CITY OF BILLINGS

RECEIVED

NOV 25 2015

Handwritten initials in a circle.

BOARD/COMMISSION/COMMITTEE: City/County Planning Board DATE: 11-24-15 Mayor

Thank you for your interest. Citizen volunteers are regularly appointed to various City boards, commissions and committees. Board members must be at least 18, reside within the City limits (for at least the last 2 years-business or work address is not sufficient for proof of residency), live in Montana (for 3 years), and be a registered voter. Members serve without compensation.

Please complete the following and return it to: Mayor's Office, P. O. Box 1178, Billings, MT 59103.

Name (please print): <u>Patrick Klugman</u>	
Home Address: <u>1572 Nottingham Plc. #4</u>	e-mail address: <u>Klugmanpa@gmail.com</u>
Home Phone: <u>N/A</u>	Work Phone: <u>869-8418</u> Cell Phone: <u>3205304-2582</u>
Occupation: <u>Project Manager</u>	Employer: <u>Big Sky Economic Development</u>
Would your work schedule conflict with meeting dates? Yes ___ No <u>X</u> (If yes, explain.)	
Education:	High School: <u>Wheaton, MN Secondary</u>
	College/Vo-Tech/Other: <u>B.A. Minnesota State University Moorhead - M.A. MSUB</u>
Military Service: <u>-</u>	Branch: <u>-</u>
In which Ward do you reside? <u>Currently: Ward 2 - After 12-31-15 -> Ward 5</u>	
Special Skills/Talents/Interests/Hobbies:	

PLEASE MARK THE APPROPRIATE BOX BELOW :

At least 18 years of age? <u>Yes</u> No	Registered voter? <u>Yes</u> No
Resident of Billings for at least the last 2 years? <u>Yes</u> No	Resident of Montana for at least 3 years? Yes <u>No</u>

IF NECESSARY, ATTACH A SEPARATE SHEET OF PAPER FOR YOUR ANSWERS TO THE FOLLOWING:

Previous and current community service:
- I have always enjoyed serving the community where I have lived and being involved in an attempt to make our community better. I currently sit on the Planning Board representing Ward 2.

Previous and current public experience (elective or appointive):
I was appointed to the City/County Planning Board in January of 2014, representing Ward 2.

Membership in other community organizations:
I frequently attend various task force meetings throughout the community including Rimrock Neighborhood Taskforce, Southside Taskforce, North Park Taskforce, ect.

Have you ever worked for or are you currently working for the City of Billings? ___ If yes, where and during what dates?
No

Do you have any relatives working for the City of Billings? ___ If yes, who, which department, and relationship?
No

Have you ever served on a City or County Board? Yes Are you currently serving on a Board? Yes If yes, where, what Board, and when did you serve? City/County Planning Board, Ward 2. January 2014 - Present

Why are you interested in serving on this Board, Commission or Committee?

I have served on this Board for two years and would like to continue. I am moving from Ward 2 to Ward 5 at the beginning of the year. It is my understanding Dick Clark, Councilman Elect for Ward 5, will be resigning and the seat will be open. It is my hope I will continue to contribute as a member of this Board.

Please describe your experience and/or background which you believe qualifies you for service on this Board/Commission/Committee:

My experience the past two years on the Board has been enjoyable, but most importantly, rewarding. I believe my contributions and relationships with City Staff, current Board members, and the public make me a good fit to continue serving on this Board. Experience with regulations and processes with sub-divisions qualify me for this Board.

Have you ever been convicted of a felony? If yes, describe in full giving dates.

No

Have you ever been convicted of a crime? Exclude traffic citations only. If yes, describe in full giving dates. (Criminal convictions are not an absolute bar to appointment, except for some felonies, but will be considered in relation to an appointment.)

No

Signature:



Date:

11-24-15



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



Planning Board Meeting I (2nd Tuesday)

7. b. 1.

Meeting Date: 01/12/2016

Information

INTRODUCTION

On November 2, 2015, Blueline Engineering on behalf of VTR Properties, LLC, applied for preliminary major plat approval for Pinerock Subdivision, 1st Filing. The proposed plat creates 48 lots for single-family residences on a 118.18-acre parcel of land. The subject property is generally located on the west side of Highway 87 North (Hwy 87 N), directly across from Hidden Lake Subdivision. The property is outside of zoning. The proposal is scheduled to go to the Board of County Commissioners for action on January 26, 2016.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Pinerock Subdivision, 1st Filing and adopt the Findings of Fact as presented in the staff report.

PROCEDURAL HISTORY

- A pre-application meeting was held on June 25, 2015 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on November 2, 2015.
- A departmental review meeting was conducted on November 19, 2015.
- The preliminary plat was resubmitted with revisions based on department reviews on November 27, 2015.
- The Planning Board reviewed the plat on December 8, 2015.
- The Planning Board will conduct a public hearing on January 12, 2016, and forward a recommendation to the Board of County Commissioners.
- The Board of County Commission is scheduled to consider the preliminary plat on January 26, 2016.
- The 60 working-day preliminary plat review period ends January 27, 2016.

VARIANCES REQUESTED

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

DISCUSSION/STAKEHOLDERS

The Planning Board conducted its plat review of the proposed subdivision at its meeting on December 8, 2015. Planner II Dave Green made a presentation on the proposed plat to the Planning Board. Vice President Don Reed called for questions and discussion. There were questions from the Board about the park land, proposed trails in the subdivision, and the water source for domestic water for the residence of the subdivision.

Planning Board Member Donna Forbes noted that there is no open space parkland proposed in the subdivision and no sidewalks. Dave Green explained that the lot sizes are over the size that would require sidewalks. He explained that soft surface trails are proposed along the roads in the subdivision and there is a small open area planned for a trail head along the eastern edge of the subdivision.

Marshall Phil, Blueline Engineering, spoke on behalf of owner VTR Properties, LLC. Mr. Phil said the applicant is trying to make this subdivision rural in nature and a decomposed granite product is proposed for the soft surface trails as a conventional gravel may be too loose. Trail maintenance will be covered through the RSID for the public roads in the subdivision. Mr. Phil also stated the roads will be paved and built according to County specifications.

Planning Board Member Darrell Tunnicliff asked about issues with fire as grassfire potential may be an issue in the area. Mr. Phil stated the covenants will require homeowners to maintain grass at a 6" maximum height where grass is maintained. He also explained that residents will be hauling water to their homes and using cisterns for storage as the aquifer has water but it varies in quality and there is not enough quantity to service this subdivision.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To mitigate impacts on local services, prior to final plat approval the subdivider shall create a Rural Special Improvement District – Maintenance (RSID-M) for future maintenance of the new internal roads the dry hydrant system and for the 5-foot wide trail corridor dedicated with the subdivision.
2. To ensure provision of easements for the location and installation of planned utilities, prior to final plat approval a recordable easement document shall be provided with the final plat documents for the dry hydrant system. The dry hydrant system shall be installed by the subdivider, and inspected and approved by the Billings Fire Department prior to.
3. To minimize the effects on the natural environment, prior to final plat approval, a weed management plan and property inspection shall be approved by the County Weed Department.
4. To minimize the effects on the natural environment and to inform future property owners of possible habitat, before final plat approval, the applicant will include in Conditions That Run With The Land under A information from the Environmental Assessment about the Species of Concern and the need to be aware they may be in the area and to preserve as much as possible their habitat.
5. To provide for the installation of the needed private utilities within the subdivision, before final plat approval, the applicant will provide easement documents for the easements shown on the plat for the private utility companies.
6. 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.
7. 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.

ATTACHMENTS

A: Zoning Map

B: Preliminary Plat and Associated Documents

Attachments

Findings of Fact

Subdivision Plat

FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for the Pinerock Subdivision, 1st Filing. 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 currently vacant grass land. No water rights are being transferred to the new lots within the subdivision. There will be no impact to agriculture with this subdivision.

2. Effect on local services

- a. **Water and Sewer** – Individual cisterns are proposed be used to supply water to the lots and individual septic systems are proposed for sanitary sewer needs. Locations of water cisterns and septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ) prior to final plat approval. These systems will be constructed as approved by the MDEQ and as shown on approved plans (**Condition #4**).
- b. **Streets and roads** – The proposed subdivision is located on the west side of Hwy 87 N that goes to Roundup. Highway 87 is classified as a principal arterial street according to the Billings Urban Area Functional Classification Map. The proper amount of right-of-way for this arterial has been dedicated previously.

The Traffic Impact Study (TIS) that was submitted with this proposed subdivision uses existing traffic counts on Hwy 87 N and projects traffic numbers that would be generated by this proposed subdivision. The TIS shows a need for a left hand turn lane for traffic going north on Hwy 87 N and turning into the subdivision at the south entry point prior to the completion of the 2nd filing, and a left had turn lane on the north entry point before the completion 4th filing. These requirements will be condition during the review of 2nd and 4th filings.

The TIS states there is not a need for a right hand turn lane for traffic traveling south on Hwy 87 N since the traffic data in the TIS shows the majority of the traffic will be traveling from the south (from Billings) to the subdivision.

All proposed lots shall be accessed from new internal roads dedicated to the public. The new roads will be built to County residential road standards with 24 feet of pavement within a 60-foot right of way. An RSID-M for maintenance of the new roads will need to be established prior to final plat approval (**Condition #1**).

- c. **Fire and Police Services** – The property is within the Shepherd Fire Service Area’s jurisdictional boundary. However, the property must be added to their service area and the applicant has begun the process of petitioning into their service jurisdiction (**Condition #3**).

It is the subdivider’s responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service needs. A 30,000 gallon dry hydrant system is proposed to be installed on the northeast corner of the intersection of proposed Vistarock and Pinerock streets, on Lot 8, Block 11. An easement for its location shall be shown on the face of the final plat, and a recordable easement document provided (**Condition #2**). The applicant also will have the Shepherd Fire Department sign off on the installation of the dry hydrant system prior to final plat approval (**Condition #3**). Maintenance of the 30,000 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 in Section IV (**Condition #1**). The Shepherd Fire Department indicated that the proposed fire suppression facilities are sufficient and they would provide specifications for the dry hydrant system.

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** – All storm water drainage shall satisfy storm water management requirements and specifications of MDEQ (**Condition #4**). The water is proposed to be absorbed on-site in the ditches along the paved road within the public right-of-way.
- f. **School facilities** – The proposed subdivision is located in School District #52 Independence School for elementary, and School District #2 for Middle and High School, Castle Rock and Skyview respectively. Independence School responded that they have additional capacity for more students and the proposed subdivision is on an existing bus route. Staff only received a comment back from Skyview High School. They have indicated that they have additional capacity for more students. School District #2 is currently constructing a new middle school to address overcrowding issues and other growth pressures experienced over the past decade. The results may change the boundaries for this subdivision. They are hoping to have the new school opened for the start of the school year in Fall 2016. Students in this subdivision may attend the new middle school.
- g. **Parks and recreation** – This proposed subdivision is required to provide 5% of the net area as parkland pursuant to Section 10.2, YCSR and 76-3-621, MCA.

This amount totals 4.991 acres. The subdivider is proposing to install a soft surface trail system within the public road right-of-ways inside the subdivision. The applicant is proposing to use that square footage toward the total required acreage for parkland dedication. They are also providing a 'Trail Head' at one of the entry road into the subdivision and that is proposed to be included in the park land dedication to the County. While the County Park Director has stated that he is agreeable to use that square footage as parkland dedication, Planning and County legal staff have concerns about this approach meeting the Montana Subdivision and Platting Act and are in discussion with County Park staff and the applicant on what options may be available. The trail system will be included in the same RSID-M created for maintenance of the roads (**Condition #1**).

The total acreage provided with the trail system and the 'Trail Head' area is 2.451 acres, the remaining 2.54 acres of required parkland is proposed to be met by a cash contribution in lieu of land dedication. This dedication calculation may need to be modified based on the state law for park land dedication that does not allow a trail provided in a required road dedication to count toward park land dedication for a subdivision. More information will be provided by staff at the plat review meeting on December 8.

The State Legislature has established how and where cash-in-lieu of parkland must be spent, and this dictate is delineated in the districts established in the Comprehensive Parks Plan for Yellowstone County, adopted by the Board of County Commissioners after review, recommendation, and public hearing by the County Board of Park Commissioners. Cash-in-lieu funds from this subdivision development will be used to make improvements in a nearby established park to address the public need generated by the new subdivision residents (MCA 76-3-621(5)).

To provide a rough proportionality of value for the cash-in-lieu, a comparative market analysis (CMA) will be prepared by a third party real estate broker, or similarly qualified person, in Yellowstone County. The CMA provides the dollar per acre value to be applied to the required amount of parkland for which cash is being taken in-lieu. MCA 76-3-621(10)(a) defines cash donation, i.e., cash-in-lieu as "—the fair market value of the un-subdivided, unimproved land." The CMA will be provided at the time of review for final plat approval and the cash-in-lieu contribution will be provided.

- 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 #5**).

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

4. Effects on wildlife and wildlife habitat

There are no known endangered species on the property. Montana Fish, Wildlife, and Parks (FWP) responded to a request for review and comment on the proposed subdivision. It stated that there are deer, antelope and wild turkey in the area and home owner homeowners should be made aware that unless they take steps to deter animals such as fencing their yards they may experience damage problems. A note to this effect is found within the SIA to help inform future landowners. FWP also recommended the applicant request information from Montana Natural Heritage Program (MNHP).

MNHP provided information for species of concern that occur in an area defined by the township, range and section and a 1-mile buffer in the requested area. The MNHP identifies plants, animals and biological features on the land or possibly on the land given the information they have available to them. They identified 8 species of animals that are classed as Species of Concern (SOC), they are not endangered but identified as possibly being in the area because of habitat features in the area. They include, Great Blue Heron, Greater Sage-Grouse, Burrowing Owl, Pinyon Jay, Spotted Bat, Black-tailed Prairie Dog, Western Milksnake and a place where Bats Roost.

The property that this proposed subdivision is being built on has some varying topography and some wooded areas. The applicant plans to leave the major features intact and preserve the wooded area untouched by development. They are also proposing large lots which will not concentrate development and cause most of the land to be disturbed to they will be preserving land that will remain as habitat for the possible existing SOC animals identified in the EA. The CCR's with this application will also be requiring the residents to landscape their lot with native grasses and trees that will require minimal water use which will also provide continued habitat for any existing wildlife that may be in the area.

With the information provided with the EA it is recommended that in the SIA under Conditions That Run With The Land A. the applicant include language addressing the additional wildlife information provided in the EA. **(Condition #6)**

5. Effects on public health and safety

Plans and designs for use of the proposed individual cisterns and septic systems will be reviewed and approved by MDEQ prior to final plat approval **(Condition #4)**. Fire and emergency services are provided for this proposed subdivision as discussed in Section 2 (c) above.

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 (EA) was required for this subdivision as outlined in Section 9.2. A. of the County Subdivision Regulations. The EA outlines impacts to the surrounding and addresses water, sewer and storm water issues that have historically existed on the proposed subdivision site. Please refer to the 'Effects on wildlife and

wildlife habitat' paragraph above in Section 4 and how this issue is being addressed in the subdivision and SIA.

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 48 lots of approximately 1 to 3+ acres for single family residences, 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 many similarly sized lots containing single-family homes directly adjacent to the subject property.

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

The proposed subdivision will create 48 additional lots in this area.

2. 2014 Billings Urban Area Long-Range Transportation Plan

The subject property is within the study area of the Transportation Plan. The subject property has frontage on Hwy 87 N. This street is a principal arterial, and the appropriate amount of right-of-way was previously provided. All access to the lots will be from the new internal local streets.

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

The subject property is outside the jurisdiction of the BABTMP. However, the applicant is proposing to have a 'soft surface' trail system in the subdivision that would provide for bicyclists and 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 must receive approval from MDEQ for the proposal to make use of the proposed individual wells and septic systems for the new lots, prior to final plat approval (**Condition #4**).

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

The subdivision is outside the County's zoning jurisdiction so there are no zoning requirement on the land. The applicant is proposing Covenants Codes and Restrictions (CCR's) to govern the subdivision. CCR's are not enforced by the county but by the homeowners in the subdivision.

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 Northwestern Energy and MDU and be accompanied by easement documents (**Condition # 7**). An easement has also been shown for the dry hydrant system. A recordable easement document for the hydrant shall be submitted with the final documents (**Condition #2**).

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 the new public internal streets, which are off of Hwy 87 N.

CONCLUSIONS OF FINDINGS OF FACT

- The Pinerock Subdivision, 1st Filing 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 that the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Pinerock Subdivision, 1st Filing and adoption of the Findings of Fact as presented in the staff report.

ATTACHMENTS

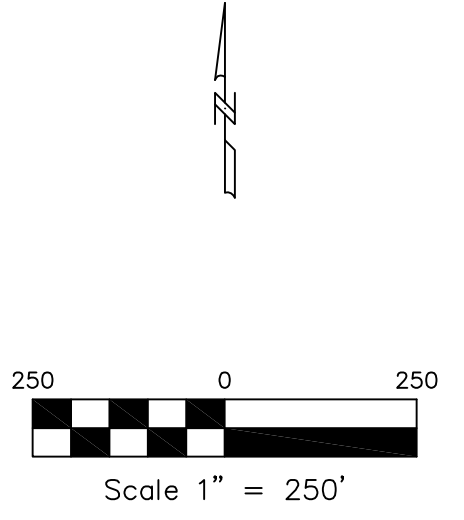
A: Zoning Map

B: Preliminary Plat and Associated Documents

PRELIMINARY PLAT OF PINEROCK SUBDIVISION

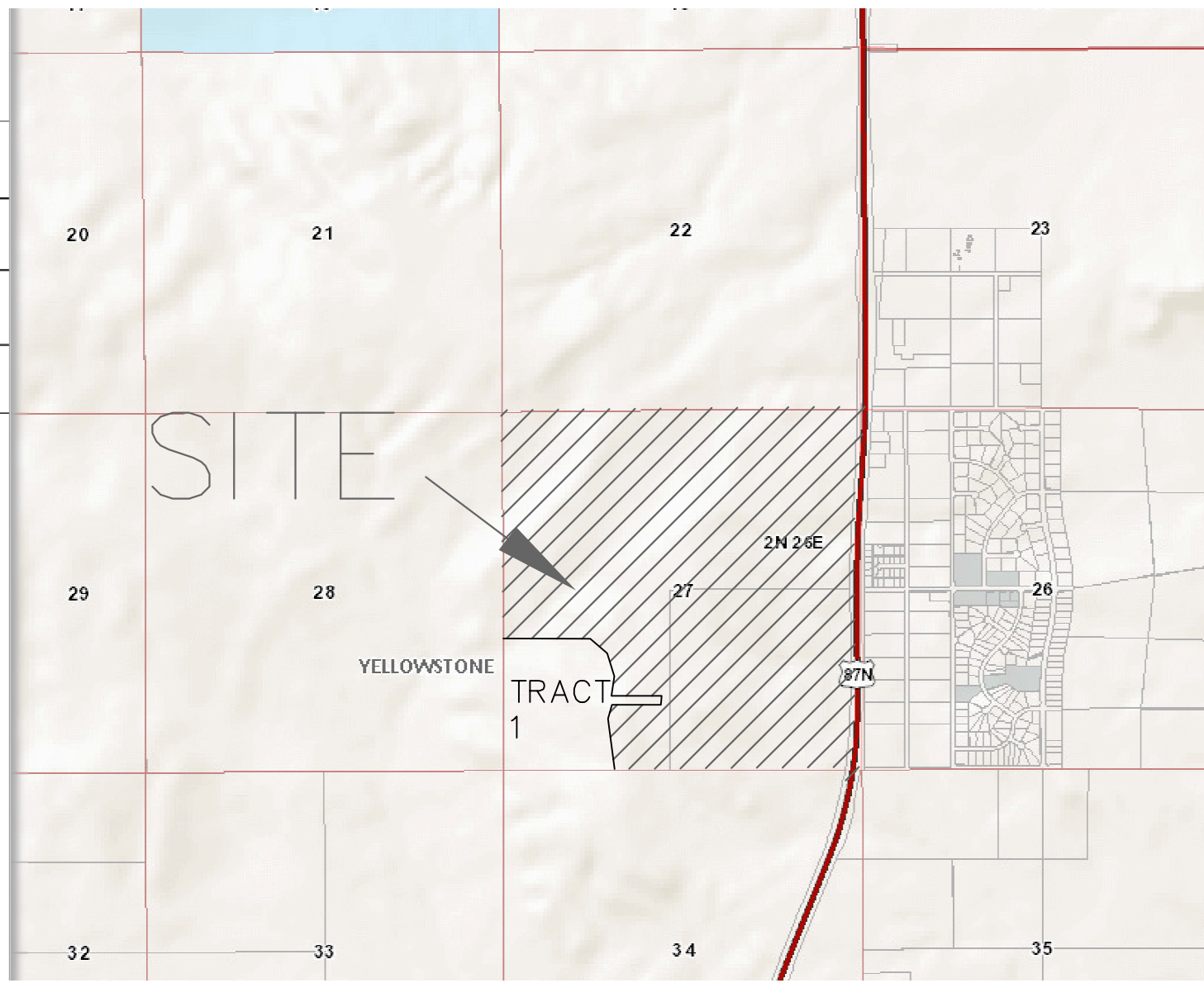
BEING TRACT 2 C/S _____ IN SECTION 27, T. 2 N., R. 26 E., P.M.M.
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: VTR PROPERTIES LLC
 SURVEYOR: NORTH STAR LAND SERVICES, P.C.
 ENGINEER: BLUELINE ENGINEERING LLC
 NOVEMBER, 2015
 BILLINGS, MONTANA

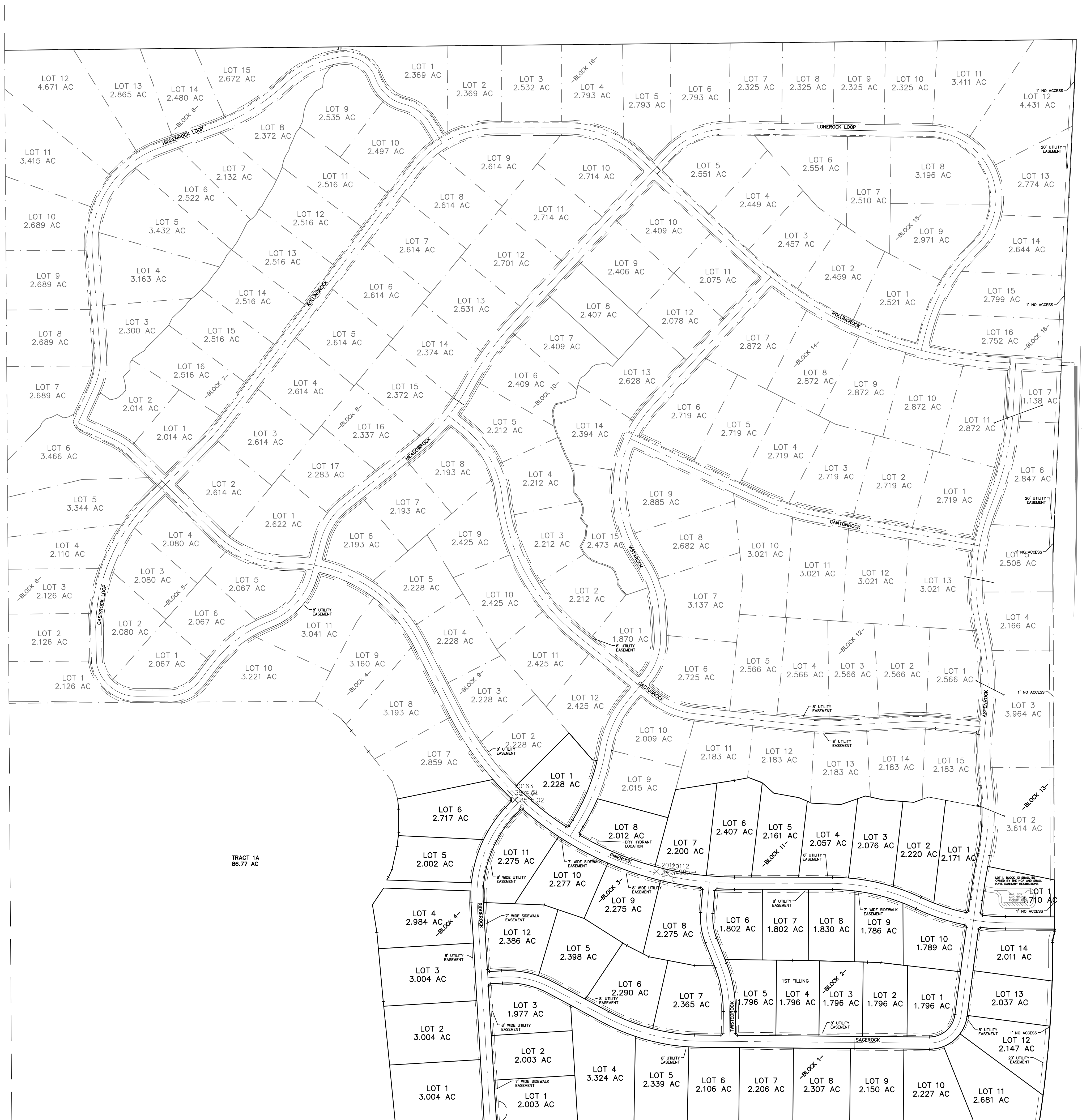


SUBDIVISION DETAILS:

GROSS AREA	=	537.542 ACRES
NET AREA	=	525.314 ACRES
ROAD AREA	=	12.228 ACRES
NUMBER OF LOTS	=	47
MINIMUM LOT SIZE	=	1.796 ACRES
MAXIMUM LOT SIZE	=	3.213 ACRES
EXISTING ZONING	=	NONE
SURROUNDING ZONING	=	NONE
NORTH	=	NONE
SOUTH	=	A1
EAST	=	NONE
WEST	=	NONE/ GRAZING
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	RESIDENTIAL



VICINITY MAP
NOT TO SCALE



Planning Board Meeting I (2nd Tuesday)

8. a.

Meeting Date: 01/12/2016

Information

Subject

Motion/Recommendation to BOCC. Application for Planning Board BOCC District 1. Troy Boucher

Attachments

Application_Troy Boucher BOCC District 1

BOARD APPLICATION FORM
YELLOWSTONE COUNTY, MONTANA

NAME: Troy Boucher HOME PHONE: (406) 259-1831
ADDRESS: 3149 Conestoga Way WORK PHONE: (406) 855-6998
CITY: Billings STATE: MT ZIP: 59105
BUSINESS OR JOB: Self Employed, contractor, part time real estate broker
E-MAIL ADDRESS: montanareo@gmail.com
BOARD OR COMMISSION APPLIED FOR: Yellowstone County Planning Board Dist. 1 seat

Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

Previously served from 2005-2009 on the City of Billings Board of Adjustment
Presently serve as Chairman for the Board of Trustees for District 7 HRDC

Why do you wish to serve on this Board or Commission?

I enjoy giving back to the community by serving on boards and commissions. This board is of particular interest because I want to become more active in planning for the future growth of our community.

Additional information that you feel is pertinent (attach additional sheets if needed):

 12/09/2015
Signature Date

Return application to: Board of County Commissioners
P.O. Box 35000
Billings, MT 59107-5000

OFFICE USE ONLY:

APPOINTED: YES ___ NO ___ DATE _____

TERM EXPIRATION DATE: _____

(Circle one)

ORIGINAL APPOINTMENT REAPPOINTMENT TERM NO: _____



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



Planning Board Meeting I (2nd Tuesday)

8. b.

Meeting Date: 01/12/2016

Information

INTRODUCTION

On November 30, 2015, the Planning Division received an application for preliminary plat approval for the proposed Glynn Abbey Subdivision, a major residential subdivision. The property is located on the north side of Rimrock Road between the intersection of 54th Street West and Rimrock Road and the intersection of Mickey Wright Lane and Rimrock Road. The subdivision is proposed to include 33 lots for single family residential development and one lot for open space/parkland/stormwater management area. Planning Board will review the plat at this meeting and a conduct a public hearing on January 26.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the City Council conditionally approve the preliminary plat of the Glynn Abbey 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 effects on agriculture and agricultural water user facilities, prior to final plat approval the subdivider will add language to Section VIII of the SIA as to the maintenance responsibilities of the relocated and piped irrigation ditch and documentation in writing that ditch user Ted McFarland has accepted the maintenance plan for the relocated piped ditch.
2. To minimize the effects on local services, prior to final plat approval the subdivider will receive approval from the City Engineering Division for the content of the City of Billings Right-Of-Way Easement and prepare the easement document for execution and recording at the time of final plat approval.
3. To minimize effects on local services and ensure ongoing operation of electric utilities, prior to final plat approval the subdivider will provide written documentation that the Yellowstone Country Club has approved relocation and burying of the overhead power line that crosses the subject property and serves the Yellowstone County Club.
4. To minimize the effects on local services and address management of stormwater in the subdivision as per City Engineering Division specifications, prior to final plat approval the subdivider will update language in Section V of the SIA to read: "The existing property does not have any existing or active storm water detention or retention facilities located onsite. The development will include installation of four (4) storm water ponds used for routing and detention. Total detention volume within the central open space area will be sized in accordance with the Storm Water Management Manual for a commercial site. Water will be pumped to the Cove Ditch from the ponds to reduce

pond volume to pre-storm volume within 72 hours. All ponds shall be maintained by the Home Owner's Association." The subdivider also will submit a copy of the agreement with the Cove Ditch for pumping storm water and the easement necessary to pump storm water to the ditch where it crosses Yellowstone Country Club Property to City Engineering for review and approval prior to final plat approval.

5. To minimize the effects on local services and address management of stormwater in the subdivision as per City Engineering Division specifications, prior to final plat approval the subdivider will submit the Glynn Abbey HOA language regarding maintenance of the stormwater facilities to City Engineering for review and approval.
6. To minimize effects on local services and as specified in Section III (A) of the SIA , prior to final plat approval the subdivider will provide the required cash contribution to the City Engineering Division equivalent to construction of half a residential street to fund the future reconstruction of Rimrock Road adjacent to the subdivision to a Principal Arterial Street standard.
7. To minimize the effects on local services and public health and safety, and to ensure emergency access to the subdivision, prior to final plat approval the subdivider will receive approval from the City Fire Department and City Public Works Department that the access gates at the entrances to the subdivision are designed to meet all City requirements for emergency and maintenance access.
8. To minimize the effects on local services and ensure that the park land requirements are met, prior to final plat approval the subdivider will provide public access easement documents for review and recording and will show public access easements on the plat over the park land/open space areas of the subdivision to ensure public access is maintained for the park land areas.
9. To minimize the effects on local services, prior to final plat approval the subdivider will provide a letter from the United States Postal Service acknowledging its agreement with the placement of mail delivery facilities in the subdivision.
10. To minimize the effects on public health and safety, prior to final plat approval the subdivider will provide documentation that the subdivision has completed a Conditional Letter of Map Revision process through FEMA on the impacts the proposed project may have on the Special Flood Hazard Area of the Cove Creek Drainage, and an approved Floodplain Permit issued by the City of Billings Floodplain Administrator. The Cove Creek 100-Year Floodplain also will be delineated on the final plat.
11. Minor changes may be made in the SIA and final documents, as requested by Planning and/or Engineering/Public Works to clarify the documents and bring them into the standard acceptable format.
12. The final plat shall comply with all requirements of the City Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

Two variances have been requested from the City of Billings Subdivision Regulations for this proposal.

One variance is regarding provision of sidewalks on both sides of all of the internal streets in the subdivision. The applicant is requesting a variance to provide boulevard style sidewalk on only the north side of Glynn Abbey Way and not on either side of Aston Bay Circle. In lieu of complete boulevard sidewalk within the subdivision, the applicant is proposing to utilize an internal trail network that runs behind the lots on the south side of Glynn Abbey Way and may provide pedestrian connections to the lots in the subdivision. Justification for the variance request is provided by the applicant in an attachment to this memo. It is important that the Yellowstone County Board of Planning understand that it is the Board that may choose to recommend to the City Council that the sidewalk requirements be waived or modified for local residential streets as per Section 23-406 (B)(13) CSR.

Planning and Engineering staff are not in support of the proposed sidewalk variance and recommend that

boulevard sidewalks be installed on both sides of Glynn Abbey Way and Aston Bay Circle throughout the subdivision. Staff's recommendation is based primarily on the safety of pedestrians circulating within the subdivision and access for pedestrians to neighboring lots in the subdivision. Other benefits of boulevard sidewalks include snow storage, off-street and off-sidewalk location for garbage and yard waste bins, landscaping, and in some cases mail delivery.

The second variance is regarding the requirement Section 23-406(A)(8) that streets in a new subdivision that are aligned with existing streets shall have matching names. The proposed internal Glynn Abbey Way is aligned with 58th Street West where it intersects Rimrock Road on the west side of the subdivision. The applicant is proposing that 58th Street West not continue across Rimrock Road but have the name change to Glynn Abbey Way when it enters the subdivision. The City's Address Coordinator, City Fire Department, and County GIS (manages the street name database for emergency services), all support this variance request for the change in street name on the 58th Street West alignment.

PROCEDURAL HISTORY

- A subdivision pre-application meeting was first held on this proposal in June 2014.
- A subdivision preliminary plat application was first submitted to the Planning Division in November 2014.
- Since much of the subject property is located in a floodplain, the proposed development of the subject property in the floodplain required the applicant to conduct additional research, modeling and coordination with the City Floodplain Administrator, the State of Montana Department of Natural Resources and Conservation, and the Federal Emergency Management Agency. This delayed further action on the preliminary plat until late in 2015.
- A preliminary plat application was resubmitted to the Planning Division in November 2015.
- The Yellowstone County Board of Planning will review the plat application on January 12, 2016.
- The Yellowstone County Board of Planning will hold a public hearing on this plat application and is expected to make a recommendation to the City Council at its meeting on January 26, 2016.
- The City Council will consider the subdivision application at its regular meeting on February 22, 2016.
- The 60-working day review period ends February 26, 2016 for this application.

PLAT INFORMATION

General location:	Northside of Rimrock Road at the intersection of 58th Street West and Rimrock Road
Legal Description:	Tracts 3 and 4, C/S 836 in the SW1/4SE1/4 Section 30, T1N, R25E
Owner/Subdivider:	Glynn Abbey, LLC
Surveyor/Engineer:	Performance Engineering and Consulting
Existing Zoning:	Residential-9600
Proposed Zoning:	Residential-9600
Existing land use:	Vacant
Proposed land use:	Single-Family Residential Development
Gross area:	22 acres

Net area: 22 acres (private roads are proposed)

Proposed number of lots: 33 residential lots and 1 open space/park land lot

Parkland requirements: Parkland is proposed to be provided through provision of private park land in the amount of 3.7 acres

Attachments

Preliminary Plat

Findings of Fact

Cove Creek Floodplain Summary

FEMA CLOMR Information

Greywater System Information

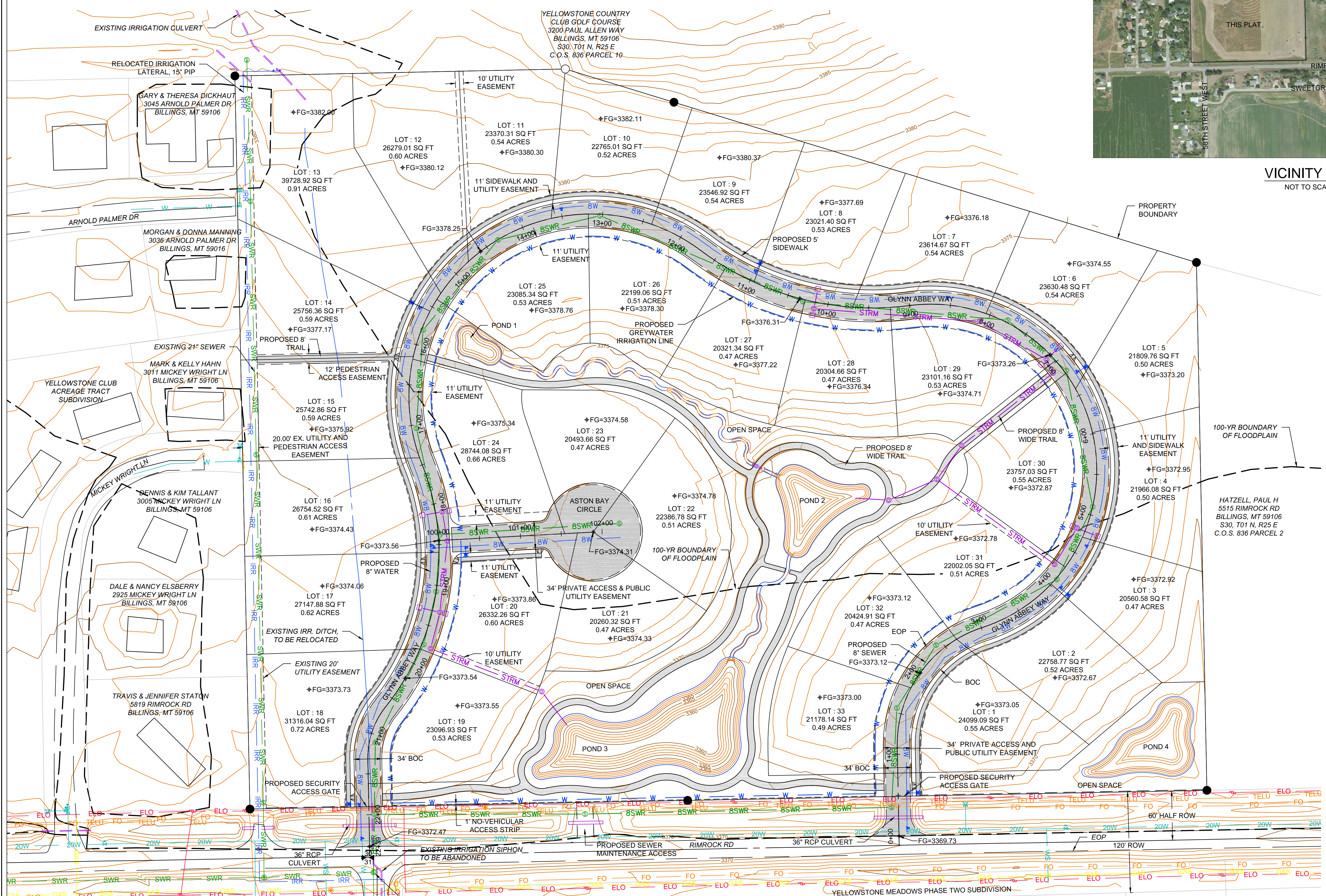
PRELIMINARY PLAT OF GLYNN ABBEY SUBDIVISION

BEING TRACTS 3 AND 4 OF CERTIFICATE OF SURVEY 836 LOCATED IN THE SW 1/4 OF THE SE 1/4 OF SECTION 30, T 01 N,
R 25 E, P.M.M., CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA



VICINITY MAP
NOT TO SCALE

D:\Users\Craig D\AppData\Local\Temp\PEC Billings Team Folder\Griffin Developments\2014-011 Glynn Abbey Subdivision\CADD\WG\PLAT\Preliminary Plat.dwg 12/23/2015 10:42:23 AM PEC STANDARD CTEB



SITE DATA	
# OF OPEN SPACE LOTS	1
# OF RESIDENTIAL LOTS	33
MAX. LOT AREA	±0.91 AC
MIN. LOT AREA	±0.47 AC
LINEAL FEET OF STREETS	±2,488 LF

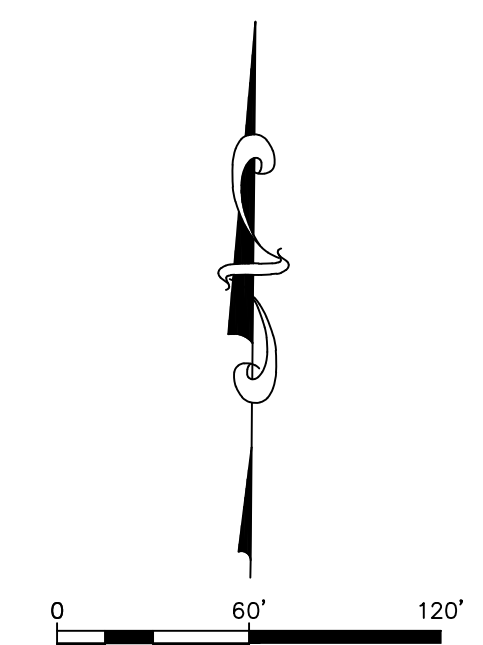
AREA DATA	
OPEN SPACE	±3.70 AC
GROSS LOTS	±18.18
TOTAL	±21.88 AC

LEGEND	
	FOUND QUARTER CORNER
	FOUND PROPERTY CORNER
	SET 1/2 INCH REBAR WITH RED PLASTIC CAP MARKED EWEN 17788LS UNLESS NOTED OTHERWISE
	STORM DRAIN MH
	STORM INLET
	WATER VALVE
	FIRE HYDRANT
	SANITARY SEWER MH
	STREET SIGN

EXISTING LAND USE: N/A
 EXISTING ZONING: RESIDENTIAL 9600
 PROPOSED LAND USE: RESIDENTIAL
 PROPOSED ZONING: RESIDENTIAL 9600

PROPERTY OWNERS:
 GLYNN ABBEY, LLC

PRELIMINARY PLAT DATE: DEC. 1, 2015



- POPPS MEADOWS SUBDIVISION
- WILLIAM & LENNIS RIGHTMIRE
5811 MARED ST
BILLINGS, MT 59106
- GARY & NANCY BROOK
5805 MARED ST
BILLINGS, MT 59106
- STEPHEN & HOPE WILSON
5735 SWEETGRASS CREEK DR
BILLINGS, MT 59106
- KENNETH & MARYLIN BECKBERGER
176 MORNINGSIDE WAY
BOZEMAN, MT 59715
- BRENT & KRISTINA GREENLEA
5715 SWEETGRASS CREEK DR
BILLINGS, MT 59106
- DAVID HURLBURT REVOCABLE TRUST
5550 WALTER HAGEN DR
BILLINGS, MT 59106
- CHARLES COLLIER
5653 SWEETGRASS CREEK DR
BILLINGS, MT 59106
- CHRIS & SHYLAIN HARPER
5643 SWEETGRASS CREEK DR
BILLINGS, MT 59106
- GREGORY & SUSAN LAUGHLIN
5633 SWEETGRASS CREEK DR
BILLINGS, MT 59106
- GLEN & CANDI KORF
5625 SWEETGRASS CREEK DR
BILLINGS, MT 59106

CLIENT
GLYNN ABBEY, LLC
 1010 CENTRAL AVE., SUITE 1
 BILLINGS, MT 59102
 (406) 690-2070

PROJECT TITLE
GLYNN ABBEY SUBDIVISION

DESIGNED BY	11/26/14	DATE
CPD	11/20/14	DATE
DRAWN BY		
PROJECT NO.	20140311	
CHECKED BY		
DATE	03/18/15	SA
REV BY		SA
CPD	11/09/15	SA

RIGHTS RESERVED BY PERFORMANCE ENGINEERING & CONSULTING

SHEET TITLE
PRELIMINARY PLAT

SHEET
1

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Glynn Abbey Subdivision and has provided them for review by the Planning Board, as follows:

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608(3) (a) and BMCC 23-302(H)(2)]

1. Effect on agriculture and agricultural water user facilities

The subject property has been in the City but used for agricultural purposes or left vacant for many years. It has utilized irrigation water in the past and also has an irrigation lateral that runs from the Cove Ditch Main Canal north of the subject property to serve property south of Rimrock Road. The irrigation lateral currently crosses the property through the western half. The subdivider is proposing to relocate the ditch to an existing 20-foot-wide utility easement along the west edge of the subject property and install it in a pipe system. The ditch runs south, crosses under Rimrock Road, and goes further south to serve property owned by Ted McFarland.

The subdivider indicates that discussions have been conducted with Ted McFarland and he has indicated that relocating the lateral and putting it into pipe was acceptable as long as he was able to still draw the same amount of water. The subdivider has designed the pipe to ensure that it will convey adequate flows to the McFarland's property. Maintenance of the piped ditch outside of Glynn Abbey Subdivision will be the responsibility of the ditch user. Maintenance of the piped ditch from its head gate north of Glynn Abbey Subdivision to the point where the connection for irrigation for the subdivision is located will be handled by the subdivision HOA and Ted McFarland. Maintenance of the piped ditch from the point of the connection for irrigation for the subdivision south to Rimrock Road will be the responsibility of the ditch user Ted McFarland. Prior to final plat approval, the City will need clarification in the SIA as to the maintenance responsibilities of the piped ditch and documentation in writing that the responsible party has accepted the maintenance **(Condition #1)**.

No water rights are being transferred to future property owners within the subdivision but the subdivider is proposing to have the new Home Owners Association for the subdivision hold irrigation water rights from the Cove Creek Ditch and the property owners will have access to the water via a grey water distribution system owned and operated by the HOA. The property, as it exists, has rights to purchase water shares from the irrigation district of which will be transferred to the HOA. A connection from the relocated irrigation lateral will be stemmed into the central ponds and controlled by a float activated valve. While the subdivider anticipates that the groundwater levels should keep the ponds adequately filled, if these levels were to drop the connection may be used to fill the ponds back up to the minimum storm water storage level.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings from the water main in Rimrock Road. The developer will install new water mains in Glynn Abbey Way and Aston Bay Circle, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department, and the Montana Department of Environmental Quality (MDEQ). While the internal streets in the subdivision are proposed to be private a public utility easement is being provided over the roads to enable the City of Billings to access the public water mains for maintenance and repair. The easement will be recorded at the time of final plat approval (**See Condition #2**).
- b. Sanitary sewer service will be provided by connecting to the existing City sewer main at the intersection of Rimrock Road and 58th Street West. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. While the internal streets in the subdivision are proposed to be private a public utility easement is being provided over the roads to enable the City of Billings to access the public sewer mains for maintenance and repair. The easement will be recorded at the time of final plat approval (**See Condition #2**).

Montana-Dakota Utilities (MDU) will provide gas services and Northwestern Energy (NWE) will provide electric services to the subdivision. MDU and NWE staff indicated that they would prefer 8-foot wide utility easements along the front lot lines for servicing the subdivision. The subdivider has shown 11-foot-wide easements for utilities along the front lot lines.

NWE staff also pointed out that there is an existing overhead power line running north to south across approximately the western quarter of the subdivision property. The line is owned by the Yellowstone Country Club, the property owner directly north of the subject property. The subdivider in Section VI of the Subdivision Improvement Agreement (SIA) indicates that the plan is to realign the overhead line in the access and utility easement of Glynn Abbey Way from Rimrock Road to where Glynn Abbey Way turns east at Lots 11 and 12. At this point, a 10-foot-wide utility easement is shown on the plat that will enable the power line to reach the Yellowstone Country Club property as it does now. The subdivider plans to bury the power line along the entire corridor in the subdivision. The subdivider will need to provide written approval from the Yellowstone Country Club that this realignment and burying of the power line is approved (**See Condition #3**).

- c. **Storm water** – Storm water drainage for the private streets is proposed to be provided by a network of curb and gutter that discharges into storm water pipes and eventually to four ponds to be used for routing and retention. The four ponds are to be located in the private park land being provided by the subdivider and are intended to function for stormwater, flood management, irrigation supply, and as amenities to the parkland. The ponds are designed to hold water year round. The subdivider is working with the City Engineering Division on the entire storm water system as it has several more complex

systems to handle large storm events. The system is being designed to use some of the storm water collected in the ponds for irrigation of lots in the subdivision through a grey water system. Storm water also will be pumped to the Cove Ditch north of the subject property to reduce pond volumes after storm events.

City Engineering staff has proposed language to replace the first bulleted paragraph in Section V of the SIA as follows:

“The existing property does not have any existing or active storm water detention or retention facilities located onsite. The development will include installation of four (4) storm water ponds used for routing and detention. Total detention volume within the central open space area will be sized in accordance with the Storm Water Management Manual for a commercial site. Water will be pumped to the Cove Ditch from the ponds to reduce pond volume to pre-storm volume within 72 hours. All ponds shall be maintained by the Home Owner’s Association.”

Engineering staff is proposing a condition of final plat approval that the subdivider submit a copy of the agreement with the Cove Ditch for pumping storm water and the easement necessary to pump storm water to the ditch where it crosses Yellowstone Country Club Property prior to final plat approval (**See Condition 4**).

The City has most recently been reviewing stormwater facilities proposed in new subdivisions and directing that the facilities remain privately held by the subdivision home owners associations. The home owner associations are being required to maintain the facilities. Prior to final plat approval, City Engineering must review the Glynn Abbey HOA language regarding maintenance of the stormwater facilities (**See Condition 5**). Regardless of the design, ownership and maintenance requirements, all drainage improvements shall also satisfy the criteria set forth by the *City of Billings Storm Water Management Manual* and will be subject to review and approval by the City Engineering Division.

- d. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- e. **Streets** – The lots within the subdivision will be served by internal private streets with two full accesses off of Rimrock Road. Glynn Abbey Way is the main street through the subdivision and connects to Rimrock Road at two points in a loop. A second street is Aston Bay Circle and is a small cul-de-sac off of Glynn Abbey Way to serve five of the lots in the subdivision. Glynn Abbey Way and Aston Bay Circle will be paved and built to City Standards, with 34-foot widths, curb and gutter.

The subdivider will make a contribution equivalent to construction of half a residential street to fund the future reconstruction of Rimrock Road adjacent to the subdivision to a Principal Arterial Street standard. The contribution will take into account what is already built for Rimrock Road. This requirement is specified in Section III (A) Streets of the Subdivision Improvement Agreement. The contribution will be made prior to final plat approval (**See Condition 6**).

Since the streets are proposed to be private, security gates are planned at both entrances to the subdivision at the intersections of Glynn Abbey Way and Rimrock Road. The gates are intended to be open from 5 am to 9 pm and closed overnight. The gates must be designed to meet all requirements of the City Fire Department and City Public Works Department for emergency and maintenance access (**See Condition 7**).

Sidewalks

The subdivider is proposing to have boulevard-style sidewalks along the outer edge (north side) of Glynn Abbey Way and a short boulevard sidewalk segment along the south side of Aston Bay Circle. These are shown on the preliminary plat. As discussed in the Variance section of the memo for this preliminary plat and in the variance attachments, the subdivider is requesting a variance from the requirement to provide boulevard sidewalks on both sides of the streets in the subdivision. The subdivider is proposing that the variance be granted since the development will provide an interior trail system in the park land on the inner (or south side) of Glyn Abbey Way that will serve as pedestrian access and connectivity in lieu of sidewalk along the lot frontages. Justification for the variance request is provided by the applicant in an attachment to this memo and City staff's reasons for not supporting the variance are outlined in the Variances Requested portion of the memo. It is important that the Yellowstone County Board of Planning understand that it is the Board that may choose to recommend to the City Council that the sidewalk requirements be waived or modified for local residential streets as per Section 23-406 (B)(13) CSR.

- f. **Emergency services and access** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54th St. West and Grand Ave. (Station #7), about 1.3 miles from the subdivision. The subdivision is located within the ambulance service area of American Medical Response (AMR). Police Department stated that while this subdivision is located in an area that includes a mix if City and County properties, it is within an existing patrol area.

Since the subdivision is proposing to have private streets and security gates at the access points, the gates must be designed to meet all requirements of the City Fire Department and City Public Works Department for emergency and maintenance access (**See Condition 7**). Language is also included in Section IV of the SIA regarding the type access systems the gates will be equipped with as per the Billings Fire Department.

Language also is included in Section IV of the SIA that specifies the requirements for emergency access for the Fire Department during initial home construction prior to completion of all roads and infrastructure.

- g. **Schools** –School District #2 provides educational services to elementary through high school students. Schools serving these students are Arrowhead Elementary School, Will James Middle School, and West High School. The District provided information on the student capacities off all three schools. Arrowhead and Will James had limited capacity

for additional students while West High is currently 242 students over capacity. The district has completed a master plan for growth addressing school capacity and facilities, including building a new middle school in west Billings, moving 6th grades from the elementary schools to the middle schools, and preparing a redistricting plan for elementary schools. With these modifications, some school enrollments are expected to match capacity in the next few years.

- h. **Parks and Recreation** – Residential subdivisions creating lots with housing densities at or less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. Residential subdivisions creating lots with housing densities greater than ½ acre and less than 1 acre are required by State and local laws to dedicate 7.5% of the net land area (or provide an equivalent cash contribution) for parkland. This subdivision has a mix of lots in these two size ranges, so the total has been calculated to reflect this. The subdivider is proposing to provide more than what is required, at 3.7 acres as private park land maintained by the subdivision’s Home Owners Association but with public access easements on the land so that it is open to the public. This arrangement has been used in City subdivisions before and is being applied here to enable the subdivider to receive credit for the park land and to make it so that the Parks, Recreation and Public Lands Department (PRPL) does not have to manage maintenance and fund improvements. PRPL staff is in agreement with this proposal as long as the access easements are provided on the park land to ensure public access (**See Condition 8**).
- i. **Mail Delivery** – The United States Postal Service will provide postal service to the subdivision. In order to assure the coordination of mailbox locations, it is recommended as a condition of approval that the subdivider provide a letter from the postal service acknowledging its agreement with the mailbox locations prior to final plat approval (**See Condition 9**).

3. Effect on the natural environment

The subject property is in an area with a mix of development and property in the City and County. The area consists of irrigated agricultural land, large-lot single family development in the County, a golf course, and some large lot residential development and higher density residential development in the City.

The most significant effect of development in this area on the natural environment is related to the natural drainage in this area and is also discussed in more detail in the Section 5 Public Health, Safety, and Welfare of these Findings of Fact. There is a mapped floodplain for Cove Creek that is being addressed through the proposed development of this property as a portion of the property is within the floodplain of Cove Creek. The subdivider will need to receive the proper floodplain permit(s) for the proposed development prior to final plat approval (**See Condition 10**).

In addition to the floodplain issues, during development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on

exposed ground. These provisions should help address some impacts on the natural environment from development activity during construction.

4. Effect on wildlife and wildlife habitat

Montana Fish, Wildlife and Parks staff provided comments regarding this proposed subdivision. There are no known endangered or threatened species on the property. There is a note in the SIA that warns future lot owners of the presence of deer and antelope in the area, which may cause damage to their landscaping. Montana Fish, Wildlife and Parks staff also stated that a fish and wildlife water right and private pond permit would be required if the subdivider plans to stock fish in the proposed ponds on the property. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

Soil conditions and flooding may be the most significant potential effects on the public health, safety, and welfare related to this proposed subdivision.

Soil conditions have the potential to impact the public health and safety of future property owners in this subdivision. A geotechnical investigation was conducted by Rimrock Engineering. The Geotechnical Report for the development found that: Based on subsurface profiles encountered within the borings, it is likely that a majority of the foundations and associated concrete floor slabs will bear on lean clay soils. Silty sand soils were encountered along the south end of the property. Fluctuating groundwater levels should be taken into consideration during design and construction of residential structures. Basement construction may not be feasible unless lower level slabs can be kept 3-feet above groundwater. Language has been added to Section II and Section IX of the SIA alerting future property owners to the Geotechnical Report and stating that homebuilders should perform a geotechnical exploration for each specific structure due to the potential variation from site to site.

According to the current National Flood Insurance Program's (NFIP) Flood Insurance Rate Map (FIRM), approximately 10 acres of the subject property is located in the Special Flood Hazard Area of the Cove Creek Drainage. The subdivider has been working with the City Floodplain Administrator for about one year to seek approval of a floodplain permit for the proposed subdivision. While a permit has not yet been issued by the City, the Federal Emergency Management Agency (FEMA) has been brought into the process through a Conditional Letter of Map Revision to obtain FEMA comments on the impacts the proposed project may have on the Special Flood Hazard Area of the Cove Creek Drainage. The City's Floodplain Administrator has stated that a local floodplain permit may not be issued until the subdivider receives a determination from FEMA on whether the subdivision as proposed requires an update to the Special Flood Hazard Area map through a Conditional Letter of Map Revision process through FEMA. The subdivider will need to receive the proper floodplain permit(s) for the proposed development prior to final plat approval and that approval may contain conditions that must be met prior to construction (**See Condition 10**).

If the subdivision is permitted through the floodplain permitting processes, language has been added to Section II and Section V of the SIA informing future property owners that specific lots in the subdivision are within the Cove Creek 100-Year Floodplain and buildings on those lots will be required to have a finished floor elevation of at least 2 feet above the base flood elevation. The Cove Creek 100-Year Floodplain also is delineated on the preliminary plat and will be required to be shown on the final plat (**See Condition 10**).

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302(H)(1)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan 2009 Update and the Billings Area Bikeways and Trail Master Plan? [BMCC 23-302(H)(4)]

1. Yellowstone County-City of Billings 2008 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

1. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townships (p. 6).

While large lot development like what is proposed in this subdivision is more costly to provide services to for the City, the location of this property partially in a mapped floodplain and with the existing large-lot residential development around it, may make the larger lots and added opens space in the proposed subdivision more compatible with the character of the adjacent City and County areas.

2. Goal: A multi-purpose trail network integrated into the community infrastructure that emphasizes safety, environmental preservation, resource conservation and cost effectiveness (p. 10).

The proposed trail connections to adjacent property to the west as well as the internal trail network through the open space in the subdivision that provides access to Rimrock Road provides connections and utilizes open space for stormwater management and recreation.

2. 2014 Billings Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2009 Transportation Plan Update and preserves the street network and street hierarchy specified in the plan. Rimrock Road in this area has an existing 120-foot road right-of-way as per City requirements for a Principal Arterial Street.

3. Billings Area Bikeway and Trail Master Plan

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan. The Billings Area Bikeway and Trail Master Plan identifies bike lanes on Rimrock Road along the frontage of the subject property. While major improvements to Rimrock Road are not planned with this subdivision, future improvements to the Rimrock Road corridor may include bike lanes in this area. This language has been included in Section III (F) of the SIA.

The subdivider as per comments from the Planning Division and Engineering Division in lieu of a full road connection to existing roads abutting the subdivision to the west, is providing a sidewalk connection from the end of both Mickey Wright Lane and Arnold Palmer Drive along the existing 20-foot-wide Pedestrian and Access Easement on the west edge of the subdivision, and along a 12-foot-wide pedestrian access easement between Lots 14 and 15 to the sidewalk along Glynn Abbey Way. This pedestrian connection where it intersects Glynn Abbey Way will align with the internal trail in the Glynn Abbey Subdivision parkland area to create a pedestrian connection through the park land in the subdivision and between the neighborhood to the west and Rimrock Road.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b) and BMCC 23-302(H)(3)(a)]

If approved with the proposed conditions of approval, the proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and the design standards specified in the local 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? [BMCC 23-302(H)(3)(e)]

The subject property is currently zoned Residential-9600 and single-family residential development is planned with the proposed subdivision. The lot sizes within the subdivision will conform to the requirements of the R-9600 zone. Setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-302(H)(3)(b)]

The subdivider is already proposing to provide 11-foot-wide utility easements, exceeding the 8-foot-wide easements requested by MDU and Northwestern Energy on the face of the plat.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-302(H)(3)(c)]

Legal and physical access is provided to the proposed lots from Rimrock Road via Glynn Abbey Way and Aston Bay Circle.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Glynn Abbey Subdivision, if the proposed conditions of approval are met, should not create any adverse impacts that warrant denial of the subdivision. However, several of the conditions are integral to approval of the subdivision as proposed/designed, including the floodplain and stormwater system conditions.
- The proposed subdivision conforms to several of the goals and policies of the 2008 Growth Policy Update and does not conflict with the Transportation or Bikeway/Trail Plans.
- If proposed conditions of approval are met, the proposed subdivision will comply with state and local subdivision regulations, local zoning, and sanitary requirements and will provide legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

To: City of Billings, Planning Division
From: Craig Dalton, P.E. - Project Engineer
Date: December 23, 2015
Subject: Hydraulic Study of the Cove Creek Floodplain

Performance Engineering and Consulting (PEC) has conducted a hydraulic study of the Cove Creek drainage north of Rimrock Road. Floodplain modeling was performed using the publicly available Corps of Engineers HEC-RAS 5.0 and private FLO-2D software. The purpose of conducting the study was to model the floodplain for both the existing and proposed conditions and determine what impacts, if any, construction of the subdivision may have on the base flood elevations (BFE) of the Cove Creek floodplain. To this point the study has been completed and presented to the City Floodplain Administrator, Brian Anderson. Mr. Anderson has placed a conditional approval on a local floodplain permit pending a determination on whether this project requires an update to the Special Flood Hazard Area (SFHA) map by way of a Conditional Letter of Map Revision (CLOMR) through FEMA. A CLOMR application was submitted to FEMA November 17th, and is currently in the review process and awaiting their determination. Following a determination by FEMA, a floodplain permit can be finalized by the City with as-built drawings submitted to FEMA in order to produce a Letter of Map Change for the constructed project area. The details of the proposed development can be seen on the Preliminary Plat included with this package.

The existing Cove Creek SFHA map was adopted by the City of Billings in 2013 and currently extends from an area approximately 4 miles northeast of the project site south to Rimrock Road, the southern extents of the original study. The peak discharge rate for the 100-year storm event was determined to be 1,370 cubic feet per second (cfs). Runoff through the drainage remains fairly channelized until reaching the northern boundary of the Yellowstone Country Club Golf Course, where it begins to exhibit the characteristics of overland sheet flow. Eventually the floodwaters make their way to Rimrock Road which acts as a levee, impounding runoff from the drainage and increasing the width of the

impacted area directly north of the roadway. The floodplain area currently encompasses approximately 30.5 acres of property west of the Yellowstone Club Estates (YCE) subdivision, one-half of the properties within YCE, and approximately 11.4 acres of the proposed project area.

The proposed Glynn Abbey development is a residential subdivision consisting of 33 lots and 3.70 acres of open space area. A single main road loop will be constructed through the property in addition to one cul-de-sac side street. Montana state and local statutes require all buildings within the SFHA to be constructed with a finished floor elevation a minimum of 2-feet above the 100-yr BFE. In an effort to elevate roadways and lots within the SFHA, material will be excavated from the proposed pond areas, in addition to offsite imported material, and utilized in grading the impacted roadways and lots. The proposed grading of the site will require approximately 5,200 cubic yards of imported material.

In compliance with the City of Billings Floodplain Regulations, an evaluation of potential impacts to onsite and offsite BFE's was analyzed. Using two-dimensional modeling software, the existing and proposed floodplain conditions were modeled in effort to compare BFE's and assess any offsite impacts the project may have on surrounding properties. As anticipated, BFE elevations within the project site were elevated in areas where fill would be placed, however, these impacts were offset by the additional storage capacity provided by the excavated pond and open space areas. Additionally, offsite impacts were analyzed to ensure the proposed project does not adversely affect the flood hazard on adjacent properties. A comparison of the pre- and post-development BFE's on adjacent offsite properties revealed no adverse change in the base flood elevations to existing structures on neighboring properties.

If you have any questions about the information above please feel free to contact me at 406-384-0080 or craig@performance-ec.com.

Cc: Glynn Abbey LLC, File



2101 Overland Ave • Billings, MT 59102 • 406-384-0080

MEMORANDUM

To: Federal Emergency Management Agency
From: Craig Dalton, Project Engineer
Date: November 17, 2015
Subject: Glynn Abbey Subdivision CLOMR

The proposed Glynn Abbey Development is a residential subdivision north of the intersection of Rimrock Road and 58th Street West in Billings, MT. The projects legal description is Tracts 3 and 4 of C.O.S. 836, Section 30, Township 1N, Range 25E. The proposed 21.88-acre subdivision consists of 33 residential lots bordering a 3.67-acre open space area with access provided by a single looped roadway. According to the current National Flood Insurance Program's (NFIP) Flood Insurance Rate Map (FIRM), approximately 10.05 acres of the project site is located in the Special Flood Hazard Area (SFHA) of the Cove Creek Drainage (Map Number 30111C1245E).

The purpose of this Conditional Letter of Map Revision (CLOMR) is to obtain Federal Emergency Management Agency's (FEMA) comments on the impacts the proposed project may have on the SFHA.

Performance Engineering and Consulting (PEC) has conducted a hydraulic study of the Cove Creek drainage north of Rimrock Road. Floodplain modeling was performed using the publicly available Corps of Engineers HEC-RAS 5.0 software. The new HEC-RAS 5.0 allows for the two-dimensional (2D) analysis of overland flow during major storm events. This software is particularly useful in the case of the Cove Creek drainage as it loses a defined channel as it crosses the Yellowstone Country Club Golf Course and approaches Rimrock Road. Previous modeling methods (one-dimensional) were required to split the flows into separate "channels" in effort to effectively model the spread of the floodplain at the Rimrock Road obstruction. This, however, led to the inaccurate modeling of the spread of water through the existing Yellowstone Club Estates Subdivision and onto the proposed project site.

In effort to conduct an apples-to-apples comparison of the existing and proposed conditions, the existing topography was modeled in the HEC-RAS 2D software to establish the existing base flood elevation (BFE) conditions. The existing conditions were modeled from the north end of the golf course to the area south of Rimrock Road in order to mitigate potential errors in the area of interest. Topographic data for the existing conditions was developed by merging LiDAR data collected in 2005 for the Cove Creek drainage with project site ground data collected in 2014. Following the establishment of the existing ground BFE's, the proposed topography was modeled. The proposed surface consists of the mass grading of the project site, reflecting the excavation of several large ponds and the construction of the proposed roadway and lots. The proposed project will require approximately 5,100 cubic yards of imported fill material. A comparison between the existing and proposed conditions revealed increase BFE's on the proposed project site (Tracts 3 & 4), however, did not result in significant increases BFE's on surrounding properties. Exhibits of the existing and proposed conditions are included with this submittal. Additionally, maps of the existing and proposed floodplains using the HEC-RAS 2D modeling are included.

If you have any questions about the information above please feel free to contact me at 406-384-0080 or craig@performance-ec.com.

Cc: Max Griffin, file

U.S. DEPARTMENT OF HOMELAND SECURITY
 FEDERAL EMERGENCY MANAGEMENT AGENCY
OVERVIEW & CONCURRENCE FORM

*O.M.B No. 1660-0016
 Expires February 28, 2014*

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20958-3005, Paperwork Reduction Project (1660-0016). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. **Please do not send your completed survey to the above address.**

PRIVACY ACT STATEMENT

AUTHORITY: The National Flood Insurance Act of 1968, Public Law 90-448, as amended by the Flood Disaster Protection Act of 1973, Public Law 93-234.

PRINCIPAL PURPOSE(S): This information is being collected for the purpose of determining an applicant's eligibility to request changes to National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM).

ROUTINE USE(S): The information on this form may be disclosed as generally permitted under 5 U.S.C § 552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in DHS/FEMA/NFIP/LOMA-1 National Flood Insurance Program (NFIP); Letter of Map Amendment (LOMA) February 15, 2006, 71 FR 7990.

DISCLOSURE: The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent FEMA from processing a determination regarding a requested change to a (NFIP) Flood Insurance Rate Maps (FIRM).

A. REQUESTED RESPONSE FROM DHS-FEMA

This request is for a (check one):

- CLOMR:** A letter from DHS-FEMA commenting on whether a proposed project, if built as proposed, would justify a map revision, or proposed hydrology changes (See 44 CFR Ch. 1, Parts 60, 65 & 72).
- LOMR:** A letter from DHS-FEMA officially revising the current NFIP map to show the changes to floodplains, regulatory floodway or flood elevations. (See 44 CFR Ch. 1, Parts 60, 65 & 72)

B. OVERVIEW

1. The NFIP map panel(s) affected for all impacted communities is (are):

Community No.	Community Name	State	Map No.	Panel No.	Effective Date
Example: 480301	City of Katy	TX	48473C	0005D	02/08/83
480287	Harris County	TX	48201C	0220G	09/28/90
30008	City of Billings	MT	30111C	1245E	11/06/13

2. a. Flooding Source: Cove Creek

- b. Types of Flooding: Riverine Coastal Shallow Flooding (e.g., Zones AO and AH)
- Alluvial fan Lakes Other (Attach Description)

3. Project Name/Identifier: Glynn Abbey Subdivision

4. FEMA zone designations affected: AE (choices: A, AH, AO, A1-A30, A99, AE, AR, V, V1-V30, VE, B, C, D, X)

5. Basis for Request and Type of Revision:

- a. The basis for this revision request is (check all that apply)
- Physical Change Improved Methodology/Data Regulatory Floodway Revision Base Map Changes
 - Coastal Analysis Hydraulic Analysis Hydrologic Analysis Corrections
 - Weir-Dam Changes Levee Certification Alluvial Fan Analysis Natural Changes
 - New Topographic Data Other (Attach Description)

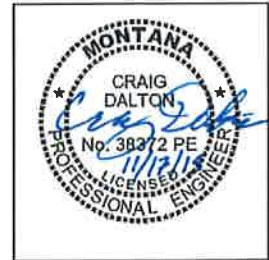
Note: A photograph and narrative description of the area of concern is not required, but is very helpful during review.

Ensure the forms that are appropriate to your revision request are included in your submittal.

Form Name and (Number)

Required if ...

- | | |
|---|---|
| <input checked="" type="checkbox"/> Riverine Hydrology and Hydraulics Form (Form 2) | New or revised discharges or water-surface elevations |
| <input type="checkbox"/> Riverine Structures Form (Form 3) | Channel is modified, addition/revision of bridge/culverts, addition/revision of levee/floodwall, addition/revision of dam |
| <input type="checkbox"/> Coastal Analysis Form (Form 4) | New or revised coastal elevations |
| <input type="checkbox"/> Coastal Structures Form (Form 5) | Addition/revision of coastal structure |
| <input type="checkbox"/> Alluvial Fan Flooding Form (Form 6) | Flood control measures on alluvial fans |



U.S. DEPARTMENT OF HOMELAND SECURITY
 FEDERAL EMERGENCY MANAGEMENT AGENCY
RIVERINE HYDROLOGY & HYDRAULICS FORM

*O.M.B No. 1660-0016
 Expires February 28, 2014*

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 3.5 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington VA 20958-3005, Paperwork Reduction Project (1660-0016). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. **Please do not send your completed survey to the above address.**

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DISCLOSURE: The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent FEMA from processing a determination regarding a requested change to a NFIP Flood Insurance Rate Maps (FIRM).

Flooding Source: Cove Creek

Note: Fill out one form for each flooding source studied

A. HYDROLOGY

1. Reason for New Hydrologic Analysis (check all that apply)

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Not revised (skip to section B) | <input type="checkbox"/> No existing analysis | <input type="checkbox"/> Improved data |
| <input type="checkbox"/> Alternative methodology | <input type="checkbox"/> Proposed Conditions (CLOMR) | <input type="checkbox"/> Changed physical condition of watershed |

2. Comparison of Representative 1%-Annual-Chance Discharges

Location	Drainage Area (Sq. Mi.)	Effective/FIS (cfs)	Revised (cfs)
----------	-------------------------	---------------------	---------------

3. Methodology for New Hydrologic Analysis (check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Statistical Analysis of Gage Records | <input type="checkbox"/> Precipitation/Runoff Model → Specify Model: _____ |
| <input type="checkbox"/> Regional Regression Equations | <input type="checkbox"/> Other (please attach description) |

Please enclose all relevant models in digital format, maps, computations (including computation of parameters), and documentation to support the new analysis.

4. Review/Approval of Analysis

If your community requires a regional, state, or federal agency to review the hydrologic analysis, please attach evidence of approval/review.

5. Impacts of Sediment Transport on Hydrology

Is the hydrology for the revised flooding source(s) affected by sediment transport? Yes No

If yes, then fill out Section F (Sediment Transport) of Form 3. If No, then attach your explanation..

B. HYDRAULICS

1. Reach to be Revised

	Description	Cross Section	Water-Surface Elevations (ft.)	
			Effective	Proposed/Revised
Downstream Limit*	<u>Rimrock Rd</u>	<u>30111C 1308</u>	<u>3381.87</u>	<u>3381.89</u>
Upstream Limit*	<u>Sam Snead Trail Rd</u>	<u>30111C 723</u>	<u>3371.45</u>	<u>3371.12</u>

*Proposed/Revised elevations must tie-into the Effective elevations within 0.5 foot at the downstream and upstream limits of revision.

2. Hydraulic Method/Model Used: HEC-RAS 5.0 (August 21, 2015 Edition)

3. Pre-Submittal Review of Hydraulic Models*

DHS-FEMA has developed two review programs, CHECK-2 and CHECK-RAS, to aid in the review of HEC-2 and HEC-RAS hydraulic models, respectively. We recommend that you review your HEC-2 and HEC-RAS models with CHECK-2 and CHECK-RAS.

4.

<u>Models Submitted</u>	<u>Natural Run</u>		<u>Floodway Run</u>		<u>Datum</u>
	File Name:	Plan Name:	File Name:	Plan Name:	
Duplicate Effective Model*	<u>Cove2007</u>	<u>East Cove Creek</u>	<u></u>	<u></u>	<u></u>
Corrected Effective Model*	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
Existing or Pre-Project Conditions Model	<u>File Name: Cove Creek EG</u>	<u>Plan Name: 25ft-EGEast</u>	<u>File Name:</u>	<u>Plan Name:</u>	<u></u>
Revised or Post-Project Conditions Model	<u>File Name: Cove Creek PG</u>	<u>Plan Name: 25ft-PGEast</u>	<u>File Name:</u>	<u>Plan Name:</u>	<u></u>
Other - (attach description)	<u>File Name:</u>	<u>Plan Name:</u>	<u>File Name:</u>	<u>Plan Name:</u>	<u></u>

* For details, refer to the corresponding section of the instructions.

Digital Models Submitted? (Required)

C. MAPPING REQUIREMENTS

A **certified topographic work map** must be submitted showing the following information (where applicable): the boundaries of the effective, existing, and proposed conditions 1%-annual-chance floodplain (for approximate Zone A revisions) or the boundaries of the 1%- and 0.2%-annual-chance floodplains and regulatory floodway (for detailed Zone AE, AO, and AH revisions); location and alignment of all cross sections with stationing control indicated; stream, road, and other alignments (e.g., dams, levees, etc.); current community easements and boundaries; boundaries of the requester's property; certification of a registered professional engineer registered in the subject State; location and description of reference marks; and the referenced vertical datum (NGVD, NAVD, etc.).

Digital Mapping (GIS/CADD) Data Submitted (preferred)

Topographic Information: LiDAR supplemented with ground survey

Source: City of Billings, Ewen Surveying Date: 2005 and 2014

Accuracy: +/- 0.1'

Note that the boundaries of the existing or proposed conditions floodplains and regulatory floodway to be shown on the revised FIRM and/or FBFM must tie-in with the effective floodplain and regulatory floodway boundaries. Please attach a **copy of the effective FIRM and/or FBFM**, at the same scale as the original, annotated to show the boundaries of the revised 1%-and 0.2%-annual-chance floodplains and regulatory floodway that tie-in with the boundaries of the effective 1%-and 0.2%-annual-chance floodplain and regulatory floodway at the upstream and downstream limits of the area on revision.

Annotated FIRM and/or FBFM (Required)

D. COMMON REGULATORY REQUIREMENTS*

1. For LOMR/CLOMR requests, do Base Flood Elevations (BFEs) increase? Yes No
- a. For CLOMR requests, if either of the following is true, please submit **evidence of compliance with Section 65.12 of the NFIP regulations**:
- The proposed project encroaches upon a regulatory floodway and would result in increases above 0.00 foot compared to pre-project conditions.
 - The proposed project encroaches upon a SFHA with or without BFEs established and would result in increases above 1.00 foot compared to pre-project conditions.
- b. Does this LOMR request cause increase in the BFE and/or SFHA compared with the effective BFEs and/or SFHA? Yes No
If Yes, please attach **proof of property owner notification and acceptance (if available)**. Elements of and examples of property owner notifications can be found in the MT-2 Form 2 Instructions.
2. Does the request involve the placement or proposed placement of fill? Yes No
- If Yes, the community must be able to certify that the area to be removed from the special flood hazard area, to include any structures or proposed structures, meets all of the standards of the local floodplain ordinances, and is reasonably safe from flooding in accordance with the NFIP regulations set forth at 44 CFR 60.3(A)(3), 65.5(a)(4), and 65.6(a)(14). Please see the MT-2 instructions for more information.
3. For LOMR requests, is the regulatory floodway being revised? Yes No
- If Yes, attach **evidence of regulatory floodway revision notification**. As per Paragraph 65.7(b)(1) of the NFIP Regulations, notification is required for requests involving revisions to the regulatory floodway. (Not required for revisions to approximate 1%-annual-chance floodplains [studied Zone A designation] unless a regulatory floodway is being established. Elements and examples of regulatory floodway revision notification can be found in the MT-2 Form 2 Instructions.)
4. For CLOMR requests, please submit documentation to FEMA and the community to show that you have complied with Sections 9 and 10 of the Endangered Species Act (ESA).

For actions authorized, funded, or being carried out by Federal or State agencies, please submit documentation from the agency showing its compliance with Section 7(a)(2) of the ESA. Please see the MT-2 instructions for more detail.

* Not inclusive of all applicable regulatory requirements. For details, see 44 CFR parts 60 and 65.



United States Department of the Interior

Fish and Wildlife Service

Ecological Services

Montana Field Office

585 Shepard Way, Suite 1

Helena, Montana 59601-6287

Phone: (406) 449-5225 Fax: (406) 449-5339



File: M29 (I)
06E11000-2016-TA-0014

October 23, 2015

Craig Dalton, P.E.
Performance Engineering & Consulting
2101 Overland Avenue
Billings, Montana 59102

Dear Mr. Dalton:

This is in response to your October 19, 2015, inquiry requesting additional information from the U.S. Fish and Wildlife Service (Service) concerning potential impacts to fish and wildlife resources, including federally listed threatened and endangered species that may occur in the vicinity of the residential subdivision located at Tracts 3 and 4 of C.O.S. 836, Section 30, T1N, R25E, west of Billings, Montana. The proposed 21.88-acre subdivision consists of 33 residential lots with access provided by a single looped roadway. Approximately 10.05 acres of the project site is located in the Special Flood Hazard Area of the Cove Creek drainage. The proposed project will involve mass grading the site, excavating and regarding approximately 22,000 cubic yards of material. The grading process will also require an additional estimated 5,100 cubic yards of material be brought to the site. The proposed project seeks revision of floodplain mapping for portions of this subdivision. Specific activities will include jacking up the house, and placing approximately one foot of fill adjacent to the house to remove it from the jurisdictional floodplain.

We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (MBTA; 16 U.S.C 703 et seq.), as amended, Bald and Golden Eagle Protection Act (BGEPA; 16 U.S.C. 668-668d, 54 Stat. 250), as amended, Executive Order 13186 *Responsibilities of Federal Agencies to Protect Migratory Birds*, Endangered Species Act (ESA; 16 U.S.C. 1531 et seq.) as amended, and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

Threatened and Endangered Species

Outlined below is the current list of threatened, endangered and candidate species occurring within the boundaries of Yellowstone County:

Scientific name	Common name	Status*
<i>Mustela nigripes</i>	Black-footed Ferret	LE
<i>Grus americana</i>	Whooping Crane	LE
<i>Calidris canutus rufa</i>	Red Knot	P
<i>Anthus spragueii</i>	Sprague's Pipit	C

*LE=Listed as Endangered, LT=Listed Threatened, C=Candidate species for listing, CH=Critical Habitat

Given that the site is in a semi-urban setting adjacent to substantial development, we do not anticipate nor have we observed adverse effects to threatened, endangered, or candidate species or critical habitat to result from the proposed action. In addition, we are unaware of bald or golden eagle nest occurrences within one mile of the proposed project site. Should occupied eagle nests occur within 0.5 mile of the proposed site, we recommend that you comply with the recommended temporary seasonal and distance constructions buffers stipulated in the *2010 Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Management Plan (1994)*.

The Service appreciates your efforts to incorporate fish and wildlife resource concerns, including threatened and endangered species, into your project planning. If you have questions or comments related to this issue, please contact Brent Esmoil within our office at (406) 449-5225, extension 215.

Sincerely,



for Jodi L. Bush
Field Supervisor

EX-1

SHEET

SHEET TITLE

WSEL IMPACTS

PLAN



DATE	2015.09.22
BY	WJL
CHECKED BY	WJL
SCALE	AS SHOWN
PROJECT NO.	15020015
CLIENT	GLYNN ABBEY, LLC
PROJECT TITLE	GLYNN ABBEY SUBDIVISION

GLYNN ABBEY SUBDIVISION

PROJECT TITLE

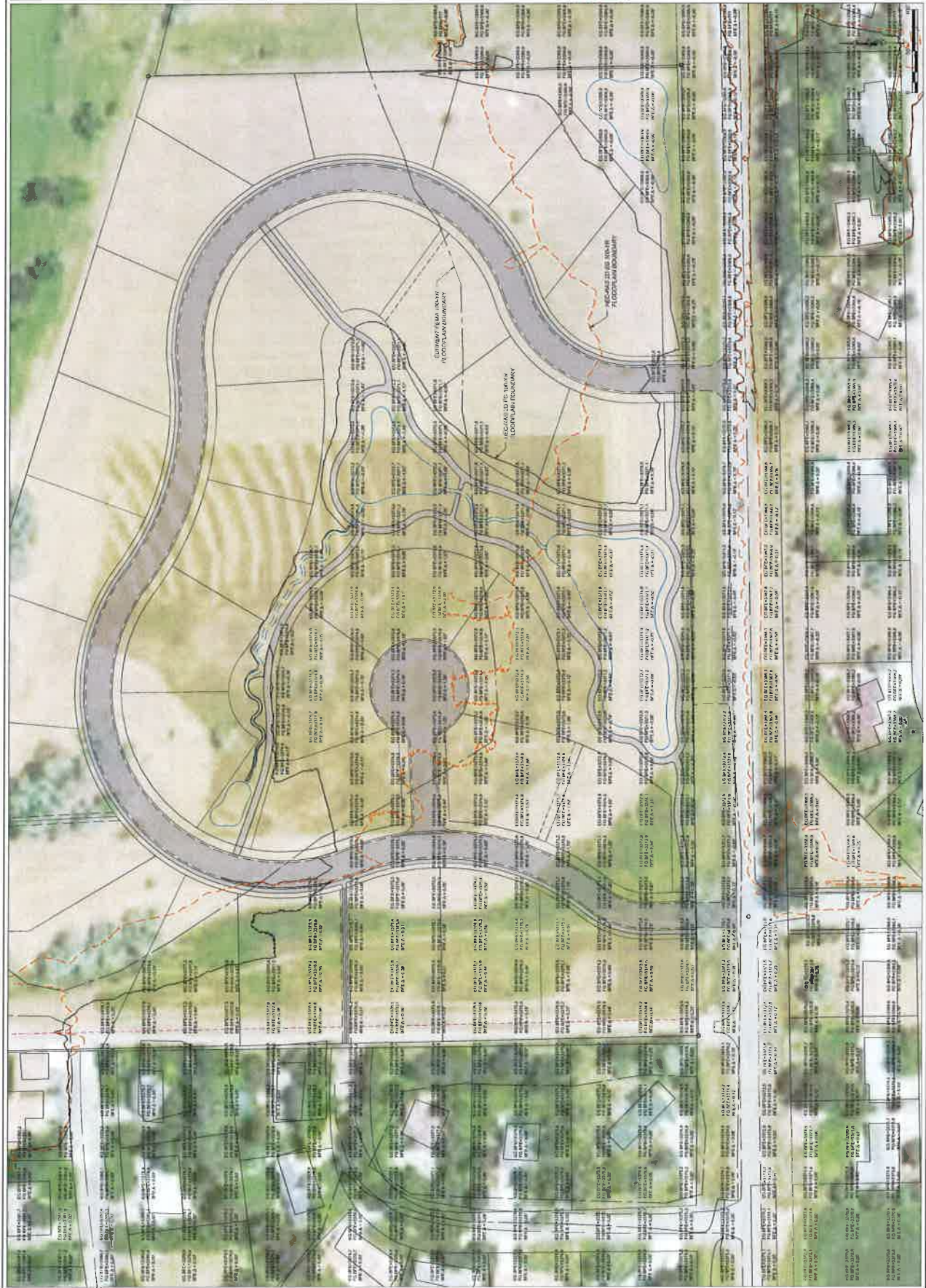
CLIENT

GLYNN ABBEY, LLC

1010 CENTRAL AVE., SUITE 1

BILLINGS, MT 59102

(406) 690-2070



To: Chris Hertz, City of Billings
From: Craig Dalton, PE
Date: November 30, 2015
Subject: Glynn Abbey Subdivision Greywater System

On behalf of Glynn Abbey, LLC (Owner), Performance Engineering & Consulting, PLLC (PEC), is notifying the City of Billings of the greywater evacuation plan for Glynn Abbey Subdivision stormwater detention system.

The proposed Glynn Abbey Subdivision is a 22-acre residential development consisting of 33 single-family lots varying in size from 20,475 to 39,640 square-feet (0.47 to 0.91 acres); approximately one acre of ponds and streams; approximately one half mile of asphalt walking and recreational trails; and 3 acres of open/green space.

All of the ponds within the proposed development are designed to hold water year round. This includes the main retention ponds (Ponds 2 and 3). Pond 2 is designed to route water to Pond 3 and assist in controlling flow rates during major events. Pond 3 is the main stormwater retention pond in the proposed development, providing 27,068 cubic feet (cf) of runoff storage capacity. In addition to the storage provided by Ponds 2 and 3, a raised trail loop system has been placed around the ponds to provide additional storage within the open space area during major storm events. The maximum storage capacity provided by the area inside the trail loop is 31,862 cf. Using Autodesk Storm & Sanitary Analysis (SSA) design modeling, runoff volumes for the 50-year and 100-year storm were found to be 43,438 cf and 60,848 cf, respectively. The excess runoff volume beyond the retention area capacity (31,862 cf) will be released at a controlled rate through a spillway located within the trail along the southern portion of Pond 3. Water released through the low point in the trail will be conveyed to the northern right-of-way of Rimrock Road. Table 1 depicts the retained runoff volumes for the storm events of interest.

Table 1: Retained Runoff Volumes

	5-year Storm	10-year Storm	25-year Storm	50-year Storm	100-year Storm
Retained Runoff Volumes (cf)	10,947	17,704	32,482	43,438	43,438

The proposed development will implement a centralized greywater system for the irrigation of all landscaped areas including residential lawns. In addition to its irrigation duties, the greywater system will also be utilized for the dissipation of stormwater.

Following a large storm event, water remaining within the trail loop will be evacuated by employing the greywater system to spread the excess water to irrigable areas throughout the proposed subdivision. The irrigable area was calculated by taking the total property area less the impervious road/trail and pond surface areas. Additionally, the residential lots were assumed to have an impervious area of 30% to account for rooftops and driveways. The total irrigable area of the proposed subdivision was calculated to be 607,435 sf or 13.94 acres. Daily historic consumptive rates for lawns in the Billings area, as supplied by the U.S. Department of Interior, were averaged to estimate the Glynn Abbey Development's daily consumptive volume. Table 2 summarizes the results.

Table 2: Average Daily Consumptive Volumes for Glynn Abbey Subdivision

	April	May	June	July	August	September	Average
Average Daily Consumptive Rate (in)	0.08	0.15	0.19	0.24	0.20	0.14	0.17
Average Daily Use (cf)	3,980	7,413	9,613	12,109	10,269	7,154	8,423

Using the consumptive rates shown in Table 2, the average evacuation times for the storm events of interest are presented in Table 3. These values were obtained by dividing the excess water volumes given in Table 1 by the average daily consumptive volume of 8,423 cf/day. The average time it would take to evacuate the water within the retention area back to the normal operating levels of the ponds following a 100-year storm is approximately 124 hours (5.15 days).

Table 3: Average Time to Return to Normal Operating Pond Levels

	5-year Storm	10-year Storm	25-year Storm	50-year Storm	100-year Storm
Average Time to Consume Excess Water (hours)	31	50	92.5	124	124

Although the average evacuation time for the 25-, 50-, and 100-year storms exceed the 72-hour maximum duration outlined in the City of Billings Stormwater Regulations, the proposed system will disperse over 58% of the stored runoff volume in the first 72 hours.

Please contact PEC Project Engineer Craig Dalton with any questions or concerns at 406-384-0080 or craig@performance-ec.com. Thank you for your consideration and coordination in our project.

Cc: Glynn Abbey, file