



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



AGENDA

January 26, 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.
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. APPROVAL OF MEETING MINUTES: JANUARY 12, 2016**
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. **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!

- b. **Public Hearing. Motion/Recommendation to City Council. Glynn Abbey Subdivision,** Wyeth Friday, Planning Division Manager presenting.

- 8. **NEW BUSINESS:** (Agenda items new to this meeting).

- 9. **OTHER BUSINESS:**
 - a. **Motion. Urban Fringe Design Standards Subcommittee. Candi Millar, Director, Planning & Community Services Dept.**

 - b. **(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, FEBRUARY 9, 2016

- a. **Plat Review/Discussion. Aspen Ridge Subdivision 2nd Filing. County Major Subdivision.** Wyeth Friday, Planning Division Manager presenting.

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 2 (4th Tuesday)

Meeting Date: 01/26/2016

Information

Subject

MOTION. APPROVAL OF MEETING MINUTES: JANUARY 12, 2016

Attachments

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CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

January 12, 2016

To be approved by a motion on January 26, 2016

1. Call the Meeting to Order

In the absence of Vice President Don Reed, Board member Donna Forbes called the meeting to order at 6:00 p.m. on Tuesday, January 12, 2016, in the Miller Building 1st Floor conference room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

Vice President Reed called for introductions of the members of the Planning Board and staff. Attending Planning staff members are: Candi Millar, Director, Planning and Community Services; Wyeth Friday, Planning Division Manager; Dave Green, Planner II; Tammy Deines, Planning Clerk

Attending: Richard Clark; Sheri Kisch, Diane Kostelecky, Craig Dalton, Chris Hayes, Todd Reichenbach, Vic Reichenbach, Steve Zeier, Chandler Griffin, Max Griffin, Marshal Phil Blueline Engineering; Tobias Liecti, Blueline Engineering; Darin Swenson, Yellowstone County Public Works Department.

Approval of the Agenda. Donna Forbes asked to amend the agenda to move item 9a. Election of the 2016 officers to be heard after 7a. Recognition of retiring Board members,

Motion

Donna Forbes made a motion and it was seconded by Dennis Cook to amend the agenda to move item 9a. Election of officers to be heard after the Recognition of retiring Board members.

2. December 8, 2015 meeting minutes.

Motion

Dennis Cook made a motion and it was seconded by Patrick Klugman to approve the December 8, 2015 meeting minutes as submitted. The motion carried with a unanimous voice vote.

3. Public Comment: Darrel Tunnicliff asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion.

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5-6. Disclosure of Conflict of Interest – Board members and Planning Staff

Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff. The Ex Parte Communication Binder is available at the Sign-In and Agenda station. Board member Goodridge will abstain from the Pinerock Subdivision review and motion as he has solicited the applicant’s business. Jared LeFevre will abstain from a motion on Glynn Abbey as his law firm has had contact with the applicants.

7. OLD BUSINESS

a. Recognition of retiring Board members: Al Littler, Board of County Commissioners District #7; Richard Clark City Ward I

Director Millar thanked Richard Clark for his service on this board and as a member of the Planning Board and presented him with a certificate of appreciation. She acknowledged Al Littler’s twelve years of service as a member of the Planning Board. Mr. Littler is not present but will receive a certificate of appreciation.

b. Motion. Election of the 2016 Planning Board Officers

Patrick Klugman reported the Planning Board Nomination Committee has nominated Darell Tunnicliff to serve as Planning Board President and Don Reed to serve as Planning Board Vice President for the 2016 term. Per the Bylaws, the elected officers will take their positions during the February 9, 2016 meeting.

Motion

Patrick Klugman made a motion and it was seconded by Jared LeFevre to elect Darell Tunnicliff to serve as Planning Board President and Don Reed to serve as Planning Board Vice President for the 2016 term.

The motion carried with a unanimous voice vote.

c. Public Hearing: Motion/Recommendation to Board of County Commissioners. Pinerock Subdivision, 1st Filing, Dave Green, Planner I

Planner Dave Green opened this agenda item with a PowerPoint presentation.

INTRODUCTION

On November 2, 2015, Blueline Engineering for 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 will go to the Board of County Commissioners for action on January 26, 2016.

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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.

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.

Discussion

Darrel Tunnickliff called for discussion. Donna Forbes asked about the trails and the total acreage provided. Dave Green clarified and said the applicant is proposing to create easements along the road which can be accepted for parkland dedication. Patrick

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Klugman noted the Findings of Fact 2b Streets and Roads requirement for additional review. Dave Green explained that a left hand turn lane may be required in order to turn into the subdivision safely during the 2nd and 4th filing. Patrick Klugman concurred and said turning into the subdivision will be an issue.

Donna Forbes complemented the developer for his expectation to have these properties resemble prairie land. She commented on the limited water availability and asked if native grasses and trees will be planted. Dave Green said if native grasses for the area are planted in the correct season, they will be able to get moisture from the ground, spout, and grow.

Darell Tunnicliff voiced concern with the 6" grass height criterion for mowing. Dave Green said neither the Covenants and Restrictions or the Conditions of Approval call out a separation distance but the Board may include a condition with a separation distance from a house or building. Patrick Klugman said a general defensible practice is 150' from any structure. Candi Millar noted that the City Ordinances require 150' from an adjoining property to reduce the risk of fire to the property. She said the wildland interface standards are universal and a minimum of 30' should be clear of vegetation to protect structures. Wyeth Friday said Staff received no comments from the Fire District. Patrick Klugman asked for input from the developer and suggested a 30 foot separation with a maximum of 30 feet. Donna Forbes commented she admires the developer's intention to keep this parcel as native as possible.

Applicant/Agent

Marshal Phil, Blueline Engineering, 2110 Overland Ave., Billings, Montana

Mr. Phil said there is an easement on one side of each road, and the trail will be placed on the most well sloped side of each road as there is variegated terrain to deal with. They plan to replant native grasses to any disturbed areas in the spring. The cistern will handle this type of development. There is no requirement for a turn lane. The need will be determined at the discretion of MDT per the traffic study and site distance determinations. As a point of clarification, Mr. Phil read aloud the section of the traffic study and said in the end, it is an MDT determination. MDT will review the requirements after the recordings of the 2nd and 4th filing. He said he will further discuss the separation distance with the fire authorities.

Todd Reichenbach, 1921 Chickadee Circle, Billings Montana

Mr. Reichenbach stated they are encouraging an Exo scape, and they can require a minimum distance that would include the Exo scape. They will reseed the ground with a “prairie carpet and they have planter ponderosa pines in areas away from the houses. The wildlife species inhabiting this area include antelope, deer, songbirds, and rabbits.

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Public Hearing

Board member Tunnickliff opened the public hearing and asked if there was anyone wanting to speak in favor or against Pinerock Subdivision, 1st Filing.

Sherrie Kisch, 2547 Roundup Road, Billings, Montana

Ms. Kisch asked if there is a requirement on the size of homes, are modular homes allowed, and if electricity and gas are available. Todd Reichenbach responded and said this is a rural development. Modular and mobile homes are not allowed and stick built houses are to be constructed with a 1,800 square foot minimum. Outbuildings have to match the construction of the house. All utilities will be underground with MDU providing natural gas and Yellowstone Valley Electric Company providing electric services.

Diane Kostelecky, 2547 Roundup Rd, Billings, Montana

Ms. Kostelecky asked if horses will be allowed in this subdivision. Dave Green replied horses are allowed with some limitations.

Board member Tunnickliff asked if there is anyone else wanting to speak in favor or against Pinerock Subdivision, 1st Filing. There was none. Board member Tunnickliff closed the public hearing at 6:50 p.m.

Motion

Board member Tunnickliff called for a motion.

Jared LeFevre made a motion and it was seconded by Clint McFarland to forward a recommendation of conditional approval of Pinerock subdivision as presented by staff with the Findings of Fact.

Discussion

Patrick Klugman voiced concern with the need for some criterion for an additional condition for a separation distance for vegetation.

Motion

Patrick Klugman made a motion to amend the motion to include a condition to provide that all dry vegetation will not exceed 6" within a minimum of a 30 foot perimeter of a structure and the rest of the vegetation will be left as native grass.

Discussion

Dennis Cook said this amendment seems like a bit of overkill as the Fire District did not come forward with any recommendations. He pointed out the Home Owners Insurance will take the vegetation height in consideration. Darell Tunnickliff said this is a sensitive wildlife habitat and the mowing may affect the habitat. Patrick Klugman said this

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developer has an understanding that there will be a natural habitat. Clint McFarland commented that 6" native grass is highly combustible.

Following this discussion, Patrick Klugman voiced concern with potentially “handcuffing” the developer with an amendment and withdrew his amendment to the original motion.

Board member Tunnicliff called for a vote on the original motion.

The motion carries with a unanimous voice vote.

8. NEW BUSINESS

a. Application for Board of County Commissioners District #1 Planning Board opening. Troy Boucher, Candi Millar, Director

Candi Millar presented the County Commissioners’ request for review and recommendation for Mr. Troy Boucher to fill a full term in Board of County Commissioners District #1 to December 31, 2017.

Motion

Dennis Cook made a motion and it was seconded by Dave Goodridge to recommend accepting Mr. Troy Boucher to fill the vacancy in District 1.

The motion carried with a unanimous voice vote.

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

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/storm water 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.

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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 Country Club.
4. To minimize the effects on local services and address management of storm water 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 storm water 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 storm water 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

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- 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.

Discussion

Board member Tunnickliff called for discussion. He asked about the utility easement on the west property line and if there is an access. Wyeth Friday said access is already available and Public Works is comfortable with the development providing the walking paths. He said the easement language will be checked to ensure public access is provided. Candi Millar asked who is the grantor and the grantee. Darell Tunnickliff said the golf course has drain tiles that drain onto this property. In response to a question by David Goodrich, Wyeth Friday said two pedestrian walkways will be located south of the gate. There was some discussion with the applicant to do a sidewalk along the frontage on Rimrock. He pointed out there are some challenges to construct sidewalk due to the very large ditch and the timeframe for the City to reconstruct Rimrock Road. Per Dave Goodridge's request, Wyeth Friday gave clarification on the Cove Ditch. Francisco Saldivar asked how common it is for a variance to not have boulevard sidewalks and Wyeth Friday gave the example of Ironwood Subdivision which had a variance approved for an internal trail system instead of sidewalks.

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Applicant

Craig Dalton, P.E., Performance Engineering, 2101 Overland, Billings, Montana

Mr. Dalton represents Glynn Abbey, LLC. He said there will be a public access for the central park area in the trail system. Access gates will be open from 5:00 a.m.-9:00 p.m. which correlates with City park times. Lateral users at the head gate ditch to the turnout will share a maintenance irrigation lateral. The storm water requirements evacuate water within 72 hours to allow for storage. The proposal is to utilize a central greywater irrigation system. The Cove Ditch Company is considering the request for storm water drainage. Storm water maintenance will be the responsibility of a Home Owners Association, and the SIA documents state the City has the right to create an RSID if the ponds are not maintained. They will look into the need for access documents. The applicant submitted a request for the Variance not to have boulevard sidewalks, as this is a private, low traffic subdivision. The developer is proposing a mix of berming and fencing. Patrick Klugman as if there is additional reasoning for the variance request beyond low traffic volumes. Mr. Dalton stated the developer has concerns with the boulevard maintenance and he foresaw using this area as an extension of the front yards instead.

Chandler Griffin, chandler@cbmontana.com

Mr. Griffin explained their desire to filter pedestrian traffic into the central parkland area and stated the expense of additional sidewalk will take away from funds for improvements for the parkland. David Goodridge asked about the need for speed bumps and Mr. Griffin said there hasn't been a lot of discussion about specific traffic control measures. In response to Lisa Sukut's query, he stated the land is not currently irrigated...

Max Griffin, 1655 Valley Heights Road, Billings, Montana

Mr. Griffin said they spent a lot of time developing the trail system, and they agreed to place sidewalks on one side of Glenn Abbey Way to address connectivity. Mr. Griffin spoke to the feel of the neighborhood and stated he doesn't like unkempt boulevards. The storm water will be controlled, and a greywater system is planned for irrigation from the storm water retention ponds. Mr. Griffin doesn't wish to have a "cookie cutter" product. There will be a combination of berming and overlapping berming with sections of masonry wall along Rimrock Road. He said he would like to do something on the front side of the property instead of a cash-in-lieu parkland dedication. Division Manager Wyeth Friday said staff will follow up with City Engineering. Donna Forbes explained the importance of having boulevard sidewalks as a safety measure for pedestrians, especially during the winter season. Clint McFarland asked if they will be using water from the Cove Ditch for irrigation. Mr. Griffin stated they own 15 shares from the Cove Ditch, and will reserve the right to use them. Francisco Saldivar asked about construction on the lots in the flood plain and it was noted that basement foundations are unlikely. Regulations state the inhabitable 1st floor has to be 2 feet above ground in the flood fringe.

**A public hearing will be held during the January 26, 2016 Planning Board meeting.

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9. OTHER BUSINESS-

a. Planning Board Nomination Committee for the 2016 Officers-(Moved to Item 7b). The elected officers will take their positions during the February 9, 2016 meeting.

b. Urban Fringe Design Standards-Candi Millar, Director, Planning & Community Service

Ms. Millar noted the separate subdivision regulations between the City and the more rural part of the County, and said that quite often the City inherits the lower standards when it grows. The Annexation Policy states City standards must be met for sidewalks, roads, and drainage facilities. A third set of transitional subdivision regulations under consideration to address these needs, and the idea is to form a subcommittee of this Planning Board. City Council has expressed interest and Lockwood plans are asking for higher subdivision standards. She asked if there are volunteers on the Board who would like to participate. She would like to invite a member of the Board of County Commissioners and a Council person to participate.

Board member Tunnickliff asked staff to place this request on the January 26, 2016 agenda as an action item and for Ms. Millar to extend an invitation to City Council and the County Commissioners to participate.

c. (Standing Item) Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects.

d. Announcements: The next Planning Board meeting will be held on Tuesday, January 26, 2016.

ADJOURNMENT: 8:05 p.m.

ATTEST: DRAFT. To be approved by a motion on January 26, 2016



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 01/26/2016

Information

INTRODUCTION

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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 Country 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 and ensure public pedestrian access on the 20-foot-wide utility easement on the western boundary of the subject property, prior to final plat approval the subdivider will provide a revised public access and utility easement documents for recording that ensures that both utility and public pedestrian access is allowed on the 20-foot-wide utility easement on the west boundary of the subject property.
10. To ensure connectivity between the subject property and existing neighborhoods to the west, the subdivider will update Section III (B) of the SIA to clarify that at time of construction of the sidewalks and trails within the subdivision, a 6-foot wide sidewalk will be constructed from where the public right-of-way for Mickey Wright Lane and Arnold Palmer Drive meet the subject property line and the 20-foot-wide public access and utility easement to where the 8-foot-wide trail between Lot 14 and Lot 15 is being built to connect to sidewalk on Glynn Abbey Way and the internal trail system in the open space of the subdivision.
11. 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.
12. 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.
13. 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.
14. 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.

DISCUSSION/STAKEHOLDERS

Planning Division staff presented the proposed subdivision and proposed conditions of approval. Members of the Planning Board asked questions regarding the utility easement on the west side of the subject property, stormwater drainage between the subject property and the Yellowstone Country Club property to the north, access for pedestrians with the privacy gates on Glynn Abbey Way, pedestrian crossing improvements on Glynn Abbey Way at the trail/sidewalk crossings, and pedestrian improvements along the Rimrock Road frontage. There also was discussion and clarification regarding the variance request for sidewalk only on one side of the streets in the subdivision.

The Planning Board questioned whether the existing 20-foot-wide utility easement along the west side of the property also included public access to facilitate pedestrians using the proposed sidewalk from Mickey Right Lane and Arnold Palmer Drive to Glynn Abbey Way. Planning Division Manager Wyeth Friday said he was not sure how the easement was written and he would follow up with City Engineering on the issue. Since the plat review, staff has checked the easement language and it currently does not provide for public pedestrian access. A new condition has been added to address this issue (See Condition #9).

Planning Board President Darell Tunnicliff stated that there are drain tiles along the southern property of the Yellowstone Country Club north of the subject property that may direct water onto the subject property. The subdivider's agent Craig Dalton with Performance Engineering and Consulting, clarified that this was true but that the Country Club pumps the water back up into its property and away from the subject property. He also clarified as described in the Findings of Fact and conditions that the subdivision as per stormwater drainage requirements intends to pump stormwater north across the Country Club property to the Cove Ditch and will be coordinating permission to do this with the Country Club.

The Board asked how the public would access the open space/park areas with the privacy gates at the entrances to the subdivision on Glynn Abbey Way. Craig Dalton explained that the privacy gates would be open from 5 am to 9 pm, similar hours to City parks, so that the public could access the area throughout the day. The Board also asked what kind of fence was contemplated across the front of the subdivision on Rimrock Road and it was stated that it would likely be a mix of berming and intermittent masonry wall. In follow up to this issue, Planning staff wants the Planning Board to be aware that if berms and an intermittent masonry wall are contemplated along the Rimrock Road frontage these elements must be considered in the floodplain permitting and stormwater design for the property.

The Board also asked about a second pedestrian crossing on Glynn Abbey Way where the internal trail comes out headed east. It was noted that a crossing was planned where the trail intersects with Glynn Abbey Way on the west. Wyeth Friday and Craig Dalton agreed that this was a possibility and they could follow up with City Engineering staff. Wyeth did discuss this with Staff Engineer III Chris Hertz after the plat review and Chris stated that a second crossing on the east side of the development to reach from the trail to the sidewalk on the north side of Glynn Abbey Way would be okay, however the City would recommend staying away from speed bumps and just look at a standard crossing.

The Board asked about a trail or sidewalk along the property frontage on Rimrock Road. Wyeth explained that a sidewalk had been contemplated but the large ditch along the road and the fact that Rimrock Road was not going to be improved at the time of development of this subdivision could result in the sidewalk not being able to be installed and maintained properly.

Subdivider Max Griffin explained the cash contribution the subdivision must make to the future reconstruction of Rimrock Road. He said that while he understood the cash contribution need, he would like to propose that some of the contribution be used by him to make landscape improvements along the frontage of the subdivision that might include some sort of trail off of his current proposed trail in the middle part of the development. Planning staff followed up after the plat review with City Engineering on this suggestion.

Engineering staff stated that the cash contribution for Rimrock Road will be utilized for the construction of Rimrock Road in the future and could not be utilized for landscaping or a trail at this time. Engineering staff stated that if the developer wants to landscape the boulevard, Engineering is open to allowing that.

The Board also asked how often variances requests for allowing sidewalk on only one side of streets in a subdivision had been granted before. Planning staff noted that Ironwood Subdivision north of the subject property had been built with no sidewalks on the street but with a trail network running through the development that was to act as pedestrian walkways within the development. Staff also reiterated that Planning and Engineering were not in support of the sidewalk variance due to concerns of pedestrian safety moving through the subdivision.

Craig Dalton stated that the applicant had submitted a request for the Variance not to have boulevard sidewalks as this is a private, low traffic subdivision. Mr. Dalton stated the developer has concerns with the boulevard maintenance and he foresaw using this area as an extension of the front yards instead.

Attachments

Findings of Fact
Preliminary Plat

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.

To ensure connectivity between the subject property and existing neighborhoods to the west, the subdivider will update Section III (B) of the SIA to clarify that at time of construction of the sidewalks and trails within the subdivision, a 6-foot wide sidewalk will be constructed from where the public right-of-way for Mickey Wright Lane and Arnold Palmer Drive meet the subject property line and the 20-foot-wide public access and utility easement to where the 8-foot-wide trail between Lot 14 and Lot 15 is being built to connect to sidewalk on Glynn Abbey Way and the internal trail system in the open space of the subdivision (**See Condition #10**).

Since the sidewalk referenced above from Mickey Wright Lane and Arnold Palmer Drive will utilize the existing 20-foot wide utility easement along the western boundary of the subdivision, the easement must be updated to reflect public pedestrian access is allowed. Prior to final plat approval the subdivider will provide a revised public access and utility easement documents for recording that ensures that both utility and public pedestrian access is allowed on the 20-foot-wide utility easement on the west boundary of the subject property (**See Condition #9**).

- 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 of 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 of 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 11**).

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 12**).

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 12**).

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 12**).

During the plat review by the Planning Board on January 12, the subdivider stated that the fencing along the Rimrock Road frontage of the subdivision would likely be a mix of earth berming and intermittent masonry wall. It is important that the subdivider be aware that if earth berms and an intermittent masonry wall are contemplated along the Rimrock Road frontage these elements must be considered in the floodplain permitting and stormwater design for the property.

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 townsites (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.

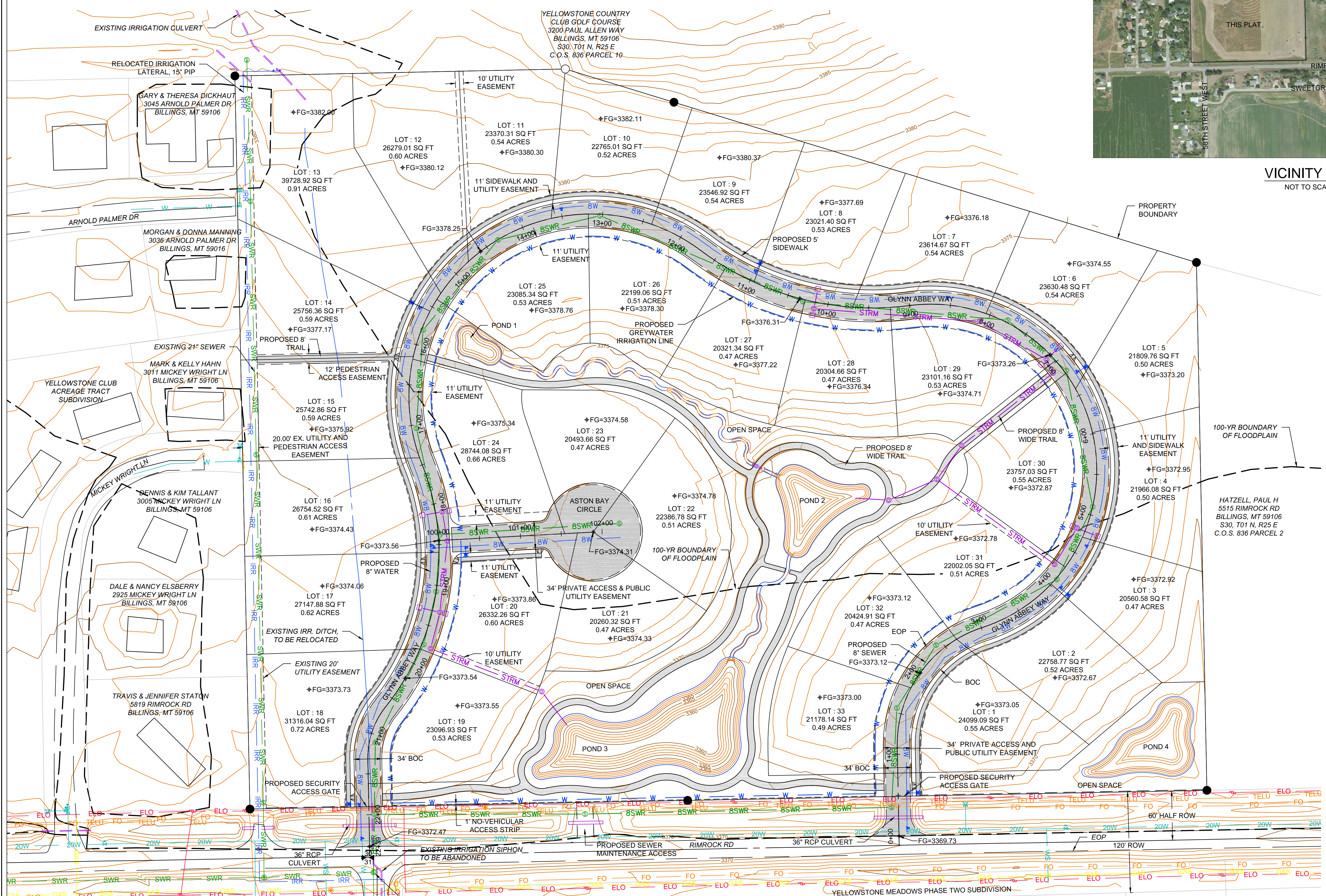
PRELIMINARY PLAT OF GLYNN ABBEY SUBDIVISION

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

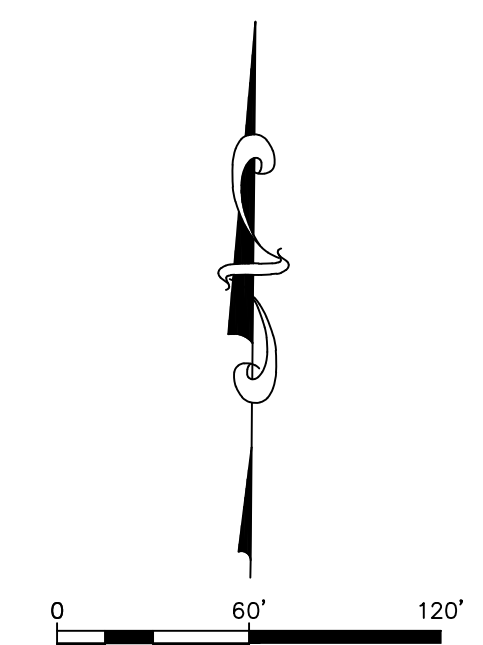
AREA DATA	
OPEN SPACE	±3.70 AC
GROSS LOTS	±18.18
TOTAL	±21.88 AC

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
- EXISTING 48" MH
- 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	DATE	CPD	DATE	PROJECT NO.
11/29/14	11/29/14			
CHECKED BY	DATE	REV BY	DATE	CHKD BY
ANA	03/18/15	SA	11/09/15	SA
CPD	11/09/15	SA		SA

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 PERFORMANCE ENGINEERING & CONSULTING

SHEET TITLE
PRELIMINARY PLAT

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