

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

January 26, 2016

Approved by a motion on February 9, 2016

1. Call the Meeting to Order

President Darell Tunnickliff called the meeting to order at 6:00 p.m. on Tuesday, February 9, 2016, in the Miller Building 1st Floor conference room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

President Tunnickliff 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, Jeffery Butts, Bicycle and Pedestrian Coordinator; Tony Chase, AmeriCorps VISTA Volunteer; Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works

Attending: Scott Aspenlieder, PEC; Patrick. Weber, Sunset Construction; Dennis Randall, Sanderson Stewart; Toby Liechti, Blueline Engineering; Marshall Phil, Blueline Engineering; Davis Groshens, Sanderson Stewart; Gary Owen, Sanderson Stewart

Approval of the Agenda

Motion

Donna Forbes made a motion and it was seconded by Lisa Sukut to approve the agenda as submitted. The motion carried with a unanimous voice vote.

2. January 26, 2016 meeting minutes.

Motion

Donna Forbes made a motion and it was seconded by Dennis Cook to approve the January 26, 2016 meeting minutes as submitted. The motion carried with a unanimous voice vote.

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

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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.

7. OLD BUSINESS: There is no old business...

8. NEW BUSINESS

8a. Discussion. AmeriCorps VISTA Alternative Modes Outreach and Education Volunteer-Jeffrey Butts, Bicycle pedestrian Coordinator, Tony Chase, AmeriCorps VISTA member

President Tunncliff asked Jeffrey Butts to open this agenda item. Mr. Butts opened with a brief introduction and introduced AmeriCorps VISTA member Tony Chase. Mr. Butts gave an overview of last year’s program which included an educational module, “Kids in Motion”, (KIM), supported by St. Vincent Health Care. Bicycle clinics are held at local schools to encourage bike and pedestrian safety. The future goal is to promote KIM as an event and educational program. Tony Chase said they are working to expand active transportation in the school in the traffic context; teaching student interaction with traffic patterns. Jeffery Butts noted a compilation of four Bicycle Traffic Skills Educational levels using OPI standards. He related to the Board that Tony Chase will be working with 4th Grade students and presenting them with a simulated traffic course and street design elements. The overall goal is to have a Bicycle and Pedestrian staff member within the school district.

Discussion

President Tunncliff called for questions and discussion from the members of the Board. Don Reed said the Lockwood School District encouraged students not to ride bicycles or walk to school due to safety concerns and poor roadways in this area.

8b. Plat Review Discussion. Trails West Subdivision, 3rd Filing. Dave Green, Planner II, presenting

President Tunncliff asked Planner Dave Green to open this agenda item.

INTRODUCTION

On January 4, 2016, subdivider, Trails West Homes LLC, applied for preliminary major plat approval for Trails West Subdivision, 3rd Filing. The proposed subdivision would create 55 lots for single-family residences and one large remaining lot for future development. The first filing of this subdivision and a master plan of the entire development was first submitted and reviewed by the Planning Board in 2009. The subject property is generally located on the south side of Grand Avenue, just west of 56th Street West. The property is zoned Residential-6,000-Restricted (R-60-R) and Residential-9,600 (R-96). The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on February 23, 2016.

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RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Trails West Subdivision, 3rd Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

None

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To minimize the effect on local services with regard to the drainage system in the subdivision, prior to final plat approval the applicant will add the following language to the SIA under V. Storm Drainage: The maintenance of the ponds, including any mechanical systems, is the obligation of the HOA. The ponds will be privately owned and maintained by the HOA. The ponds shall be improved with underground, automatic sprinkler systems and grass. Privately owned ponds shall be covered with a blanket storm water easement. If the HOA fails to maintain or replace the ponds, the City reserves the right to create a maintenance district in the subdivision to maintain the ponds.
2. To minimize effects on local services and prior to final plat approval, the final cash-in-lieu contributions toward the intersection improvements at 54th St. West & Grand Ave., 56th St. West & Grand Ave., and 56th St. West & Central Ave. shall be approved by the City Traffic Engineer and the table in the SIA under F. Off-Site Intersections will be filled in with the correct dollar amounts.
3. To minimize effects on local services, the developer will be required to submit a cash contribution for the construction of 56th Street West. It shall include half of a residential street (given credit for what is constructed), curb and gutter, sidewalk and design and construction administration.
4. *Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.*
5. *The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.*

Discussion

President Tunnicliff called for questions and discussion from the members of the Board. Patrick Klugman Condition of Approval #1, and asked what means of enforcement is in place if the Home Owner’s Association’s fails to maintain the storm water ponds. Dave Green said the City Engineering Division will enforce this condition. He clarified for

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Board member Reed and stated the entire subdivision is located in the City. He replied to Board member Forbes, and said the parkland cash-in-lieu will be dedicated to Cottonwood Park. Board member Forbes voiced concern with children crossing Grand Avenue to access the park. Candi Millar pointed out children will also need to cross at that point to attend the new school, and stated the City is working to improve the intersection and provide the crossings. Dave Green stated the area around the Birely Drain will be dedicated to the City and it will have a greenway and a bicycle/pedestrian path.

Applicant/Agent

President Tunncliff called for presentation by the applicant.

Rod Wilson, 422 Shamrock Lane, Billings, Montana

Mr. Wilson is the developer for this property. He reported two access points to the school property and connections to the trail system. He pointed out the proposed trail systems and boulevard walks on a posted map. There are 300 developable lots in this subdivision with approximately 150 open lots remaining. Mr. Wilson commended Planning staff for their input and insight with this subdivision’s layout. He described the subdivision’s characteristics as having allowances for calming effects on the streets; greenways between walkways and curbs; homes with front porches, and front lighting for every house. In response to a question by Board member Reed, Mr. Wilson pointed out the areas that will have sidewalk from Grand Avenue and south to the west of the school. Board member Klugman asked about the connections to the parks, and Mr. Wilson said they were required due to the proximity of the school property.

Gary Owen, Sanderson Stewart, 1300 North Transtech Way, Billings, Montana

Mr. Owen is the engineer for the project. Board member Reed asked about the full subdivision build out. Mr. Owen said there are just over 300 lots and they estimate 750 persons to reside there. In response to a question by Board member Forbes, Mr. Wilson said the school property is public property and access to the outdoor facilities will be available after school hours. He said they coordinated with the middle school site to construct sidewalk connections.

**A public hearing for the Trails West Subdivision, 3rd Filing will be held at the next Planning Board meeting on February 23, 2016.

8c. Plat Review/Discussion. Harmony Meadows, 2nd Filing. County Major Subdivision, Dave Green, Planner II, presenting.

President Tunncliff asked Dave Green to present this agenda item. He submitted copies of an email from Mark Jarvis, City Parks and Recreation Department stating the department supports the most recent concept put forth by the Developer due to the ample

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parkland and access as well as trail/pedestrian and bicycle access benefiting both developments.

INTRODUCTION

On January 4, 2016, Harmony Meadows, LLC, applied for preliminary major plat approval for Harmony Meadows, 2nd Filing. The proposed subdivision would create 25 lots for commercial uses and multi-family residential development. The first filing of this subdivision was done as an expedited subdivision creating two large lots in December of 2012. The subject property is generally located on the south side of Elysian Road, just west of Mullowney Lane. The property has multiple zonings of Community Commercial (CC), Highway Commercial (HC) and Residential Multi-Family Restricted (RMF-R). The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on February 23, 2016.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Harmony Meadows Subdivision, 2nd Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

No Variance is being requested.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. *To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.*
2. To minimize effects on public facilities and for public safety, prior to final plat approval the subdivider will coordinate the layout of the proposed storm water detention facility in the public park with the City Parks Department and have a letter from the Department stating the proposal is acceptable. The facility also must meet the requirements of City Engineering Division and be approved by the Division prior to final plat approval.
3. To minimize effects on local services and ensure proper storm water management, prior to final plat approval the applicant will provide a storm water report to the City Engineering Division for approval.
4. To minimize effects on local services and to ensure proper maintenance of the detention pond in the public park, prior to final plat approval in the SIA under Section V Storm Drainage second paragraph, the last sentence shall be changed to read “Storm water detention facility will be maintained through the creation of a Parks Maintenance District.”

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5. To minimize the effects on local services and provide access control onto Elysian Road, prior to final plat approval the applicant will show on the face of the plat a controlled access strip along Elysian Road
6. To minimize effects on local services and ensure proper access for pedestrians, prior to final plat approval the applicant will add a paragraph in the SIA under Section III Transportation B, that all sidewalks will be installed at time of lot development with the exception of ADA ramps at the intersections. The ADA ramps will be constructed at the time of road construction.
7. To minimize the effects on local services and contribute to intersections that may be impacted by this development, prior to final plat approval, the applicant will submit an updated TIS to the City Engineering Division and offsite intersection contributions must be identified within the Traffic Impact Study. These contributions must be outlined within the SIA detailing each intersection and timing of contribution.
8. *To minimize the effects on local services and provide for coverage of possible future costs related to bridge construction, prior to final plat approval, the applicant in the SIA under Section III Transportation A Streets will modify language in paragraph 2 and 3, the last sentence by removing the words ‘construction costs’ replacing them with, ‘any overages incurred’ beyond the 50% that what will be contributed for improvements to cross Hogan Slough.*
9. *To minimize the effects on local services as per the City Engineering Division, prior to final plat approval the applicant will add language within the street section of the SIA, that reads: “Upon construction of Phase IV, developer is required to construct Story Road and/or Stearns Circle between the eastern boundary of Harmony Meadows Subdivision and Mallowney Lane to the standards that are in place at the time of Phase IV construction. Developer is also required to mill and overlay Mallowney Lane to City standards between Elysian Road and Story Road. If the properties along Story Road have annexed into the City prior to Phase IV construction, the City may initiate a Special Improvement District and include Harmony Meadows Phase IV in the Special Improvement District for its proportionate share.”*
10. *To minimize effects on local services and ensure proper parkland dedication requirements, prior to final plat approval, the subdivider will meet with the City Parks Department and determine how much additional parkland will be provided through smaller park areas within the proposed lots in the subdivision and provide HOA language to outline how these smaller parks will be maintained.*
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.*

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12. *To ensure proper documentation for the proposed phasing of Harmony Meadows prior to final plat approval the applicant will include a Declaration of Restriction of Transfers, a Release, and a Certificate for each proposed phase of Harmony Meadows.*
13. *Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.*
14. *The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.*

Discussion

President Tunnicliff called for discussion and questions from the members of the Board. Board member Reed asked for clarification on the parcel’s zoning. Dave Green noted the Highway Commercial and multi-family zoning on the parcel and stated the commercial uses will be located near the access off of Elysian Road. He explained the developer will be required to complete a Master Site Plan Review through staff to determine their proposal meets all of the codes and regulations.

Board member Forbes noted this parcel is in close proximity to the river. Dave Green pointed out the channel migration line located adjacent to the parkland. Board member Forbes asked if there is enough room for firetruck emergency turnarounds. Dave Green explained the Fire Department will review the development’s proposal to ensure the developer meets the requirements for emergency turnarounds. Board member Forbes asked if Story Road will be extended to the west. Dave Green replied that this has been discussed as well as extending Dodger Lane.

Board member Klugman commented on the potential for a bike/pedestrian connection as a part of the Marathon Loop. He asked if there have been discussions for remediation of the traffic at the intersection. Dave Green stated this subdivision will contribute to the improvements identified and determined by the Traffic Accessibility Study.

Board member Saldivar asked about Condition of Approval #9 requiring the developer to a requirement to construct Story Road. Dave Green commented on the cost considerations for development. He commented Story Road if the properties along Story Road have annexed into the City prior to Phase IV construction, the City may initiate a Special Improvement District and include Harmony Meadows Phase IV in the Special Improvement District for its proportionate share.

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President Tunnickliff asked for clarification on the controlled access. Dave Green responded the Engineering Division will control this and explained how it will function. President Tunnickliff pointed out the proximity of this parcel to the school. Dave Green pointed out that Elysian Road will be built out with each consecutive phase of the subdivision.

Scott Aspenlieder, Performance Engineering, 2101 Overland, Billings, Montana

Mr. Aspenlieder is the engineer for this project, and represents property owners Harmony Meadows, LLC and James A. Weber. He stated they have worked to find the best solution for all parties involved. He pointed out carrying Story Road will help with the connection to the Marathon Loop, which will benefit the entire community. He said the owners have issues with Condition of Approval #9 as there is no need to route traffic through Stearns Circle. He said they plan to gate Story Road and the City Engineering Division is requesting offsite improvements for paving Story Road and Stearns Circle.

President Tunnickliff asked if potential buyers will be alerted of a Special Improvement District for the paving. Mr. Aspenlieder said they are making the improvements necessary and meet the requirements for connectivity. Staff stated that notice of upgrades and improvements is generally provided to every lot owner in the development at the point of annexation. Wyeth Friday explained the development signs a Waiver of Right to Protest for Special Improvements District when Harmony Meadows Subdivision is filed, There is the potential for paving if there is an SID for Story Road or Stearns Road depending on benefit. He suggested inserting language in the SIA to give potential owners notice.

Board member Saldivar asked Mr. Aspenlieder asked if the regulations for dead-end cul-de-sacs will apply if the road is not improved. Mr. Aspenlieder said there would be a full build out to the west to the McCall property. Wyeth Friday said a representative from the Engineering Division will be available to answer questions during the public hearing for the subdivision.

**A public hearing for the Harmony Meadows, 2nd Filing will be held at the next Planning Board meeting on February 23, 2016.

8d. Plat Review/Discussion. Emerald View Park Subdivision, Amd LA B3, Dave Green, Planner II, presenting.

President Tunnickliff asked Dave Green to open this agenda item.

INTRODUCTION

On January 4, 2016, Performance Engineering agents for Teton Properties, LLC applied for preliminary subsequent minor plat approval for Emerald View Park Subdivision, Amended Lot 1A, Block 3. The proposed plat does not create any additional lots from a 6.861-acre parcel of land. The subject property is generally located on the west side of

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Johnson Lane, south of Old Hardin Road in Lockwood. The property is zoned Residential Manufactured Home (RMH) and currently has residential uses on the property. The Board of County Commissioners will act on the proposal on March 15, 2016.

RECOMMENDATION

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Emerald View Park Subdivision, Amended Lot 1A, Block 3, and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

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

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To minimize the effects on local services, prior to final plat approval a Rural Special Improvement District (RSID) will be created, or expanded, to provide maintenance of the interior road of this subdivision.
2. To ensure compliance with Montana Department of Environmental Quality (MDEQ) regulations prior to final plat approval, the applicant will obtain MDEQ approval for the proposed subdivision storm drainage system.
3. To ensure compliance with the park land cash-in-lieu requirements prior to final plat approval, the applicant will 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.
4. 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.
5. *To minimize effects on local services prior to final plat approval, utility easement will be shown on the lot on the final plat acceptable to private utility providers.*
6. To minimize the effects on local services prior to final plat approval, the subdivider shall provide written verification that the US Postal Service has approved the mail facilities for this subdivision.
7. 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.

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8. 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

President Tunncliff called for questions and discussion from the members of the Board. Board member Klugman stated he was impressed with the layout and the sidewalks constructed in the previous development. Dave Green stated the developer is proposing to continue with the sidewalks with this development. Board member Reed commented he appreciates the developer's foresight with this subdivision. He stated his concern is the loss of parkland and asked if there is a possibility of a connection from Rockwood Lane. Dave Green explained that if the property were to be developed they would make the final connection as required by County Subdivision regulations.

Applicant

Scott Aspenlieder, Performance Engineering, 2101 Overland, Billings, Montana

Mr. Aspenlieder is the agent for this developer. He stated they intend to continue with the same type of development. He asked about the possibility of deferring the parkland cash-in-lieu contribution to the Lockwood Community instead of the County. Candi Millar said for this to happen, this would take a discussion between the Lockwood District and the County Park Board.

**A public hearing for Emerald View Park Subdivision will be held at the next Planning Board meeting on February 23, 2016.

8e. Plat Review/Discussion. Aspen Ridge Subdivision, 2nd filing. Wyeth Friday, Division Manager, presenting.

President Tunncliff asked Wyeth Friday to open this agenda item. Wyeth Friday said Board heard this application previously. The developer re-platted the subdivision and another review was triggered due to the need to address storm water improvements and sidewalks.

Discussion

President Tunncliff called for questions and discussion from the members of the Board. Board member Reed commented Tanglewood Drive and Becraft Lane were not designed as collector streets. He voiced concern with building new developments around older roadways. He suggested that the 2nd Filing of this subdivision should be built to accommodate pedestrian and bicycle traffic, as it will become a thoroughfare with the development of the surrounding parcels. Board member Klugman confirmed with Staff that under the Conditions of Approval and if this plat is approved, the 2nd Filing will not have any pedestrian access but will abut to the access in the 1st filing.

Board members Saldivar and President Tunncliff voiced concern with the noncompliance of the developer in the 1st filing of the subdivision. Wyeth Friday explained this is an oversight that should not have occurred. He continued and addressed the transportation system in the area with a reference to a posted plat map. He said the long range effort is to

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get pedestrian facilities constructed. Candi Millar pointed out that this subdivision brings up issues this Board has previously discussed as far as County standards and where the County regulations fail in the case of a more urbanized subdivision.

Marshall Phil, Blueline Engineering, 2110 Overland Ave, Ste. 119b, Billings, Montana

Mr. Phil said the property owner’s interpretation of the Condition of Approval was that the soft surface trail will meet the conditions and he provided check to Yellowstone County as a cash contribution to secure the improvements and meet the obligation. He said a hard surface trail will be constructed to meet the condition. Board member Klugman stated continuing the sidewalk in this filing is a great opportunity for the community and neighborhood; and it is difficult to support this application without it. Marshall Phil said County Public Works’ requirement in the first filing for covered drainage may have contributed to the frustration of the developer. He stated he will ensure the developer will attend the public hearing to answer these questions.

**A public hearing for Aspen Ridge Subdivision, 2nd Filing will be held at the next Planning Board meeting on February 23, 2016. The Board of County Commissioners are scheduled to review and act on the preliminary plat on March 15, 2016.

9. OTHER BUSINESS-

9a. Board member Cook commented on a recent application for a County Zone Change along Highway 3 and asked if there is a Master Plan for the entryway on Airport Road. He noted the increased traffic and said he feels this is a great opportunity to discuss what is envisioned for development in this area. Candi Millar said the Highway 3 Corridor Study considers the transportation issues, access, safety, and the intersection treatments, and it anticipated certain land uses along the corridor. She commented that at one point, staff had slated a neighborhood land use plan for this area. She said smaller plans should be done for the entire Inner Belt Loop but the staff resources are not available. She commented on the benefits of having a neighborhood planner on staff.

9b. Board member Klugman asked about the procedures for preliminary plat review and if citizen input is allowed during this time. He commented on instances of additional information coming to light during the public hearing and the need for more time to resolve them. Candi Millar said occasionally, staff will bring other agencies in for input during the plat review but there is potential of not notifying in an equitable manner. There are provisions in the law this Board may hold another public hearing to consider the information. Patrick Klugman asked that this issue be discussed at a future date.

9c. Standing Item. Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects.

Candi Millar said this Board will hear agenda items on the Growth Policy during the March meetings.

ADJOURNMENT: 8:25 p.m.

ATTEST: Approved by a motion on February 23 2016