



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



AGENDA

February 23, 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:** February 9, 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. **NEW BUSINESS:** (Agenda items new to this meeting).
8. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
 - a. **MOTION TO SUPPORT AMERICORP VISTA ALTERNATIVE MODES OUTREACH & EDUCATION VOLUNTEER. Jeffrey Butts, Bicycle and Pedestrian Coordinator, presenting.**

- b. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!
1. **PUBLIC HEARING. Motion/Recommendation to City Council. Trails West Subdivision, 3rd Filing,** County Major Subdivision, Dave Green, Planner II, presenting.
 2. **PUBLIC HEARING. Motion/Recommendation to BOCC. Harmony Meadows Subdivision,** City Major, Dave Green, Planner II, presenting.
 3. **PUBLIC HEARING. MOTION/RECOMMENDATION TO BOCC. Emerald View Park Subdivision,** County Subsequent Minor, Dave Green, Planner II, presenting.
 4. **PUBLIC HEARING. Motion/Recommendation to BOCC. Aspen Ridge Subdivision, 2nd Filing,** County Major Subdivision, Wyeth Friday, Planning Division Manager, presenting.
9. **OTHER BUSINESS:**
- a. **DISCUSSION. Urban Fringe Design Standards Committee.** Candi Millar, Director, Planning & Community Services Dept., presenting.
 - 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, MARCH 8, 2016

- a. **PLAT REVIEW/DISCUSSION. Cowboy Country**, County Major Subdivision, Dave Green, Planner II, presenting.
- b. **DISCUSSION. Growth Policy Scenarios.** Candi Millar, Director, Planning & Community Services Dept.
- c. **MOTION. Urban Fringe Design Standards Subcommittee.** Candi Millar, Director, Planning & Community Services, 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: 02/23/2016

Information

Subject

MOTION. APPROVAL OF MEETING MINUTES: February 9, 2016

Attachments

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CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

January 26, 2016

To be 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 Tunncliff 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: DRAFT. To be approved by a motion on February 23 2016



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/23/2016

Information

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 Billings City Council will act on the proposal on March 21, 2016.

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.

PROPOSED CONDITIONS OF APPROVAL

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

1. To minimize the 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.

VARIANCES REQUESTED

None

DISCUSSION/STAKEHOLDERS

A brief presentation was given to the planning board by staff about the proposed Trails West Subdivision 3rd Filing. After the presentation the floor was open for questions from the board.

A concern was raised by Planning Board Member Patrick Klugman with how the storm water ponds and drainage system were to be maintained in the subdivision and who enforces them. Staff responded that the ponds would be maintained by the Home Owner Association (HOA) with an easement over the system that would allow City Engineering to take over should the HOA fail to maintain them properly. City Engineering could take over maintenance by assessing a Special Improvement District (SID) to repair and maintain the system. Engineering would be responsible for monitoring and enforcing the maintenance of the storm water drainage system by the HOA.

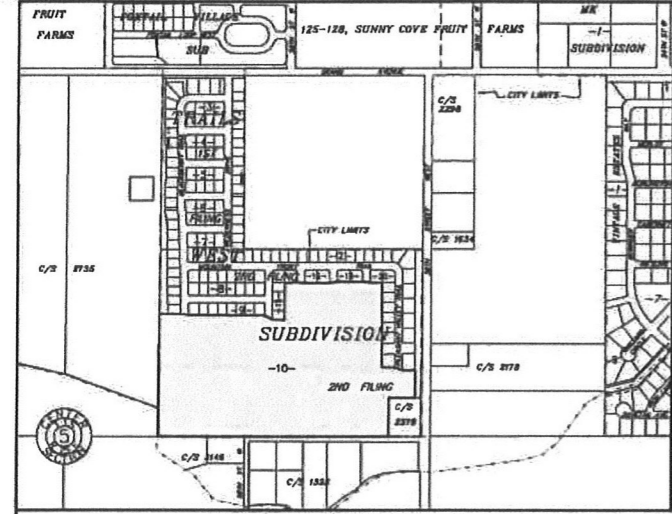
Board Member Donna Forbes asked for clarification on what the parkland cash-in-lieu would go toward and if there was no parkland proposed in the subdivision. Staff pointed out that all subdivisions within 1 mile of the proposed Cottonwood Park are required to provide any cash-in-lieu contribution proposed to that park. It was also pointed out that there are trails inside the subdivision and along the Birely Drain on the west side of the development. The subdivision also has two access points to the new school via pedestrian walkways on the west and south side of the school property connected to the sidewalks and streets in the Trails West Subdivision in the 1st and 2nd Filings. The new Ben Steele Middle School play fields and playgrounds will be accessible to the residents of the subdivision as well. It was also noted by staff that the City is working on improving the transportation corridors around the new school site as well as the intersections for pedestrian safety.

Rod Wilson, one of the developers of Trails West, provided more information about the proposed subdivision. He noted that there are boulevard sidewalks throughout the subdivision, walking trails along the Birely Drain, and access to the school grounds. When the subdivision is complete, Mr. Wilson said there will be 300 homes and they have crossed the half way point and sold 151 lots. Mr. Wilson stated that it was strongly recommended by Planning staff early in the process for this subdivision that pedestrian connections be provided for future students to the school. He stated he is very happy they made the connections and that it will be a great asset for future students and homeowners in the subdivision. No other comments or questions were provided.

Attachments

Proposed Plat

Findings of Fact



PRELIMINARY PLAT OF TRAILS WEST SUBDIVISION, THIRD FILING

BEING LOT 1, BLOCK 10, TRAILS WEST SUBDIVISION, SECOND FILING SITUATED IN THE NE1/4 OF SECTION 5, T. 1 S., R. 25 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : DORN-WILSON DEVELOPMENT, LLC.

PREPARED BY : SANDERSON STEWART

VICINITY MAP
NOT TO SCALE

- OWNER-SHELBY GRAY R.G.N.; CITY OF BILLINGS; PO BOX 1178; BILLINGS, MT 59103
- OWNER-1278 TRAILS WEST 2ND; HORTON, ANDREW; 822 BLACK BERRY WAY; BILLINGS, MT 59108
- OWNER-1280 TRAILS WEST 2ND; SCHULZ, WALTER E. & BARBARA J.; 8208 HORSESHOE TRL; BILLINGS, MT 59108
- OWNER-1281 TRAILS WEST 2ND; TRAILS WEST HOMES LLC; 1135 BLUEGRASS DR E; BILLINGS, MT 59108
- OWNER-1282 TRAILS WEST 2ND; TRAILS WEST HOMES LLC; 1135 BLUEGRASS DR E; BILLINGS, MT 59108
- OWNER-1283 TRAILS WEST 2ND; TRAILS WEST HOMES LLC; 1135 BLUEGRASS DR E; BILLINGS, MT 59108
- OWNER-1284 TRAILS WEST 2ND; TRAILS WEST HOMES LLC; 1135 BLUEGRASS DR E; BILLINGS, MT 59108
- OWNER-1285 TRAILS WEST 2ND; TRAILS WEST HOMES LLC; 1135 BLUEGRASS DR E; BILLINGS, MT 59108
- OWNER-1286 TRAILS WEST 2ND; TRAILS WEST HOMES LLC; 1135 BLUEGRASS DR E; BILLINGS, MT 59108
- OWNER-1287 TRAILS WEST 2ND; TRAILS WEST HOMES LLC; 1135 BLUEGRASS DR E; BILLINGS, MT 59108
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- OWNER-1297 TRAILS WEST 2ND; TRAILS WEST HOMES LLC; 1135 BLUEGRASS DR E; BILLINGS, MT 59108
- OWNER-1298 TRAILS WEST 2ND; TRAILS WEST HOMES LLC; 1135 BLUEGRASS DR E; BILLINGS, MT 59108
- OWNER-1299 TRAILS WEST 2ND; TRAILS WEST HOMES LLC; 1135 BLUEGRASS DR E; BILLINGS, MT 59108
- OWNER-1300 TRAILS WEST 2ND; TRAILS WEST HOMES LLC; 1135 BLUEGRASS DR E; BILLINGS, MT 59108

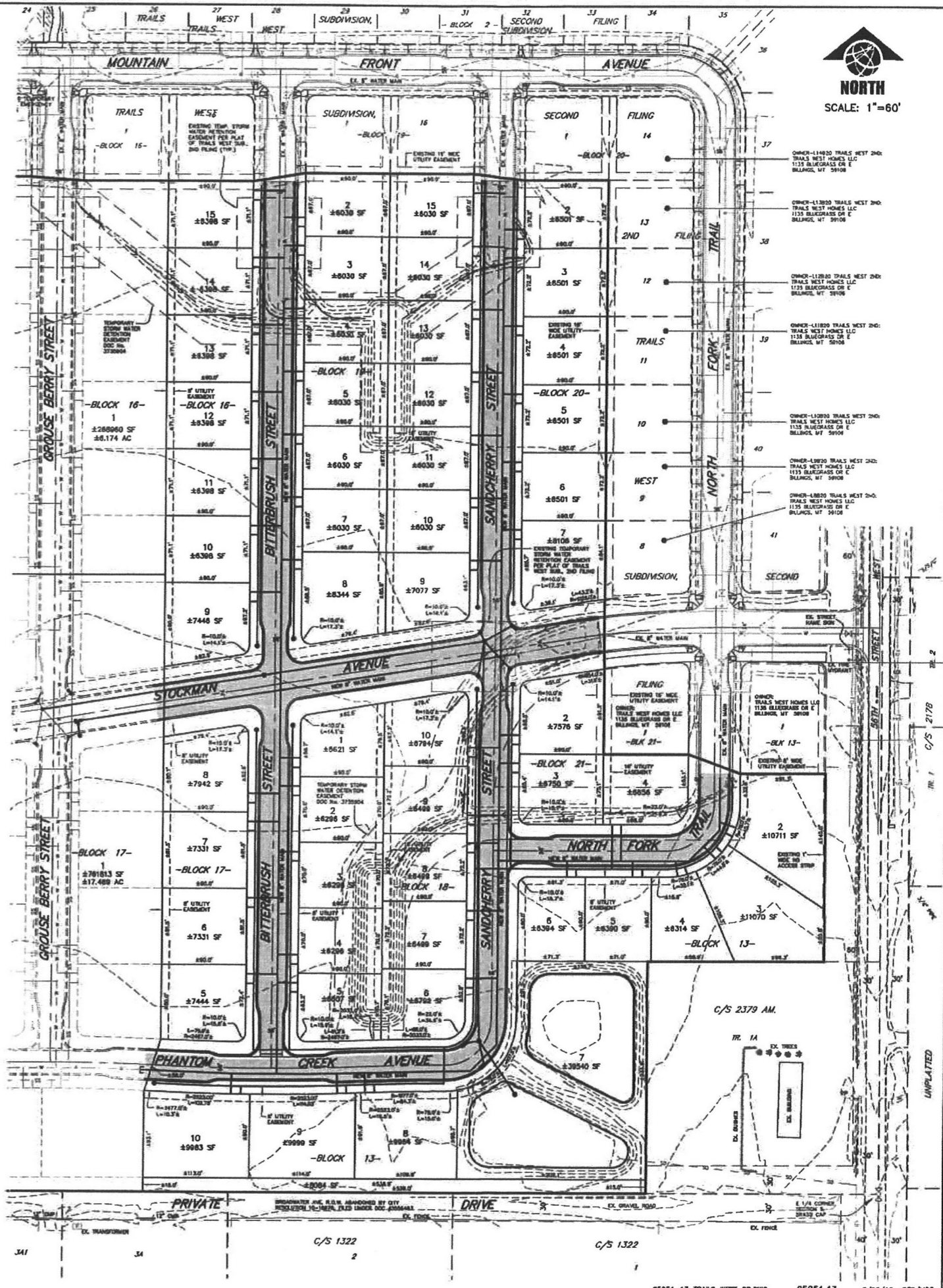
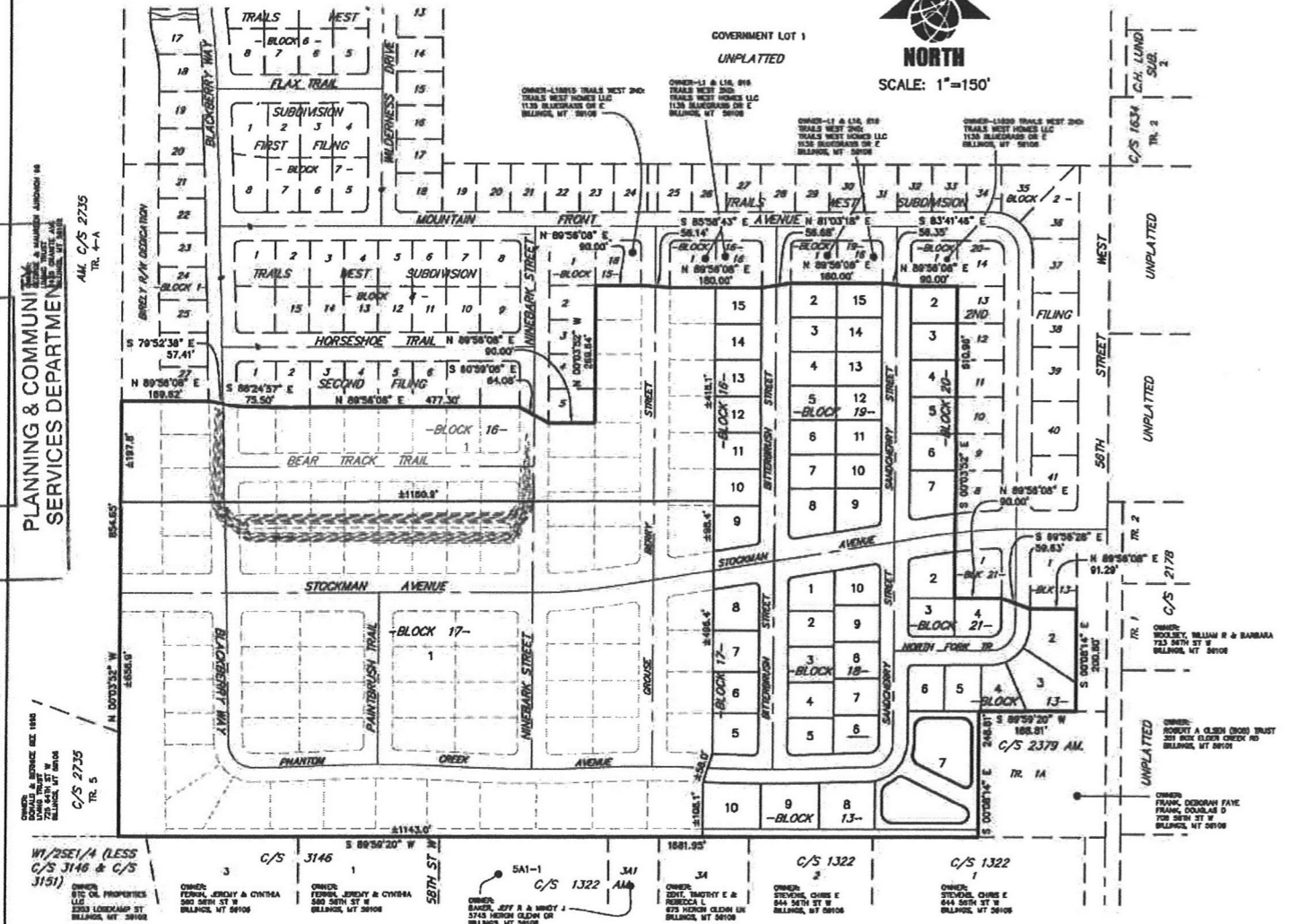
PLAT DATA

GROSS AREA:	36.896 AC
NET AREA:	±32,862 AC
NUMBER OF LOTS:	55 LOTS
MINIMUM LOT SIZE:	±8,030 SF
MAXIMUM LOT SIZE:	±17,489 AC
LINEAL FEET OF STREETS:	±3,037 LF
PARKLAND REQUIREMENT:	±0.980 AC
PARKLAND DEDICATION:	CASH-IN-LIEU
EXISTING ZONING:	R-9800/R-8000R
SURROUNDING ZONING:	
NORTH:	R-9800
SOUTH:	VARIABLE
EAST:	VARIABLE
WEST:	AGRICULTURAL OPEN
EXISTING LAND USE:	AGRICULTURAL
PROPOSED LAND USE:	RESIDENTIAL

DRAFT



SCALE: 1"=150'



SCALE: 1"=60'

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Trails West Subdivision, 3rd Filing 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 was previously irrigated agricultural land irrigated from the High Ditch, which is located about a half mile north of the property. From the ditch, a pipe runs down through Foxtail Village Subdivision to a head gate near the northwest corner of the property. There is a lateral ditch running along the north and there used to be one running along the west side of the property. The ditch on the north side provided irrigation to the school district property on the southwest corner of 56th St. West and Grand Ave. The west ditch provided irrigation water to the subject property as well as to two properties to the south. The west ditch went away with the 1st Filing, as this property will no longer be farmed and property owners to the south have signed an agreement with the developers saying that they did not need the ditch anymore for their properties. No water rights are being transferred to subsequent owners of this property.

Another waterway on the property on the west side is the Birely Drain. With the first and second filings a dedicated right-of-way around the Birely Drain was made to the City of Billings. The Birely Drain District is amenable to having the City of Billings take over ownership of the drain at some point in the future, as existing subdivisions and streets are already using it for stormwater drainage. There is some confusion about what is really the Birely Drain. In a stormwater study done for the City of Billings in 2013 the drains labeled as “Rimrock Drain,” “64th Street Drain,” and “50th Street Drain” on some older maps are really part of the Birely Drain.

2. Effect on local services

- a. Utilities** – Public water and sewer services will be provided to the future lots through lines within the internal subdivision streets extended from the main lines within Grand Avenue. In order to provide a properly looped water system for better service and quality, City Engineering required a 20-inch or larger main line be installed in 56th St. West. As with previous filings in regard to sewer service, because gravity sewer is not feasible, the subdivider is proposing to install low-pressure sanitary sewer mains and require the installation of individual low-pressure sanitary sewer lines and grinder pumps in each household. A note regarding this requirement is found in the “Conditions that Run with the Land” section of the SIA. Private electric and gas utilities will be served by Yellowstone Valley Electric Cooperative and MDU.
- b. Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping

to series of five temporary retention ponds located at the terminus of the various streets as shown on the plat. These stormwater facilities will be abandoned when future filings are developed and retention facilities are created elsewhere in the subdivision. A preliminary storm drain report was submitted to City Public Works with the preliminary plat submittal. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and are subject to review and approval by the City Engineering Department.

The applicant will also add language to the SIA outlining the maintenance of the ponds and all appurtenances associated with them is the responsibility of the HOA. **(Condition #1)**

- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. **Streets** – Access to the lots in the 3rd Filing will be via extension of the 1st and 2nd Filing internal streets from Grand Avenue and 56th Street West. The internal subdivision streets will be constructed to 34-foot pavement widths, with curb, gutter, and 5-foot wide boulevard style sidewalks within 56-foot wide rights-of-way. The one exception is Stockman Avenue, which will function as a Collector street and will be built to a width of 39 feet within a 74-foot wide right-of-way. The sidewalks will be built at the time of lot development with the exception of the ADA ramps at the street intersections. Those will be built by the developer at the time of street construction. Proposed street names for the internal streets have been approved by the City Fire Department and the County GIS Department.

The subdivider will be required to make cash-in-lieu contributions toward the design and installation of future intersection traffic controls at the intersections of Grand Avenue and 54th Street West, at Grand Avenue and 56th Street West, and if determined necessary, at Central Avenue and 56th St. West. These intersections were identified in the Traffic Impact Study as being affected by the proposed subdivision. The required contributions are based on the estimated volume of subdivision traffic using these intersections and an estimated cost of the intersection for the design and construction of a traffic signal at the intersection. Installation of a traffic signal is assumed for calculation of the cash-in-lieu contribution only. Other forms of intersection control, such as a roundabout, may ultimately be installed at one or both of these intersections. The final contribution amounts shall be approved by the City Traffic Engineer prior to final plat approval. **(Condition #2)**

The applicant will be responsible for the cost of construction of 56th Street West directly adjacent to the subdivision through cash contribution. A contribution will be made that will include cost of sub-base, base course, asphalt paving, standard curb & gutter, 5-foot wide boulevard sidewalks, and estimated engineering design and construction administration costs (given credit for what is constructed). The

contribution will be collected in phases, prior to release of each phase for development and the road will be built at a later time by the City (**Condition #2**).

In the SIA the applicant will add language in III. Transportation to address the requirement for a cash-in-lieu contribution toward the construction of 56th Street West. (**Condition #3**)

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located within one mile of the subdivision at 54th St. West and Grand Avenue (Station #7). The Fire Department finds the proposed layout will provide adequate emergency access.

- e. **Schools** – The subdivision is located within School District #2 (SD#2). The school assignments for the subdivision were received from the School District during the review of the 1st Filing. Students from the proposed subdivision will attend Central Heights Elementary School, Lewis and Clark Middle School, and Senior High School. These assignments will necessitate bussing of the students. Currently, a new middle school at the southwest corner of 56th St. W. and Grand Ave. adjacent to this subdivision is under construction. When the school is finished, SD#2 will implement the new school boundaries and the schools for this neighborhood may change.

- f. **Parks and Recreation** – In accordance with State and City laws, the subdivider is required to provide a minimum of 0.894 acres of parkland. The subdivider has proposed to meet this requirement by providing cash in lieu of land dedication, with the contributions made in phases. In addition to cash, the developer is proposing to continue the 5-foot wide multi-use trail on the western property line within the Birely Drain right-of-way tract. This trail is proposed to be for public use, and maintained by the homeowners' association.

- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested the installation of centralized mailbox units (CBUs). The developer will work with the USPS to identify appropriate locations of CBUs prior to final plat approval.

3. Effect on the natural environment

The subject property is vacant property that has been planned for urban development since the original Master Plan review in 2009. The property is generally flat, with the exception of the Birely Drain on the western edge, which is being protected in a dedicated right-of-way.

The geotechnical study was performed for the subdivision and structural recommendations were included in that study dated August 11, 2008. The information from that study is included in the SIA. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. As indicated within the Conditions the Run with the Land section of SIA, future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner.

5. Effect on the public health, safety and welfare

Fire hydrants will be constructed to meet fire department requirements. Sidewalks and trails will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

B. Was an Environmental Assessment required? [(MCA 76-3-603 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 Bikeway 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:

- a. Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (p. 6)
- b. Goal: Contiguous development focused in and around existing population centers separated by open space. (p.6)
- c. Goal: More housing and business choices within each neighborhood. (p. 6)
- d. Goal: A multi-purpose trail network integrated into the community infrastructure that emphasizes safety, environmental preservation, resource conservation and cost effectiveness. (p. 10)

3. 2014 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Billings Urban Area Long Range Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan identifies a primary bikeway along Grand Avenue. Once Grand Ave. is reconstructed in the future, bikeway improvements may be completed in accordance with the plan.

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.]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to 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 located within the R-60-R and R-96 zoning districts. All development shall comply with the standards set forth in Section 27-308, BMCC.

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 has provided utility easements as requested by the City, MDU and NWE 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 Grand Avenue and 56th Street West via Wilderness Drive, Black Berry Way, Mountain Front Avenue, Horseshoe Trail, Ninebark Street, Grouse Berry Street, Bitterbrush Street, Sandcherry Street, North Fork Trail, Phantom Creek Avenue, and Stockman Avenue.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Trails West Subdivision, 3rd Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy Update and does not conflict with the Transportation or Bikeway and Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

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.

ATTACHMENTS

B: Preliminary Plat and Associated Documents



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/23/2016

Information

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 Mallowney Lane. The property has multiple zonings of Community Commercial (CC), Highway Commercial (HC) and Residential Multi-Family Restricted (RMF-R). The Planning Board is scheduled to conduct a public hearing at this meeting and the Billings City Council is scheduled to act on the proposal on March 21, 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.

PROPOSED CONDITIONS OF APPROVAL

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

1. To ensure 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 "Stormwater detention facility will be maintained through the creation of a Parks Maintenance District."
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 Traffic Impact Study 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.
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.

VARIANCES REQUESTED

None

DISCUSSION/STAKEHOLDERS

A brief presentation was given to the planning board about the proposed Harmony Meadows Subdivision, 2nd Filing. After the presentation, the Planning Board asked several questions of staff. There was a question about the type of zoning of the proposed subdivision. Staff explained that the zoning is commercial and residential multi-family, with the commercial zoning closer to Elysian Road and the residential on the southern part of the subdivision. There was concern raised by Board members about fire access within the large lots. Staff explained that when the lots develop, the Billings Fire Department would be part of the review process and would have input on the design to ensure adequate access and fire suppression systems are put in place.

The Board also discussed the proposed connection to Story Road and the requirement by the City Public Works Department to pave it between the subject property and Muldowney Lane. Staff explained that the applicant was proposing to connect to Story Road only as a gated 'Temporary Emergency Access' and the applicant did not want to pave Story Road. Staff explained that the applicant had anticipated that in the future, should the River Grove Estates Subdivision now in the County annex into the City, Story Road and/or Stearns Circle would be upgraded to city standards and the 'Temporary Emergency Access' would be removed and Story Road would become a full access road through the area. Staff also explained that Story Road was proposed to continue through the Harmony Meadows Subdivision to the west to connect with the future subdivision on the west side of Hogan's Slough.

The Board also asked about the proposed controlled access along Elysian Road and improvements along Elysian. Staff explained that the controlled access was to give the Engineering Division more control on where accesses could be placed entering onto Elysian Road to minimize as much as possible traffic conflicts. Staff clarified that Elysian Road will be improved with each phase of the development across the frontage.

The applicants agent, Scott Aspenlieder, provided comment about the proposed subdivision. He stated that he believed the proposed layout and access points were the best solution to the requirements of the subdivision regulations and for the community. He stated that his clients only concern was condition number 9 in the staff report that states the applicant will be required to pave Story Road or Stearns Circle at Phase 4 development between the subject property and Muldowney Lane. He said the two roads go through a county subdivision and the proposed project only needs to use the Story Road access as a 'Temporary Emergency Access' to complete the development.

The Board asked Mr. Aspenlieder about creation of a Special Improvement District (SID) to address the Story Road paving and how property owners in the Harmony Meadows Subdivision would be notified about an SID before buying property. Mr. Aspenlieder answered that it is created by the Engineering Division, all property owners are notified of the proposed SID and the costs, and as long as a majority are not opposed the SID moves forward. Staff also noted that A Waiver of Right to Protest is attached to all subdivisions and that is something the future property owner should be made aware of during the title review when purchasing the property. No other comments or questions were asked and the proposal was set for a public hearing on February 23, 2016.

Attachments

Proposed Subdivision

Proposed Phasing

Findings of Fact

PEC STANDARD C:\Users\jallinson\OneDrive\Documents\2015-03-04_Harmony Meadows CAD\DWG\Plat\15-034_Harmony Meadows Preliminary Plat 3.T.dwg 1/28/2016 11:01:16 AM

PRELIMINARY PLAT OF HARMONY MEADOWS SUBDIVISION 2ND FILING

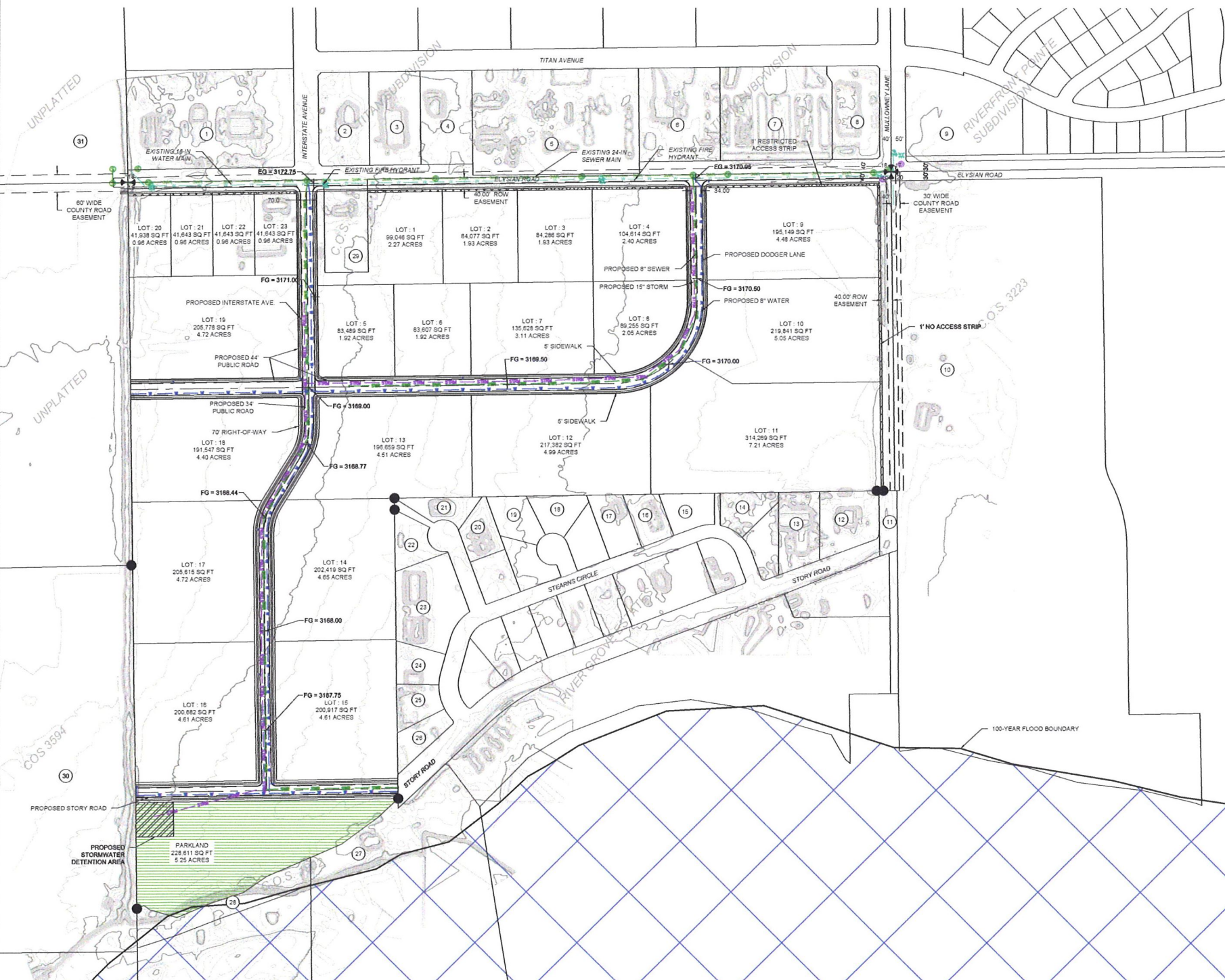
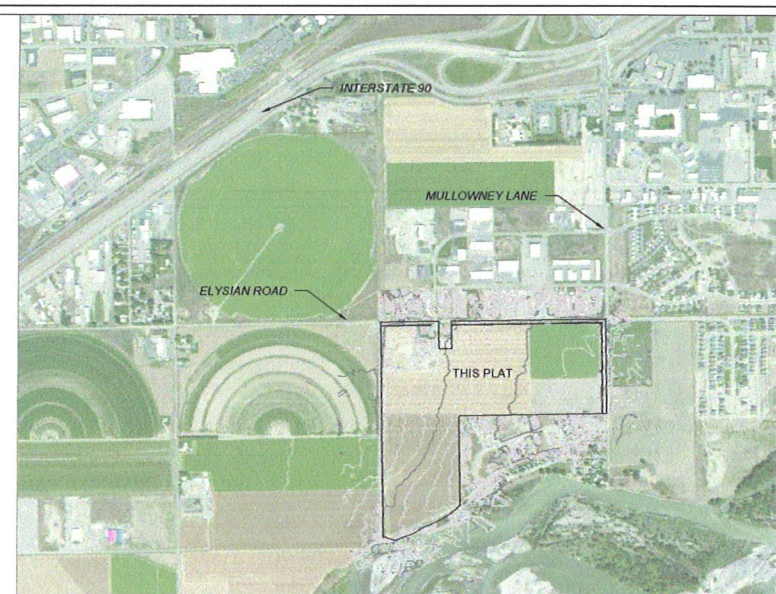
LOCATED IN THE NE 1/4 OF SECTION 19, T 01 S, R 26 E, P.M.M., YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: HARMONY MEADOWS, LLC JANUARY 2016
 PREPARED BY: PERFORMANCE ENGINEERING BILLINGS, MONTANA

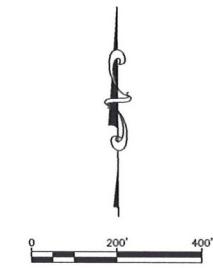
EXISTING ZONING: HIGHWAY COMMERCIAL
 COMMUNITY COMMERCIAL
 RESIDENTIAL MULTI-FAMILY RESTRICTED

PROPOSED ZONING: HIGHWAY COMMERCIAL
 COMMUNITY COMMERCIAL
 RESIDENTIAL MULTI-FAMILY RESTRICTED

EXISTING LAND USE: AGRICULTURAL
 PROPOSED LAND USE: COMMERCIAL LOTS AND APARTMENT COMPLEXES



PROPERTY OWNERS		
NUMBER	NAME	ADDRESS
1	JOCK AND KATHY CLAUSE (C/O WESTERN MUNICIPAL CONSTRUCTION)	555 INTERSTATE AVENUE, BILLINGS, MT 59101
2	KMAR, LLC	4408 SUMMER LAND, BILLINGS, MT 59106
3	MICHAEL TVETENE	6844 SOUTH FRONTAGE ROAD, BILLINGS, MT 59101
4	MELVILLE PROPERTIES, LLC	292 BENEDICT GULCH ROAD, PARK CITY, MT 59063
5	A. L. KOELZER	3312 4TH AVENUE NORTH, BILLINGS, MT 59101
6	WADE & AUTUMN KIERNAN	4932 DOVETAIL AVENUE, BILLINGS, MT 59106
7	MCCALL PROPERTIES, LLC	1536 MULLOWNEY LANE, SUITE 300, BILLINGS, MT 59101
8	MCCALL DEVELOPMENT INC	1535 MULLOWNEY LANE, BILLINGS, MT 59101
9	RIVER POINT EDGE, LLC	5213 ONYX BOULEVARD, BILLINGS, MT 59106
10	ROMAN CATHOLIC BISHOP OF GREAT FALLS	215 NORTH 31ST STREET, BILLINGS, MT 59101
11	JAMES A. WEBER	6238 GOLDEN EAGLE WAY, BILLINGS, MT 59106
12	ENERGY AND ENVIRONMENTAL MEASUREMENT	1744 MULLOWNEY LANE, BILLINGS, MT 59101
13	MARTIN PROPERTIES INC.	7338 CHAROLAIS STREET, BILLINGS, MT 59106
14	MARTIN PROPERTIES INC.	7338 CHAROLAIS STREET, BILLINGS, MT 59106
15	CARPENTERS UNION LOCAL # 1172 (MAIL TO PNWRCC)	25120 PACIFIC HIGHWAY SOUTH, SUITE 200, KENT, WA 98032
16	MONTANA CARPENTERS JOINT APP & TRNG TRUST	780 CARTER DRIVE, HELENA, MT 59601
17	PAUL MONSON	4348 BOWMAN DRIVE, BILLINGS, MT 59101
18	PERRY GUTHRIDGE	901 EAST 8TH STREET, LAUREL, MT 59044
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29	DONALD J. WEBER	5900 ELYSIAN ROAD, BILLINGS, MT 59101
30	MCCALL DEVELOPMENT, INC.	1536 MULLOWNEY LANE, SUITE 100, BILLINGS, MT 59101
31	QUARNBURG FARMING CORP	6132 S. FRONTAGE ROAD, BILLINGS, MT 59101



LEGEND	
	FOUND SECTION CORNER
	FOUND QUARTER CORNER
	FOUND PROPERTY CORNER
	STORM DRAIN MH
	STORM INLET
	STORM DRAIN PIPE
	WATER VALVE
	FIRE HYDRANT
	WATER LINE
	SANITARY SEWER MH
	SANITARY SEWER LINE

FLOODPLAIN LEGEND	
	FEMA FIRM PANEL FLOODWAY AREA

SITE DATA	
# OF LOTS	23
MAX. LOT AREA	±7.21 AC
MIN. LOT AREA	±0.96 AC
LINEAL FEET OF STREETS	±5,532 LF

AREA DATA	
GROSS AREA	±92.55 AC
ROADWAY AREA	±11.98 AC
NET AREA	±80.57 AC
REQUIRED PARK AREA	±5.98 AC
DEDICATED PARK AREA	±5.25 AC
POCKET PARK AREA	±0.73 AC

PROJECT TITLE:
HARMONY MEADOWS SUBDIVISION PRELIMINARY PLAT

REVISIONS	DATE	BY	DESCRIPTION

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BILLINGS, MT 59102
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PERFORMANCE ENGINEERING & CONSULTING

2015-034 DRAWN BY: ANA CHECKED BY: CPD DATE: NOV 2015

1 OF 1

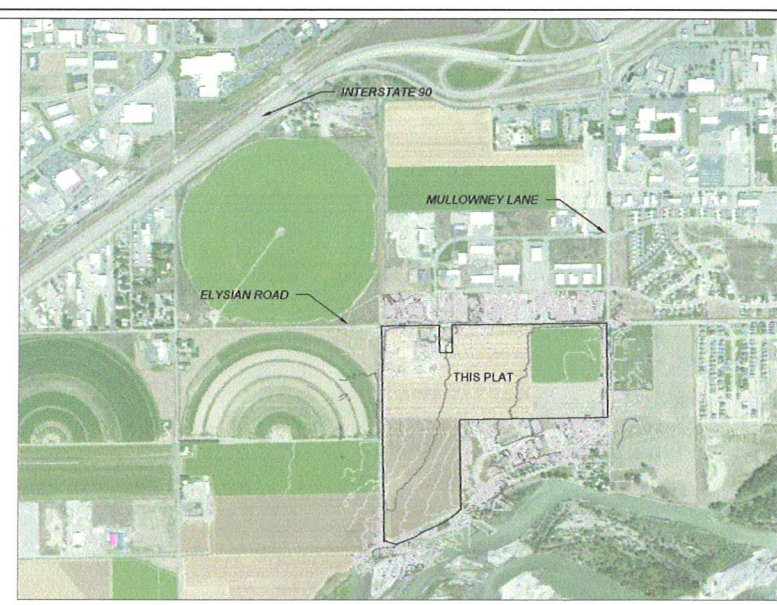
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PRELIMINARY PLAT OF
HARMONY MEADOWS SUBDIVISION 2ND FILING
 LOCATED IN THE NE 1/4 OF SECTION 19, T 01 S, R 26 E, P.M.M., YELLOWSTONE COUNTY, MONTANA

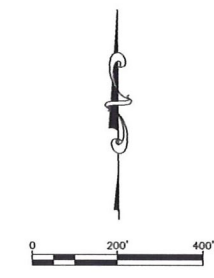
PREPARED FOR: HARMONY MEADOWS, LLC
 PREPARED BY: PERFORMANCE ENGINEERING
 JANUARY 2016
 BILLINGS, MONTANA

EXISTING ZONING: HIGHWAY COMMERCIAL
 COMMUNITY COMMERCIAL
 RESIDENTIAL MULTI-FAMILY RESTRICTED
 PROPOSED ZONING: HIGHWAY COMMERCIAL
 COMMUNITY COMMERCIAL
 RESIDENTIAL MULTI-FAMILY RESTRICTED

EXISTING LAND USE: AGRICULTURAL
 PROPOSED LAND USE: COMMERCIAL LOTS AND APARTMENT COMPLEXES



PROPERTY OWNERS		
NUMBER	NAME	ADDRESS
1	JOCK AND KATHY CLAUSE (C/O WESTERN MUNICIPAL CONSTRUCTION)	555 INTERSTATE AVENUE, BILLINGS, MT 59101
2	KMAR, LLC	4408 SUMMER LAND, BILLINGS, MT 59106
3	MICHAEL TVETENE	6844 SOUTH FRONTAGE ROAD, BILLINGS, MT 59101
4	MELVILLE PROPERTIES, LLC	292 BENEDICT GULCH ROAD, PARK CITY, MT 59063
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	STORM INLET
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PROJECT TITLE: **HARMONY MEADOWS SUBDIVISION PRELIMINARY PLAT**

REVISIONS	DATE	BY	2101 OVERLAND AVE BILLINGS, MT 59102 COPYRIGHT 2015 ©	OFFICE - 406-384-0079 www.performance-ec.com	SHEET

PERFORMANCE ENGINEERING & CONSULTING

2015-034 DRAWN BY: ANA CHECKED BY: CPD DATE: NOV 2015

1 OF 1

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Harmony Meadows Subdivision, 2nd Filing 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 was previously irrigated agricultural land irrigated from the Suburban Ditch, which is located on the north edge of the subject property. On the west side of the subject property is the Hogan Slough. The Hogan Slough runs to the south and drains into the Yellowstone River. The Suburban Ditch flows farther east and then north into the City of Billings. No water rights are being transferred to future owners of this property.

2. Effect on local services

- a. **Utilities** – Public water and sewer services will be provided to the future lots through lines within the internal subdivision streets extended from the main lines within Elysian Road. The subdivider will place 12 inch water mains inside the proposed subdivision connecting to 8 inch stub outs from Elysian Road. This will be done to City of Billings Public Works and MDEQ standards, rules and regulations. In the final phase of this subdivision development, the subdivider will install a 12 inch water line along the entire length of the common frontage with Mallowney Lane at Phase IV development. It will be installed to City Public Works and MDEQ standards. The subdivider will install an 8 inch gravity feed sewer main in the interior roads of the subdivision. These lines will connect to existing 8 inch sewer stub outs along Elysian Road. The sewer lines will be installed to meet all City Public Works and MDEQ standards. Private electric and gas utilities will be served by Northwestern Entergy and MDU. Easement for the private utilities will be shown on the final plat. **(Condition #1)**

- b. **Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping to a retention pond located within the dedicated parkland at the southern end of this subdivision by the Yellowstone River. This detention facility in the dedicated public park land will be reviewed and approved for location, size, functionality, maintenance, and any other requirements the City Parks Department deems necessary for proper functioning within the park. **(Condition #2)** A preliminary storm drain report was submitted to City Public Works with the preliminary plat submittal and a final stormwater management plan will be submitted to City Public Works for final review and approval with the final plat. **(Condition #3)** All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and are subject to review and approval by the City Engineering Department. In the SIA under Storm Drainage language must be

modified to properly define that a Park Maintenance District will be maintaining the storm water detention facility. **(Condition #4)**

c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.

d. **Streets** – Access to the subdivision will be from Elysian Road. At this time, there are no plans to access off of Mullowney Lane. The applicant must add a controlled access strip on the face of the plat along Elysian Road so that the City Engineering Division may manage access from the proposed lots in Elysian. **(Condition#5)** Elysian Road will be upgraded to Collector Street status. Required improvements to the street will include, but not be limited to, curb and gutter, a multi-use path, and a three lane section along the frontage of the subdivision as required by the City Engineering Division. The subdivider plans to make these improvements at the same time as the phases of the subdivision. Construction of improvements will be done to City of Billings Engineering Division standards and approved before construction. There is currently a bridge across Hogan Slough on Elysian Road. The internal subdivision streets named Dodger Lane and Interstate Avenue will be constructed to 44-foot back of curb to back of curb pavement widths, with curb, gutter, and 5-foot wide boulevard style sidewalks within 70-foot wide rights-of-way. From the south side of the intersection of Dodge Lane and Interstate Avenue, including Story Road, the roads will be paved with a standard width of 34 feet back of curb to back of curb. The sidewalks will be built at the time of lot development with the exception of the ADA ramps at the street intersections. The ADA ramps will be built by the developer at the time of street construction. **(Condition #6)**

A traffic study was submitted with this subdivision proposal. There are other intersections outside the subdivision that it impacts that need to be analyzed through the study and submitted to City Engineering for review and approval before final plat. Offsite intersection contributions must be identified within an updated Traffic Impact Study. These contributions also must be outlined within the SIA detailing each intersection and timing of contribution. **(Condition #7)**

Proposed street names for the internal streets have been approved by the City Fire Department and the County GIS Department. The street that runs north and south will be a continuation of an existing street name, Interstate Avenue, in accordance with Billings Subdivision Regulations, Section 23-406 (A) 8 Street Continuity: Streets that are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerlines shall coincide and shall have matching names.

Dodger Lane, a proposed internal street that runs east and west in this subdivision, will run west to Hogan Slough. Dodger Lane will be the connection to the future subdivision to the west. The subdivider will be providing a 50% contribution for the design, permitting and construction of the crossing of Dodger Lane over the Hogan Slough. It will be part of the Phase III construction and the contribution will be made at that time. Should the cost of the crossing exceed the 50% contribution

specified, the City of Billings will have the right to create a Special Improvement District (SID) to cover the additional costs. In the SIA under Transportation A Streets paragraph 2, the last sentence will be modified to include language that any overages incurred beyond the 50% that was initially contributed for crossing Hogan Slough may be provided through creation of an SID to include lots within the subdivision. **(Conditions #8)**

The applicant is connecting to Story Road to the east and carrying that road across the subdivision to the west, with a connection to the west across the Hogan Slough. The subdivider will be providing a 50% contribution for the design, permitting and construction of the crossing of Story Road over the Hogan Slough. It will be part of the Phase IV construction and the contribution will be made at that time. Should the cost of the crossing exceed the 50% contribution, the City of Billings will have the right to create a Special Improvement District (SID) to cover the additional costs. In the SIA under Transportation A Streets paragraph 3, the last sentence must be modified to include language that any overages incurred beyond the 50% that was initially contributed for crossing Hogan Slough may be provided through creation of an SID to include lots within the subdivision. **(Conditions #8)**

The applicant and City staff has had a great deal of discussion regarding the roads in and around the proposed subdivision. Focus has been on the portion of Interstate Avenue south of Dodger Lane and the connections to Story Road to the east and across Hogan Slough to the west at the bottom portion of the subdivision. The City Subdivision Regulations state that the maximum length of a dead end cul-de-sac is 600 feet and that it cannot serve more than 20 lots or 30 dwelling units. The property to the south of the intersection of Interstate Avenue and Dodge Lane would require a distance of well over 600 feet for access and the applicant is planning on building apartments on the lots in the area. Since more than 30 dwelling units are to be built, a second way out of the subdivision on the southern portion must be provided.

The subdivision regulations also state that new subdivisions will connect to existing streets that abut the subdivision property. In this case, Story Road is an existing road in River Grove Estates Subdivision that dead ends on the south east property line of this proposed subdivision. It has not been completely built, its east end connects to Mullooney Lane and the west end to the south east property line of this proposed subdivision. Stearns Circle connects to the two ends of Story Road and serves the lots in the county subdivision. Stearns Circle is a gravel road.

There have been several different proposals put forward by the applicant and City staff to address the second access for the southern end of the subdivision. One was to connect to Story Road. This solution would give Harmony Meadows a second access out and meet the requirements of subdivision regulations to connect to existing roads that abut the subdivision property. If Story Road and Stearns Circle are to be utilized as an access by the subdivision, City Engineering staff requires

that the applicant pave the county subdivision road to county standards out to Muldowney Lane.

Another option discussed by the applicant and staff was to connect to the west over Hogan Slough into the future subdivision being prepared by McCall Development. This solution would give the needed second access out for this subdivision, connect the two neighborhoods, and provide access to parkland that is being dedicated in both subdivisions along the Yellowstone River. This option would require the applicant to request a variance from the subdivision regulations to connect to the existing Story Road that abuts the property on the east. In any option, the applicant would still be required to provide water and sewer utilities to the edge of the property at Story Road.

A last proposal was put forward by the applicant that accompanies this staff report. This proposal is to create a 'T' intersection with Interstate Avenue that connects east to Story Road and west to a crossing at Hogan Slough into the future Josephine Landing development being planned by McCall Development. This option would continue the Story Road. With this proposal, the applicant is providing a connection to an existing road and connecting to the future subdivision to the west, providing street frontage along the entire proposed dedicated parkland which the parks department is in favor of, and also provides pedestrian connectivity within the neighborhood and across this area of the community to support the future 'Marathon Trail' that is expected to eventually loop around Billings. A key corridor of this loop trail is to connect in this area between Riverfront Park and Zoo Montana.

Under the east/west connection proposal, the easterly connection to Story Road was proposed to be a temporary emergency access only and not open to daily traffic use. It would be closed with an accepted emergency access gate and signs. This temporary emergency access would provide a secondary access for Harmony Meadows Subdivision until the western connection over Hogan's Slough was completed and also would provide the River Grove Estates Subdivision an emergency access to the west, which it does not currently have. Sometime in the future should River Grove Estates Subdivision be redeveloped and/or annexes into the city, the road in that subdivision could be built to city standards and the emergency access gates would be removed giving a full secondary access.

The 'T' option is the preferred option for the Planning Division and the Parks Department because it is the best solution, providing the most benefit for not just the proposed subdivision and the neighborhood, but also the community. Under this option, Engineering is still requiring the applicant to pave Story Road/ Stearns Circle connection out to Muldowney Lane. Engineering has requested that at the time of developing Phase IV of Harmony meadows that the applicant pave the east and west end of Story Road and the connecting road between them, Stearns Circle. **(Condition #9)** It is not clear if the applicant is willing to complete this improvement under the "T" option since Harmony Meadows will have a second

access to the west. This issue may need further discussion at the plat review between the applicant Planning Board, and City staff.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located about 3 miles of the subdivision at South 24th St. West and Still Water Drive (Station #5). The Fire Department finds the proposed layout will provide adequate emergency access.
- e. **Schools** – The subdivision is located within Elysian School District #23 (SD#23) for elementary and middle school. They are in School District #2 (SD#2) for High School, West. These assignments will necessitate bussing of the students. Comments received from the Elysian School District state that they have more capacity for Elementary and Middle School students. They also state that with this subdivision bus routes would be added. SD#2 stated that West High School has more capacity for students.
- f. **Parks and Recreation** – Billings Subdivision Regulations Section 23-1002 (B) 1, requires parkland dedication for this subdivision at 11% of the overall land developed for residential uses. In accordance with this regulation, the subdivider is required to provide a minimum of 6.53 acres of parkland. The subdivider has proposed to meet this requirement by providing 5.25 acres of land at the southern end of the development by the Yellowstone River. The Parks Department staff is in favor of this proposal and supports the proposed street layout that has Story Road frontage all across the park land area from the eastern edge of the subdivision to the western edge of the subdivision. The remaining acreage will be provided with smaller ‘pocket parks’ spread throughout the housing in the subdivision. These ‘pocket parks’ will be private parks and will be maintained by an HOA. The City Parks Department must review and approve of the planned pocket parks in the subdivision to ensure that they will be counted toward park dedication requirements. **(Condition #10)**
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested the installation of centralized mailbox units (CBUs). The developer will work with the USPS to identify appropriate locations of CBUs prior to final plat approval. **(Condition #11)**
- h. **Phasing** – The subdivider is planning to develop this property in four phases. Phase one includes Lots 7-12, phase two includes Lots 1 - 6 and Lots 20 -23, phase three includes Lots 13, 18 and 19, and phase four includes Lots 14- 17. See attachment A for a map of the proposed phases. The subdivider will be providing all the needed paperwork for the phased development of this subdivision prior to final plat approval. **(Condition #12)**

3. Effect on the natural environment

The subject property is vacant property that is generally flat in appearance and has been historically used for farming purposes. The Hogan Slough is on the western edge and the Suburban Ditch runs along the northern border of the subject property. There will be no water shares transferred to new owners within this subdivision.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. As indicated within the Conditions the Run with the Land section of SIA, future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner.

5. Effect on the public health, safety and welfare

Fire hydrants will be constructed to meet fire department requirements. Sidewalks and trails will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

B. Was an Environmental Assessment required? [(MCA 76-3-603 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 Bikeway 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:

- a. Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (p. 6) *The subdivision's mix of uses fits in with the surrounding existing and proposed development.*
- b. Goal: Affordable housing for all income levels dispersed throughout the City. (p. 6) *It is expected that the apartments in this subdivision will provide options for housing for residents of Billings as well as convenient local services.*
- c. Goal: More housing and business choices within each neighborhood. (p. 6) *The subdivision's mix of uses provides for housing and business choices in this neighborhood and area of the community.*

- d. Goal: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians. (p. 13) *The proposed subdivision will provide excellent connectivity to properties on all sides, boulevard sidewalks on both sides of the streets, and a multi-use trail along Elysian Road.*

3. 2014 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Billings Urban Area Long Range Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan identifies a primary bikeway along Elysian Road. A multi-use path and bike lanes are expected to be constructed when Elysian Road is improved in this area.

This area of this subdivision also is identified in the **Zoo Montana to Riverfront Park Trail Feasibility Study** completed in 2014. The Study identifies Elysian Road as having a high potential for a 10 foot wide trail within its public right-of-way, and this is planned with the reconstruction of Elysian Road with development of this subdivision. The Study also shows that a trail connection option closer to the Yellowstone River along the Story Road alignment would provide another excellent opportunity for access and connectivity along the River in this area. The proposals by the subdivider to provide both a full road connection from the current end of Story Road to the west across the subdivision and a 5+ acre, dedicated park across the southern end of the subdivision supports and is in alignment with the Study in this area.

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.]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to 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 located within the Community Commercial and Highway Commercial zoning districts. All development shall comply with the standards set forth in Section 27-308, BMCC for residential construction and 309, BMCC for commercial construction.

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 will be providing utility easements as requested by the City, MDU and NWE 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 Elysian Road and the internal streets in the subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Harmony Meadows Subdivision, 2nd Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy Update, does not conflict with the Transportation or Bikeway and Trail Plans, and supports the goals of the 2014 Zoo Montana to Riverfront Park Trail Feasibility Study.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

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.

ATTACHMENTS

A: Phasing map

B: Preliminary Plat and Associated Documents



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/23/2016

Information

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 as it is proposed for manufactured home development. The subject property is generally located on the west side of Johnson Lane, south of Old Hardin Road in Lockwood. The property is zoned Residential Manufactured Home (RMH) and currently has residential manufactured home uses on a portion of 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.

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 easements 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.

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.

VARIANCES REQUESTED

None

DISCUSSION/STAKEHOLDERS

A brief presentation was given to the Planning Board about the proposed Emerald View Park Subdivision, Amended Lot 1A, Block 3. Several Planning Board members observed that sidewalks already existed in the subdivision it was nice to see a development built with those already in place. One concern voiced by the Board was the loss of parkland in the subdivision and if there is any future plan for Rockwood Road to connect to the west and give direct access to an existing nearby park. Staff responded that should the property to the west develop, according to Yellowstone County Subdivision Regulations it would be required to connect Rockwood Road and that would complete the connection to the park and neighborhoods to the west.

The applicants agent, Scott Aspenlieder, spoke about the proposed subdivision and that the applicant is going to build this new street to match the existing ones in the development. He also stated that the development would be contributing cash-in-lieu for parkland that the County would be able to use for an area park. No other comments or questions were asked and the proposal was set for a public hearing on February 23, 2016.

Attachments

Proposed Plat

Findings of Fact

C:\Users\jwallington\OneDrive\PEC\Billings\Team_Folder\Development\2015-02-24\Emerald View Park Prelim Plan.dwg 2/3/2016 8:00:56 AM PEC STANDARD.CTB

PRELIMINARY SITE PLAN OF EMERALD VIEW PARK SUBDIVISION, AMENDED LOT 1A, BLOCK 3 OF TRACT 2A OF AMENDED TRACT 2 OF CERTIFICATE OF SURVEY No. 1869 LOCATED IN THE SE 1/4 NW 1/4 OF SECTION 30, T 01N, R 27E, P.M.M., YELLOWSTONE COUNTY, MONTANA



VICINITY MAP
NOT TO SCALE

PREPARED FOR: TETON PROPERTIES, LLC
 PREPARED BY: PERFORMANCE ENGINEERING AND CONSULTING, LLC

SUBDIVISION DETAILS:

GROSS DEVELOPMENT AREA (BLOCK 3 ONLY):	16.86 AC
PROPOSED ROAD AREA:	10.35 AC
NET DEVELOPMENT AREA (BLOCK 3 ONLY):	16.51 AC
PARKLAND AREA:	10.00 AC
LINEAL FEET OF PROPOSED STREETS:	1176 LF

REQUIRED 6,000 SQ. FT DWELLING

EXISTING UNITS: 20
 PROPOSED UNITS: 20
 UNITS ALLOWED: 47

30% MAX. LOT COVERAGE
 MAX. 85,176 SQ. FT OF DWELLING COVERAGE ALLOWED IN BLOCK 3.

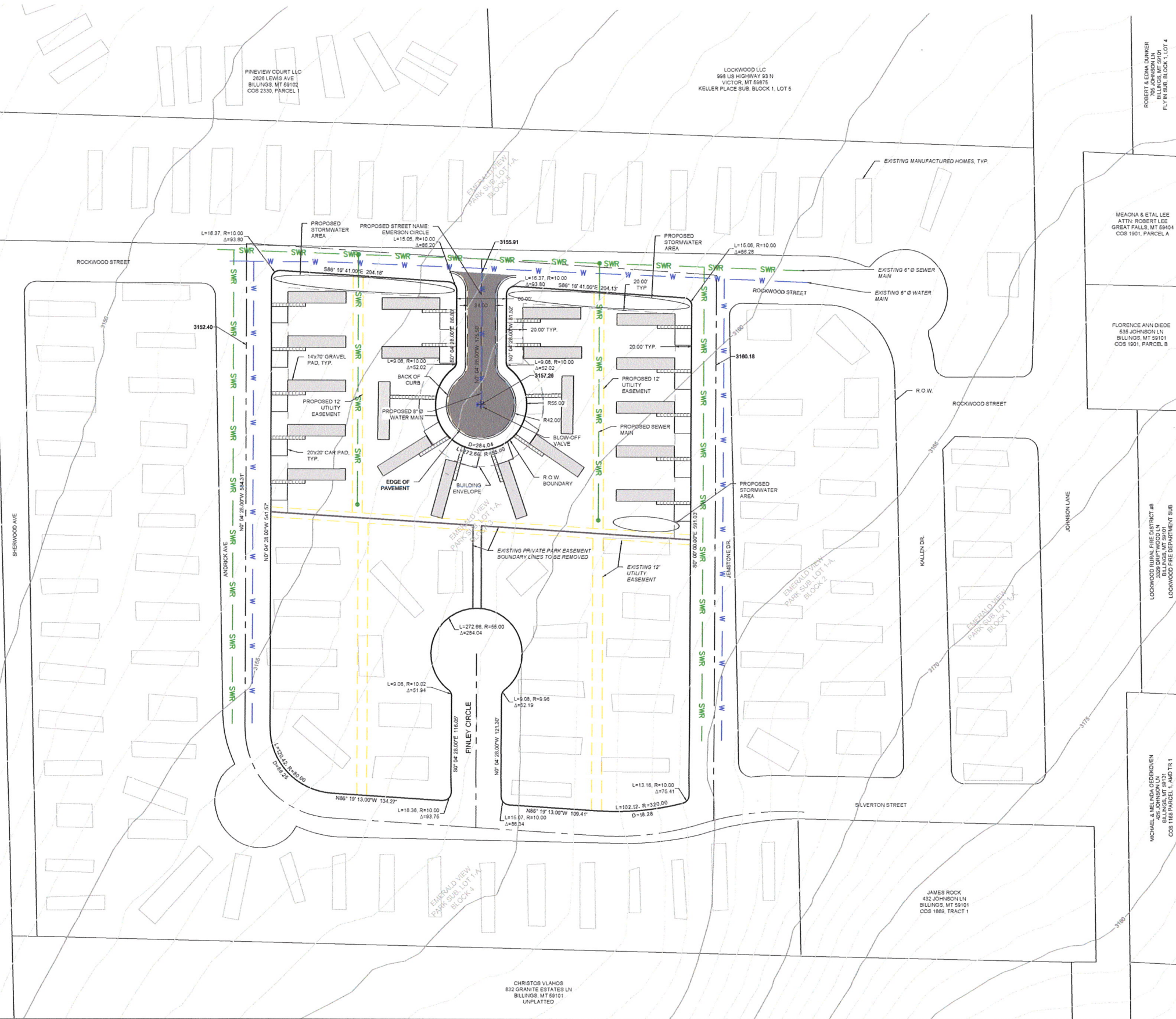
EXISTING LAND USE: PARKLAND/ ABANDONED DRAIN FIELD
 EXISTING ZONING: RESIDENTIAL MANUFACTURED HOME

PROPOSED LAND USE: RESIDENTIAL MANUFACTURED HOME
 PROPOSED ZONING: RESIDENTIAL MANUFACTURED HOME

PRELIMINARY PLAN DATE: FEBRUARY 2016

LEGEND

- PROPOSED MANUFACTURED HOME UNIT
- EXISTING MANUFACTURED HOME UNIT
- EASEMENT LINE
- WATER LINE
- SEWER LINE
- PROPOSED SEWER MANHOLE



PROJECT TITLE:
EMERALD VIEW PARK SUBDIVISION PRELIMINARY SITE PLAN

REVISIONS	DATE	BY	2101 OVERLAND AVE BILLINGS, MT 59102 COPYRIGHT 2015 ©	OFFICE - 406-384-0079 www.performance-ec.com	SHEET

PERFORMANCE ENGINEERING & CONSULTING

1 OF 1

2015-025 DRAWN BY: ANA CHECKED BY: CPD DATE: 10/26/15

STEVEN NELSON
 2600 OLD HYDRO RD
 BILLINGS, MT 59102
 GRAMMODY SUB, LOT 2
 COS 2330, PARCEL 1

PINEVIEW COURT LLC
 2625 LEWIS AVE
 BILLINGS, MT 59102
 COS 2330, PARCEL 1

LOCKWOOD LLC
 668 US HIGHWAY 93 N
 VICTOR, MT 59875
 KELLER PLACE SUB, BLOCK 1, LOT 5

ROBERT & EDNA DUNKER
 1111 N. 1ST AVE
 BILLINGS, MT 59101
 FLYIN SUB, BLOCK 1, LOT 4

MEAGNA & ETAL LEE
 ATTN: ROBERT LEE
 GREAT FALLS, MT 59404
 COS 1901, PARCEL A

FLORENCE ANN DIEDE
 535 JOHNSON LN
 BILLINGS, MT 59101
 COS 1901, PARCEL B

DAVID BIZEK
 240 JOHNSON LN
 BILLINGS, MT 59101
 COS 540

LOCKWOODS RURAL USE DISTRICT #8
 3209 DRAFTWOOD LN
 BILLINGS, MT 59101
 LOCKWOOD FIRE DEPARTMENT SUB

MICHAEL A. NELSON, REGISTERED
 402 JOHNSON LN
 BILLINGS, MT 59101
 COS 1188 PARCEL 1, 1&2 TR. 1

CHRISTOS VLACHOS
 832 GRANITE ESTATES LN
 BILLINGS, MT 59101
 UNPLATTED

JAMES ROCK
 432 JOHNSON LN
 BILLINGS, MT 59101
 COS 1869, TRACT 1

FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for the Emerald View Park Subdivision, Amended Lot 1A, Block 3. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA) (Section 3.2(H)(2), YCSR)

1. Effect on agriculture and agricultural water users' facilities

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

2. Effect on local services

- a. **Water and Sewer** –The property is currently served by the Lockwood Water and Sewer District (LWSD). Water service lines already exist in this subdivision in Rockwood Street. LWSD will review the proposal and work with the applicant to provide any additional water services to the new lot. There also is public sewer to the property. There is an 8 inch gravity feed system and the new development will be submitting engineered drawings to the LWSD for review and approval to service the additional homes on the subject property. Water and sewer systems will be constructed as approved by the LWSD and the MDEQ as shown on approved plans.
- b. **Streets and roads** – The proposed subdivision is located on the west side of Johnson Lane south of Old Hardin Road. Johnson Lane is a paved principle arterial road. There are two access points into the subdivision from Johnson Lane via Rockwood Street and Silverton Street. These interior streets are all paved and have curb, gutter and sidewalks. There are no additional road improvements needed on existing roads within this subdivision.

A new cul-de-sac street will be built to county standards for the new proposed mobile home spaces. The applicant has shown the new street to match the existing streets in the subdivision with curb, gutter, and sidewalk.

This subdivision was originally platted in 1983 with traditional lots and blocks for residential homes. In 1989 the subdivision was amended to remove all the individual lots, the blocks were retained. Each block became a block and a single lot. Street layout was the same. The streets have been well maintained and so have the curb gutters and sidewalks. There has been a question raised as to whether the streets were dedicated to the public or not. This has caused confusion with who the roads belong to and who is responsible for road maintenance. With

this proposed plat, the applicant will be dedicating the roads to the public and creating an RSID for their maintenance. **(Condition # 1)**

- c. **Fire and Police Services** – The property is within the Lockwood Fire Department jurisdiction and it will provide fire service. It is the subdivider's responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service's needs. A pressurized fire hydrant is located across Johnson Lane from Silverton Street, adjacent to this subdivision. The Lockwood Fire Department has reviewed the location of this existing hydrant in relation to the proposed subdivision and finds is acceptable.

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

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each home owner will be responsible for arranging for collection.
- e. **Storm water drainage** – All storm water drainage shall satisfy storm water management requirements and specifications of MDEQ. There will be additional stormwater detention swales along the perimeter of the lot that is being modified to meet the requirements of MDEQ. **(Condition # 2)**
- f. **School facilities** – The proposed subdivision is located in the Lockwood School District for elementary and Middle school, and Senior or Skyview High School in Billings School District #2. Staff did receive correspondence from the Lockwood School District for the Elementary and Middle School. Both stated they have capacity for more students and that there is a current bus route in the area. School District #2 responded stating that Senior High School would be where the students would attend and that they are currently 3 students above maximum capacity.
- g. **Parks and recreation** – This proposed subsequent minor subdivision will be paying cash-in-lieu of the required 2.31 acres of parkland dedication. The land that is the subject property is a private park easement that was provided in 1983 when the plat was originally completed. Before there was water and sewer available to the development, the land of the subject subdivision was the drain field for the septic system and was left as a private park space. As the drain field is no longer needed for that purpose, the owner is proposing to further develop the land for more mobile homes and remove the drainfield and private open space area.

This proposed subdivision is required to provide between 11% of the net area as parkland pursuant Section 10.2 B, YCSR and MCA 76-3-621. This amount totals 2.31 acres, and a cash contribution in lieu of land dedication has been proposed to

meet this requirement. The County Park staff has reviewed this proposal and approves of the cash-in-lieu contribution in place of land for this project. The nearest park in the area is about half a mile east of the subject property.

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

To provide a rough proportionality of value for the cash-in-lieu, a comparative market analysis (CMA) will be prepared by a third party real estate broker, or similarly qualified person, in Yellowstone County. The CMA provides the dollar per acre value to be applied to the required amount of parkland for which cash is being taken in-lieu. MCA 76-3-621(10)(a) defines cash donation, i.e., cash-in-lieu as “—the fair market value of the unsubdivided, unimproved land.”
(Condition #3)

h. **Historic features** – No known historical or cultural assets exist on the site.

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. A weed management plan will be completed and a property inspection done prior to final plat approval (**Condition #4**).

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

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Montana Fish, Wildlife, and Parks (FWP) responded to a request for review and comment on the proposed subdivision. It is suggested that future homeowners should be made aware that unless they take steps to deter animals such as fencing their yards they may experience damage problems. A paragraph to this effect is found within the SIA to help inform future landowners.

5. Effects on public health and safety

Plans and designs for use of the proposed connection to the Lockwood Water and Sewer District will be reviewed by the District and also meet all the requirements of the MDEQ. Fire and emergency services are provided for this proposed subdivision. There should be minimal effects on public health and safety as a result of this subdivision.

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

An environmental assessment was not required for this subdivision as it is in the zoned area of Yellowstone County.

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

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

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

This subdivision will create additional spaces for residential uses, consistent with the immediately surrounding neighborhood.

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

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

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

The proposed subdivision for lease or rent will increase the development density on the subject property therefore concentrating development and potentially preserving the agricultural land and open space in the surrounding the area.

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

The proposed subdivision will create additional housing options for people in the Lockwood area.

2. 2014 Billings Urban Area Long Range Transportation Plan

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

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

The subject property is outside of the study area of the BABTMP. No improvements are proposed or required with this plat. However, the development is providing sidewalks to connect t existing sidewalks in the neighborhood.

4. 2015 Lockwood Non-Motorized Transportation Plan

The Lockwood Pedestrian Safety District prepared the Lockwood Non-Motorized Transportation Plan in 2015 and it was adopted by the Yellowstone County Board of County Commissioners. The Vision of the Plan is to make “Lockwood a vibrant community with thriving industrial, commercial and residential neighborhoods where people of all ages and physical abilities can travel safely and efficiently without the use of an automobile.” While the current County Subdivision

Regulations do not require sidewalks in Lockwood, the Plan identifies both coordination with development to install sidewalks in the short term and adoption of an ordinance requiring the construction of sidewalks along all roads in Lockwood area in the next few years. Provision of sidewalks in this development meets the intent of the Plan.

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

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

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

The subdivider will need to receive approval from LWSD and the MDEQ. The LWSD will review and approve the connections to the public water and sewer system for the new mobile home sites.

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

The subdivision is in the County's zoning jurisdiction and is zoned RMH. The proposed lots sizes are in compliance with zoning, County Subdivision Regulations, and MDEQ. There is a paragraph within Section II of the SIA notifying future property owners that a Zoning Compliance Permit is required prior to any construction or placement of mobile home on the lot.

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

Utility easements shall appear on the face of the final plat as requested by Yellowstone Valley Electric Cooperative and MDU.

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

Legal and physical access will be provided for the proposed lots from Rockwood Street and Silverton Street connecting to Johnson Lane.

CONCLUSIONS OF FINDINGS OF FACT

- The Emerald View Park Subdivision, Amended Lot 1A, Block 3 - Preliminary Subsequent Minor Subdivision for Rent or Lease does not create adverse impacts that warrant denial of the subdivision.

- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal. Impacts identified can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the 2008 Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

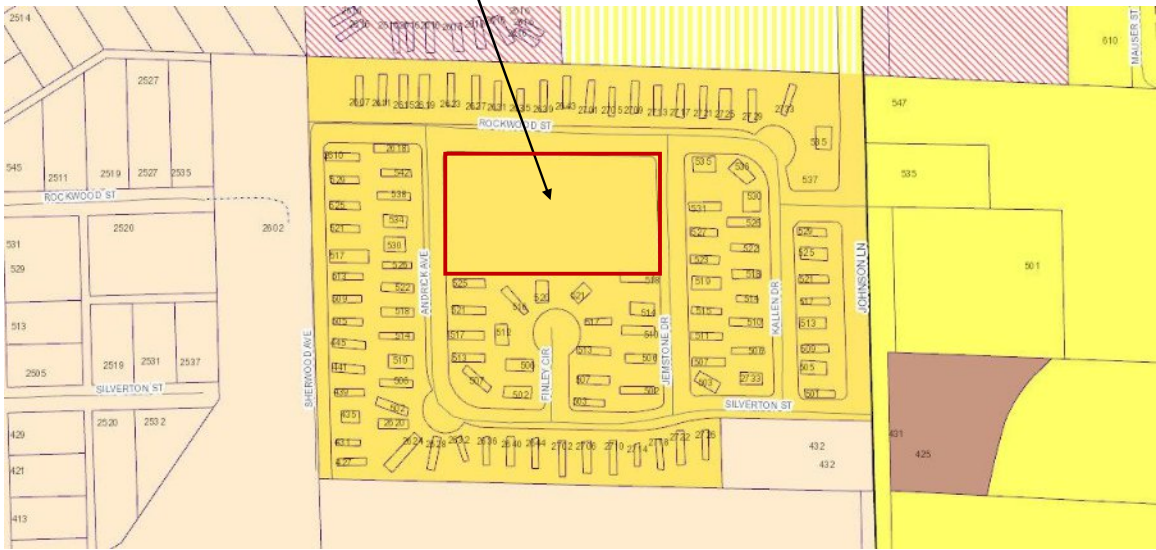
Staff recommends that the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Emerald View Park Subdivision, Amended Lot 1A, Block 3 and adoption of the Findings of Fact as presented in the staff report.

ATTACHMENTS

A: Zoning Map

B: Preliminary Plat and Associated Documents

Subject Property





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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/23/2016

Information

INTRODUCTION

On January 1, 2016, owner, Superior Builders, LLP, applied for preliminary major plat approval for Aspen Ridge Subdivision, 2nd Filing. This 2nd Filing was first reviewed and received a preliminary approval by the Board of County Commissioners in July 2015, but the applicant has resubmitted for a second preliminary plat review after making significant changes to the plat, including lot size increases to avoid construction of pedestrian facilities along San Marino Drive, and redesigning the storm water management system. The proposed plat creates 15 lots from a 28-acre parcel of land. Thirteen of the lots are for single-family residential development, one is for storm water management, and one is a large lot for future development. The subject property is generally located in Lockwood, on the south side of San Marino Drive, between Tanglewood Drive and Noblewood Drive. The property is zoned Residential-9,600 (R-96). The Yellowstone County Board of Planning reviewed the plat at its meeting on February 9 and will conduct a public hearing at this meeting. The Board of County Commissioners is schedule to act on the proposal on March 15.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Aspen Ridge Subdivision, 2nd 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 minimize effects on local services, prior to final plat approval two storm water facilities easements shall be created for the storm water facilities on Lot 8. A County RSID for maintenance of the storm water facilities in the easements also shall be established or expanded prior to final plat approval. The final SIA must reflect these arrangement for the storm water management.
2. To minimize effects on local services and the natural environment, prior to final plat approval the subdivider will receive approval from MDEQ for the individual septic systems and the storm water management system on the subdivision.
3. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plat approval.
4. To minimize effects on local services, provide the pedestrian pathway connectivity required by Section 4.6 C. 15 of the County Subdivision Regulations, and meet the requirements of the Aspen Ridge Subdivision, 1st Filing Subdivision Improvement Agreement, prior to final plat approval the 5-foot wide pedestrian walkway/trail shall be constructed along the east side of Tanglewood Drive

and the north side of San Marino Drive in the existing walkway/trail easement in Aspen Ridge Subdivision, 1st Filing. The pathway shall be constructed of asphalt or concrete at the discretion of the developer.

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

VARIANCES REQUESTED

No variances from the County Subdivision Regulations have been requested with this application.

DISCUSSION/STAKEHOLDERS

Staff provided a brief presentation of the proposed subdivision, and then Planning Board President Darell Tunncliff opened the item up for discussion.

Board Member Don Reed commented that Tanglewood Drive and Becraft Lane were not designed as collector streets. He voiced concern with building new developments that use older roadways for access that may not be built to handle the traffic. Mr. Reed suggested that if the 2nd Filing is not being built to accommodate pedestrians, that the future 3rd Filing of this subdivision to the south should be built to accommodate pedestrian and bicycle traffic, as it will have a full access through to Noblewood Drive and become a thoroughfare with the development of the surrounding parcels.

Board Member Patrick Klugman confirmed with staff that if the plat is preliminarily approved under the proposed conditions of approval, it will not have any pedestrian access but will abut pedestrian walkways that must be completed in the 1st Filing of the subdivision. Staff verified that this is the situation since the lot sizes in the 1st Filing triggered the pedestrian walkways.

Board President Tunncliff and Board Member Francisco Saldivar both commented that they were concern with the noncompliance of the developer in the 1st filing of the subdivision for the pedestrian pathways. Staff stated that this was an oversight by the County and does not normally occur.

Marshall Phil, agent for the applicant, stated that the property owner during processing of the 1st Filing had understood the pedestrian pathway requirement to be for a soft surface trail. He said the owner had provided a check to secure the improvements and ensure the pathways were built. Mr. Phil said the check was in an amount closer to a soft surface standard than a hard surface standard. He said it was not the property owners intention to never complete the pathways and that he intends to construct a hard surface pathways in the 1st Filing with completion of the 2nd Filing. Mr. Klugman stated that continuing the pathway in this 2nd Filing is a great opportunity for the community and neighborhood, and it is difficult for him to consider support this application without it. Mr. Klugman asked if the develop might be open to some sort of pedestrian facility in this filing. Mr. Phil said he will ensure that the developer attends the public hearing to address these questions

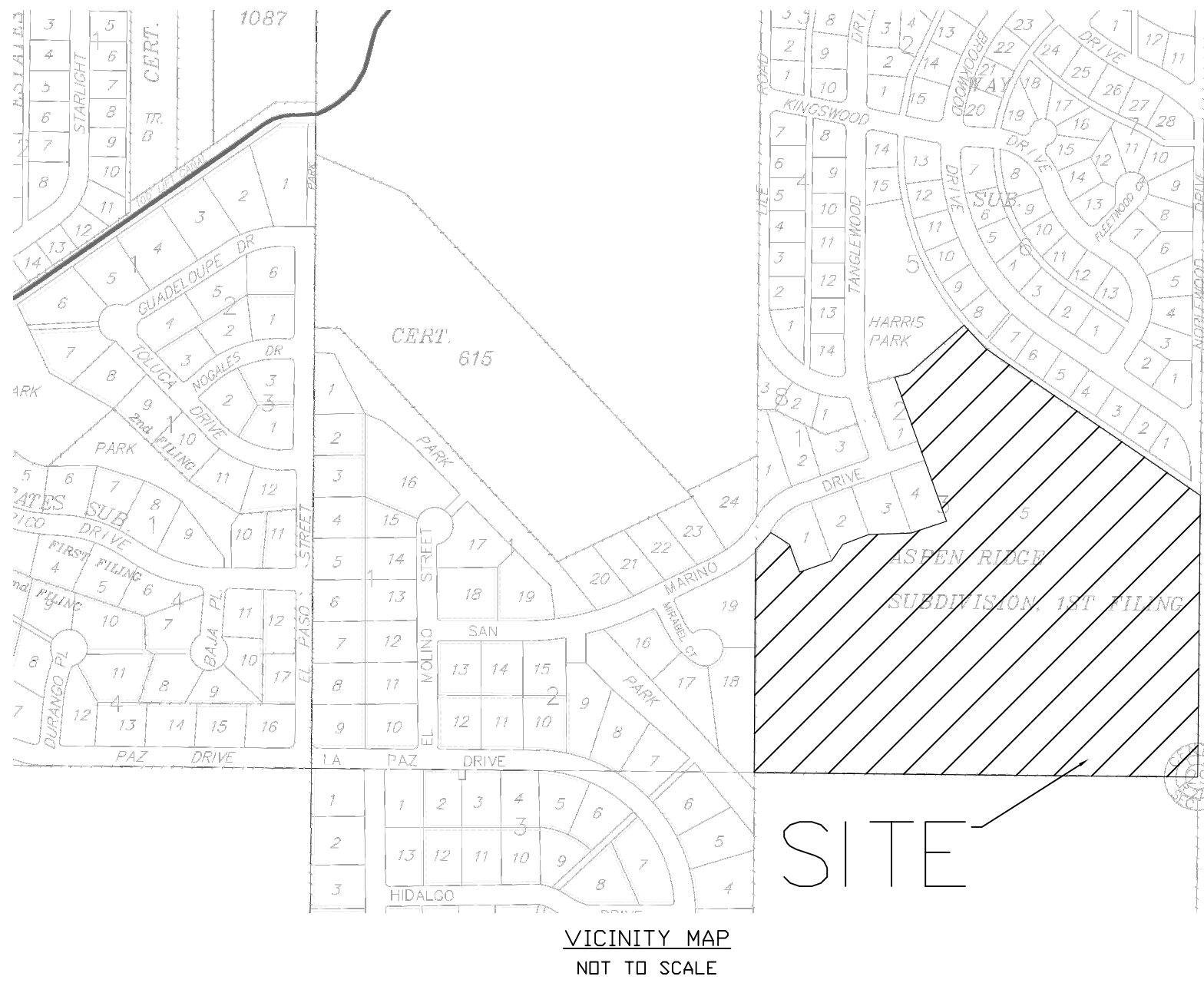
Attachments

Preliminary Plat
Findings of Fact
Draft SIA

PRELIMINARY PLAT OF ASPEN RIDGE SUBDIVISION, 2ND FILING

BEING LOT 5, BLOCK 3, ASPEN RIDGE SUBDIVISION, 1ST FILING,
SITUATED IN THE SE 1/4, SW 1/4, SECTION 29, T. 1 N., R. 27 E., P.M.M.
YELLOWSTONE COUNTY, MONTANA

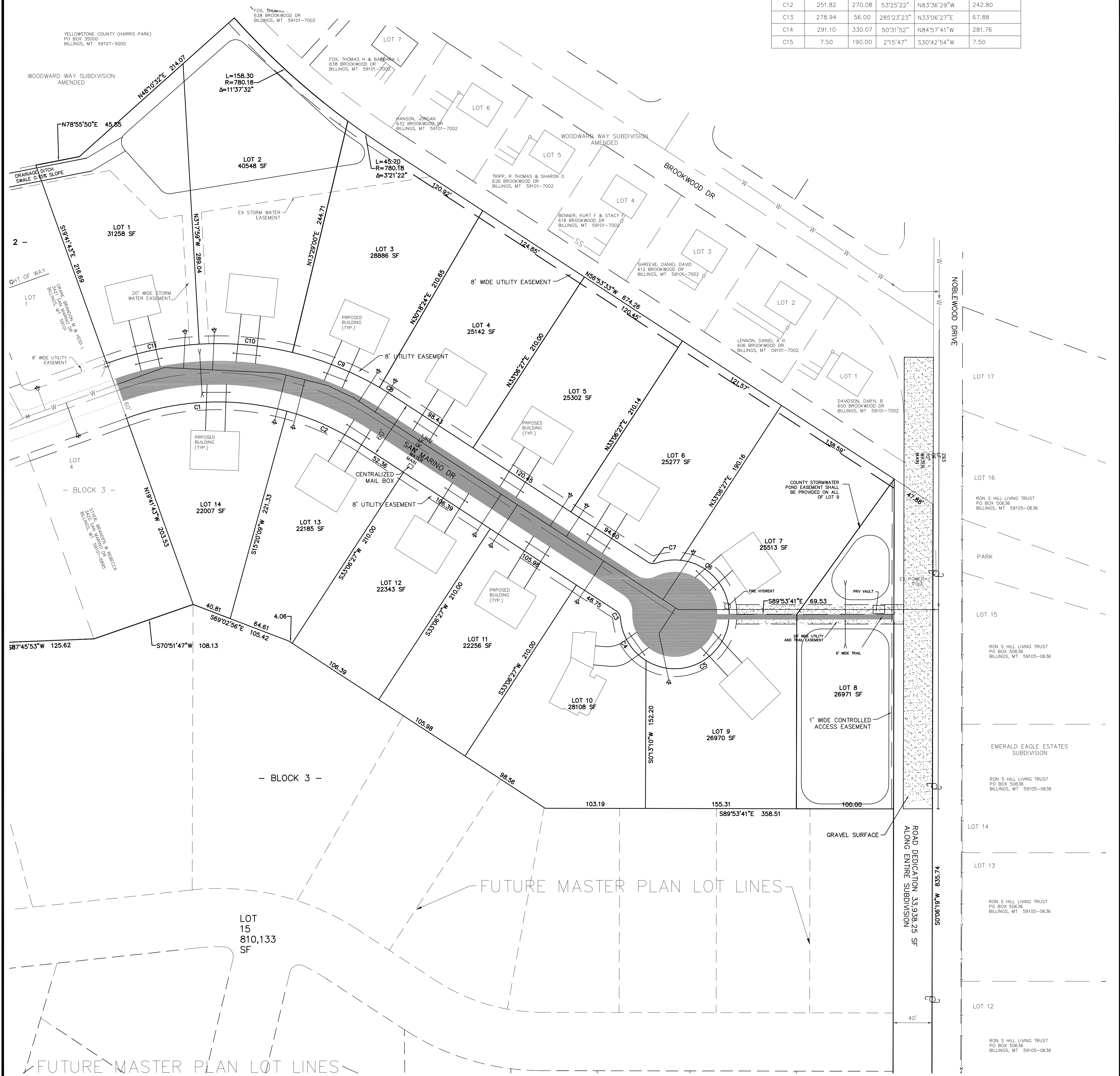
PREPARED FOR: SUPERIOR BUILDERS LLP
SURVEYOR: NORTH STAR LAND SERVICES, P.C.
ENGINEER: BLUELINE ENGINEERING LLC
JANUARY, 2016
BILLINGS, MONTANA



SUBDIVISION DETAILS:

GROSS AREA = 28.98 ACRES
NET AREA = 27.158 ACRES
ROAD AREA = 1.822 ACRES
PARK LAND = 0.000 ACRES
NUMBER OF LOTS = 15
MINIMUM LOT SIZE = 0.505 ACRES
MAXIMUM LOT SIZE = 18.598 ACRES
EXISTING ZONING = R-9600
SURROUNDING ZONING =
NORTH = R-9600
SOUTH = AG SUBURBAN
EAST = R-9600
WEST = R-9600
EXISTING LAND USE = VACANT
PROPOSED LAND USE = RESIDENTIAL

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	168.08	270.08	35°39'24"	S87°30'32"W	165.38
C2	83.75	270.08	17°45'58"	N65°46'47"W	83.41
C3	9.20	10.00	52°41'41"	N30°32'42"W	8.88
C4	52.72	56.00	53°56'08"	S31°09'56"E	50.79
C5	119.11	56.00	121°52'00"	N60°56'00"E	97.89
C6	82.12	56.00	84°01'22"	N42°00'41"W	74.96
C7	9.20	10.00	52°41'41"	S83°14'24"E	8.88
C8	16.13	330.07	2°48'01"	N58°17'44"W	16.13
C9	96.89	330.07	16°49'10"	N68°06'20"W	96.55
C10	96.66	330.07	16°46'46"	N84°54'18"W	96.32
C11	97.54	330.07	16°55'55"	S78°14'21"W	97.19
C12	251.82	270.08	53°25'22"	N83°36'29"W	242.80
C13	278.94	56.00	285°23'23"	N33°06'27"E	67.88
C14	291.10	330.07	50°31'52"	N84°57'41"W	281.76
C15	7.50	190.00	2°15'47"	S30°42'54"W	7.50



YELLOWSTONE COUNTY BOARD OF PLANNING
FINDINGS OF FACT

The City-County Planning staff has prepared the Findings of Fact for the Aspen Ridge Subdivision, 2nd Filing. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA) (Section 3.2(H)(2), YCSR)

1. Effect on agriculture and agricultural water users' facilities

The subject property is not currently used for agricultural purposes and does not have water rights. The subdivision should not affect agricultural water users' facilities or take land out of agricultural production.

2. Effect on local services

- a. **Water and Sewer** –Lockwood Water and Sewer District shall be used to supply water to the individual lots. A service line will be extended from its current terminus in San Marino Drive, and connect to the existing line in Noblewood Drive, completing a necessary loop for water pressure and quality needs. Individual septic systems are proposed for each of the lots. Locations and design of the septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ) prior to final plat approval. These systems will be constructed as approved by the MDEQ and as shown on approved plans (**Condition 2**).
- b. **Streets and roads** – The proposed subdivision is located at the east terminus of San Marino Drive, a local paved street, south of Tanglewood Drive in Lockwood. San Marino will be extended to serve the new proposed lots. It will be built to a County paved road standard.

Additionally, right-of-way for the future continuation of Noblewood Drive fronts the east side of property. Noblewood Drive is classified as a future Collector Street, according to the Billings Urban Area Transportation Classification map, therefore, a 40-foot half width right-of-way is being dedicated with this plat. Construction of Noblewood Drive as it fronts the subject property will be limited to a 20-foot wide gravel surface to the south side of Lot 8 with this filing. In the future, when Lot 15 is developed as shown on the master plan, the entire Noblewood frontage will be constructed to a County paved road standard. This requirement is specified in the Subdivision Improvements Agreement (SIA).

- c. **Fire and Police Services** – The property is within the Lockwood Fire Department's jurisdiction. It is the subdivider's responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service's needs. A pressurized

fire hydrant shall be installed at the end of San Marino Drive to meet the requirements for water supply specified in the County Subdivision Regulations and the Fire Department has indicated that the proposal meets its needs for access.

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

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- e. **Storm water drainage** – The management of storm water runoff shall be designed to satisfy storm water management requirements and specifications of MDEQ. As was required with the 1st Filing of Aspen Ridge Subdivision, the subdivider shall provide a storm water master plan for this filing and any future development of Lot 15. The preliminary plat shows that storm water will be absorbed on-site in the ditches along the paved road and also within two storm retention areas. The existing retention pond at the north end of Lots 2 and 3, will be maintained in an easement on those lots and two additional ponds will be constructed on Lot 8. Prior to final plat approval, the subdivider must receive approval from MDEQ for the storm water management plan for the subdivision (**See Condition# 2**).

The two storm water facilities are shown on Lot 8. Lot 8 is intended to remain in private ownership and function as public storm water facilities. To do this, two storm water facility easements must be created and easement documents filed with the final plat specifying the areas of the easements are for storm water management only and are maintained through a Rural Special Improvement District (RSID) created for the purpose of maintaining the facilities (**See Condition #1**). Lot 8 may not be developed in the future for anything except the storm water management without first providing the County with alternate storm water facilities to serve the subdivision. A controlled access easement also has been placed along the eastern edge of Lot 8 on Noblewood Drive to ensure future development of the lot is properly reviewed for an approach on Noblewood Drive. An RSID for maintenance of the storm water facilities on Lot 8 must be created or expanded prior to final plat approval (**See Condition #1**). These details must be updated in the SIA.

Prior to final plat approval, the subdivider also must receive approval from MDEQ for the storm water management plan for the subdivision (**See Condition# 2**).

- f. **School facilities** – The proposed subdivision is located in the Lockwood School District for elementary and middle school, and Billings School District #2 for high school (Senior High). Both Senior High and Lockwood School administrators commented that the subdivision is located on a current bus route, and that the schools have capacity for more students.
- g. **Parks and recreation** – This subdivision is required to provide parkland dedication. As the lots are between 0.5 and one acre, a dedication equal to 7.5% of the net lot area is require; this equates to 0.596 acres. The subdivision is near Harris Park, a developed

County park, and the developer has proposed to provide cash in lieu of land dedication for this filing. The developer will also be required to expand the existing Park Maintenance District for Harris Park prior to final plat approval. These details are noted in the SIA.

h. **Historic features** – No known historical or cultural assets exist on the site.

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. A weed management plan will be completed and a property inspection done prior to final plat approval (**Condition #3**).

MDEQ will review and approve the new proposed septic systems and storm water management facilities to ensure any impacts of the development are mitigated (**Condition 2**). There are no apparent or known natural hazards on the property.

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Montana Fish, Wildlife, and Parks (FWP) responded to a request for review and comment on the proposed subdivision. It is suggested that future homeowners should be made aware that unless they take steps to deter animals such as fencing their yards they may experience damage problems. A note to this effect is found within the SIA to help inform future landowners.

5. Effects on public health and safety

Plans and designs for use of the proposed septic systems and public water supply will be reviewed and approved by MDEQ prior to final plat approval. Fire and emergency services are provided for this proposed subdivision.

The original preliminary approval of this 2nd Filing required a pedestrian walkway along one side of San Marino Drive, as is still required in the 1st Filing. This requirement was triggered by Section 4.6 (C) (15) of the County Subdivision Regulations based on the majority of the lots being less than 25,000 square feet. However, this resubmitted preliminary plat has a majority of lots sizes that are greater than 25,000 square feet, so the pedestrian pathway requirement is not triggered. The subdivider is providing a 6-foot-wide pedestrian pathway from the end of the cul-de-sac on San Marino to Noblewood Drive right-of-way. While this is a benefit for connectivity for the neighborhoods in this area of Lockwood, lack of pedestrian facilities within this filing of the subdivision and no facilities on Noblewood until the road is constructed in the future makes pedestrian circulation challenging in this area.

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

An environmental assessment was not required for this subdivision.

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

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

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

This subdivision will create 13 lots for single family residences, consistent with the immediately surrounding neighborhood.

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

There are similarly sized lots containing single-family homes directly adjacent to the subject property.

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

The proposed subdivision is within the Lockwood water service area. Because it is able to be served with public water, development can be of higher density and more concentrated around the existing population center of Lockwood.

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

The proposed subdivision will create 13 additional single family residential lots in this area.

2. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is within the boundary of the study area of the Transportation Plan. Although the new lots will be served by an internal local street, the subject property has frontage on Noblewood Drive which is identified as a future collector road on the Functional Classification Map. The appropriate amount of right-of-way is being preserved for this future collector with this plat and the roadway will be constructed to a County Collector Road standard when any additional development occurs south of Lot 8.

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

The subject property is not within the jurisdiction of the BABTMP.

However, to provide for the pedestrian pathway connectivity required by Section 4.6 C. 15 of the County Subdivision Regulations, and meet the requirements of the Aspen Ridge Subdivision, 1st Filing Subdivision Improvement Agreement, prior to final plat approval the 5-foot wide pedestrian walkway/trail shall be constructed along the east side of Tanglewood Drive and the north side of San Marino Drive in the existing walkway/trail easement in Aspen Ridge Subdivision, 1st Filing. The pathway shall be constructed of asphalt or concrete (See **Condition #4**).

4. 2015 Lockwood Non-Motorized Transportation Plan

The Lockwood Pedestrian Safety District prepared the Lockwood Non-Motorized Transportation Plan in 2015 and it was adopted by the Yellowstone County Board of County Commissioners. The Vision of the Plan is to make “Lockwood a vibrant community with thriving industrial, commercial and residential neighborhoods where people of all ages and physical abilities can travel safely and efficiently without the use of an automobile.” While the current County Subdivision Regulations do not require sidewalks in Lockwood, aside from the language in Section 4.6 C. 15 of the County Subdivision Regulations discussed in Item 3 above, the Plan identifies both coordination with development to install sidewalks in the short term and adoption of an ordinance requiring the construction of sidewalks along all roads in Lockwood area in the next few years. Provision of a sidewalk in the 1st Filing of this development and between the San Marino cul-de-sac end and Noblewood Drive meets the intent of the Plan, while lack of provision of a sidewalk between these walkways through the 2nd Filing does not meet the intent of the Plan.

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

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

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

The subdivider shall receive approval from MDEQ for the proposal to make use of the public water and individual septic systems for the new lots (**Condition 2**).

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

The subdivision is in the County’s zoning jurisdiction and is zoned R-96. The proposed lots sizes are in compliance with zoning, County Subdivision Regulations, and MDEQ. A note is found in the SIA notifying future property owners that a Zoning Compliance Permit is required prior to any construction on the lots.

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

Utility easements shall appear on the face of the final plat as requested by Northwestern Energy and MDU.

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

Legal and physical access will be provided for the proposed lots from San Marino Drive.

CONCLUSIONS OF FINDINGS OF FACT

- The Aspen Ridge Subdivision, 2nd Filing does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal. Impacts identified can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the 2008 Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

The Yellowstone County Board of Planning recommends that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Aspen Ridge Subdivision, 2nd Filing, and adopt the Findings of Fact as presented in the staff report.

ATTACHMENTS

Plat and associated documents

Return to:
BlueLine Engineering
2110 Overland Avenue, Suite 119B
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT
Aspen Ridge Subdivision, 2nd Filing
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(Yellowstone County)

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SUBDIVISION IMPROVEMENTS AGREEMENT

Aspen Ridge Subdivision, 2nd Filing

This agreement is made and entered into this ____ day of _____, 2016, by and between *Superior Builders, LLP*, whose address for the purpose of this agreement is **832 Granite Estates Ln, Billings, MT 59101-6888**, hereinafter referred to as “Subdivider,” and YELLOWSTONE COUNTY, Montana, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, the plat of *Aspen Ridge Subdivision, 2nd Filing*, located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 2016, the Board of Planning recommended conditional approval of a preliminary plat of *Aspen Ridge Subdivision, 2nd Filing*; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 2016, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *Aspen Ridge Subdivision, 2nd Filing*; and

WHEREAS, a Subdivision Improvements Agreement is required by the County prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to *Aspen Ridge Subdivision, 2nd Filing* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

A. No Variances are requested.

II. CONDITIONS THAT RUN WITH THE LAND

A. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and

gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

- B.** Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- D.** Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners. Storm drainage swales will be located along San Marino Drive to collect and channel stormwater to the stormwater ponds, as shown on the plat. Driveway culverts shall be at a minimum 21 inches in diameter.
- E.** When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way at no cost to the County and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- F.** Subdivider will be required to expand the existing RSID #698 for the maintenance of the extension of San Marino Drive. A new RSID will be created for the maintenance of the storm water facilities and walkway from the cul-de-sac in San Marino to Noblewood Drive.
- G.** The lots within this subdivision will be assessed for the maintenance of the parkland through the expansion of the Harris Park 'Park Maintenance District' #634 which will be expanded prior to final plat approval.
- H.** A Master Plan of Lot 11, Block 3, Aspen Ridge Subdivision, 2nd Filing has been provided. The water main will be connected to the existing main at the intersection of Noblewood Drive and Brookwood Drive. These are conditions of approval from the Aspen Ridge Subdivision, 1st Filing SIA.

- I. A zoning compliance permit is required prior to home construction to ensure full compliance with setbacks, lot coverage, height, and use allowances within the Residential-9600 zoning district.
- J. Lot 9 is not buildable at this time. If the use ever changes, proper access must be provided. Therefore, a 1'-wide controlled access easement has been provided adjacent to Noblewood Drive.

III. TRANSPORTATION

The subdivider agrees to guarantee all improvements for a period of one (1) year from the date of final acceptance by Yellowstone County.

- A. **Streets.** Tanglewood Drive and San Marino Drive shall serve as primary legal and physical access for all proposed lots. San Marino Drive shall be extended as shown on the plat and shall be a 60-foot right-of-way dedicated road with 24-foot paved surfaces and 2-foot gravel shoulders. Utility easements adjacent to the right-of-way are shown on the plat.

The 40-foot half right-of-way for Noblewood Drive shall be dedicated at this time. Noblewood Drive shall be extended to the southern edge of Lot 8 with a 20-foot wide gravel surface and will meet Yellowstone County Gravel Road Standards. Noblewood Drive will be constructed to Yellowstone County paved road standards with any subsequent filings, as shown on the master plan.

County RSID #698 for maintenance of the extension of San Marino Drive and Tanglewood Drive will be expanded before the final subdivision plat is filed.

B. **Traffic Control Devices**

1. The Subdivider shall furnish and install all necessary traffic control devices in accordance with the Manual of Uniform Traffic Control Devices. No traffic signals are required for this subdivision.

2. A 'No Outlet' sign shall be installed at the intersection of San Marino Drive and Tanglewood Drive.

- C. **Access.** All improvements in the public road right-of-way, including driveways and culverts will be in accordance with the plans and specifications as approved by the Yellowstone County Public Works Department.

- D. **Billings Area Bikeway and Trail Master Plan.** This development is not within the BABTMP. A 5-foot wide pedestrian walkway/trail easement was provided with Aspen Ridge Subdivision, 1st Filing along the North side of San Marino Drive and on the East side of Tanglewood Drive. The path within

Aspen Ridge Subdivision, 1st Filing will be completed prior to filing of final plat. That 5-foot wide pedestrian walking/trail easement will not be extended to the east along the North side of San Marino Drive, as the majority of the lots are greater than 25,000 sf. A 20-foot wide utility and pedestrian access easement will be provided from the cul-de-sac on San Marino Drive, through Lot 8 between the two stormwater ponds and connect to Noblewood Drive, as shown on the plat. A 6-foot wide concrete path shall be installed within the easement. The walkway is required to be built prior to final plat approval and shall be designed and built in accordance with BABTMP specifications. In accordance with Lockwood Fire Department regulations, bollards or a chain gate will be installed to prevent vehicular access through said 20'-wide easement.

IV. EMERGENCY SERVICE

Fire hydrants shall be provided in accordance with the Lockwood Water and Sewer District specifications.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by the Montana Department of Environmental Quality (MDEQ), or its designee. Copies of the stormwater management plan will be provided to both the City-County Planning Division and the County Public Works Department.

There is an existing detention facility at the northern end of the subdivision. This pond shall not be altered with the subdivision.

The existing berm on Lot 5, Block 3, Aspen Ridge Subdivision, 1st Filing within the subdivision was built at some time in the past. This berm will be removed with the subdivision. To replace the storm water detention volume, new ponds will be constructed at the east end of San Marino Drive and adjacent to Noblewood Drive. This facility will intercept the historical runoff and provide for additional storage for future phases of the subdivision.

Lot 8 has been created for the pond areas and will continue to be owned by the Subdivider. An easement over the entire lot shall be granted to the County for maintenance. A County RSID for maintenance of ponds and swales will be created or expanded before the final subdivision plat is approved.

Storm drainage swales will be located along San Marino Drive to collect and channel stormwater to the stormwater ponds, as shown on the plat. Driveway culverts shall be at a minimum 21 inches in diameter.

VI. UTILITIES

A. Water

In accordance with Section 4.9 Yellowstone County Subdivision Regulations, all proposed water systems must obtain approval by the MDEQ, or its designee.

Water shall be provided to the subdivision from the existing Lockwood water mains located in the right-of-way of San Marino Drive and Noblewood Drive. A new 8-inch water main and pressure reducing valve (PRV) shall be installed in San Marino Drive. A new 10-inch water main shall be extended south approximately 500' from the intersection of Brookwood Drive and Noblewood Drive. A 20-foot wide utility and pedestrian access easement will be provided from the cul-de-sac on San Marino Drive, through Lot 9 between the two stormwater ponds and connect to Noblewood Drive, as shown on the plat. Installation of the water lines shall be in accordance with plans and specifications approved by the Lockwood Water and Sewer District and the MDEQ.

B. Septic System

In accordance with Section 4.8 Yellowstone County Subdivision Regulations, all proposed sanitary sewer systems must obtain approval by the MDEQ, or its designee.

The individual on-site sewer systems will be installed as approved by the MDEQ.

C. Power, Telephone, Gas, and Cable Television

Existing utilities have been installed in the utility easements adjacent to the right-of-way. The new extensions for this subdivision shall also be placed in 8-foot wide utility easements. Each lot owner shall coordinate installation of facilities with the various utility companies. All utilities shall be placed underground.

VII. PARKS/OPEN SPACE

The parkland requirement for this subdivision is 7.5% of the net lot area of Lots 1-7 and Lots 9-14. A total of 0.596 acres of parkland will be required.

The property owner has agreed to meet this requirement through a cash payment in lieu of land dedication.

The lots within this subdivision will be assessed for the maintenance of the parkland through the expansion of the Harris Park 'Park Maintenance District' #634 which will be expanded prior to final plat approval.

VIII. WEED MANAGEMENT

All noxious weeds on the latest Yellowstone County Noxious Weed List shall be controlled on all properties in the subdivision.

- A. A Weed Management Plan must be filed and updated as needed for approval by the Yellowstone County Weed Department. Said weed management plan shall contain the noxious weeds being addressed and the plan for the control of those weeds. All associated cost for noxious weed control is the responsibility of the owner of record.
- B. A revegetation plan shall be submitted as part of the management plan. A seeding recommendation can be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

IX. SOILS/GEOTECHNICAL STUDY

A geotechnical study was not completed for this subdivision. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

X. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the Planning Board and Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be designed by and constructed under the supervision of a professional engineer competent in civil engineering, licensed in the state of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C. of the Yellowstone County Subdivision Regulations.

XI. LEGAL PROVISIONS

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.

- B.** The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D.** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G.** Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

This agreement is hereby approved and accepted by Yellowstone County, this ____ day of _____, 2016.

“COUNTY”
COUNTY OF YELLOWSTONE
MONTANA

County of Yellowstone
Board of County Commissioners

By: _____
Chairman

Commissioner

Commissioner

Attest: _____
County Clerk and Recorder

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared _____, _____, and _____, known to me to be the Board of County Commissioners and the County Clerk and Recorder, respectively, of Yellowstone County, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of Yellowstone County, Montana.

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's), which Yellowstone County may require for a period of twenty year from the date of this document's recording.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

Aspen Ridge Subdivision, 2nd Filing

Signed and dated this ____ day of _____, 2016.

Subdivider/Owner, Superior Builders LLP

By:

Its:

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared _____, as _____ of Superior Builders LLP, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

Notary Public in and for the State of Montana

Printed name: _____

Residing in Billings, Montana

My commission expires: _____

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/23/2016

Information

Subject

DISCUSSION. Urban Fringe Design Standards Committee. Candi Millar, Director, Planning & Community Services Dept., presenting.

Attachments

Urban Fringe Subdivision Design Standards



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND YELLOWSTONE COUNTY, MONTANA
Tuesday, February 23, 2016



SUBJECT: Urban Fringe Subdivision Design Standards - Formation of Special Committee to review County Subdivision Regulations and make recommendations to the Board of County Commissioners

PRESENTED BY: Candi Millar, AICP, Planning Director

PURPOSE: To draft enhanced subdivision development requirements suitable to the suburban areas around Billings and in other population centers in the County. The existing County Subdivision Regulations do not take into account impacts created by higher density subdivisions including, but not limited to, increased traffic, storm water runoff and pedestrian and bicycle safety. Suburban areas, such as Lockwood and the west end of Billings on the City/County fringe, impact the motorized and non-motorized transportation network, surface water quality and public health and safety more than rural subdivisions. However, the County has only one level of development requirements for all development in the County. The developer is held to these requirements at time of subdivision, but the purchasers of lots are responsible for future subdivision improvements and maintenance. Enhanced subdivision development requirements for the suburban areas of the County will ensure these subdivisions are initially constructed to reduce the cost burden of future lot owners, alleviate the County's share of providing certain improvements, and protect public health and safety.

PROCESS: A Special Committee of the Planning Board along with representatives of the public, development community, and both City and County governing bodies will be established at the first Planning Board meeting in March. The Special Committee will be appointed by the Planning Board President or created by a motion of the Planning Board to direct the President to appoint members¹. Invitations will be made to interested members of the public, the development community and the governing bodies to serve on this Special Committee.

The Special Committee, under the guidance and direction of the Planning Division staff, will convene its first meeting in March, 2016. The Committee shall meet monthly to identify and

¹ Yellowstone County Board of Planning By-Laws, Committees and Advisory Committees

draft changes to the existing County Subdivision Regulation development requirements and other sections as needed. The Committee shall meet for no longer than six months to produce a final draft of the proposed standards. The Committee will provide status reports to the full Planning Board at regular intervals. When the proposed standards and Subdivision Regulation amendments are complete, the Planning Board will hold a public hearing and make recommendation to the County Board of Commissioners. The County Commissioners will take final action on the proposed changes.