

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

February 23, 2016

Draft-To be approved by a motion on March 8, 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; Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works

Attending: Scott Aspenlieder, PEC; Toby Liechti, Blueline Engineering; Marshall Phil, Blueline Engineering; Gary Owen, Sanderson Stewart; Travis McDowell, AT Architecture; Patrick G Weber; Shawn & Karen Murray; Bob Whalen, Elysian School; Butch Crawford, Ed Taylor; Robert Taylor; Chris Vlahos, Tray Larson; Patty Larson; Chuck Strum, Lockwood Pedestrian Safety District Advisory Board; Paul Monson, Troy Wilson, Rod Wilson

Approval of the Agenda

Motion

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

2. February 9, 2016 meeting minutes.

Motion

Donna Forbes made a motion and it was seconded by Dennis Cook to approve the February 9, 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.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

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:

7a. Discussion. AmeriCorps VISTA Alternative Modes Outreach and Education Volunteer-Jeffrey Butts, Bicycle Pedestrian Coordinator, Tony Chase, AmeriCorps VISTA member

Division Manager Wyeth Friday opened this agenda item and noted this was presented at the last meeting with Bicycle Pedestrian Coordinator Jeffery Butts and AmeriCorps VISTA member Tony Chase. Staff is asking for the Planning Board’s support of this program for the coming year. Bicycle Pedestrian Coordinator Jeffery Butts is available for questions.

Discussion

President Tunncliff called for questions and discussion from the members of the Board. There was none.

Motion

Troy Boucher made a motion and it was seconded by Donna Forbes to support the AmeriCorps VISTA Alternative Modes Program for the coming year.

The motion carried with a unanimous voice vote.

7b. Public Hearing. Motion/Recommendation to City Council. Trails West Subdivision, 3rd Filing. Dave Green, Planner II, presenting

President Tunncliff asked Planner Dave Green to open this agenda item. Dave Green opened this agenda item with a PowerPoint presentation. He pointed out this parcel is adjacent to the school property for the Ben Steele Middle School. City Services are available. The developer will provide cash-in-lieu of parkland dedication but residents will have access to the school grounds after hours.

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.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

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.*

Discussion

President Tunncliff called for questions and discussion from the members of the Board. Don Reed commented on Condition of Approval #1, and asked if designating the Home Owner’s Association’s to maintain the storm water ponds is a common practice, and Dave Green replied this is fairly new and the City Engineering Division will enforce this condition. Donna Forbes asked if residents can use the school grounds while in session.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

She pointed out there is no access to a park where young children may play. Dave Green pointed out the linear parks and trail system in this subdivision.

Public Hearing: At 6:13 p.m. President Tunncliff opened the public hearing and asked the owner to address the board.

Applicant/Agent

Rod Wilson, 422 Shamrock Lane, Billings, Montana

Mr. Wilson is the developer for this property and one of the three owners of the Trails West Subdivision. He distributed a handout with the final print of the subdivision which will contain 300 home sites, several miles of walking trails, and boulevard walks. The retention ponds have underground sprinkling and maintained by the Homeowners' Association. The storm water will be managed and moved from a detention area to Birely Drain. This subdivision is zoned for single family housing only. Gary Owen, Sanderson Stewart, is the technical engineer and is available for questions. In response to a question by Donna Forbes, Mr. Wilson said the retention pond is a 4.5-foot deep sloped area that could be used as a play area.

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

Mr. Owen is the engineer for the project and available for questions. There was none.

President Tunncliff asked if there was anyone else wanting to speak in favor or against the Trails West Subdivision, 3rd Filing. There was none. President Tunncliff called for a motion.

Motion

Dennis Cook made a motion and it was seconded by Francisco Saldivar to 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.

The motion carried with a unanimous voice vote.

7c. Public Hearing. Motion/Recommendation to Board of County Commissioners. Harmony Meadows, 2nd Filing. County Major Subdivision, Dave Green, Planner II, presenting.

President Tunncliff asked Dave Green to present this agenda item and he opened this agenda item with a PowerPoint presentation.

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),

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

Highway Commercial (HC) and Residential Multi-Family Restricted (RMF-R). 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 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 “Storm water 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 TIS to the City Engineering Division and offsite intersection

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

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.*

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

Dave Green stated Staff sent additional information to the Board on this item due to recent developments. A decision was made and derived from an agreement with the McCall Development and the applicant that the residential to residential connection is more important than the commercial to commercial access. He pointed out the southern access provides a connection to the trail system and gives the most benefit to the community as a whole. The developers agreed to complete the pedestrian trail along Elysian Road with phase one of this subdivision and phase one of Josephine Landing Subdivision to provide a safe route for students to the school in a shorter amount of time. Dave Green reviewed an e-mail received from Mark Jarvis, Parks and Recreation Department requesting an amendment to Condition of Approval #10, and an additional condition, and a letter from McCall Development.

Planning Board Members,

We will be asking for elimination of the Dodger Lane crossing over Hogans Slough (northern crossing). In turn we will agree to contribute to the paving and improvement of Story Road/Stearn Circle within the River Grove Estates subdivision which will connect to the mill/overlay improvements we're installing on Mallowney Lane. We met with the County and some business owners in the River Grove development this morning and tentatively offered/agreed to provide up to 25% of the cost to install an asphalt road surface, meeting county standards, to meet Condition #9 in the staff report. This would only include road improvements and would exclude any or all water and sewer improvements in the development. Coming out of that meeting it appears that the County and business owners are interested and willing to accept that contribution. We would suggest that Condition #9 be modified to state a maximum contribution of 25% to be made by Phase IV of the Harmony Meadows development or at the time the RSID is created to install the improvements.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Dave:

Per our conversation yesterday and today, there are some provisions we feel need to be added to the SIA to help clarify expectations for the park and its development.

Regarding the development and maintenance of the public park, the following should be included in the SIA:

At Phase IV and prior to the construction of the stormwater detention facility, a Special Improvement District and a Park Maintenance District shall be created for the purpose of funding the public park master plan, park development and park maintenance. At that time the stormwater detention facility shall be integrated into the park master plan to serve as an amenity to the park and to integrate other park functions within the footprint of stormwater detention facility.

Keep #2 of the conditions of approval. This will provide us with the necessary calculations and volumes of the stormwater detention facility.

Keep #10 there should be additional clarification. Place a period after the word subdivision in the 3rd line of the paragraph, deleting the rest of the sentence and add: These additional private park parcels shall be dedicated to a legal entity such as a Homeowners Association (HOA) and maintained by that entity.

Let me know if you have any questions or concerns with these comments.

Mark L. Jarvis, PLA
City of Billings Parks and Recreation
Park Planner
390 North 23rd Street
Billings, MT 59101
Phone: 406-657-8367
Web:<http://www.billingsparks.org>

"We create community through people, parks and programs"

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CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”



MCCALL HOMES

1536 Mullooney Lane Suite 100
Billings, Montana 59101
Telephone: 406-651-5354
Fax: 406-651-5364
www.mccallhomes.com

February 17, 2016

To whom it may concern,

We recently attended a meeting with the Harmony Meadows team, where we mutually came to a conditional agreement. McCall Development Inc. is agreeable to the proposal of removing the north connection over the Hogan's Slough.

Both Harmony Meadows and McCall Development Inc, agree that the north connection is less important than the south connection. Preserving connectivity between the neighborhoods and the continuation of the Marathon Loop/Heritage Trail, is a priority for both neighborhoods. We also both agree that one connection appears sufficient particularly when considering the costs versus benefits necessary of crossing Hogan's Slough.

McCall Development Inc. as part of our consent to the removal of the north connection, we have asked Harmony Meadows to first insure that the Story Road/Sterns Circle connection is improved to the standard which has been set forth by the City of Billings Engineering department. Second, that Harmony Meadows agrees to accelerate their build out of the proposed bike trail and pedestrian crossing at Hogan's Slough, along the entire northern boundary of the property, and to be completed during their first phase of infrastructure improvements.

Likewise, McCall Development Inc. agrees to forego the northern connection, and we will also build out our portion of the proposed bike trail and pedestrian crossing, along the entire northern boundary of our property, during our initial first phase of construction.

Both McCall Development Inc. and Harmony Meadows recognize the need and importance of this bike trail connection from the existing neighborhoods to the school, we mutually wish to be proactive in seeing this amenity put in place as quickly as possible.

Most Sincerely,

A handwritten signature in blue ink, appearing to be 'Greg McCall'.

Greg McCall, CGB, CGP
McCall Homes LLC
McCall Development Inc.

Discussion

President Tunncliff called for discussion from the members of the Board.

David Goodridge asked if the route from Mullooney-Elysian-Story Road is paved.

Patrick Klugman asked about the traffic study required by final plat approval discussed in Condition of Approval #7. Dave Green stated a traffic study was submitted but the City Engineering Division is requesting more information. He said if Engineering identifies a

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

trigger, the funds will be used for construction. Donna Forbes asked about the smaller parks in the subdivision and the need for additional parking. Dave Green stated there are plans for smaller parks within the subdivision lots as there is about 1-acre of remaining parkland required after the dedication of the southerly parkland. The Master Plan could identify additional parking needs. Don Reed asked about the proposed storm water detention area and asked why it is located next to a drainage ditch. City Engineer Chris Hertz said this done per DEQ regulations. Francisco Saldivar asked for clarification on Condition of Approval #9 indicating one of the two routes must be paved. Dave Green deferred this question to the Engineering Division representative, Chris Hertz.

Chris Hertz, City of Billings Public Works Engineering Division

Mr. Hertz stated Engineering they would like Condition #9 to remain and have these roads paved prior to Phase IV of this subdivision’s development. Dave Goodridge asked why the City is interested in paving roads in a County island. Chris Hertz gave explanation that Mullowney is a city road and the developer is responsible for the frontage improvements with a waiver for curb, gutter, and sidewalk until needed. Candi Millar said State law states the subdivider is only required to provide a proportional share of cost to mitigate the impact. She asked if it would be appropriate to ask the developers of Josephine Landing to participate in paving Stearns Circle/Story Road as the condition may change with the traffic volumes from the Josephine Landing Subdivision as well as River Grove Subdivision. Chris Hertz said if River Grove were to annex, a Special Improvements District could be created. He said he would have to consider the Traffic Impact Study; which has to be updated.

David Goodridge asked the potential for an agreement for the developer to trade City services for fronting the cost of the roads by the time of Phase IV. He commented on the potential for the City tearing up the streets for development after the developer spends the funds to improve them. Candi Millar continued with the thought of Josephine Landing participating and asked if Engineering would be receptive to reimbursement to this developer for paving the road. She voiced concern with the proportionality and said it seems there should be a mechanism whereby this developer can be reimbursed by the subdivision to the west. Wyeth Friday commented potentially there has to be paving now regardless of Josephine Landing but when Josephine Landing will be responsible to contribute when it is developed. Candi Millar concurred and said if there is an impact to Stearns Circle/Story Road based on the TIS, (Traffic Impact Study), Josephine Crossing may need to contribute. Wyeth Friday noted the documents from McCall Homes and the concept of construction of pedestrian facilities from both subdivisions to make a connection from Mullowney Lane to Elysian School. He asked if the Board should consider an additional condition due to these discussions and it was not bought up previously.

Public Hearing: At 6:58 p.m., President Tunnicliff opened the public hearing and asked for presentation by the applicant.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

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 thanked Staff for all of the effort and work with this application to find something that is amiable to everyone. The agreement was made in an effort to try to be good neighbors and they have agreed to construction of the pedestrian path over Hogan's Slough. They are agreeable to the additional condition of approval requested by the Parks Department. They determined it is not that big of a benefit to have a commercial to commercial connection as there is plenty of access between the two neighborhoods. They respectfully request the crossing be removed from Dodger Lane. Mr. Aspenlieder said Condition #9 is the biggest point of contention. They wish to pay their proportionate share and met with the neighbors in Stearns Circle/Story Road and the County Public Works Department. The residents expressed interest in paving this road. Tentative conversations discussed the subdivider will pay 25%, Yellowstone County will pay 25% up to \$200,000 through an RSID, and the lot owners would get 50% of the road paved. He said the developer's concern with the language in Condition #9 is that it puts the full burden on improvement of the road on the developer. Mr. Aspenlieder questioned the legality of such a condition. He asked that contributions be fair and consistent and that a “middle ground” be found.

Discussion

President Tunncliff commented that there are still a lot of moving parts in this discussion and asked if the developer is comfortable. Mr. Aspenlieder said he feels it is headed in a positive direction and Stearns Circle/Story Road will be paved within the next two years. David Goodrich asked if the developer would like to have Condition of Approval #9 removed. Mr. Aspenlieder said it is an added expense and the developer would like it removed even though they are willing to participate and contribute. Darin Swenson, Yellowstone County Public Works, said Story Road was platted all the way through but it was not constructed. Patrick Klugman noted the email from the Parks Department and asked if the developer is receptive to the additional condition. Scott Aspenlieder said they are agreeable and a homeowners' association will be created to manage the private parks.

Darin Swenson, Yellowstone County Public Works Department

Mr. Swenson cautioned and said the County provide a match but there is a \$200,000 expenditure cap and the final decision is driven by the Commissioners.

Bob Whalen, Principal, Elysian Schools, 6416 Elysian Road, Billings, Montana

Mr. Whalen applauded the developers of Harmony Meadows and Josephine Landing for their foresight in developing pedestrian walkways along Elysian Road. He said he is in favor of pedestrian and bike trails and commented currently they have to bus children due to safety issues on Elysian Road.

Butch Crawford, 2983 Woodridge, Billings, Montana

Mr. Crawford said he was not contacted for the neighborhood discussion and he feels deletion of Condition of Approval #9 would be extremely disappointing. He referred to a

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

posted plat map and said the residents are unable to pay a 50% contribution and it will be very expensive to develop Stearns Circle/Story Road. David Goodrich asked if he would be amiable to annexing into the City. Mr. Crawford replied he would be agreeable as it would be a benefit to have City Services. Mr. Crawford said Stearns Circle has to have access to the County piece of Story Road.

Rebuttal-President Tunnicliff called for rebuttal.

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

Scott Aspenlieder suggested installing a breakaway gate and creating an emergency access if there is no interest in paying to pave the road. He said he doesn't feel it is fair and consistent to have the developer pay for paving a County road outside their subdivision.

Butch Crawford, 2083 Woodridge, Billings, MT

Mr. Crawford said installing a chain and a gate will be “a lawsuit waiting to happen”. He said they would like to see the upgrades but they do not want an emergency exit.

President Tunnicliff asked if there is anyone else wanting to speak in favor or against Harmony Meadows Subdivision. There was none. President Tunnicliff closed the public comment period at 7:23 p.m. and asked staff for a clear recommendation.

Director Millar suggested an alternative for Condition of Approval #9 as she is concerned with proportionality and there are four potential parties that may contribute. She suggested this revised language: *Upon construction of Phase IV if Story Road/Stearns Circle is not paved, the developer is required to contribute their proportionate share to paving Story Road/Stearns Circle as determined by the Traffic Impact Study.*

Ms. Millar strongly warned against requiring the developer to pave the entire road as the Board may be overstepping its bounds.

Motion

Don Reed made a motion and Francisco Saldivar seconded the motion to 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.

Francisco Saldivar made a motion and David Goodridge seconded the motion to include an additional condition to address construction of the pedestrian facilities along Elysian Road and the pedestrian bridge over Hogan’s Slough.

Francisco Saldivar made a motion and it was seconded by Patrick Klugman to accept the letter from the Parks and Recreation Department and make the language amends to reflect the agreement in the letter: *Regarding the development and maintenance of the public park, the following should be included in the SIA:*

At Phase IV and prior to the construction of the storm water detention facility, a Special Improvement District and a Park Maintenance District shall be created for the purpose of funding the public park master plan, park development and park maintenance. At that time the storm water detention facility shall be integrated into the park master plan to

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

serve as an amenity to the park and to integrate other park functions within the footprint of storm water detention facility.

Keep #2 of the conditions of approval. This will provide us with the necessary calculations and volumes of the storm water detention facility.

Keep #10 there should be additional clarification. Place a period after the word subdivision in the 3rd line of the paragraph, deleting the rest of the sentence and add: These additional private park parcels shall be dedicated to a legal entity such as a Homeowners Association (HOA) and maintained by that entity.

Discussion

In response to a question by Troy Boucher, Scott Aspenlieder stated they have no objections to the requests in the Parks Department’s letter.

David Goodridge made a motion and it was seconded by Troy Boucher to remove Condition of Approval #9.

Discussion

David Goodridge discussed benefit of paving this area would potentially turn this area into a County island as he City is growing. Mr. Crawford is amenable to coming into the City. Potentially the developer will be paying for pavement and removing it in the future to install city services. He voiced concern with the burden to the developer, and said this an opportunity for the county subdivision to come into the City.

Don Reed asked if the proposal is to wait until if and when this is annexed.

David Goodridge said he is suggesting this subdivision go forward with the condition removed. Per request of President Tunnicliff, Chris Hertz said the purpose of Condition #9 is it is a secondary route and there will be traffic on these streets. There will be complaints if they remain gravel and someone will have to deal with this. He said this subdivision will utilize these streets, approximately 300 cars per day. He voiced concern with the deletion and that there will be impact pressure for another entity to pave the streets other than the landowners and adjoining landowners. He said he doesn't know about legality of closing off a platted public road.

Scott Aspenlieder stated he estimates it will be 9-10 years before getting to Phase IV of development. Dave Goodridge commented on the likelihood of traffic flows to Story Road. He said in order to grow in a healthy manner, he doesn't like missing an opportunity for a county parcel to come into the City and avoid creation of a County island. River Grove residents could be impacted if this is not addressed and there could be legal implications.

Wyeth Friday pointed out the regulations require making a connection if there is an existing road. Troy Boucher asked Mr. Aspenlieder to clarify the gating.

Mr. Aspenlieder explained that secondary emergency access gates are chained and locked

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

and don't allow for public use. He said they are happy to contribute to the paving as there will be some impact when everything is said and done.

Troy Boucher stated he intends to vote for the motion to eliminate Condition #9 on the principal that it puts an unfair burden on the developer for the benefit for a County island. Dave Goodridge commented residents from this subdivision may not use Stearns Circle until Phase III or IV, a minimum of 5-10 years. President Tunncliff voiced concern with safety issues and asked that Staff ensure these issues are addressed more thoroughly prior to bringing them to the Board.

President Tunncliff called for a roll call vote.

	Favor	Against	Abstain		Favor	Against	Abstain
David Goodridge Ward I	1				Lisa Sukut BOCC Dist #3		
Jared LeFevre Ward II	-	-	-		Don Reed BOCC Dist #5 (VP)	1	
Donna Forbes Ward III		1			Francisco Saldivar BOCC Dist #7		1
Patrick Klugman Ward V		1			Clint McFarland YC Conserv Dist	-	-
Troy Boucher BOCC Dist #1					Lisa Sukut BOCC Dist #3	-	-
Dennis Cook BOCC Dist #2	1				Darell Tunncliff Ward IV, (Pres)		

The motion carries 4-3. (Jared LeFevre, Lisa Sukut, and Clint McFarland are absent).

Motion

Francisco Saldivar made a motion and it was seconded by Don Reed to insert Condition of Approval #9 to read: *Upon construction of Phase IV if Story Road/Stearns Circle is not paved, the developer is required to contribute their proportionate share to paving Story Road/Stearns Circle as determined by the Traffic Impact Study.*

President Tunncliff called for a roll call vote.

	Favor	Against	Abstain		Favor	Against	Abstain
David Goodridge Ward I		1			Lisa Sukut BOCC Dist #3	-	-
Jared LeFevre Ward II	-	-	-		Don Reed BOCC Dist #5 (VP)	1	
Donna Forbes Ward III	1				Francisco Saldivar BOCC Dist #7	1	
Patrick Klugman Ward V	1				Clint McFarland YC Conserv Dist	-	-
Troy Boucher BOCC Dist #1	1				Lisa Sukut BOCC Dist #3	-	-
Dennis Cook BOCC Dist #2	1				Darell Tunncliff Ward IV, (Pres)		

The motion carries 6-1. (Jared LeFevre, Lisa Sukut, and Clint McFarland are absent).

President Tunncliff called for a vote on the original motion to recommend conditional approval of the preliminary plat of Harmony Meadows Subdivision, 2nd

CITY/COUNTY PLANNING BOARD

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Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report with the four amendments. The voice vote carried unanimously, 7-0.

**** At 7:58 p.m., President Tunnicliff called for a 5 minute break.**

7d. Public Hearing. Motion/Recommendation to Board of County Commissioners. Emerald View Park Subdivision, Amd LA B3, Dave Green, Planner II, presenting. President Tunnicliff 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 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.

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.

CITY/COUNTY PLANNING BOARD

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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.
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. There was none.

Public Hearing

President Tunncliff opened the public hearing and called for presentation by the applicant.

Applicant

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

Mr. Aspenlieder is the agent for this developer. He stated this is a straightforward application, and the applicant has no concerns with the conditions. He asked if it is possible to do cash-in-lieu contribution to the Lockwood area instead of parkland. Candi Millar suggested the Board may note this request to the Commissioners to bring it to their attention. She replied to Patrick Klugman, and explained the cash-in-lieu contribution goes into the County parkland fund; and they are required to spend the funds in an area that would benefit this subdivision. Don Reed jested that 90% sidewalks in Lockwood are within this mobile home park. He stated he feels Hillner Park needs consideration as there is interest in renovation and it is also on the way to the school. It was suggested working with Cal Cumin, chairman of the Parks Board, Chuck Strum, Pedestrian Safety District; Carl Peters, Lockwood Irrigation District; and Jeffery Butts, Bike and Pedestrian Coordinator, to support this idea.

Chuck Strum, 844 Sandstone Trail, Billings Montana

Mr. Strum is attending this evening as a representative of the Lockwood Pedestrian Safety District Advisory Board. He asked the Board to recommend language to encourage cash-in-lieu funds be earmarked for a connecting trail between Emerald View and Hillner Park.

CITY/COUNTY PLANNING BOARD

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Motion

Francisco Saldivar made a motion and it was seconded by Troy Boucher to support the request from Chuck Strum, Lockwood Safety District, to forward a note to encourage the cash-in-lieu funds for Emerald View Park Subdivision, and the parkland cash I lieu contribution be earmarked for a connecting trail between Emerald View Park Subdivision and Hillner Park.

The motion carried with a unanimous voice vote.

7e. Public Hearing. Motion/Recommendation to Board of County Commissioners, Aspen Ridge Subdivision, 2nd filing. Wyeth Friday, Division Manager, presenting.

President Tunncliff asked Wyeth Friday to open this agenda item. Wyeth Friday opened this agenda item with a PowerPoint presentation. He commented on the approved Condition of Approval with the first filing of this subdivision requiring the piping for the storm water connection. He noted the developer provided a check to the County to meet the Condition of Approval for a pathway in the first filing of Aspen Ridge Subdivision.

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. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
5. The final plat shall comply with all requirements of the County Subdivision Regulations,

CITY/COUNTY PLANNING BOARD

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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. Patrick Klugman asked for confirmation on the location of the pedestrian facility on the north side of San Marino Drive. Wyeth Friday referred to a posted map said it will stop at the boundary of this subdivision. Don Reed asked if the drainage will run along the road and if the houses will be downhill from the drainage. Wyeth Friday said the road will be constructed to County standards and the storm water conveyance will be on the south side of the road.

Public Hearing-President Tunncliff opened the public hearing and asked for anyone wanting to speak in favor or against Aspen Ridge Subdivision, 2nd Filing.

Applicant

Marshall Phil, Blueline Engineering, 2110 Overland Ave, Suite 119B, Billings, Montana

Mr. Phil represents noted the displayed photograph and pointed out a swale and culverts that will convey the water.

Chris Vlahos 832 Granite Estates Lane, Billings, Montana

Mr. Vlahos is the developer for this subdivision. He recounted several development costs including the storm water piping in the first filing and looping the water system. He said the sidewalks put them over the edge for cost, and he compensated by upsizing the lots and getting rid of the sidewalks. Patrick Klugman spoke of the importance of building connectivity with a hard surface area for pedestrians. He said there is a need for separated paths within the urban fringe, and this would be a plus to selling the neighborhood. Chris Vlahos replied adding sidewalks would stop the project. He said he is willing to give the easement to allow them to be added in the future.

Karen Murray, 400 Mirabell Court, Billings, MT

Ms. Murray voiced with water drainage as currently the storm water flows washes out her landscaping. She wanted to know if the developer has considered this issue as no culverts have been installed and the water washes over the roads. Her home has very little water pressure.

Chuck Strum, 844 Sandstone Trail, Billings, Montana

Mr. Strum is speaking on behalf of the Lockwood Pedestrian Safety District. He asked the developer to reconsider construction of the sidewalks. He stated the District feels sidewalks enhance the property and property values and make the lots more attractive to buyers. The District wishes to emphasize safety and keep children from walking in neighborhood streets. This development is close to the sidewalk project along Becraft Lane which has been the scene of a pedestrian fatality. He asked that the burden not be left on the citizens of the Lockwood Pedestrian Safety District.

CITY/COUNTY PLANNING BOARD

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Discussion

In response to a question by Donna Forbes, Candi Millar explained the developer sized the lots above the requirements that trigger the requirement for sidewalks. Donna Forbes said she cannot imagine building a subdivision without constructing sidewalks. She projected that in five years the subdivision will not be as attractive, and it will force children to walk in the streets.

Francisco Saldivar asked if the cost would fall on each land owner. Candi Millar explained there are no site development standards in the County, and the only way to construct sidewalks after subdivision is to do an RSID for the construction of sidewalks and each lot owner would be required to pay. She suggested the Board use a condition to include language for sidewalks as a listing in the Waiver of Right to Protest an RSID.

Don Reed voiced concerns with access as there are no arterials; lack of drainage; no curbs or gutters; and lack of pedestrian travel. He said this subdivision has to be considered in the context of the entire community.

Patrick Klugman stated it is difficult to support this subdivision if the sidewalks are not continued. Candi Millar suggested the Board may apply conditions based on the criterion to mitigate the impacts of health and safety.

Motion.

Troy Boucher made a motion and it was seconded by Dennis Cook to forward a recommendation to the Board of County Commissioners 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.

Discussion

President Tunnicliff called for discussion on the motion. David Goodridge noted the developer's costs increased substantially. Per request of Troy Boucher, Marshal Phil highlighted the additional costs. Don Reed voiced concern with public safety for pedestrians. Candi Millar said the Board could condition installing sidewalks in the subdivision to mitigate impacts and explained the RSID and Waiver of Right to Protest language to include sidewalks in the list of improvements.

Dennis Cook asked if there is a solution by relieving the developer in another area if he is struggling with costs. Candi Millar cautioned the Board. She stated they have an obligation to be consistent and reminded them of the need to support their reasoning. Troy Boucher said he doesn't want to blindside the developer as he is following the law and has had to absorb a tremendous amount of costs. Patrick Klugman voiced concern with public health and safety related to sidewalk facilities and asked about a condition to move forward with a sidewalk or pedestrian facility. Francisco Saldivar said this subdivision was supposed to have a connecting sidewalk.

CITY/COUNTY PLANNING BOARD

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President Tunncliff commented his appreciation on respectful discussion. He called for a roll call vote for Aspen Ridge Subdivision, 2nd filing.

	Favor	Against	Abstain		Favor	Against	Abstain
David Goodridge Ward I	1			Lisa Sukut BOCC Dist #3	-	-	-
Jared LeFevre Ward II	-	-	-	Don Reed BOCC Dist #5 (VP)		1	
Donna Forbes Ward III		1		Francisco Saldivar BOCC Dist #7		1	
Patrick Klugman Ward V		1		Clint McFarland YC Conserv Dist	-	-	-
Troy Boucher BOCC Dist #1	1			Lisa Sukut BOCC Dist #3	-	-	-
Dennis Cook BOCC Dist #2	1			Darell Tunncliff Ward IV, (Pres)	1		

The vote is 4-4. The Planning Board forwards no recommendation to the Board of County Commissioners for Aspen Ridge Subdivision, 2nd Filing.

9. OTHER BUSINESS-

9a. DISCUSSION. Urban Fringe Subdivision Design Standards Subcommittee. Candi Millar, Director, Planning & Community Services Dept., presenting.

Candi Millar reported she has been advising City Council and the Board of County Commissioners to consider looking at solutions and said the goal is to draft a set of subdivision design standards for suburban style subdivisions. The committee will consist of 3-4 persons from the Planning Board, members of the design community, engineers, a landscape architect, and a developer. The following board members have volunteered to serve Dave Goodridge, Don Reed, Troy Boucher and Patrick Klugman. This committee will provide the full board with monthly progress reports and future action plans.

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: 9:38 p.m.

ATTEST: DRAFT. To be approved by a motion on March 8, 2016