



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



AGENDA

June 14, 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. MEETING MINUTES:**MAY 24, 2016

Attachments

PlnBMinutes_2016_05_24

4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS:** There is no old business.
8. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. **Plat Review/Discussion. Lipp Subdivision, 2nd Filing. Dave Green, Planner II**

Attachments

Findings of Fact

Attachment A, Variance

Proposed Plat

9. **OTHER BUSINESS:**

a. **DISCUSSION. PRE-PRESENTATION. "BILLINGSBEYOND" 2016 GROWTH POLICY. CANDI MILLAR, DIRECTOR, 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, JUNE 28, 2016

a. **PUBLIC HEARING. MOTION/RECOMMENDATION TO BOCC. LIPP SUBDIVISION, 2ND FILING. COUNTY MAJOR SUBDIVISION. DAVE GREEN, PLANNER II, PRESENTING.**

b. **PUBLIC HEARING. MOTION/RECOMMENDATION. "BILLINGS BEYOND" 2016 GROWTH POLICY. CANDI MILLAR, DIRECTOR, PRESENTING.**

Planning Board Meeting I (2nd Tuesday)

3.

Meeting Date: 06/14/2016

Information

Subject

MOTION. MEETING MINUTES:MAY 24, 2016

Attachments

PlnBMinutes_2016_05_24

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

May 24, 2016

To be approved by a motion on June 14, 2016

1. Call the Meeting to Order

Vice President Reed called the meeting to order at 6:00 p.m. on Tuesday, May 24, 2016, in the Miller Building 1st Floor conference room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

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

Others in attendance: Quentin Eggart, EEC; Charles Fenton, Amy Darlinton; DJ Clark, Sanderson Stewart, Michael Sanderson, Sanderson Stewart

2. Approval of the May 24, 2016 Agenda: Vice President Reed called for approval of the agenda.

Motion

Board member Cook made a motion and Board member Goodrich seconded the motion to approve the May 24, 2016 agenda. The motion carried with a unanimous voice vote.

3. April 26, 2016 meeting minutes.

Motion

Board member Klugman made a motion and Board member Cook seconded to approve the April 26, 2016 meeting minutes were approved as submitted. The motion carried with a unanimous voice vote.

May 10, 2016 meeting minutes.

Motion

Board member Boucher made a motion and Board member Klugman seconded to approve the May 10, 2016 meeting minutes were approved as submitted. The motion carried with a unanimous voice vote.

4. Public Comment: Vice President Reed 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.

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

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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. There were no disclosures of Conflict of Interest or Ex Parte Communications.

7. OLD BUSINESS:

7a1. PUBLIC HEARING/MOTION/RECOMMENDATION. EMMA JEAN HEIGHTS SUBDIVISION, 3RD FILING. Dave Green, Planner II, presenting.

Vice President Reed asked Dave Green to open this agenda item. Dave Green opened with a PowerPoint presentation.

INTRODUCTION

On April 1, 2016, Northern Engineering and Consulting Inc., agent for Felton Associates, Inc., applicant, applied for preliminary major plat approval for Emma Jean Heights Subdivision, 3rd Filing. The proposed subdivision creates 37 new lots to be completed in two phases for single-family residential development. This proposal is the third filing of a master planned subdivision that was originally reviewed in 2006. The subject property is generally located on the west side of Bitterroot Drive, south of Wicks Lane in the northeast Billings Heights. The property is zoned Residential-7000 (R-70). The Billings City Council will act on the proposal on June 27, 2016.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Emma Jean Heights Subdivision, 3rd Filing to the City Council, 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 the BBWA ditch company access to perform maintenance, prior to final plat approval the applicant will coordinate easement locations with the BBWA, show them on the final plat, and provide the applicable easement documents.
2. To minimize effects on the BBWA ditch company and to ensure legal use of water, prior to final plat approval the applicant will add to the paragraph in the SIA under **Conditions That Run With The Land, E.** ‘Residents of Emma Jean Height Subdivision are not allowed to pump water from the BBWA ditch without a permit from the BBWA’.
3. To minimize effects on local services and to ensure proper water distribution and pressure equalization within the subdivision, prior to final plat approval the applicant will provide construction drawings to the County Water District of Billings Heights (CWDBH) showing the connection of new water lines in Tania Circle to the new water lines in Jean Avenue to provide a looped water system going through Tania Circle and Jean Avenue.

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4. To minimize the effects on local services and to ensure proper water line installation and the ability to perform repairs or make connections in the future, prior to final plat approval the applicant will provide to the CWDBH ‘As Built’ drawings of the existing water lines installed in Emma Jean Heights Subdivision, 2nd Filing, both phases 1 and 2.
5. To minimize the effects on local services and ensure proper sewer line installation and the ability to perform repairs or make connections in the future, prior to final plat approval the applicant will provide to the City of Billings Engineering Division ‘As Built’ drawings of the existing sewer lines installed in Emma Jean Heights Subdivision, 2nd Filing, both phases 1 and 2.
6. To minimize the effects on public health and safety and meet the City of Billings Subdivision Regulations and City of Billings Fire Department Regulations that require two ways into and out of a major subdivision, prior to final plat approval the applicant with remove the gate and fencing that is across Columbine Drive between Emma Jean Heights Subdivision and the subdivision to the south, Shamrock Acreage Tracts, to allow full access between the two developments.
7. To mitigate the effects on local services and ensure park land is dedicated for public use per the Emma Jean Heights Master Plan updated with the 3rd Filing, prior to final plat approval language shall be added to **Section VI of the SIA** stating that: “Park land shown on the subdivision master plan for the 3rd Filing will be dedicated either in whole or in part as further filings of Emma Jean Heights Subdivision are platted until the total park land dedication of 4.5 acres that is shown on the master planned has been provided.”
8. 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.
9. 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

Vice President Reed called for discussion from the members of the Board. In response to a question by Board member Goodrich, Dave Green said there are no requirements for development of the County road. Board member Reed noted there are wholly surrounded parcels in this area. Board member Klugman asked about the onsite storm water detention ponds. Dave Green explained the ponds are located on lots which could be developed once the storm water system connection is made. Board member Boucher commented on Condition of Approval #2, and Dave Green stated the Ditch Company requested this condition. Board member Klugman asked about the trail surfacing. Dave Green replied hard surfacing will be used for the trail system.

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Public Hearing

At 6:20 p.m., Vice President Reed opened the public hearing and asked if there is anyone present wanting to speak in favor or against Emma Jean Heights Subdivision 3rd Filing. There was none. Vice President Reed closed the public hearing and called for a motion.

Motion

Board member Goodrich made a motion and Board member Cook seconded the motion to recommend conditional approval of the preliminary plat of Emma Jean Heights 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.

7a2. PUBLIC HEARING. MOTION/RECOMMENDATION. WESTFIELD CONDOS , WEST KING COMMERCIAL PARK SUBDIVISION, LOTS 6-7.

Dave Green, Planner II, presenting.

Vice President Reed asked Dave Green to open this agenda item. Dave Green opened with a PowerPoint presentation.

INTRODUCTION

On April 1, 2016, the Planning Division received an application for review and preliminary approval of a 26-unit condominium subdivision on Lots 6 and 7, Block 4, West King Commercial Park Subdivision. The property is located on the west side of Black Hawk Street north of King Avenue West, between South 64th Street West and South 72nd Street West. The property is not within the County zoning jurisdiction and condominium development was not originally contemplated with the subdivision, therefore, in accordance with Chapter 8 of the County Subdivision Regulations, this condominium development must be reviewed as a Major Subdivision. The Yellowstone County Board of County Commissioners will act on the proposal on June 14, 2016.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of the Westfield Warehouses, Amended, and adopt the Findings of Fact as presented in the staff report.

VARIANCE REQUESTED

No variances were requested.

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 effects on public health and safety, prior to final plat approval the subdivider shall receive approval from the MDEQ / RiverStone Health for the proposed cistern, septic system, and storm water management on the site.

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2. 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.
3. 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

Vice President Reed called for discussion from the members of the Board. There was none.

Public Hearing

At 6:27 p.m., Vice President Reed opened the public hearing and asked if there is anyone present wanting to speak in favor or against Westfield Condos Subdivision. There was none. Vice President Reed closed the public hearing and called for a motion.

Motion

Board member Klugman made a motion and Board member Goodrich seconded the motion to recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of the Westfield Warehouses, Amended, and adopt the Findings of Fact as presented in the staff report. The motion carried with a unanimous voice vote.

7a3. PRESENTATION/DISCUSSION. WEST END MULTI-MODAL TRAFFIC MODELING STUDY. SCOTT WALKER, TRANSPORTATION COORDINATOR.

Vice President Reed asked Scott Walker to open this agenda item. Scott Walker gave the introduction below and introduced Consultant, DJ Clark, Associate Transportation Engineer, Sanderson Stewart, who gave the presentation below and offered his contact information: dclark@sandersonstewart.com This plan will be vetted through the City and County governing bodies with final action by PCC on Tuesday, July 19, 2016, 12:00 pm, 4th Floor Yellowstone County Courthouse, Commissioners’ Board Room.

Introduction

The West End Multi-Model Planning Study is the result of a collaborative effort between the Billings-Yellowstone County Metropolitan Planning Organization (MPO), the City of Billings, Yellowstone County and the consultant Project Team, (Sanderson Stewart and Fehr & Peers). In recent years, land development in the region of Billings that lies west of Shiloh Road has brought about an increase in traffic volumes that directly impacts safety, traffic operations and access. As more and more rooftops are constructed in this area, demand for pedestrian and bicycle facilities to support multi-modal transportation options is also rapidly increasing. The intent of this study is to provide the City of Billings and

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Yellowstone County with a tool for planning improvement projects to meet the demands of a vibrant and growing region of our great City. The Draft West End Multi-Modal Planning Study is now available for review here:

<http://sandersonstewart.com/projects/westend/>

The purpose statement for the study is as follows:

To evaluate the cumulative effect of ongoing and projected future land development and population growth on the multi-modal transportation system for the area of Billings west of Shiloh Road.

Study Area. The study area based on a pair of land development projection scenarios for the 20-year period leading up to the study Horizon Year of 2035.

Analysis Results: Future-Conditions-(2035)

Scenario 1

Under land use growth Scenario 1 (typical growth), most roadways in the study area continue to experience a Level of Service, (LOS), D or better. However, three of the primary east-west arterials (Rimrock Road, Grand Avenue, King Avenue West) are not

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projected to meet that standard.

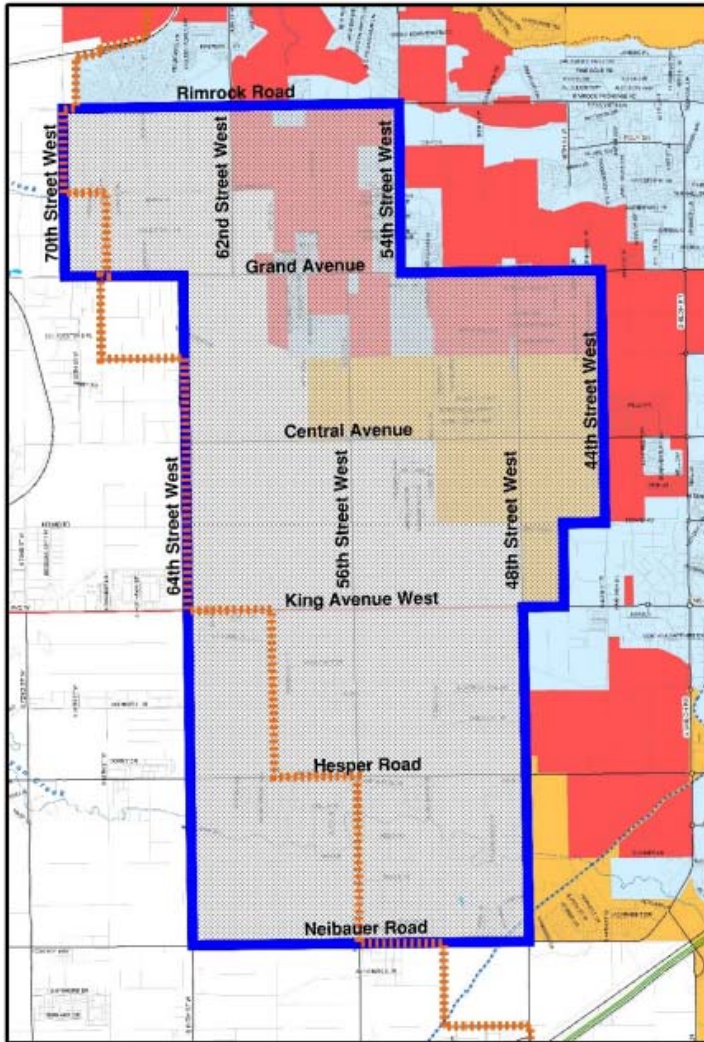


FIGURE ES1. STUDY AREA

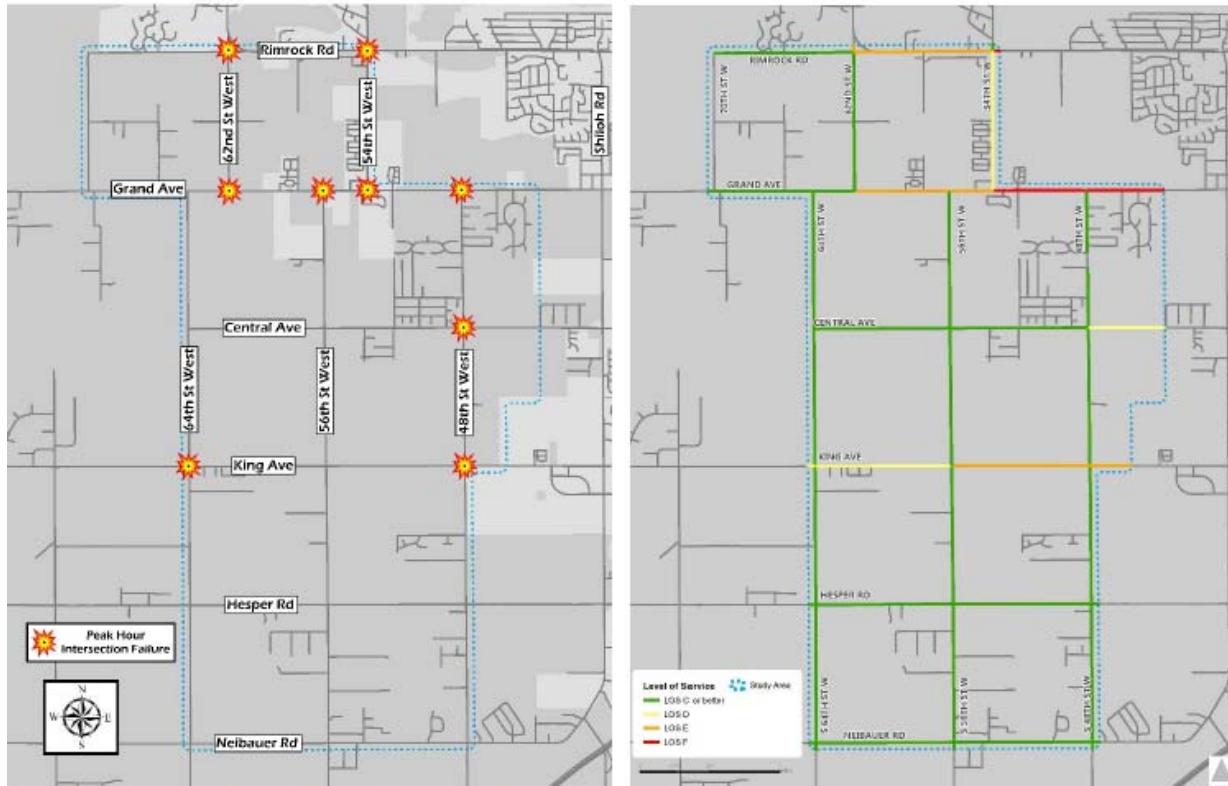


FIGURE ES2. SCENARIO 1 (2035) INTERSECTION AND CORRIDOR LOS ANALYSIS RESULTS

Scenario 2

Under the higher-growth Scenario 2 (aggressive growth), Central Avenue joins Rimrock Road, Grand Avenue and King Avenue West in having one or more segments exhibiting Level of Service, (LOS) E or worse conditions. For the north-south corridors, 62nd Street West, north of Rimrock Road degrades to LOS F, while 54th Street West is projected at LOS D north of Rimrock Road and LOS E south of Rimrock Road.

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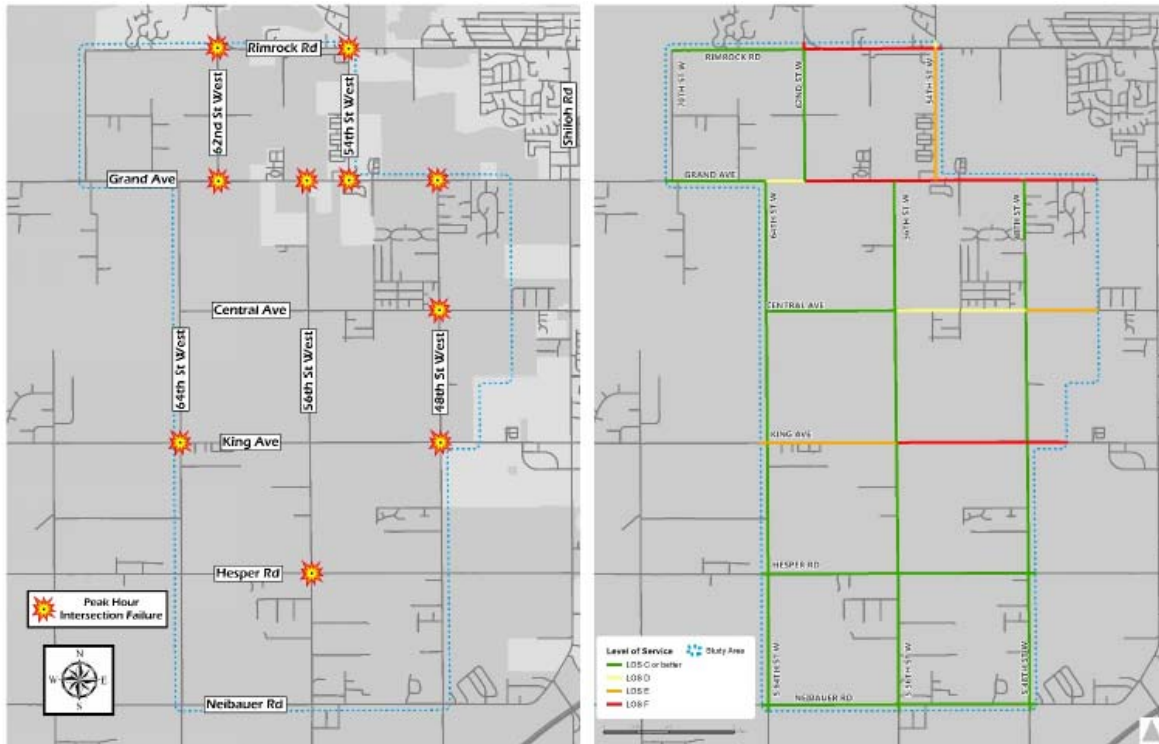


FIGURE ES3. SCENARIO 2 (2035) INTERSECTION AND CORRIDOR LOS ANALYSIS RESULTS

Mitigation

Short-term priority projects are those that could be necessary in order to maintain safe and efficient operations during the first half of the 20-year study period. Long-term priority projects are more likely to be needed during the second half of that period. However, it should be noted that there are many factors related to land development that could change the priority, location and cost considerations that are summarized in these recommendations. As such, the recommendations are to be utilized as a guideline for planning and not as a hard and fast committed projects list.

Discussion

Vice President Reed called for discussion from the members of the Board and asked for clarification on the definition of an “intersection failure”. DJ Clark said an intersection failure is determined by traffic congestion and average delay per vehicle at an intersection. The Level of Service, (LOS), is based on a letter grade system; and generally LOS “C” is an acceptable capacity level. Wyeth Friday commented there is further information in this study on feasibility options at intersections for roundabouts and signalization. DJ Clark expounded on this and explained the functionality differences and said the type of application will be determined at the time of design. Board member Cook commented the intersections in this study area all have a degree of danger as they are relatively “open” or have blind corners. He said he is glad to see the study focusing more attention on them. Board member Reed asked if right-of-way land acquisition is an issue. DJ Clark said it may be an issue with the current Grand Avenue project. Board member Goodrich asked how strong the study is when compared against potential development impacts. DJ Clark said the study’s prognosticated land

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development scenarios were developed with input from long term resident Bob Sanderson. Mr. Sanderson provided information on the likelihood of area property owners developing in the next 20 years. This study has a 20 year planning horizon. Candi Millar said this information should be re-evaluated every 5-10 years to see what changes have occurred. Scott Walker said this study will provide strong foundational information for the next 5-10 years, up to the 2018 Transportation Plan update. DJ Clark commented on the need for the City and County to be cohesive on how subdivisions are developed. Board member Cook asked about the correlation between development and infrastructure; and how soon services will go westward. Candi Millar said the Annexation Policy takes this into account and directs higher urban density growth towards the "red" area as infrastructure is available. She said Bob Sanderson's input for this study provided invaluable information as to the inclination of the area's property owners. Board member Cook suggested utilizing the 4.5 radius to work with the County on development. Wyeth Friday said the Urban Fringe Design Standards Subcommittee is holding these types of transitional discussions.

Public Hearing

At 7:08 Vice President Reed opened the public hearing and asked if there is anyone present wanting to speak in favor or against the West End Multi-Modal Traffic Study. There was none. Vice President Reed closed the public hearing and called for a motion.

Motion

Board member Cook made a motion and Board member Goodrich seconded the motion to recommend to PCC approval of the West End Multi-Modal Traffic Study as presented by staff. The motion carried with a unanimous voice vote.

7a-4. PRESENTATION/DISCUSSION. RIMS TO VALLEY BIKE/PED FEASIBILITY STUDY. Scott Walker, Transportation Coordinator, presenting.

Vice President Reed asked Scott Walker to open this agenda item. He introduced Michael Sanderson, President, Sanderson Stewart. Mr. Sanderson said Danielle Scharf, Associate and Senior Engineer and Bozeman Branch Manager, Sanderson Stewart is the primary consultant for this project, and they partnered with DesignWorkshop and Terracon.

Mr. Sanderson gave the presentation below. He reviewed the goals and expectations of this study and gave a brief overview of each alternative route. Final Action for this study will be taken during the Tuesday July 19, 2016 Policy Coordinating meeting.

Introduction

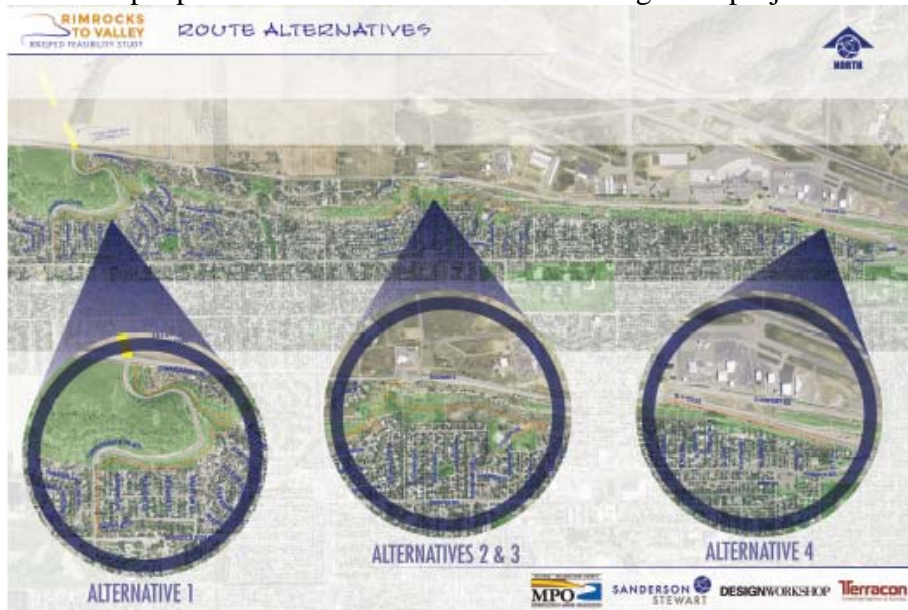
The Rimrocks to Valley Trail Feasibility Study will evaluate alternatives for the development of separated bicycle and pedestrian facilities from Highway 3 atop the Rimrocks to existing bicycle and pedestrian facilities below (Rimrock Road, etc.) from 27th Street to Zimmerman Trail. The Draft Rimrocks to Valley Bike/Pedestrian Feasibility Study is available here: <http://sandersonstewart.com/projects/rimstovalley/>

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Goals and Expectations

1. Identify routes that safely convey bicyclists and pedestrians addressing the needs of both recreational users and commuters.
2. Evaluate the feasibility of achieving ADA compliance.
3. Identify access points and place-making opportunities.
4. Consider the unique geology of the Rimrocks in the evaluation of alternatives.
5. Maintain consistency with existing community plans.
6. Identify and engage all relevant stakeholders, particularly the Rimrock neighborhoods.
7. Enhance recreational and aesthetic opportunities from atop the Rims.
8. Provide a key connection within the proposed 26-mile marathon loop trail around Billings.
9. Develop a prioritized list of short-term and long-term projects.



Alternative 1: Zimmerman Trail (Stagecoach Trail) Referred to as the Stagecoach Trail, the first route alternative is adjacent to Zimmerman Trail, a two lane roadway that traverses from the bottom to the top of the Rimrocks at the western boundary of the study area. This roadway is steep and narrow and does not provide a safe on-street facility for bikes and pedestrians. The Zimmerman Trail right-of-way is owned and maintained by the City of Billings. The City of Billings and MDT have a design project currently underway for reconstruction of Zimmerman Trail and a separate project for the design of a roundabout at the intersection of Zimmerman Trail and Highway 3. The proposed trail along this route would be located along the east side of the roadway and would be placed below the grade of the road along the roadside slope.

Alternatives 2-3: Myers Trail and Morledge Trail

The Myers Trail runs from the north end of Country Club Circle below the Rims and traverses up to the top of the Rims just east of Sky Ranch Condominiums. This trail was at one time a private driveway used to access the old Myers family home on top of the Rims. The terminus of the Myers Trail at the top of the Rims coincides well with one of the trailheads/parking areas recommended in the Highway 3 Corridor Study.

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This is an existing trail that is used often, but the current alignment crosses private property at the south end and it has some challenging sections that may be difficult for some users.

The Morledge Trail begins at the north end of 17th Street West and routes west through property owned by City of Billings Public Works. Just north of the large water tank on this property, the trail would transition onto private property owned by the Morledge family. The trail would be located toward the south side of their property and would route up and around a couple of coulees before transitioning back to public property. The trail would then need to cross a large coulee area, possibly with a boardwalk type of structure, as it ramps up toward the top of the Rims and ends in approximately the same location as the Myers Trail at the top. The Morledge property is undeveloped and is approximately 10 acres in size. The project team has had several conversations with the Morledge family through this process and they have stated their approval of the proposed trail location and their willingness to grant a trail easement.

The 27th Street Trail runs along North 27th Street. It would begin near the existing trail underpass at the intersection of North 27th Street/Highway 3/Airport Road and would continue to the southeast along North 27th Street. It would be located behind the existing guard rail on the south side of the roadway. Right-of-way is limited around the ramp that curves around to Rimrock Road, so the proposed trail would instead route through public property and connect to the north end of Yucca Street. There is enough existing right-of-way that an on street bike facility may be provided along with a separated pedestrian path behind the guardrail. This route has potential for a scenic overlook.

Public Involvement

Public Meeting 1- 95% of attendees felt a trail to the top would be beneficial and 90% said they would use it.

Public Meeting 2- 42 attendees. As to the results in terms of paved or natural surfaces, the preference is for pavement along 27th Street and a more natural surface for the other routes. Those attendees polled thought the 27th Street and Stage Coach Trail to be more "urgent" as they are currently being used without separate facilities.

Probable Cost was considered for each alternative with the 27th Street Trail being the least expensive and the Stagecoach trail is most expensive. The Stagecoach Trail is under consideration by MDT as part of the Zimmerman Trail Improvement project.

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Discussion

Vice President Reed called for discussion from the members of the Board. Board member Cook asked Michael Sanderson which route alternative would best close the gap in the Marathon Trail. Michael Sanderson said potentially any of the options could, with Zimmerman Trail providing a direct connection. Board member Cook noted the projected project cost estimates and asked if any of these could be done with funding as a private project. Board member Klugman asked about project implementation and the feasibility of constructing the Stagecoach Trail project. Transportation Coordinator Scott Walker commented on the coordination of the Zimmerman Trail construction project, and the Highway 3 intersection project. He said potentially if construction costs for these projects remain as projected, there would be about \$1.5 million in funds to bid an alternate project to construct a path and a culvert to make a connection to Zimmerman Park. Discussion followed on the Highway 3 Corridor Plan trail connections. Michael Sanderson commented the study identifies opportunities to obtain right-of-way and address what needs to be done for each of these route alternatives. Scott Walker stated this is a foundational document to be used by staff and governing boards to demonstrate feasibility.

Public Hearing

At 7:44 pm, Vice President Reed opened the public hearing and asked if there is anyone present wanting to speak in favor or against the Rimrocks to Valley Bike/Pedestrian Study. There was none. Vice President Reed closed the public hearing and called for a motion.

Motion

Board member Cook made a motion and Board member Klugman seconded the motion to recommend to PCC approval of the Rimrocks to Valley Bike/Pedestrian Study as presented by staff. The motion carried with a unanimous voice vote.

8. OTHER BUSINESS

8a. Standing Item. Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects. –

- Director Millar announced the May 25, 2016 “BillingsBeyond” Growth Policy Open House and Public Meeting at the Billings Library. She provided the Board with 3 public statements and the guidelines for growth. The guidelines primarily will be used for staff and governing boards to determine if applications are consistent with or made in accordance with the policy. The policy is not prescriptive. Boards and Commissions are not required to follow this as a governing document. A “pre-presentation” will be held at the June 14, 2016 Planning Board meeting. Vice Chairman Reed commented that the strength of the policy is the public involvement.

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- Division Manager Friday, announced the closure of advertising for Ward II and Ward III Planning Board applications and asked Board members to encourage others in these wards to apply.

ADJOURNMENT: 8:00 p.m.

ATTEST: DRAFT. To be approved by a motion on June 14 2016



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



Planning Board Meeting I (2nd Tuesday)

8. a.

Meeting Date: 06/14/2016

Information

INTRODUCTION

On May 2, 2016, the Planning Division received an application for preliminary plat approval for the proposed Lipp Subdivision, 2nd Filing. The property is generally located south of Lipp Road and west of South 88th Street West. The applicant is proposing to create 10 lots for commercial use. The proposed lots range in size from 41.875 acres to 1.488 acres. This parcel of land is outside of zoning and is surrounded by various uses that include commercial, residential and farming. The Planning Board will review the plat at this meeting and conduct a public hearing on June 28, 2016.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Lipp Subdivision, 2nd Filing, adopt the Findings of Fact and approve the variance 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 effects on the natural environment, prior to final plat approval the applicant shall obtain approval from the MDEQ for the proposed cistern and septic system placement. The applicant shall also receive approval for the storm water systems from the MDEQ and meet the requirements of Yellowstone County Storm Water Management.
2. To minimize the effects on local services, prior to final plat approval an RSID shall be created to provide maintenance of the interior public roads of this subdivision.
3. To minimize the effects on the environment, prior to final plat approval the applicant is required to obtain a weed management plan and a property inspection by the County Weed Department.
4. To ensure equitable use and cost sharing of the existing fire suppression systems in the neighborhood as per Section 4.14 (D) of the Yellowstone County Subdivision Regulations, prior to final plat approval the applicant shall pay a proportional share of the cost of installation of the existing dry hydrant system to the developer of Brey Subdivision that installed the system.
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

The applicant has requested a variance from Section 4.14.C.2. of the Yellowstone County Subdivision Regulations, which outlines the requirement for a 30,000-gallon dry hydrant in a major subdivision. Staff is recommending approval of the variance request. Further explanation and analysis can be found in Attachment A.

PROCEDURAL HISTORY

- A subdivision pre-application meeting was held on January 7, 2016.
- The preliminary plat application was submitted to the Planning Division on May 2, 2016.
- A departmental review meeting was conducted on May 19, 2016.
- The preliminary plat was resubmitted with revisions based on department reviews on May 26, 2016.
- The Yellowstone County Board of Planning will review the plat application on June 14, 2016
- The Yellowstone County Board of Planning will hold a public hearing on this plat application and make a recommendation to the BOCC at its meeting on June 28, 2016.
- The BOCC will consider the subdivision application at its regular meeting on July 12, 2016.
- The 60-working day review period ends July 27, 2016 for this application.

PLAT INFORMATION

General location:	South of Lipp Road and west of South 88 th Street West
Legal Description: including Lipp Subdivision,	Section 10, Township 01 South, Range 24 East, N2NE, 1 st Filing
Owner/Subdivider:	Jerry Brey
Surveyor/Engineer:	Blueline Engineering
Existing Zoning:	Outside Zoning
Proposed Zoning:	None
Existing land use:	Lots for commercial development
Proposed land use:	Commercial
Gross area:	75.55 acres
Net area:	73.04 acres
Proposed number of lots:	10
Max.:	41.875 acres
Min.:	1.448 acres

Parkland requirements:
proposed to have only

No parkland dedication is required with a subdivision that is
commercial uses as per Section 10.8 C. YCSR.

Attachments

Findings of Fact
Attachment A, Variance
Proposed Plat

PROPOSED YELLOWSTONE COUNTY BOARD OF PLANNING
FINDINGS OF FACT

The City/County Planning Staff has prepared the Findings of Fact for the Lipp 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 has been historically used for grazing land and minimal farming. The lands to the south have developed into large parcel residential uses. Lands to the west are used for agricultural production. Lands directly to the north have been developed as a mix of residential and commercial uses. Lands to the east are arid rolling hills with a minimal of grazing on them. This subdivision is creating a total of 10 lots with this filing. The immediate area is not ideally suited to farming large tracts and is generally transitioning out of agricultural use.

Cove Ditch is north of the subject property but passes by the subject property at the north west corner. High Ditch is south of the subject property. Neither ditch crosses anywhere within the boundary of the proposed subdivision.

2. Effect on local services

- a. **Water and Sewer** – Domestic water is proposed to be supplied by using individual cisterns. Each lot will have its own septic system. Both of these will require that the Montana Department of Environmental Quality (MDEQ) review for placement of cisterns and proposed septic system to ensure appropriate separations. This subdivision has received DEQ approval from the previous platting of the 1st Filing. Individual cistern and septic systems will be on each lot with the exception of Lot 7, Block 1 which will have sanitary restrictions. Lots 1 and 2 of Block 3 will have a shared septic system. MDEQ approval for the 2nd Filing will be required prior to final plat approval. **(Condition #1)**

- b. **Streets and roads** – Current access to the subject properties is from Lipp Road and 88th Street West, both roads are State Secondary roads. Lipp Road comes off of 88th Street West and continues on to Buffalo Trail Road to the west. All proposed lots in this subdivision will be accessed off of internal streets and not from Lipp Road or 88th Street West. Access points into the subdivision from Lipp Road, 88th Street West and the new proposed 89th Street West will have to obtain access permits from MDT. The new internal roads are proposed to be public roads and the applicant will need to create and RSID-M for the new road prior to final plat approval. **(Condition #2)**

- c. **Fire and Police services** – The property is within the Laurel Fire Service Area’s jurisdiction and the Laurel Fire Department 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 20,000-gallon dry hydrant tank is in the Brey Subdivision to the north across Lipp Road within the ½ mile driving distance required by fire regulations. With this 2nd Filing of Lipp Subdivision, Laurel Fire Department has stated that it will be able to use the existing tank in the Brey Subdivision to the north. Any future filing of Lipp Subdivision will require the installation of the 30,000-gallon dry hydrant system.

Proportional reimbursement for the joint use of the dry hydrant system in Brey Subdivision will be made by this applicant as per Section 4.14 (D) of the Yellowstone County Subdivision Regulations. The dry hydrant in Brey Subdivision is maintained by the Home Owners Association, there is no RSID for maintenance to expand with Lipp Subdivision, 2nd Filing. **(Condition #4)**

The Yellowstone County Sheriff’s Department will provide law enforcement services. The Department did not have any concerns with the proposal.

- 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** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and MDEQ. At Storm water management plan will be submitted and approved before final plat approval. **(Condition #1)**
- f. **School facilities** – The proposed subdivision is for commercial use only and will have minimal effect on area schools.
- g. **Parks and recreation** – A parkland dedication is not required for this subdivision because it is proposed to be commercial uses only. YCSR Section 10.8.C.
- h. **Historic features** – No known historical or cultural assets exist on the site.
- i. **United States Postal Service** – The USPS has responded to staff and requested that the applicant provide a centralized mailbox on the corner of 89th Street West and Lipp Road for the entire subdivision with on street parking to access the mailbox.

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)**

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 although the area is good deer and antelope habitat. An advisory note to this effect is in the SIA, Conditions that Run with the Land Section.

5. Effects on public health and safety

Plans and designs for the individual cisterns and septic systems will be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision. A 20,000-gallon tank with a dry hydrant system exists in the subdivision to the north, Brey Subdivision, and will be used by this filing for fire suppression purposes. (**Condition #4**)

Effects on public health and safety should be minimized through these measures.

B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-603, MCA) (Chapter 9, YCSR)

An environmental assessment determined there will be no adverse effect on the land as it has been used as grazing land for years and therefore has been disturbed from its natural state and this proposed subdivision does not disturb any natural features or habitat.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the Urban Area Transportation Plan--2009 Update, 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 new lots that are for commercial use that is consistent with property to the north.

- Goal: More housing and business choices within each neighborhood. (p. 9)

The proposed subdivision does not create any new lot for housing but it will provide commercial development giving more business choices in the neighborhood.

- Goal: Protection of groundwater, surface water, riparian areas, air quality and productive agricultural land. (p. 9)

The proposed subdivision will maintain the natural drainage areas, although it is removing some agricultural land.

2. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is not within the boundary of the Transportation Plan. The subject property has frontage on Lipp Road and 88th Street West. Both roads are the jurisdiction of Montana Department of Transportation (MDT). The appropriate amount of right-of-way

is being preserved for these roads with this plat. Also, no-access strips are identified on the plat to prevent new drive approaches onto Lipp Road and 88th Street West with the exception of MDT approved access into the subdivision. The internal street in this subdivision is proposed to be public streets.

3. West Billings Plan

The subject property is not within the study area of the West Billings Plan.

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

The subject property is not within the jurisdiction of the BABTMP. No bikeway or trail improvements are required or proposed for this subdivision.

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

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

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

The subdivider must receive approval from the MDEQ for the individual cisterns and the proposed septic facilities prior to final plat approval.

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

The subdivision is outside zoning therefore it doesn't need to meet any requirements of zoning.

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

Utilities for the proposed lots will be placed in locations that are requested by the utility companies. The applicant is showing 8-foot utility easements on the plat on the outer edge of the public right of ways.

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

Legal and physical access will be provided for proposed lots off of the internal streets. Access off of Lipp Road and 88th Street West must be approved by MDT.

CONCLUSIONS OF FINDINGS OF FACT

- Lipp 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.

Attachment A

Staff Analysis and Recommendation

County Planning, County Public Works, and County Legal staffs have reviewed this request for a variance from Section 4.14.C.2 of the Yellowstone County Subdivision Regulations and are recommending approval.

The proposed subdivision is within ½ road mile from an existing 20,000-gallon dry hydrant system in the Brey Subdivision to the north. Major subdivisions are required to install a 30,000-gallon dry hydrant system, the existing tank in Brey Subdivision is a 20,000-gallon system, it does not meet the current size requirement for major subdivisions. This is the reason for the variance. Laurel Fire Department has stated that they will be able to utilize this existing system for the 2nd Filing of Lipp Subdivision. In the future when Lipp continues to develop and proposes it's next filing they will be required to install a 30,000-gallon dry hydrant system within the Lipp Subdivision. In the SIA under **IV Emergency Service** the applicant has included a sentence that states: Future filings of Lipp Subdivision will be subject to the Yellowstone County Subdivision Regulations in Place at that time.

Staff is recommending approval of the proposed variance, and recommends that the Planning Board recommend approval to the Board of County Commissioners.

Yellowstone County Subdivision Regulations:

Section 4.14.C.2 **Major, Commercial, and Subsequent Minor Subdivisions.** The subdivider shall provide a minimum of one of the following mechanisms for fire suppression:

1. A pressurized fire hydrant system meeting the flow requirements of the applicable Fire Code and NFPA 1142.
2. An approved, single, minimum thirty thousand (30,000) gallon underground water storage tank with approved dry hydrant type fittings located not more than one-half (1/2) road mile from the furthest structure in the subdivision. If an approved existing underground water storage tank is located within one-half (1/2) road mile from the furthest structure of the proposed subdivision, it may be used to meet this requirement. In either case, the dry hydrant shall be constructed to the standards set forth by this Section.

Alternative methods shall be reviewed by the fire department having jurisdiction with recommendations for approval made to the Board of County Commissioners.



PRELIMINARY SUBDIVISION VARIANCE APPLICATION

SECTION 11.1 VARIANCE (76-3-506), MCA

PLANNING DIVISION

2825 3RD AVENUE NORTH, 4TH FLOOR
BILLINGS, MONTANA 59101

PHONE: (406)247-8676 FAX: (406) 657-8327

PROJECT#

PROPERTY INFORMATION							
Primary Parcel/Legal Description (C/S, Subdivision, Lot, Block)					Property Tax ID		
S10, T01 S, R24 E, N2NE (95) (80 Acres)					D00081		
General Location							
S 88 th St W + LIPP ROAD							
CLASSIFICATION: (CHECK ONE)							
<input type="checkbox"/>	City Major (6 or more lots)	<input type="checkbox"/>	City Minor (5 lots or fewer)	<input type="checkbox"/>	City Subsequent Minor (Reviewed as aa minor)	<input type="checkbox"/>	City Expedited
<input checked="" type="checkbox"/>	County Major (6 or more lots)	<input type="checkbox"/>	County Minor (5 lots or fewer)	<input type="checkbox"/>	County Subsequent Minor (Reviewed as a major)	<input type="checkbox"/>	County Expedited
ATTRIBUTES							
Gross Area (Sq. Ft)	3290,914.44 SF	Gross Area (Acres)	75.549 Acres	Number of Lot(s)	10		
Lot Size Maximum (Square Feet)	1,824,075 SF	Lot Size Minimum (Square Feet)	91,332 SF				
APPLICANT/SURVEYOR INFORMATION							
PROPERTY OWNER Jerry L Brey							
E-mail Address	jerrybreydc@hotmail.com		Mobile Phone	406-460-6983		Home Phone	
Mailing Address 1921 Chickadee Circle							
City	Billings		State Abbreviation	MT	ZIP Code	59105	
AGENT/SURVEYOR BLUELINE ENGINEERING							
E-mail Address	mphil@blueline-eng.com		Mobile Phone	860-4667		Business Phone	294-2294
Mailing Address 2110 OVERLAND AVE SUITE 119 B							
City	Billings		State Abbreviation	MT	ZIP Code	59102	

Variance(s) Requested

List and Attach Variance Request application and Variance Request criteria answers per Chapter 11. 1.A.1-5. Each requested variance shall be deemed a separate application, to be process concurrently with the preliminary plat. **A filing fee must accompany all applications for variances.**

Section 4.14, C, 2

Facts of Hardship: Provide a separate written statement describing the facts of hardship upon which the request for variance is based.

I declare that I am the owner of record of the above-described property, and have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, is true and correct.

Owner of Record

6/6/16
Date

Owner Under Contract

Date

June 6, 2016

Planning Division,

We are requesting a variance from the conditions of Section 4.14, C, 2 of the Yellowstone County Subdivision Regulations. The answers below correspond to the five findings in the Variance Application:

1. An existing 20,000-gallon tank is located north in Brey Subdivision within ½ mile road distance to all lots within the subdivision.
2. The shape of this subdivision keeps all parcels within ½ mile road distance. Future filings will build additional storage.
3. The variance will have no tax burden increase that will result, as fire protection tanks currently exist.
4. The conditions in the SIA provide for additional tanks in the future as required in the Yellowstone County Subdivision Regulations.
5. The Laurel Fire Department and the County Attorney have approved this plan.

If you have any questions, please feel free to contact me.

Sincerely,



Marshall Phil



CITY HALL
115 West 1st Street
Public Works: 628-4796
FAX: 628-2241
Water Office: 628-7431

City Of Laurel
P. O. Box 10
Laurel, Montana 59044



June 2, 2016

Mr. Dave Green
Yellowstone County Planning Department.
Billings Mt. 59101

Re: Dry Hydrant

Dear Mr. Dave Green

We are going to allow a variance from the requirement of a 30,000 gallon tank at this time. The 20,000 gallon tank in Brey Subdivision will be adequate for this filing of Lipp Sub.

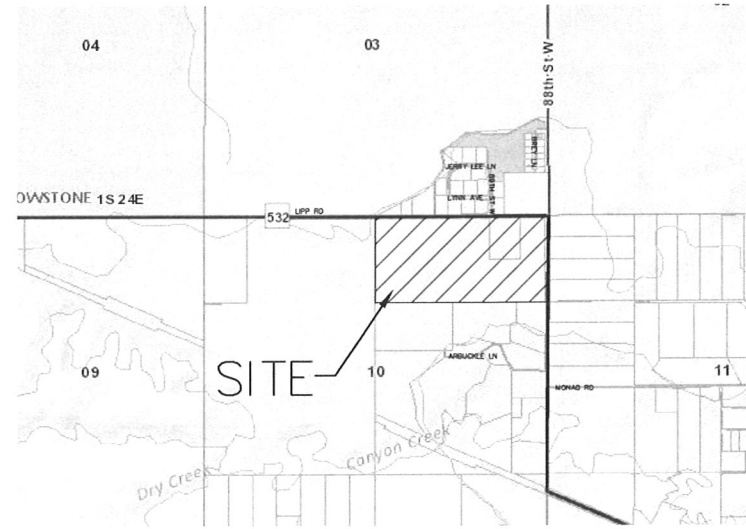
Further subdivision development of Lipp Sub will require an additional dry hydrant tank that complies with the regulation in place at that time.

Please let me know if you have any questions.

Sincerely,

Jason Showar
Fire Marshal/ Chief Building & Fire Official

City of Laurel is an EEO Employer
Equal Housing Opportunity



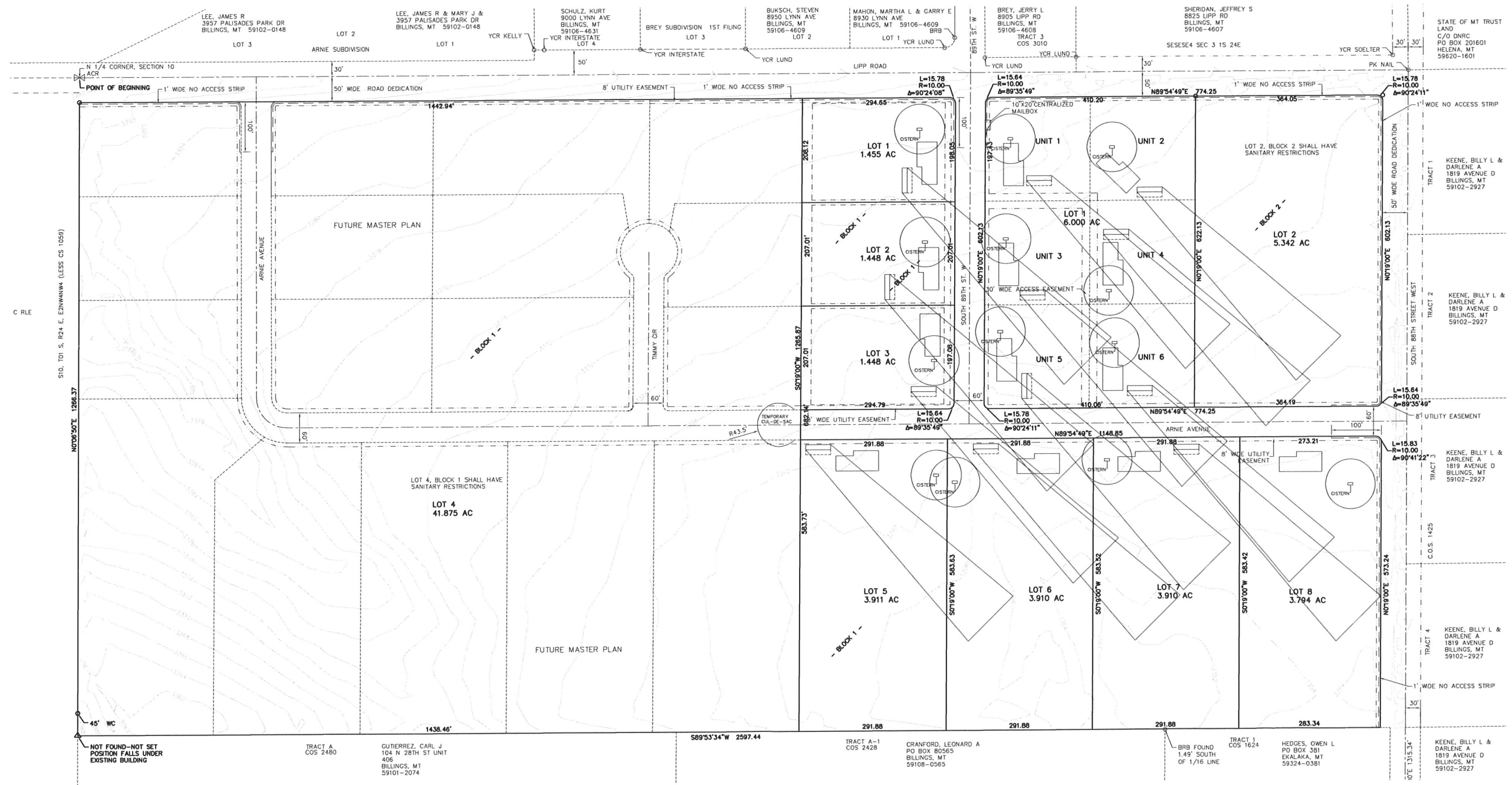
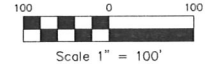
VICINITY MAP
NOT TO SCALE

SUBDIVISION DETAILS:

GROSS AREA	=	75.549 ACRES
NET AREA	=	73.093 ACRES
ROAD AREA	=	2.456 ACRES
NUMBER OF LOTS	=	10
MINIMUM LOT SIZE	=	1.448 ACRES
MAXIMUM LOT SIZE	=	41.875 ACRES
EXISTING ZONING	=	NONE
SURROUNDING ZONING	=	NONE
NORTH	=	NONE
SOUTH	=	NONE
EAST	=	NONE
WEST	=	NONE
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	COMMERCIAL

PRELIMINARY PLAT OF
LIPP SUBDIVISION, 2ND FILLING
 SITUATED IN THE SW 1/4, SW 1/4, SECTION 10, T. 1 N., R. 26 E., P.M.M.
 YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: JERRY L BREY
 SURVEYOR: NORTH STAR LAND SERVICES, P.C.
 ENGINEER: BLUELINE ENGINEERING LLC
 JUNE, 2016
 BILLINGS, MONTANA



NOT FOUND - NOT SET
 POSITION FALLS UNDER
 EXISTING BUILDING

TRACT A-8
 COS 2480

GUTIERREZ, CARL J
 104 N 28TH ST UNIT
 406
 BILLINGS, MT
 59101-2074

S89°53'34"W 2597.44

TRACT A-1
 COS 2428

CRANFORD, LEONARD A
 PO BOX 80565
 BILLINGS, MT
 59108-0565

BRB FOUND
 1.48' SOUTH
 OF 1/16 LINE

TRACT 1
 COS 1624

HEDGES, OWEN L
 PO BOX 381
 EXALAKA, MT
 59324-0381

TRACT 4
 COS 1425

KEENE, BILLY L &
 DARLENE A
 1819 AVENUE D
 BILLINGS, MT
 59102-2927