



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



AGENDA

November 22, 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. **MEETING MINUTES: Approval of the November 9, 2016 meeting minutes is delayed.**

4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**

5. **DISCLOSURE OF CONFLICT OF INTEREST**

6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.

7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
 1. **Public Hearing: Silver Fox Subdivision, Dave Green, Planner II, presenting**

8. **OTHER BUSINESS:**

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- a. **PLANNING BOARD NOMINATING COMMITTEE RECOMMENDATION:** Planning Board Nominating Committee

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

9. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, DECEMBER 13, 2016

Public Hearing Participation Guidelines

The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: **Address the Planning Board directly. You must state your name and address before commenting.** This is an opportunity to explain how you will be affected by the decision and why that is an important consequence.

1. Be informed of the process and the requirements of the Board. If you are commenting about a subdivision, please limit your comments to the review criteria.

By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). These criteria include:

- Effect on agriculture and agricultural water user facilities
- Effect on local services
- Effect on the natural environment
- Effect on wildlife and wildlife habitat
- Effect on public health and safety

2. Provide specific information about why you are concerned about the pending application, how the decision will impact the review criteria listed above, and provide suggestions on how to minimize or eliminate the impact.
3. Respect the right of others to participate. Wait until the previous speaker has completed their comments before making your own comments. Do not talk over the person commenting or with other people in attendance.
4. The public hearing is not an opportunity to question or accuse the applicant or their agent. If you have questions of the Board, the applicant or the agent, ask the question directly to the Board during the public hearing portion of the meeting. The Board will respond or request the applicant or agent to respond after the public comment portion of the hearing is closed.
5. After the public comment portion of the hearing is closed, no further comments are allowed unless you are addressed directly by a Board member.
6. You should expect the Board to make a balanced recommendation in accordance with its statutory responsibilities. The Board's ability to make reasonable and thoughtful recommendations is dependent on a fair consideration of everyone's interests.

Thank you for participating.



YELLOWSTONE COUNTY BOARD OF PLANNING
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Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 11/22/2016

Information

INTRODUCTION

On October 3, 2016, the Planning Division received an application for preliminary plat for the proposed Silver Fox Subdivision. The property is generally located at 1680 Lockwood Drive on the south side of Lockwood Road, approximately one mile east of the intersection of Highway 87 East and Lockwood Road. The applicant is proposing to create 5 lots for commercial use. The proposed lots range in size from 2.05 acres to 0.84 acres. This parcel of land is zoned Controlled Industrial and is surrounded by industrial uses. The Planning Board is scheduled to conduct a public hearing and make a recommendation to the Board of County Commissioners at this meeting. The Board of County Commissioners will act on the proposal on December 13, 2016.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Silver Fox Subdivision and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

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

1. To minimize the effects on the natural environment, prior to final plat approval the applicant will obtain approval from Lockwood Water and Sewer District for their proposed connections to the water and sewer systems. They will 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 will be created to provide maintenance of the interior roads of this subdivision.
3. 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 and its location for this subdivision.
4. To minimize the effects on the local environment, prior to final plat approval the applicant is required to obtain a weed management plan and a property inspection shall be done by the County Weed Department.
5. To provide for the installation of the needed private utilities within the subdivision, prior to final plat approval the applicant will coordinate with private utility companies and provide easements on the plat, if needed, and provide easement documents for those easements.
6. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or

Public Works Departments to clarify the documents and bring them into the standard acceptable format.

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

PLAT INFORMATION

General location: Generally located at 1680 Lockwood Drive on the south side of Lockwood Road. Approximately one mile east of the intersection of Highway 87 East and Lockwood Road

Legal Description:	Lot 1, Getter Subdivision
Owner/Subdivider:	Boyce and TJ Smith
Surveyor/Engineer:	Performance Engineering and Consulting
Existing Zoning:	Controlled Industrial
Proposed Zoning:	Controlled Industrial
Existing land use:	Industrial
Proposed land use:	Industrial
Gross area:	7.00 acres
Net area:	6.61 acres
Proposed number of lots:	5
Max.:	2.05 acres
Min.:	0.84 acres

Parkland requirements: No parkland dedication is required with a subdivision that is proposed to have only commercial uses, Section 10.8 C. YCSR.

VARIANCES REQUESTED

None

DISCUSSION/STAKEHOLDERS

A brief presentation by staff was given about the proposed subdivision. After the presentation, Board President Darell Tunncliff opened the discussion to questions from the board. Board Member Saldivar asked about the Lockwood Growth Policy statement in the staff report. Staff responded that although this development will not be building sidewalks and doing a great deal of public improvements, the road that will be built will be to a higher standard than what is currently in place. Board Member Reed commented that he is glad to see infill development and not more sprawl onto undeveloped land.

There was no further comments or discussion about the proposed subdivision and the applicant and his agent decided not to provide additional comment.

Attachments

Findings of Fact
Proposed Plat

PROPOSED YELLOWSTONE COUNTY BOARD OF PLANNING
FINDINGS OF FACT

The City/County Planning Staff has prepared the Findings of Fact for the Silver Fox Subdivision. 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 business and industrial uses. The lands to the south have developed into business uses with Interstate 90 farther south. Lands to the west are used for business and land directly to the north are Montana Rail Link right of way. Lands to the east are used for industrial purposes. This area of Lockwood has not been used for agricultural purposes for many years.

There are no irrigation ditches on the subject properties.

2. Effect on local services

- a. **Water and Sewer** – Domestic water is proposed to be supplied by Lockwood Water and Sewer District. There is an existing 16-inch water line in Lockwood Road. A water stub will come off of the 16-inch water line into the proposed subdivision, each lot will obtain water from the water line being installed in the cul-de-sac Silver Fox Court. The applicant will be installing fire hydrants in the Silver Fox Court for fire suppression purposes. There is an existing 27-inch sanitary sewer line in Lockwood Road. This subdivision will be served by an 8-inch branch within Silver Fox Court right of way. Both systems will be installed to meet the specifications of Lockwood Water and Sewer District and the requirements of the Montana Department of Environmental Quality (MDEQ) (**Condition #1**).
- b. **Streets and roads** – Current access to the subject properties is from Lockwood Road. Lockwood Road is a paved public easement within Northern Pacific Railroad right of way. It comes off of Highway 87 East and parallels the Northern Pacific Railroad tracks. All proposed lots in this subdivision will be accessed off of Silver Fox Court cul-de-sac that comes off of Lockwood Road. Silver Fox Court is required to be a paved road as outlined in Yellowstone Subdivision Regulations, Section 4.6 C 13. Silver Fox Court is proposed to be a public road 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 Lockwood Fire Service Area jurisdiction and the Lockwood 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 needs. The applicant will be installing fire hydrants as required by the Lockwood Fire Department for fire suppression needs.

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. A 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 United States Postal Service will provide postal service to the subdivision. The USPS responded that they want a mail box on Lockwood Road for access from the window of the mail delivery vehicle. (**Condition #3**).

3. Effects on the natural environment

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

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

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property although the area is in close proximity to good deer 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 water and septic systems will be reviewed and approved by Lockwood Water and Sewer District and by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision through the Lockwood Fire Department and the Yellowstone County Sheriff's department.

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 was not required for this subdivision because it is in a zoned part of Yellowstone County.

C. Does the subdivision conform to the 2016 Lockwood Growth Policy, the Urban Area Transportation Plan--2009 Update, and the Billings Area Bikeway and Trail Master Plan? (Section 3.2(H)(4), YCSR)

1. **2016 Lockwood Growth Policy** – The proposed subdivision is in an area of Lockwood that is zoned for industrial uses and already has commercial and industrial development in place. The Preferred Future Land Use Map for the Lockwood Area in the 2016 Growth Policy shows the area where this subdivision is proposed as continuing to be industrial in the future.

- Growth Guideline: Consider constructing private and public improvements to higher design standards in the more densely developed areas. (p. 4)

This subdivision will not be installing very much public infrastructure as the access for much of the development is a short cul-de-sac. However, the new road will be paved and built to County Road Standards from where it connects to Lockwood Road.

2. **2014 Billings Urban Area Long Range Transportation Plan**

The subject property is within the boundary of the Transportation Plan. The subject property has frontage on Lockwood Road it is a county road easement within the Northern Pacific Railroad right of way. No additional right-of-way is required from this subdivision for Lockwood Road. Also, a no-access easement is identified on the plat to prevent any new drive approaches on to Lockwood Road. The internal street, Silver Fox Court, in this subdivision is proposed to be a public street.

3. **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 will be connecting to Lockwood Water and Sewer District infrastructure, they must receive approval from the MDEQ for the proposed storm water retention 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 zoned Controlled Industrial and the proposed uses for this land will be in conformance of those requirements. In the SIA there is a paragraph stating that future lot owners must obtain a zoning compliance permit prior to any construction on lots.

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

Utility easements shall appear on the face of the final plat as requested by utility companies providing private utilities to the subdivision and be accompanied by easement documents **(Condition # 5)**.

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 Silver Fox Court. There is an existing access off of Lockwood Road into the proposed subdivision that the applicant will use for this subdivision.

CONCLUSIONS OF FINDINGS OF FACT

- Silver Fox Subdivision 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 2016 Lockwood Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

