



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



AGENDA

January 10, 2017 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. SM-4740 **MOTION. APPROVAL OF DECEMBER 13, 2016 MEETING MINUTES**

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).

 - a. SM-4713 **PUBLIC HEARING. MOTION/RECOMMENDATION. SANCTUARY CANYON SUBDIVISION, 1ST FILING. COUNTY MAJOR SUBDIVISION.** Dave Green, Planner II, presenting.

8. **NEW BUSINESS:** (Agenda items new to this meeting).

- a. SM-4714 **PLAT REVIEW. DISCUSSION. PUT IT HERE CONDOMINIUMS. A 1-LOT, 97 UNIT, COUNTY CONDOMINIUM STORAGE PROJECT. DAVE GREEN, PLANNER II, PRESENTING.**
-

9. **OTHER BUSINESS:**

- a. (Standing Item) Staff update//Planning Board Discussion. Long Range Strategic Issues and an overview of future City and County issues and projects.
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10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, JANUARY 24, 2017

- a. **PUBLIC HEARING. PUT IT HERE CONDOMINIUMS. A 1-LOT, 97 UNIT COUNTY CONDOMINIUM STORAGE PROJECT. DAVE GREEN, PLANNER II, PRESENTING.**
- b. **PRESENTATION/UPDATE/ DISCUSSION. PARKS AND RECREATION COMPREHENSIVE PLAN KEY FINDINGS. MARK JARVIS, CITY OF BILLINGS PARK AND RECREATION PARK PLANNER**
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Public Hearing Participation Guidelines

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

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

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

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

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

Thank you for participating.

Planning Board Meeting I (2nd Tuesday)

3.

Meeting Date: 01/10/2017

Information

Subject

MOTION. APPROVAL OF DECEMBER 13, 2016 MEETING MINUTES

Attachments

No file(s) attached.



YELLOWSTONE COUNTY BOARD OF PLANNING
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YELLOWSTONE COUNTY, MONTANA



Planning Board Meeting I (2nd Tuesday)

7. a.

Meeting Date: 01/10/2017

Information

INTRODUCTION

On November 1, 2016, the Planning Division received an application for preliminary major plat approval for Sanctuary Canyon Subdivision, 1st Filing. The proposed plat creates 20 lots for residential development and 1 large remaining lot for future development from a 77.917-acre parcel of land. The subject property is generally located in Lockwood, on the south side of Trailmaster Drive, east of Hailee Street in the Twin Coulee Subdivision. The property is outside of zoning. The Yellowstone County Board of Planning will conduct a public hearing on at this meeting. The Board of County Commissioners are scheduled to act on the proposal on January 24, 2017.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Sanctuary Canyon Subdivision, 1st 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 ensure correct location and installation of septic systems in Sanctuary Canyon Subdivision, prior to final plat approval the applicant will submit drawings and obtain approval from MDEQ for the proposed septic systems. All storm drainage design also must be approved by MDEQ prior to final plat approval and a copy of the approved storm drain plan provided to the Yellowstone County Public Works Department.
2. To minimize effects on local services, prior to final plat approval the applicant will expand existing RSID's on roads that it will connect to in the Twin Coulee Subdivision to the west and/or create new RSID's for maintenance of any other roads for this subdivision.
3. To ensure public safety and prevent storm drainage problems, prior to final plat approval the applicant will either increase the '20' wide Park / Trail Easement' identified on the preliminary plat to 45 feet in width, 22.5 feet on each side of the property line, or in the SIA under Conditions that run with the land insert a paragraph requiring that any fences being built adjacent to the drainage corridors must be installed a minimum of 12.5 feet back from the edge of the '20' wide Park / Trail Easement' shown on the plat. Either option would apply to Lots 3 and 4 of Block 2, continuing under Sanctuary Canyon Road, then between Lots 6 and 7 of Block 1, and Lots 8 through 11, Block 3, and future lots on the north and south of the drainage in future filings.
4. To minimize the effects on local services, prior to final plat approval the applicant will create a Park Maintenance District for the proposed park land within Sanctuary Canyon Subdivision.
5. To minimize the effects on local services, prior to final plat approval the applicant will coordinate with the USPS for locating and provided the correct amount of space for safely delivering the mail to the subdivision residents.
6. To minimize the effects on the local environment, prior to final plat approval the applicant is required to obtain approval of a weed management plan and complete a property inspection by the County Weed Department.
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.

PROCEDURAL HISTORY

- A pre-application meeting was held on June 9, 2016 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on November 1, 2016.
- A departmental review meeting was conducted on November 17, 2016.
- The preliminary plat was resubmitted with revisions based on department reviews on November 28, 2016.
- The Planning Board reviewed the preliminary plat on December 13, 2016.
- The Planning Board will conduct a public hearing on January 10, 2017, and forward a recommendation to the Board of County Commissioners.
- The Board of County Commission will consider the preliminary plat on January 24, 2017.
- The 60 working-day preliminary plat review period ends February 1, 2017.

PLAT INFORMATION

General location:	Generally located in Lockwood, on the south side of TrailMaster Drive, east of Hailee Street and east of the Twin Coulee Subdivision
Legal Description:	S28, T01 N, R27 E, FRAC N2 (LESS NWSWNE, Emerald Hills 2ND & 3RD & Emerald Hills Westgate 2ND & C/S 2674 AMD & Emerald Hills ACRG TR SUB 5TH)
Subdivider/Owner:	Superior Builders, LLP
Engineer and Surveyor:	Blueline Engineering
Existing Zoning:	Outside of Zoning
Existing land use:	Vacant
Proposed land use:	Single-Family Residential
Gross area:	77.92 acres
Net area:	75.68 acres
Proposed number of lots:	20
Lot size:	Max: 61.022 acres Min.: 0.47 acre
Parkland requirements:	Parkland dedication is required in the amount of 0.89 acres, actual amount being dedicated is 1.289 acres.

VARIANCES REQUESTED

None Requested.

DISCUSSION/STAKEHOLDERS

A brief presentation was given by staff for the proposed Sanctuary Canyon Subdivision. Staff noted the comments in the staff report on a legal challenge regarding whether Lacy Road was planned to connect into the Sanctuary Canyon Subdivision development. There was some discussion by board members as to whether the intention of Lacey Road was for a future connection because of some discrepancies on the plat drawing. Staff explained that the current property owners on the north and south side of Lacy Road where it enters the subject property were under the impression the cul-de-sac was permanent and was not going to connect to the property to the east. These property owners have moved forward with legal action against the County. County legal staff is confident this issue may be resolved through the court process and the connection of Lacy Road to the subject property will be maintained. Staff pointed out the need for connectivity when adjacent subdivisions are developed and that connectivity is a requirement of subdivision regulations. Staff also stated that additional maps and images of the Twin Coulee Subdivision will be brought to the public hearing to provide a better view of the subdivision and the roads within it, and that connect through it.

Board Member Saldivar asked why the cul-de-sac was created instead of a straightaway connection. Staff stated this is often done on a temporary basis for roads that dead end at the property line for future

connections as it enables private vehicles and emergency vehicles to turn around easily without driving onto private property. Staff pointed out that a developer would most likely have lots surrounding the cul-de-sac if it was not intended to be temporary as it would save road construction costs and also, potentially, allow for another lot at the end of the cul-de-sac that could be sold. Darin Swenson, who was in attendance at the meeting on behalf of Yellowstone County Public Works, concurred with this conclusion. Board Member Goodridge asked for clarification on the property pins and asked if the same builder built the houses in the current development. Staff pointed out the locations of the pins on the posted plat and stated Twin Coulee Subdivision was a different developer and builder. Board Member Klugman asked about the width of the paved road and when the legal action will be decided as the situation is awkward since this is one of two entrances into the subdivision. Staff stated the road right-of-way is 60-feet in width and staff is unsure of the timeline for the legal proceeding.

Board Member Reed voiced several concerns about the roads in the area and how they would be able to handle all the traffic that is going to be generated with further development. It was agreed that a map showing a wider view of the roads in this area of Lockwood would be provided at the Public Hearing for the Board to review for clarification.

The applicants' agent, Marshall Phil of Blueline Engineering, stood to speak, pointed out the property's topography on the plat map, and stated there is a lot of unbuildable ground which will create more parkland in future filings of the subdivision. Mr. Phil noted, in response to a question by Board Member Goodridge about the Lacey Road, that some of the neighbor's landscaping may be in the Lacey Road right of way. Mr. Phil gave further explanation of the property lines to Board Member Reed. Board Member Reed asked if staff can provide a map that shows more of the surrounding area where this subdivision is proposed.

President Tunncliff voiced concern with the fact the owner relied on the survey when the parcel was purchased; and the plat indicated the lot larger than it should have been. It was noted the property owner on the south side of Lacey Road is requesting no access to this proposed subdivision. Board Member Goodridge asked for a clear staff presentation for the public hearing that points out the legal access issues are outside of the Board's scope of authority. Board member Reed said the connectivity in the area of the subdivision is narrow and winding and needs to be addressed. It was noted this parcel is in the Pedestrian Safety District. Board member Klugman asked if there is trail connectivity to the east and to the west. Marshall Phil stated there is no access to the east due to the substantial rim line and conservation area but there may be a parking area to provide access off Trailmaster Drive for pedestrian access.

Attachments

Findings of Fact
Proposed Plat

FINDINGS OF FACT

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

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

1. Effect on agriculture and agricultural water users' facilities

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

2. Effect on local services

- a. **Water and Sewer** – Lockwood Water and Sewer District shall be used to supply water to the individual lots. A service line will be extended in Trailmaster Drive to the new road, Sanctuary Canyon Road, within the proposed subdivision. A new 8-inch water line will be installed in Sanctuary Canyon Road to the temporary cul-de-sac end. An additional water line will be installed from the one that ends at the intersection of Hailee Street and Lacey Road from the subdivision to the west, Twin Coulee Subdivision, and continue into the proposed subdivision through Lacey Road. Individual septic systems are proposed for each of the lots. Locations and design of the septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ) prior to final plat approval. These systems will be constructed as approved by the MDEQ and as shown on approved plans. **(Condition #1)**

- b. **Streets and roads** – The proposed subdivision is located on the south side of Trailmaster Drive and east of Hailee Street in the Twin Coulee Subdivision, a local paved street. One road is proposed to come off of Trailmaster Road and a second road into the subdivision will be the continuation of Lacey Road from Twin Coulee Subdivision to the west. They will be built to a County paved road standards. The streets in this subdivision will be public streets and the applicant will be expanding and creating the needed RSID-M's for the roads to be maintained as outlined in the SIA. **(Condition #2)** There is currently a dispute regarding the continuation of Lacey Road that is being litigated in the County. A resident on the current dead end of Lacey Road contends that it is a permanent cul-de-sac dead end and was never intended to continue onto the neighboring property. They also claim their property wraps around the end of the cul-de-sac therefore it cannot be a road right of way. The following paragraphs are from the County Attorney's office regarding the pending case.

Twin Coulee Subdivision has a number of cul-de-sacs. The only one to not have lots radiating around the entire circumference is the one at the end of Lacey Road. Additionally, the only one that has gravel "half moons" is the one at the

end of Lacey Road. The square footage of the lot on the south at the end of Lacey Road meshes with a property pin that was apparently omitted, leading the owner of the southern lot to believe there is a triangle piece that is a fee interest that is not encompassed by the cul-de-sac. The homeowner seems to ignore clear 60-foot-wide parallel lines on the plat of Twin Coulee Subdivision which indicate a dedication. It is the county's position that there is a "double dedication" that gives the county a use right over the triangle piece.

Additionally, Twin Coulee Estates Subdivision was created in 2008 with Lacey Road being paved all the way to the property line of the current developer's property. The county is in the process of amending its answer in the lawsuit to claim a prescriptive use right over the triangle piece. The situation looks to be a clear surveying error but that is certainly not guaranteed. The county feels confident about winning the suit but will have to wait for the court's decision.

*Dan Schwarz
Deputy County Attorney*

See Attachment 'Lacey Road'

- c. **Fire and Police Services** – The property is within the Lockwood Fire Department's jurisdiction. It is the subdivider's responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service's needs. Pressurized fire hydrants shall be installed in Sanctuary Canyon Road and in Lacey Road to meet the requirements for fire suppression water supply specified by the Lockwood Fire Department.

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

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- e. **Storm water drainage** – The management of storm water runoff shall be designed to satisfy storm water management requirements and specifications of MDEQ and Yellowstone County. The preliminary plat shows that storm water will be absorbed on-site in the ditches along the paved road and also within two storm retention areas along existing drainages on site. The proposed retention ponds are located on the east edge of Lots 6 & 7 of Block 1 and the second one outside this filing between future lots. All storm water drainage will need to be approved by MDEQ prior to final plat approval. **(Condition #1)**

The topography of this area has some natural drainages in existence. The applicant is proposing to use two existing drainages as the subdivision to the west, Twin Coulee Subdivision, has done. The applicant is showing storm water drainages on the plat as '20' wide Park / Trail Easement'. These run between Lots 3 and 4 of Block 2 continuing

under Sanctuary Canyon Road then between Lots 6 and 7 of Block 1 to the Storm Water Detention and Park. The second natural drainage runs north of Lots 8 through 11, Block 3, and will have other lots on the north and south of the drainage in future filings. If these drainages are to be used as trails to park area, staff is recommending that the easements need to be wider. The drainages in this proposed subdivision are not as wide as the ones in Twin Coulee Subdivision to the west. To address the potential safety of users of these trail/drainage corridors, staff believes they should be wider. Because people may want to fence their yards, these corridors could become a 20-foot-wide water drainage ‘tunnel’ that could be a hazard to users of these trail/drainage corridors. This could present issues with adults walking or children playing in the corridor during a rain storm, or there could be a heavy winter snow and spring runoff. Staff believes the corridor should either be a wider easement, or a restriction of placement of fences along the drainage / ‘Trail Easement’ should be required to prevent too narrow a drainage area that could prevent people from getting out of the water flow areas. **(Condition #3)**

- f. **School facilities** – The proposed subdivision is located in the Lockwood School District for elementary and middle school, and Billings School District #2 for high school (Senior High or Skyview). Lockwood School District responded that they have additional capacity and that there is a bus route in the area that could service this subdivision. Staff did not receive a response from School District #2.
- g. **Parks and recreation** – This subdivision is required to provide parkland dedication for the 20 lots of varying sizes. One lot is under a ½ acre, 18 lots are greater than a ½ acre but not more than 1 acre, and one lot is over 1 acre. The requirements for parkland are split among the three required percentages, 11% for ½ acre or less, 7.5% for ½ acre to 1 acre and 5% for 1 acre but smaller than 3 acres. The total required parkland dedication is 0.89 acres; the applicant is proposing to provide 1.289 acres for parkland. The developer will also be required to create a Park Maintenance District for the parkland dedication prior to final plat approval. The requirement for a Park Maintenance District is noted in the SIA. The 20’ wide Park / Trail Easements are not part of the park land dedication. The applicant will be creating a Park Maintenance District for the proposed parks in the subdivision. **(Condition #4)**
- h. **Historic features** – No known historical or cultural assets exist on the site.
- i. **United States Postal Service** – The USPS responded that they are looking for centralized delivery unit located on the corner of Trailmaster and Sanctuary Canyon Road. **(Condition #5)**

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 #6)**

MDEQ will review and approve the new proposed septic systems and storm water management facilities to ensure any impacts of the development are mitigated.

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

4. Effects on wildlife and wildlife habitat

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

5. Effects on public health and safety

Plans and designs for use of the proposed septic systems and public water supply will be reviewed and approved by MDEQ and Lockwood Water District prior to final plat approval. Fire and emergency services are provided for this proposed subdivision. Effects on public health and safety should be minimal.

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

An environmental assessment was required for this subdivision. There has been no agricultural activity on this land and there are no irrigation ditches on the property. The land has been used in the past as dryland pasture. It is noted that the area is known for deer and antelope habitat in the area and occasionally wild turkeys. This subdivision will have quite a lot of open space which will allow for corridors for the area wildlife.

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

1. **2016 Lockwood Growth Policy** – The proposed subdivision is in an area of Lockwood that is not zoned but surrounding property is developed for residential uses. The Preferred Future Land Use Map for the Lockwood Area in the 2016 Growth Policy shows the area where this subdivision is proposed as Agricultural Suburban in the future.

- **Growth Guideline:** Consider connectivity and convenient access for all users when designing future road network.

This subdivision will create 20 lots for single family residences, consistent with the immediately surrounding neighborhood. It will be connecting to the neighboring subdivision to the west providing connectivity and continuity of streets.

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

The subject property is outside the boundary of the study area of the Transportation Plan. New lots will be served by internal local streets; the appropriate amount of right-of-way is being provided with this plat.

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

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

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

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

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

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

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

The subdivision is outside the County's zoning jurisdiction; therefore, no zoning requirements exist.

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 private utility companies. The submitted plat shows 8-foot utility easements along both sides of the proposed roads within the subdivision. Those easements will meet the requirements of both MDU and Northwest Energy. Northwestern Energy comments included the caution that there are existing overhead electric lines across the site. If the developer needs to relocate them there would be substantial costs involved.

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

Legal and physical access will be provided for the proposed lots from Sanctuary Canyon Road and Lacey Road.

CONCLUSIONS OF FINDINGS OF FACT

- The Sanctuary Canyon Subdivision, 1st 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 a goal of the 2016 Lockwood Growth Policy but does not meet others.

- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

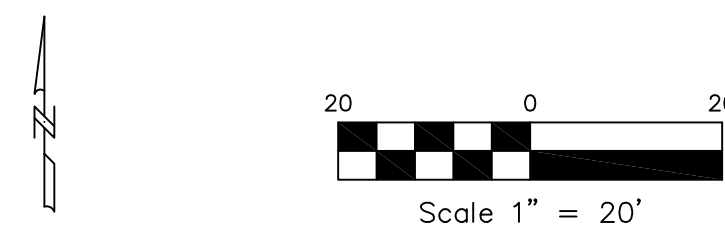
RECOMMENDATION

Staff recommends that the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Sanctuary Canyon Subdivision, 1st Filing and adoption of the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF SANCTUARY CANYON SUBDIVISION, 1st FILING

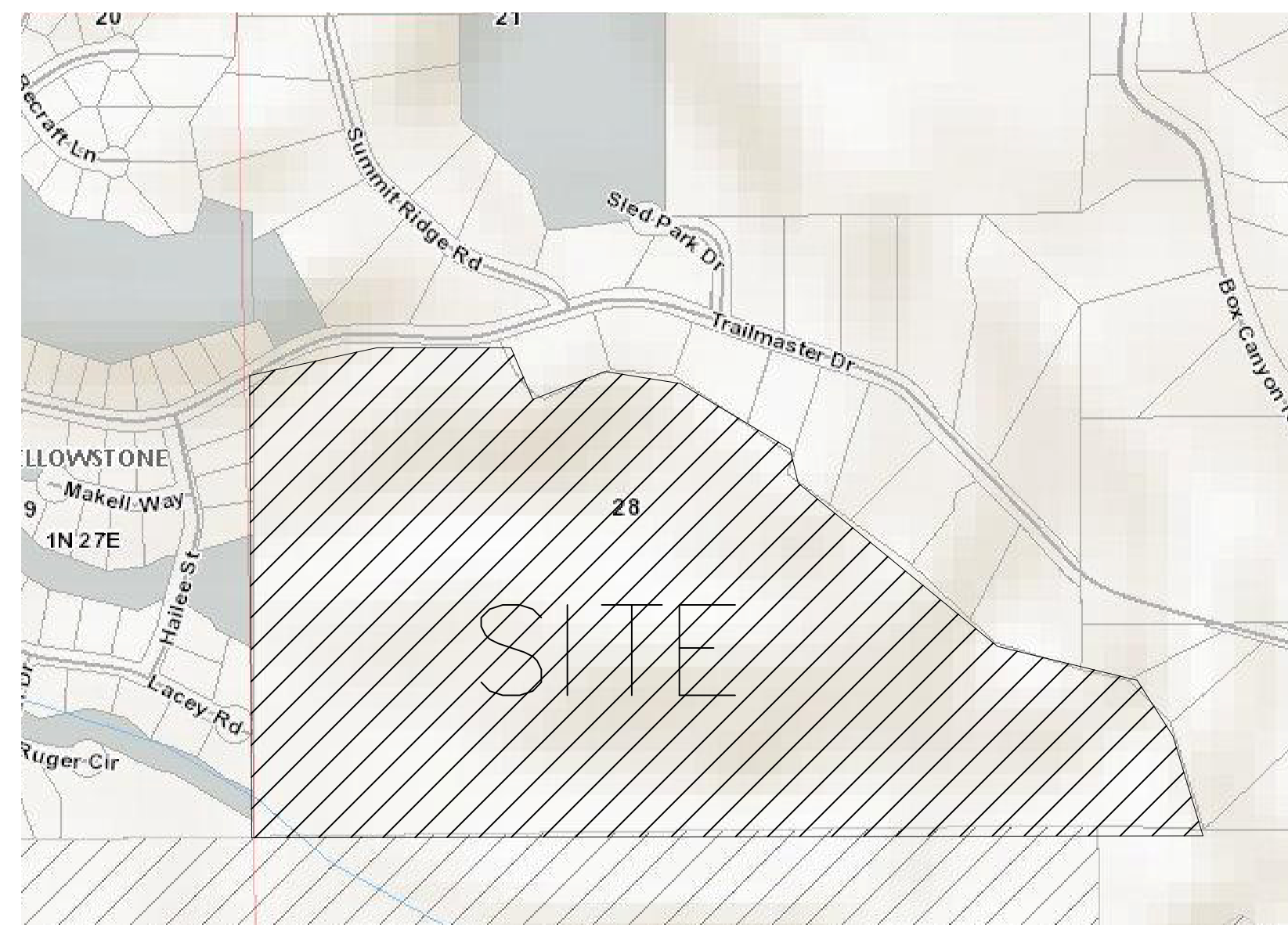
S28, T01 N, R27 E, FRAC N2 (LESS NWSWNE, EMERALD HILLS 2ND & 3RD &
EMERALD HILLS WESTGATE 2ND &
C/S 2674 AMD & EMERALD HILLS ACRG TR SUB 5TH), P.M.M.
YELLOWSTONE COUNTY, MONTANA

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



SUBDIVISION DETAILS:

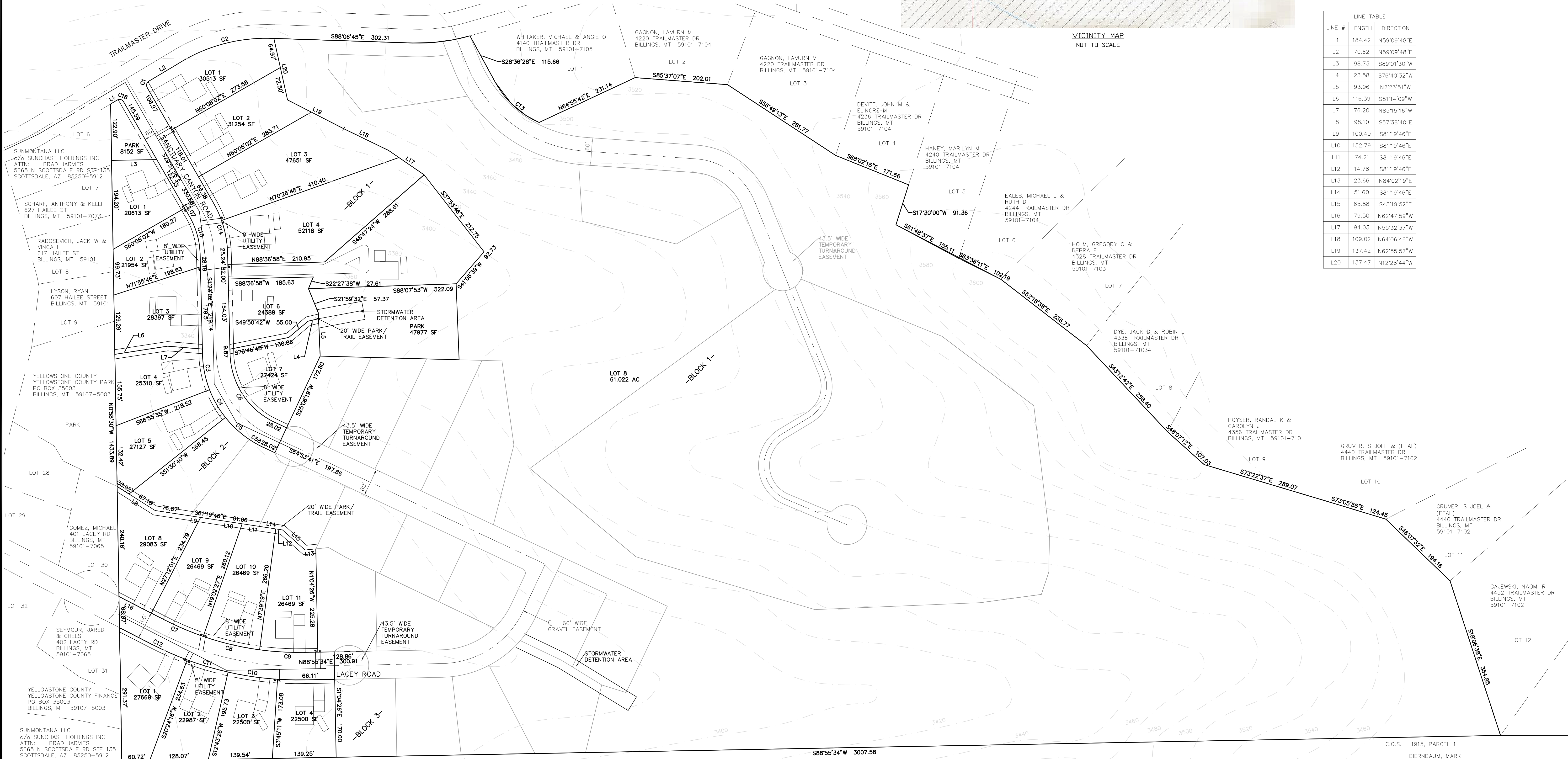
GROSS AREA = 77.917 ACRES
NET AREA = 74.955 ACRES
ROAD AREA = 1.673 ACRES
PARK AREA = 1.289 ACRES
NUMBER OF LOTS = 20
MINIMUM LOT SIZE = 0.517 ACRES
MAXIMUM LOT SIZE = 61.022 ACRES
EXISTING ZONING = NONE
SURROUNDING ZONING = NONE
NORTH = NONE
SOUTH = NONE
EAST = NONE
WEST = NONE
EXISTING LAND USE = VACANT
PROPOSED LAND USE = RESIDENTIAL



VICINITY MAP
NOT TO SCALE

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	15.54	10.00	89°01'46"	S14°38'55"W	14.02
C2	223.43	359.25	35°38'06"	S74°55'59"W	219.85
C3	79.04	230.00	19°41'24"	N11°13'43"W	78.65
C4	69.91	230.00	17°24'55"	N29°46'53"W	69.64
C5	70.71	230.00	17°36'51"	N47°17'46"W	70.43
C6	188.44	170.00	63°30'39"	S33°08'21"E	178.94
C7	90.57	636.00	8°09'35"	N66°52'46"W	90.50
C8	126.38	636.00	11°23'07"	N76°39'07"W	126.17
C9	96.90	636.00	8°43'45"	N86°42'33"W	96.80
C10	108.97	696.00	8°58'15"	S81°45'41"E	108.86
C11	93.30	696.00	7°40'49"	S73°26'09"E	93.23
C12	82.55	696.00	6°47'45"	S66°11'51"E	82.50
C13	131.85	200.00	37°46'22"	S47°29'39"E	129.48
C14	72.94	230.00	18°10'10"	N10°28'07"W	72.63
C15	84.51	170.00	28°28'56"	N15°37'30"W	83.64
C16	15.88	10.00	90°58'14"	N75°21'05"W	14.26

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	184.42	N59°09'48"E
L2	70.62	N59°09'48"E
L3	98.73	S89°01'30"W
L4	23.58	S76°40'32"W
L5	93.96	N22°33'51"W
L6	116.39	S81°14'09"W
L7	76.20	N85°15'16"W
L8	98.10	S57°38'40"E
L9	100.40	S81°19'46"E
L10	152.79	S81°19'46"E
L11	74.21	S81°19'46"E
L12	14.78	S81°19'46"E
L13	23.66	N84°02'19"E
L14	51.60	S81°19'46"E
L15	65.88	S48°19'52"E
L16	79.50	N62°47'59"W
L17	94.03	N55°32'37"W
L18	109.02	N64°06'46"W
L19	137.42	N62°55'57"W
L20	137.47	N12°28'44"W



C.O.S. 1915, PARCEL 1
BIERNBAUM, MARK
14700 SAWYER RANCH RD
DRIPPING SPGS, TX
78620-3998

FIRST PRESBYTERIAN
CHURCH
2420 13TH ST W
BILLINGS, MT 59102-2428

C.O.S. 2827, PARCEL 1b



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



Planning Board Meeting I (2nd Tuesday)

8. a.

Meeting Date: 01/10/2017

Information

INTRODUCTION

On December 1, 2016, the Planning Division received an application for review and preliminary approval of an 87-unit condominium subdivision on Tract 3 of Certificate of Survey (COS) 2771. The property is located on the south west corner of the intersection of South 32nd Street West and Hesper Road. The property is within the County zoning jurisdiction and is zoned Controlled Industrial (CI). In accordance with Chapter 8 of the County Subdivision Regulations, this condominium development must be reviewed as a Major Subdivision. The Planning Board will conduct a review at this meeting and a public hearing on January 24, 2017.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plan for the Put It Here Subdivision Condominium Development, 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 public health and safety, prior to final plat approval, the subdivider shall receive approval from the MDEQ for the proposed well and storm water management plans.
2. To ensure proper easements for private utility companies prior to final plat approval, the applicant will coordinate with the utility companies and provide needed easements, show them on the plat, and provide easement documents with the final plat.
3. 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.
4. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

No variances were requested.

PROCEDURAL HISTORY

- A pre-application meeting was held on October 27, 2016 for this proposal. It was determined that this is a major subdivision for condominium use which follows the major subdivision review process.
- The preliminary application was submitted to the Planning Division on December 1, 2016.
- A Department Review Meeting was held on December 15, 2016 for this application.
- The Yellowstone County Board of Planning will hold a plat plan review for this application at its January 10, 2017, meeting.
- The Yellowstone County Board of Planning will conduct a public hearing on this application at its meeting on January 24, 2017.
- The Yellowstone County Board of County Commissioners will be considering the application at its regular meeting on February 14, 2017.

PLAT INFORMATION

General location:	Southwest corner of the intersection of South 32 nd Street West and Hesper Rd.
Legal Description:	Tract 3 of COS 2771
Subdivider and Owner:	EEC Inc.
Engineer and Surveyor:	Eggart Engineering Company
Existing Zoning:	Controlled Industrial
Existing land use:	Vacant
Proposed land use:	Commercial uses
Gross area:	2.69 acres
Net area:	2.69 acres
Proposed number of lots:	87 condominium units
Lot size:	2.69 acres
Parkland requirements:	Not required for commercial subdivisions

Attachments

SIA-PIHS
Findings of Fact
Proposed Plan
Aerial View

SUBDIVISION IMPROVEMENTS AGREEMENT
Tract 3 of COS 2771, Put It Here Storage

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Yellowstone County

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SUBDIVISION IMPROVEMENTS AGREEMENT
Tract 3 of COS 2771, Put It Here Storage

This agreement is made and entered into this ____ day of _____, 20__, by and between Eggart Enterprises LLC, whose address for the purpose of this agreement is 720 Lohwest lane, Billings, MT 59106, hereinafter referred to as “Subdivider,” and YELLOWSTONE COUNTY, Montana, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, the plat of Tract 3 of COS 2771, Put It Here Storage, located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning as a major subdivision; and

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

WHEREAS, the provisions of this agreement shall be effective and applicable to the Condominium development of Tract 3 of COS 2771, Put It Here Storage, upon the filing of the final condominium documents in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

Subdivider does not request any variances from the Yellowstone County Subdivision Regulations for this subdivision.

II. CONDITIONS THAT RUN WITH THE LAND

A. (N/A) Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

C. No water rights have been transferred to the lot owners.

D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

E. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.

F. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.

H. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision or by assessed Owners Association fees governed by the Owners Association created as part of this subdivision of land.

III. TRANSPORTATION

A. Streets

No new streets are proposed for the subdivision. The subdivision will utilize the existing dedicated right of way, Hesper Road, for access. An additional paved emergency access will be constructed off of S. 32nd Street West. Hesper Road and S. 32nd Street West are a 28' wide public street constructed to County Standards. They consist of a 24' wide paved surface with 2 foot wide gravel shoulders. Hesper Road is situated in an 80' right of way. S. 32nd Street West is situated in the center of a 60' right of way. A 24" diameter CMP culvert currently exists under the existing approach to accommodate the existing drainage ditch that runs along the north side of the Tract. A new 15" diameter CMP culvert will be installed at the new emergency access off of S. 32nd Street West.

There are no bike trails planned for this commercial subdivision.

B. Access

Access into the property will be via 1 existing 38' approach off of Hesper Road. An Emergency Access Approach will be installed to the standards of Yellowstone County Public Works off of S. 32nd Street West. No sidewalks are to be provided.

C. Billings Area Bikeway and Trails Master Plan (BABTMP)

The subdivision is within the jurisdiction area of the Billings Area Bikeway and Trails Master Plan. A proposed short range bike lane is shown on Hesper Road west of this property and conveying east. Construction of this bike lane is not scheduled at this time.

D. Maintenance

Maintenance of the interior drive Aisles within the subdivision will be the responsibility of Put It Here Storage Owners Association.

IV. EMERGENCY SERVICE

This subdivision is within the BUFSA boundaries. Two existing fire hydrants are located directly to the north of the property on the north side of Hesper Road. No Additional fire hydrants are required within this subdivision. Additional fire hydrants may be required with lot development.

V. STORM DRAINAGE

This subdivision is subject to review by the Department of Environmental Quality storm water management. A subdivision application is being submitted to MDEQ for approval. The design and permitting of the storm water system will be concurrent with this subdivision review and its approval shall be subject to the approval of MDEQ. Maintenance of the new storm water facilities shall be the responsibility of the Put It Here Storage Owners Association.

VI. UTILITIES

A. Water & Sewer

No public water or sewer is planned for the subdivision at this time. A well will be drilled for irrigation purposes only.

B. Power, Telephone, Gas, and Cable Television

As shown on the subdivision plat, there are existing utilities adjacent to the property these utilities will be brought to serve this property and no additional easements are needed. All units within the subdivision will be served off of common utilities and they will be managed and paid for by the Put It Here Storage Owners Association.

VII. PARKS/OPEN SPACE

There is no parkland requirement for this proposed plat.

VIII. IRRIGATION

Irrigation for landscaping, trees and shrubs will be via a drip irrigation system. The system will utilize water from irrigation well.

IX. WEED MANAGEMENT

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

A Weed Management Plan has been approved by the Yellowstone County Weed Department. Said weed management plan shall contain the noxious weeds being addressed and the plan for the control of those weeds. All associated cost for noxious weed control is the responsibility of the Put It Here Owners Association.

A re-vegetation plan shall be submitted as part of the management plan. A seeding recommendation can be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

X. SOILS/GEOTECHNICAL STUDY

A geotechnical investigation may be required prior to issuance of a building permit for the buildings in this subdivision.

XI. FINANCIAL GUARANTEES

There are no Financial Guarantees associated with this subdivision as no public improvements are required.

XII. LEGAL PROVISIONS

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

B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.

D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any

notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

- E.** Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G.** Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

DRAFT

FINDINGS OF FACT

The Findings of Fact for the preliminary plat of Put It Here Subdivision have been prepared by the City-County Planning Division staff. 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 and agricultural water user facilities, 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 user facilities

There is a ditch that runs along the north frontage of the property. It is a service ditch for the benefit of others to the east. There are no water rights or shares connected with the subject property. The ditch borders the edge of the property and the road right-of-way. Neither the developer or Planning Division staff was able to locate any ownership information on the ditch, but the developer will leave it as is and unobstructed so water may continue to flow to the east.

2. Effect on local services

a. Utilities – This subdivision will not have any septic facilities as the buildings are condominiums for storage purposes. The applicant is proposing to drill a well for irrigation of landscape only. Any proposed onsite water systems must comply with the State of Montana Department of Environmental Quality (MDEQ). Water well information must be review by MDEQ. **(Condition #1)**

MDU and Northwest Energy will provide gas and electrical utilities as necessary. The applicant will coordinate with the private utility companies for placement of utility easements. **(Condition #2)**

b. Storm water – Storm water will be retained onsite and will be in compliance with Section 4.7, YCSR. A storm water management plan will be submitted and approved by MDEQ prior to final plat approval. **(Condition #1)**

c. Solid Waste – Solid waste disposal will be provided through a private hauler. The Billings landfill has the capacity to accommodate waste from this subdivision.

d. Streets – Access to the subdivision is from Hesper Road. No additional street right-of-way is necessary. Hesper Road is built to County Road Standards with a 24-foot asphalt top and 2-foot gravel shoulders on each side. It is in an 80 foot right of way with drainage ditches on both sides. South 32nd Street is also paved to County Road Standards within a 60 foot right of way. Hesper Road and South 32nd Street West are County dedicated roads and do not have an RSID-M currently on them so this property will not have to expand the district.

Any culvert installed in the drainage swale will be a minimum of 15 inches in diameter. There will be a gated emergency access provided onto South 32nd Street West from the proposed storage facility. The developer will be paving the access from Hesper Road into the development and the interior driveways and areas between the storage buildings. Since the emergency access is not for normal use, it may remain gravel between 32nd Street West and the paved interior of the development.

- e. Emergency Services** – The subject property is within the jurisdiction of the Billings Urban Fire Service Area (BUFSA) and the Yellowstone County Sheriff’s Department. The two main concerns of the fire department are having adequate access to any structures and an adequate water supply for fighting fires. The proposed condos will be serviced by internal drive accesses that are proposed to be just over 66 feet wide and constructed to meet the fire department needs. Also, in accordance with Section 4.14.C.1 of the County Subdivision Regulations, which describes requirements for fire suppression facilities for commercial subdivisions, there are two pressurized fire hydrants on the north side of Hesper Road across from the subject property. Additional fire hydrants may be required with construction of the condo development but that will be determined with BUFSA input upon development.

The Sheriff’s Department will provide law enforcement services for the subdivision and does not have any concerns.

- f. Mail Delivery** - The United States Postal Service will service the property. A centralized mail delivery area has been requested by the USPS. Since these are not proposed to be residential or retail in nature there will most likely be no need for USPS delivery service.

3. Effects on the natural environment

No alteration of any stream will occur with this subdivision.

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed. In accordance with state law, the developer will be required to have a weed control plan in place and will revise recommendations based on required site visits.

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

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Montana Fish, Wildlife and Parks (FWP) was provided information about the proposed subdivision and indicated that they had no concerns with the proposed development and it is not prime deer, antelope or turkey habitat.

5. Effects on public health and safety

There are no known manmade public safety hazards that would affect this subdivision. Plans and designs for a well will be reviewed and approved by MDEQ prior to final plat approval. Fire and emergency services are provided for this proposed subdivision, including a water supply for firefighting purposes.

B. Was an Environmental Assessment required? (76-3-603, MCA)(Section 9.2.C.1, YCSR)

An environmental assessment was not required for this subdivision as per Section 9.2.C.3., YCSR, it is within zoning and a Growth Policy area.

C. Conformance with the Yellowstone County – City of Billings 2008 Growth Policy Update, the 2011 Billings Area Bikeway and Trail Master Plan, and the 2014 Billings Urban Area Long Range Transportation Plan (Section 3.2.H.4., YCSR)

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

The proposed subdivision is consistent with the following goals of the growth policy:

- Goal: Controlled weed populations. (p. 9)
The developer will have a weed control plan and will modify it as needed based on required site visits by the County Weed Department.
- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)
The proposed subdivision is within the County zoning jurisdiction. It is located in an area of the county that has developed into a commercial area. Therefore, it is consistent with the neighborhood character in this area.
- Goal: More housing and business choices within each neighborhood (p.6).
The proposed subdivision would allow for additional business development at this location.

2. 2014 Billings Urban Area Long Range Transportation Plan

Neither Hesper Road or South 32nd Street West at the location of the subject subdivision is identified on the Transportation Functional Class Map. No additional right-of-way is required from this subdivision.

3. Billings Area Bikeway and Trail Master Plan

Neither Hesper Road or South 32nd Street West at the location of the subject subdivision identifies any bike trails on the Billings Area Bikeway and Trail Master Plan. However, the Master Plan does show a proposed bike trail just west of the subject property along Hesper Road to Gabel Road. The 80-foot right of way of Hesper Road in this area may facilitate a future multi-use trail

along Hesper Road in this area. The subdivisions to the west and north across Hesper Road also either have sidewalk constructed or identify future sidewalk easements, indicating that pedestrian facilities will be constructed in this area as further development occurs in the City. While not required at this time, proposed amendments to the County Subdivision Regulations currently moving through the review process are designed to increase pedestrian safety in residential and commercial developments within the Unified Zoning Jurisdiction in the County and would require sidewalk to be built for this development. The area of the project is mixed in terms of property that is in the City and County, with the expectation that more urban style commercial development will occur over time, making more consistent transportation corridors for all users an important long range goal.

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

The subdivision, with the proposed conditions, satisfies the requirements of the Montana Subdivision and Platting Act and conforms to the design standards specified in the Yellowstone County Subdivision Regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the proposed subdivision conform to all requirements of the zoning in effect? (Section 3.2.H.3.e., YCSR)

The subject property is zoned Controlled Industrial in the County zoning jurisdiction area. The proposed structures on site will conform to the required setbacks and lot coverage.

F. Does the proposed plat provide easements for the location and installation of any utilities? (76-3-608(3)(c), MCA) (Section 3.2.H.3.b., YCSR)

Utility easements will be provided on the face of the plat for both electric and natural gas, as requested by MDU and Northwest Energy. (**Condition #2**)

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? (76-3-608(3)(d), MCA) Section 3.2.H.3.c., YCSR)

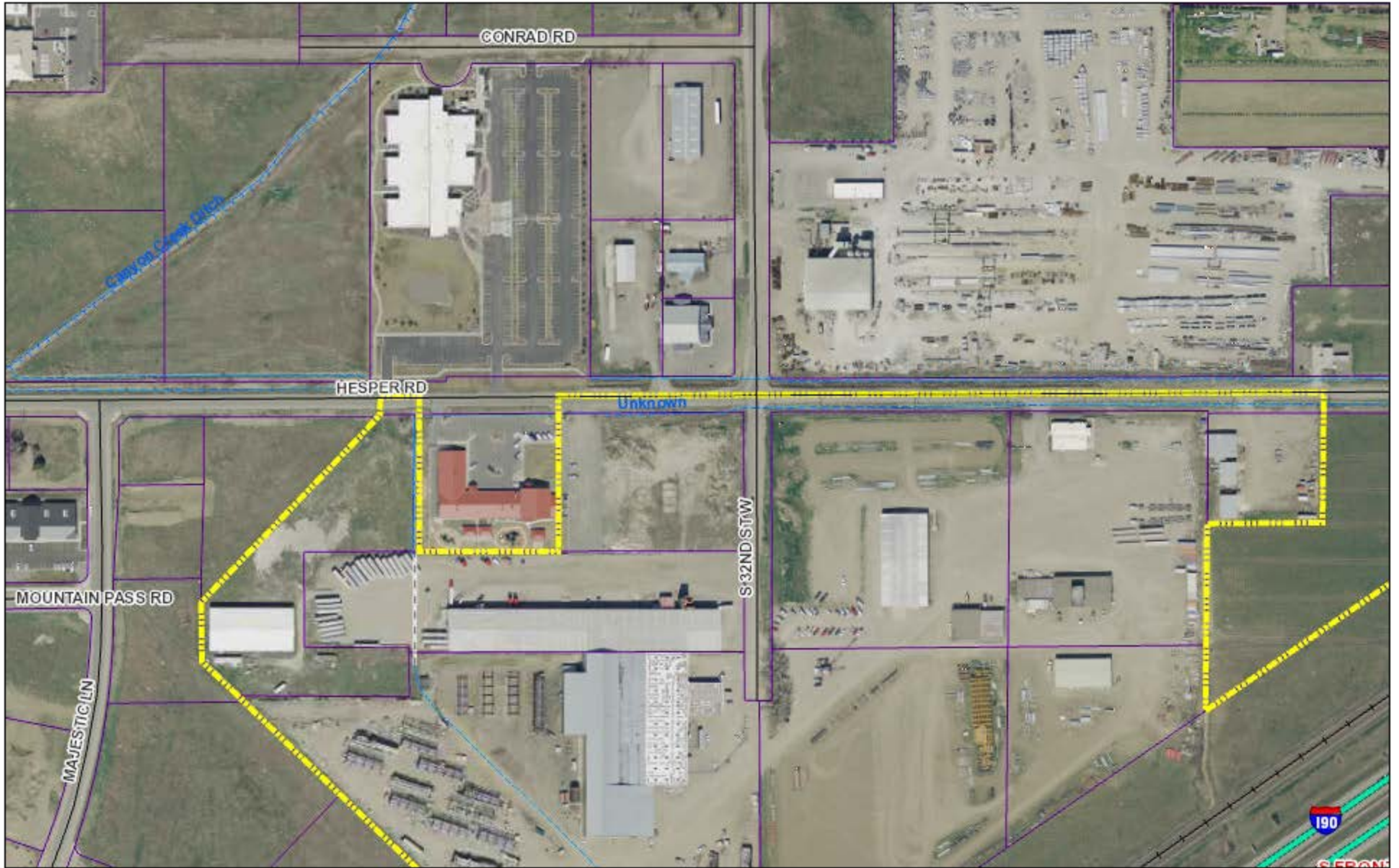
Access to the subdivision lots will be from an existing access off of Hesper Road.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Put It Here Subdivision does not create any adverse impacts that warrant denial of the subdivision.

- With the proposed conditions, Put It Here Subdivision, is in compliance with the Montana Subdivision and Platting Act and the Yellowstone County Subdivision Regulations.
- New water facilities will be approved through the Montana Department of Environmental Quality.

ArcGIS Web Map



December 20, 2016

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|------------------|------------------------------|----------------------|------------------|--------|
| ● City / Town | Arterials and Streets | — US HWY | — MINOR ARTERIAL | — RAMP |
| — Proposed Roads | — Residential Street | — STATE HWY | — COLLECTOR | |
| | — INTERSTATE | — PRINCIPAL ARTERIAL | — CITY COLLECTOR | |

