



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



AGENDA

February 14, 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. **MOTION. MEETING MINUTES:** JANUARY 24, 2017

 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. **MOTION. PLANNING BOARD ENDORSEMENT OF AMERICORPS VISTA ACTIVE TRANSPORTATION VOLUNTEER-PLANNING.** (EXTENDING PROGRAM THROUGH JULY 2018). JEFFERY BUTTS, BIKE AND PEDESTRIAN COORDINATOR.
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- B. **PUBLIC HEARING. MOTION/RECOMMENDATION TO BOCC. ADOPTION OF THE SUBURBAN DESIGN STANDARDS. WYETH FRIDAY, DIRECTOR, PLANNING & COMMUNITY SERVICES DEPARTMENT**
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8. **NEW BUSINESS:** (Agenda items new to this meeting).

- A. **PLAT REVIEW/DISCUSSION. LAKE HILLS SUBDIVISION, 35TH FILING. A 14-LOT CITY MAJOR SUBDIVISION, DAVE GREEN, PLANNER II, PRESENTING.**
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- B. **PLAT REVIEW/DISCUSSION. COAL CREEK SUBDIVISION, A 14-LOT CITY MAJOR SUBDIVISION, DAVE GREEN, PLANNER II, PRESENTING.**
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9. **OTHER BUSINESS:**

- A. **Update: Bike-Pedestrian Master Plan Review Schedule; TIP, (Transportation Improvement Plan), Review Schedule.** Wyeth Friday, Director, Planning & Community Services Department
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- B. **(Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.** Planning Board and Staff.
-

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, FEBRUARY, 28, 2017

- A. **PUBLIC HEARING. MOTION/RECOMMENDATION TO CITY COUNCIL. LAKE HILLS SUBDIVISION, 35TH FILING. A 14-LOT CITY MAJOR SUBDIVISION, DAVE GREEN, PLANNER II, PRESENTING.**
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- B. **PUBLIC HEARING. MOTION/RECOMMENDATION TO BOCC. COAL CREEK SUBDIVISION, A 14-LOT CITY MAJOR SUBDIVISION, DAVE GREEN, PLANNER II, PRESENTING.**
-

Public Hearing Participation Guidelines

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

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

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

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

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

Thank you for participating.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/14/2017

Information

Subject

MOTION. MEETING MINUTES: JANUARY 24, 2017

Attachments

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CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

Board Attendance Roster: Please note: “E” stands for excused absence, “A” stands for un-excused absence, “1” stands for present. **BYLAWS, YELLOWSTONE COUNTY BOARD OF PLANNING, (Amended. May 25, 2004) Section 4. Absences and Removal A.** Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term. Schedule: (** denotes a Wednesday meeting)

| | Position | 01/10/2017 | 01/24/2017 | 02/14/2017 | 02/28/2017 | 03/14/2017 | 03/28/2017 | 04/11/2017 | 04/25/2017 | 05/09/2017 | 05/23/2017 | 06/13/2017 | 6/27/2017 | 07/11/2017 | 7/25/2017 | 08/08/17 | 08/22/17 | 09/12/17 | 09/26/17 | 10/10/17 | 10/24/17 | 11/14/17 | 11/28/17 | 12/12/17 |
|---------------------------|-------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-----------|------------|-----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Dave Goodridge | Mayor/Billings Ward I | 1 | | | | | | | | | | | | | | | | | | | | | | |
| Vacant | Mayor/Billings Ward II | - | - | | | | | | | | | | | | | | | | | | | | | |
| LaVerne Bass | Mayor/Billings Ward III | 1 | 1 | | | | | | | | | | | | | | | | | | | | | |
| Darell Tunnicliff | Mayor/Billings Ward IV | 1 | 1 | | | | | | | | | | | | | | | | | | | | | |
| Patrick Klugman | Mayor/Billings Ward V | 1 | 1 | | | | | | | | | | | | | | | | | | | | | |
| Troy Boucher | YC District 1 | - | 1 | | | | | | | | | | | | | | | | | | | | | |
| Dennis Cook | YC District 2 | - | 1 | | | | | | | | | | | | | | | | | | | | | |
| Vacant | YC District 3 | - | - | | | | | | | | | | | | | | | | | | | | | |
| Vacant | YC District 4 | - | - | | | | | | | | | | | | | | | | | | | | | |
| Vacant | YC District 5 | - | - | | | | | | | | | | | | | | | | | | | | | |
| Vacant | YC District 6 | - | - | | | | | | | | | | | | | | | | | | | | | |
| Francisco Saldivar | YC District 7 | 1 | 1 | | | | | | | | | | | | | | | | | | | | | |
| Clint Peck | Y County Cons. District | 1 | E | | | | | | | | | | | | | | | | | | | | | |
| Scott Reiter | Ex-Officio SD2 | | | | | | | | | | | | | | | | | | | | | | | |

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

January 24, 2017

To be approved by a motion on February 14, 2017

1. Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, January 24, 2017, in the Miller Building 1st Floor conference room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

President Tunncliff called for introductions of the members of the Planning Board and staff. Attending Planning staff members were: Wyeth Friday, Director, Planning & Community Services Department; Dave Green, Planner II, Tammy Deines, Planning Clerk

Others in Attendance: Darin Swenson, Yellowstone County Public Works; Mark Jarvis, Park Planner, City of Billings Parks and Recreation Department; Mike Whittaker, Director, City of Billings Parks and Recreation Department; Michael Svez, Consultant; Matthew Colebank; Auzie Blevins; Leif Welhaven, EEC; Chuck Henrichs, EEC

2. Approval of the January 24, 2017 Agenda: President Tunncliff called for approval of the agenda. **Board member Cook made a motion and Board member Saldivar seconded the motion to approve the agenda as submitted. The motion carried with a unanimous voice vote.**

3. Approval of Minutes: January 10, 2017

Board member Bass requested clarification of Board member Peck’s title in the last section of the minutes acknowledging his appointment.

Motion

Board member Boucher made a motion and it was seconded by Board member Saldivar to approve the January 10, 2017 meeting minutes as corrected. The motion carried with a unanimous voice vote.

4. **Public Comment:** President Tunncliff 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 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 Conflicts of Interest and no Ex Parte Communications.

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7. OLD BUSINESS

7a. Public Hearing. Put It Here Condominiums. A 1-lot, 97-Unit, County Condominium Storage project. Dave Green, Planner II, presenting.

Dave Green opened this agenda item with a PowerPoint presentation and the introduction below.

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 plat 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 plat of the Put It Here Subdivision, 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, before final plat approval, the subdivider shall receive approval from the MDEQ the proposed well and storm water management.
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.

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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.

Discussion

President Tunncliff called for questions and discussion from the members of the Board. Per Board member Bass’ request, Dave green clarified the location of the existing building.

Public Hearing

President Tunncliff opened the public hearing and asked if there is anyone present wanting to speak in favor or against the “Put It Here” subdivision.

Chuck Henricks, Eggart Enterprises, 720 Lohwest Lane, Billings, Montana

Mr. Henricks asked the Board if they have any additional questions. He stated this proposal for condominiums will allow for purchases instead of leases. He added the structures will be heater.

At 6:08 pm President Tunncliff closed the public hearing and called for a motion.

Motion

Board member Goodridge made a motion and it was seconded by Board member Klugman to forward a recommendation to the Yellowstone County Board of County Commissioners to conditionally approve the preliminary plat of the Put It Here Subdivision and adopt the Findings of Fact as presented in the Staff Report.

The motion carried with a unanimous voice vote.

8. NEW BUSINESS

8a. Presentation/Update/Discussion. Parks and Recreation Comprehensive Plan Key Findings.

Consultant Michael Svetz, presenting. Planner Mark Jarvis and Director Michael Whitaker are attending. Director Whitaker introduced Consultant Mike Svetz, who opened this agenda item with a PowerPoint presentation. Mr. Svetz stated he intends to give an overview of the preliminary findings from the survey and the comments received from the stakeholders’ meetings.

City of Billings Comprehensive Parks and Recreation Master Plan Key Findings Presentation-January 2017

Presentation Agenda:

- Demographics
 - **Population and Households.** Planning for future parks is commensurate with knowing where growth will take place. It is necessary to work towards better planning guidance when considering parkland acquisition.

- **Age Segmentation**-consideration for further segmentation in the 55 and older categories to meet needs as people age
- **Population Considerations for Ethnicity**
- **Comparative Household Income Characteristics**
- **Local Market Potential:**
 - General Sports- indications of average participation levels
 - Fitness Activities-indications increase in swimming, walking for exercise, aerobics and weight lifting,
 - Outdoor Recreation- indications show an increase in all outdoor activities. Considerations include locations available for these services.
- **Qualitative Input Summary-** Rating of the system
Ranked the quality of the system as a 3 or a 2
Generally acknowledge the limited staff available to the Department
Knowledgeable about the abundance of undeveloped park lands. Frustration surrounding the length of time it takes to bring these lands into developed and useful status.
Appreciated the recent investments in the legacy parks. This targeted investment also concentrates use, which increases maintenance requirements. Vacant park lands never become a priority because all resources are focused on concentrated use areas.
The level of maintenance effectiveness was varied
The limited number of developed parks leads to a lack of options or organized team practice and game locations
Positive experiences with the Department’s recreation programs-Mixed opinions on the effectiveness of marketing those recreational programs
Participants cited their awareness of a lack of funding as a factor in the themes previously described.

- **Most Important Function**
 - To Provide the Facilities-SAFE, diverse, quality spaces for people to recreate
 - To Encourage Active Citizens
 - Focus on Existing Parks-prioritized making existing lands better over the acquisition of new lands
- **Underserved Segments of Community**
 - **Neighborhoods**-South Side and West End
 - **Types of Facilities and Programs**- Indoor facilities, soccer fields in the Heights and skate parks and disc golf on the West End
 - **New Development**- Newly developed neighborhoods are being short-changed. Desire to see parks developed up-front with new subdivisions
 - **Legacy Park Development**
 - **Access to the Yellowstone River**
- **Increasing Awareness**
 - **Increased Communication/Marketing**
 - **Strengthen Partnerships with local organizations, recreations groups, the private sector and in the faith-based community**
 - **Program Guide/ Brochure**-increased distribution.
- **Role in Economic Development**
 - **HUGE!**-role in business attraction and the livability/quality of life attributes that community's need; Missed opportunities associated with the Yellowstone River
 - **Reflection of Community Values**
 - **Destination Parks and Facilities**
 - **Statistically Valid Survey Results`**
- **Most Important Issues**
 - **Funding**-maintenance and execution
 - **Quantity and Quality of Parks and Facilities**
 - **Leveraging Community Support**
 - **Changing Demographics**
 - **Better Communication**
 - **User Fees**

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- **Taxes**
- **Private Donations**
- **Development-Related Funds**-the use of impact fees, system development fees and the requirement to make developers pay for parks as a part of the initial subdivision development
- **Statistically Valid Survey Results**
 - **A total of residents actually completed the survey: 505**
 - **Confidence level: 95%; Margin of error: +/-4.1%**

Discussion

President Tunncliff called for questions and discussion from the members of the Board. Mr. Svetz stated they plan to return to this Board in May to engage in specific planning element discussions. President Tunncliff thanked them for including Board member Saldivar to participate in this process. He commented on this Board's advisory input in subdivision review which has parkland components. He noted the importance of finding a fair and equitable way for development to make contributions to obtain a basic aesthetic for our community.

Board member Goodridge: Noted the survey ratings for an indoor Ice Skating Rink and the comparison of availability versus community desire. He commented on the need to balance home values and developer contributions; understand the challenge to look at service areas instead of individual development; and the need for marriage between County and City park development efforts.

Board member Cook: There is a need for future discussion on the merit of selling of the undeveloped parkland parcels to promote development of larger regional parks.

Board member Klugman: Asked what are the next steps as far as recommendations? He feels it is important to look towards a call to action for specific projects. Consultant Svetz stated this comes down to funding streams. He commented on a 3-tiered CIP to include life cycle replacements; use existing parkland to meet needs; and plan for larger visionary items. Board member Klugman commented on the wealth of information in the study.

Board member Bass: Pointed out the survey points to a demand or need for indoor facilities and indoor activities yet this community does not have these. What vehicles can be used to meet the expectation? Mr. Svetz stated they plan to generate an equity map for

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a multi-generational recreational center. He stressed it is incumbent on the community to look at indoor space to see how to make Billings and the facilities for regional marketing for sports tourism.

Board member Goodridge: Do other communities that have sales tax tap into the revenue stream? Mr. Svetz explained this depends on how the tax is established. He said the Operations and Maintenance component needs to be robust to ensure sustainability in the short and long term. Funding should ensure the facility can be built, maintained, and have the ability for life cycle replacement.

Board member Cook: Commented there are several smaller communities that have multi-use facilities funded by energy related companies. He said an indoor facility will have to be used to its utmost to be successful. Consultant Svetz said a feasibility study would be needed to understand potential risks with particular consideration to the operation and maintenance side of the equation.

President Tunncliff: Commented on developing government regulations for requirements for development of parklands and using design principles in the neighborhood regulations to create minimum expectations. He would like to see consistency with the use of parklands.

Director Whittaker: Commented on possibility of City Council creating a revenue bond from the City Wide District.

Other Business

A. County Subdivision Regulations-Suburban Design Criteria-Board member Goodridge and Director Friday

Director Friday gave a brief explanation of this agenda item. President Tunncliff thanked Board member Goodridge for serving as Chairman of this Committee and Director Friday for his support and for comprising a strong committee. He commented it is good to identify issues but to have solutions. Director Friday said this was presented in a BOCC discussion session and it was well received. He thanked Darin Swenson, Yellowstone County Public Works, for developing the new roadway cross section. Board member Goodridge pointed out the importance of presenting the fact this is a community related concern. Director Friday said staff will send hard copies of the updated regulations with highlighted exerts in the packets for the next meeting. The significant changes deal with “half-right-of ways” versus “full right-of-ways”. The current issue is that road sections cannot be built with “half-

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right-of ways”. This update calls for developers to provide full right-of-way widths whether it is their property or a portion of the adjacent property to ensure the roadway will function properly.

County Subdivision Regulations
Proposed schedule for review and adoption of 2017 amendments
Suburban Subdivision Design Criteria

Meeting Dates:

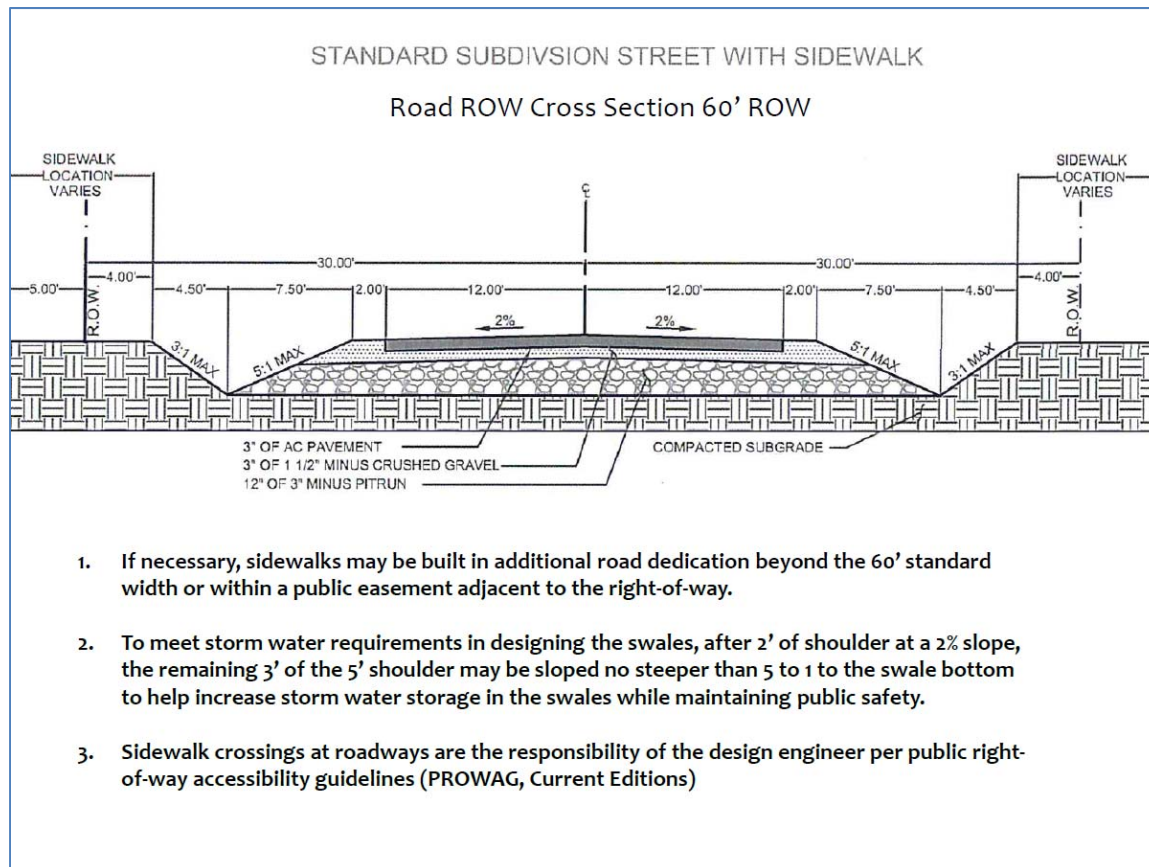
- January 3, 2017 – City Council Work Session Presentation
- January 23, 2017 – BOCC Discussion
- January 24, 2017 – Planning Board Review
- February 14, 2017 – Planning Board Public Hearing and Recommendation to BOCC
- February 28, 2017 – BOCC Resolution of Intent to Amend Regulations, Set Public Hearing
- March 21, 2017 – BOCC Public Hearing and Resolution to Adopt

Where Standards Would Apply

- * Only within the Unified Zoning Jurisdiction
- * Not on land zoned **Agricultural Open Space (A-O)** or **Agricultural Suburban (A-1)**
- * On all other land in the Zoning Jurisdiction zoned residential or commercial

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ADJOURNMENT: 7:48 pm

DRAFT: To be approved by a motion on February 14, 2017



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/14/2017

Information

PROBLEM/ISSUE STATEMENT

The Yellowstone County Board of Planning established the Suburban Subdivision Design Standards Committee in early 2016 to draft enhanced subdivision development requirements suitable to the suburban areas around Billings in the County. The Committee has met 8 times and has had participation from Planning Board Members, private consultants and developers, a Council Member, a County Commissioner, and staff from both the City and County. The Planning Board at its meeting on January 24 reviewed the proposed changes. A public hearing is scheduled for this meeting so that the Board may take public comment and make a recommendation to the Board of County Commissioners for action on these amendments.

BACKGROUND

The Planning Board had found that the current County Subdivision Regulations do adequately address impacts created by higher density subdivisions including, but not limited to, increased traffic, storm water runoff and pedestrian safety. Further, the current County regulations have created situations where County subdivision development close to the City of Billings is built to standards that require significant reconstruction of infrastructure if annexed into the City, making the costs to property owners significant and the retrofitting projects complicated. Further, Lockwood is developing with water and sewer infrastructure to a more urban community and these changes to the regulations will help the Lockwood community gradually develop and redevelop with consistent road and pedestrian infrastructure that serves its residence and makes installation of utilities easier in existing road rights-of-way.

Suburban areas, such as Lockwood and the west end of Billings on the City/County fringe, impact the motorized and non-motorized transportation network, surface water quality and public health and safety more than rural subdivisions. However, the County has only one level of development requirements for all development in the County. The developer is held to these requirements at time of subdivision, but the purchasers of lots are responsible for future subdivision improvements and maintenance. Further, some developers choose to make added improvements for pedestrian access that are not completed in adjacent developments and so inconsistent street design makes neighborhoods disconnected and pedestrian travel safer in some areas than in others.

Enhanced subdivision development requirements for the suburban areas of the County would ensure these subdivisions are initially constructed to reduce the cost burden of future lot owners, alleviate the County's share of providing certain improvements, and protect public health and safety. The proposed regulations would be incorporated into the County Subdivision Regulations and apply to property within the Unified Zoning Jurisdiction.

SUBURBAN SUBDIVISION DESIGN CRITERIA PROCESS

This Special Committee of the Planning Board is comprised of members of the public, developers and consulting engineers, Lockwood Steering Committee representatives, and both City and County governing bodies and staff. The Committee has met eight times since March 2016 and has also conducted four outreach presentations and provided information to the Lockwood Steering Committee, Lockwood Pedestrian Safety District, Billings Association of Realtors, Billings Home Builders Association, and local engineers and surveyors involved in development in the County.

The Committee is now preparing to bring the proposed County Subdivision Regulation amendments back to the Planning Board for review and public hearing before forwarding a recommendation to the Yellowstone County Board of County Commissioners for consideration. The Committee expects the process to be complete in March 2017. Here is the proposed schedule for review and action on the regulation amendments:

- January 3, 2017 – City Council Work Session Presentation (Completed)
- January 23, 2017 – BOCC Discussion (Completed)
- January 24, 2017 – Planning Board Review (Completed)
- February 14, 2017 – Planning Board Public Hearing and Recommendation to BOCC
- February 28, 2017 – BOCC Resolution of Intent to Amend Regulations, Set Public Hearing
- March 21, 2017 – BOCC Public Hearing and Resolution to Adopt

FINANCIAL IMPACT

There is no direct financial impact to the County if these regulations are adopted. Staff will continue to administer the regulations as subdivisions are reviewed and approved. There will be some limited staff time in the City-County Planning Division and County Public Works Department to ensure the new regulations are distributed for the public and to make sure that the new road cross-section information and the sidewalk construction standards are available for developers to utilize during construction. The main cost will be on the development side for the installation of sidewalks in the areas where these regulations apply. It has been estimated by developers that have participated on the Special Committee that these changes could add about \$4,000 per lot (depending on lot sizes) for the design and construction of sidewalks.

RECOMMENDATION

The Suburban Subdivision Design Criteria Committee recommends that the Planning Board conduct a public hearing and forward a recommendation to the Yellowstone County Board of County Commissioners to adopt these changes to the County Subdivision Regulations.

Attachments

Review Schedule

Power Point Presentation

Draft Subdivision Regulation Amendments

County Subdivision Regulations
Proposed schedule for review and adoption of 2017 amendments
Suburban Subdivision Design Criteria

Meeting Dates:

- January 3, 2017 – City Council Work Session Presentation
- January 23, 2017 – BOCC Discussion
- January 24, 2017 – Planning Board Review
- February 14, 2017 – Planning Board Public Hearing and Recommendation to BOCC
- February 28, 2017 – BOCC Resolution of Intent to Amend Regulations, Set Public Hearing
- March 21, 2017 – BOCC Public Hearing and Resolution to Adopt

Staff Process Dates:

- January 2, 2017 – Post draft amendments on City and County websites this week
- January 17, 2017 – Memo for PB review due
- January 26, 2017 – Legal Notice due for PB Public Hearing on 2/14/17 (Planning)
- February 7, 2017 – PB memo for PH due
- February 23, 2017 – Memo due for BOCC Resolution of Intent
- March 2 & 9, 2017 – Legal Notices BOCC Public Hearing (BOCC Clerk)

Proposed Suburban Subdivision Design Standards

Presented by the
Suburban Subdivision Design Standards Committee
Planning Board Meeting
Public Hearing
February 14, 2017

Committee Purpose and Goals

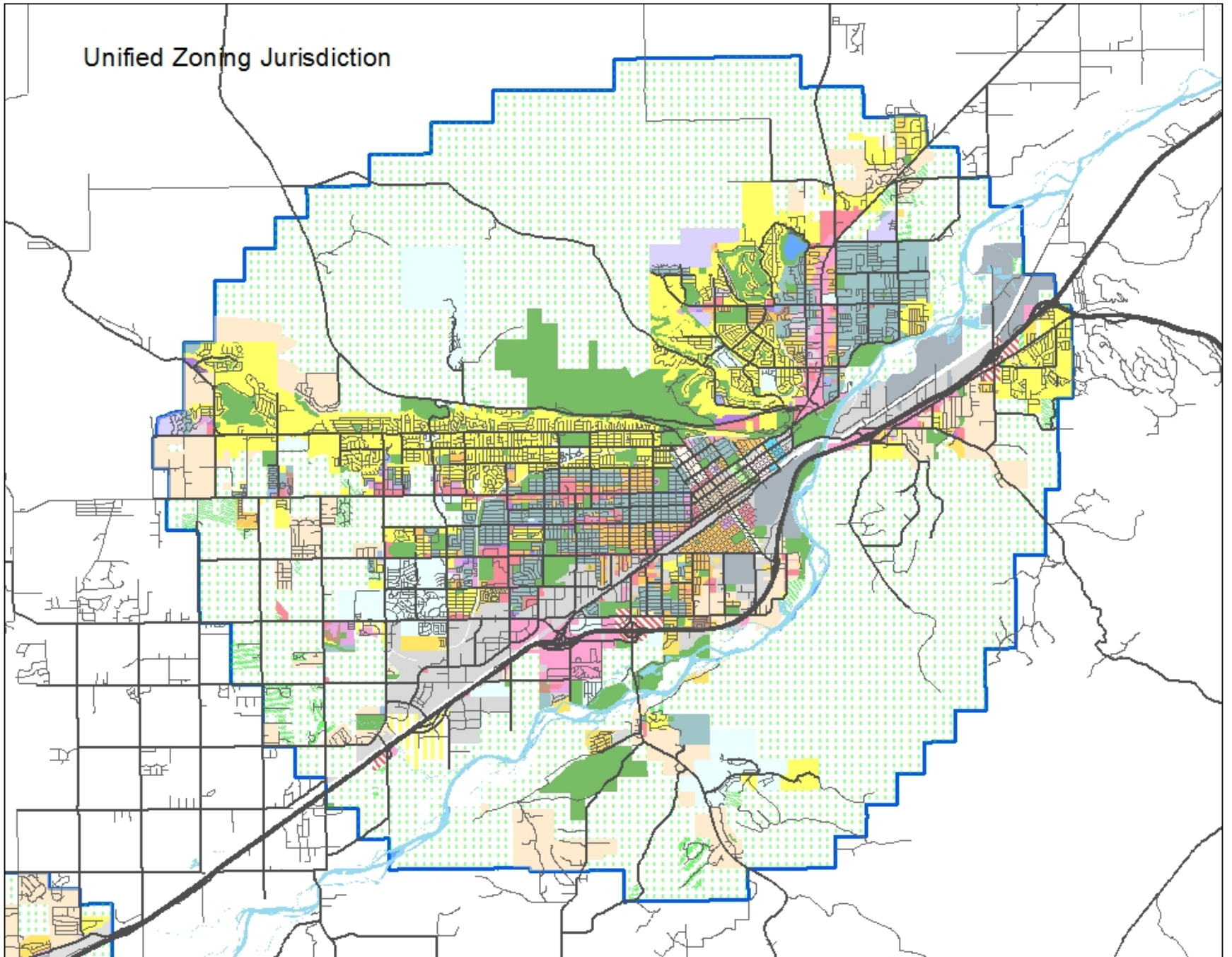
Committee was formed by the Yellowstone County Board of Planning in February 2016. Committee has met 8 times

- * Address safety and consistency of County subdivision development in suburban areas of the County within the Zoning Jurisdiction
- * Address subdivision development that may be annexed into the City or see future public services and improvements that will require additional improvements
- * Focus on road and pedestrian facility standards
- * Committee Goals:
 - * Safety in county neighborhoods
 - * Consistency of neighborhood design

Where Standards Would Apply

- * Only within the Unified Zoning Jurisdiction
- * Not on land zoned **Agricultural Open Space (A-O)** or **Agricultural Suburban (A-1)**
- * On all other land in the Zoning Jurisdiction zoned residential or commercial

Unified Zoning Jurisdiction



Committee Recommendations

* Streets

- * 60' ROW minimum in all subdivisions
- * Minimum 28' between swales (ditches)
- * Gravel shoulders and swale areas to accommodate future retrofitting of water and sewer, more City style street improvements

* Sidewalks

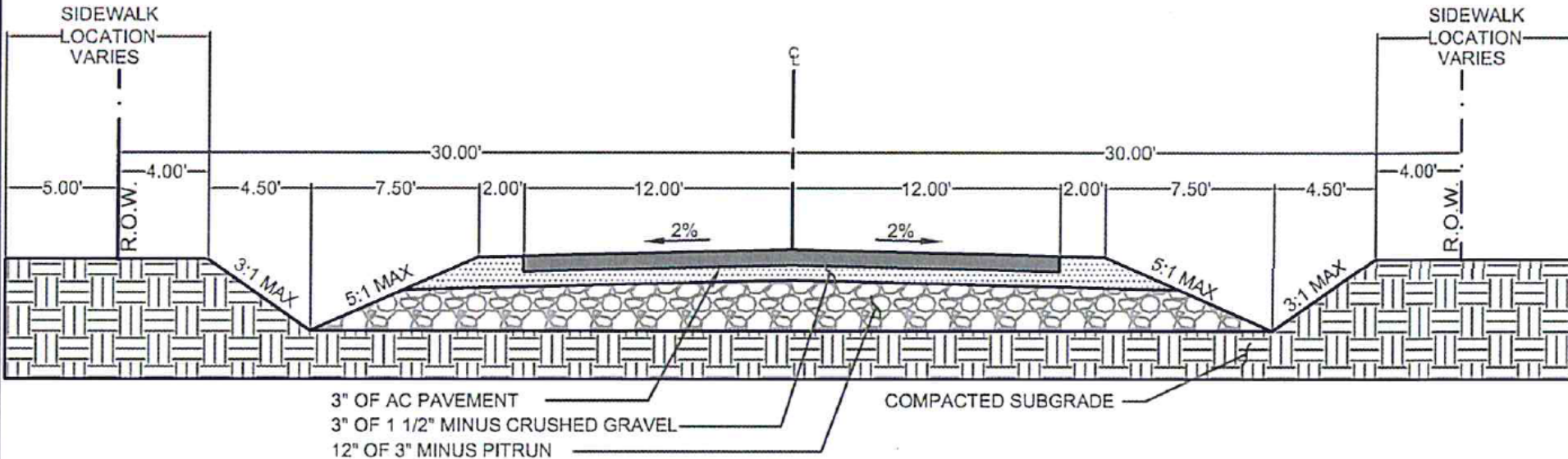
- * Sidewalks installed in ROW or public easements outside swales
- * Sidewalks built to 5' width as per County Public Works standards (concrete)

* Storm Water

- * No changes proposed – MDEQ requirements in place

STANDARD SUBDIVISION STREET WITH SIDEWALK

Road ROW Cross Section 60' ROW



1. If necessary, sidewalks may be built in additional road dedication beyond the 60' standard width or within a public easement adjacent to the right-of-way.
2. To meet storm water requirements in designing the swales, after 2' of shoulder at a 2% slope, the remaining 3' of the 5' shoulder may be sloped no steeper than 5 to 1 to the swale bottom to help increase storm water storage in the swales while maintaining public safety.
3. Sidewalk crossings at roadways are the responsibility of the design engineer per public right-of-way accessibility guidelines (PROWAG, Current Editions)

Safety

- * **Committee Goal: Safety of neighborhoods**

- * Few sidewalks in County subdivisions but many families and residents need safe ways to enjoy their neighborhoods
- * Sidewalks help connect neighborhoods together and to other services and amenities – schools, parks, etc.
- * Providing sidewalks in suburban areas of the County make connections to City development safer and future annexation less costly for residents

Consistency of Design

- * **Committee Goal: Consistency in neighborhood design**
 - * Neighborhood roads and sidewalks connect and match in design
 - * Residence know they can move safely and freely within and between neighborhoods
 - * Suburban area of the County is different than rural areas and residence and travelers expect a suburban design
 - * Developers know that everyone is meeting same requirements and standards in design

Overall Benefits

- * **Short and long term benefits of these proposed changes**
 - * Increased safety for subdivision residents and visitors
 - * Consistent storm water management for all development
 - * Improvements installed, or planned for, up front make it less expensive than retrofitting later (road widths, space for future public water and/or sewer systems, etc.)
 - * All development is meeting the same standards – consistency of cost for developers and builders, and expectations of buyers
 - * Anticipation of future well water challenges in some areas of the County

Committee Outreach

- * Billings Association of Realtors
- * Lockwood Steering Committee
- * Engineers, Surveyors, Development Consultants
- * Lockwood Pedestrian Safety District
- * Provided Information to Billings Home Builders Association



Questions and Comments?

Suburban Subdivision Design Standards Committee

Infrastructure Standards Draft Language

January 23, 2017

Yellowstone County Subdivision Regulations

Chapter 2.0 DEFINITIONS.....

Chapter 4.0 DEVELOPMENT REQUIREMENTS.....

Section 4.1 General.....

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Section 4.9 Water Supply Systems.....

Section 4.10 Solid Waste Disposal.....

Section 4.11 Utilities.....

Comment [FW1]: Changes have been proposed in these sections of the YCSR.

DRAFT

Yellowstone County Subdivision Regulations

[Chapter 2.0 DEFINITIONS.](#)

[SIDEWALK: A minimum 5 foot wide concrete walkway for non-motorized traffic only built to Yellowstone County standards and provided within a road right-of-way, an easement, or within park land, as applicable.](#)

Chapter 4.0 DEVELOPMENT REQUIREMENTS.

Section 4.1 General.

All subdivisions approved by the governing body must comply with the provisions of this Chapter, except where granted a variance pursuant to Section 11.1, Variances, of these Regulations. The requirements contained in this Chapter apply to subdivisions within areas of Yellowstone County as outlined in Section 1.4 of these Regulations, except when otherwise separately specified.

Section 4.2 Conformance with Zoning.

In addition to the standards outlined in this Chapter, the design and development of a subdivision must conform to any applicable zoning regulations as found in the Unified Zoning Regulations (Article 27, BMCC).

Section 4.3 Improvement Design.

Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body must be prepared by a professional engineer or professional land surveyor as their respective licensing laws allow in accordance with the Montana Subdivision and Platting Act (MSPA) and these regulations.

Section 4.4 Lots.

- A. **Regulation of Lots:** Each lot must contain a building site that conforms to Yellowstone City-County Health Department regulations, the Unified Zoning Regulations where applicable, the regulations of this Chapter and other applicable State or local regulations.
- B. **Dimensions, Orientation and Topography:** The lot size, depth, shape and orientation shall be appropriate for the location, contemplated use of the subdivision and the zoning of the property. Flag lots shall be discouraged except in cases where they are necessary due to topography or other physical constraints on the property. Areas of lots with more than 25% grade for building sites shall be subject to a geotechnical analysis. Areas within the subdivision with a slope of 25% or greater shall be identified on the face of the preliminary and final plats.
- C. **Frontage:** Residential lots shall have a minimum of thirty-two (32) feet of frontage on a public right of way, public road easement, private access easement, or private driveway easement. Lots in commercial and industrial districts shall have a minimum lot width frontage of forty-four (44) feet on a public right of way, public road easement, private easement, or private driveway easement, or through a reciprocal access easement.
- D. **Division by Rights-of-Way:** No single lot may be divided by a public road, alley, or access easement.
- E. **Rural Lot Limitations:** Residential or commercial lots not served by public sewer or public water systems shall not be less in area than what is required by Montana Department of Environmental Quality regulations. There is nothing contained in this Chapter that shall be construed as preventing the MDEQ or the County environmental health regulatory agency from requiring that all or any portion of a subdivision shall not be built upon, or that the proposed lot sizes must be increased to ensure protection of public health.

Subdivisions that are developing in the County but are within the City of Billings Annexation Petition Area or Long Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public water or sewer system, should consider in designing water and/or sewer systems the future connection to the public systems. Designing the systems to connect to a public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system.

- F. **Corner Lots:** Design of corner lots must meet the following requirements:
1. Corner lots must be of sufficient size to provide a building site while meeting the clear vision requirements specified in the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines.

2. Residential corner lots adjacent to a street identified as a Principal or Minor Arterial must have vehicular access only to an internal street in the subdivision identified as a Collector or Residential street, except when limited by topography or other physical constraints of the property.

G. **Double Frontage Lots:** Double frontage lots (See Figure 2.1) are allowable when they are necessary due to topography and when a one (1) foot wide no-access easement is provided for separation of residential development from railroad or major street rights-of-way.

1. Residential Areas: For any residential subdivision where an arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for lots to back up to the arterial street and provide a one (1) foot wide no-access easement to prevent vehicle access to the arterial street.
2. Commercial Areas: For any commercial subdivision where an arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for shared accesses to the arterial street or access via internal roads with a one (1) foot wide no-access easement to prevent uncontrolled vehicle access to the arterial street.

Section 4.5 **Blocks.**

A. **Size and Orientation:** Length, width and shape of blocks shall be determined with consideration of the following:

1. Provision of adequate building sites suitable to the needs of the type of use contemplated;
2. Needs for convenient and necessary access, circulation, traffic control and traffic safety, and public safety;
3. Limitations or opportunities created by the topography.

B. **Rights-Of-Way for Internal Non-motorized Connections:** Public rights-of-way for internal non-motorized connections within blocks will be required when ~~needed~~essential to provide circulation or safe access to schools, parks, playgrounds, shopping, transportation and other community facilities. Pathways or sidewalks shall also be installed ~~from~~ the end of cul-de-sacs or dead ends to the property boundary of the subdivision to make connections to other cul-de-sacs or streets in adjacent neighborhoods, where deemed appropriate by the Board of County Commissioners.

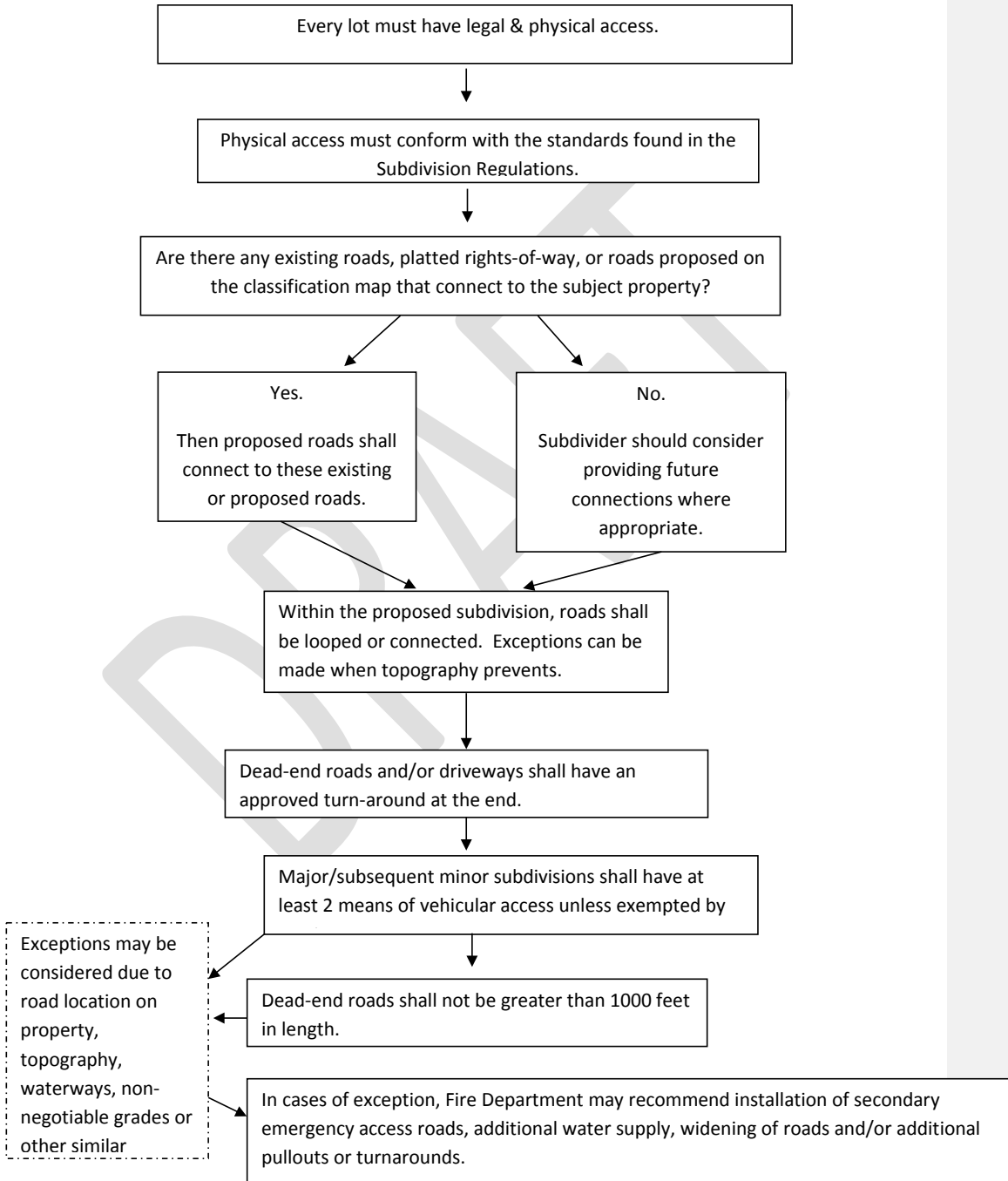
C. **Block Numbering:** All blocks shall be identified with Arabic numerals.

Section 4.6 Streets and Roads.

A. **Road Network Performance Standards:** When evaluating a subdivision's road network, subdividers and reviewing agencies shall take into consideration the following criteria. These criteria were developed to ensure that all new lots are provided access that is safe, convenient and effective for future lot owners. The proposed road network shall also enable emergency service providers to protect life and property under severe emergency situations.

1. Every lot shall have documented legal and physical access.
2. Physical access shall be provided in conformance to the standards found in the subdivision regulations.
3. There shall be right-of-way and road connections made when existing roads or platted roads outside of the subdivision connect to the subject parcel.
4. Proposed roads shall be looped or connected to other roads whenever possible. Exceptions can be made when there are topographic features that prevent connections or when the legal status of the road prevents connection.
5. Dead end roads and/or driveways greater than 150 feet in length must have an approved turn-around at their terminus.
6. Major and subsequent minor subdivisions shall have at least two means of vehicular access unless exempted in Section 4.6.B.5.
7. Dead end roads shall not be more than 1000 feet in length.
8. When access roads cannot be installed as required above in #6 & #7 due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the fire department having authority may recommend additional fire protection measures, including, but not limited to, the installation of a secondary fire apparatus access road, additional water supply, widening of roads, and/or additional pullouts or turnarounds.

Figure 4.6.A.1. Road Network Evaluation Flowchart



B. Streets and Roads, General:

The arrangement, type, extent, width, grade, and location of all streets shall be designed with consideration to any adopted area plans including, but not limited to, the Growth Policy and Transportation Plan, and must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them.

1. Relation to Undeveloped Areas: When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land. Street right-of-way within the proposed subdivision shall be provided to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions.
2. Relation to Developed Areas: The subdivider shall arrange the streets to provide for the continuation of streets between adjacent developed properties when such continuation is necessary for the convenient movement of traffic, effective provision of emergency services and efficient provision of utilities. Such provision may be waived where the adjacent land use is incompatible with the proposed subdivision, or when prevented by topography or other physical conditions.
3. Separation of Through and Local Traffic: Whenever a subdivision abuts or contains an existing or proposed highway, Arterial street or Collector street, the subdivider may be required to provide frontage roads, reverse frontage lots with a no-access strip preventing access along the rear property lines, planting or fencing screens, shared accesses, or other treatment as may be necessary to adequately protect residential properties and to separate through and local traffic.
4. Distance between Parallel Right-of-Way: Where a subdivision borders on or contains a railroad, limited access highway, canal, stream or ditch right-of-way, the subdivider may be required to provide a street or easement approximately parallel to and on each side of the right-of-way at a distance sufficient to allow for the operations and maintenance of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.
5. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utility easements, all major subdivisions and subsequent minor subdivisions shall provide at least two means of vehicular access built to the standards of this Chapter and designed to ensure public health and safety.

Exceptions to the requirement to provide at least two means of vehicular access may be made for major and minor subdivisions that meet all of the following criteria:

- Access is provided by a cul-de-sac with an approved turnaround that is 1,000 feet or less in length; and
- The subject cul-de-sac is served by a local, collector, or arterial road that is not classified as a dead end road; and
- The subject cul-de-sac serves no more than 12 lots, or no more than 20 lots that are zoned residential.

Provision of a second means of vehicular access may be required for any subdivision when deemed necessary for public health, safety and welfare.

When not otherwise exempt, if a second means of vehicular access built to County road standards cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency secondary access road, built to the standards detailed in Section 4.14 of these Regulations.

6. Dead-end Roads: Dead-end access roads in excess of one hundred fifty (150) feet shall not be permitted without an approved turn around at the terminus. Where such roads terminate, the subdivider shall provide a “cul-de-sac” or “hammerhead-T” turnaround conforming to the design standards outlined in Figure 4.6.C.4. In cases where a dead-end road may be extended in the future, a right-of-way easement or dedication may be required to be provided.

7. Right-of-Way and Half Street Developments: A minimum 60-foot right-of-way or road easement must always be provided when developing. If the property is being developed on only one side of an existing or proposed road corridor and dedicated right-of-way or a road easement is required, the property owner developing must secure the additional 30-foot half right-of-way or easement from the adjacent property owner. If the additional 30-foot half right-of-way or easement is not able to be secured, the property owner developing shall provide a full 60-foot right-of-way on the subject property.

The property developing must build the sidewalk, swale, and portion of the shoulder and roadway as determined by the County Public Works Department to meet the applicable road design standards. The additional improvements on the remaining portion of the right-of-way or road easement will be constructed at the time the adjacent property develops. Half streets are allowed when they are essential to the subdivision, are beneficial to the County, or when the County Public Works Department is satisfied that the other half of the street will be dedicated to the public when the adjoining property is subdivided. When an existing half street is adjacent to a tract to be subdivided, the other half of the street must be platted within the new subdivision.

8. Street Continuity: Streets that are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerlines shall coincide and shall have matching names. In cases where straight continuations are not physically possible, such

centerline shall be continued by a centerline offset of not less than one hundred twenty-five (125) feet.

9. Tangent for Reverse Curves: A tangent shall be introduced where necessary between reverse curves on Arterial and Collector streets as determined by a Professional Engineer licensed in the State of Montana.
10. Deflected Street Lines to be Curved: When continuing street lines deflect from each other at any one point by more than five (5) degrees, they shall be connected by a curve with a radius adequate to ensure stopping sight distance at the center line of a street in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines.
11. Intersections: Local streets shall be laid out so as to intersect as nearly as possible at right angles and no local street shall intersect any other local street at less than eight (80) degrees. Such angle of 80 degrees or greater shall be retained for at least fifty (50) feet back from the intersection. Any street intersection involving an arterial and/or collector streets shall intersect at ninety (90) degrees, shall be retained for at least one hundred (100) feet back from the intersection. Not more than two (2) streets shall intersect at any one point unless warranted by design by a Professional Engineer licensed in the State of Montana and reviewed by the County Public Works Department.
12. Lot Corners at intersections: Lot corners at all street intersections shall be rounded with a minimum radius of ten (10) feet.
13. Sight distance: The alignment of all streets and roads must provide adequate sight distances in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines. Intersections must be designed to provide adequate visibility for traffic safety based on the designed operating speeds of the intersecting roadways.
14. Approach Permits: The subdivider shall obtain the applicable approach or access permits for all new accesses to County roads. For any new vehicular access onto a state controlled road or highway, the subdivider shall obtain an approach permit approved by the Montana Department of Transportation (MDT).
15. Street/Road Names and Addressing: New streets/roads aligned with existing streets/roads shall have the same name as the existing street/road. All new street/road names shall be approved by the Yellowstone County GIS Department prior to final plat approval in order to avoid duplication and confusion with names of existing roads. County lot addresses are assigned by County GIS in conjunction with issuance of an approach permit by County Public Works.
16. Street/Road Signs and Traffic Control Devices: Street or road signs and traffic control devices of the size, shape, and height in conformance with the standards contained in the *Manual on Uniform Traffic Control Devices* must be placed at all intersections.

17. Central Mail Delivery: When required by the United States Postal Service, the developer must provide a cluster/gang mailbox for mail delivery.
18. Road Design and Improvement Standards: All streets and roads, existing or proposed, within and adjacent to a proposed County subdivision shall meet the design and improvement standards outlined in Section 4.6.C. of this Chapter, as well as the design specifications required by the County Public Works Department.
19. Street/Road Maintenance: The subdivider shall establish a new Rural Special Improvement District (RSID) or expand an existing adjacent RSID prior to final plat approval to provide funds for ongoing maintenance for all new public improvements associated with the subdivision. These improvements may include, but not be limited to, new roads, bridges, culverts, street signs, sidewalks, pathways and any other public improvements resulting from the subdivision.

C. Road and Street Performance Standards for Subdivisions

1. General: The design and improvement standards contained in this section shall apply to all construction and reconstruction of streets and roads within subdivisions in Yellowstone County.
2. Improvement Design: All street improvements shall be designed by and constructed under the supervision of a professional engineer, competent in civil engineering, licensed in the State of Montana. All improvements shall meet or exceed the right-of-way and construction standards for the type of street to be constructed found within these Regulations, the adopted transportation plan, and adopted policies of the County Public Works Department.
3. Plans and Specifications: Plans and specifications for all public or private streets shall be prepared by a professional engineer, competent in civil engineering, licensed in the State of Montana. A complete set of plans and specifications certified with the responsible Professional Engineer's embossed seal shall be provided to the County Public Works Department prior to initiation of any street improvement construction. The subdivider shall provide professional engineering services for construction inspections, and post-construction certifications. Record drawings shall be submitted to the County Public Works Department upon completion of construction. Post Construction Certifications shall include, but not be limited to, the following:
 1. Compaction test results;
 2. Certification that all required improvements are complete;
 3. Certification that the subdivider knows of no defects from any cause in those improvements;

4. Certification that these improvements are free and clear of any encumbrance or lien;
5. The method by which the one year guarantee is to be provided;
6. A schedule of actual construction costs shall be filed with the Public Works Department.

4. Road and Traffic Studies (see Figure 4.6.C.1)

- A. Road Evaluation Study for Unpaved Roads: If existing or proposed roads leading to and/or within the proposed subdivision are unpaved, prior to preliminary plat review, a Road Evaluation Study (RES) shall be done by a licensed engineer to determine the viability of roads serving a proposed subdivision. Roads serving a subdivision are defined as the primary road or roads leading to the subdivision, and any on-site or proposed new roads serving the subdivision. Expedited plats are exempt from the RES requirement.

The RES should determine the probable impact the proposed subdivision will have on the existing and proposed road network by describing the following characteristics of the existing roads leading to the subdivision and any on site or proposed new roads serving the subdivision.

- Road surface, section thickness, base type and thickness
- Existing type of traffic and traffic loads; expected type and load from proposed subdivision
- Topography
- Stormwater provisions—existing and possible impacts to roads
- Maintenance records for existing roads – grading, dust control, etc.
- Accident data for existing roads
- Sight distances for existing and proposed roads
- Grades of existing and proposed roads

Probable impacts from the subdivision shall be mitigated and a mitigation plan shall be proposed. If there significant impacts to existing and proposed roads identified in the RES or as determined by County Public Works Department, a more detailed Traffic Impact Study shall be completed as described below in B.

- B. Traffic Impact Study: A Traffic Impact Study (TIS) shall be prepared by a licensed engineer specializing in traffic applications and submitted with the preliminary plat application for any new residential, institutional, commercial or industrial development which will generate five hundred (500) or more vehicular trips per day, as referenced in the most current edition of the Trip Generation manual of the Institute of Transportation Engineers. A vehicular trip is defined as a one-way journey of a person in an automobile or a transit vehicle. A TIS may also be

required when significant impacts are identified by the RES.

If the study indicates a need for road surface improvements, installation of traffic signals, intersection improvements, or other on or off-site road improvements to facilitate traffic loads or flow generated by the entire proposed development, the subdivider shall be responsible for his/her proportional share of those improvements. The study shall include, but not be limited to the following:

- a. Trip generation, using the Institute of Transportation Engineers Trip Generation Manual;
 - b. Trip distribution;
 - c. Traffic assignment;
 - d. Capacity analysis;
 - e. Evaluation; and
 - f. Recommended access plan, including access points, modifications and any mitigation techniques.
 - g. Land use and trip generation in the form of a table of each type of land use, the number of units or square footage, as appropriate, the trip rates used (daily and peak) and resulting trip generation.
 - h. Traffic graphics, which show:
 - AM peak hour site traffic;
 - PM peak hour site traffic;
 - AM peak hour total traffic;
 - PM peak hour total traffic;
 - Total daily traffic (with site generated traffic shown separately).
 - i. AM and PM capacity analysis with an AM and PM peak hour capacity analysis provided for:
 - All major drive accesses that intersect collector or arterial streets or roads; and
 - All arterial-arterial, collector-collector and arterial-collector intersections within one mile of the site.
 - j. Capacity. Indicate the levels of service (before and after development) of existing and proposed streets and roads, including appropriate intersections, to safely handle any increased traffic. Describe any anticipated increased maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.
 - k. Bicycle and Pedestrian Pathways, Lanes and Routes. Describe bicycle and pedestrian pathways, lanes or routes to be developed with the development.
 - l. Traffic Calming. Detailed drawings of any proposed traffic calming installations, including locations and turning radius templates.
5. **Street and Road Right-of-Way Dedication:** All streets or alleys within, or providing access to, the proposed subdivision shall be dedicated to the public and accepted by the County except when an approved public access easement or private road is provided in accordance with these Regulations.

6. Access easements: Where access to or within a subdivision is proposed using access easements the subdivider must obtain or provide proper easements of sufficient width to satisfy the requirements of Table 4.6.C.1. The easement shall meet the following:
- a. Easements must be granted by all property owners whose land the easement(s) cross in a signed and notarized document to be recorded with the final plat.
 - b. The location of any road easement must be shown on the plat if it is within the subdivision or on a supplemental exhibit if it is off site. The existence of easements must be noted on the face of the final plat and on any deeds or other instruments conveying lots within the subdivision.
 - c. All newly created easements shall be written so that they are easements appurtenant that run with the benefited land.
7. Private Roads: Private roads may be allowed within a subdivision if access is restricted with a permanent gate or some other acceptable means at the subdivision entrance. A private road easement shall be provided meeting the criteria listed under Section 4.6.C.6 above. A mechanism for maintenance of any private roads shall be established prior to final plat approval and referenced in the Subdivision Improvement Agreement.

8. Right-of-Way and Street Widths: Street right-of-way and surface widths for all roads, public or private, within the Unified Zoning Jurisdiction with the exception of property in Agricultural Open Space (A-O) and Agricultural Suburban (A-1) Zoning Districts, shall be provided as shown in Table 4.6.C.1., ~~below~~.

Street right-of-way and surface widths for all roads, public or private, on property in the Agricultural Open Space (A-O) and Agricultural Suburban (A-1) Zoning Districts or outside of the Unified Zoning Jurisdiction shall be provided as shown in Table 4.6.C.1

9. Shoulders: Shoulders shall be required on both sides of all roads where no curb and gutter ~~or parking lanes are~~ required. ~~The S~~shoulders within the Unified Zoning Jurisdiction with the exception of property in Agricultural Open Space (A-O) and Agricultural Suburban (A-1) Zoning Districts, shall be a minimum two feet wide as per the applicable stormwater requirements, and graveled, and must meet the specifications of County Public Works. Refer to cross sections in Figure 4.6.C.1., Figure 4.6.C.2. and Figure 4.6.C.3 as applicable for shoulder requirements.

Shoulders on roads in the Agricultural Open Space (A-O) and Agricultural Suburban (A-1) Zoning Districts or outside of the Unified Zoning Jurisdiction shall be two (2)

[feet wide and graveled, and must meet the specifications of County Public Works.](#) (See Figure 4.6.C.2. or Figure 4.6.C.3.)

10. **Alleys:** Proposed alleys in both residential and commercial subdivision shall meet the following standards:
 - a. The width of an alley shall be a minimum of twenty (20) feet.
 - b. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed to permit single unit truck movement.
 - c. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the end.
11. **Grading/Cut and Fill:** All streets and alleys within or adjacent to the subdivision shall be excavated or filled to the grade established by these Regulations.
12. **Base Construction:** The type of base required will vary depending on the nature of the existing material and with the particular type of traffic to be accommodated, and shall be reviewed by County Public Works according to County specifications unless otherwise warranted by Engineering design. (See Figures 4.6.C.2. and 3.)
13. **Street surfacing:** All roads within or adjacent to the subdivision shall be paved if they connect to an existing paved road (See Figure 4.6.C.2.). Also, paving shall be required on all subdivision streets [within the Unified Zoning Jurisdiction, except for those in the Agricultural Open Space or Agricultural Suburban Zoning Districts](#) (See Figure 4.6.C.1.). Standards for such paved surfacing shall be according to County specifications unless otherwise warranted by Engineering design.

Standards for gravel surfaced roads shall be according to County specifications unless otherwise warranted by Engineering design. (See Figure 4.6.C.3.)
14. **Street Grades:** All street grades shall conform to the requirements of the County. Street grades shall not exceed the following, with due allowance for reasonable vertical curves and intersection treatment.

| <u>Street Type</u> | <u>Percent Grade</u> |
|--------------------|----------------------|
| Arterial | 4 |
| Collector | 7 |

Table 4.6.C.1. Required Dedications and Street Improvements for Subdivisions

| Street Type | Right-of-Way | Road Width | Lane Width | Parking Width | Turn lane width | Median Width | Sidewalk/Pathway Minimum Width |
|---------------------------------|--------------|------------|------------|---------------|-----------------|--------------|--------------------------------|
| Principal Arterial | | | | | | | |
| • 6 lanes w/center turn-lane | 120' | 92'* | 12'/14'** | --- | 14' | --- | 5' |
| • 4 lanes w/center turn-lane | 120' | 92'* | 12'/14'** | --- | 14' | --- | 5' |
| Minor Arterial | | | | | | | |
| • 4 lanes w/median | 100' | 68'* | 12' | --- | --- | 14' | 5' |
| • 2 lanes w/median | 100' | 52'* | 12' | --- | --- | 14' | 5' |
| Commercial Collector | | | | | | | |
| • 2 lane | 80' | 44'* | 14' | 8' | --- | --- | 5' |
| • 2 lanes w/center turn lane | 80' | 42'* | 14' | --- | 14' | --- | 5' |
| Residential Collector | | | | | | | |
| • 2 lane | 70' | 40'* | 12' | 8' | --- | --- | 5' |
| • 2 lanes w/center turn lane | 80' | 50'* | 12' | 8' | 14' | --- | 5' |
| Commercial Local Access | 60' | 28'**** | 12 | n/s | --- | --- | 5' |
| Residential Local Access | 56'/60'*** | 28'**** | 12 | n/s | --- | --- | 5' |
| Cul-de-Sac 100-1000 feet | 56'/60'*** | 28'**** | 12 | n/s | --- | --- | 5' |
| Cul-de-Sac <100 feet | 40' | 24' min. | 10 | n/s | --- | --- | --- |

Comment [P2]: remove last row

* Widths to be provided if warranted by a RES or TIS.

** Interior lane(s) is 12 feet and the outside lane is 14 feet.

*** ~~56-60~~ feet minimum is required for all subdivisions, unless otherwise specified in Table 4.6.C.1 for the Street Type, ~~within the zoning jurisdiction. 60 feet is required for subdivisions outside the zoning jurisdiction.~~

*** Roads in the Agricultural Open Space or Agricultural Suburban Zoning Districts, or roads outside of the Unified Zoning Jurisdiction will be built 28' wide to include a 24' paved or gravel driving surface, 2' shoulders, and drainage swales (See Figure 4.6.C.2. or Figure 4.6.C.3.). All roads within the Unified Zoning Jurisdiction, except for those in the Agricultural Open Space or Agricultural Suburban Zoning Districts, will be built 28' wide to include 24' paved driving surfaces, 2' minimum shoulders, drainage swales, and a 5' sidewalk outside of the drainage swales (See Figure 4.6.C.1.).

15. ~~Sidewalks: Pedestrian Sidewalks~~ pathways shall be installed with all streets within the Unified Zoning Jurisdiction with the exception of property zoned Agricultural Open Space or Agricultural Suburban, where a majority of the lots are less than 25,000 square feet in area. In lieu of, or in combination with, the required pathways, the subdivider may construct an approved multi-use bicycle/pedestrian path or trail that is connected and accessible to all lots. Required pathway Sidewalk widths shall follow those listed in Table 4.6.C.1. ~~and meet Yellowstone County Public Works design standards. It is recommended that pathway, multi-use path, or trail designs follow the standards provided in the adopted Heritage Trail Plan.~~

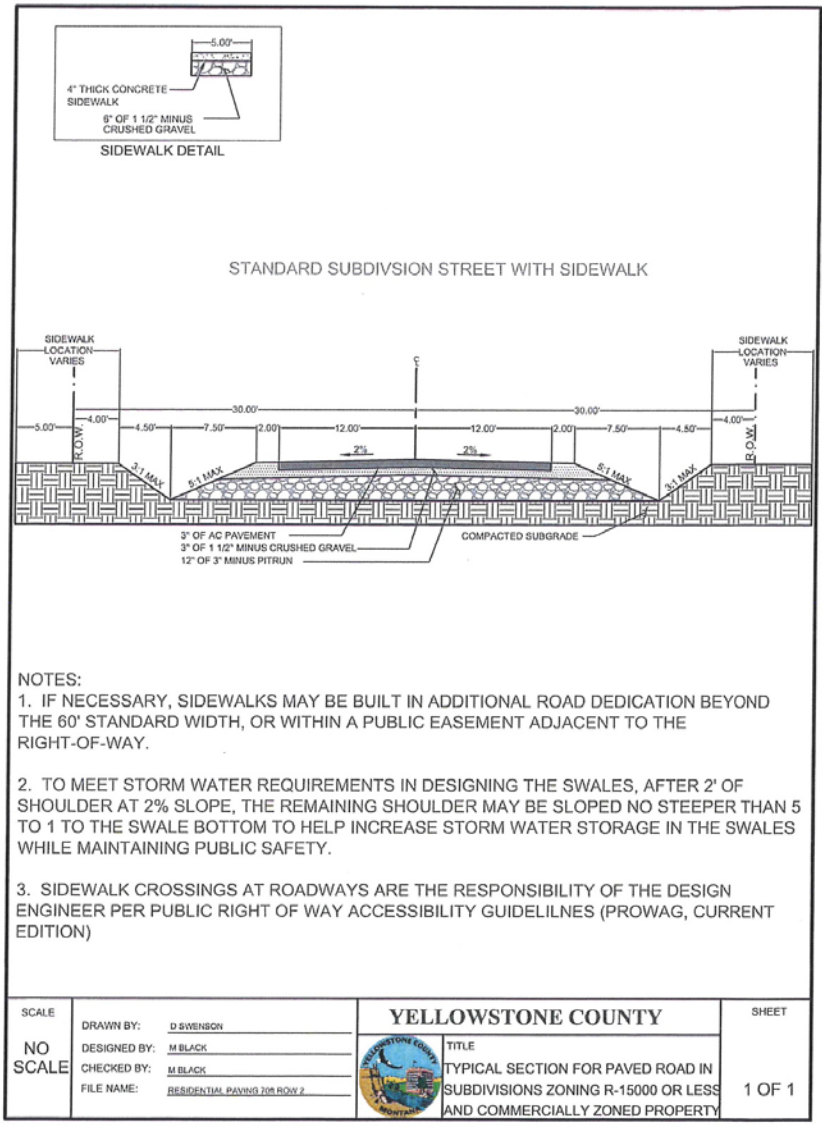
16. Access Driveways: Access driveways are defined as an access serving one or two lots and not more than five dwellings. Accesses serving more than two lots or five dwellings shall be considered a road, and shall be built to the road standards outlined in these Regulations. An approach permit is required for all new access driveways. New driveways shall meet the following standards:

- a. In residential subdivisions, the maximum driveway width shall be thirty (30) feet. The minimum distance between driveways shall be twenty-five (25) feet.
- b. In commercial and industrial subdivisions, the maximum driveway width may be up to fifty (50) feet when approved by the County. The minimum distance between driveways shall be twenty-five (25) feet.
- c. In any allowable location, no driveway width shall be less than twelve (12) feet wide.
- d. Only one driveway shall be provided to any single residential lot unless otherwise approved by the Board of County Commissioners or designee. Additionally, in

cases where a lot fronts on a collector or arterial road currently carrying or projected to carry more than 500 vehicles trips per day or where site distances warrant, the County may require shared access drives among lots. The County may permit more than one driveway for commercial lots.

- e. In cases where an access driveway is in excess of 150 feet in length, it shall have a minimum unobstructed width of twenty (20) feet, and shall have an approved turn-around at its terminus (See Figure 4.6.C.5 for acceptable design standards for driveway turn-arounds).

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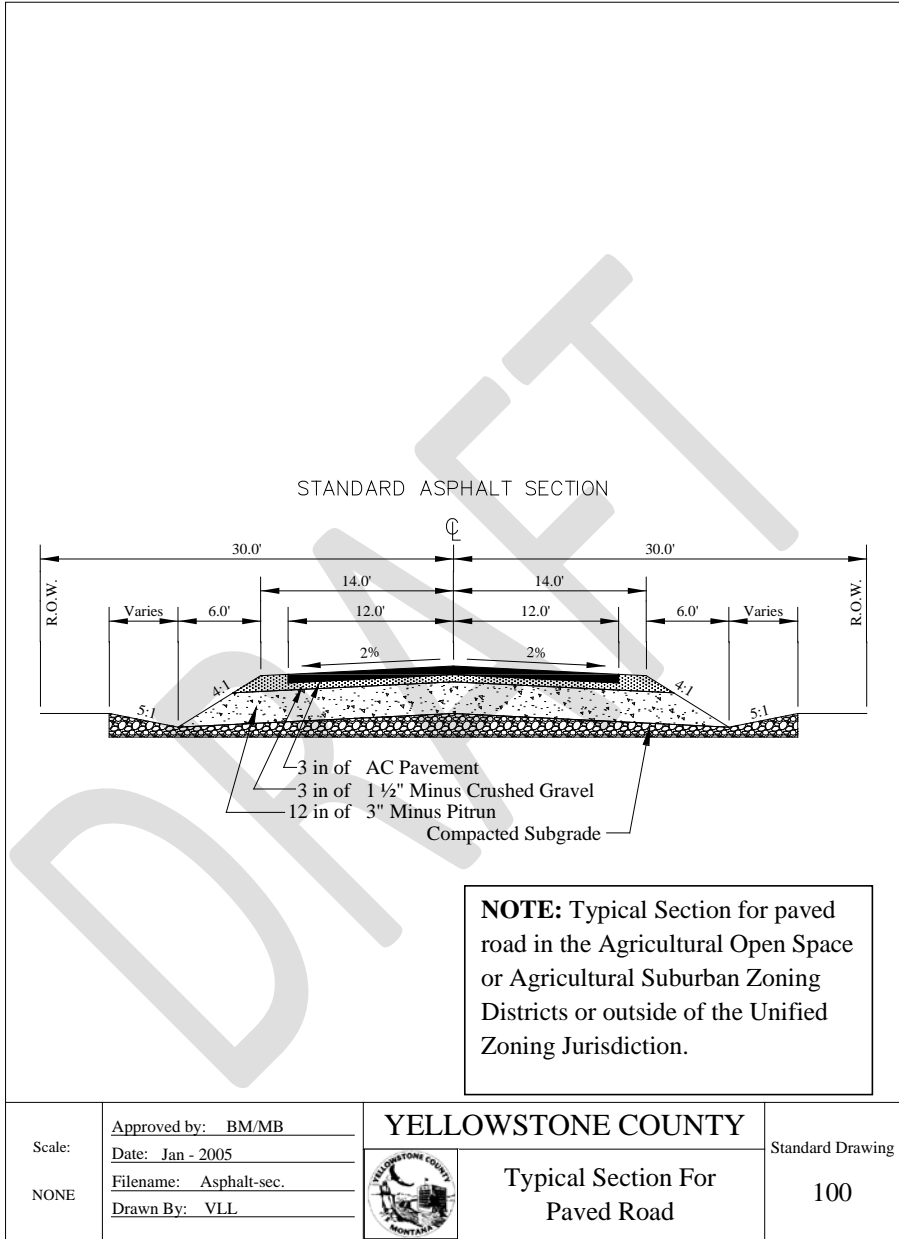


Figure 4.6.C.2.

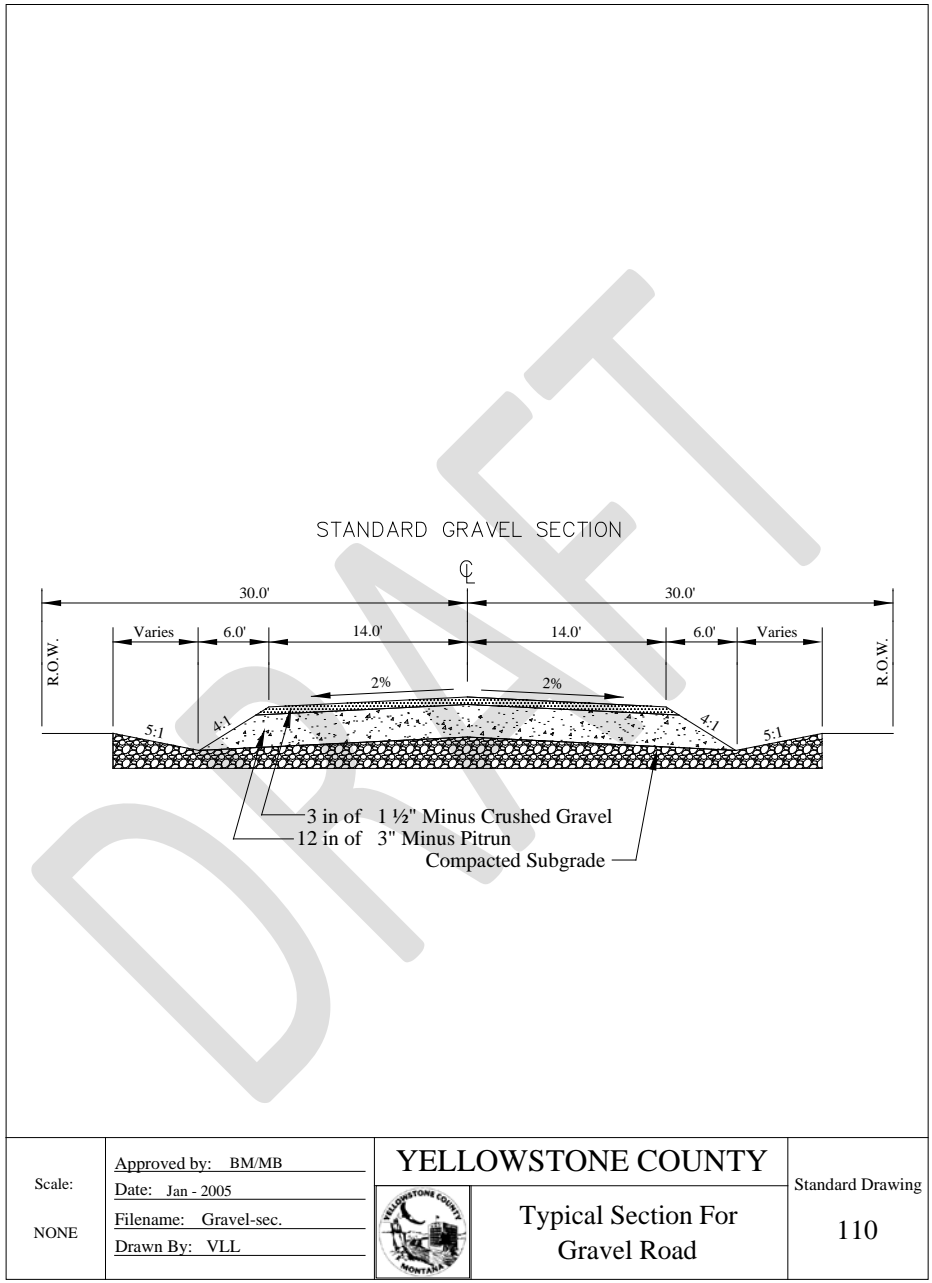


Figure 4.6.C.3.

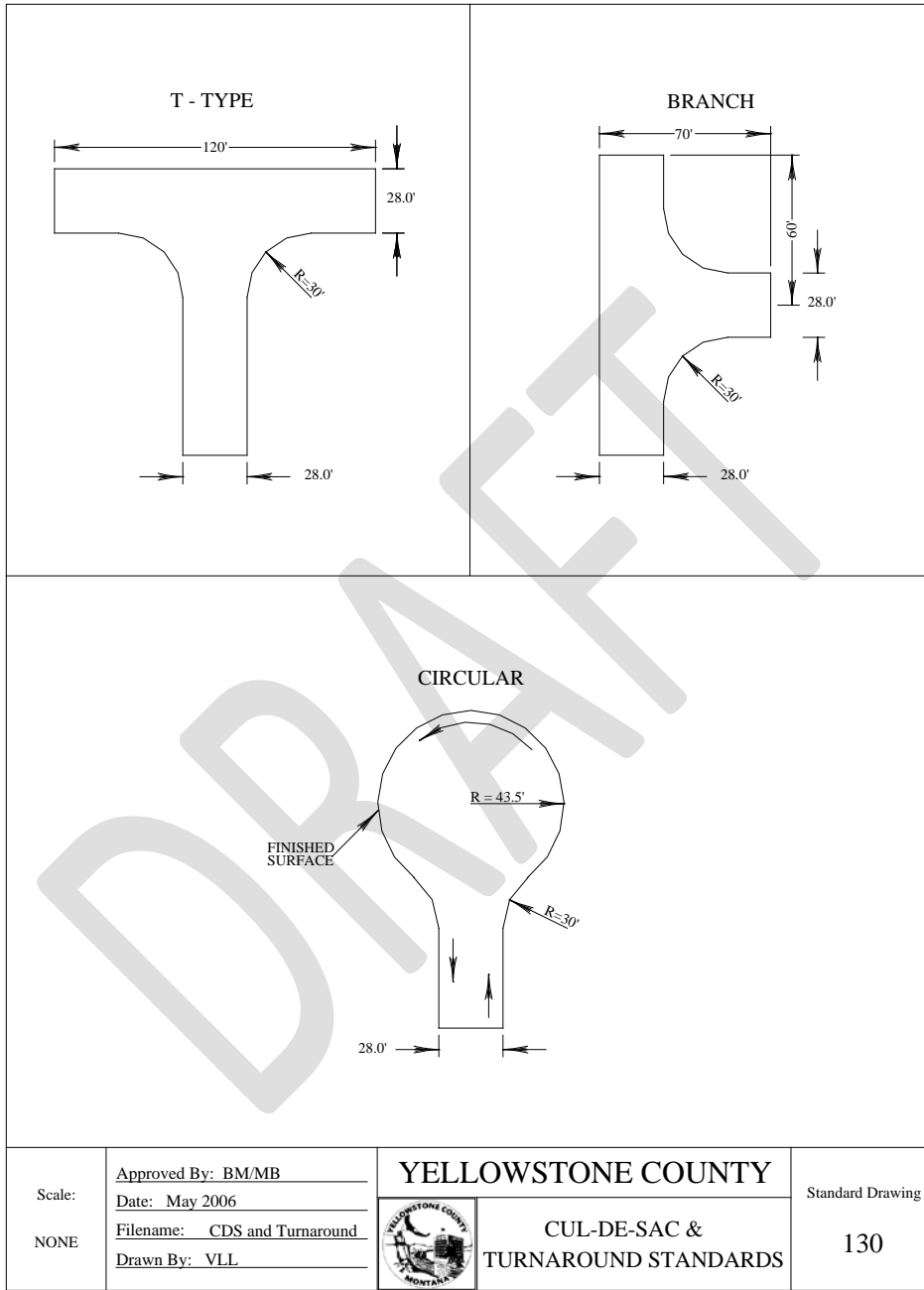
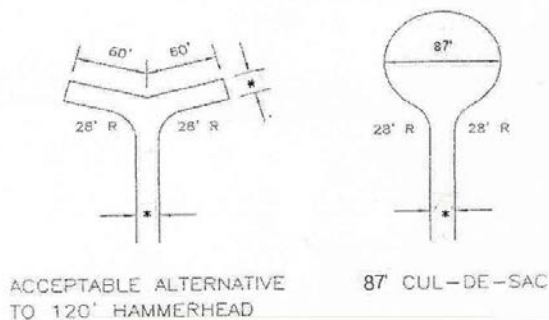
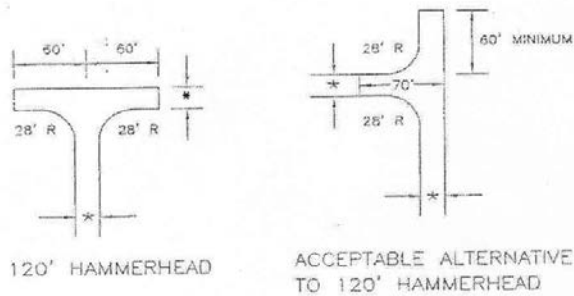


Figure 4.6.C.4. Turn-around standards for Roads

D. **Multi-Use Trails, General:** When applicable, subdivisions shall be reviewed for consistency with the currently adopted Billings Area Bikeway and Trail Master to provide multi-use trail routes for safe, convenient non-motorized transportation routes throughout the County.

1. It is recommended that all new subdivisions provide a 20-foot-wide multi-use trail easement across the property if the Heritage Trail Plan indicates that a proposed multi-use trail route crosses the subdivision property.
2. If the Heritage Trail Plan indicates that a proposed trail route crosses the subdivision property, and a segment of the corridor has already been provided on adjacent property, then it is recommended that the subdivision provide a 20-foot wide trail easement to connect to the trail segments at the property lines to provide for a continuous trail route.
3. When parkland dedication is required and the Heritage Trail Plan indicates that a proposed trail route crosses the subdivision property, dedication of linear park land including a trail easement may be considered as all, or a portion of, the required parkland dedication (See Sections 10.2 and 10.4 of these Regulations).



* = Twenty (20) feet minimum
unless otherwise required.

Figure 4.6.C.5. Turn-around Standards for Access Driveways

Section 4.7 Storm Drainage Facilities.

A. **General:** Facilities and design for storm water drainage shall be provided in accordance with standards set by the Montana Department of Environmental Quality (MDEQ). The subdivider shall provide a storm water collection and conveyance system which is designed and constructed in accordance with MDEQ standards and which may be connected to an existing storm drainage system. If there is no existing storm drainage system in the area or if the existing system has insufficient capacity to carry the additional discharge, the subdivider shall provide an onsite area for retention or detention with controlled outlet capacity, if needed. Such on-site retention or detention and controlled outlet shall be utilized only if specifically approved by the MDEQ.

B. **Drainage Discharge:** Discharge of storm drainage is subject to the following:

1. Storm drain systems shall not discharge into sanitary sewer facilities.
 2. Storm drain systems shall not discharge into agricultural water user's facilities without the written permission of the appropriate irrigation district.
 3. Stormwater detention or retention ponds may be located within public park land at the discretion of the County Park Board. Such areas shall not count toward the park land dedication requirement unless they are approved by the County Park Board, designed to serve as an amenity to the park, and fit into the planned uses and improvements to the park (See Chapter 10 of these Regulations).
- C. **Easements:** Easements may be required between lots and along public rights-of-way to manage storm drainage in subdivisions.
- D. **Location of Facilities:** If any onsite retention or detention facility is used it shall be included as part of the lots, public right-of-way or parkland. No separate parcels shall be created exclusively for such facilities.
- E. **System Maintenance:** If any onsite retention or detention facilities are utilized, unless otherwise provided, a special maintenance district shall be created prior to filing the final subdivision plat in order to provide funds for the maintenance of such facilities.
- F. **Future Improvements:** If any onsite retention or detention facility is used, a waiver of right to protest the creation of a future storm drain system special improvement district shall be executed by the subdivider and recorded and filed with the final plat.
- G. **Municipal Separate Storm Sewer System (MS4):** Yellowstone County is part of a program to reduce pollutants in storm water runoff from construction activities that result in a land disturbance of greater than or equal to one (1) acre, within the MS4 boundary and outside the city limits in Billings. A map of the MS4 boundary is available in the Public Works Department. Development inside the MS4 boundary may be required to follow the procedures described below.

Any person or person that perform(s) construction activities within the MS4 boundary that result in a land disturbance of greater than or equal to one (1) acre, shall obtain a permit or permission from MDEQ and abide by all of their rules, requirements, and conditions. This shall include construction plan submittal to MDEQ. A copy of the submittal, along with any responses or replies from MDDEQ shall also be submitted to the Yellowstone County Public Works Department. [The final DEQ approved storm water management plan for all subdivisions shall be provided with the final plat and recorded as part of the final DEQ documents when the final plat is recorded.](#)

Section 4.8 Sanitary Sewer System.

- A. If the subdivision is within the service area of a public sanitary sewer system, and sanitary sewer services are within 500 feet of the boundary of the subdivision, the subdivider shall install complete sanitary sewer system facilities in accordance with the requirements of the sewer district involved and the Montana Department of Environmental Quality (MDEQ). If the boundary of the subdivision is more than 500 feet from sanitary sewer services, the subdivider will sign a waiver of right to protest future sanitary sewer infrastructure improvements and assessments.

The subdivider shall submit an application for extension of sanitary sewer services and plans and specifications for the proposed facilities to the sewer district involved and to the Montana Department of Environmental Quality (MDEQ) and shall obtain necessary approvals prior to final plat approval.

- B. If any boundary of the subdivision is within 500 feet of a public sanitary sewer system, the subdivider must connect to the sewer district and install sanitary sewer system facilities.

The governing body may grant a waiver of the requirement to connect to a public system if the subdivider demonstrates that connection to the public system is physically or economically impractical, or if the district or utility refuses to provide service. For purposes of this Section, a connection is economically practical if the cost is less than or equal to three times the cost of installation of an approvable system on the site.

Subdivisions that are developing in the County but are within the City of Billings Annexation Petition Area or Long Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public sewer system, should consider in designing sewer systems the future connection to the public systems. Designing the systems to connect to a public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system.

- C. Where individual septic systems are proposed, the systems must, at a minimum, meet the standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Subdivisions/Onsite Subsurface Wastewater Treatment), and obtain approval by the Montana Department of Environmental Quality and/or the Yellowstone County Environmental Health Department, as required below.

1. For lots less than 20 acres, MDEQ approval shall be obtained prior to the submittal of the final plat application.
2. For lots equal to or greater than 20 acres, Yellowstone City-County Health Department approval is required prior to the submittal of the final plat application.

D. Where the subdivision may reasonably expect sanitary sewer service from the City of Billings public sewer system or other public sanitary sewer system at a future date, as determined by the Yellowstone County Board of Planning, a waiver of right to protest the creation of a future sanitary sewer system special improvement district shall be executed by the subdivider and filed and recorded with the final plat. However, subdivisions that are developing in the County but are within the City of Billings Annexation Petition Area or Long Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public sewer system, should consider in designing sewer systems the future connection to the public systems. Designing the systems to connect to a public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system.

Section 4.9 Water Supply System.

- A. If the subdivision is within the service area of a public water supply system, the subdivider shall install complete water system facilities in accordance with the requirements of the water district involved and the Montana Department of Environmental Quality (MDEQ).

The subdivider shall submit an application for extension of water services and plans and specifications for the proposed facilities to the water district involved and to the Montana Department of Environmental Quality (MDEQ) and shall obtain necessary approvals prior to final plat approval.

- B. If any boundary of the subdivision is within 500 feet of a public water supply system, the subdivider must connect to the water district and install water supply system facilities.

The governing body may grant a variance from the requirement to connect to a public system if the subdivider demonstrates that connection to the public system is physically or economically impractical, or if the district or utility refuses to provide service. For purposes of this Section, a connection is economically practical if the cost is less than or equal to three times the cost of installation of an approvable system on the site.

Subdivisions that are developing in the County but are within the City of Billings Annexation Petition Area or Long Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public water system, should consider in designing water systems the future connection to the public systems. Designing the systems to connect to a

public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system.

- C. Where individual water supply systems are proposed, the systems must, at a minimum, meet the standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Subdivisions/Onsite Subsurface Wastewater Treatment), and obtain approval by the Montana Department of Environmental Quality and/or the Yellowstone County Environmental Health Department, as required below.
1. For lots less than 20 acres, MDEQ approval shall be obtained prior to the submittal of the final plat application.
 2. For lots equal to or greater than 20 acres, Yellowstone City-County Health Department approval is required prior to the submittal of the final plat application.

D. Where the subdivision may reasonably expect water supply service from the City of Billings public water system or other public water system at a future date, as determined by the Yellowstone County Board of Planning, a waiver of right to protest the creation of a future water system special improvement district shall be executed by the subdivider and filed and recorded with the final plat. However, subdivisions that are developing in the County but are within the City of Billings Annexation Petition Area or Long Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public water system, should consider in designing water systems the future connection to the public systems. Designing the systems to connect to a public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system.

Section 4.10 Utilities.

- A. All new utilities serving the subdivision including electricity, cable television, and telephone shall be placed underground, with the exception of fire hydrants, cable closures, alignment markers, etc. Easements for utilities shall be clearly indicated on the plat.
1. Easements across lots or centered on common rear or common side lot lines shall be provided for public utilities and shall be at least 16 feet wide; easements located along perimeter lot lines shall be at least 8 feet in width. The width of an easement may vary depending upon the utility company serving the subdivision.
 2. Utility facilities shall be designed by utility firms in cooperation with the subdivider, subject to applicable laws and rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities.

- B. Where a subdivision is proposed partially or wholly within an airport influence area and noise zone, as defined in Article 5-400, Billings Montana City Code, or as identified by the City of Laurel, a perpetual air rights easement shall be executed. Maps depicting the various zones can be found on file with the County Planning Board.

DRAFT



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/14/2017

Information

INTRODUCTION

On January 1, 2017, Performance Engineering and Consulting, agent for property owner Trenton Parks, applied for preliminary major plat approval for Lake Hills Subdivision, 35th Filing. The proposed subdivision re-plats 8 lots originally platted in the Lake Hills Subdivision, 15th and 33rd Filings, into 14 lots. The subject property is located on both sides of Gleneagles Boulevard, between Cherry Hills Road and Annandale Road, northwest of the Lake Hills Golf Course in the Heights. The property is zoned Residential-5000 (R-50) and twin homes are proposed. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on February 28, 2017.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Lake Hill Subdivision, 35th 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 provide for the installation of private utilities, prior to final plat approval the applicant will coordinate with private utility providers for any needed easements and show them on the final plat as requested by the private utility companies.
2. To minimize impacts on local services, centralized mail delivery site(s) shall be coordinated and identified prior to final plat approval. A letter from USPS shall be provided for verification.
3. 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.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

No variance has been requested.

PROCEDURAL HISTORY

- A pre-application meeting was held on December 18, 2016 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on January 3, 2017.
- A departmental review meeting was conducted on January 19, 2017.
- The preliminary plat was resubmitted with revisions based on department reviews on January 26, 2017.
- The Planning Board will review the plat on February 14, 2017.
- The Planning Board will conduct a public hearing on February 28, 2017, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on March 27, 2017.
- The 60 working-day preliminary plat review period ends March 30, 2017.

PLAT INFORMATION

| | |
|--------------------------|---|
| General location: | On both sides of Gleneagles Boulevard (unconstructed at this time) north west of Lake Hill Golf Course. |
| Legal Description: | Amended Lots 4 & 5, Block 5 of Lake Hills Subdivision, 33 rd , and Lots 1-4, Block 18, and Section 16, Lots 3 & 4, Block 19 of Lake Hills Subdivision, 15 th Filing; located in T1N, R26E. |
| Subdivider/Owner: | Trenton Parks |
| Engineer and Surveyor: | Performance Engineering and Consulting |
| Existing Zoning: | R-50 |
| Existing land use: | Platted vacant lots |
| Proposed land use: | Multi-Family Residential |
| Gross and Net area: | 3.19 acres |
| Proposed number of lots: | 14 |
| Lot size: | Max: 10,680 square feet Min.: 8,029 square feet |
| Parkland requirements: | Parkland dedication was previously met. |

Attachments

Findings of Fact
Proposed Plat
SIA

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Lake Hills Subdivision, 35th Filing and has provided them for review by the Planning Board, as follows:

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608(3)(a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property is located in the City limits and has been slated for residential development since it was originally platted in 1958. It should not have a negative effect on the agricultural industry.

The BBWA irrigation ditch is located approximately ½ mile northeast of the property. This subdivision does not contain any ditches or water shares, and therefore will not have an effect on agricultural water user facilities.

2. Effect on local services

a. Utilities – Water services will be provided by the County Water District of Billings Heights (CWDBH). Water mains exist within Cherry Hills Road. The developer will continue the 8-inch water main in Cherry Hills Road to the intersection of Cherry Hills Road and Gleneagles Boulevard. The developer will install a 12-inch water main in Gleneagles Boulevard to the northern border of this proposed subdivision. The developer will install a 12-inch water main in Annandale Road along the north edge of the proposed subdivision to the eastern edge of the proposed subdivision. Each lot will have a water stub extended to it for future connection by home owners. New water services installed in the streets and to all of the new lots will be subject to the review and approval of the water district prior to construction.

Sanitary sewer service will be provided by connecting to and extending the existing sewer mains in Cherry Hills Road and extending them north up Gleneagles Boulevard to the northern edge of the proposed subdivision. Sewer connections will be stubbed to each lot for future home owners to connect. New sewer services will be subject to the review and approval of City of Billings Engineering prior to construction.

MDU will provide gas services, and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements shall be shown on the face of the final plat that are acceptable to these utility providers. **(Condition #1)**

b. Storm water – The City commissioned a storm water management feasibility study approximately eight years ago in order to determine how to best manage the storm water in the greater Lake Hills area. The resultant plan that was adopted by City Council establishes a series of detention ponds on the golf course

connected by channels which are eventually pumped down to a main pond at the southeastern area of the golf course. This main pond is then used for irrigation of the golf course. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Department.

- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. **Streets** – The proposed subdivision fronts Gleneagles Boulevard which is identified on the 2014 Functional Class Map as a principal arterial which requires an 80-foot wide platted right of way. Cherry Hills Road is a local residential street and will be within a 60 foot right of way. Neither road is constructed at this time in this area of Lake Hills Subdivision. The subdivider will construct their portion of Cherry Hills Road to the west and also build Gleneagles Boulevard through their proposed subdivision. Gleneagles Boulevard will be constructed to meet current City standards with a minimum of 49-foot wide back-of-curb to back-of-curb paved street with standard curb and gutter, and boulevard-style sidewalks. Cherry Hills Road will also meet current City standards with a minimum of 34-foot wide back-of-curb to back-of-curb paved street with standard curb and gutter, and boulevard-style sidewalks. The developer will construct Gleneagles Boulevard to connect with the Annandale Road, also a street that has not been constructed. The developer will construct a gravel surface emergency exit road from the north end of Gleneagles Boulevard heading east on Annandale Road and then south to Clubhouse Way. It will be built at a minimum of 20 feet wide and be able to support fire apparatus in all weather conditions. This proposed emergency road is acceptable to City Engineering and City Fire Department in this case.
- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1601 St. Andrews Drive (Station #6). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – School District #2 provides educational services to elementary through high school students. In the response from School District #2 they state that Eagle Cliffs Elementary School, Castle Rock Middle School, and Skyview High School will serve the children in this subdivision. Comments from SD#2 Administration indicated that Eagle Cliffs Elementary is near capacity with Castle Rock and Skyview able to accommodate more students.
- g. **Parks and Recreation** – Parkland dedication requirements for this subdivision were met when this subdivision was originally platted in 1958.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested central delivery site with boxes to serve the new

houses. It is recommended as a condition of approval that the developer obtain a letter from the USPS approving the location of the new centralized mail box site(s) prior to final plat approval. **(Condition #2)**

3. Effect on the natural environment

The subject property has been planned for urban development since its original platting in 1958. A geotechnical evaluation has been completed for the subject property. The geotech study indicates that the sites are underlain by a veneer of dry, fine-grained colluvial soils and relatively shallow sandstone and shale bedrock. As the shale is potentially expansive and the fine-grained colluvial soils are potentially collapsible, the geotech engineers recommend that footings for structures be placed on the sandstone with adequate vertical separation from the underlying shale. When this is not possible, it is recommended that subgrade improvement is implemented. These recommendations will be verified during the building permit process. If these recommendations are followed, the re-platting of these lots should have minimal effects on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a note in the SIA that warns future lot owners of the presence of deer and antelope in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat, as it is in an urbanized area.

5. Effect on the public health, safety and welfare

A geotechnical evaluation has been completed and specific recommendations have been added to the final SIA to inform future builders and land owners of structural engineering requirements. The subdivision is located in an area with no known natural hazards.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-302.H.1.]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan--2009 Update, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

1. City of Billings 2016 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. **Essential Investments (relating public and private expenditures to public values):** Infill development and development near existing City infrastructure may be the most cost effective (p. 6).
- b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Zoning regulations that allow a mixture of housing types

provide housing options for all age groups and income levels. Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).

c. **Home Base (healthy, safe and diverse housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.9)

d. **Mobility and Access (transportation choices in places where goods and services are accessible to all):** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings (p. 9). On-street bike facilities promote predictability for all users.

2. Urban Area Transportation Plan 2009 Update

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

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

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a Short Range street surface trail identified on Gleneagles Boulevard. The developer will not be required to do more than build Gleneagles Boulevard, the bike lane would be part of the road surface.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b) and BMCC 23-302.H.3.a.]

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

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within the R-50 zoning district and shall comply with the standards set forth in Section 27-308, BMCC.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-302.H.3.b.]

Easements for utilities will be shown on the final plat as requested by all utility providers.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from Gleneagles Boulevard.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Lake Hills Subdivision, 35th Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy and does not conflict with the 2014 Transportation Map or BABTMP Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Lake Hill Subdivision, 35th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF
LAKE HILLS SUBDIVISION, 35TH FILING
 BEING LOTS 1-4, BLOCK 18 AND LOTS 3-6, BLOCK 19 OF LAKE HILLS SUBDIVISION, 15TH FILING,
 AND LOTS 4-5, BLOCK 5 OF LAKE HILLS SUBDIVISION, 33RD FILING,
 SITUATED IN SECTION 16, TOWNSHIP 01 NORTH, RANGE 26 EAST, P.M.M.,
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

DOVER RANCH
 P.O. BOX 51389
 BILLINGS, MT 59105

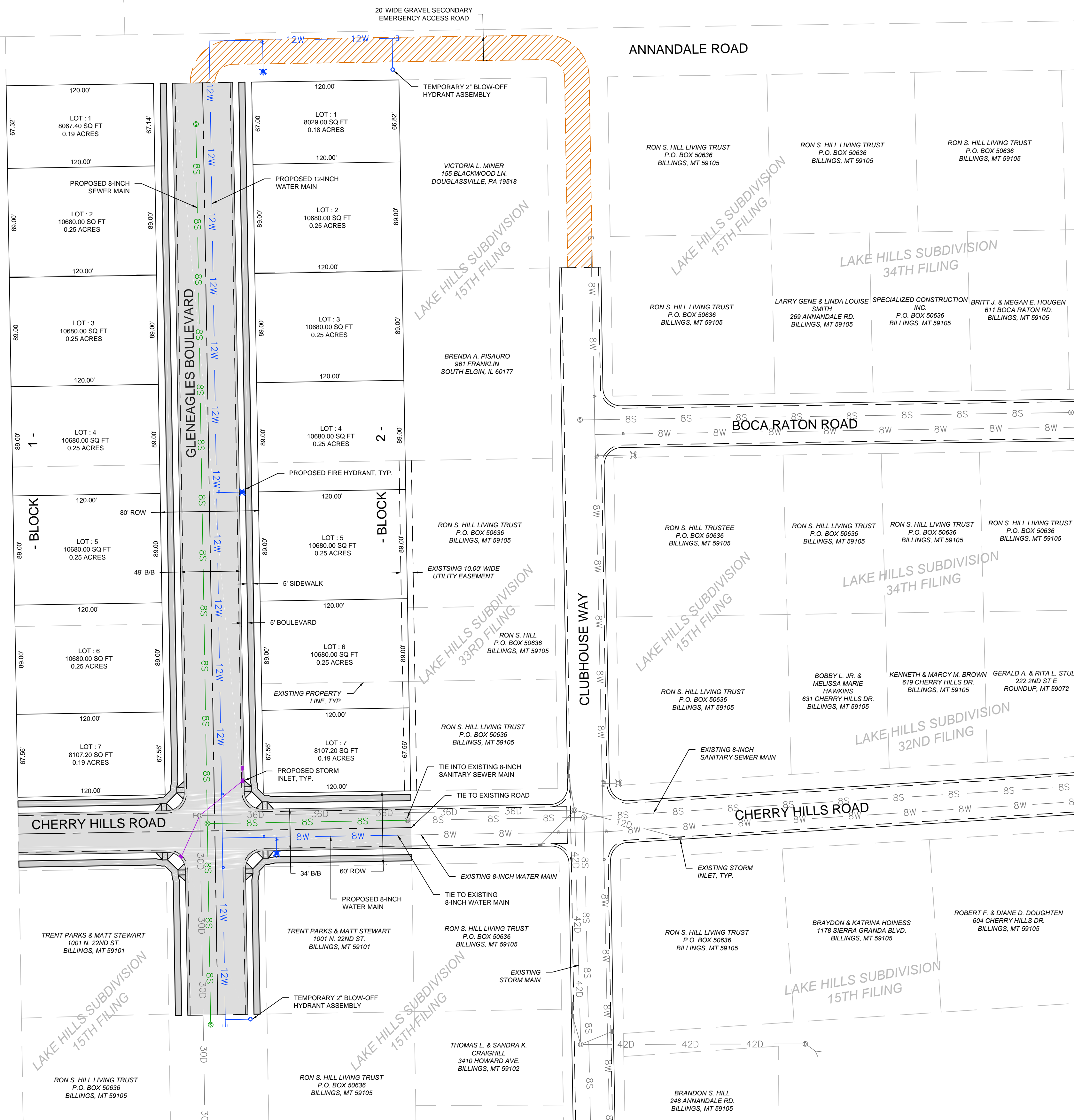
DOVER RANCH
 528 SINDELAR RD.
 BILLINGS, MT 59105

MARISELA
 SUBDIVISION

C.O.S. 3573

C.O.S. 3573

DOVER RANCH
 P.O. BOX 51389
 BILLINGS, MT 59105



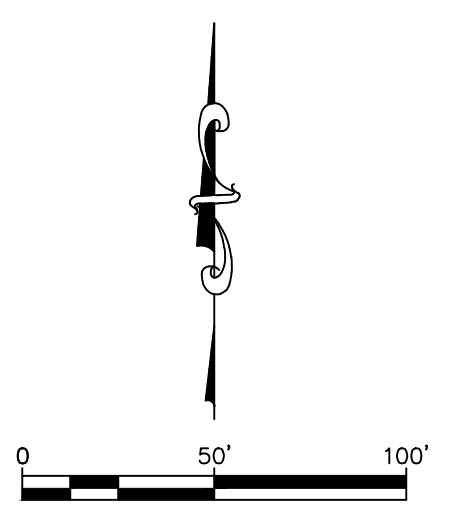
VICINITY MAP

PROPOSED LAND USE: RESIDENTIAL
 PROPOSED ZONING: RESIDENTIAL 5000
 EXISTING LAND USE: UNDEVELOPED
 EXISTING ZONING: RESIDENTIAL 5000
 PROPERTY OWNERS:
 TRENT PARKS & MATT STEWART
 PRELIMINARY PLAT DATE: JANUARY 2017

| SITE DATA | |
|------------------------|-----------|
| # OF LOTS | 14 |
| MAXIMUM LOT AREA | ± 0.25 AC |
| MINIMUM LOT AREA | ± 0.18 AC |
| PARKLAND AREA | NA |
| LINEAL FEET OF STREETS | 0 LF |
| ROADWAY AREA | 0 AC |
| NET ACREAGE | ± 3.19 AC |
| GROSS ACREAGE | ± 3.19 AC |

*NOTE: PARKLAND DEDICATION WAS INCLUDED AS PART OF PREVIOUS FILINGS.

PREPARED FOR: TRENT PARKS & MATT STEWART
 PREPARED BY: PERFORMANCE ENGINEERING AND CONSULTING



PROJECT TITLE: LAKE HILLS SUBDIVISION

7100 COMMERCIAL AVE, SUITE 4 OFFICE - 406-384-0080
 BILLINGS, MT 59101 www.performance-ec.com

REVISIONS: SHEET

DATE BY

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PERFORMANCE ENGINEERING & CONSULTING

1 OF 1

DRAWN BY: JMD CHECKED BY: RDN DATE: 12-19-16

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SUBDIVISION IMPROVEMENTS AGREEMENT
Lake Hills Subdivision, 35th Filing
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City of Billings

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SUBDIVISION IMPROVEMENTS AGREEMENT

Lake Hills Subdivision, 35th Filing

This agreement is made and entered into this ____ day of _____, 20__, by and between Trenton Parks and Matt Stewart, whose address for the purpose of this agreement is **1001 North 22nd Street, Billings, MT 59101**, is hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of *Lake Hills Subdivision, 35th Filing*; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the City Council conditionally approved a preliminary plat of *Lake Hills Subdivision, 35th Filing*; and

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

WHEREAS, the provisions of this agreement shall be effective and applicable to *Lake Hills Subdivision, 35th Filing* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

- A. No variance request is being made as part of this development.

II. CONDITIONS THAT RUN WITH THE LAND

- A. 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.
- B. 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.

- C. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts (SID) for only those items specifically identified within this document which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and Owner specifically agree that they are waiving valuable rights and do so voluntarily.
- D. The Subdivider and subsequent contractors/builders acknowledge that a Stormwater Pollution and Prevention Plan (SWPPP) may be required to be filed with the City and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.
- E. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

III. TRANSPORTATION

A. Streets

- Subdivider will execute a private contract to construct public streets, and curb & gutter, within the Subdivision. Gleneagle Boulevard shall be 49 feet back-of-curb to back-of-curb and Cherry Hills Road shall be 34 feet back-of-curb to back-of-curb. These internal access roads shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings' site development ordinance, and City subdivision regulations.
- Right-of-Way widths for Gleneagle Boulevard shall be 80 feet and Cherry Hills Road shall be 60 feet to meet City of Billings Standards.
- The subdivider will provide a cash-in-lieu contribution, due prior to filing for final plat, for the construction half of a residential street width with a satisfactory sub-base, base course, and standard curb and gutter on Annandale Road along the frontage of Lake Hills Subdivision, 35th Filing. The cash-in-lieu contribution will be based on a cost estimate approved by the City Engineering Division, and will also include engineering design and construction administration.

- The City of Billings will compensate the subdivider for the arterial section of Gleneagles Boulevard (sub-base, base course, and asphalt) through a compensation agreement.

B. Sidewalks

- The Subdivider will install, within the private contract, corner intersection handicap ramps and aprons and will grade all street frontages for sidewalk finished grades.
- Individual lot owners will be responsible for the construction of the sidewalks adjacent to their lot at the time of lot construction and shall be included in each building permit. Sidewalks shall be 5-foot wide walks with a 5-foot boulevard.

C. Street Lighting

- No street lighting is proposed for the development, however street lighting is included in the waiver of right to protest.

D. Traffic Control Devices

- Traffic control devices are not required for this subdivision, but are included in the waiver of right to protest.
- Subdivider shall furnish and install street name signs for streets within the subdivision, or located immediately adjacent thereto in accordance with the specifications of the City of Billings Public Works and Fire Departments.

E. Access

- Access to the lots will be from drive approaches installed at the time of lot development.

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

- This subdivision is located within the jurisdiction of the Billings Area Bikeway and Trails Master Plan (BABTMP), but no trail corridors are identified within this subdivision area. Clubhouse Way is identified as a primary on-street bikeway and improvements may be made in the future under a different project.

G. Public Transit

- This subdivision does not require improvements to ensure public transit service. The nearest transit stop is at the intersection of Wicks Lane and Gleneagles Boulevard.

IV. EMERGENCY SERVICES

The Billings Fire Department currently provides fire protection and paramedic services for the subdivision.

At the time of future lot development construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to meet fire suppression requirements. Prior to issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads, and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along an approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for apparatus access and water supply.

Temporary emergency access to the subdivision will occur along the northern most 155 feet of Clubhouse Way turning west along Annendale Road to the west edge of Gleneagle Boulevard. The temporary emergency access road will be constructed of gravel and will be twenty (20) feet wide. The temporary road will be required to support fire apparatus vehicle loading (40 tons) during all weather conditions. There will be no signs or gates at the entrance of the emergency access road. The temporary emergency access road will be maintained by the City of Billings.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A master plan is in place for Lake Hills Subdivision and all future stormwater improvements will be reviewed and approved by the Engineering Division to comply with said plan. Stormwater will be conveyed through a curb-and-gutter system and tying into the existing stormwater system on Cherry Hills Road.

VI. UTILITIES

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains to the County Water District of Billings Heights (CWDBH) and sanitary sewers to the City of Billings Public Works Department – Engineering Division. The extension of/connection to water mains and sanitary sewers is subject to the approval conditions of the applications. Applications shall

be submitted for processing prior to the start of any construction and prior to review and approval of any plans and specifications. The appropriate water and wastewater construction fees and franchise fee in effect shall be submitted with the applications.

The Subdivider/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made or when a building permit is issued for new construction.

It is acknowledged that all fees stated above are subject to the Franchise Fee in effect at the time of payment.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Billings Public Works Department, CWDBH, Billings Fire Department and the Montana Department of Environmental Quality.

A. Water

Water mains will be extended from those that are existing in the subdivision. Water will be provided by County Water District of Billings Heights. The existing 8-inch water main is located in Cherry Hills Road and currently terminates at the eastern edge of the proposed subdivision. The developer will extend the 8-inch water main along Cherry Hills Road to the intersection of Cherry Hills Road and Gleneagles Boulevard. The developer will also install a 12-inch water main that connects with the 8-inch water main at the intersection of Cherry Hills Road and Gleneagles Boulevard and run north to the intersection of Gleneagles Boulevard and Annandale Road. The developer will install a 12-inch water main to the eastern edge of the subdivision boundary along Annandale Road. Water services will be stubbed to each lot.

B. Sanitary Sewer

Sanitary sewer mains and services will be extended from those that are existing in the subdivision. The existing 8-inch sewer main is located in Cherry Hills Road and currently terminates at the eastern edge of the proposed subdivision. The developer will extend the 8-inch sewer main to the intersection of Cherry Hills Road and Gleneagles Boulevard. The developer will install a new 8-inch sewer main from the intersection of Cherry Hills Road and Gleneagles Boulevard and run it to the north edge of the proposed subdivision. Sewer services will be stubbed to each lot.

C. Power, Telephone, Gas, and Cable Television

Power, natural gas, telephone, and cable will all be located within the right-of-way and utility easements shown on the plat.

VII. PARKS/OPEN SPACE

There is no parkland requirement for this subdivision as the parkland dedication has been previously met.

VIII. IRRIGATION

No irrigation ditches, field laterals, or irrigation easements exist in this subdivision.

IX. SOILS/GEOTECHNICAL STUDY

According to the Geotechnical Concerns letter for Lake Hills Subdivision, 33rd Filing, prepared by Geoscience, PLLP (April 18, 2011), soils found in this area consist of potentially expansive shale and potentially collapsible fine-grained colluvial soils. Foundations shall be placed on sandstone with adequate vertical separation from underlying shale. Where this is not possible, or where foundation elevations are within the soil zone or on expansive shale, subgrade improvement is recommended. A final geotechnical report shall be completed prior to construction, however initial results show that construction on these lots is feasible without fatal flaws.

X. PHASING IMPROVEMENTS

There are no intended phasing improvements.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be installed as approved by the city engineers and the City of Billings Public Works.

XII. LEGAL PROVISIONS

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

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“SUBDIVIDER”

Trenton Parks

By: _____

Title: _____

Matt Stewart

By: _____

Title: _____

STATE OF MONTANA)
 : ss
 County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____ of *Trenton Parks and Matt Stewart*, who executed the foregoing instrument and acknowledged to me that he executed the same.

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

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 20__.

“CITY”
CITY OF BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____, and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

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

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

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



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/14/2017

Information

INTRODUCTION

On December 1, 2016, Performance Engineering and Consulting, agent for Magnus Land Development, LLC, owner, applied for preliminary major plat approval for Coal Creek Subdivision. The proposed subdivision creates 14 new lots for multi-family residential, commercial and residential professional development. The subject property is generally located on the northwest corner of the intersection of Rimrock Road and 6th Street West. The property is zoned Residential Multi-Family (RMF), Community Commercial (CC) and Residential Professional (RP).

On December 16, 2016 the applicants' agent requested a 30-day delay to work out some storm drainage details and phasing. That is why the proposed subdivision is coming to the Planning Board in February and not in January. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on February 28, 2017.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Coal Creek Subdivision 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 local services, prior to final plat approval storm drain calculations must be submitted to the City Engineering Division. for review and approval. Cost participation into the regional storm drain facility will be determined from the calculations.
2. To ensure the proposed storm drainage system can be used as outlined, prior to final plat approval an agreement with Birley Drain for storm water discharge must be in place and a copy submitted to the City Engineering Division.
3. To ensure the storm drainage system is properly maintained, prior to final plat approval the applicant will add the following to the storm drain section of the SIA: The storm water retention areas and associated improvements will be privately owned and maintained by the HOA. O&M requirements and HOA responsibilities shall be as outlined within the City of Billing Stormwater Management Manual (SWMM), appendices E and F. Retention areas shall be covered with a blanket easement, allowing access by the City. If the HOA fails to maintain the storm water retention facilities, the City reserves the right to create a maintenance district in the subdivision to maintain the storm water retention facilities.
4. To minimize effects on local services and ensure proper parkland dedication requirements, prior to

final plat approval the subdivider will meet with the City Parks Department and determine where parkland will be provided through smaller park areas within the proposed residential lots in the subdivision. These private park parcels shall be dedicated to a legal entity such as a Homeowners Association (HOA) and maintained by that entity.

5. To minimize the effects on local services, prior to final plat approval the subdivider will provide a letter from the United States Postal Service acknowledging its agreement with the placement of mail delivery facilities in the subdivision.
6. To ensure pedestrian/bike connection from this subdivision to the trail along the north side of Cove Ditch, prior to final plat approval the applicant will more specifically identify the location of the proposed ditch crossings and who is paying for their installation referred to in the SIA under the heading **F. Billings Area Bikeway and Trail Master Plan.**
7. To ensure pedestrian/bike connection between residentially zoned land and the commercially zoned land within this subdivision, prior to final plat approval the applicant will include language in the SIA that future development in the subdivision will encourage interconnectedness for pedestrians and bikes between the residential and commercial areas of the development.
8. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.
9. 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.
10. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROCEDURAL HISTORY

- A pre-application meeting was held on October 27, 2016 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on December 1, 2016.
- A departmental review meeting was conducted on December 15, 2016.
- On December 16, 2016 the applicants' agent requested a 30-day delay.
- The preliminary plat was resubmitted with revisions based on department reviews on January 26, 2017.
- The Planning Board will review the plat on February 14, 2017.
- The Planning Board will conduct a public hearing on February 28, 2017, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on March 27, 2017.
- The 60 working-day preliminary plat review period ends March 30, 2017.

PLAT INFORMATION

General location: Northwest corner of the intersection of Rimrock Road and 62nd Street West

Legal Description: Parcel 6A, COS 2465

Owner/Subdivider: Magnus Land Development, LLC

| | |
|---|--|
| Engineer and Surveyor: | Performance Engineering and Consulting |
| Existing Zoning: | RMF, CC and RP |
| Existing land use: | Vacant |
| Proposed land use: development | Multi-family residential, commercial and residential professional |
| Gross: | 38.52 acres |
| Proposed number of lots: | 14 |
| Lot size: | Max: 8.1 acres Min.: 0.64 acres |
| Parkland requirements: of the land proposed parkland. | Parkland requirements for this proposed subdivision would be 11% for residential development. They are required to provide 2.3 acres of |

Attachments

Findings of Fact
Proposed Plat
Subdivision Improvements Agreement

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Coal Creek Subdivision and has provided them for review by the Planning Board, as follows:

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The land to be subdivided was historically used for pasture land and dryland crops. The 39-acre parcel lies south of the Cove Ditch, at the northwest corner of 62nd St. W/Molt Road and Rimrock Road. The property was annexed into the City limits in 2002 along with approximately 200 adjacent acres. Because of the dryland nature, the agricultural lands north of Rimrock Road in this area have become more valuable as residential and commercial properties, and their development may have possibly alleviated some development pressure on irrigated agricultural lands to the south. The Cove Ditch is preserved in an easement, as it passes along the north property line. For these reasons, the development of the subject property should have minimal effects on agriculture and agricultural water user facilities in the area.

2. Effect on local services

- a. **Utilities** – Lots 1 and 2, both zoned RMF, will be served by the 12-inch water main in Rimrock Road. The lot owners will be responsible for installing the water services at the time of lot development.

Lot 3, zoned RMF, Lot 4, zoned RP, and Lot 7, zoned CC, will be served by an 8-inch water main placed within the public water and sewer utility easement within the private internal streets, (Black Thunder Road and Signal Peak Avenue). The 8-inch line will tie into the 12-inch water main at the intersection of Black Thunder Road and Signal Peak Avenue.

Lots 5-6, both zoned RP and Lots 8-17, zoned CC, will be served by a 12-inch water main placed within the public water and sewer utility easement within the private roads. The 12-inch main will run along Black Thunder Road and Signal Peak Avenue tying into the existing 12-inch water main in Rimrock Road and the existing 20-inch water main in Molt Road. All water line installation shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations. This requirement is called out in the SIA under the heading **VI. Utilities.**

- b. **Sanitary Sewer** - Lots 1 and 2 will be served by the existing 18-inch sewer main in Rimrock Road. The lot owner will be responsible for installing a 48-inch manhole along the existing mainline at the time of lot development. The services shall meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations.

Lots 3-17 will be served by a minimum 8-inch diameter gravity collection main placed within the interior roads. The collection system will tie into the existing 18-inch sewer main in Rimrock Road by installing a new 48-inch manhole along the existing mainline. Collection system grades and placement will meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations. This requirement is called out in the SIA under the heading **VI. Utilities.**

Power, natural gas, telephone, and cable will all be located within the right-of-way and utility easements shown on the plat.

Storm water – Storm drainage shall be provided by a combination of surface drainage, curb and gutters, and storm drain piping and detention ponds. All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the *Stormwater Management Manual* in place at the time of development. A complete stormwater management plan shall be submitted to the City Engineering Division and Montana Department of Environmental Quality for review and approval at the time of development. This requirement is called out in the SIA under the heading **V. Storm Drainage.**

As part of the proposed storm water drainage system the applicant is proposing to utilize the Birely Drain. During Phase I as stated in the SIA under the heading **V. Storm Drainage**, the applicant will collect water in detention basins and discharge into the Birely Drain. The applicant needs to provide documentation to the City of Billings Engineering Department from the Birely Drain Association stating they are allowed to use the drain. (**Condition #1**)

This subdivision is proposed to be done in phases. The different phases will handle storm water drainage in various ways as outlined in the SIA under **V. Storm Drainage**. This subdivision may be required to participate in the costs of area-wide storm water improvements, and this is acknowledged and included in SIA. (**Condition #2**)

The storm water detention network is to be maintained by the HOA that will be created to maintain the streets within the subdivision as well. The applicant will add a paragraph in the SIA under the heading **V. Storm Drainage** indicating this requirement. (**Condition #3**)

- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. **Streets** –All roads within the subdivision shall be privately owned. All streets shall be built in accordance with the City of Billings Engineering site development ordinance. Private roads within the commercial portion of the Subdivision, Black Thunder Road and Signal Peak Avenue, shall be built to

commercial road standards having a minimum width of 44 feet back-of-curb to back-of-curb within an 80 foot right of way.

A right turn lane for west bound traffic off of Rimrock Road will be constructed at the intersection of Black Thunder Road and Rimrock Road.

Private roads within the residential portion of the Subdivision shall be built to residential access standards having a minimum width of 34 feet back-of-curb to back-of-curb within a 56 foot right of way. The residentially zoned lots of this subdivision are anticipated to be either apartment buildings or condominiums. This type of development will require the developer to go through a Master Site Plan review. This review will address zoning, engineering and fire requirements which will include road layout and access into the lots where housing is proposed.

Details of the proposed construction of the streets is outlined in the SIA under **X Phasing Improvements**. Each phase will construct additional roads and infrastructure for the proposed development.

A Traffic Impact Study (TIS) was completed with this proposed development. Impacts to surrounding roads and intersections was identified in the TIS. The intersections and roads that will be impacted with each additional phase are addressed in the SIA. Required contributions for impacted roads and intersections is outlined in paragraph **X. Phasing Improvements**.

The applicant is proposing private roads within the entire subdivision, both in the commercial and residentially zoned areas. An HOA will be created for the purpose of maintaining all internal roads. Lots 1-3, which are residentially zoned lots, will have one HOA and Lots 4-17, which are commercial and residential professional zoned lots, will have an HOA. Each will function separately from the other. This is outlined in the SIA under the heading **XI. Home Owner Associations**

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54th St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR). The way the applicant is proposing to phase the development each phase will have a minimum of 2 access points.
- f. **Schools** –School District #2 provides educational services to elementary through high school students. According to the response from School District #2 the schools serving these students will be Boulder Elementary, Ben Steele Middle School, and West High School. School District #2 indicated that Boulder Elementary and West High School are both currently over capacity. Boulder Elementary is substantially over capacity. There are no schools within walking

distance, and bussing would be necessary. There is an existing bus route in the area.

- g. **Parks and Recreation** – Residential subdivisions creating lots with housing densities less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. The applicant will be dedicating 2.30 acres of land for the residential portion of the development which is 20.91 acres. The applicant is proposing to have the parkland dedication done by having smaller parks throughout the residential portion of the development. The parkland will be private parks maintained by the HOA. Documents for the HOA and with park maintenance requirements will need to be submitted defining maintenance responsibilities at time of final plat. **(Condition #4)**
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required. The USPS has asked for centralized mailbox units located on Rimrock Road with a safe pull off area for the postal vehicle and worker. **(Condition #5)**
- i. **Phasing** – The applicant is proposing to develop this subdivision in phases. Phase I includes Lots 1 and 2 of the proposed subdivision. Lots 1 and 2 are lots that are zoned Residential Multi-Family.

Phase II includes Lots 8 through 16 of the proposed subdivision. These lots are zoned Community Commercial.

Phase III includes Lots 4 through 6 and Lots 7 and 17 of the proposed subdivision. Lots 4 through 6 are zoned Residential Professional and Lots 7 and 17 are zoned Community Commercial.

Phase IV includes Lot 3 of the proposed subdivision. Lot 3 is zoned Residential Multi-Family.

Specifics of the proposed phasing and what improvements and contributions will be required with each phase is identified in the SIA under the heading **X. PHASING IMPROVEMENTS**.

3. Effect on the natural environment

The subject property consists of approximately 39 acres of non-irrigated grassland gently sloping to the southeast. A preliminary Geotechnical Investigation Report was performed and submitted for review by Rimrock Engineering. While this report acknowledged the need for additional site-specific reports prior to construction, it provided some general information about the site limitations. A paragraph in the SIA under the heading **Conditions that Run with the Land** notify future lot owners of the need for future geotechnical studies based on proposed specific site development.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

The subdivision is located in an area with no known natural hazards.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan, 2009 Update, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

1. Yellowstone County-City of Billings 2016 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. **Essential Investments (relating public and private expenditures to public values):** Neighborhoods that are safe and attractive and provide essential services are much desired (p. 7).
- b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).
- c. **Prosperity (promoting equal opportunity and economic advancement)**
A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community. (p.9)

2. Urban Area 2014 Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Functional Class Map and preserves the street network and street hierarchy specified in the plan. It also meets some of the goals of the 2016 City of Billings Growth Policy. In the West Billings Plan this area is identified and an Urban Expansion Area identified as Residential.

3. Billings Area Bikeways and Trail Master Plan

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. A 20-foot wide trail dedication along the north side of the Cove Ditch was previously provided. The applicant indicates in the SIA that there will be connections provide from the subject property to the trail across the Cove Ditch. In the SIA the applicant will more specifically identify the location of proposed crossings. **(Condition #6)** It is also encouraged that in the residential area of the proposed development that the applicant provides pedestrian/bike access into the commercial areas of the development. In the SIA the applicant will include language that future development in the subdivision will encourage interconnectedness for pedestrians and bikes between the residential and commercial parts of the development. **(Condition #7)**

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]

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

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within RMF, CC and RP zoning. The lot sizes conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]

The subdivider will coordinate and provided utility easements as requested by MDU and YVEC on the face of the plat. **(Condition #8)**

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from Rimrock Road, 62nd Street West and Molt Road.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Coal Creek Subdivision does not create any adverse impacts that warrant denial of the subdivision.

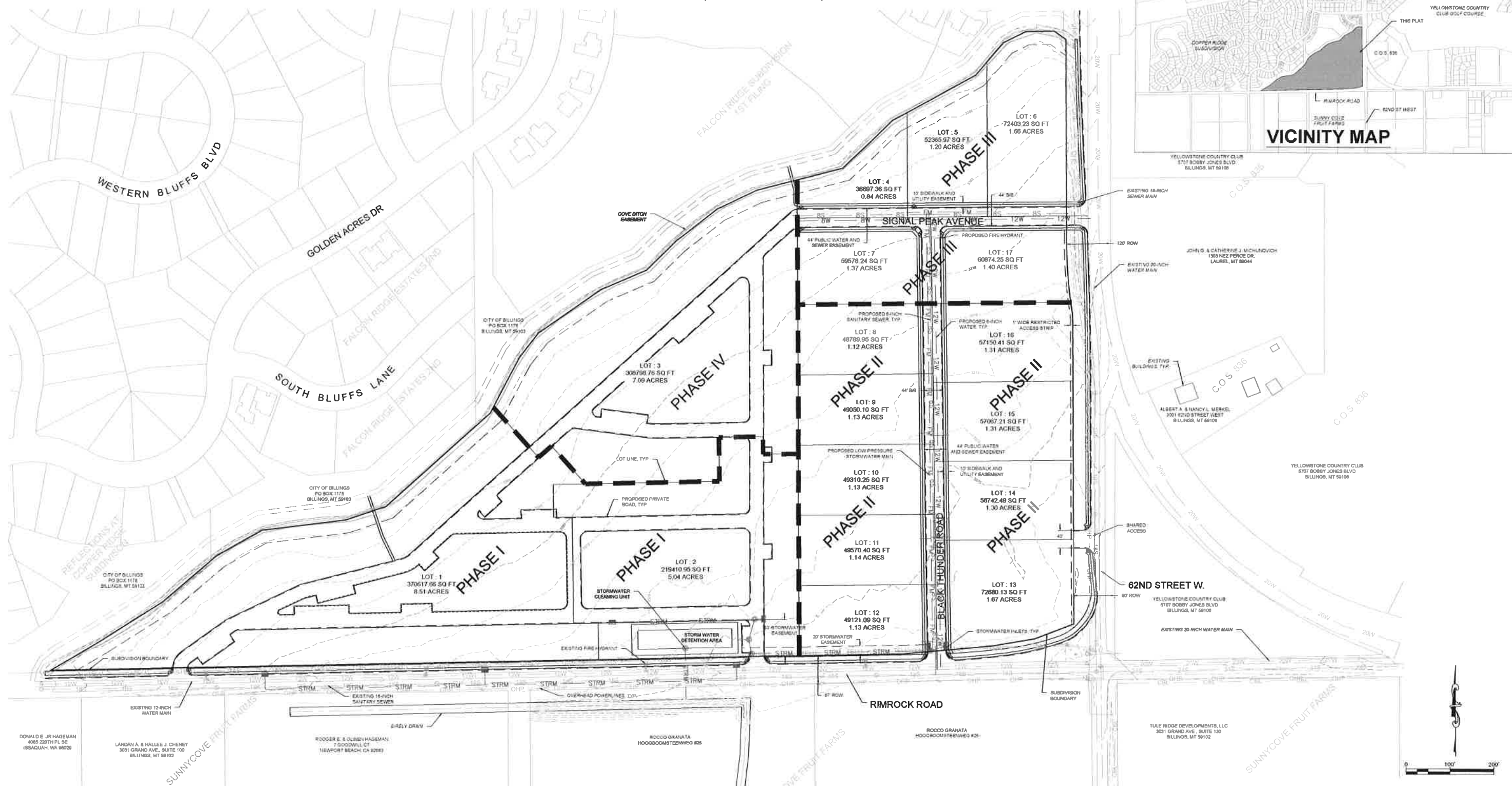
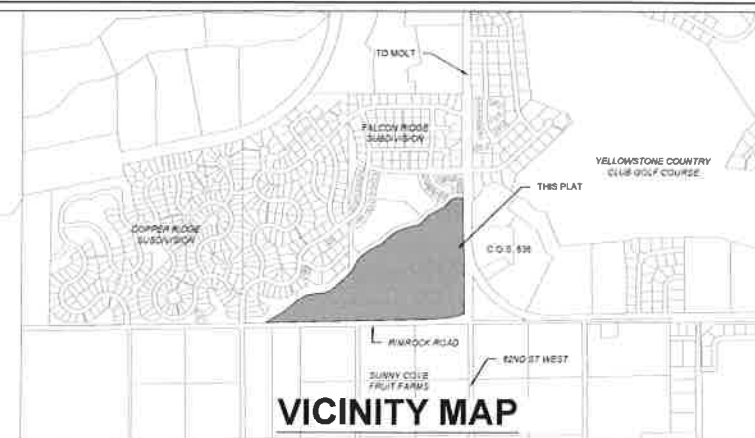
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy Update and does not conflict with the Transportation or Bikeway and Trail plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Coal Creek Subdivision to the City Council, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF
COAL CREEK SUBDIVISION
 BEING TRACT 8A OF CERTIFICATE OF SURVEY 2465
 AND THE SE 1/4 OF SECTION 25, T 01 N, R 24 E, P.M.M.
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: MAGNUS LAND DEVELOPMENT, LLC
 PREPARED BY: PERFORMANCE ENGINEERING AND CONSULTING
 APPLICATION DATE: DECEMBER 2016



| SITE DATA | |
|------------------------|------------|
| # OF LOTS | 17 |
| MAXIMUM LOT AREA | ± 8.51 AC |
| MINIMUM LOT AREA | ± 0.84 AC |
| PARKLAND AREA | ±2.30 AC |
| LINEAL FEET OF STREETS | ± 6,900 LF |
| ROADWAY AREA | ± 8.33 AC |
| NET ACREAGE | ± 30.02 AC |
| GROSS ACREAGE | ± 38.35AC |

EXISTING LAND USE: AGRICULTURAL
 EXISTING ZONING: RESIDENTIAL MULTI-FAMILY
 RESIDENTIAL PROFESSIONAL
 COMMUNITY COMMERCIAL

PROPOSED LAND USE: COMMERCIAL/ RESIDENTIAL MULTI-FAMILY
 PROPOSED ZONING: RESIDENTIAL MULTI-FAMILY
 RESIDENTIAL PROFESSIONAL
 COMMUNITY COMMERCIAL

PROPERTY OWNER:
 MAGNUS LAND DEVELOPMENTS, LLC

PRELIMINARY PLAT DATE: NOVEMBER 1, 2016

| | | | | |
|--|-------------|-------------------------------|------|----------------------|
| PROJECT TITLE: | | COAL CREEK SUBDIVISION | | SHEET |
| REVISIONS | DATE | BY | DATE | |
| | | | | |
| <p>7100 COMMERCIAL AVE, SUITE 4 BILLINGS, MT 59101 OFFICE - 406-384-0090 www.performance-ec.com</p> | | | | |
| <p>2016-030</p> | | | | <p>1 OF 1</p> |
| DRAWN BY: | CHECKED BY: | DATE: | | |
| JMD | CPD | 10/31/2016 | | |

SUBDIVISION IMPROVEMENTS AGREEMENT
Coal Creek Subdivision
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City of Billings

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SUBDIVISION IMPROVEMENTS AGREEMENT

Coal Creek Subdivision

This agreement is made and entered into this ____ day of _____, 20__, by and between *Magnus Land Development, LLC*, whose address for the purpose of this agreement is **745 South 56th Street West, Billings, MT 59106**, is hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of *Coal Creek Subdivision*; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the City Council conditionally approved a preliminary plat of *Coal Creek Subdivision*; and

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

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

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

I. VARIANCES

- A. No variance request is being made as part of this development.

II. CONDITIONS THAT RUN WITH THE LAND

- A. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is possible that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that

there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

- C. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts (SID) for only those items specifically identified within this document which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and Owner specifically agree that they are waiving valuable rights and do so voluntarily.
- D. The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the city and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.
- E. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.
- F. It is anticipated that residentially zoned areas within this Subdivision will developed as condominium or apartment style developments as determined by the market.

III. TRANSPORTATION

A. Streets

- All roads within the subdivision shall be privately owned and built to the City of Billings subdivision regulation standards. These roads shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings' site development ordinance, and City subdivision regulations.
- Private roads, Black Thunder Road and Signal Peak Avenue, shall be built to commercial road standards having a minimum width of 44 feet back-of-curb to back-of-curb.
- Private roads within Lots 1-3 of the Subdivision shall be built to residential access standards having a minimum width of 34 feet back-of-curb to back-of-curb.
- The north half of Rimrock Road shall be built to collector standards including asphalt, curb and gutter, and sidewalk. A right turn lane for west bound traffic off of Rimrock Road will be constructed at the intersection of Black Thunder Road and Rimrock Road. Storm collection shall be included along the north half of the

road with a discharge to the Birely Drain. Water quality standards for Rimrock Road runoff shall be met in accordance with the Billings Stormwater Management Manual (BSMM).

- Cash contribution shall be made for improvements to 62nd Street West. Contributions shall be made for the widening of the west half of 62nd Street West to commercial standards including asphalt, curb and gutter, and sidewalk. Subdivider shall be given credit for materials already in place. Subdivider shall construct, or contribute to the construction, of a median to control turning movements for the shared access located between Lots 13 and 14.

B. Sidewalks

- The Subdivider will install, corner intersection handicap ramps and aprons and will grade all street frontages for sidewalk finished grades.
- The Subdivider shall be responsible for the installation of a 5-foot sidewalk and/or a 10-foot asphalt trail along the Rimrock Road frontage.
- The Subdivider shall make a cash contribution for sidewalks along 62nd Street West.
- Individual lot owners within the commercial portion of the Subdivision will be responsible for the construction of the sidewalks adjacent to their lot along Black Thunder Road and Signal Peak Avenue at the time of lot construction and shall be included in each building permit. Sidewalks shall be 5-foot boulevard walk style with a boulevard width of 5 feet.

C. Street Lighting

- No street lighting is proposed for the development, however street lighting is included in the waiver of right to protest.
- The Subdivider will be responsible for extending street lighting north along 62nd Street West to the shared access between Lots 13 and 14. Maintenance of the street lights shall be the responsibility of the HOA or through the creation of a street light district.

D. Traffic Control Devices

- Subdivider shall furnish the necessary traffic control devices within and adjacent to the subdivision as required by City Engineering. Traffic control devices shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and City of Billings Standards.
- Subdivider shall pay intersection impact contributions totaling **\$88,750**.
 - Rimrock Road and 62nd St W: **\$45,250 (18.1% x \$250k)**
 - Rimrock Road and 54th St W: **\$24,750 (9.9% x \$250k)**
 - Grand Avenue and 62nd St W: **\$18,750 (7.5% x \$250k)**Scheduling for intersection impact contributions is provided in the Phasing section of this SIA.
- Subdivider shall furnish and install street name signs for streets within the subdivision, or located immediately adjacent thereto, in accordance with the specifications of the City of Billings Publics Works and Fire Departments.

E. Access

Rimrock Road

- Three full movement private road access points will be located along Rimrock Road:
 - a. The Lot 1 access is approximately 2,100 ft west of the 62nd Street West and Rimrock Road intersection;
 - b. The Lot 2 access is approximately 780 ft west of the 62nd Street West and Rimrock Road intersection;
 - c. Black Thunder Road access is approximately 370 ft west of the 62nd Street West and Rimrock Road intersection.
- All access approaches will meet design standards outlined in the City of Billings Standard Modification Drawings.
- A 1-foot no access strip shall run along the boundary of lots fronting Rimrock Road as indicated on the Plat.

62nd Street West

- One full movement private road access and one restricted movement (right-in-right-out) shared access will be located along 62nd Street West:
 - a. The Signal Peak Avenue access is approximately 1,020 ft north of the 62nd Street West and Rimrock Road intersection;
 - b. The restricted movement shared access located between Lots 13 and 14 is approximately 300 ft north of the 62nd Street West and Rimrock Road intersection.
- All access approaches will meet design standards outlined in the City of Billings Standard Modification Drawings.
- A 1-foot no access strip shall run along the boundary of lots fronting 62nd Street West as indicated on the Plat.

Emergency Access

- An emergency secondary access shall be provided from the end of Phase II Black Thunder Road improvements to the intersection of Signal Peak Avenue and 62nd Street West. The access road shall be a minimum of 20 feet wide and consist of an all-weather surface capable of supporting a 40 ton vehicle and shall remain in place until the completion of Black Thunder Road and Signal Peak Avenue. Maintenance of the access road, including snow removal, will be the responsibility of the Subdivider. Upon the establishment of a Coal Creek HOA, maintenance responsibilities shall be transferred to the HOA.

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

- The BikeNet/Heritage Trail plan identifies the Cove Ditch as a connection link between other greenway corridors. An existing 20-foot-wide bike trail easement is located north of the adjacent Cove Ditch Easement. Access to this trail shall be

provided by way of a pedestrian foot bridge crossing Cove Ditch between Lots 1 and 3.

IV. EMERGENCY SERVICE

The Billings Fire Department currently provides fire protection and paramedic services for the subdivision.

At the time of future lot development construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to meet fire suppression requirements. Prior to issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads, and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along an approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for apparatus access and water supply.

Emergency access to the subdivision will occur at the locations described in Section III. TRANSPORTATION, Subsection E, Access. Approaches and internal roads are designed to accommodate emergency vehicles described previously.

V. STORM DRAINAGE

A. Storm drainage shall be provided by a combination of surface drainage, curb and gutters, and storm drain piping. All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the *Stormwater Management Manual* in place at the time of development. A complete stormwater management plan shall be submitted to the City Engineering Division and Montana Department of Environmental Quality (as required) for review and approval at the time of development.

- B. Phases I and IV shall utilize a series of small detention areas in addition to the community stormwater detention area located on Lot 2 for stormwater management. The community drainage and detention facilities shall be operated and maintained by the Subdivision's Home Owner's Association. The community detention area will collect runoff from all Phases and convey it to the Birely Drain. Private storm facilities located on lots in Phases II and III will be required to provide storage as required by the BSMM and shall be operated and maintained by the respective lot owners.
- a. Should the City obtain land located south of Rimrock Road and adjacent to the Birely Drain for the construction of a stormwater management facility as part of the 62nd Street West and Rimrock Road roundabout project, the Subdivider may direct runoff from all Phases of the Subdivision to the City's storm management area. Subdivider shall contribute cash-in-lieu based on the proportional volume of the Subdivision's detention requirements. The Subdivision will be required to retain, or provide treatment, of the water quality volume onsite in accordance with the BSMM.
 - b. Each Lot shall make a cash contribution for stormwater improvements at a rate of \$_____/sf of gross lot area. Contributions shall be made to the City prior to the issuance of the Lots first building permit.
- C. Storm drainage for the north half of Rimrock Road adjacent to the Coal Creek Subdivision shall be conveyed thru a series of catch basins which will route runoff through a drainage main and discharge to the Birely Drain. Runoff from the south half of Rimrock Road is currently managed by the borrow ditch which ultimately drains to the Birely Drain. Improvements to the south half of Rimrock Road shall occur upon annexation of parcels adjacent to the roadway.
- D. Storm drainage for 62nd Street West adjacent to the Coal Creek Subdivision shall be conveyed thru a series of catch basins which will route runoff through the City's drainage system and discharge to the Birely Drain. This will be included as part of the installation of the Rimrock Road and 62nd Street West roundabout project scheduled for a future date.

VI. UTILITIES

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension of/connection to water mains and sanitary sewers is subject to the approval conditions of the applications. Applications shall be submitted for processing prior to the start of any construction and prior to review

and approval of any plans and specifications. The appropriate water and wastewater construction fees and franchise fee in effect shall be submitted with the applications.

The Subdivider/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made or when a building permit is issued for new construction.

It is acknowledged that all fees stated above are subject to the Franchise Fee in effect at the time of payment.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality. As Blue Thunder Road and Signal Peak Avenue will be privately owned roads with public water and sanitary sewer mains located within them, a standard Perpetual Right of Way Easement between the City and the property owner shall be completed and recorded with the Yellowstone County Clerk and Records office.

A. Water

Lots 1 and 2 will be served by the 12-inch public water main that runs along Rimrock Road. The lot owners will be responsible for installing separate water services to each lot at the time of lot development. The services shall meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations.

Lots 3, 4, and 7 will be served by an 8-inch public water main placed within the public water and sewer utility easement. The 8-inch line will tie into the 12-inch water main at the intersection of Black Thunder Road and Signal Peak Avenue. Valve and hydrant placement shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations.

Lots 5-6 and 8-17 will be served by a 12-inch public water main placed within the public water and sewer utility easement. The 12-inch main will run along Black Thunder Road and Signal Pack Avenue tying into the existing 12-inch water main in Rimrock Road and the existing 20-inch water main in Molt Road. Valve and hydrant placement shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations.

B. Sanitary Sewer

Lots 1 and 2 will be served by the existing 18-inch sewer main that runs along Rimrock Road. The lot owner will be responsible for installing separate sanitary sewer services to each lot along the existing mainline at the time of lot development. The services shall meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations.

Lots 3-17 will be served by a minimum 8-inch diameter public gravity collection main placed within the water and sewer utility easement within the interior roads. Collection system grades and placement will meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations. The collection system will tie into the existing 18-inch sewer main that runs along Rimrock Road by installing a new 48-inch manhole along the existing mainline.

C. Power, Telephone, Gas, and Cable Television

Power, natural gas, telephone, and cable will all be located within the right-of-way and utility easements shown on the plat.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Per 10.2 (B) 1 of the City of Billings Subdivision Regulations, 11 percent of the net residential land proposed to be developed at a density of one dwelling unit per half acre or less. With a total of 20.91 acres of residentially zoned land proposed within the development a total of 2.30 acres is required to be reserved for parkland. As part of the development, parkland will be reserved within the residential lots as pocket parks to be constructed, operated, and maintained by the Homeowner's Association.

VIII. IRRIGATION

There are no irrigation rights for this property.

IX. SOILS/GEOTECHNICAL STUDY

- A. A geotechnical analysis was performed for this property on August 12, 2016 by Rimrock Engineering, Inc. Subsurface conditions vary across the site. Since specific structure types and locations have not been identified, performing site specific geotechnical investigations should be considered and is recommended.
- B. Construction restrictions due to the results of the study may include over excavation and controlled recompaction, placement of granular backfill, or specific structural considerations, depending upon the actual structural loads to be built in a particular location.
- C. Assessment of a specific lot and mitigation efforts, if any, of these conditions shall be the responsibility of the lot owner. The City may require the owner of a lot to include a lot specific geotechnical investigation report with the building permit submittal.

X. PHASING IMPROVEMENTS

A. Phase I

Subdivider shall be responsible for the installation of a 5-foot sidewalk and/or 10-foot asphalt trail along the Rimrock Road frontage. Installation of sidewalk and/or trail will be required along the frontage of Lots 1 and 2 as part of Phase I. Remaining sidewalk/trail along Rimrock Road shall be installed at the time of Phase II.

The Subdivider and City agree that the final plat may be filed, but the Subdivider will construct or provide monetary guarantee as outlined herein for Phase I improvements before the building permits will be issued for any of the Phase I lots in the subdivision. The Phase I improvements referred to herein shall be installed using a private contract which shall be secured as a letter of credit or a letter of commitment to lend funds from a commercial lender. The letter of credit or letter of commitment to lend funds shall be in place prior to recording the final plat or commencement of the private contract. As used herein, the lots to be served by Phase I are more particularly described as follows:

Lots 1 and 2, located in Coal Creek Subdivision in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (2 lots total).

Phase I contributions for intersection impacts shall be for the proportion of Lots being developed in this Phase (2 of 17). Intersection impact contributions are as follows:

- Rimrock Road and 62nd St W: **\$5,430**
- Rimrock Road and 54th St W: **\$2,970**
- Grand Avenue and 62nd St W: **\$2,250**

B. Phase II

Subdivider is responsible for the construction of the north half of Rimrock Road along the frontage of the subdivision. Road improvements shall include widening of the asphalt to a collector road width as well as installation of curb and gutter, storm drain, and completion of the trail and/or sidewalk from Phase I. A right turn lane will be installed for west bound traffic at the intersection of Black Thunder Road and Rimrock Road. Stormwater collected in the Rimrock Road storm drain will be discharged to the Birely Drain.

Black Thunder Road will be completed to the north boundary lines of Lots 8 and 16 and will include the installation of private storm drain and public water and sewer utilities.

Phase II contributions for intersection impacts shall be for the proportion of Lots being developed in this Phase (9 of 17). Intersection impact contributions are as follows:

- Rimrock Road and 62nd St W: **\$23,982.50**
- Rimrock Road and 54th St W: **\$13,117.50**
- Grand Avenue and 62nd St W: **\$9,937.50**

The Subdivider will install the Phase II improvements in the future. The Subdivider agrees not to sell or convey any lots in the subdivision to be served by the Phase II improvements, and the Subdivider further acknowledges that no building permits for lots within Phase II shall be issued until a private contract has been executed for the construction and installation of the public improvements to serve said lots, and to provide necessary access and traffic circulation for the traffic generated by those lots. As used herein, the lots to be served by the said Phase II are particularly described as follows:

Lots 8 through 16, inclusive, located in Coal Creek Subdivision in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (9 lots total).

C. Phase III

Subdivider shall provide cash-in-lieu contributions for one half of a commercial local access road along the frontage of 62nd Street West. This shall include widening of the asphalt, curb and gutter, and sidewalk. The Subdivider shall be given credit for existing asphalt widths

Black Thunder Road shall be completed from the end of Phase II improvement to the intersection with Signal Peak Avenue. Signal Peak Avenue shall be built out from the east boundary line of Lot 3 to 62nd Street West. Phase III will include the installation of private storm drain and public water and sewer utilities in Black Thunder Road and Signal Peak Avenue.

Phase III contributions for intersection impacts shall be for the proportion of Lots being developed in this Phase (5 of 17). Intersection impact contributions are as follows:

- Rimrock Road and 62nd St W: **\$13,122.50**
- Rimrock Road and 54th St W: **\$7,177.50**
- Grand Avenue and 62nd St W: **\$5,437.50**

The Subdivider will install the Phase III improvements in the future. The Subdivider agrees not to sell or convey any lots in the subdivision to be served by the Phase III improvements, and the Subdivider further acknowledges that no building permits for lots within Phase III shall be issued until a private contract has been executed for the

construction and installation of the public improvements to serve said lots, and to provide necessary access and traffic circulation for the traffic generated by those lots. As used herein, the lots to be served by the said Phase III are particularly described as follows:

Lots 4 through 6, inclusive, and Lots 7 and 17 located in Coal Creek Subdivision in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (5 lots total).

D. Phase IV

The Subdivider will install the Phase IV improvements in the future. The Subdivider agrees not to sell or convey any lots in the subdivision to be served by the Phase IV improvements, and the Subdivider further acknowledges that no building permits for lots within Phase IV shall be issued until a private contract has been executed for the construction and installation of the public improvements to serve said lots, and to provide necessary access and traffic circulation for the traffic generated by those lots. As used herein, the lots to be served by the said Phase IV are particularly described as follows:

Lot 3 located in Coal Creek Subdivision in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (1 lot total).

Phase IV contributions for intersection impacts shall be for the proportion of Lots being developed in this Phase (1 of 17). Intersection impact contributions are as follows:

- Rimrock Road and 62nd St W: **\$2,715**
- Rimrock Road and 54th St W: **\$1,485**
- Grand Avenue and 62nd St W: **\$1,125**

XI. HOME OWNERS ASSOCIATIONS

A home owner's association (HOA) will be established for the residentially zoned properties (Lots 1-3) and the commercially zoned properties (Lots 4-17). Each HOA will have the following responsibilities:

A. Contact Information

HOA shall provide updated contact information of the senior board official to the City Engineering Department upon the establishment of HOA and/or changing of board members.

B. Street Maintenance

The commercial HOA will be responsible for the maintenance of Black Thunder Road and Signal Peak Avenue. The residential HOA is responsible for maintaining all private roads within Lots 1-3.

C. Storm Drainage Facilities

The residential and commercial HOAs shall share the cost of maintenance for community stormwater facilities.

XII. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be installed as approved by the city engineers and the City of Billings Public Works.

XIII. LEGAL PROVISIONS

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

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“SUBDIVIDER”

Magnus Land Development, LLC

By: _____

Title: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this _____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____ of *Magnus Land Development, LLC*, who executed the foregoing instrument and acknowledged to me that he executed the same.

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

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 20__.

“CITY”
CITY OF BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____, and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

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

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/14/2017

Information

Subject

Update: Bike-Pedestrian Master Plan Review Schedule; TIP, (Transportation Improvement Plan), Review Schedule. Wyeth Friday, Director, Planning & Community Services Department

Attachments

BikePed Master Plan Rw Schedule

TIP Rw Schedule

Bike/Pedestrian Master Plan Review Schedule:

| | | |
|----------------------|---|--|
| TAC | Presentation/Action - Thursday, March 2nd at 10:30 a.m. 1st Floor Conference Room, Miller Building, 2825 3rd Avenue North | Full presentation – Jolene? This board is city/county staff and have been involved at some level |
| Planning Board #1 | Presentation/PH of Item - Tuesday, March 14th at 6:00 p.m. 1st Floor Conference Room, Miller Building, 2825 3rd Avenue North - Publish 2/23 & 3/9 - Same location | Full presentation |
| Planning Board #2 | Recommendation/Action - Tuesday, March 28th | Short and only if requested by board |
| Council Work Session | Presentation - Monday, March 20th at 5:30 p.m. - Items to Wynnette Thursday 3/16 | Full presentation |
| Council Meeting | Action - Monday, April 10th at 6:30 p.m. - memo by Thursday 3/23 - Both meeting held in the City Council Chambers, 2nd Floor City Hall | Short and only if requested by council. Jolene? |
| County Discussion | Discussion - Monday, March 13th at 2:00 p.m. – Memo week before | Staff can probably do this one...we only get a few minutes |
| Commissioner Meeting | Presentation/Action - Tuesday March 21st at 9:30 a.m.- Both meetings held in the County Commissioners Board Room, 4th Floor, County Courthouse | Full presentation |
| PCC | Final Action - Tuesday April 25th at 12:00 p.m. - 4th Floor County Courthouse, Commissioner Board Room | Very short – this body is representing the other governing bodies who have already acted – Jolene or staff |

2017-2021 TIP Review Schedule:

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| TAC | Presentation/Action - Thursday, March 2nd at 10:30 a.m. 1st Floor Conference Room, Miller Building, 2825 3rd Avenue North |
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| Planning Board #1 | Presentation/PH of Item - Tuesday, March 14th at 6:00 p.m. 1st Floor Conference Room, Miller Building, 2825 3rd Avenue North - Publish 2/23 & 3/9 - Same location |
| Planning Board #2 | Recommendation/Action - Tuesday, March 28th |
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| Council Work Session | Presentation - Monday, March 20th at 5:30 p.m. - Items to Wynnette Thursday 3/16 |
| Council Meeting | Action - Monday, April 10th at 6:30 p.m. - memo by Thursday 3/23 - Both meeting held in the City Council Chambers, 2nd Floor City Hall |
| | |
| County Discussion | Discussion - Monday, March 13th at 2:00 p.m. – Memo week before |
| Commissioner Meeting | Presentation/Action - Tuesday March 21st at 9:30 a.m.- Both meetings held in the County Commissioners Board Room, 4th Floor, County Courthouse |
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| PCC | Final Action - Tuesday April 25th at 12:00 p.m. - 4th Floor County Courthouse, Commissioner Board Room |