



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



AGENDA

February 28, 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. APPROVAL OF THE FEBRUARY 14, 2017 MEETING MINUTES**
4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST: PLANNING BOARD MEMBERS**
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. **PUBLIC HEARINGS/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. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!

1. **PUBLIC HEARING. MOTION/RECOMMENDATION TO CITY COUNCIL. LAKE HILLS SUBDIVISION, 35TH FILING.** Dave Green, Planner II, presenting.
2. **PUBLIC HEARING. MOTION/RECOMMENDATION TO CITY COUNCIL. COAL CREEK SUBDIVISION.** Dave Green, Planner II, presenting.
8. **OTHER BUSINESS:**
 - a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
9. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, MARCH 14, 2017

- a. **BIKE PEDESTRIAN MASTER PLAN REVIEW.** Lora Mattox, Transportation Planner, presenting.
- b. **2017-2021 TRANSPORTATION IMPROVEMENT PROGRAM, (TIP).** Scott Walker, Planning Transportation Coordinator, 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.



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/28/2017

Information

INTRODUCTION

MOTION. APPROVAL OF MEETING MINUTES: FEBRUARY 14, 2017

RECOMMENDATION

VARIANCES REQUESTED

DISCUSSION/STAKEHOLDERS

Attachments

No file(s) attached.



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/28/2017

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 duplex patio homes are proposed. The Yellowstone County Board of Planning will conduct a public hearing at this meeting and make a recommendation to the City Council.

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.

DISCUSSION/STAKEHOLDERS

A brief presentation was given to the Planning Board by staff about the proposed subdivision. Board President Darrell Tunnicliff asked if there were any questions from the Board. There was no discussion from the Board or from the applicants agent.

Attachments

Findings of Fact

Proposed Plat

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

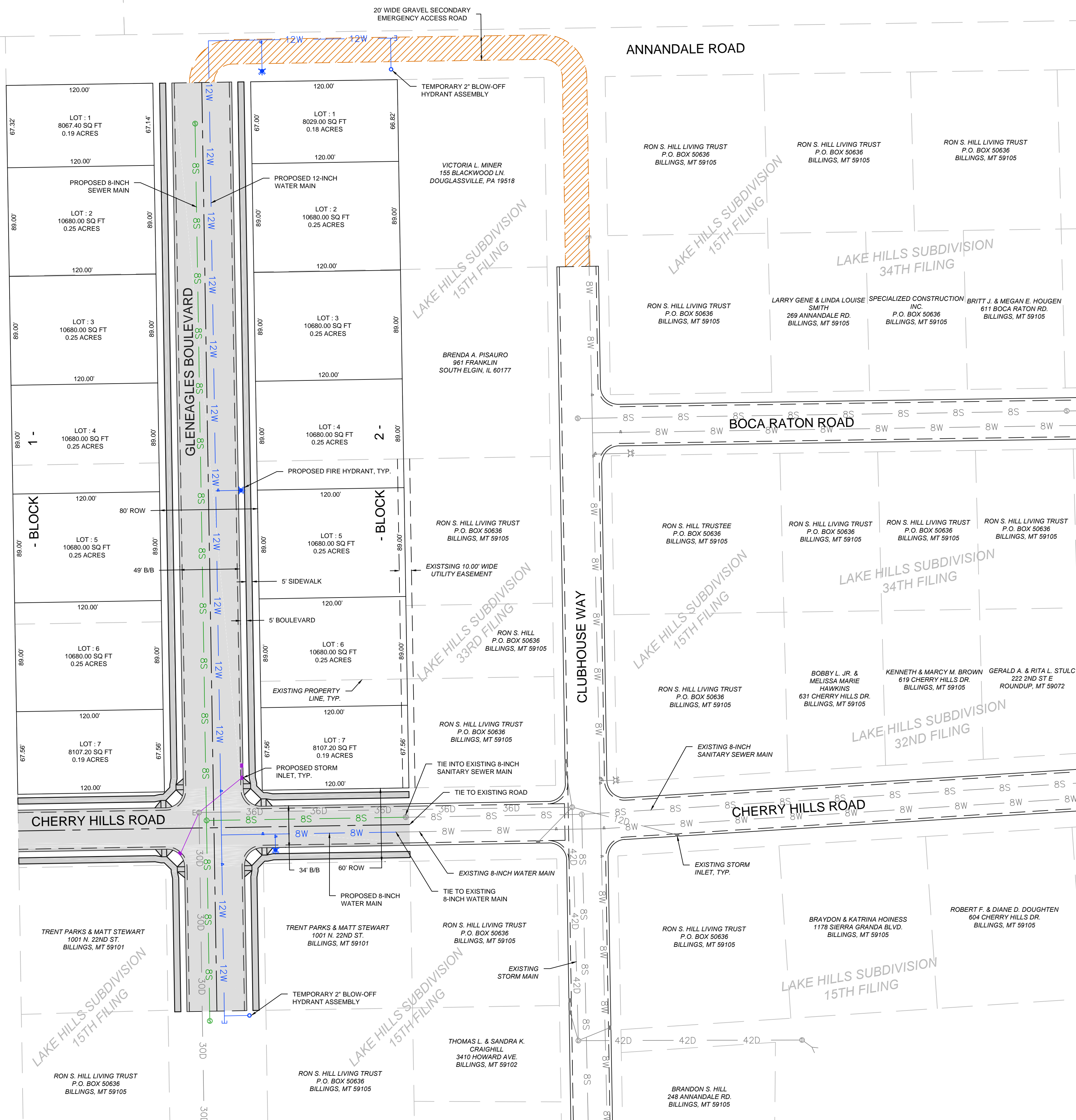
DOVER RANCH
 528 SINDELAR RD.
 BILLINGS, MT 59105

MARISELA
 SUBDIVISION

C.O.S. 3573

C.O.S. 3573

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



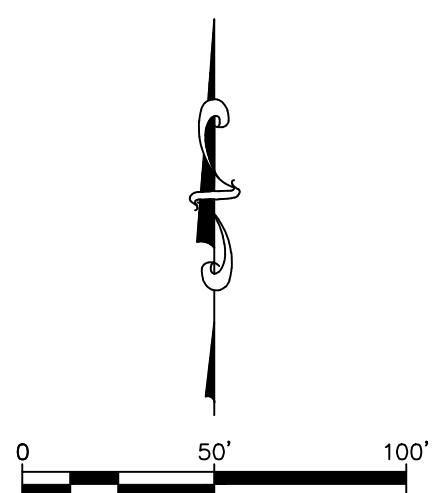
VICINITY MAP

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		SHEET
REVISIONS	DATE	BY	7100 COMMERCIAL AVE, SUITE 4 BILLINGS, MT 59101 OFFICE - 406-384-0080 www.performance-ec.com COPYRIGHT 2016 ©	
		1 OF 1		
###	DRAWN BY:	JMD	CHECKED BY:	RDN
	DATE:	12-19-16		

1/3/2017 11:34:48 AM
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YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 02/28/2017

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 17 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 62nd 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 came to the Planning Board in February and not in January. The Yellowstone County Board of Planning will conduct a public hearing at this meeting and make a recommendation to the City Council.

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 the 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 be encouraged to design 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 variance has been requested.

DISCUSSION/STAKEHOLDERS

Staff gave a presentation regarding the proposed subdivision. Board President Darrell Tunnickliff opened the floor for board members to ask questions. Board members asked some questions regarding parkland, centralized mail boxes and height limits in RMF zoning. Staff responded that the parkland would be dispersed throughout the residential development in smaller parks near the housing units. The USPS now requests centralized mailboxes to be more efficient with delivery of mail. Mr. Blaine Poppler responded that RMF zoning does not have a height limit.

Mr. Craig Dalton from Performance Engineering, representing the applicant, stood to speak for the proposed subdivision. Board members asked questions that mostly revolved around the proposed park land within the housing area. Several board members expressed concern with the parkland being nothing more than front lawn space but not an area large enough for actual outdoor activity. There was also concern raised about if there should be open space along Rimrock Road to provide a safety buffer between the residential development and the busy road. Mr. Dalton stated he would provide a proposed layout for the housing and parkland at the public hearing on February 28th to show more detail on the park land plans and the frontage along Rimrock Road.

Some board members also asked for greater detail about the proposed drainage system for the proposed subdivision. Mr. Dalton explained the proposed City-owned basin south of Rimrock Road across from the subdivision that would collect storm water for the area. It is proposed that the developer of Coal Creek Subdivision contribute a proportional share of the cost of construction of the detention area to be able to use it for drainage.

Mr. Blaine Poppler stood to speak about the proposed subdivision. He stated the applicant was proposing

to build apartments on the land that is zoned residential multi family at half the allowed density. This will leave larger areas available for the interspersed parkland areas and make it a desirable area to live in, according to Poppler.

The Board had no further questions or discussion on the proposed subdivision.

Attachments

Findings of Fact

Proposed Plat

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.

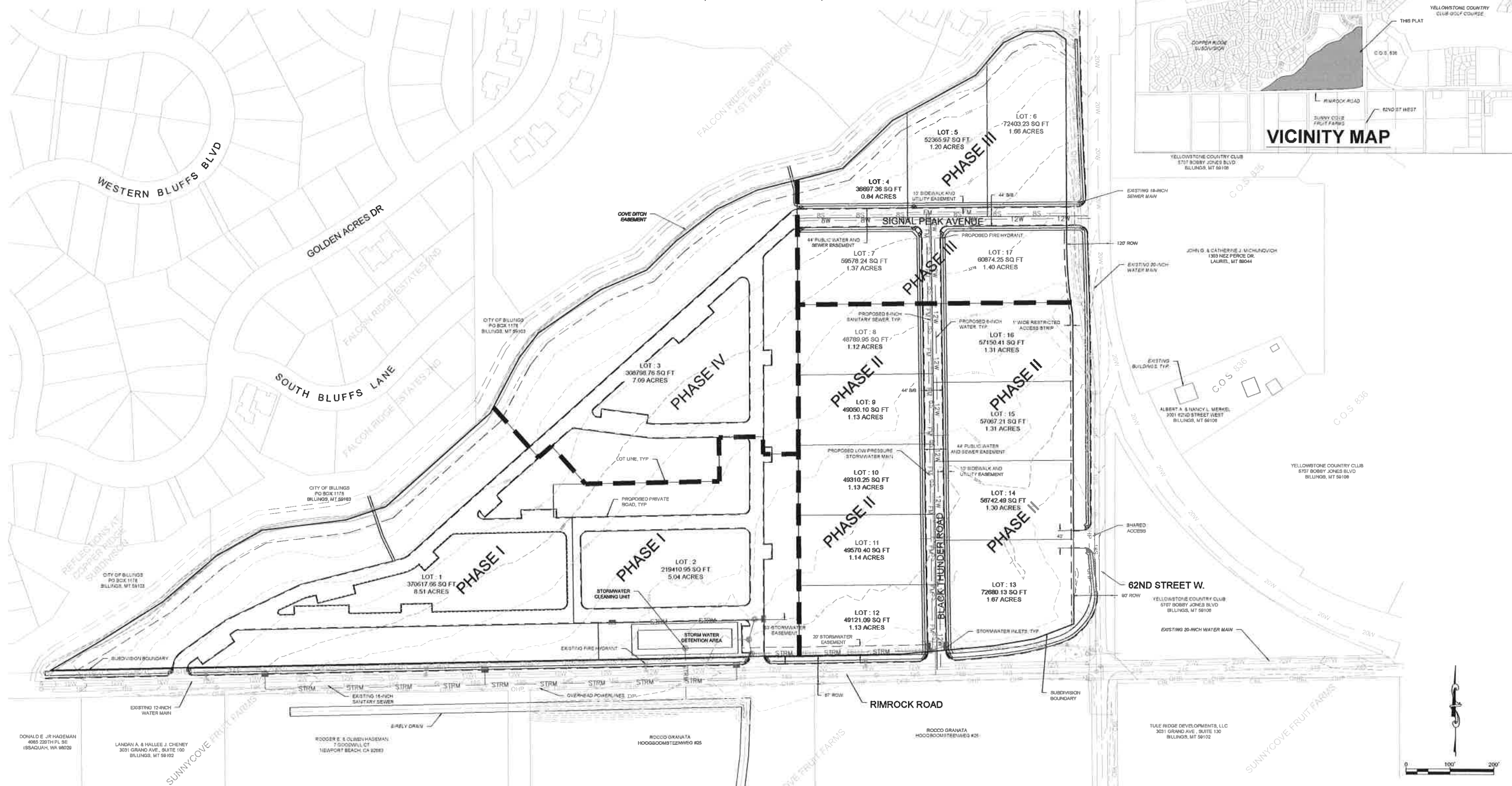
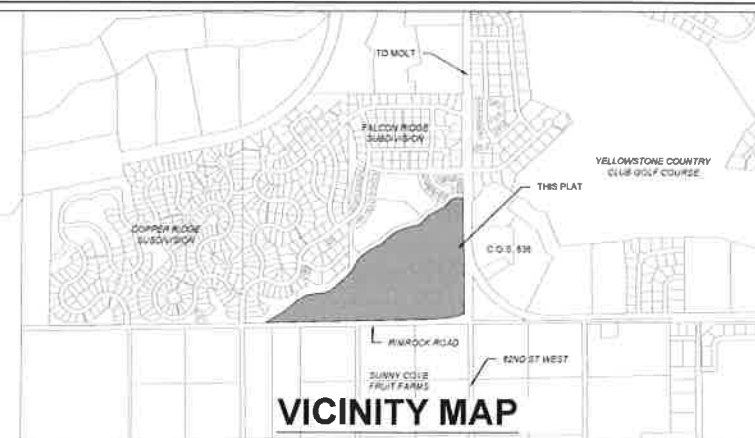
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy Update and does not conflict with the Transportation or Bikeway and Trail plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements 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		