



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



AGENDA

June 27, 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 MEETING MINUTES: JUNE 13, 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. **Discussion/Update on June 20 PCC North East Billings Bypass Project Agenda Item. Reaffirmation of Planning Board's motion of support for an alternative funding package for a separated Bike/Pedestrian path on the bridge.** Darrell Tunnicliff, Planning Board President.

- b. **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. Sartorie Subdivision, 2nd Filing. Dave Green, Planner II, presenting.**

- 8. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. **Presentation. Bicycle Pedestrian Committee, (BPAC), Annual Update.** Ed Gulick, President, BPAC presenting.

- 9. **OTHER BUSINESS:**
 - a. **Discussion. Addressing littering issues in Yellowstone County. Planning Board members**

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

- 10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, JULY 11, 2017

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: 06/27/2017

Information

Subject

MOTION. APPROVAL OF MEETING MINUTES: JUNE 13, 2017

Attachments

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CITY/COUNTY PLANNING BOARD

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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		1	1	E	1	1	E	E	-	E												
Vacant	Mayor/Billings Ward II	-	-	-	-	-	-	-	-	-	-	-												
LaVerne Bass	Mayor/Billings Ward III	1	1	1	1	-	1	1	1	E	-	1												
Darell Tunncliff	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1	-	1												
Patrick Klugman	Mayor/Billings Ward V	1	1	1	1	1	1	1	1	1	-	1												
Troy Boucher	YC District 1	-	1	E	E	E	E	1	1	1	-	1												
Dennis Cook	YC District 2	-	1	1	1	1	1	1	1	1	-	1												
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-												
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-												
Woody Woods	YC District 5	-	-	-	-	-	-	1	1	1	-	1												
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-												
Francisco Saldivar	YC District 7	1	1	1	1	1	1	1	1	E	-	1												
Clint Peck	Y County Cons. District	1	E	E	E	1	1	1	1	E	-	1												
Scott Reiter	Ex-Officio SD2		E	E	E	E	1	E	1	A	-	1												

CITY/COUNTY PLANNING BOARD

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June 13, 2017

DRAFT-To Be approved by a motion on June 27, 2017

1. Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, June 13, 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 member: Scott Walker, Transportation Coordinator; Nicole Cromwell, Zoning Coordinator; Dave Green, Planner II; Tammy Deines, Planning

Others in Attendance: Tammy Saldivar; Mike Svetz; Jolene Rieck, Peaks to Plains Design; Mac Fogelsong, Sanderson Stewart

2. **Approval of the June 13, 2017 Agenda:** President Tunncliff requested an additional Agenda Item 9b, Northeast Bypass Project, Scott Walker, Transportation Coordinator. **Board member Boucher made a motion and Board member Saldivar seconded the motion to approve the June 13, 2017 agenda with the additional agenda item 9b. The motion carried with a unanimous voice vote.**

3. **Approval of Minutes: May 9, 2017. (The May 25, 2017 meeting was cancelled).**

Motion

Board member Boucher made a motion and Board member Saldivar seconded the motion to approve the meeting minutes of May 9, 2017 as submitted. 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 reported by the Board.

7. OLD BUSINESS

7a. Plat Review/Discussion. Satorie Subdivision, 2nd Filing, Dave Green, Planner II, presenting.

Dave Green opened it agenda item with the staff report and a PowerPoint presentation.

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INTRODUCTION

On April 3, 2017, Blueline Engineering, the agent for the owners, Richard and Mae Sartorie, applied for preliminary major plat approval for Sartorie Subdivision 2nd Filings. The proposed subdivision creates 9 new lots for residential development. There is an existing storm water detention pond on the southwest corner of the first filing of this subdivision. The subject property is generally located at 1880 Hawthorne Lane on the northwest corner of Hawthorne Lane and Kyhl Lane in the Billings Heights. The property is zoned Residential-7000 (R-70). This property is in the county and is going through the annexation process. The City Council will consider the annexation before it acts on this preliminary plat. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on June 27, 2017.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary major plat of Sartorie Subdivision 2nd Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

CONCURRENT APPLICATIONS

This parcel of land is currently undergoing other processes that will need to be completed before City Council consideration of the preliminary plat or recording of the final plat:

- The parcel being subdivided is in the county and will need to be annexed by the City before the City Council may take action on the preliminary plat. The annexation process in moving forward and will be scheduled to take place prior to preliminary plat action by the Council. The council will hold a public hearing on July 10th for the annexation.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. *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.*
2. *To ensure all local and state regulations have been met regarding the plat, prior to final plat approval the applicant shall lift the ag-restriction placed on the parcel when it was created.*
3. *To reduce the effect on local services and ensure utility companies are able to install utilities for the proposed subdivision, the applicant shall show utility easements on the face of the plat as requested and approved by the utility companies.*

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4. *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.*
5. *The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.*

Discussion

President Tunnick asked the Board for questions and discussion. Board member Klugman asked regarding the water rights for this parcel. Dave Green explained that the Sartories will retain the water rights and will not split them to the future residents. He noted the rights may be sold or relinquished to the ditch company in the future. He pointed out the reasoning for the delayed hearing and stated the applicant’s agent was unable to meet the required deadlines and requested a 30-day delay of the preliminary review.

**A public hearing will be held for Sartorie Subdivision, 2nd Filing during the Tuesday, June 27, 2017 Planning Board meeting.

8. NEW BUSINESS

A. Presentation. Billings Parks and recreation Comprehensive Plan. Mike Svetz, Pros Consulting, presenting. In attendance: Jolene Rieck, Peaks to Plains Design; Mike Whitaker, Director, Parks & Recreation Department; Mark Jarvis, Planner, Parks & Recreation Department.

Consultant Mike Svetz gave a brief overview of the data procurement process and the presentation agenda:

Park Typology; Service Level Standards; Equity Mapping; Capital Improvement Plan; Planning Regulations; Next Steps.

1. Park Typology

Pocket Parks: small urban open spaces serving a variety of functions

Neighborhood School/Parks-typical .5-20 acres in size with a length of stay 30 min-1 hour

Community Parks-10-75 acres Typical length of stay 2-3 hours

Regional Parks -5-150 acres. Two hours to all day stays with multiple experiences and a regional draw.

1. **Park Typology, (continued)**

Major Sports Complexes: 2-3 hours experience for single activities. Sports tourism draw

Special Use Park/Facility: Singular in focus. Dog Parks, Skate Parks

Greenbelts/Trails-linear space that carry a trail system

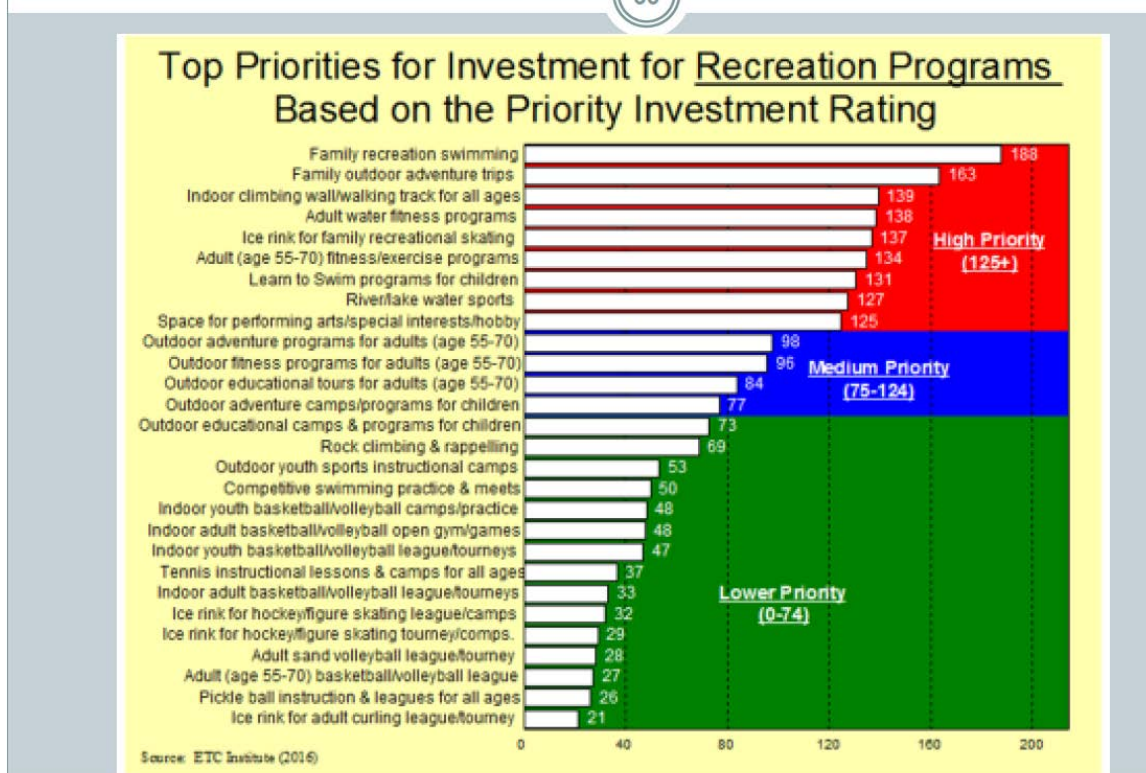
Open Space/Conservation Park (such as Swords Park) preserved with little development other than a traverse road, parking

2. **Service Level Standards**-Park Typology Breakdown. reviewed existing and proposed recommended service levels and inventory to develop community focus within the next 10-15 years. There is a need for an additional community park and a multi-gen recreational center.

3. **Equity Mapping**-maps of the current service levels for each Park Typology

4. **Priority Investment Rating Programs**

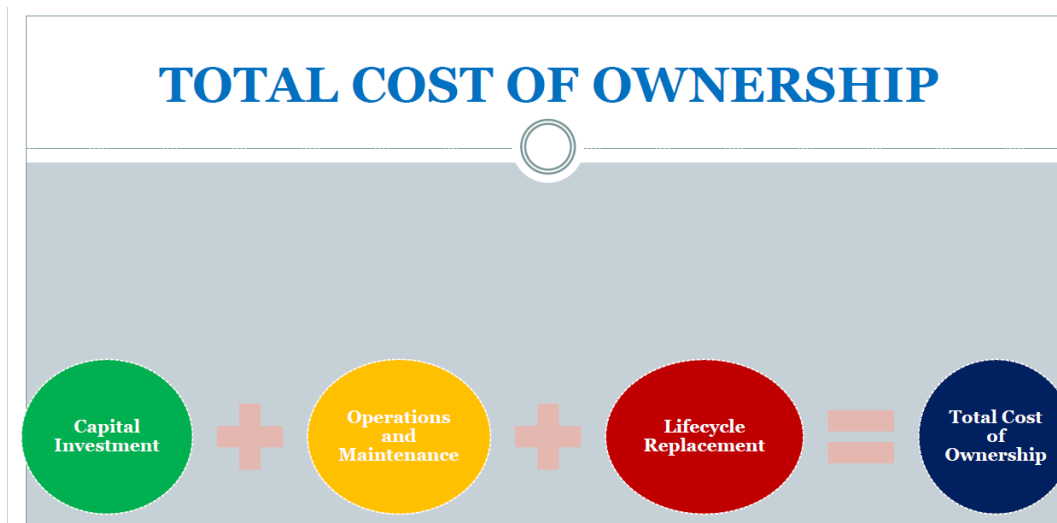
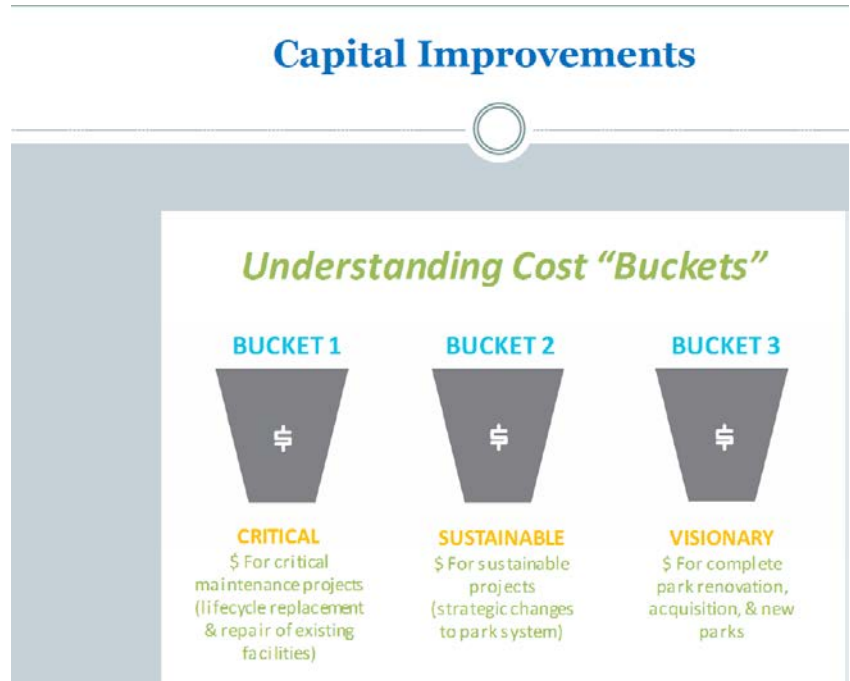
Priority Investment Rating Programs



5. **Capital Improvement Plan- Understanding the Total Cost of Ownership of Assets.**

Ensure the appropriate operations and maintenance funds are in place to address lifecycle placement.

Understanding Cost Buckets: Critical-lifecycle replacement & repair of existing facilities. Sustainable-strategic changes to park system. Visionary-complete park renovation, acquisition. Mr. Svez reviewed the categorizations of critical projects, sustainable projects, and visionary projects.



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6. **Best Practice Recommendations for Subdivision Regulations**--looking at neighborhood subdivision regulations and opportunities for development. Are there barriers with policy that hinders implementation? Park Typology Definitions; Storm Drainage Facilities; Watercourse and Irrigation Easements; Ownership and Management of Open Space; Design Standards for Planned Neighborhood Developments; Parkland and Trail Dedication; Storm water Detention/Retention in Parks; Determining Cash Contribution for Parkland; and Required Supporting Documents for Major Preliminary Plat Applications
7. **Next Steps:** Prioritization of the Capital Improvement Plan, (CIP); Funding Strategies--will be available the end of June; Draft Master Plan--Early August; Master Plan Approvals--August/September

Discussion

President Tunncliff called for discussion and questions. Questions were asked regarding utilization of existing parklands. Director Whitaker explained there is approximately 2,600 acres of publically owned land in Yellowstone County, with 95 undeveloped acres of parkland. Discussion followed on opportunities for gifting and easements and the option for purchase farmland and lease it back to the farmer until needed. Explanation was given to Board member Peck on the embedded parks captured in this plan.

8B. Motion. Recommendations: 1) Initiate the zoning amendment to separate the City and County Zoning Code; 2) Initiate the overhaul of the City and County Zoning Codes. 3) Discussion. Creation of an Ad Hoc Steering Committee for the City and County Zoning Code Update. Nicole Cromwell, Zoning Coordinator
Zoning Coordinator Nicole Cromwell opened this agenda item and stated a project timeline was included with the staff report. There are four-six major elements of revisions which will take approximately 2-2/1/2 years to complete. The overall goal is to use plain language with good visual illustrations and graphics of the intent of the wording.

1. **Discussion/Motion to Initiate the Zoning Amendment to separate the City and County Zoning Codes:** Board member Saldivar asked for clarification on the need for this process. Ms. Cromwell explained that over the years, the City and County codes have diverged in several major areas. Although not required, the separation will allow for one code. There will be major portions that will read exactly the same, especially in the area of residential land uses.

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Motion

Board member Boucher made a motion and it was seconded by Board member Klugman to authorize staff to use staff time and resources to initiate the Zoning Amendment to separate the City and County Zoning Codes. The motion carried with a unanimous voice vote.

2. **Initiate the overhaul of the City and County Zoning Codes.** Ms. Cromwell stated staff is requesting this initiation to deal with clarification of the existing codes, to create a more understandable format for the consumer, and align the code with the adopted plans.

Motion

Board member Peck made a motion and it was seconded by Board member Bass to authorize staff to use staff time and resources to initiate the overhaul of the City and County Zoning Codes.

Discussion

There was question by Board member Klugman as to whether this update will include the Boundary of the Zoning District? Board member Cook asked how is it different than now, and can Ms. Cromwell provide an example of how this will improve the current code? Ms. Cromwell replied there are currently 29 zoning districts, which is too many as the differences between the districts are often minimal. For example, there is no middle ground between Agricultural-Open and Agricultural-Suburban minimum acreage requirements. Board member Cook stated he supports moving ahead with this project. He pointed out the benefits of involving representatives of the surrounding property owners where development is taking place to act as Members at Large. He stressed it is critical to engage the right people to participate on the Ad Hoc committee to forward positive recommendations. He noted the importance of project timing and completion. Ms. Cromwell stated with staff’s knowledge of committee processes, staff has projected for a 2 1/2-year development schedule. Specialized committees will forward their recommendations to the steering committee. The final tasks are projected for August 30, 2019.

The motion carried with a unanimous voice vote.

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3. **Discussion. Creation of an Ad Hoc Steering Committee-consisting of 11-15 members to include 3 Planning Board members.**

Ms. Cromwell provided the Board with a handout: “Zoning Code Update Steering Committee Member Suggestions”. She stated there is a \$35,000 allocation in the Planning Budget in the next fiscal year to hire consultant services to conduct the legal review, draft the steering committee's recommended amendments, and provide services for graphic design. Staff will return to City Council for further discussion on July 10, 2017 and to the BOCC in the next week. No Ad Hoc Committee appointments have been made at this time. Ms. Cromwell said the Ad Hoc Committee should be formed by August 2019. The Planning Board President will make recommendations for the three Planning Board members and Board members may forward input to Staff. Board member Saldivar cautioned to keep in mind it may take an extended period of time working with a larger committee.

Motion

Board member Cook made a motion and it was seconded by Board member Boucher to create an Ad Hoc Committee with broad representation to include members at large who surround land owners on the peripheral edge of development. The motion carried with a unanimous voice vote.

9. OTHER BUSINESS

9a. **Discussion/Staff Presentation. Lockwood Transportation Overview. Scott Walker, Planning Transportation Coordinator, presenting.**

Scott Walker opened this agenda item with a PowerPoint Presentation.

- **Billings MPO Transportation Planning Boundary**
The MPO as designated by the governor is eligible to spend federal highway and transit funds. The Planning Board President is an active voting member of the Policy Coordinating Committee. The Census boundary is the official delineation of where the MPO boundary begins.
- **Billings Urban Area Transportation Plans**-updated every 4 years. The next update will begin in 2017 and end in 2018.
- **Functional Class Map**-identifies roadways into arterials and collectors. This map is reviewed with every Transportation Plan update. Transportation modeling is used for projections.

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- **Lockwood Transportation Study (2008)**-Excellent viable resource for the Lockwood Community. The Lockwood Transportation District worked to build the Johnson Lane Interchange. A funding mechanism for assessments has been created. The plan includes a goal for evaluating the role of transit in serving future transportation demands.

Goals and Objectives

Document existing conditions and identify existing deficiencies

Forecast future traffic demands and develop a future street system plan

Evaluate pedestrian and bicycle corridors and provide a priority listing

Evaluate the role of transit in serving future transportation demands

Develop both short term and long term improvement concepts

Provide a project priority list with jurisdictional funding sources identified

Problem Locations

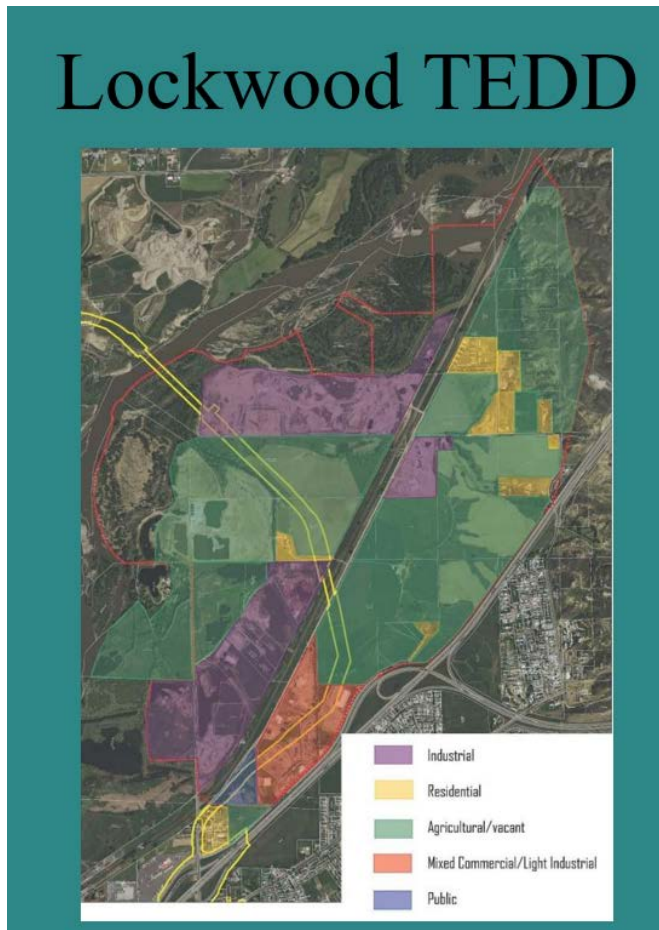
Lockwood Interchange	Johnson Lane Interchange
North Frontage Road / Lockwood Road	Old Hardin Road & Highway 87
Highway 87 & Piccolo Lane	Johnson Lane & Highway 87
Johnson Lane Railroad Crossing	Flying J Truck Access

- **Non-Motorized Transportation Plan (Bike-Pedestrian Plan)**-significant area covered by the safety district.
- **Billings Area Bikeways & Trails Master Plan**-Lockwood area goals are incorporated in this plan.
- **I-90 Corridor Study**-looked at every interchange in the I-90 in the urban areas. The intersection at the Johnson Lane Interchange will be totally rebuilt with the Bypass Project and the new interchange will be built to interstate standards. The North Bypass project first phase of construction is the 5-mile road section. The 2nd phase may be the railroad or river bridge, followed by phases for Mary Road and the interchange at Lockwood and Johnson Lane. This connection will create a local arterial street which will open traffic flows from Billings Heights to the Community of Lockwood.

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- **2016 Lockwood Growth Policy**-guiding document for development in the Lockwood Community.
- **Lockwood TEDD**-industrial park concept located north of the urbanized Lockwood area.



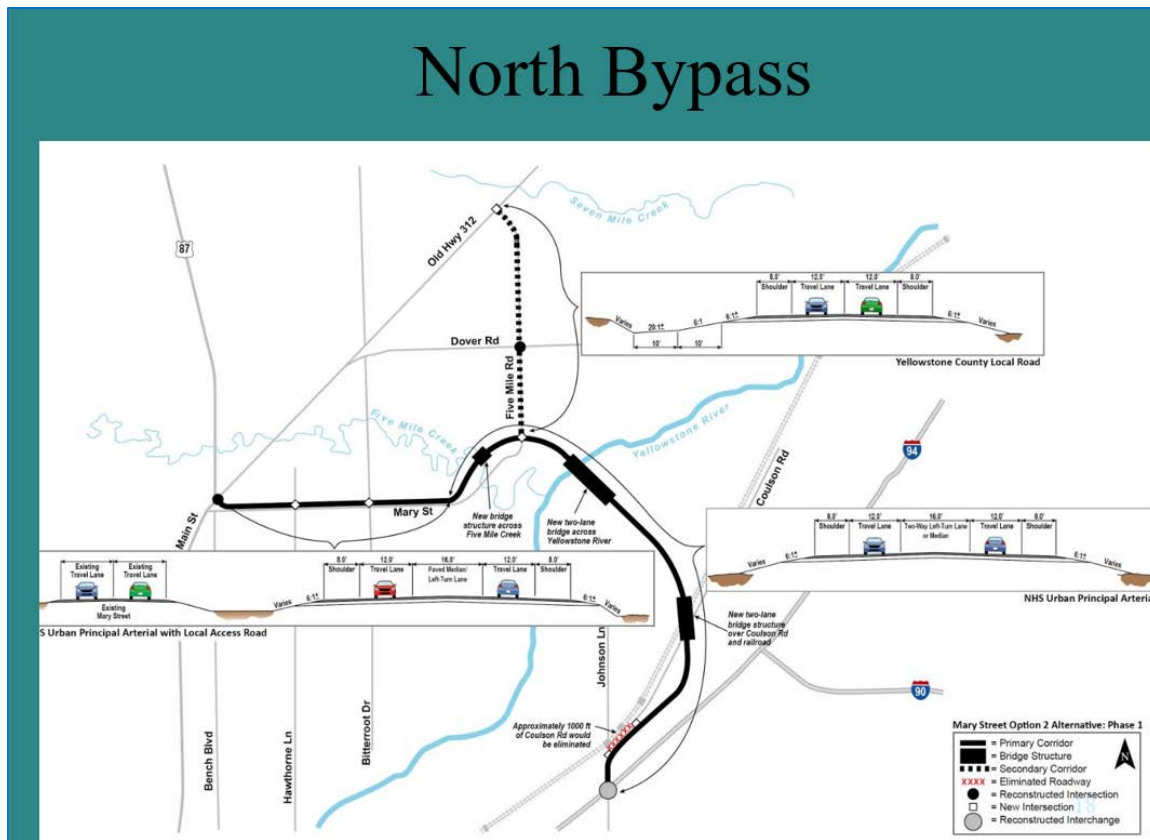
Discussion

Scott Walker offered to answer further questions and said they may contact him at the Planning Division office. President Tunnick thanked Scott Walker for his complete presentation of this information. Board member Woods commented the sewer system is the catalyst for growth in Lockwood. He noted the projected new development along Old Hardin Road and said the 2008 study didn't predict Brett's RV. He pointed out the need to update the Lockwood Transportation Study and said the community is trying to answer bike and pedestrian issues. He stated, “Good planning facilitates growth”.

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9b. (Additional Agenda Item per motion). Northeast Bypass project. Scott Walker, transportation Coordinator, presenting.



Scott Walker pointed out the cross section of the affected area of the Billings Bypass project and noted the cross section of the bridge section as it traverses the lowlands. Currently the bridge is designed to be a wide 4-lane facility with 8-ft shoulders. There are no plans to look at a separated bike pedestrian path on the bridge itself. MDT's budget is approximately \$95-120 million depending on right-of-way acquisition and design. Several plans encourage a bike pedestrian facility associated with the bridge structure itself. Discussions have been held and there is the thought of using CMAQ and Urban Funds along with MDT and Federal Highway administration funds to create a package to make the connection on the bridge. Staff brought this item forward as an informational item as the Policy Coordinating Committee will meet June 20, 2017 to discuss this topic with the hope there will be some options to get this done.

Discussion.

President Tunnicliff commented on the practicality of connecting both communities. He noted the connection is critical as in the future, there will be a lot of residential property

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in Lockwood and the Heights. He is in favor of advocating for building the bridge as soon as possible and that it be designed adequately to address the needs of both communities and create a quality safe passageway across the Yellowstone River. Scott Walker stated a funding package needs to be put in place to make this project whole and safe. Board member Woods pointed out the limited parks in Lockwood and stated this connection would provide a safe separated path to access Dover Park. He stressed the importance of this key piece to the bridge. Board member Cook clarified and said the issue comes back to the funding. He spoke to the traffic created with the creation of the lake in Dover Park. Scott Walker said this agenda item was requested Commissioner Ostlund to be heard at PCC. The Board decided to forward a motion of support. Board member Klugman recused himself from the motion and vote due to his association with the TEDD project and BSEDA.

Motion

Board member Cook made a motion and it was seconded by Board member Bass for the Planning Board to strongly recommend creating an alternative funding package to incorporate a separated bike pedestrian lane on the Northeast Bypass project bridge during the design process to ensure safety and connectivity for bicyclists' and pedestrians' future use.

Board member Cook made a motion to amend the original motion to include flexibility in funding and it was seconded by Board Member Bass

The amended motion carried with a unanimous voice vote with Board member Klugman abstaining from this vote.

President Tunnick called for a vote on the original motion.

The original motion carried with a unanimous voice vote with Board member Klugman abstaining from this vote.

9b. Addressing littering in the City of Billings and Yellowstone County. Planning Board members. This agenda item will be moved to the June 27, 2017 agenda.

9c. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects. There were no discussion items.

ADJOURNMENT: 8:40 p.m.

DRAFT-To be approved by a motion on June 27, 2017.



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 06/27/2017

Information

INTRODUCTION

On April 3, 2017, Blueline Engineering, the agent for the owners, Richard and Mae Sartorie, applied for preliminary major plat approval for Sartorie Subdivision, 2nd Filing. The proposed subdivision creates 9 new lots for residential development. The subject property is generally located at 1880 Hawthorne Lane on the northwest corner of Hawthorne Lane and Kyhl Lane in the Billings Heights. The property is zoned Residential-7000 (R-70). This property is in the County and is going through the annexation process. The City Council will consider the annexation before it acts on this preliminary plat. The Yellowstone County Board of Planning will conduct a public hearing at this meeting. On May 3, 2017 the agent, on behalf of the property owner, requested a 30-day delay of the application, which has placed it on the June schedule for Planning Board review and public hearing.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Sartorie Subdivision, 2nd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To minimize 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.
2. To ensure all local and state regulations have been met regarding the plat, prior to final plat approval the applicant shall lift the agricultural restriction that was placed on the parcel when it was created.
3. To reduce the effect on local services and ensure utility companies are able to install utilities for the proposed subdivision, the applicant shall show utility easements on the face of the final plat as requested and approved by the utility companies.
4. 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.
5. 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 a question about the water rights that are with the property and also what was the reason for the 30 day delay request. Staff responded that the owner is retaining water rights, should the entire farm be subdivided the owner can sell them to others or release them back to the ditch company. It was explained that the applicants agent requested the delay because of conflicts causing them to miss deadlines. There was no further 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 Sartorie Subdivision, 2nd Filing. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

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 farmland currently located outside the City limits. The owners are currently going through the process of annexation to bring the property into the City Limits. The BBWA Ditch runs along the eastern edge of the property. According to the BBWA, the ditch is within an easement alongside Hawthorn Lane (Recorded ditch easement Volume U of Deeds on page 551 Plat Book 45). As the ditch travels north, it angles to the west through the property north of the subject property and then again turns north to Barrett Road. There will be not water rights transferred to the new subdivision and the BBWA ditch will remain intact for users downstream.

Though this subdivision will not have water rights or shares from the ditch, there is property to the north east that does. This subdivision will not alter the course of the BBWA ditch.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the County Water District of Billings Heights (CWDBH). The developer will connect to lines installed in Sartorie Road with the 1st Filing, those line connect to water main in Kyhl Lane. New individual services to all of the lots, and new fire hydrants will be provided in accordance with design standards, specifications, rules and regulations of the CWDBH, Billings Fire Department, and the Montana Department of Environmental Quality (MDEQ).

Sanitary sewer service will be provided by connecting to the existing sewer lines in Sartorie Subdivision 1st Filing which is connected to the City of Billings' sewer main in Kyhl Lane. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

MDU will provide gas services and Northwestern Energy will provide electric services to the subdivision. Easements are shown on the face of the plat for these utilities. The utility companies have requested an 8-foot-wide utility easement on the front lot lines.

- b. **Storm water** – Storm water drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to the detention pond on the south west corner of the Sartorie Subdivision 1st Filing. That water will then discharge through a storm drain pipe that is connected to a

manhole in Kyhl Lane. There is proposed to be a temporary detention pond on the north end of Sartorie Road to collect runoff from Sartorie Road north of Jordyn Circle. A permanent detention facility will be created with future filings of the subdivision. These and all other drainage improvements shall also satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City 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** – This filing will construct new roads to meet all City of Billings road standards. There will be a continuation of Sartorie Road and a new cul-de-sac, Jordyn Circle, constructed. Sartorie Road connects to Kyhl Lane, a city public right-of-way, that is not completely built to City standards. This filing will pave a portion of Kyhl Lane right-of-way from the west edge of Sartorie Road to Brewington Drive. All streets shall be built to city standards and approved by City Engineering before construction. The future plan for this subdivision is to ultimately connect to Barrett Road with future filings as well as make a connection to the west should future development occur on the property to the west.
- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The subdivider will be required to install fire hydrants in the locations required by the City Fire Department. 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. Schools serving these students are Bitterroot Elementary, Medicine Crow Middle School, and Skyview High School. Staff did not receive any comments from the schools but in the previous filing a response from School District 2 stated that there is capacity for more students and the school has an established 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. In this filing, the 11% requirement is 0.19 acre. The applicant will be making a cash contribution for park land dedication. The Parks, Recreation and Public Lands Department is in agreement with the cash contribution proposal.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision, staff did not receive any comments back from the USPS. It would be anticipated that the USPS would require the same as the previous filing which was individual mailboxes at each home. The applicant will need to consult with the USPS to determine what will be required. **(Condition #1)**

3. Effect on the natural environment

The subject property is in an area that will most likely experience an increase in development with the new middle school nearby. The property has been used for farming for many years with suburban and urban development slowly occurring around it. The farming that has taken place on the property for years changed the natural environment that was once there. During development a stormwater pollution prevention plan is required to be used and monitored to prevent erosion on exposed ground. These provisions should help balance any impacts on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Because of the farming activity, wildlife habitat would be limited to the perimeter near the ditches and in the trees scattered about the property, although the farm activity may have provided grazing for deer in the area. There is a note 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

Based on the provision for emergency services, as discussed above, there are no anticipated effects on public health, safety and welfare resulting from this subdivision. Individual geotechnical surveys will be completed prior to home construction to ensure that foundations are built to accommodate for expanding soils and any other concerns. The SIA include a statement in the Conditions That Run with The Land that caution about the possibility of high ground water and the need to include water table information in the Geotechnical study.

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 City of Billings 2016 Growth Policy, the Urban Area Transportation Plan 2014 Update and the Billings Area Bikeways 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) 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). Implementation of the Infill Policy is important to encourage development of underutilized properties. (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)

2. Urban Area Transportation Plan 2014 Update

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

3. Billings Area Bikeways and Trail Master Plan

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan. There is a trail corridor to the west of the subdivision along the Holling Drain called the Kiwanis Trail. Hawthorne Lane is planned to have bike lanes and the Kiwanis Trail extends from Mary Street to Lake Elmo Drive, connecting homes to businesses and schools. The Kiwanis Trail is planned for further extension north. Providing multi-use trail connectivity between Hawthorne, the proposed subdivision, and the Kiwanis Trail would aid in safe travel for people riding bicycles or walking. Trail connections can also provide an amenity for home-owners and residents of this new neighborhood. Future development of this subdivision to the north opens an opportunity to participate in creating trail corridors for the neighborhood. No trail improvements are planned within the subdivision at this time.

4. Billings Heights Neighborhood Plan

The proposed subdivision does meet some goals of this plan, specifically ‘To encourage infill development and housing development that meets residents’ desire to have similar housing within their neighborhood’. Also ‘To provide safe, good quality and affordable housing in the Heights’.

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 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. Proposed conditions of approval will ensure compliance with local and state regulations, including the requirement to lift the ag-restriction on the property prior to final plat approval. (**Condition #2**)

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

The subject property is zoned Residential-7000 (R-70). The lot sizes within this filing conform to the requirements of zoning. Further 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 is required to provide utility easements as requested by MDU and NW Energy on the face of the plat. (**Condition #3**)

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 Sartorie Road that connects to Kyhl Lane.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Sartorie Subdivision 2nd Filing 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. It does not conflict with the Transportation or Bikeway/Trail Plans and does meet some goals of The Billings Heights Neighborhood Plan.
- 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 Sartorie Subdivision 2nd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

