



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



AGENDA

August 22, 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.
 - a. Moment of remembrance for deceased former Planning Board member Don Reed.
2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MOTION. MEETING MINUTES: AUGUST 15, 2017-Delayed**
4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).

- 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 PCC. 2018 BILLINGS URBAN AREA UNIFIED WORK PROGRAM, (UPWP).** Scott Walker, Transportation coordinator, presenting.
2. **Public Hearing. Motion/Recommendation to BOCC. Van Arsdale Subdivision.** Dave Green, Planner II, presenting.
3. **Public Hearing. Motion/Recommendation to BOCC. EcoBuilt Subdivision, 2nd Filing.** Dave Green, Planner II, presenting.
8. **NEW BUSINESS:** (Agenda items new to this meeting).
9. **OTHER BUSINESS:**
 - a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
 1. **STAFF UPDATE/PLANNING BOARD DISCUSSION: CITY/COUNTY ZONING CODE UPDATE STATUS REPORT.** Wyeth Friday, Director, Planning & Community Services Department.
10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, SEPTEMBER 12, 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.



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

Meeting Date: 08/22/2017

Information

INTRODUCTION

On July 3, 2017, the Planning Division received an application for preliminary major plat approval for Van Arsdale Subdivision. The proposed plat creates 9 lots for residential development. The subject property is generally located south of Lewis Avenue on the east side of 48th Street West. The property is zoned Residential 15000 (R-150). The Yellowstone County Board of Planning will conduct a public hearing on Tuesday, August 22, 2017. The Board of County Commissioners will act on the proposal on September 12, 2017.

RECOMMENDATION

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

PROPOSED CONDITIONS OF APPROVAL

1. To minimize the effects on the natural environment, prior to final plat approval the applicant will obtain approval from the MDEQ for the proposed wells, septic systems and storm water management, and meet the requirements of Yellowstone County Storm Water Management requirements.
2. To mitigate impacts to local services and ensure maintenance of the private internal road, prior to final plat approval the applicant will provide HOA documents outlining each property owners' responsibility for road maintenance.
3. To ensure correct language is included in the SIA and to mitigate impacts to public health and safety, prior to final plat approval the applicant will add in the SIA under Emergency Services the following paragraph, "In lieu of a 30,000 gallon dry-hydrant system, the public fire hydrant located at the intersection of Grand Avenue and 48th Street West is within ½ road mile and is considered an approved alternative method of water supply by the Billings Fire Department."
4. To ensure correct procedure for providing a cash in lieu contribution for park land, prior to final plat approval the applicant will follow the YCSR Section 10.6 to determine the correct amount of the cash contribution to the County in lieu of park land.
5. To minimize the effects on local service, prior to final plat approval the applicant will coordinate with the USPS for locating mail boxes and providing the correct amount of space for safely delivering the mail to the residents.
6. To minimize the effects on the local environment, prior to final plat approval the applicant is required

to obtain a weed management plan and a property inspection shall be completed by the County Weed Department.

7. To ensure compliance with County zoning regulations, prior to final plat approval the applicant will add a paragraph in the SIA under Conditions That Run With The Land stating that lot owners will obtain a Zoning Compliance Permit prior to any construction on individual lots.

8. To ensure the placement of easements for private utility providers, prior to final plat approval the applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision.

9. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

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

VARIANCES REQUESTED

No variances have been requested.

DISCUSSION/STAKEHOLDERS

On August 8th, staff presented a brief presentation on the proposed subdivision to the Planning Board. Board President Darrell Tunncliff asked if there were any questions from the Board. A question was raised about ownership of the ditches along the east side of 48th Street West. Staff responded that it is believed one ditch is owned by a ditch company and the other ditches are drainage ditches for the area. There was no further discussion from the Board, the applicant or agent.

Attachments

Findings of Fact

Proposed Plat

FINDINGS OF FACT

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

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

1. Effect on agriculture and agricultural water users' facilities

The subject property is not currently used for agricultural purposes although it does have an existing water right on the property. The property is covered with native grasses at this time. The applicant is planning to abandon the water right on the land. The subdivision should not affect agricultural water users' facilities or take land out of agricultural production.

2. Effect on local services

- a. **Water and Sewer** – This subdivision is not near any services provided by the City of Billings. The applicant is proposing to install a multi-user water supply well for this subdivision that will serve all 9 lots. It will be designed to meet the requirements of Section 4.9 of the Yellowstone County Subdivision Regulations (YCSR). It will also meet the requirements set out by MDEQ for a community water system. There will be a Home Owners Association (HOA) created to maintain the community water system. This is all lined out in the SIA under section VI Utilities. Individual septic systems are proposed for each of the lots. There is an existing system on Lot 1 that will be relocated when this subdivision develops. Locations and design of the septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ) prior to final plat approval. **(Condition #1)**

- b. **Streets and roads** – The proposed subdivision is located on the east side of 48th Street West just south of Lewis Avenue. Forty Eighth Street West is a paved county road. Lewis Avenue is an unpaved road that is a dead end street off the east side of 48th Street West. The applicant will be building a paved road that will be entirely on the subdivision property. The section of Lewis Avenue from 48th Street will be built on the north side of a 60-foot-wide road easement and will remain a public road. It will then turn south to a private road, Van Arsdale Circle, into the subject subdivision to provide access for all proposed lots within the subdivision. Van Arsdale Circle will be a private road. The road will be built to County Road Standards. The private road will be maintained by the home owners though and HOA that will be created with the final plat. **(Condition #2)**

- c. **Fire and Police Services** – The property is within the Billings Urban Fire Service Area (BUFSA). It is the subdivider's responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service's needs. There is a pressurized fire hydrant within ½ driving mile of the proposed subdivision as required by YCSR. The pressurized hydrant is approximately 1,650 feet from the proposed

subdivision. The applicant needs to add language in the SIA concerning the water supply to meet the requirements of BUFSA. **(Condition #3)**

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

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- e. **Storm water drainage** – The management of storm water runoff shall be designed to satisfy storm water management requirements and specifications of MDEQ and Yellowstone County. The applicant is proposing to use the standard County Road Cross section with road side swales and natural percolation to handle the storm water requirements. **(Condition #1)**
- f. **School facilities** – The proposed subdivision is located in Billings School District #2, Meadowlark Elementary School, Ben Steele Middle School, and West High School will serve residence in this subdivision. School District #2 responded that Meadowlark and West are already over capacity with students but that Ben Steele is currently under capacity for student population. There is a bus route in the area that could service this subdivision.
- g. **Parks and recreation** – This subdivision is required to provide parkland dedication for the 9 lots, all but one of the lots is just over 20,000 square feet. The applicant would be required to provide 0.55 acres of land for parkland. The applicant is choosing to provide a cash in lieu contribution in place of the parkland dedication. The applicant will follow the requirements of Section 10.6 of the YCSR to determine the cash contribution amount. **(Condition #4)**
- h. **Historic features** – No known historical or cultural assets exist on the site.
- i. **United States Postal Service (USPS)** - The USPS has responded that they will require a centralized delivery box system and that there be enough space that the delivery vehicle will be able to pull off the road safely. The applicant will coordinate that location with the USPS prior to final plat approval. **(Condition #5)**

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. A weed management plan will be completed and a property inspection done prior to final plat approval. **(Condition #6)**

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

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

4. Effects on wildlife and wildlife habitat

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

5. Effects on public health and safety

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

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

An environmental assessment was not required for this subdivision because it is within a zoned area of the County.

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

1. **West Billings Plan** – The proposed subdivision is in an area of Billings that is zoned and surrounding property is developed for residential uses. The Future Land Utilization Map from the West Billings Plan shows the area where this subdivision is proposed as a Residential Development area.

2. Yellowstone County 2008 Growth Policy

- **Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)**

This subdivision will create 9 lots with all lots near 20,000 square feet, with the exception of one lot, for single family residences, consistent with the immediately surrounding neighborhood.

- **Goal: New developments that are sensitive and compatible with the character of adjacent County townsites. (p. 6)**

There are many similarly sized lots containing single-family homes in the surrounding neighborhood near the subject property.

- **Goal: More housing and business choices within each neighborhood. (p. 6)**

The proposed subdivision will create 9 additional lots in this area for housing.

3. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is within the boundary of the study area of the Transportation Plan. 48th Street West is identified as a principle arterial street. There is adequate road dedication

for the proposed street type along the west edge of the proposed subdivision. New lots will be served by an internal private street; the appropriate amount of right-of-way is being provided with this plat.

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

The subject property is within the jurisdiction of the BABTMP. There is a proposed long-range bike lane along 48th Street West. This subdivision will not be required to install any bike lanes along 48th Street West. There are no bike lanes identified within the proposed subdivision.

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

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

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

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

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

The subdivision is in the County's zoning jurisdiction; the proposed lots do meet the requirement for lot size required by existing zoning. The applicant will add a paragraph in the SIA under Conditions That Run With The Land stating that lot owner will obtain a Zoning Compliance Permit prior to any construction on individual lots. (**Condition #7**)

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

Utility easements shall appear on the face of the final plat as requested by private utility companies. The submitted SIA states there is an 8-foot utility easement from 48th Street West going into the proposed subdivision. Applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision. (**Condition #8**)

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

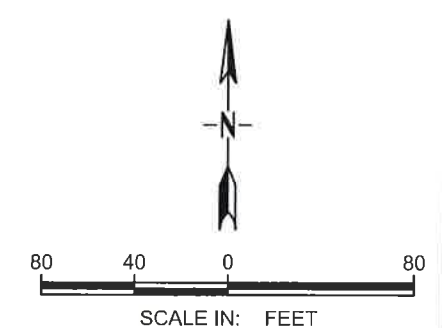
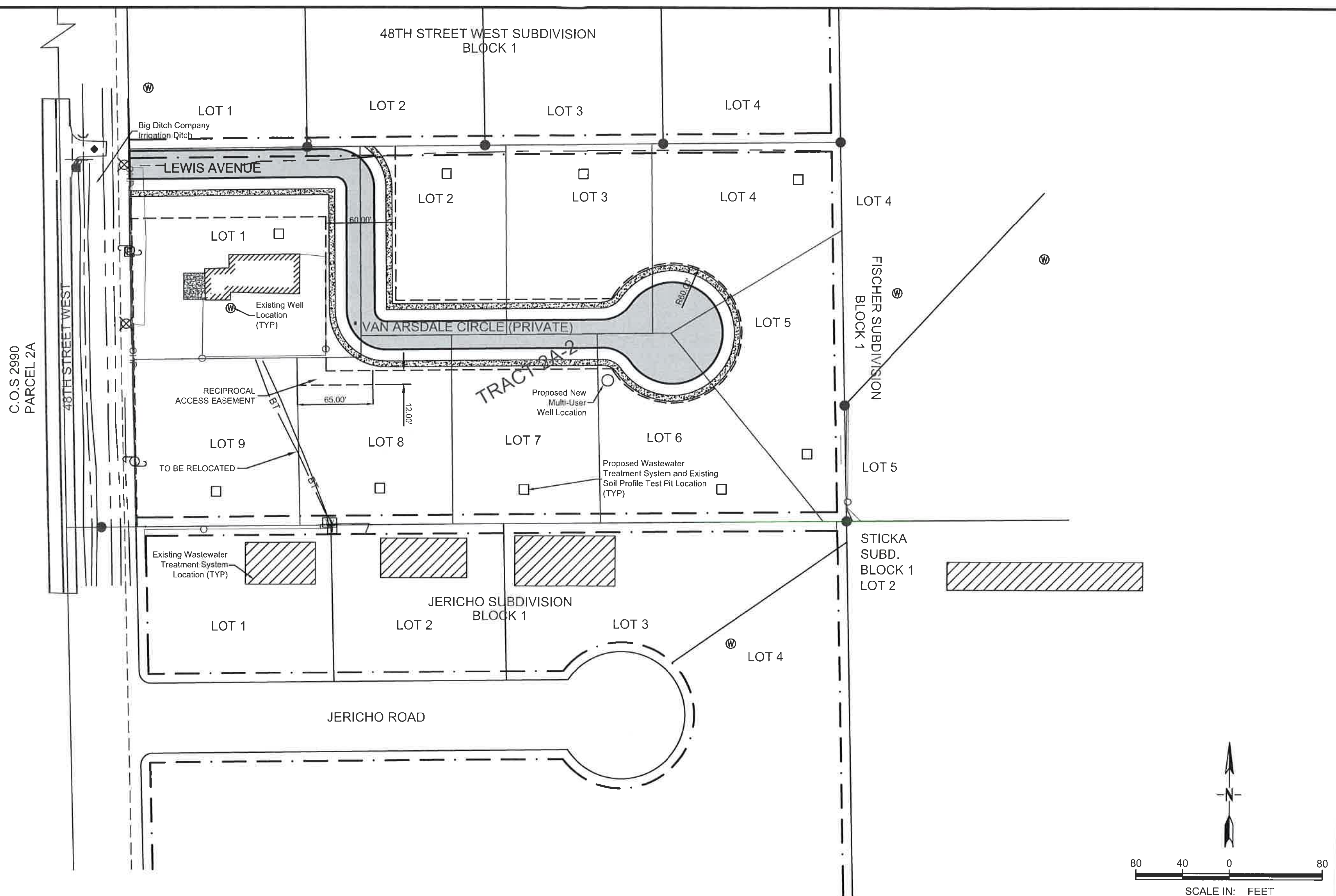
Legal and physical access will be provided for the proposed lots from Lewis Avenue and Van Arsdale Circle.


CONCLUSIONS OF FINDINGS OF FACT

- The Van Arsdale Subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal. Impacts identified can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to parts of four different plans, the West Billings Plan, 2008 Yellowstone County Growth Policy, 2014 Transportation Plan and the BABTMP.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

Staff recommends that the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Van Arsdale Subdivision and adoption of the Findings of Fact as presented in the staff report.



 <p>Morrison Maierle engineers • surveyors • planners • scientists</p>	<p>315 N. 25th Street, Suite 102 Billings, MT 59101 406.656.6000 www.m-m.net</p>	<p>DRAWN BY: NMC DSGN. BY: TG APPR. BY: TG DATE: 07/2017</p>	VAN ARSDALE SUBDIVISION		PROJECT NO. 5894.001
			BILLINGS		MONTANA
			SITE PLAN		

V:\5894\001\ACAD\Exhibits\FIGURE 1_Prelim Plat App_NMC.dwg Plotted by nicole costello on Jul/27/2017



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 08/22/2017

Information

INTRODUCTION

On July 3, 2017, the Planning Division received an application for preliminary major plat approval for Eco Built Subdivision, 2nd Filing. The proposed plat is for condominium development with a possibility of 80 residential units on an existing 14 acre parcel. The subject property is generally located east of Emerald Hills Drive on the south side of Old Hardin Road. The property is outside of zoning. The Yellowstone County Board of Planning will conduct a public hearing on Tuesday, August 22, 2017. The Board of County Commissioners will act on the proposal on September 12, 2017.

RECOMMENDATION

Staff recommends, the Planning Board recommend, the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Eco Built Subdivision, 2nd Filing, anticipating condominium development, and adopt the Findings of Fact as presented in the staff report.

1. To ensure correct maintenance of septic systems and water cisterns, prior to final plat approval the applicant in the condominium documents and the HOA documents will specifically define which units are using the same septic systems and water cisterns, and the unit owners' obligation to maintain these systems.
2. To ensure proper construction of roads and for public health and safety, prior to final plat approval the applicant in the SIA under III. Transportation, A. Streets, will add language that outlines the internal private roads shall be built to County gravel surface road standards. The roads must be built or financially secured through County Public Works prior to final plat approval.
3. To ensure maintenance of the internal private roads, prior to final plat approval the applicant will specifically outline in the HOA documents each unit owners' responsibility to maintain the roads within this development.
4. To ensure proper road surfacing and to provide public safety for drivers in the area, prior to final plat approval the applicant will provide a Road Evaluation Study for Unpaved Roads as outlined in Section 4.6.C.4 in the YCSR for Old Hardin Road and the associated intersections with Old Hardin Road from the subdivision and provide that report to Yellowstone County Public Works for review and approval. Furthermore, the applicant shall complete any road improvement recommendations the Road Evaluation Study may identify as required by Yellowstone County Public Works.
5. To ensure public safety and prevent septic system, water supply and storm drainage problems, prior to final plat approval the applicant will obtain approval from MDEQ for the proposed septic systems, water supply systems, and storm water management plan and improvements, according to the phasing

plan, within the proposed development.

6. To ensure compliance with Yellowstone County Subdivision Regulations and minimize effects on local services, prior to final plat approval the applicant will contact the County Parks Board and obtain its approval in writing of the park land being privately owned and maintained.

7. To minimize the effects on local service, prior to final plat approval the applicant will coordinate with the USPS for locating mail delivery boxes and provided the correct amount of space for safely delivering the mail to the residents.

8. To ensure public safety and the correct installation of infrastructure, prior to final plat approval the applicant will provide an exhibit showing the proposed different phases of the development, add language to the SIA defining the proposed phasing, referencing the exhibit provided, and provide a Declaration of Restriction of Transfers and a Release, and a Certificate for each phase.

9. To minimize the effects on provision of private utilities and to ensure public safety, prior to final plat approval the applicant will coordinate the location of the required easements for private utility companies and provide easement documents for those easements.

10. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

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

VARIANCES REQUESTED

No variances have been requested.

DISCUSSION/STAKEHOLDERS

On August 8th staff provided a brief presentation regarding the proposed subdivision for condominium development to the Planning Board. Board President Darrell Tunncliff asked if there were any questions from the Board. There was a question about stormwater management. Staff stated it appeared on the plan the applicant is proposing a drainage swale along Old Hardin Road for storm water detention. Staff also stated the applicant was in attendance and that he would be able to answer the question more specifically. There were no other questions for staff about the proposed plan. The applicant, Ed Trout, stood to speak and stated that the drainage swales along Old Hardin Road were much larger than they appear on the drawing and are approximately 30 feet wide. Mr. Trout stated they are large enough to handle the run off from the proposed development. There were no other questions about the proposed plan.

Attachments

Findings of Fact
Proposed Plan

FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for the Eco Built Subdivision, 2nd Filing. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

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

1. Effect on agriculture and agricultural water users' facilities

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

2. Effect on local services

- a. **Water and Sewer** – This subdivision is not near any services provided by Lockwood. The applicant is proposing to install multi-user water supply cisterns for this development that will serve groupings of units. The developer is proposing to build homes in groupings or phases, each group or phase will be required to obtain MDEQ approval before construction begins. It will be designed to meet the requirements of Section 4.9 of the Yellowstone County Subdivision Regulations (YCSR). It will also meet the requirements set out by MDEQ for a community water system. **(Condition #5)**

Community septic systems are proposed for this development also. The developer is proposing to build homes in groupings or phases, each group or phase will be required to obtain MDEQ approval before construction begins. Location and design of the septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ). **(Condition #5)**

In the condominium documents the applicant will outline which units are connected to specific cisterns and septic systems. They will also outline that those units are responsible for the maintenance of the cistern and septic system that they are connected to. **(Condition #1)**

- b. **Streets and roads** – The proposed subdivision is located on the south side of Old Hardin Road just east of Emerald Hills Drive. Old Hardin Road is a gravel surface road in the county. Access will be taken off of Old Hardin Road to serve the proposed development. The applicant will be building private roads within the development for access to each unit on the property. The roads within the development are proposed to be private roads. They will be 24-foot gravel surface roads built to County Standards. In the SIA under III Transportation A. Streets, the applicant will add language that outlines the gravel surface roads and the standards to which they will be built. **(Condition #2)** There will be a Home Owners Association (HOA) created to maintain the private internal roads. **(Condition #3)**

This proposed development, when fully built out, will have impacts on Old Hardin Road, a gravel surface road. To determine the impacts of the traffic on the gravel surface road the applicant will provide a Road Evaluation Study for Unpaved Roads, YCSR Section 4.6.C.4. (**Condition #4**)

- c. **Fire and Police Services** – The property is within the Lockwood Fire Service Area. It is the subdivider’s responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service’s needs. There is a dry hydrant within the existing Eco Built Subdivision that was installed with the 1st Filing. This dry hydrant will serve the new proposed development within Eco Built Subdivision 2nd Filing. The RSID-M will be expanded to include the new development.

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

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- e. **Storm water drainage** – The management of storm water runoff shall be designed to satisfy storm water management requirements and specifications of MDEQ and Yellowstone County. As outlined in the SIA under V Storm Drainage. Storm water management will be approved by MDEQ prior to final plat approval. (**Condition #5**)
- f. **School facilities** – The proposed subdivision is located in the Lockwood School District for elementary and middle school, and Billings School District #2 for high school, Skyview. School District #2 responded that they have more capacity at Skyview for students. Lockwood School District, staff did not receive a response from Lockwood School District.
- g. **Parks and recreation** – This subdivision is required to provide parkland dedication for the 80-unit development. The applicant would be required to provide 1.55 acres of land for parkland. The applicant states they will be providing 1.6 acres of private park land. This proposal of private parkland will need to be acceptable to the County Park Board. (**Condition #6**) The HOA will be maintaining the park land as outlined in the SIA under VII Parks/Open Space.
- h. **Historic features** – No known historical or cultural assets exist on the site.
- i. **United States Postal Service (USPS)** – The USPS in their response for comments has requested that the applicant provide a centralized delivery box that will provide a safe pull off area for delivery of the mail. (**Condition #7**)
- j. **Phasing** – The applicant is proposing to develop this project in phases. With each phase there would be roads to be constructed, septic systems and water cisterns that would need to be approved by MDEQ prior to the release of each phase. Because this is a

subdivision for condominium development the phases will be defined with an exhibit rather than defined by lots and blocks.

Specifics of the proposed phasing and what improvements and contributions will be required with each phase will be identified in the SIA under the heading **PHASING IMPROVEMENTS**. The applicant will also be required to submit a Declaration of Restriction on Transfers, a Release and a Certificate for each phase. **(Condition #8)**

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. A weed management plan will be completed and a property inspection done prior to final plat approval, as mentioned in the SIA, under VIII Weed Management.

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

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

4. Effects on wildlife and wildlife habitat

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

5. Effects on public health and safety

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

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

An environmental assessment was required for this subdivision because it is outside zoning in the county. There was no endangered animal habitat identified and no known habitat disturbance identified of other common animals known to the area within the report.

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

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

the area where this subdivision is proposed as Agricultural Suburban which takes in most of Emerald Hills Subdivision.

Growth Guideline: *Consider constructing private and public improvements to higher design standards in the more densely developed area.* The applicant is proposing to have walking trails and green space for those living in the development to provide outdoor activity areas for the residents.

2. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is outside the boundary of the study area of the Transportation Plan. The proposed development will be served by internal private streets.

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

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

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

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

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

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

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

The subdivision is outside the County's zoning jurisdiction; there are not requirements for lot size or land use outside the zoned area of the county.

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

Utility easements shall appear on the face of the final plat as requested by private utility companies. The applicant will coordinate with private utility companies to provide needed easements within the proposed development. (**Condition #9**)

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

Legal and physical access will be provided for the proposed lots from Old Hardin Road.

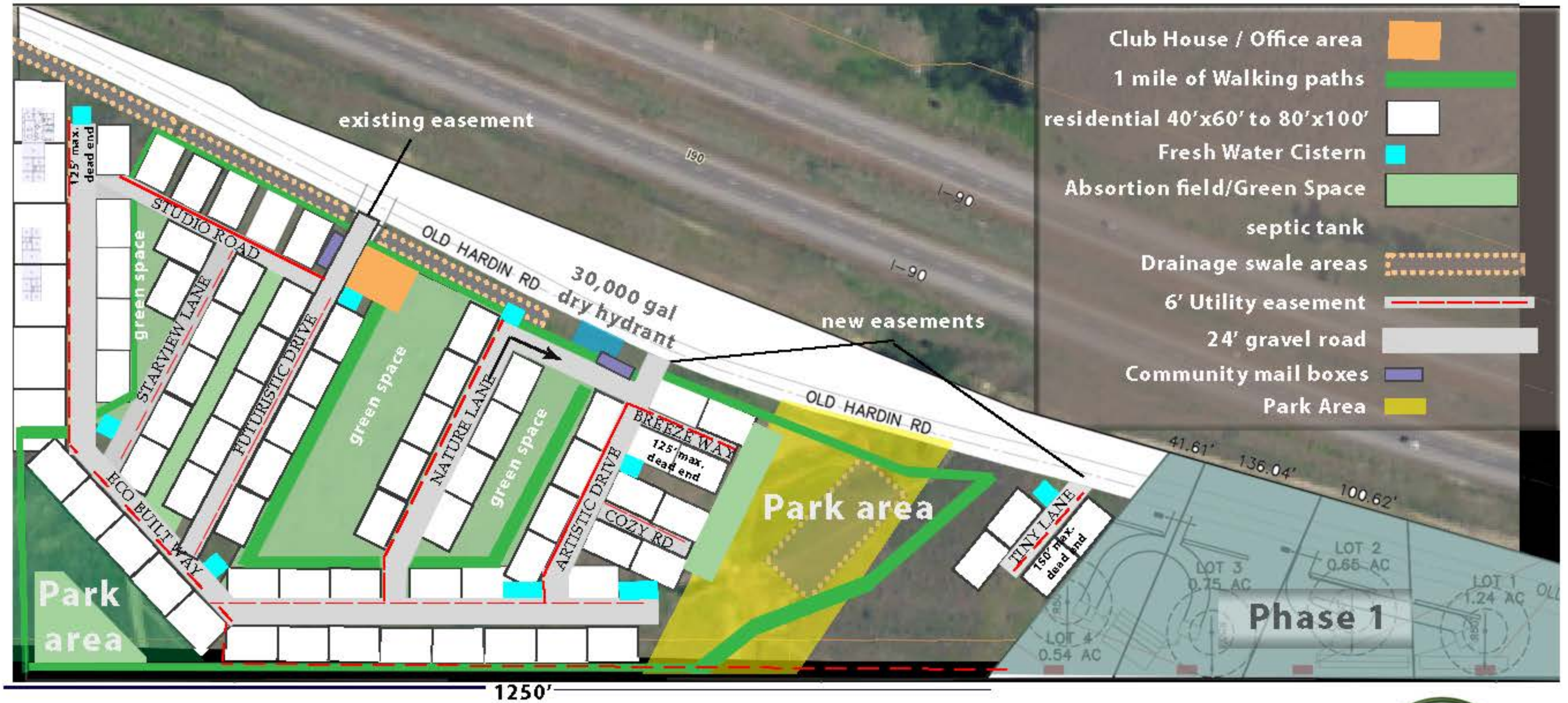
CONCLUSIONS OF FINDINGS OF FACT

- The Eco Built Subdivision 2nd Filing, anticipating condominium development does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal. Impacts identified can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to a goal of the 2016 Lockwood Growth Policy but does not meet others.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

Staff recommends that the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Eco Built Subdivision, 2nd Filing, anticipating condominium development and adoption of the Findings of Fact as presented in the staff report.

Eco-Built® Subdivision 2nd Filing



14.12 acres 80 lots with Private & Common areas

