



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



**AGENDA**

September 12, 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:** AUGUST 8, 2017; AUGUST 22, 2017

**Attachments**

PlnBMinutes\_2017\_08\_08-DRAFT

PlnBMinutes\_2017\_08\_22-DRAFT

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

- a. **Plat Review/Discussion. Copper Ridge Subdivision, 7th Filing.** County Major. Gary Oakland, Marvin Hesler; owners. Sanderson Stewart, Agent. Dave Green, Planner II, presenting.

**Attachments**

Findings of Fact  
Proposed Plat  
Proposed Plat page 2  
SIA

- b. **Plat Review/Discussion. West King Commercial Park.** County Major. West King Commercial Park, LLC, owner. EEC, agent. Monica Plecker, Planning Division Manager, presenting.

**Attachments**

Findings of Fact  
Preliminary Site Plan  
Draft SIA

9. **OTHER BUSINESS:**

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

1. **Wednesday, October 11 Parks Board & YC Board of Planning Joint Meeting-Parks Comprehensive Plan**

10. **ADJOURNMENT**

**FUTURE AGENDA ITEMS FOR TUESDAY, SEPTEMBER 12, 2017**

- a. **Public Hearing. Motion/Recommendation to BOCC. Copper Ridge Subdivision, 7th Filing.** County Major. Gary Oakland, Marvin Hesler; owners. Sanderson Stewart, Agent. Dave Green, Planner II, presenting.
- b. **Public Hearing. Motion/Recommendation to BOCC. West King Commercial Park.** County Major. West King Commercial Park, LLC, owner. EEC, agent. Monica Plecker, Planning Division Manager, presenting.



**Planning Board Meeting I (2nd Tuesday)**

**3.**

**Meeting Date:** 09/12/2017

---

**Information**

**Subject**

**MOTION. APPROVAL OF MEETING MINUTES:** AUGUST 8, 2017; AUGUST 22, 2017

---

**Attachments**

PlnBMinutes\_2017\_08\_08-DRAFT

PlnBMinutes\_2017\_08\_22-DRAFT

---

# CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

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

1	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	1	-	-	E								
Vacant	Mayor/Billings Ward II	-	-	-	-	-	-	-	-	-	-	-	-	-	-									
LaVerne Bass	Mayor/Billings Ward III	1	1	1	1	-	1	1	1	E	-	1	1	-	-	1								
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	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	E	-	-	E								
Troy Boucher	YC District 1	-	1	E	E	E	E	1	1	1	-	1	1	-	-	E								
Dennis Cook	YC District 2	-	1	1	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	1	-	-	1								
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-									
Francisco Saldivar	YC District 7	1	1	1	1	1	1	1	1	E	-	1	1	-	-	E								
Clint Peck	Y County Cons. District	1	E	E	E	1	1	1	1	E	-	1	1	-	-	E								
Scott Reiter	Ex-Officio SD2		E	E	E	E	1	E	1	A	-	1	E	-	-	1								

# CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

**August 8, 2017**

*Draft-To be Approved by a motion on August 22, 2017*

## **1. Call the Meeting to Order**

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, August 8, 2017, in the Miller Building 1<sup>st</sup> Floor conference room, 2825 3<sup>rd</sup> 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.

Introduction of Monica Plecker, Planning Division Manager

Attending Planning staff member: Wyeth Friday, Director, Planning & Community Services; Dave Green, Planner II; Scott Walker, Transportation Planning Coordinator; Jeannette Vieg, Planning

## **Others in Attendance:**

**Nicole Costello, Duane Van Arsdale, Sarah VanArsdale**

## **Approval of the August 8, 2017 Agenda**

### **Motion**

**Board member Dennis Cook made a motion and Board member Woody Woods seconded the motion to approve the August 8, 2017 agenda. The motion carried with a unanimous voice vote.**

- 3. Approval of Minutes: June 27, 2017. (The July 11, 2017 and July 25, 2017 meetings were cancelled).**

### **Motion**

**Board member \*\* made a motion and Board member \*\* seconded the motion to approve the meeting minutes of June 27, 2017 as submitted. There was not a quorum to approve the minutes.**

- 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.

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

**7. OLD BUSINESS:** There is no old business.

### **8. NEW BUSINESS**

**8a. Plat Review/Discussion. Van Arsdale Subdivision, Dave Green, Planner II, presenting.**

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

### **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 review the plat at this meeting and conduct a public hearing on Tuesday, August 22, 2017. The Board of County Commissioners will act on the proposal on September 12, 2017.

Staff recommends, 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.

Planning staff recommends the following 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 impact 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

## CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

---

be done 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 from the City Subdivision Regulations have been requested.

### **Discussion**

President Tunnickliff asked the Board for questions and discussion.

Discussion regarding the sidewalk proposed on the private road versus on Lewis Ave itself. The three ditches mentioned are identified as irrigation and drainage ditches located in the existing in the right-of-way.

President Tunnickliff called for presentation by the applicant.  
Mr. VanArsdale has nothing to add.

**\*\*A public hearing for Van Arsdale Subdivision will be held during the August 22, 2017 Planning Board meeting.**

**8a. Plat Review/Discussion. EcoBuilt Subdivision, Dave Green, Planner II, presenting.**

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

### **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 a single lot of 14.12 acres. 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 review the plat at this meeting and conduct a public hearing on Tuesday,

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

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 that the internal private roads will be built to County gravel surface road standards.
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.
4. 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 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.

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

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 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.
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.

### **Discussion**

President Tunncliff asked the Board for questions and discussion.

Discussion ensued regarding the type of tiny homes to be built, how the HOA will maintain the roads, septic and cistern. They will be sold as condominiums with the land the home sits on owned by individuals and the rest held as common ground. Regarding wildlife impact and flow of water in this area, it was shown the condominiums will not impact wildlife nor the drainage.

The drainage is shown as parkland and will contain the runoff. The applicant has more detailed information, but DEQ will have to determine if the current drainage is an allowed use. The drainage shown takes into consideration the drainage from existing property owners.

President Tunncliff called for presentation by the applicant.

### **Ed Trout,**

Mr. Trout is the owner/subdivider. Mr. Trout 4563 Coulee Dr. The drainage swales are quite large, about 30 feet across. In the 30 years I have lived here there has never been water in the drainage. The majority will be site built and approx. 700 to 800 sq. ft., smaller and affordable housing.

**\*\*A public hearing for EcoBuilt Subdivision will be held during the August 22, 2017 Planning Board hearing.**

**8c. Presentation/Discussion. 2018 Draft Unified Planning Work Program, (UPWP), Scott Walker, Transportation Coordinator, presenting.**

## CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

---

Scott Walker opened this agenda item with the staff report and a PowerPoint presentation.

### **INTRODUCTION**

The City-County Planning Division is presenting the Draft 2018 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization (MPO) for Planning Board review and recommendation to the Policy Coordinating Committee (PCC). The UPWP is primarily for the purpose of programming the federal dollars that Billings receives from the Federal Highway Administration (FHWA) for transportation planning, and the Federal Transit Administration (FTA) for transit funding. These funds are passed through the Montana Department of Transportation (MDT). All transportation planning activities are included in the UPWP so that it represents a comprehensive document for the urban transportation planning program. This UPWP proposes planning activities for Federal Fiscal Year 2018, which runs from October 1, 2017, through September 30, 2018.

This UPWP corresponds directly with the Planning Division’s annual work plan. The significant changes in this year’s program include completing the Billings MPO Area TransCad Model (A Multi-Modal Transportation Model), completion of the 2018 Transportation Plan Update and Public Participation Plan, and completing the Downtown Area Traffic Circulation and Safety Study. The Transit section is Chapter II of the UPWP. The document is consistent with past programs in its content and format.

### **RECOMMENDATION**

The Technical Advisory Committee recommends that the Planning Board approve the 2018 UPWP and instruct President Darell Tunnicliff to carry the recommendation to the PCC meeting on September 12th.

### **Discussion**

President Tunnicliff asked the Board for questions and discussion.

Discussion regarding how the funds are dispersed, all funds are 100 % transportation related. There will be a substantial update on the transportation plan in 2018. Discussion on how the constringency fund is used, we use it for people or a transportation study. The MPO controls the use of the fund /reserve. We would like to fill the Bike/Ped. coordinator and a Planner I position.

Discussion on working with Public Works to revamp the downtown traffic flow study which will include parking and safe movement for bikes and pedestrians. MDT is

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

undertaking a substantial study to look at the 27<sup>th</sup> Street issue. We are looking at some of goals and objectives for the county in the urban areas, more with the rural areas within the incorporated areas. Working with the Commissioners regarding expectations in those areas. Discussion on time lines for upcoming meetings and deadlines.

**\*\*The Board will forward a recommendation on the 2018 UPWP to the Policy Coordinating Committee on August 4, 2017.**

### 9. OTHER BUSINESS

**9a. Staff Update/Planning Board Discussion: City/County Zoning code Update Status Report.** Wyeth Friday, Director, Planning & Community Services.

We are in the mist of the city/county zoning code separation with no changes. We will be going to City Council on August 14, 2017 and to the County Commissioners on September 19, 2017. Have had no issues regarding public input regarding this separation. Discussion that the code should remain separate. Finalizing the main steering committee to meet at the end of August.

I was approached by the Park Department; they are getting ready to bring back the final draft of their park master plan. They would like to have a joint meeting with this board and the park board to discuss and review the final draft and make recommendation to the City Council. They would like a lunch meeting at 11:30 at the Park Department office on September 6<sup>th</sup>, which is a Wednesday. Please let me know soon and I will get in touch with the rest of the board to set it up.

**9b. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.**

**9c. Announcement:** The next meeting will be held on Tuesday, August 22, 2017

ADJOURNMENT: 7:05 p.m.

DRAFT-To be Approved by a motion on August 22, 2017

# CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

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

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

# CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

**August 22, 2017**

*Draft-To be Approved by a motion on September 12, 2017*

---

---

## **1. Call the Meeting to Order**

President Tunnickliff called the meeting to order at 6:00 p.m. on Tuesday, August 8, 2017, in the Miller Building 1<sup>st</sup> Floor conference room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

## **Introduction of Planning Board Members and Planning Department Staff**

President Tunnickliff called for introductions of the members of the Planning Board and staff.

President Tunnickliff called for a moment in silence in remembrance and recognition of deceased former Planning Board member Don Reed, who will be missed by the community as he was a strong advocate for planning and the Lockwood Community.

Attending Planning staff member: Wyeth Friday, Director, Planning & Community Services; Monica Plecker, Planning Division Manager; Dave Green, Planner II; Scott Walker, Transportation Planning Coordinator; Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works Dept.

**Others in Attendance:** Thomas Moffet; Sheri Moffet; Nicole Costello; Duane VanArsdale; Sarah VanArsdale; Cheryl Christensen; Alan Christensen; Edward Trout

## **Approval of the August 8, 2017 Agenda**

### **Motion**

**Board member Patrick Klugman made a motion and Board member Dennis Cook seconded the motion to approve the August 22, 2017 agenda. The motion carried with a unanimous voice vote.**

3. **Approval of Minutes: August 8, 2017.** The approval of the August 8, 2017 meeting minutes is delayed.
4. **Public Comment:** President Tunnickliff 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.

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

### 7. OLD BUSINESS

#### **7a. Public Hearing. Motion/Recommendation to PCC. 2018 Draft Unified Planning Work Program, (UPWP), Scott Walker, Transportation Coordinator, presenting.**

Scott Walker opened this agenda item with a brief overview of the 2018 Work Program. This Board is seated as the Metropolitan Planning Organization, (MPO), and it holds a voting representative on the Policy Coordinating Committee. This UPWP review is an annual process. The degree of participation by each funding agency is based on the proportions which have been determined for each line item. Each agency contributes their share of the total charges made against each line item according to the approved proportions.

#### **Funding sources and amounts contained in the UPWP are as follows:**

- |   |                    |
|---|--------------------|
| • Planning Department Fees (City of Billings)   | \$230,000          |
| • Planning Department Fees (Yellowstone County) | \$44,000           |
| • Yellowstone County (Mill)                     | \$470,000          |
| • Federal Funds (PL)                            | <u>\$1,340,500</u> |
| • TOTAL   | \$2,084,500        |

The UPWP is update annually and is current between October 1, 2017 and September 30, 2018. All work elements in the UPWP must be related to Transportation or Transportation Planning in some manner.

- **2017 Priorities:** Update the Bike/Pedestrian Plan; Update the 2014 Transportation Plan; Travel Demand Census; Billings MPO Traffic Model; Finalize the Complete Streets Benchmark Report; Downtown Traffic Flow Study; County Growth Policy Update
- **2018 Priorities:** Complete the Update the 2014 Trans. Plan; Complete Billings MPO Traffic Model; Update MPO's Public Participation Plan; Downtown Traffic Flow Study; County Growth Policy Update
- **Review Schedule:** TAC July 27; Planning Board August 22; County Commission August 29; City Council August 28; PCC September 12; MDT, FHWA, FTA September

#### **Discussion**

Board member Goodrich asked if BNSF can be invited to participate in the Downtown Traffic Flow Study. Scott Walker said they will be invited along with downtown property owners and the Downtown Billings Association, among others. Board member

## CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

---

Klugman asked if it is staff’s expectation to fill the Planner I position in the 2018 budget year. Director Friday explained this discussion has been ongoing with each budget cycle along with expanding the Bike/Pedestrian position to full time.

### **7b. Public Hearing. Motion/Recommendation to BOCC. VanArsdale Subdivision, Dave Green, Planner II, presenting.**

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

#### **INTRODUCTION**

On July 3, 2017, the Planning Division received an application for preliminary major plat approval for VanArsdale 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.”

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

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.

### **Discussion**

President Tunncliff asked the Board for questions and discussion.

Dave Green point out the number of lots has been reduced to 8 to accommodate the storm water detention requirements. Cash-in-lieu will be presented to the County Parks Board. He stated sidewalks will be provided throughout the subdivision due to the recent update of the County Subdivision Regulations. The Snow Ditch is an active ditch.

In response to question by Board member Klugman, Dave Green stated the developer will provide cash-in-lieu which will go towards a park that will benefit this subdivision. Board member Bass asked if this subdivision will have water rights. Dave Green stated

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

no water rights will be transferred and the existing water rights will be abandoned to the ditch company. DEQ approval is needed to determine nitrate levels and approve septic systems. Board member Peck asked where the nearest City water/sewer service is located. Dave Green said it is located approximately 1,600 feet from this parcel on Grand Avenue.

### **Public Hearing**

At 6:26 p.m., President Tunnicliff opened the public hearing and asked if there is anyone wishing to speak in favor or against VanArsdale Subdivision. This is none. President Tunnicliff closed the public hearing and called for a motion.

### **Motion**

**Board member Cook made a motion and it was seconded by Board member Woods to forward a recommendation to the Yellowstone County Board of County Commissioners to conditionally approve the preliminary plat of Van Arsdale Subdivision and adopt the Findings of Fact as presented in the staff report.**

**The motion carried with a unanimous voice vote.**

### **7c. Public Hearing. Motion/Recommendation. EcoBuilt Subdivision, Dave Green, Planner II, presenting.**

Dave Green opened this agenda item with the staff report and presentation. He explained that the review requirements for condominiums is the same as a major subdivision except there will be a recorded plan instead of a recorded plat. He continued and noted the plat plan with proposed 80 lots with private and common areas. This development will be done in phases. Roads will be built to County standards and fire suppression is addressed with the previous filing. Shared cisterns and shared septic systems are under DEQ approval. The developer is proposing construction of 700-800 square foot homes with attached garages.

### **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

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

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

## CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

---

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.

### **Discussion**

Board member Peck asked for clarification on the proposed location of the single homes and duplexes on the plat plan. In response to question by Board member Woods, Dave Green explained there is no zoning tied to this parcel; and this plan is almost 6 units per acre. Each phase will have multiple water and cisterns. Multiple septic tanks and cisterns will be installed for each phase of development. The HOA will oversee who is responsible for maintenance with each phase. A question was asked as to whether clarification is needed in the conditions of approval. Dave Green referred to Condition of Approval #1 and said the HOA documents will carry this language. Board member Klugman asked if there are any form of landscaping requirements since this is considered an entryway to the City of Billings, and he noted the Lockwood Growth guidelines. President Tunncliff asked if funding will be in place for ongoing paving and street maintenance. Dave Green replied and said the Homeowners' Association is responsible for the common areas and the agreement language. President Tunncliff suggested the HOA agreement should outline a portion of the association fees to be designated for maintenance. He asked about the need for dust control. Staff said a professional engineer will need to identify issues and mitigation must take place to take care of the roadways. Director Friday pointed out Condition of Approval #3. Board members voiced concern with potential homeowners being unaware of future expenses they will be expected to pay. In response to questions by Board Members Peck and Woods, Dave Green stated this subdivision will have gravel streets with no curbs, gutter, or sidewalks; and no RSID will be in place. Old Hardin Road will be maintained by the County.

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

### **Public Hearing**

President Tunnickliff opened the public hearing and asked if there is anyone wishing to speak in favor or against Ecobuilt Subdivision, 2<sup>nd</sup> Filing.

### **Ed Trout, 4563 Coulee Drive, Billings, Montana**

Mr. Trout said he chose this property on I-90 as transparent means of promoting this subdivision. The cistern tanks will be serviced by Pioneer Water and metering will be charged per house. The home owners' association may choose to create a maintenance fund. The development phases to meet DEQ requirements and the fire department criterion. He explained his timeline for the development. In response to question by Board Member Bass, Mr. Trout stated the majority of the houses will be stick built homes, and the others will be factory built to comply with the construction codes. Board member Peck asked about the duplex placements. Mr. Trout said the twin homes will cross the property lines and occupy two lots. Board member Klugman asked Mr. Trout regarding the reasoning for no sidewalks. Mr. Trout said the plan includes 1 mile of walking path and 30-ft gravel roads. The intent is to have a driveway for every home with off street parking. Board member Goodridge suggested future planning for this development to include sidewalks along the roads to prevent children playing on the roadways. Mr. Trout pointed out the green spaces in the plan which could easily accommodate walkways. Board member Peck asked about fire suppression. Mr. Trout said the first phase of the subdivision installed a 30,000-gallon fire suppression tank installed with the first phase of the subdivision. Board members stressed the need for this subdivision to be aesthetically pleasing as it is located near a major entry way to the City. Mr. Trout said there are plans for LED lighting on the gate and solar power. He stated the houses will do this subdivision justice. Trees may be difficult to grow due to the availability of the water. Board members stated they would appreciate anything the developer can do to ensure the development is done correctly and is aesthetically pleasing to the community.

President Tunnickliff asked if there is anyone else wanting to speak in favor or against Eco Built Subdivision 2<sup>nd</sup> Filing. There was none. President Tunnickliff closed the public hearing at 7:06 pm, and called for a motion.

### **Motion**

**Board member Klugman made a motion and it was seconded by Board Member Bass to forward a recommendation to the Yellowstone County Board of County Commissioners to conditionally approve the preliminary plat of Eco Built**

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

**Subdivision, 2nd Filing, anticipating condominium development, and adopt the Findings of Fact as presented in the staff report.**

### **Discussion**

Board member Goodridge commented there is no entry point for lower priced real-estate at this time. He said he like he likes the originality of the development and the means to accommodate higher density.

**The motion carried with a unanimous voice vote.**

**8. NEW BUSINESS:** There is no New Business.

### **9. OTHER BUSINESS**

**9a. Staff Update/Planning Board Discussion: City/County Zoning Code Update Status Report. Wyeth Friday, Director, Planning & Community Services.**

The first meeting is scheduled for Wednesday, August 30, 2017, 3:30 pm in the Miller Building 1<sup>st</sup> Floor Conference Room. He said the committee has an excellent membership composition. The mechanical separation of the codes will be finalized in September.

**9b. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.**

Board members commented that the Lockwood boundary line has not been updated or changed since the 1970's and they asked when this will be considered. Planning Division Manager Monica Plecker said staff intends to update the Yellowstone County Growth Policy and this would be an appropriate discussion during that time.

### **9c. Announcements:**

1. A special Joint Planning Board Meeting with the Parks, Recreation and Public Lands Board will be held on Wednesday, September 6, 11:30 a.m. 390 N 23<sup>rd</sup> Street.
2. The Planning office will be closed on September 4 in observance of the Labor Day Holiday.
3. The next Planning Board meeting will be held on Tuesday, September 12 2017

ADJOURNMENT: 7:15 p.m.

DRAFT-To be Approved by a motion on September 12, 2017



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



**Planning Board Meeting I (2nd Tuesday)**

**8. a.**

**Meeting Date:** 09/12/2017

---

**Information**

**INTRODUCTION**

On August 1, 2017, Sanderson Stewart, agent for Gary Oakland and Marvin Hessler, owners, applied for preliminary major plat approval for Copper Ridge Subdivision, 7th Filing. The proposed subdivision creates 58 new lots for single-family residential development. The subject property is generally located on the north side of Rimrock Road, east of 70th Street West, and west of the existing Copper Ridge Subdivision. Four large parcels of this filing are west of 70th Street West. The property is zoned Residential-7000 (R-70) and Residential-5000 (R-50). The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on September 26, 2017.

**RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 7th 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 effects on local services and to ensure understanding of the use of an easement, prior to final plat approval the applicant will include an easement document for the temporary cul-de-sac at the north end of 70th Street west as shown on the proposed plat.
2. To ensure correct procedure for providing a cash in lieu contribution for park land, prior to final plat approval the applicant will follow the Billings Subdivision Regulations Section 23-1006 to determine the correct procedure and amount of the contribution to the City for park land cash contribution.
3. To minimize the effects on local services, prior to final plat approval the applicant will coordinate with the USPS to determine what type of delivery system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
4. 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. All easements shall be shown and dimensioned on the final plat.
5. 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.

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

## **VARIANCES REQUESTED**

No variance has been requested.

## **PROCEDURAL HISTORY**

- A pre-application meeting was held on July 13, 2017 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on August 1, 2017.
- A departmental review meeting was conducted on August 17, 2017.
- The preliminary plat was resubmitted with revisions based on department reviews on August 24, 2017.
- The Planning Board will review the plat on September 12, 2017.
- The Planning Board will conduct a public hearing on September 26, 2017, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on October 23, 2017.
- The 60 working-day preliminary plat review period ends October 26, 2017.

## **PLAT INFORMATION**

General location: North of Rimrock Road and east and west of 70th Street West

Legal Description: Certificate of Survey 2465, Parcel 2A Amended and COS 1871  
Parcel 1

Owner/Subdivider: Gary Oakland and Marvin Hessler

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: R-70 and R-50

Existing land use: Vacant / Farmland

Proposed land use: Single-family residential

Gross and Net area: 116.18 acres; 111.12 acres

Proposed number of lots: 58

Lot size: Max: 25 acres  
Min: 7,077 square feet

Parkland requirements: Parkland dedication requirements for this proposed plat is 1.115  
acres. The applicants are proposing to do a cash-in-lieu contribution for parkland.

Findings of Fact  
Proposed Plat  
Proposed Plat page 2  
SIA

---

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Copper Ridge Subdivision, 7<sup>th</sup> 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 currently used for agricultural purposes and about 14.5 acres of agricultural land would be taken out of production with this subdivision filing proposal. Perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities but it will take land out of agricultural production.

**2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all of the new local streets, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ). The water service will be provided by an existing 12-inch water line that is in Rimrock Road and also a 12-inch line stub from Copper Bluffs Circle. The extension of these lines will provide a looped system in the new filing.

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains. There is an existing 8-inch sanitary sewer stub located in Copper Bluffs Circle and also an 18-inch sanitary sewer main located in Rimrock Road. The subdivider shall extend the existing 18-inch sanitary sewer in Rimrock Road west to approximately 70<sup>th</sup> Street West. 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.

A cash-in-lieu contribution for a 12-inch water line and two fire hydrants was made by the subdivider with the Fifth Filing to extend a water main from the existing terminus to the western boundary of Copper Ridge subdivision 5<sup>th</sup> filing, approximately 860 feet. This contribution will be applied toward the construction of the 12-inch water main to the 7<sup>th</sup> filing, within Rimrock Road, or be refunded to the developer and the developer will install the water main.

MDU will provide gas services and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers.

- b. **Stormwater** – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually to retention areas in the proposed detention basins along Rimrock Road. These and all other 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 City Engineering Department. The developer is proposing to construct 3 large detention basins along the southern boundary of the subdivision. One of those detention basins will be built with this filing and the other two with future filings.

The subdivider may direct runoff from this filings and future filings to the City of Billings storm water detention facility proposed to be built on property at the intersection of Rimrock Road and 62<sup>nd</sup> Street West. The subdivider shall make a cash contribution to the City of Billings for the stormwater management facility based on a square foot of net residential lot area. The contribution will be worked out between the subdivider and the City of Billings engineering division as outlined in the SIA under Storm Drainage B ii.

- 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** – Rimrock Road is identified as a collector street at the location of this filing. The applicant will be providing additional right of way for Rimrock Road to meet the required 74-foot-wide right of way, it is currently a 60 foot right of way. Rimrock Road will be completed with a pavement width of 26 feet with borrow ditch swales from the current terminus of pavement to the western boundary of the 7<sup>th</sup> Filing. The applicant will be making a cash in lieu contribution for the future curb and gutter.

The lots within the subdivision will be served by the construction of Copper View Way, Copper Bluffs Circle and Copper Sunset Drive. They shall all be 34 feet back of curb to back of curb and shall be built to City of Billings street standards. They shall be built to grade with a satisfactory subbase, base course, curb and gutter with asphalt surface. 70<sup>th</sup> Street West shall be 30 feet of asphalt with a curb and gutter. The curb and gutter will be constructed on the east side of the street at this time. A temporary gravel surface turn around easement will be provided at the northern end of 70<sup>th</sup> Street West. The applicant will need to submit an easement document with the associated call out on the plat. **(Condition #1)**

The streets are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. Typically, the sidewalks are installed by the home builder on a lot-by-lot basis, as lots develop. However, boulevard sidewalk along the frontage of Lot 19, Block 1 shall be constructed with the private contract for the subdivision. The boulevard sidewalk along the right of way frontage between Lots 18 and 19, Block 2 shall also be built with the

private contract with this subdivision. The developer will also install all ADA required ramps at the intersections within the proposed subdivision. This information is included in Transportation 3.B. of the SIA.

A Traffic Impact Study (TIS) was completed with this filing in order to evaluate the subdivision's impact on the street network in the surrounding area. Cash contributions will be made for future intersection improvements identified in the SIA under Transportation D. Traffic Control Devices. A proportionate contribution will be made for this 7<sup>th</sup> filing as described in the SIA.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54<sup>th</sup> St. West and Grand Ave. (Station #7). 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 Arrowhead Elementary, Will James Middle School, and West High School. At the time of the writing of this staff report there was no response from the schools or district. At the time of the 6<sup>th</sup> filing Arrowhead Elementary was over capacity, while the other schools were below, but near capacity. Also, the subdivision is currently on a bus route.
- 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. With 53 residential lots being created with this filing the required parkland acreage would be 1.115 acres. The applicant is proposing to provide a cash in lieu contribution. **(Condition #2)**
- 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 as were installed for the previous filings of this subdivision. The developer will need to coordinate mailbox locations with the postal service. **(Condition #3)**

### **3. Effect on the natural environment**

The subject property is currently farmland slightly sloping to the south toward Rimrock Road from the rimrocks near Phipps Park. The property of the 7<sup>th</sup> Filing is not located within any floodplain. A flood plain from Little Cove Creek touches the extreme south western tip of Lot 4, Block 3, one of the 25-acre future filings but does not go onto the land to be developed in the future. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

#### **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 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**

There will be no impacts to public health, safety and welfare as a result of this subdivision.

#### **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 2014 Transportation Plan, 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:

**Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)

**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) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

##### **2. Urban Area Transportation Plan 2014**

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 Bikeways and Trail Master Plan**

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. A trail corridor exists within parkland dedicated to the City in the previous filings of this subdivision. This trail network will eventually connect the subdivision to a future trail identified in the plan along Cove Ditch to the south and east. There is a short term bike lane identified along Rimrock Road but this subdivision is not required to construct any trails.

**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 R-70 and R-50 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 provide utility easements as requested by MDU and YVEC and show them on the face of the plat. **(Condition #4)**

**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 Copper Sunset Drive, Copper View Way and Copper Bluffs.

**CONCLUSIONS OF FINDINGS OF FACT**

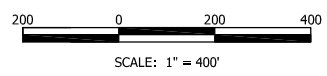
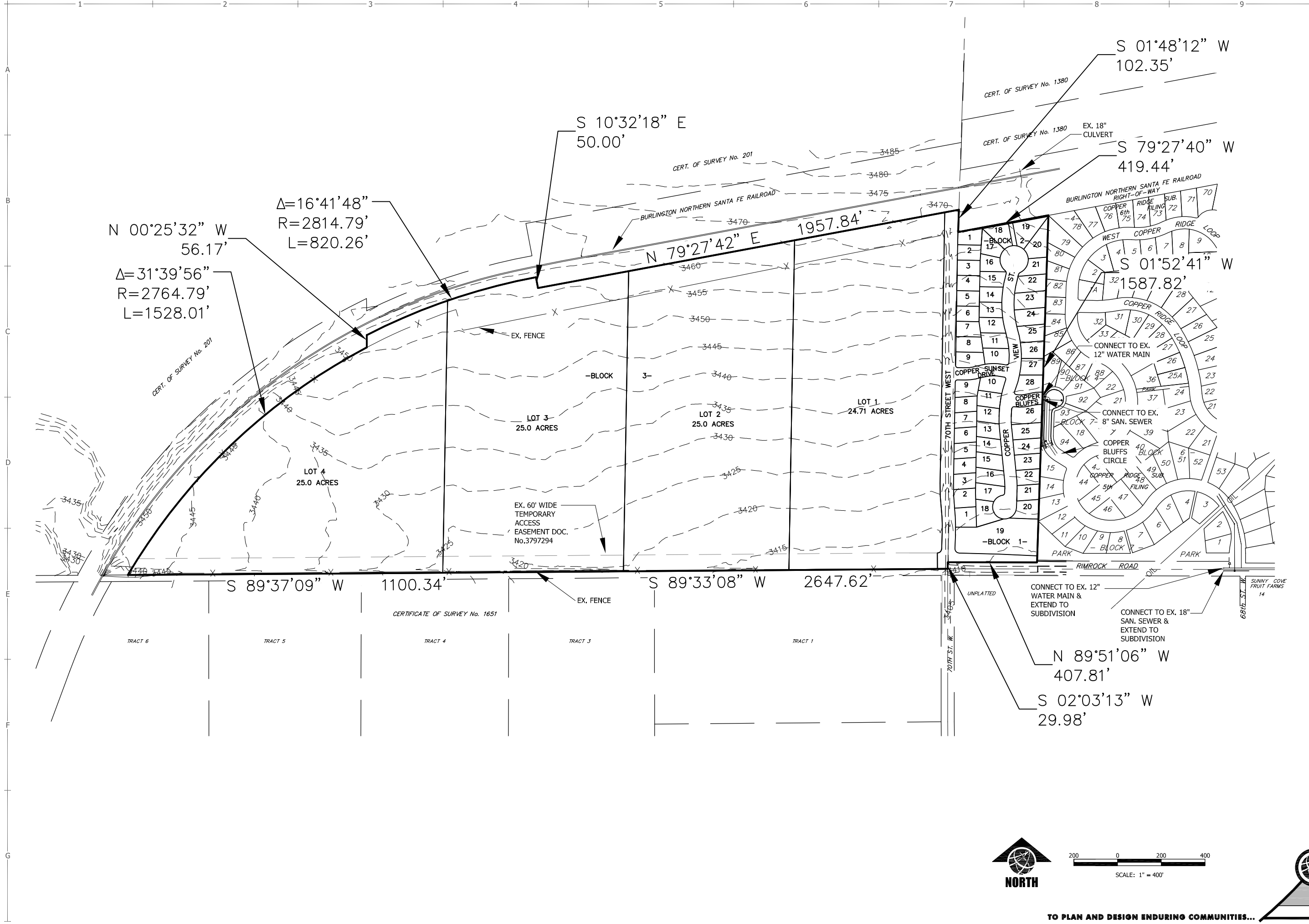
- The preliminary plat of Copper Ridge Subdivision, 7<sup>th</sup> Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway/Trail 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.

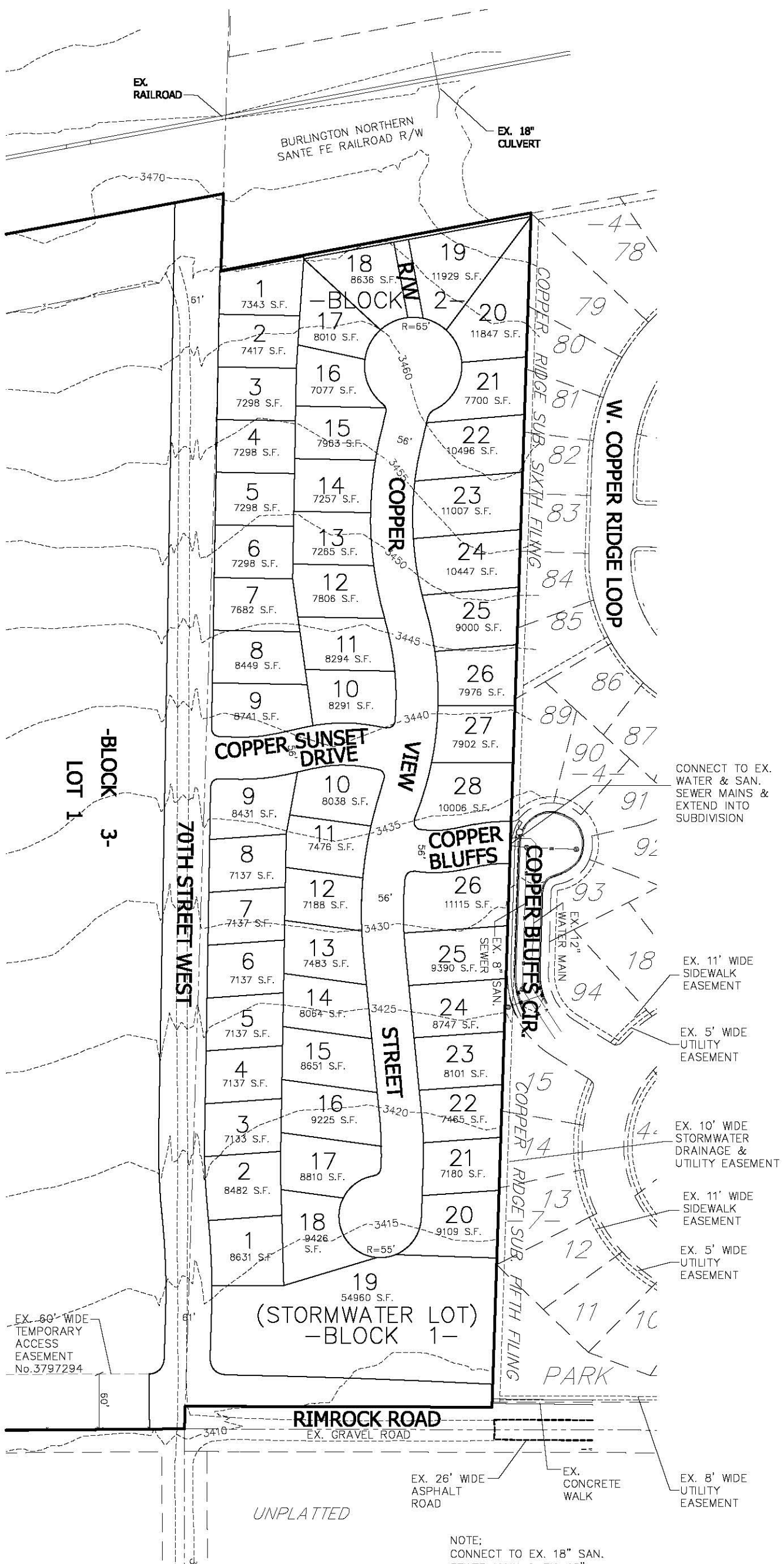
**RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 7<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

DATE: 7/6/2017  
 FILE: 16064\_01\_CONCEPT.DWG  
 PROJECT NO: 16064.01  
 CAD: BEG  
 QUALITY ASSURANCE:  
 REVISIONS  
 DATE DESCRIPTION

**COPPER RIDGE SUBDIVISION, SEVENTH FILING**  
 AMENDED TRACT 2A, 2 & 3, CERTIFICATE OF SURVEY No. 2465 &  
 TRACT 1, CERTIFICATE OF SURVEY No. 1871  
 BILLINGS, MONTANA  
 OVERALL CONCEPT PLAN





CONNECT TO EX. WATER & SAN. SEWER MAINS & EXTEND INTO SUBDIVISION

EX. 11' WIDE SIDEWALK EASEMENT

EX. 5' WIDE UTILITY EASEMENT

EX. 10' WIDE STORMWATER DRAINAGE & UTILITY EASEMENT

EX. 11' WIDE SIDEWALK EASEMENT

EX. 5' WIDE UTILITY EASEMENT

EX. 8' WIDE UTILITY EASEMENT

NOTE:  
CONNECT TO EX. 18" SAN. SEWER MAIN & EX. 12" WATER MAIN NEAR WEST COPPER RIDGE LOOP & RIMROCK ROAD & EXTEND TO SUBDIVISION



TO PLAN AND DESIGN ENDURING COMMUNITIES...

DATE	REVISIONS	DESCRIPTION

DATE	7/6/2017
FILE	18064.01 CONCEPTS
PROJECT NO.	18064.01
CAD	BRS
QUALITY ASSURANCE	BRS

Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

## **SUBDIVISION IMPROVEMENTS AGREEMENT COPPER RIDGE SUBDIVISION, SEVENTH FILING**

### **Table of Contents**

<b>I.</b>	Variances	SIA-2
<b>II.</b>	Conditions that Run with the Land	SIA-2
<b>III.</b>	Transportation	SIA-4
	A. Streets	SIA-4
	B. Sidewalks	SIA-4
	C. Street Lighting	SIA-5
	D. Traffic Control Devices	SIA-5
	E. Access	SIA-6
	F. Public Transit	SIA-6
<b>IV.</b>	Emergency Service	SIA-6
<b>V.</b>	Storm Drainage	SIA-7
<b>VI.</b>	Utilities	SIA-9
	A. Water	SIA-9
	B. Sanitary Sewer	SIA-10
	C. Power, Telephone and Gas	SIA-11
<b>VII.</b>	Parks/Open Space	SIA-11
<b>VIII.</b>	Homeowner's Associations	SIA-11
<b>IX.</b>	Soils/Geotechnical Study	SIA-11
<b>X.</b>	Financial Guarantees	SIA-12
<b>XI.</b>	Legal Provisions	SIA-13

Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

## **SUBDIVISION IMPROVEMENTS AGREEMENT COPPER RIDGE SUBDIVISION, SEVENTH FILING**

**THIS AGREEMENT** is made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between **COPPER RIDGE WEST, INC.**, whose address for the purpose of this agreement is 175 North 27th Street, Suite 900, Billings, Montana 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Montana, hereinafter referred to as "City."

### **WITNESSETH:**

**WHEREAS**, the preliminary plat of Copper Ridge Subdivision, Seventh Filing, located in the City of Billings, Yellowstone County, Montana, was submitted to the Planning and Community Services Department which recommended its approval to the Yellowstone County Board of Planning; and

**WHEREAS**, at a meeting held on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by the Yellowstone County Board of Planning, the Board recommended for approval, subject to certain conditions, an area known as Copper Ridge Subdivision, Seventh Filing, and

**WHEREAS**, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, the City Council approved, subject to certain conditions, a preliminary plat of Copper Ridge Subdivision, Seventh Filing, and

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

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

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

**I. VARIANCES**

Subdivider requests no variances.

**II. CONDITIONS THAT RUN WITH THE LAND**

- A.** Lot owners should be aware that this subdivision could contain wildlife migratory routes. Consequently, owners are advised that wildlife indigenous to this area could be found on the property and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and gardens. Any impacts associated with wildlife and any damage arising therefrom is the responsibility of the lot owners.
- B.** Lot owners should be aware that there is a Declaration of Restrictions and Protective Covenants recorded in conjunction with this subdivision, which outlines additional requirements specific to this subdivision design.
- C.** Lot owners should be aware that the United States Postal Service mail delivery will be made only to centralized delivery locations. Such locations shall consist of from 8 to 16 mailboxes per location. The location of each centralized mailbox setting is shown on the overall development plan and the private contract construction plans. Subdivider shall install the mailboxes within the private contract for the Seventh Filing.
- D.** Lot owners shall be advised that land in proximity to the northern boundary of Copper Ridge Subdivision is a right-of-way owned by the Burlington Northern Santa Fe Railroad, upon which they actively operate a transportation business. The noise from moving trains is clearly audible in the subdivision. This activity is protected by state law and can be expected to continue indefinitely. Subdivider, for itself and all successor owners of property within Copper Ridge Subdivision, hereby waives any right to object and/or protest the noise created by normal operation of trains running along the railway, acknowledges that the railroad right-of-way is private property, and further acknowledges that Copper Ridge Subdivision and successor owners of lots within the subdivision have an affirmative duty to stay off the Burlington Northern Santa Fe Railroad property and to keep children, guests, and invitees off the property.

- E.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts, which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this agreement. The Subdivider and owner specifically agree that they are waiving valuable rights, and do so voluntarily.
- F.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.
- G.** Certain lots as shown on the final plat of Copper Ridge Subdivision, Seventh Filing contain storm water drainage easements with a drainage swale along property lines. This storm water drainage easement and drainage swale is for conveying storm water and shall not be altered in any way to inhibit the conveyance of storm water. It shall be the lot owners' responsibility to maintain and perpetuate this storm water swale, as a fully functional swale.
- H.** The lowest finished floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb measured from the highest location along the lot frontage. Higher finished floor elevations shall be required on a lot by lot basis, as noted on the final plat.
- I.** The lowest openings on each home (window well, walk-out basement doors, and equivalent openings) shall be located outside drainage paths. If this is not possible, the homebuilder and lot owners must take necessary measures to protect these openings from being inundated from surface water flows. Allow enough space between window wells and property lines to provide sufficient swales and drainage away from window wells, and meet applicable building codes for drainage requirements.
- J.** The developer and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater Discharges Associated

with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

### **III. TRANSPORTATION**

#### **A. Streets**

*Right-of-way widths.* Copper View Way, Copper Bluffs Circle and Copper Sunset Drive shall be 56-foot rights-of-way. 70th Street West shall be a 61-foot right of way. Rimrock Road to 70th Street West is classified as a collector street. The minimum right of way for a collector street is 74 feet. A 60-foot right of way has previously been dedicated across the frontage of the property. An additional dedication will be provided with this plat on the north side of Rimrock Road.

*Pavement widths.* Copper View Way, Copper Bluffs Circle and Copper Sunset Drive shall be 34 feet back of curb to back of curb. 70th Street West shall be 30-feet of asphalt and curb and gutter on the east side of the street. Rimrock Road will be completed with curb and gutter on the north side of Rimrock Road and 30-feet of asphalt from the eastern boundary of the subdivision to 70th Street West (approximately 380 lineal feet). A borrow ditch will remain on the south side of Rimrock Road. These roads shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings site development ordinance, city subdivision regulations, and Uniform Building Code.

#### **B. Sidewalks**

City and Subdivider agree that developer will install handicap accessibility ramps at time of private contract construction. No additional boulevard sidewalks will be installed by the developer as part of construction improvements.

Individual lot owners will be responsible for the construction of the sidewalks adjacent to their lot at the time of lot construction. Sidewalks shall be 5-foot wide boulevard sidewalks. The sidewalk along the frontages of Lot 19, Block 1 (Rimrock Road, 70th Street West and Copper View Way) shall be 5-foot wide boulevard sidewalk to be constructed with the private contract for the subdivision. The sidewalk along the right of way frontage between Lots 18 and 19, Block 2 shall 5-foot boulevard sidewalk to be constructed with the private contract for this subdivision.

**C. Street Lighting**

Construction or installation of streetlights in subdivision shall not be required at this time, but streetlights are included in the Waiver, which also includes a maintenance district for street light energy and maintenance.

**D. Traffic Control Devices**

1. The Subdivider shall furnish and install all necessary traffic control devices adjacent to the subdivision. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction. All traffic control devices shall be subject to review and approval by the City Engineering office.
2. Street name signs shall be installed at all intersections.
3. The City and Subdivider agree that the Subdivider will make cash contributions to improvements at the following intersection:

Rimrock Road and 62nd Street West – 10.67 percent  
Grand Avenue and 70th Street West – 7.54 percent  
70th Street West and Colton Boulevard – 8.60 percent

The percentages are based on 360 total lots in the subdivision. Each filing will contribute their proportionate share of the contributions.

The amount and timing of these contributions shall be as outlined below. These contributions represent a fair and equitable amount based on subdivision traffic using these intersections and may be used by the City for design and construction of geometric improvements, auxiliary turn lanes, or intersection controls such as traffic signals or roundabouts, at these intersections. Improvements will not be constructed until the City determines they are needed and the timing and extent of the improvements shall be at the City's sole discretion.

The amount of the contributions for the Rimrock Road/62nd Street West, Grand Avenue/70th Street West, and 70th Street West/Colton Boulevard intersections shall be as follows:

	Rimrock Road/ 62nd Street West	Grand Ave./70th Street West	70th Street West/Colton Blvd.
Seventh Filing (53-Residential Lots)	TBD	TBD	TBD
Lot 1, Block 3	TBD	TBD	TBD
Lot 2, Block 3	TBD	TBD	TBD
Lot 3, Block 3	TBD	TBD	TBD
Lot 4, Block 3	TBD	TBD	TBD

The contributions for Copper Ridge Subdivision, Seventh Filing (53-residential lots) shall be made prior to final plat approval. No building permits or private contract permits will be issued until Subdivider has made the cash contribution to the City.

It is anticipated that Lots 1 through 4, Block 3 will be developed in separate subdivision filings. The total cash contribution attributable to Lots 1 through 4, Block 3 shall be as stated above; however, the contribution may be apportioned over the various phases based on the amount of traffic each is expected to generate. No building permits or private contract permits shall be issued for Lots 1 through 4, Block 3 until payment has been made for the phase being developed at that time.

**E. Access**

Access will be provided in two locations for the subdivision. One will be an extension of Copper Bluffs Circle and the other an extension of 70th Street West and Rimrock Road.

**F. Public Transit**

There are no MET Transit routes that service this subdivision at this time. No improvements with regard to MET Transit vehicles are anticipated at this time.

**IV. EMERGENCY SERVICES**

Access is provided to this subdivision from two existing locations. The Copper Ridge Subdivision, Seventh Filing, will complete a street connection from Copper Bluffs Circle and from 70th Street West. In addition, fire hydrants will be installed

at the required locations as reviewed and approved by the City of Billings Fire Department.

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

At a minimum, the following is required:

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

**V. STORM DRAINAGE**

- A. All storm drainage improvements shall comply with the provisions of Chapter 28, BMCC, and shall be in accordance with the recommendations of an approved storm drain study to be submitted to the City of Billings Engineering Department by the Subdivider. The stormwater in the subdivision will be managed on-site through surface flow on the streets, inlets, piping, and stormwater detention facilities. The stormwater design for Copper Ridge Subdivision, Seventh Filing, will conform to the current City of Billings Stormwater Management Manual and be reviewed by the City of Billings Public Works Department.
- B. The developer will construct three large detention basins along the southern boundary of the subdivision. The developer will construct one detention pond with this filing located on Lot 19, Block 1. The other detention facilities will be constructed with future filings. The detention facilities will be located on Home Owner's Association (HOA) owned lots and shall be operated and maintained by the HOA. The stormwater detention facilities

will have an outlet to Rimrock Road and be piped to a City of Billings owned stormwater management facility located near the intersection of 62nd Street West and Rimrock Road.

- i. The Subdivider may direct runoff from this filing and future filings to the City of Billings stormwater management facility located near the intersection of Rimrock Road and 62nd Street West. The City of Billings will review the stormwater storage provided on-site to ensure compliance with the City of Billings Stormwater Management Manual (SWMM). The Subdivision will be required to retain, or provide treatment, of the water quality volume/flow on-site in accordance with the SWMM.
- ii. The Subdivider shall make a cash contribution to the City of Billings stormwater management facility at a rate of \$ \_\_\_\_\_ per square foot of net residential lot area. The rate has been established based on the reduction of stormwater storage on-site in the subdivision (all filings) due to the discharge to the City of Billings stormwater management facilities, and the ability to fully drain the on-site stormwater detention facilities in accordance with the ~~SWMM~~. The contribution shall be phased with the development of the subdivision and due at the time of lot development.
- iii. The storm drain pipe in Rimrock Road will be sized to account for flow from Rimrock Road, a restricted flow from Copper Ridge Subdivision, Seventh Filing (including the area north of the railroad tracks that drains to the subdivision through an existing culvert (approximately 300 feet east of 70th Street West) under the railroad tracks), and up to 1 cfs from the existing Copper Ridge Subdivision or other subdivision. The Subdivider shall install the storm drain improvements in Rimrock Road from 70th Street West east to the Birely Drain (approximately 3,200 lineal feet) with the private contract for the development. The Subdivider shall be reimbursed by the City of Billings for the Rimrock Road proportionate share of the storm drain improvements. In the future, if storm drain from the existing Copper Ridge Subdivision, or other subdivision to the south, is connected to the storm drain in Rimrock Road, they too will be required to reimburse the Subdivider for their proportionate share of the Rimrock Road storm drain improvements. The City of Billings shall reimburse the Subdivider at the time of storm drain construction based on their proportionate share of actual construction and engineering design costs. In the future, if an

additional subdivision connects to the storm drain, their reimbursement to the Subdivider would be due at the time of connection and be based on their proportionate share of the construction and engineering design costs.

## **VI. UTILITIES**

Water and sanitary sewer lines shall be sized and installed in conformance with the City design standards and specifications, and the rules and regulations of the City of Billings.

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

The developer/owner acknowledges that the subdivision shall be subject to the applicable system development fees and franchise fee in effect at the time new water and/or sanitary sewer service connections are made.

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

### **A. Water**

Service to the subdivision will be provided from the existing 12-inch water main stub in Rimrock Road and also from an existing 12-inch water main stub in Copper Bluffs Circle. The Subdivider will extend the existing 12-inch water main from the existing terminus in Rimrock Road westward to 70th Street West and then into the subdivision. The Subdivider will also extend the existing 12-inch water main stub in Copper Bluffs Circle from the existing terminus into the subdivision.

Extension of the water mains will provide a looped system for the subdivision upon full build out of the Seventh Filing. Appropriately sized

mains and services in the internal streets will provide service to the individual lots within the subdivision. It is anticipated that each lot shall be provided with its own separate water service. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department.

A cash-in-lieu payment of \$34,829.00 for the 12-inch water main and two fire hydrants has been previously made for the water main improvements from the existing terminus to the western boundary of Copper Ridge Subdivision, Fifth Filing (approximately 860 lineal feet). This previous contribution will be applied toward the construction the 12-inch water main to the subdivision in Rimrock Road, or be refunded to the developer and the developer will construct the water main to the subdivision.

#### **B. Sanitary Sewer**

Service to the subdivision will be from the existing 8-inch sanitary sewer stub located in Copper Bluffs Circle and also from an existing 18-inch sanitary sewer main located in Rimrock Road. The Subdivider shall extend the existing 18-inch sanitary sewer west to approximately 70th Street West, or a smaller sized main as approved by the City Engineering Department.

Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. Each lot shall be provided with its own service. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department.

Improvements noted herein shall include, but not be limited to, any and all interim improvements that may be deemed necessary due to phased or partial construction.

The 18-inch, or smaller, sanitary sewer main in Rimrock Road from the existing terminus to the western edge of Copper Ridge Subdivision, Fifth Filing will be installed at the time of the Copper Ridge Subdivision, Seventh Filing improvements, either with the private contract or by a separate project, at the City's discretion. The cost of the installation of the sanitary sewer main in Rimrock Road from the existing terminus to the western edge

of Copper Ridge Subdivision, Fifth Filing will be paid by the City of Billings.

**C. Power, Telephone, Gas, and Cable Television**

All telephone, gas, electrical power, and cable television lines shall be placed in designated easements outside of the right-of-way and shall be installed underground prior to surface improvements. The location of all such facilities shall be subject to approval of the City Engineer.

**VII. PARKS/OPEN SPACE**

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Additionally, Section 23-1002.B.1 of the City of Billings municipal code covers parkland dedication of major subdivisions. The Seventh Filing has a total of 53 residential lots, requiring a parkland dedication of 1.115 acres. The Subdivider will make a cash in-lieu contribution for the 1.115 acres in lieu of parkland dedication.

**VIII. HOMEOWNER'S ASSOCIATIONS**

A homeowner's association (HOA) will be established for this subdivision. The HOA will have the following responsibilities:

**A. Contact Information**

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

**B. Stormwater Drainage Facilities**

The HOA shall be responsible for the maintenance of the on-site stormwater drainage facilities located on Lot 19, Block 1. The HOA shall share the cost of maintenance of the community stormwater facilities.

**IX. SOILS/GEOTECHNICAL STUDY**

The Subdivider has retained an engineering firm to prepare a geotechnical analysis for this property. A copy of the entire geotechnical report prepared by Rawhide Engineering, Inc., dated July 28, 2017, is available for review at the City Building and/or Planning Division offices. There are variable soil conditions throughout the Subdivision, and the potential exists for collapsible soils within the Subdivision.

A lot specific geotechnical report shall be the responsibility of the lot owner.

The Subdivider has contracted with Rawhide Engineering to perform a preliminary geotechnical analysis for this property dated July 28, 2017.

Recommendations from the report include:

1. Approximately 6-inches of surface soils should be stripped and removed from the site, or stockpiled for use in non-structural areas.
2. Fill should be placed and compacted to a minimum of 97 percent relative compaction, in accordance with the ASTM D698 compaction test method.
3. Provide positive drainage away from residences.
4. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97 percent of ASTM D698.
5. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the excavation. The boring logs should be reviewed for conditions across the site.
6. Due to the hydro-collapse and settlement potential of native soils on this site, plants should not be placed within 3 feet of foundations. Care should be taken with the landscaping not to create drainage obstructions, such as concrete curbing, which will collect and retain water near the foundations.
7. As noted in the Rawhide Engineering July 28, 2017 report, and in accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations. If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible.

## **X. FINANCIAL GUARANTEES**

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

**XI. LEGAL PROVISIONS**

- A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.
- B.** The owners of the properties involved in this proposed subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provision of the agreement.
- C.** The covenants, agreements, and all statements in this agreement apply to and shall be binding on the heirs, personal representatives, successors, and assigns of the respective parties.
- D.** In the event it becomes necessary for either party to this agreement to retain an attorney to enforce any of the terms or conditions of this agreement or to give any notice required herein, then the prevailing party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this agreement or any provisions herein shall be made in writing and executed in the same manner as this original document, and shall after execution become a part of this agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

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

“SUBDIVIDER”

**COPPER RIDGE WEST, INC.**

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person who signed the foregoing instrument as the \_\_\_\_\_ of **COPPER RIDGE WEST, INC.**, and who acknowledged to me that said company executed the same.

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

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_



## WAIVER OF RIGHTS TO PROTEST

**FOR VALUABLE CONSIDERATION**, the undersigned, being the Subdivider and sole owner of the hereinafter described real property, do hereby waive for a period of 20 years after the date that the final subdivision plat is filed, the right to protest the formation of one or more special improvement district(s) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and are supported by sufficient independent consideration to which the undersigned is a party, and shall run with the land and shall be binding upon the undersigned, its successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

Copper Ridge Subdivision, Seventh Filing

“SUBDIVIDER”

**COPPER RIDGE WEST, INC.**

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA        )  
                                      : ss  
County of Yellowstone    )

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person who signed the foregoing instrument as the \_\_\_\_\_ of **COPPER RIDGE WEST, INC.**, and who acknowledged to me that said company executed the same.

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

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_



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



**Planning Board Meeting I (2nd Tuesday)**

**8. b.**

**Meeting Date:** 09/12/2017

---

## **Information**

### **INTRODUCTION**

On August 1, 2017, the Planning Division received a preliminary plat application for Northfield Warehouses, a major subdivision contemplating condominiums. The development is described as Lots 20, 21, 22 & 23, Block 1, West King Commercial Park Subdivision. The property is not within the County zoning jurisdiction and condominium development was not originally contemplated with the subdivision, therefore, in accordance with Chapter 8 of the County Subdivision Regulations, this condominium development must be reviewed as a Major Subdivision. The proposed plat creates 24 commercial storage units consisting of 6 units per lot. The subject property is generally located north of King Avenue West and West of South 64th Street West. Access will be provided by Western Way and Black Hawk Drive. An existing 30,000-gallon dry hydrant is located within ½ road mile from the proposed development. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, September 26, 2017. The Board of County Commissioners will act on the proposal on October 17, 2017.

### **RECOMMENDATION**

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Northfield Warehouses, being Lots, 20, 21, 22 & 23, Block 1, West King Commercial Park Subdivision, and adopt the Findings of Fact as presented in the staff report.

Planning staff recommends the following 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.
2. 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.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

## **VARIANCES REQUESTED**

No variances were requested as a part of this application.

## **PROCEDURAL HISTORY**

- A pre-application meeting was held on June 22, 2017 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on August 1, 2017.
- A departmental review meeting was conducted on August 17, 2017.
- The preliminary plat was resubmitted with revisions based on department reviews on August 24, 2017.
- The Planning Board will review the plat on September 12, 2017.
- The Planning Board will conduct a public hearing on September 26, 2017, and forward a recommendation to the Board of County Commissioners.
- The Board of County Commission will consider the preliminary plat on October 17, 2017.
- The 60 working-day preliminary plat review period ends October 26, 2017.

## **PLAT INFORMATION**

General location: North of King Ave West and West of 64th Street West

Legal Description: Lots 20, 21, 22 & 23, West King Commercial Park

Subdivider/Owner: West King Commercial Park, LP

Engineer and Surveyor: EEC, Inc.

Existing Zoning: Unzoned

Existing land use: Vacant, Commercial

Proposed land use: Commercial

Gross area: 2.016 acres

Net area: 2.016 acres

Proposed number of lots: 24 Units

Lot (Unit) size: Max: 1,875 sq.ft. Min: 1,320 sq.ft.

Parkland requirements: No parkland dedication required

---

## **Attachments**

Findings of Fact

Preliminary Site Plan

Draft SIA

---

## FINDINGS OF FACT

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

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

**1. Effect on agriculture and agricultural water user facilities**

There are no ditch facilities located within Lots 20, 21, 22 & 23 of West King Commercial Park Subdivision. There are no water rights with the subject property.

**2. Effect on local services**

**a. Utilities** – Cisterns are proposed for this subdivision along with septic facilities. Any proposed onsite water and septic systems must comply with the State of Montana Department of Environmental Quality (MDEQ). Preliminary water and sanitation information has been submitted for review by RiverStone Health and MDEQ. **(Condition #1)**

MDU and Yellowstone Valley Electric Cooperative will provide gas and electrical utilities as necessary. There is an existing 10-foot-wide utility easement where the utility companies can run services to provide utilities to the subject property. Further easements may be required for a service line from the main line in the existing right-of-way.

**b. Storm water** – Storm water will be retained onsite and will be in compliance with Section 4.7, YCSR. The applicant has applied for a re-write of the existing Certificate of Subdivision Approval (COSA). The intent of the re-write is to have the existing stormwater facilities in the West King Commercial Park Subdivision serve the proposed development. Maintenance of the existing stormwater facilities shall be maintained by the existing RSID-M as described in the SIA for West King Commercial Park Subdivision. This RSID-M shall be expanded to include each individual owner of property within the Northfield Warehouses Subdivision. **(Condition #1)**

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

**d. Streets** – Access to the subdivision is from Western Way and Black Hawk Street which are public streets. Black Hawk Street was installed as a part of Phase 1 and Western Way was installed as part of Phase 2 & 3 of the West

King Commercial Park Subdivision. Black Hawk Street and Western Way are built to County Road Standards with a 24 foot asphalt top and 2 foot gravel shoulders on each side. The roads are situated in a 70 foot right of way with drainage ditches on both sides. There is an existing RSID-M for this road and it will be expanded to include the proposed condominiums with this application. Any culvert installed in the drainage swale will be a minimum of 15 inches in diameter.

- e. **Emergency Services** – The subject property is within the jurisdiction of the Billings Urban Fire Service Area (BUFSA) and the Yellowstone County Sheriff’s Department. The proposed condos will be serviced by an internal drive access that will be a minimum of 30 feet in width and constructed to meet the fire department needs. Also, in accordance with Section 4.14.C. of the County Subdivision Regulations, which describes requirements for fire suppression facilities for commercial subdivisions, the existing subdivision, West King Commercial Park, has an existing 30,000 gallon underground storage tank and dry hydrant system in the subdivision within ½ road miles. West King Commercial Park has an existing RSID-M in place for the dry hydrant in the subdivision and it will be expanded to include the condominiums proposed with this application.

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

- f. **Mail Delivery** - The United States Postal Service will service the new lots. The units are not expected to have mail services, however, if requested the existing central delivery box is available.

**3. Effects on the natural environment**

No alteration of any stream will occur with this subdivision.

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. In accordance with state law, the developer has a weed control plan in place with the County Weed Department and will revise the weed control plan recommendations based on required site visits. The Weed Control Plan was approved April 19, 2016.

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

**4. Effects on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. Montana Fish, Wildlife and Parks (FWP) was provided information about the proposed subdivision and indicated that they had no concerns with the proposed development.

**5. Effects on public health and safety**

There are no known manmade public safety hazards that would affect this subdivision. Plans and designs for wells and septic systems will be reviewed and approved by MDEQ prior to final plat approval. Fire and emergency services are provided for this proposed subdivision, including a water supply for firefighting purposes. There is an existing 30,000 gallon dry hydrant system in place within the West King Commercial Park Subdivision.

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

An environmental assessment was provided with this application. No major issues were identified.

**C. Conformance with the Yellowstone County – City of Billings 2008 Growth Policy Update, the 2011 Billings Area Bikeway and Trail Master Plan, and the Billings Urban Area Transportation Plan 2009 Update (Section 3.2.H.4., YCSR)**

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

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

- Goal: Controlled weed populations. (p. 9)  
*The developer has an existing weed control plan and will modify it as needed based on required site visits by the County Weed Department.*
- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)  
*The proposed subdivision is not within the County zoning jurisdiction. It is located in an area of the county that has a mix of agricultural, residential and commercial uses. The West King Commercial Park Subdivision and the subdivision directly to the west of the subject property are both developed for commercial uses. Therefore, it is consistent with the neighborhood character in this area.*
- Goal: More housing and business choices within each neighborhood (p.6).  
*The proposed subdivision would allow for additional business development at this location.*

**2. 2001 West Billings Plan**

The West Billings Plan identifies commercial nodes at intersections of arterial streets at a distance of not less than 2 miles apart. This is to establish development patterns that use land more efficiently and reduce the possibility of ‘strip’ development along arterial streets.

*PG1.B.2 Limit community commercial centers to appropriate intersections of arterial streets and spaced no less than approximately two miles apart. Community commercial centers should be compatible with the surrounding area and designed to serve the overall West Billings community unless otherwise approved by the governing bodies.*

**3. Billings Urban Area Transportation Plan 2014**

King Avenue West is classified as a major arterial street and is expected to handle the additional traffic generated by this commercial subdivision. No additional right-of-way is required from this subdivision. The proposed subdivision maintains the street hierarchy defined in the Transportation Plan.

**4. Billings Area Bikeway and Trail Master Plan**

The subdivision does not have any bike trails identified internally and the Plan does not identify a future bike lane along King Avenue West in this location. The nearest on-street bikeway is identified on South 64th Street West. Currently there are no bike lanes, or even shoulders, on South 64th St. West, but these facilities may be constructed when future upgrades to the road are made. A waiver of right to protest future RSID's for street improvements is being signed and recorded with this subdivision.

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

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

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

The subject property is outside of the County zoning jurisdiction.

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

Utility easements have been provided on the face of the plat for both electric and natural gas, as requested by MDU and YVEC.

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

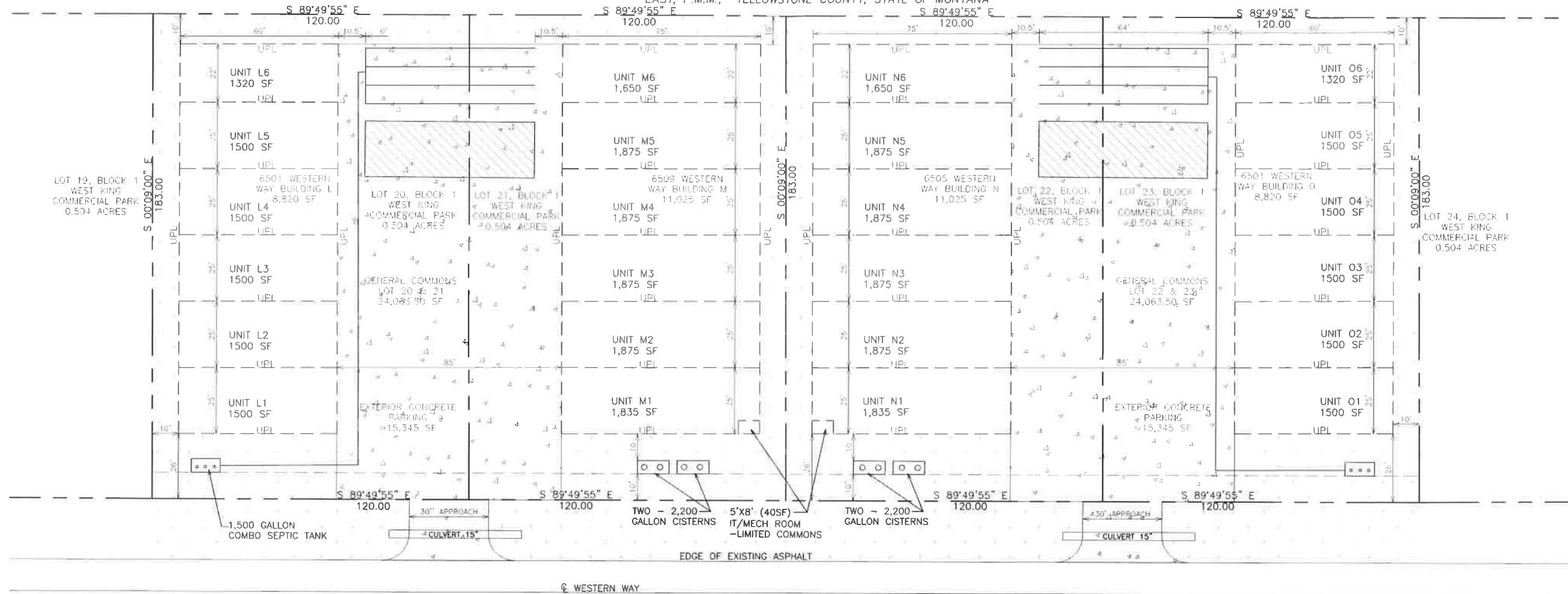
Access to the subdivision lots will be from Black Hawk Street and Western Way which connect to King Avenue West and South 64<sup>th</sup> Street West.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Northfield Warehouses, Amended, does not create any adverse impacts that warrant denial of the subdivision.
- With the proposed conditions, Northfield Warehouses, Amended, is in compliance with the Montana Subdivision and Platting Act and the Yellowstone County Subdivision Regulations.
- New water and wastewater facilities will be approved through the Montana Department of Environmental Quality.

**EXHIBIT "B"**  
**PRELIMINARY SITE PLAN**  
**NORTHFIELD WAREHOUSES**

BEING LOTS 20, 21, 22 & 23, BLOCK 1 WEST KING COMMERCIAL PARK  
 SUBDIVISION  
 LOCATED IN THE SE 1/4 OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 25  
 EAST, P.M.M., YELLOWSTONE COUNTY, STATE OF MONTANA



**AREA CALCULATIONS FOR NORTHFIELD WAREHOUSES**

6513 WESTERN WAY		
UNIT L1	1,500	SQ. FT.
UNIT L2	1,500	SQ. FT.
UNIT L3	1,500	SQ. FT.
UNIT L4	1,500	SQ. FT.
UNIT L5	1,500	SQ. FT.
UNIT L6	1,320	SQ. FT.
6509 WESTERN WAY		
UNIT M1	1,835	SQ. FT.
UNIT M2	1,875	SQ. FT.
UNIT M3	1,875	SQ. FT.
UNIT M4	1,875	SQ. FT.
UNIT M5	1,875	SQ. FT.
UNIT M6	1,650	SQ. FT.
6505 WESTERN WAY		
UNIT N1	1,835	SQ. FT.
UNIT N2	1,875	SQ. FT.
UNIT N3	1,875	SQ. FT.
UNIT N4	1,875	SQ. FT.
UNIT N5	1,875	SQ. FT.
UNIT N6	1,650	SQ. FT.
6501 WESTERN WAY		
UNIT O1	1,500	SQ. FT.
UNIT O2	1,500	SQ. FT.
UNIT O3	1,500	SQ. FT.
UNIT O4	1,500	SQ. FT.
UNIT O5	1,500	SQ. FT.
UNIT O6	1,320	SQ. FT.
LIMITED BUILDING COMMONS		
BUILDING L&M IT/MECH ROOM	40	SQ. FT.
BUILDING N&O IT/MECH ROOM	40	SQ. FT.
TOTAL BUILDING AREA	39,690	SQ. FT.
GENERAL COMMON AREA	48,127	SQ. FT.
TOTAL:	87,817	SQ. FT.

PZ-17-00128

CLERK AND RECORDER FILING INFORMATION



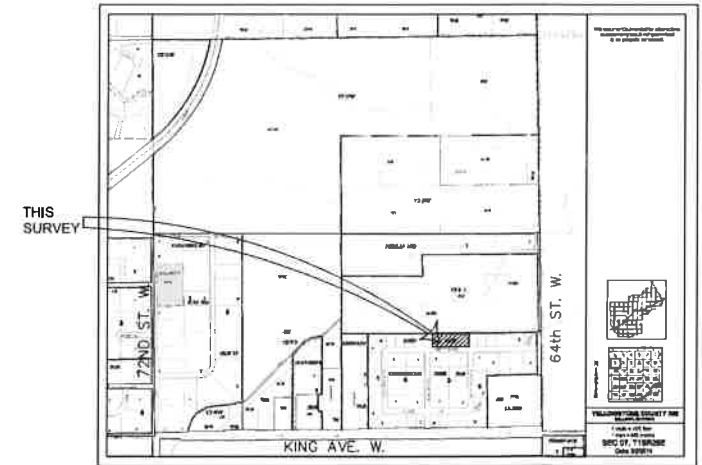
**SUBDIVISION DETAILS:**

- GROSS AREA: 2.016 ACRES
  - NET AREA: 2.016 ACRES
  - ROAD AREA: 0 ACRES (PRIVATE ACCESS)
  - NUMBER OF LOTS: 24
  - MAXIMUM LOT SIZE: 1,875 SQUARE FEET
  - MINIMUM LOT SIZE: 1,320 SQUARE FEET
  - PARK DEDICATION: 0 ACRES
  - EXISTING LAND USE: COMMERCIAL UNDEVELOPED
  - PROPOSED LAND USE: COMMERCIAL CONDO'S
- AREA IS NOT ZONED

**LEGEND:**

- PROPOSED CONCRETE
- PROPOSED 1-1/2" LANDSCAPE ROCK
- NOTE: LANDSCAPE ROCK ALONG ROAD TO BE PLACED SO TOP OF ROCK IS BELOW ROADWAY ELEV.
- LIMITED COMMON, GENERAL COMMON & UNIT PROPERTY LINES

**VICINITY MAP**



**SUBDIVISION IMPROVEMENTS AGREEMENT**  
*Lots 20, 21, 22, & 23, Block 1 of the West King Commercial Park Subdivision, Northfield  
Warehouses*

**Table of Contents**  
**Yellowstone County**

I. Variances	2
II. Conditions that Run with the Land	2
III. Transportation	3
A. Streets	
B. Access	
C. Billings Area Bike Trials	
D. Maintenance	
IV. Emergency Services	3
V. Storm Drainage	4
VI. Utilities	4
A. Water & Septic Sewer	
B. Power, Telephone, Gas, and Cable Television	
VII. Parks/Open Space	4
VIII. Irrigation	4
IX. Weed Management	4
X. Soils/Geotechnical Study	4
XI. Financial Guarantees	5
XII. Legal Provisions	5

**SUBDIVISION IMPROVEMENTS AGREEMENT**

***Lots 20, 21, 22, & 23, Block 1 of the West King Commercial Park Subdivision, Northfield Warehouses***

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

**WITNESSETH:**

**WHEREAS**, the plat of Lots 20, 21, 22, & 23, Block 1 of the West King Commercial Park Subdivision, Northfield Warehouses, located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning as a major subdivision; and

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

**WHEREAS**, the provisions of this agreement shall be effective and applicable to the Condominium development of Lots 20, 21, 22 & 23, Block 1 of the West King Commercial Park Subdivision, Northfield Warehouses, upon the filing of the final condominium documents in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

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

**I. VARIANCES**

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

**II. CONDITIONS THAT RUN WITH THE LAND**

**A.** N/A

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

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

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

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

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

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

### **III. TRANSPORTATION**

#### **A. Streets**

No new streets are proposed for the subdivision. The subdivision will utilize the existing dedicated right of way, Black Hawk Street or Western Way, for access. Black Hawk Street was installed as part of Phase 1 of the West King Commercial Park Subdivision. Western Way was installed as part of Phase 2 & 3 of the West King Commercial Park Subdivision. Black Hawk Street & Western Way are 28' wide public streets constructed to County Standards. They consist of a 24' wide paved surface with 2 foot wide gravel shoulders and drainage ditches on both sides. The street is situated in the center of a 70' right of way. Approach culverts installed within the drainage swales of Western Way shall be 15" in diameter. Western Way intersects with S.64<sup>th</sup> to the East. A 2<sup>nd</sup> means of egress is provided via Black Hawk Street which intersects King Avenue West.

There are no bike trails planned for this commercial subdivision.

#### **B. Access**

Access into the property will be via 2-30' approaches off of the existing 70' right of way of Western Way. The approaches shall be installed & piped in accordance with the approach standards of Yellowstone County Public Works. These approaches will be constructed of Concrete. Access to Western Way will be from either Black Hawk Street or S. 64<sup>th</sup> St. W. No sidewalks are to be provided.

#### **C. Billings Area Bike Trials**

The subdivision is within the jurisdiction area of Billings Area Bike Trials. However, no trails have been identified for this property and none have been provided.

#### **D. Maintenance**

Maintenance of the Street Improvements shall be the responsibility of the existing Rural Special Improvement District for Maintenance (RSID-M) as described in the SIA for West King Commercial Park Subdivision on file at the Yellowstone County Clerk & Recorder under Document #3555252. This RSID-M shall be expanded to include each individual owner of property with the Northfield Warehouses Subdivision.

### **IV. EMERGENCY SERVICE**

There is an existing 30,000 gallon dry hydrant located approximately 450' Southeast of the property at the southeast corner of Wagon Trail that was installed as part of the West King Commercial Park Subdivision. This dry hydrant is within a ½ road mile of the Northfield Warehouses. The maintenance of the existing dry hydrant within West King Commercial Park Subdivision is the responsibility of the RSID-M as described in the SIA for West King Commercial Park Subdivision on file at the Yellowstone County Clerk & Recorder under Document #3555252. This RSID-M shall be expanded to include each individual owner of property with the Northfield Warehouses Subdivision. This subdivision is within the BUFSA boundaries.

### **V. STORM DRAINAGE**

This subdivision is subject to review by the Department of Environmental Quality for storm water management. A re-write request of the existing COSA to allow for condominiums on this site utilizing the existing storm water facilities for West King Commercial Park has been submitted to MDEQ for approval. Northfield Warehouses will be constructed to utilize the existing drainage ditches within the public right of way to convey storm water to the existing & proposed retention ponds already in place within the West King Commercial Park Subdivision. No new storm water facilities are planned. Maintenance of the existing storm water facilities shall be the responsibility of the existing Rural Special Improvement District for Maintenance (RSID-M) as described in the SIA for West King Commercial Park Subdivision on file at the Yellowstone County Clerk & Recorder under Document #3555253. This RSID-M shall be expanded to include each individual owner of property with the Northfield Warehouses Subdivision

**VI. UTILITIES**

**A. Water & Sewer**

No public water or sewer is available in the subdivision at this time. The subdivision will utilize cisterns and shared wastewater disposal systems as approved by MDEQ. The maintenance of the water & sewer facilities will be the responsibility of the Northfield Warehouses Owners Association.

The design and permitting of the water & sewer facilities will be concurrent with this subdivision review and its approval shall be subject to the approval by MDEQ.

**B. Power, Telephone, Gas, and Cable Television**

As shown on the subdivision plat, there is an existing 10 foot wide utility easement serving this property with utilities already located in that easement that will be brought to serve this property. An Easement will be provided to MDU when the main is extended into the property.

**VII. PARKS/OPEN SPACE**

There is no parkland requirement for this proposed plat.

**VIII. IRRIGATION**

Irrigation for trees & shrubs will be via a drip irrigation system. The system will utilize water from the proposed water supply cisterns.

**IX. WEED MANAGEMENT**

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

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

The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

**X. SOILS/GEOTECHNICAL STUDY**

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

**XI. FINANCIAL GUARANTEES**

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

**XII. LEGAL PROVISIONS**

- A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B.** The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D.** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G.** Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

DRAFT

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

“SUBDIVIDER”

Eggart Enterprises LLC.

\_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_ day of \_\_\_\_\_, 2017, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of Eggart Enterprises LLC., who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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

DRAFT





**SUBDIVISION IMPROVEMENTS AGREEMENT**  
*Lots 20, 21, 22, & 23, Block 1 of the West King Commercial Park Subdivision, Northfield  
Warehouses*

**Table of Contents**  
**Yellowstone County**

I. Variances	2
II. Conditions that Run with the Land	2
III. Transportation	3
A. Streets	
B. Access	
C. Billings Area Bike Trials	
D. Maintenance	
IV. Emergency Services	3
V. Storm Drainage	4
VI. Utilities	4
A. Water & Septic Sewer	
B. Power, Telephone, Gas, and Cable Television	
VII. Parks/Open Space	4
VIII. Irrigation	4
IX. Weed Management	4
X. Soils/Geotechnical Study	4
XI. Financial Guarantees	5
XII. Legal Provisions	5

**SUBDIVISION IMPROVEMENTS AGREEMENT**

*Lots 20, 21, 22, & 23, Block 1 of the West King Commercial Park Subdivision, Northfield Warehouses*

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

**WITNESSETH:**

**WHEREAS**, the plat of Lots 20, 21, 22, & 23, Block 1 of the West King Commercial Park Subdivision, Northfield Warehouses, located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning as a major subdivision; and

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

**WHEREAS**, the provisions of this agreement shall be effective and applicable to the Condominium development of Lots 20, 21, 22 & 23, Block 1 of the West King Commercial Park Subdivision, Northfield Warehouses, upon the filing of the final condominium documents in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

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

**I. VARIANCES**

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

**II. CONDITIONS THAT RUN WITH THE LAND**

**A.** N/A

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

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

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

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

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

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

### **III. TRANSPORTATION**

#### **A. Streets**

No new streets are proposed for the subdivision. The subdivision will utilize the existing dedicated right of way, Black Hawk Street or Western Way, for access. Black Hawk Street was installed as part of Phase 1 of the West King Commercial Park Subdivision. Western Way was installed as part of Phase 2 & 3 of the West King Commercial Park Subdivision. Black Hawk Street & Western Way are 28' wide public streets constructed to County Standards. They consist of a 24' wide paved surface with 2 foot wide gravel shoulders and drainage ditches on both sides. The street is situated in the center of a 70' right of way. Approach culverts installed within the drainage swales of Western Way shall be 15" in diameter. Western Way intersects with S.64<sup>th</sup> to the East. A 2<sup>nd</sup> means of egress is provided via Black Hawk Street which intersects King Avenue West.

There are no bike trails planned for this commercial subdivision.

#### **B. Access**

Access into the property will be via 2-30' approaches off of the existing 70' right of way of Western Way. The approaches shall be installed & piped in accordance with the approach standards of Yellowstone County Public Works. These approaches will be constructed of Concrete. Access to Western Way will be from either Black Hawk Street or S. 64<sup>th</sup> St. W. No sidewalks are to be provided.

#### **C. Billings Area Bike Trials**

The subdivision is within the jurisdiction area of Billings Area Bike Trials. However, no trails have been identified for this property and none have been provided.

#### **D. Maintenance**

Maintenance of the Street Improvements shall be the responsibility of the existing Rural Special Improvement District for Maintenance (RSID-M) as described in the SIA for West King Commercial Park Subdivision on file at the Yellowstone County Clerk & Recorder under Document #3555252. This RSID-M shall be expanded to include each individual owner of property with the Northfield Warehouses Subdivision.

### **IV. EMERGENCY SERVICE**

There is an existing 30,000 gallon dry hydrant located approximately 450' Southeast of the property at the southeast corner of Wagon Trail that was installed as part of the West King Commercial Park Subdivision. This dry hydrant is within a ½ road mile of the Northfield Warehouses. The maintenance of the existing dry hydrant within West King Commercial Park Subdivision is the responsibility of the RSID-M as described in the SIA for West King Commercial Park Subdivision on file at the Yellowstone County Clerk & Recorder under Document #3555252. This RSID-M shall be expanded to include each individual owner of property with the Northfield Warehouses Subdivision. This subdivision is within the BUFSA boundaries.

### **V. STORM DRAINAGE**

This subdivision is subject to review by the Department of Environmental Quality for storm water management. A re-write request of the existing COSA to allow for condominiums on this site utilizing the existing storm water facilities for West King Commercial Park has been submitted to MDEQ for approval. Northfield Warehouses will be constructed to utilize the existing drainage ditches within the public right of way to convey storm water to the existing & proposed retention ponds already in place within the West King Commercial Park Subdivision. No new storm water facilities are planned. Maintenance of the existing storm water facilities shall be the responsibility of the existing Rural Special Improvement District for Maintenance (RSID-M) as described in the SIA for West King Commercial Park Subdivision on file at the Yellowstone County Clerk & Recorder under Document #3555253. This RSID-M shall be expanded to include each individual owner of property with the Northfield Warehouses Subdivision

**VI. UTILITIES**

**A. Water & Sewer**

No public water or sewer is available in the subdivision at this time. The subdivision will utilize cisterns and shared wastewater disposal systems as approved by MDEQ. The maintenance of the water & sewer facilities will be the responsibility of the Northfield Warehouses Owners Association.

The design and permitting of the water & sewer facilities will be concurrent with this subdivision review and its approval shall be subject to the approval by MDEQ.

**B. Power, Telephone, Gas, and Cable Television**

As shown on the subdivision plat, there is an existing 10 foot wide utility easement serving this property with utilities already located in that easement that will be brought to serve this property. An Easement will be provided to MDU when the main is extended into the property.

**VII. PARKS/OPEN SPACE**

There is no parkland requirement for this proposed plat.

**VIII. IRRIGATION**

Irrigation for trees & shrubs will be via a drip irrigation system. The system will utilize water from the proposed water supply cisterns.

**IX. WEED MANAGEMENT**

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

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

The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

**X. SOILS/GEOTECHNICAL STUDY**

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

**XI. FINANCIAL GUARANTEES**

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

**XII. LEGAL PROVISIONS**

- A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B.** The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D.** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G.** Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

DRAFT





