



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



AGENDA

September 26, 2017 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MOTION. MEETING MINUTES:** SEPTEMBER 12, 2017
4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
 - a. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!

1. Public Hearing. Motion/Recommendation to BOCC. Northfield Warehouses, County Major Subdivision. Quentin Eggart, EEC owner/agent, Monica Plecker, Planning Division Manager, presenting.
2. Public Hearing. Motion/Recommendation to City Council. Copper Ridge Subdivision, 7th Filing. Gary Oakland, owner; Sanderson Stewart, agent. Dave Green, Planner II, presenting.
8. **NEW BUSINESS:** (Agenda items new to this meeting).
9. **OTHER BUSINESS:**
 - a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
 - b. Discussion. Motion. Agenda Items for the Wednesday, October 11, 2017 Planning Board meeting.
 - c. ANNOUNCEMENTS:
 - **“Project Re-Code”, Zoning Code Update Steering Committee Meeting-3:00 pm-5:00 pm, September 27, 2017, Granite Tower, 1st Floor Conference Room, 222 N 32nd Street**
 - **Re-scheduled Special Joint Meeting with Parks Board Wednesday, October 11, 2017.** Draft Comprehensive Parks Plan.
11:30 a.m, City Parks & Recreation Department conference room.
 - **Special Meeting. Ethics Training for City and County Boards and Commissions. Wednesday, October 18, 2017, 4:00-6:00 pm Billings Community Center** This is a training session for members of City and County Board and Commissions. The Local Government Center will be presenting along with City and County Legal staff.
10. **ADJOURNMENT**

Public Hearing Participation Guidelines

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

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

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

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

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

Thank you for participating.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 09/26/2017

Information

Subject

MOTION. MEETING MINUTES: SEPTEMBER 12, 2017

Attachments

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CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

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

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

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

SEPTEMBER 12, 2017

To be approved by a motion on September 26, 2017

1. Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, September 26, 2017, in the Miller Building 1st Floor conference room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

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

Attending Planning staff member: Wyeth Friday, Director, Planning & Community Services; Monica Plecker, Planning Division Manager; Dave Green, Planner II; Tammy Deines, Planning Clerk

Others in Attendance: Jason Burke; Mac Fogelsong, Sanderson Stewart; Gary Owen, Sanderson Stewart; Gary Oakland; Tyler Kerns, EEC; Quentin Egg art, EEC

Approval of the September 11, 2017 Agenda

Motion

Board member Klugman made a motion and Board member Saldivar seconded the motion to approve the September 11, 2017 agenda. The motion carried with a unanimous voice vote.

3. Approval of Minutes: August 8, 2017, August 12, 2017

Motion

Board member Klugman made a motion and Board member Saldivar seconded the motion to approve the August 8, 2017 and the August 12, 2017 meeting minutes as submitted. The motion carried with a unanimous voice vote.

4. **Public Comment:** President Tunncliff asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There were no public comments.

5-6. Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff.

The Ex Parte Communication Binder is available at the Sign-In and Agenda station.

There were no Conflicts of Interest and no Ex Parte Communications reported by the Board.

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7. OLD BUSINESS: There is no Old Business.

8. NEW BUSINESS

7a. Plat Review/Discussion. Copper Ridge Subdivision, 7th Filing. County Major. Dave Green, Planner II, presenting.

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 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 service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of deliver 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.*

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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.*

Discussion

President Tunncliff called for discussion and questions from the members of the Board.

Board member Klugman asked for clarification on the detention facility. Dave Green said the singular detention area will serve the subdivision. In the future, the storm water will be moved to the City detention facility. He pointed out the detention basins located along Rimrock Road and stated this subdivision will contribute to the construction of the City’s detention facility.

Gary Oakland, 127 N 27th Street, Billings, Montana

Mr. Oakland is the property owner and developer. He said Copper Ridge Subdivision has been built out in the last 7 years and they hope to begin the 7th filing this winter. They have donated parkland and developed parks and trails throughout the development. A 4.5-acre Park Master Plan will be presented to the Planning Board at the next meeting. He clarified the drainage flows and pointed out the location of the drainage pond. He acknowledged agents Mac Fogelsong and Gary Owen, Sanderson Stewart, who are attending this evening.

***A public hearing will be held for Copper Ridge Subdivision, 7th Filing will be held during the September 26, 2017 Planning Board meeting.*

7b. Plat Review/Discussion. West King Commercial Park. County Major. West King Commercial Park LLC, Owner. EEC, agent. Monica Plecker, Planning Division Manager, presenting.

Monica Plecker opened this agenda item with the staff report and a PowerPoint presentation.

INTRODUCTION

On August 1, 2017, the Planning Division received a preliminary plat application for major for Northfield Warehouses, a major subdivision contemplating condominiums. The development is described as Lots 20, 21, 22 & 23, Block1, 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.

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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. A 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, 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.

Discussion

President Tunncliff asked the Board for questions and discussion. Clarification was given by Ms. Plecker to Board member Klugman on the ½ mile requirement for fire suppression for nearby developments. President Tunncliff inquired as to whether new DEQ reviews were required when condominium developments weren't contemplated with the initial subdivision. Staff responded that DEQ will provide a new Certificate of Subdivision Approval, (COSA), prior to final plat approval for this subdivision review.

Quentin Eggart, 720 Lohwest Lane, Billings, Montana

Mr. Eggart is the owner/agent for this property. He stated this proposed development is similar to the previous four phases. He said the storage units have been a popular product.

**A public hearing will be held for the Northfield Warehouse Subdivision during the September 26, 2017 Planning Board meeting.

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9. OTHER BUSINESS

- **September 26, 2017-September 28, 2017-MAP Conference, Miles City, MT, Staff Training.** Several Planning staff members are attending and presenting during this conference. Director Friday will present the staff reports for the September 26 Planning Board public hearings. Board member David Goodrich plans to attend the MAP conference and speak in behalf of the Subdivision Regulations Committee.
- **City Administrator Tina Volek's Retirement Party, September 26, 2017, 2:00 pm-5:00 pm,** Billings Public Library Community Room
- **"Project Re-Code", Zoning Code Update Steering Committee Meeting- 3:00 pm-5:00 pm, September 27, 2017, Granite Tower, 1st Floor Conference Room, 222 N 32nd Street-**City Council completed the second reading of the separation of the code and will take effect in 30 days. The BOCC will act on Friday, September 22, 2017, and the action will take effect immediately. President Tunncliff complimented Staff for their work in compiling a strong committee makeup for this project.
- **Re-scheduled Special Joint meeting with Parks Board Wednesday, October 11, 2017.** Draft Comprehensive Parks Plan. 11:30 a.m. City Parks Department conference room. This will be advertised as a special meeting. Board members voiced concern that the appointed Planning Board representative was not included more in the review process for this plan.
- **Special Meeting. Ethics Training for Boards and Commissions. Wednesday, October 18, 2017, 4:00-6:00 pm Billings Community Center** This is a training session for members of City and County Board and Commission members. City Council members and the YC Commissioners will be invited to attend. The Local Government Center will be presenting along with City and County Legal staff.
- **2018 Board Openings and Appointments:** The Planning Board positions below are open or up for reappointment for 2018. Board members are encouraged to submit their applications to reapply for the next term.

City Ward II-Vacant; BOCC District 3-Vacant; BOCC District 4-Vacant; BOCC District 5, Woody Woods; BOCC District 7, Francisco Saldivar; YC Conservation District, Clint Peck

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- **Election of Officers.** President Tunnickliff remind staff to include a future agenda item for election of officers.
Planning Board Bylaws, Article VII, Board Officer, Terms, and Duties: Section 2. Election of Officers
The President and Vice President shall be elected by a majority of the Board members present and voting at the first regular scheduled meeting in January. The terms of office of the President and Vice President shall commence on February.
- **Nominating Committee:** President Tunnickliff reminded staff to include a future agenda item to create a Nominating Committee for the 2018 Planning Board Officers.
Planning Board Bylaws, Section 1. Committees
The President shall at the first regular meeting in November appoint three (3) members who will present their recommendations for new officers at the first meeting in December as the first order of business following the approval of the minutes. Nominations from the floor may be made at this time. The President shall not be a member of the Nominating Committee.
- **Subdivision Regulations Legislative Changes** Monica Plecker said Planning staff is working to identify the recent legislative changes to the subdivision regulations. Staff met with the YC Legal Department to discuss bringing forward amendments for approval in the spring.

ADJOURNMENT: 6:45 p.m.

DRAFT-To be approved by a motion on September 26, 2017



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 09/26/2017

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 conduct a public hearing at this meeting and make a recommendation on the preliminary plat to the Board of County Commissioners. 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.

PROPOSED CONDITIONS OF APPROVAL

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.

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 reviewed 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

VARIANCES REQUESTED

No variances were requested as part of this application.

DISCUSSION/STAKEHOLDERS

On September 12, staff gave a brief presentation on the proposed subdivision to the Planning Board. Planning Board President Tunnickliff inquired as to whether new DEQ reviews were required when condominium developments weren't contemplated with the initial subdivision. Staff responded that the DEQ will provide a new Certificate of Subdivision Approval (COSA) prior to final plat approval for this subdivision review.

Attachments

Findings of Fact
Preliminary Plat
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)

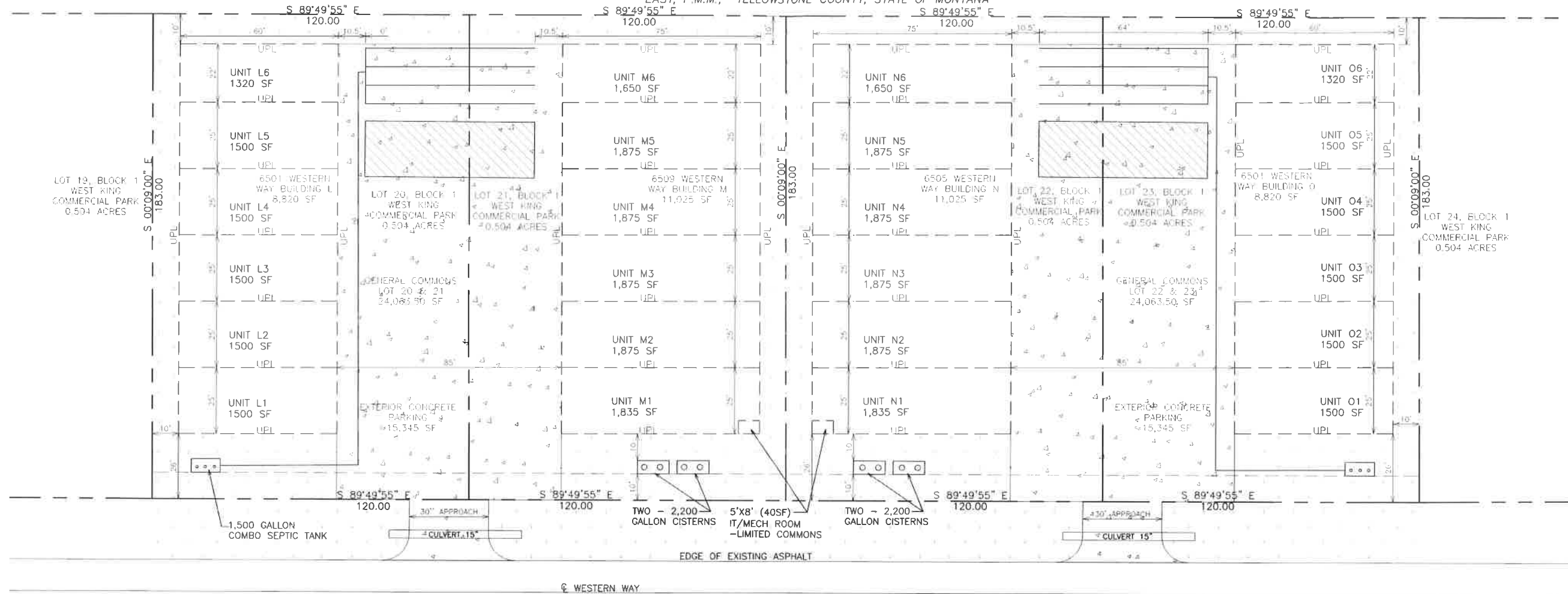
Access to the subdivision lots will be from Black Hawk Street and Western Way which connect to King Avenue West and South 64th Street West.

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



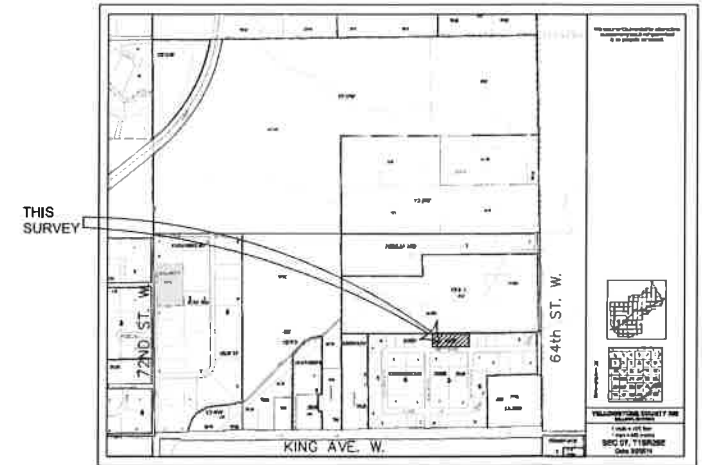
SUBDIVISION DETAILS:

- 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*

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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.64th to the East. A 2nd 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. 64th 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.
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DRAFT

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



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 09/26/2017

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 conduct a public hearing at this meeting and make a recommendation to the City Council for action on the preliminary plat.

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.

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 reviewed 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

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.

VARIANCES REQUESTED

No variance has been requested.

DISCUSSION/STAKEHOLDERS

On September 12, staff gave a brief presentation on the proposed subdivision to the Planning Board. Board President Darrell Tunncliff asked if there were any questions from the Board. One board member asked about the storm water detention basin for this subdivision and the City's proposed detention facility on the southwest corner of Rimrock Road and 62nd Street West. Staff responded that the proposed detention basin with this filing is designed to handle water from this filing. The other basins along the previous filings are in line to get water to the proposed City retention facility to be built in the future.

Attachments

Findings of Fact

SIA

Proposed Plat

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Copper Ridge Subdivision, 7th 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 70th 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 5th filing, approximately 860 feet. This contribution will be applied toward the construction of the 12-inch water main to the 7th 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 62nd 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 7th 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. 70th 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 70th 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 7th 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 54th 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 6th 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 7th 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, 7th 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, 7th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

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

SUBDIVISION IMPROVEMENTS AGREEMENT COPPER RIDGE SUBDIVISION, SEVENTH FILING

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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 ~~SWMMM~~. 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: _____

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

