



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



**AGENDA**

Wednesday, October 11, 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 TO APPROVE MEETING MINUTES:SEPTEMBER 26, 2017**

**Attachments**

PlnBMinutes\_2017\_09\_26-DRAFT

4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
  - 4a) **Comments on items not on agenda and requests to add items to future agendas**
  - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
  - a. **Plat Review. Discussion. Copper Ridge Subdivision, 7th Filing Amd.** Dave Green, Planner II, presenting.

**Attachments**

Findings of Fact

Proposed plat sheet 1

Proposed plat sheet 2

Draft SIA

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

9. **OTHER BUSINESS:**

a. **Announcement. Recognition for MAP award for the YC Subdivision Regulations Amendment project.** Monica Plecker, Planning Division Manager

b. **Announcement. Special Joint Meeting. Parks, Recreation, and Cemetery Board & City/County Planning Board.** October 18, 2017, 11:00 am-12:30 pm. Billings Parks and Recreation Office, 390 N 23rd Street, Billings, MT. Agenda Item: Parks & Recreation Comprehensive Plan.

**Attachments**

October 18 2017 PRC and Planning Board Agenda

c. **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.

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

10. **ADJOURNMENT**

**FUTURE AGENDA ITEMS FOR TUESDAY, OCTOBER 24, 2017**

a. **Public Hearing. Motion/Recommendation to City Council. Copper Ridge Subdivision, 7<sup>th</sup> Filing. County Major. Dave Green, Planner II, presenting**

**Planning Board Meeting I (Wednesday)**

**3.**

**Meeting Date:** 10/11/2017

---

**Information**

**Subject**

**MOTION TO APPROVE MEETING MINUTES:SEPTEMBER 26, 2017**

---

**Attachments**

PlnBMinutes\_2017\_09\_26-DRAFT

---

# CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

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

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

# CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

SEPTEMBER 26, 2017

*To be approved by a motion on October 11, 2017*

## 1. Call the Meeting to Order

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

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

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

**Attending Planning staff members:** Dave Green, Planner II; Tammy Deines, Planning Clerk

**Others in Attendance:** Landy Leep; Mac Fogelsong, Sanderson Stewart; Gary Owen, Sanderson Stewart; Gary Oakland

### **Approval of the September 26, 2017 Agenda**

#### **Motion**

**Board member Klugman made a motion and Board member Cook seconded the motion to approve the September 26, 2017 agenda. The motion carried with a unanimous voice vote.**

## 3. Approval of Minutes: September 12, 2017

#### **Motion**

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

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

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

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

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

## 7. OLD BUSINESS:

**7a. Public Hearing. Motion/Recommendation to BOCC. Westfield Warehouses, West King Commercial Park. County Major. West King Commercial Park LLC, Owner. EEC, agent. Dave Green, Planner II, presenting.**

In the absence of Ms. Plecker, Dave Green opened this agenda item with presentation of the staff report.

## CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

---

### **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, 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**

Patrick Klugman noted this is the 2nd Filing of this Subdivision and asked if there will be further development of storage units. Dave Green responded it is possible to see another development of this type in this area.

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

### **Public Hearing**

President Tunnickliff opened the public hearing and asked if there is anyone wishing to speak in favor of the Westfield Warehouse/West King Commercial Park Subdivision. There was none. President Tunnickliff closed the public hearing and called for a motion.

### **Motion**

**Board member Cook made a motion and it was seconded by Board member Boucher to 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. The motion carried with a unanimous voice vote.**

### **7b. Public Hearing. Motion/Recommendation to City Council. Copper Ridge Subdivision, 7<sup>th</sup> Filing. County Major. Dave Green, Planner II, presenting.**

Planner Dave Green opened this agenda item with presentation of the staff report. He noted the applicant has requested a 30-day extension/delay in order to submit a revised application that includes additional lots to this filing to make it more economically viable. Staff will return with the revised application on Wednesday, October 11, 2017 and follow with a public hearing on October 24, 2017.

### **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, 7<sup>th</sup> 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 70<sup>th</sup> Street West, and west of the existing Copper Ridge Subdivision. Four large parcels of this filing are west of 70<sup>th</sup> 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 granting the 30-day extension requested by the applicant to allow a revised application for this parcel to include additional lots and make it more economically viable.

### **Discussion**

President Tunnickliff called for discussion and questions from the members of the Board. Per Board member Saldivar's request, Planner Green clarified and stated the staff recommendation is to approve granting the request for a 30-day extension of the review period.

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

---

### **Public Hearing**

President Tunncliff opened the public hearing and asked if there is anyone wishing to speak in favor or against Copper Ridge Subdivision, 7th Filing.

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

Mr. Oakland is the property owner and developer. . Mr. Oakland pointed out the Master Plan for this project. He said they are requesting a 30-day delay as with the current proposal, bringing in the infrastructure and allocating the cost over a smaller number of lots is not economically viable. He also stated there is a demand for additional housing and they wish to have enough inventory. He feels the revised proposal for 85 buildable lots will be a more efficient way of presenting this application. He pointed out the Master Plan detention areas that will be grassed and landscaped. There is a 4.5-acre park in the center of the plan and a walking trail system that will work throughout the parcel. The lots are a minimum of 7,000 square feet. He noted that 70th Street will be widened due to a contractual agreement with Staley farms.

In response to question by Board member Woods, Mr. Oakland stated the revised plat will include an additional 32 lots plus the retention area, which will create a remainder. Board member Saldivar asked for clarification on the economic effects on the development due to the infrastructure costs. Mr. Oakland explained that it is primarily due to the cost of bringing the water and sewer mains in the off-site infrastructure on Rimrock Road. He stated the development is difficult to amortize with the initially proposed 53 lots but the proposed layout will make everything less expensive on a per lot basis.

Board member Saldivar asked when the 4-acre park will be built. Mr. Oakland stated they will donate a fully functional landscaped park to the City, similar to the adjacent filing's "Town Square". He projected a 3-year construction time frame for the park. Board member Goodrich asked if there is any thought that 70th Street West should be widened in the future. Dave Green commented that at this time, 70th Street West has not been identified in the Transportation plan but is under consideration to be included for the next update. President Tunncliff asked if there are mitigation requirements to mitigate safety issues when property adjoins an active railroad. Mr. Oakland stated they installed a 6-foot solid fence across the subdivision along the grade that goes up to the tracks to address safety issues. President Tunncliff asked how this development mitigates the pedestrian safety issues on Rimrock Road? Mr. Oakland pointed out the open space facing Rimrock Road and said they have opened the project and faced it to the street, and there is no through traffic. President Tunncliff asked what the traffic pattern is for Ben Steele Middle School Students traveling from this subdivision. Mr. Oakland deferred this question to the engineer.

## CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

---

### **Mac Fogelsong, Sanderson Stewart, 1300 N Transtech Way, Billings, Montana**

Mr. Fogelsong said the route to the school will be from 62nd Street West to Grand Avenue and he noted a pedestrian path that goes from Molt Road westward. He commented on future upgrades MDT is considering for the 62<sup>nd</sup> Street West intersection.

President Tunncliff opened the Public Hearing and asked if there is anyone present wishing to speak in favor or against Copper Ridge Subdivision. There was none. President Tunncliff closed the public hearing at 6:33 p.m. and called for a motion.

### **Motion**

**Board member Goodrich made a motion and it was seconded by Board member Cook to recommend granting the 30-day extension requested by the applicant to allow a revised application for this parcel to include additional lots and make it more economically viable. The revised application will be presented at the Wednesday, October 11, 2017 Planning Board meeting. The motion carried with a unanimous voice vote.**

## **9. OTHER BUSINESS/ANNOUNCEMENTS**

- **“Project Re-Code”, Zoning Code Update Steering Committee Meeting- 3:30 pm-5:00 pm, September 27, 2017, Granite Tower, 1<sup>st</sup> Floor Conference Room, 222 N 32nd Street-**
- **Re-scheduled Special Joint meeting with Parks Board Wednesday, October 18, 2017. Draft Comprehensive Parks Plan. 11:00 a.m. at the City Parks Department conference room.** This will be advertised as a special meeting.
- **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.

**ADJOURNMENT:** 6:45 p.m.

**DRAFT-** To be approved by a motion on October 11, 2017



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



**Planning Board Meeting I (Wednesday)**

**7. a.**

**Meeting Date:** 10/11/2017

---

**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).

At the September 26 Public Hearing for the preliminary plat, the applicant asked for a 30-day delay. The applicants indicated to the Yellowstone County Board of Planning at the meeting that they would like to add more lots within this filing. This type of change to the preliminary plat necessitates a re-review of the proposal and a new plat review and public hearing before the Board of Planning. The Board will review the plat at this meeting and conduct a public hearing on October 24, 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 the effects on local services and ensure public safety, prior to final plat approval the applicant will submit an updated stormwater report to City Engineering for review and approval.
2. To minimize effects on local services and to ensure understanding of the use of an easement for access, 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.
3. To ensure public safety for fire suppression and access for the City Fire Department, prior to final plat approval the applicant will include language in the SIA regarding construction of the temporary road to be able to support a 40 ton truck in all weather conditions, and that the temporary road will be maintained by the developer until the temporary road is replaced with a hard surface paved road.
4. To ensure public safety and that roads are built to handle increased traffic, prior to final plat approval

the applicant will submit an updated SIA to City Engineering for review and approval.

5. 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 in lieu of park land.

6. 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.

7. 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.

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

## **VARIANCES REQUESTED**

No variance has been requested.

## **PROCEDURAL HISTORY**

- A pre-application meeting was held on July 13, 2017 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on August 1, 2017.
- A departmental review meeting was conducted on August 17, 2017.
- The preliminary plat was resubmitted with revisions based on department reviews on August 24, 2017.
- The Planning Board reviewed the plat on September 12, 2017.
- The Planning Board conducted a public hearing on September 26. After a request from the applicant at the meeting, the Board voted to allow for a 30-day delay on processing the preliminary plat.
- The Planning Board will review the plat on October 11, 2017.
- The Planning Board will conduct a public hearing on October 24, 2017, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on November 13, 2017.
- The 60 working-day, with the 30-day delay, preliminary plat review period ends December 11, 2017.

## **PLAT INFORMATION**

General location:	North of Rimrock Road and east and west of 70th Street West
Legal Description: Parcel 1	Certificate of Survey 2465, Parcel 2A Amended and COS 1871
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; 108.4 acres

Proposed number of lots: 93

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

Parkland requirements: Parkland dedication requirements for this proposed plat is 1.7319 acres. The applicants are proposing to do a cash-in-lieu contribution for parkland.

---

---

## Attachments

Findings of Fact

Proposed plat sheet 1

Proposed plat sheet 2

Draft SIA

---

---

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of Copper Ridge Subdivision, 7<sup>th</sup> Filing and has provided them for review by the Planning Board, as follows:

**A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-302.H.2.]**

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

The subject property is currently used for agricultural purposes and about 25.5 acres of agricultural land would be taken out of production with this subdivision filing proposal. Perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities but it will take land out of agricultural production.

### **2. Effect on local services**

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

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains. There is an existing 8-inch sanitary sewer stub located in Copper Bluffs Circle and also an 18-inch sanitary sewer main located in Rimrock Road. The subdivider shall extend the existing 18-inch sanitary sewer in Rimrock Road west to approximately 70<sup>th</sup> Street West. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

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

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

**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. Two of those detention basins will be built with this filing and the other one with future filings. An updated Stormwater Report will be submitted and approved by City Engineering before final plat. **(Condition #1)**

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

- b. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- c. **Streets** – Rimrock Road is identified as a collector street at the location of this filing. The applicant will be providing additional right of way for Rimrock Road to meet the required 74-foot-wide right of way, it is currently a 60 foot right of way. Rimrock Road will be completed with a pavement width of 26 feet with borrow ditch swales from the current terminus of pavement to the western boundary of the 7<sup>th</sup> Filing. The applicant will be making a cash in lieu contribution for the future curb and gutter.

The lots within the subdivision will be served by the construction of Copper View Way, Copper Bluffs Circle and Copper Sunset Drive with two streets west of 70<sup>th</sup> Street West. They shall all be 34 feet back of curb to back of curb and shall be built to City of Billings street standards. They shall be built to grade with a satisfactory subbase, base course, curb and gutter with asphalt surface. 70<sup>th</sup> Street West shall be 30 feet of asphalt with a curb and gutter. The curb and gutter will be constructed on the east side of the street at this time. A temporary gravel surface turn around easement will be provided at the northern end of 70<sup>th</sup> Street West. The applicant will need to submit an easement document with the associated call out on the plat. **(Condition #2)**

The two streets on the west side of 70<sup>th</sup> Street West will be connected by a temporary gravel surface road way built to support a 40-ton vehicle in all weather conditions. It will be maintained by the developer until it is replaced by permanent paved road surface. **(Condition #3)**

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. An updated SIA will be submitted before final plat approval. **(Condition #4)** Cash contributions will be made for future intersection improvements identified in the SIA under Transportation D. Traffic Control Devices. A proportionate contribution will be made for this 7<sup>th</sup> filing as described in the SIA.

- d. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 54<sup>th</sup> St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** – School District #2 provides educational services to elementary through high school students. Schools serving these students are Arrowhead Elementary, Will James Middle School, and West High School. At the time of the writing of this staff report there was no response from the schools or district. At the time of the 6<sup>th</sup> filing Arrowhead Elementary was over capacity, while the other schools were below, but near capacity. Also, the subdivision is currently on a bus route.
- f. **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 86 residential lots being created with this filing the required parkland acreage would be 1.7319 acres. The applicant is proposing to provide a cash in lieu contribution. **(Condition #5)**
- g. **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 #6)**

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

The subject property is currently farmland slightly sloping to the south toward Rimrock Road from the rimrocks near Phipps Park. The property of the 7<sup>th</sup> Filing is not located within any floodplain. A flood plain from Little Cove Creek touches the extreme south

western tip of Lot 4, Block 3, one of the 25-acre future filings but does not go onto the land to be developed in the future. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

#### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. There is a note in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

#### **5. Effect on the public health, safety and welfare**

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

### **B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]**

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

### **C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2014 Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]**

#### **1. City of Billings 2016 Growth Policy**

The proposed subdivision is consistent with the following goals of the Growth Policy:

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

**Home Base (healthy, safe and diverse housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

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

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

#### **3. Billings Area 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 has provided utility easements as requested by MDU and YVEC on the face of the plat.

**G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]**

Legal and physical access is provided to the proposed lots from Copper Sunset Drive, Copper View Way and Copper Bluffs.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Copper Ridge Subdivision, 7<sup>th</sup> Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway/Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

**RECOMMENDATION**

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

# PLAT OF COPPER RIDGE SUBDIVISION, 7TH FILING

BEING TRACT 2A OF AMENDED TRACTS 2 & 3, CERTIFICATE OF SURVEY NO. 2465 AND  
TRACT 1 OF CERTIFICATE OF SURVEY NO. 1871  
SITUATED IN THE SW 1/4, SECTION 25, T1N, R24E, P.M.M. AND  
SITUATED IN THE S 1/2, SECTION 26, T1N, R24E, P.M.M.  
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE WEST, INC.

PREPARED BY : SANDERSON STEWART

JULY, 2017  
BILLINGS, MONTANA

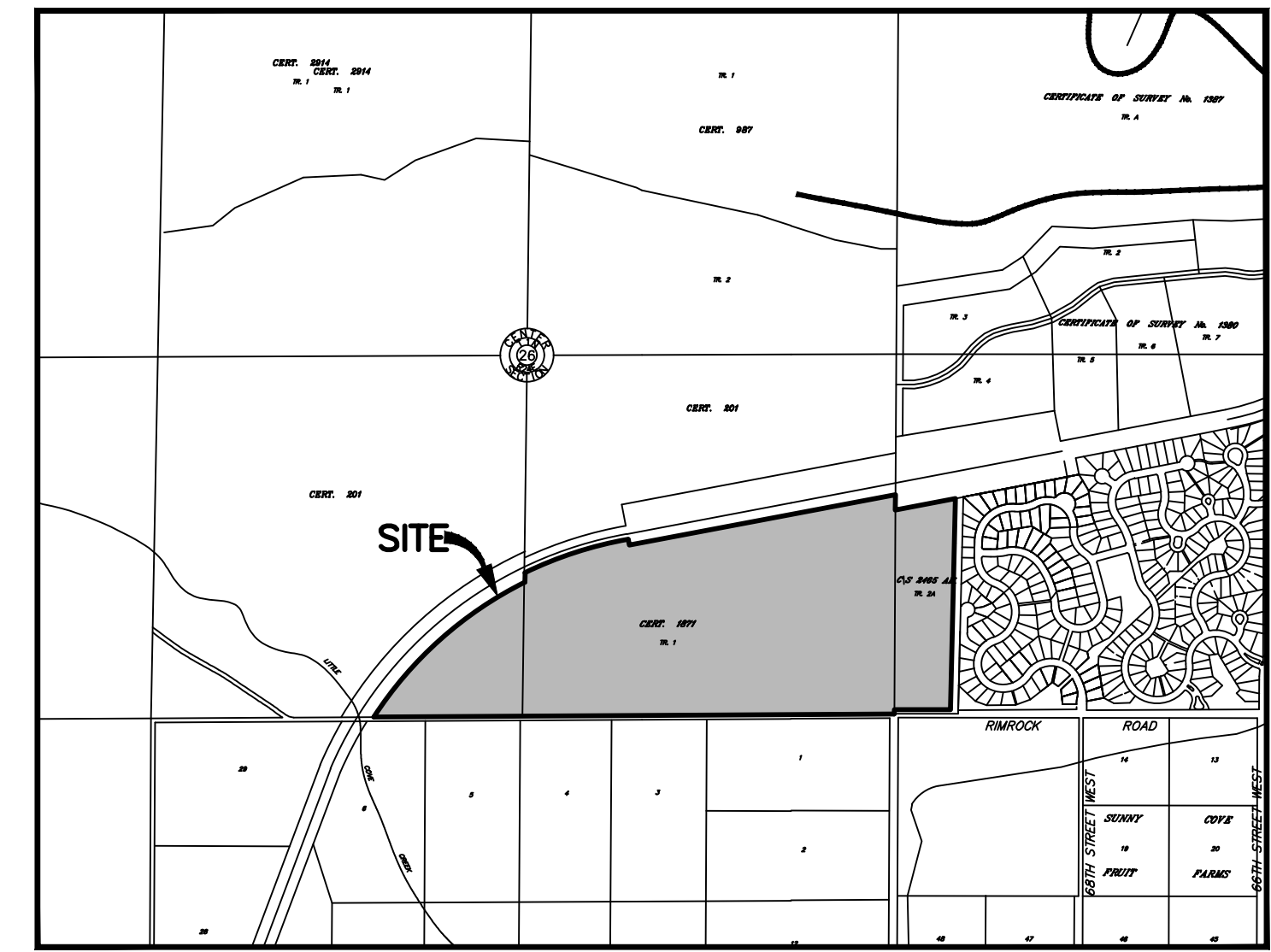
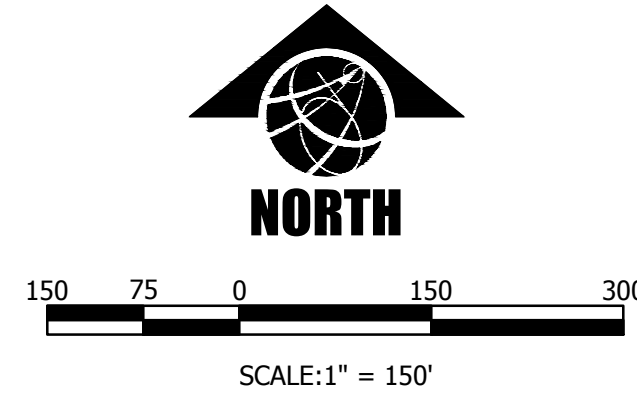
## PLAT DATA

GROSS AREA	=	116.18 ACRES
NET AREA	=	108.40 ACRES
NUMBER OF LOTS	=	92
MINIMUM LOT SIZE	=	7,022 S.F.
MAXIMUM LOT SIZE	=	25 ACRES
PARKLAND REQ.	=	1.7319 ACRES
LINEAL FEET OF STREETS	=	±4,824 L.F.
AREA OF STREETS	=	±7.78 ACRES
EXISTING ZONING	=	R7000/R5000 (PENDING ZONE CHANGE)
SURROUNDING ZONING:		
NORTH	=	OUTSIDE ZONING BOUNDARY
SOUTH	=	OUTSIDE ZONING BOUNDARY / R15000
EAST	=	R7000R
WEST	=	OUTSIDE ZONING BOUNDARY
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	RESIDENTIAL DEVELOPMENT

BASIS OF BEARING: (ORIGINAL PLAT/C.O.S.) OR THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83, LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS; HAVING A POINT OF ORIGIN AT 45°47'00"N LATITUDE AND 108°25'00"W LONGITUDE WITH A SCALE FACTOR OF 1.0001515. THE GRID TO GROUND COMBINED SCALE FACTOR AT [monument description] IS x.xxxxxxxx; THE CONVERGENCE ANGLE IS -x'xx'xx". DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

- FOUND SURVEY MONUMENT, AS NOTED
- SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
- SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.



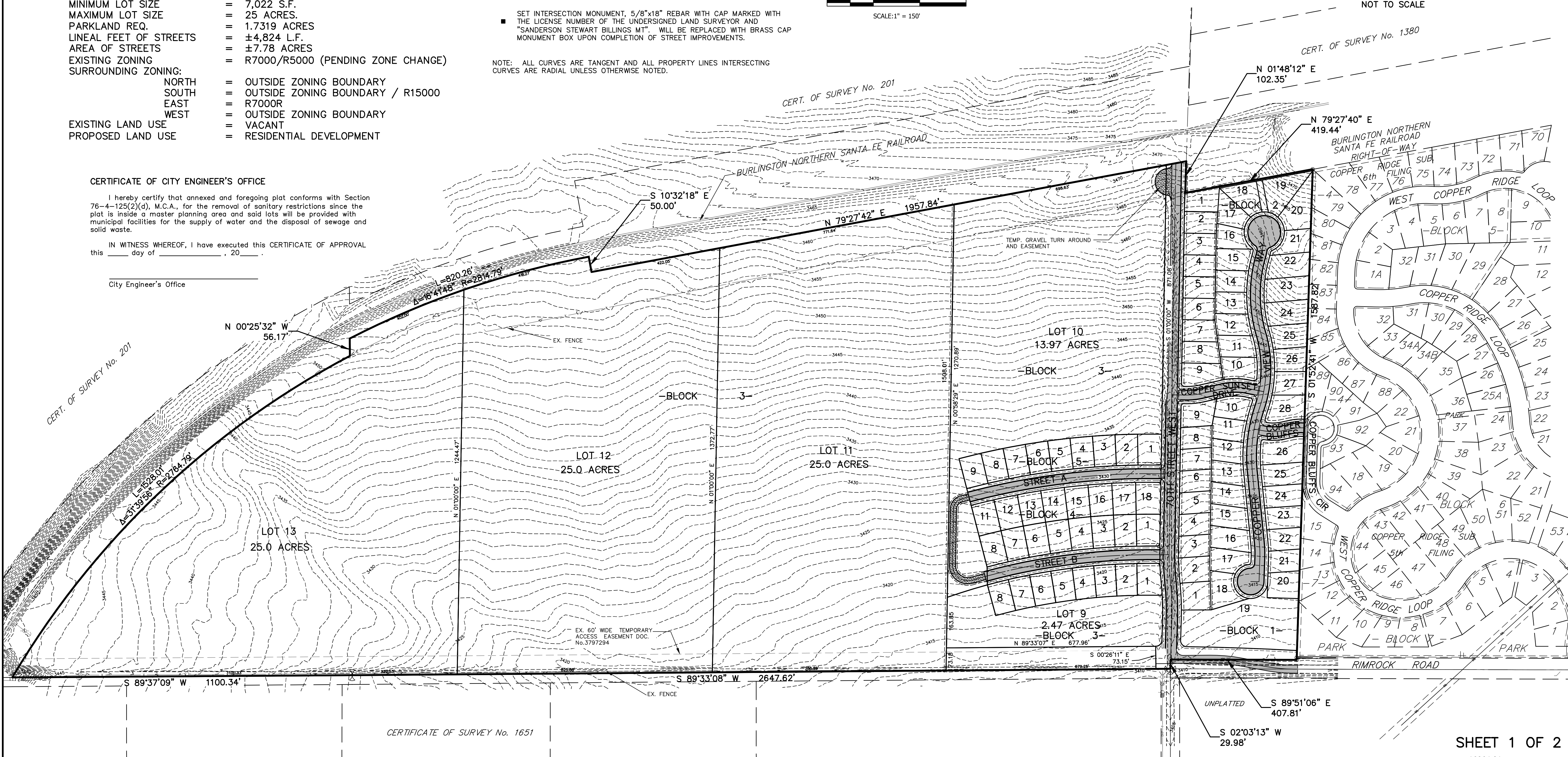
VICINITY MAP  
NOT TO SCALE

## CERTIFICATE OF CITY ENGINEER'S OFFICE

I hereby certify that annexed and foregoing plat conforms with Section 76-4-125(2)(d), M.C.A., for the removal of sanitary restrictions since the plat is inside a master planning area and said lots will be provided with municipal facilities for the supply of water and the disposal of sewage and solid waste.

IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City Engineer's Office



# PLAT OF COPPER RIDGE SUBDIVISION, 7TH FILING

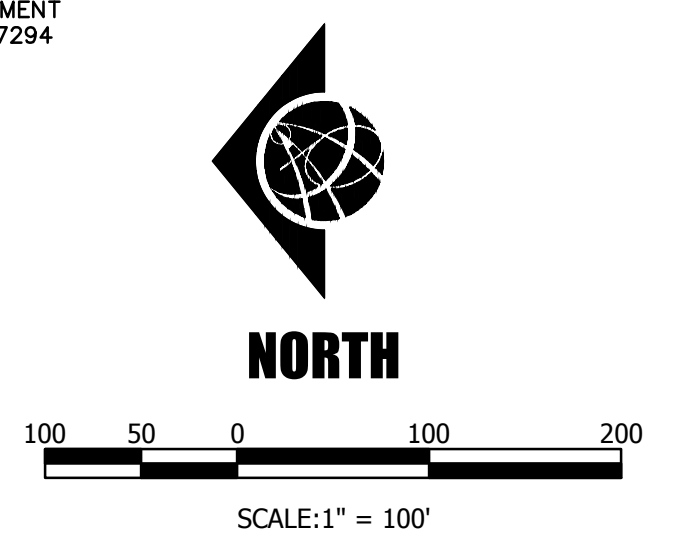
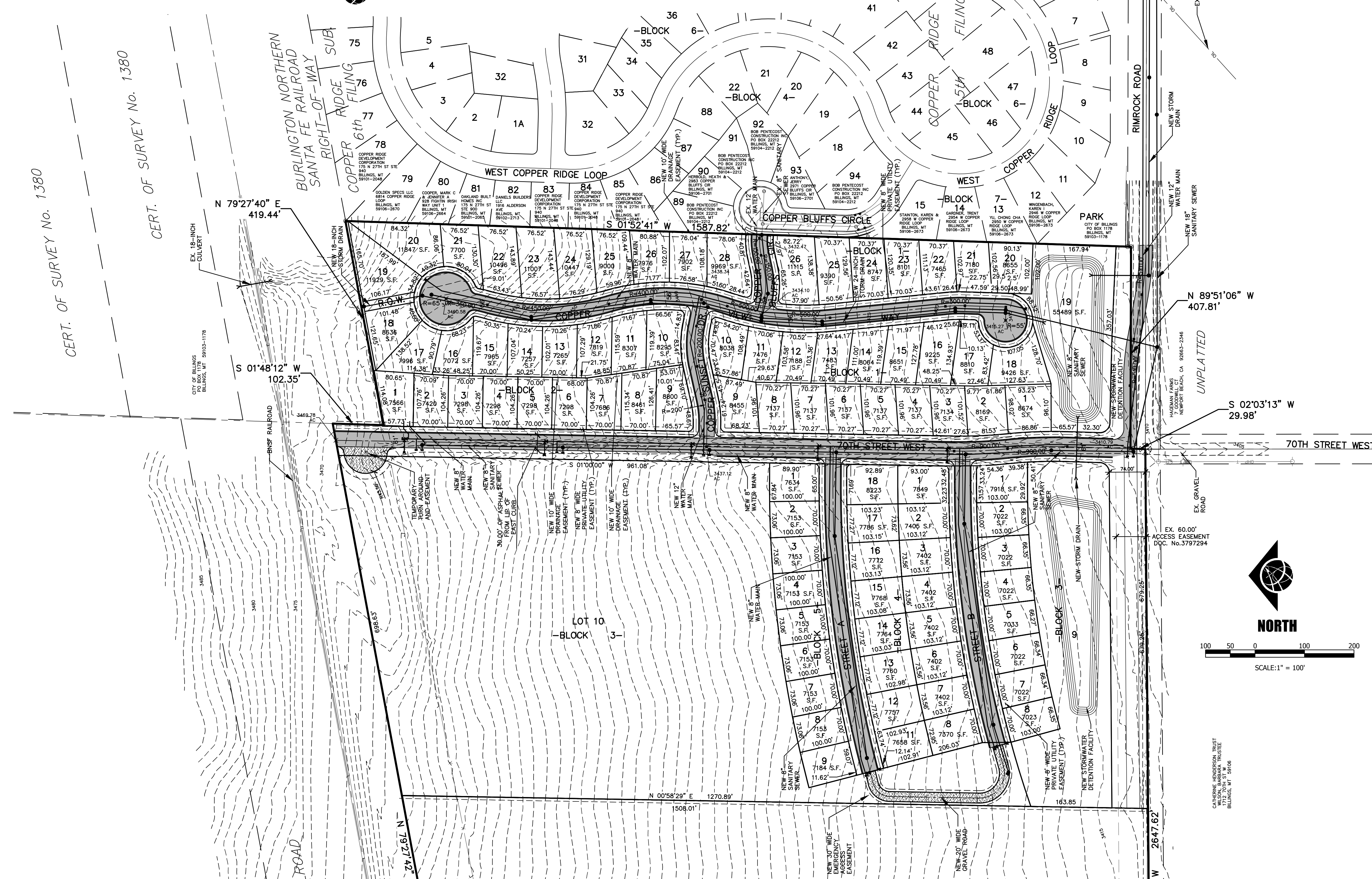
BEING TRACT 2A OF AMENDED TRACTS 2 & 3, CERTIFICATE OF SURVEY NO. 2465 AND  
TRACT 1 OF CERTIFICATE OF SURVEY NO. 1871  
SITUATED IN THE SW 1/4, SECTION 25, T1N, R24E, P.M.M. AND  
SITUATED IN THE S 1/2, SECTION 26, T1N, R24E, P.M.M.  
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE WEST, INC.

JULY, 2017

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



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

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

### **Table of Contents**

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

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

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

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

### **WITNESSETH:**

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

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

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

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

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

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

**I. VARIANCES**

Subdivider requests no variances.

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

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

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

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

### **III. TRANSPORTATION**

#### **A. Streets**

*Right-of-way widths.* Copper View Way, Copper Bluffs Circle, Copper Sunset Drive, Street A (temporary name) and Street B (temporary name) 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, Copper Sunset Drive, Street A (temporary name) and Street B (temporary name) 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. No street improvements will be constructed on Rimrock Road west of 70th Street West at this time.

#### **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 be 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 (86-Residential Lots)	TBD	TBD	TBD
Lot 10, Block 3	TBD	TBD	TBD
Lot 11, Block 3	TBD	TBD	TBD
Lot 12, Block 3	TBD	TBD	TBD
Lot 13, Block 3	TBD	TBD	TBD

The contributions for Copper Ridge Subdivision, Seventh Filing (86-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 10 through 13, Block 3 will be developed in separate subdivision filings. The total cash contribution attributable to Lots 10 through 13, 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 facility with this filing located on Lot 19, Block 1. The developer will also construct a portion of another stormwater detention facility on Lot 9, Block 3. The remaining 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. No water main will be installed in Rimrock Road west of 70th Street West at this time.

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. No sanitary sewer main will be installed in Rimrock Road west of 70th Street West at this time.

**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 86 residential lots, requiring a parkland dedication of 1.731 acres. The Subdivider will make a cash in-lieu contribution for the 1.731 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 and Lot 9, Block 3. 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.



This Agreement is hereby approved and accepted by City of Billings, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

“CITY”

**CITY OF BILLINGS, MONTANA**

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

Attest: \_\_\_\_\_  
City Clerk

STATE OF MONTANA     )  
  :SS  
County of Yellowstone     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, and \_\_\_\_\_, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

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

Approved as to Form:

\_\_\_\_\_  
City Attorney



**Planning Board Meeting I (Wednesday)**

**9. b.**

**Meeting Date:** 10/11/2017

---

### **Information**

#### **Subject**

**Announcement. Special Joint Meeting. Parks, Recreation, and Cemetery Board & City/County Planning Board.** October 18, 2017, 11:00 am-12:30 pm. Billings Parks and Recreation Office, 390 N 23rd Street, Billings, MT. Agenda Item: Parks & Recreation Comprehensive Plan.

---

### **Attachments**

October 18 2017 PRC and Planning Board Agenda

---



# PARKS, RECREATION, AND CEMETERY BOARD/PLANNING BOARD JOINT MEETING



**October 18, 2017**  
11:00 AM – 12:30 PM

**Billings Parks and Recreation Office**  
390 N 23<sup>rd</sup> Street  
Billings MT 59101

**Park Board Members:** Rick DeVore, Jim Ronquillo, Mark Wahl, Darwin George, Tim Warburton, Chuck Platt, Tom Rupsis, Rich Lorenz, Lew Morris

## AGENDA

<u>Item</u>	<u>Speaker</u>	<u>What's Needed</u>	<u>Estimated Time</u>
<b>I. Meeting Called to Order</b>	Rick DeVore		
A. Introduction of Planning Board Members	Darell Tunnicliff	Information	11:30 to 11:35 AM
B. Additions to the Agenda	Rick DeVore	Discussion	11:35 to 11:40 AM
C. <i>Park Board Minutes for August 9 &amp; 16 and September 13, 2017 will be approved next month</i>			
<b>II. Parks and Recreation Director's Report</b>	Michael Whitaker	Information	11:40 to 11:45 AM
<b>III. Public Comment</b> - Items not on the agenda			
<b>IV. Old Business</b>			
A. Parks and Recreation Comprehensive Plan	Michael W/Mike S	Action	11:45 to 12:30 PM
a. Attachment: Parks and Recreation Comprehensive Plan - <a href="http://www.billingsparks.org/wp-content/uploads/City-of-Billings_MasterPlan_FINAL-DRAFT-9-13-17.pdf">www.billingsparks.org/wp-content/uploads/City-of-Billings_MasterPlan_FINAL-DRAFT-9-13-17.pdf</a>			
b. Public Comment			
c. Action on the plan by Parks & Recreation Board and Planning Board			
<b>Adjournment</b>	Rick DeVore	Action	

**Action items:** Staff recommends action on this item of discussion.

**Discussion items:** Items brought to the board for discussion. The board may choose to take action.

**Information items:** Staff is not seeking action, only providing information.

**Planning Board Meeting I (Wednesday)**

**9. c.**

**Meeting Date:** 10/11/2017

---

### **Information**

#### **Subject**

**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.

---

### **Attachments**

*No file(s) attached.*

---