



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



AGENDA

November 14, 2017 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MOTION. APPROVAL OF MEETING MINUTES:** OCTOBER 18, 2017 SPECIAL JOINT MEETING; OCTOBER 24, 2017 PLANNING BOARD MEETING.

Attachments

PlnBMinutes_2017_10_18_SpecialMtg_DRAFT

PlnBMinutes_2017_10_24_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: There is no old business.**
8. **NEW BUSINESS:** (Agenda items new to this meeting).

- a. **Plat Review/Discussion. Falcon Ridge Subdivision, 3rd Filing. City major subdivision. Dave Green, Planner II presenting.**

Attachments

Findings of Fact
Proposed Plat
Draft SIA

9. **OTHER BUSINESS:**

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

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, NOVEMBER 28, 2017

- a. **Public Hearing. Motion/Recommendation to City Council. Falcon Ridge Subdivision, 3rd Filing. City major subdivision. Dave Green, Planner II presenting.**

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 I (2nd Tuesday)

3.

Meeting Date: 11/14/2017

Information

Subject

MOTION. APPROVAL OF MEETING MINUTES:OCTOBER 18, 2017 SPECIAL JOINT MEETING; OCTOBER 24, 2017 PLANNING BOARD MEETING.

Attachments

PlnBMinutes_2017_10_18_SpecialMtg_DRAFT

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**SPECIAL JOINT MEETING
CITY/COUNTY PLANNING BOARD
PARKS, REC. & CEMETARY BOARD**



OCTOBER 18, 2017

Draft—To be approved by a motion on November 14, 2017

1. CALL THE MEETING TO ORDER

Chairperson Rick DeVore, Parks, Recreation & Cemetery Board, called the special joint meeting to order at 11:00 am on Wednesday, October 18, 2017, in the Parks & Recreation Conference Room, 390 N 23rd Street, Billings, Montana.

A. INTRODUCTIONS

Parks, Recreation & Cemetery Board: Chairman Rick Devore, Lew Morris; Rich Lorenz, Darwin George, Tim Warburton, Chuck Platt

Planning Board Members: Darell Tunnicliff, President, City Ward IV; Patrick Klugman, Vice President, City Ward V; David Goodridge, City Ward I; LaVern Bass, City Ward III; Dennis Cook, BOCC District 2; Woody Woods, BOCC District 5;

Planning staff members: Wyeth Friday, Director, Planning & Community Services; Monica Plecker, Planning Division Manager; Tammy Deines, Planning Clerk

Parks Department Staff: Mike Whitaker, Director, Parks & Recreation Department; Mark Jarvis, Planner, Parks & Recreation Department, Mike Pigg, Parks Superintendent; Kory Thomson, Recreations Superintendent; Melonie Trang, Administrative Secretary

Consultants: Mike Svetz, Pros Consulting, presenting. Jolene Rieck, Peaks to Plains Design

B. ADDITIONS TO THE OCTOBER 18, 2017 Agenda: There were no additions to the agenda.

C. APPROVAL OF MINUTES: Park Board minutes for August 9 & 16, September 13, 2017 will be considered at next month's meeting. Planning Board minutes will be considered on October 24, 2017.

2. PARKS & RECREATION REPORT-Michael Whitaker, Director

3. PUBLIC COMMENT: There were no public comments.

4. OLD BUSINESS:

4a. Billings Parks and Recreation Comprehensive Plan, Mike Svetz, Pros Consulting, presenting. .

Consultant Mike Svetz opened this agenda item with a brief introduction and followed

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PARKS, REC. & CEMETARY BOARD**



with a PowerPoint presentation on the Billings Parks and Recreation Comprehensive Plan and commented on each slide.

Community Input Summary-Priority Investment Rating-How do we meet the needs of the community? The plan lists activities and the corresponding facility with the need in rank ordering. Mike Svetz pointed out that amenities for walking/jogging/biking trails does not necessarily mean lineal systems but also includes safe places to do this with loop trails within the neighborhoods and existing and new park systems.

Prioritized Programs-there is a tremendous amount of high programmatic uses. The City does not currently have a facility to host some of the high priority activities as there is no indoor facility space. This is noted in the CIP.

Programs and Services Strategy-what actions are needed and what is the timeline to fulfill the uses?

Priorities-Facilities and Amenities. From High to Low. Walking/Biking trails, Small Neighborhood Parks, Off-leash dog parks. Discussed using a low-strategic approach in providing these amenities.

Service Level Standards- This slide identifies current service levels and the recommended service level. Eighty acres of community parkland is needed. There is some opportunity with the undeveloped parkland to fill this need. The fifteen-year projection for increase population growth will increase the demand for developed parks. Mr. Svetz discussed the benefits of sports complex parks to communities. Recreation facilities need a feasibility study related to the specific element.

Service Level Standards Outdoor Amenities (2017 versus 2032). Mr. Svetz noted that the service level standards are not established for trails as it is a network. Amenities include Reservable Picnic Shelters, Regulation Sports Fields, Multi-Gen Recreational Center. He said the winter climate shifts people to move to heated indoor space to participate in activities from November to May.

Kristi Drake, BikeNet, commented that some groups meet at schools for indoor activities and asked if this is considered. Mr. Svetz stated this may be random due to the school schedules and their willingness to include these activities. Schools are set up for educational experiences. From a recreation center point of view, a community center would include opportunities for swimming, walking track, fitness center, and gymnasium space complemented with meeting spaces and enrichment spaces.

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Capital Improvements-"Total Cost of Ownership"-Capital Investment + Operations & Maintenance+Lifecycle Replacement \$.

Mr. Svetz explained the need for understanding Cost Buckets- Critical maintenance projects; Sustainable Costs-sustainable projects, strategic changes to park system; Visionary Costs-for complete park renovation, new facilities.

Capital Improvement Plan Summary

Critical Projects -	\$ 22,542,500
Sustainable Projects-	\$ 770,000
Visionary Projects	\$ 55,300,000
Grand Total	\$78,612,500 *

***There is an additional recommendation divestiture of 37 parkland parcels totaling 56 acres. (Page 153 of plan)** Kristi Drake asked for a map of the identified properties. Mark Jarvis said there is nothing printed at this time but it could be made available. Bill Cole offered to answer questions as he is a committee member. Park Board members said the committee desires to dispense these parcels, and this information has to be brought before City Council. Mike Svetz said a Community Driven Master Plan reflects the values of the community and points out why projects are brought forward on an individual basis. He stressed the importance of using resources within the community and using nonprofit agencies to advocate for fundraising for projects. Planning Board member David Goodridge commented there is a level of participation and proven commitment pointed out through the community surveys. Mike Svetz stated the Parks Department has the opportunity to show success stories through the utilization of the park maintenance funds. There are a number of potential funding strategies included in the master plan.

Park Staffing-Staff levels are deficient by at least 5.5 FTE's in order to meet the staffing requirements for Best Practice Staff levels.

Parks Operations-Identification of funding for actual Billings cost per acre, Best practice cost per acre, and the additional funding needed to meet best practices. Mr. Svetz point out the concern that if best practice maintenance and staffing is not applied to investments they will have to be replaced sooner.

Task time Analysis-Achieving the best practice guideline would equate to an additional 2,216 hours of actual work performed annually. This is the equivalent of 1.06 FTEs, (or approximately \$50,000 in total employee compensation).

Recommendation for Satellite Maintenance Facilities-The recommendation is for a facility in the Heights and another located in the West End of Billings.

Return on Investment in years=20 years

Efficiencies gained by constructing the 2 maintenance yards=\$50,000 annually.

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Planning Board member Klugman commented on the potential increased efficiency of response time. Planning Board member Goodman suggested placing these facilities on existing parkland.

Capital Improvement funding. Primary Sources: Increase in City Wide Park District 1 funding, Grants-501 (c)3; Other sources identified in the Master Plan.

Planning Board member Klugman commented on implementation and asked what funding source Montana lacks. Consultant Svetz replied "sales tax" and commented on other cities that use a "meals tax" to invest in infrastructure. Mike Whittaker noted an additional \$300,000 that was leveraged as match through Park District Funds, (PD-1 funds). Discussion followed on diversification of the funding portfolio. Board member Goodrich asked if the district portfolio is defined. Mike Whittaker replied the boundary grows with the City.

Best Practice Recommendations for Subdivision Regulations-work towards growth starting to pay for itself. Mr. Svetz referred to the appendix listing the existing language, recommendation, rationale, and fiscal considerations. He explained if the recommendation is for approval of the plan, the appendix is not adopted as the subdivision regulation changes listed are only recommendations for the development community.

Areas of Recommendations-listing of considerations-The City should be credited for including this as a scope item as it addresses the codes dealing with development providing a better opportunity to bring the recommendations of the master plan forward.

Planning Board President Tunnicliff asked about-best practices for replacement costs and suggested doing a park specific master plan. He said the flaw is not considering the cost of long term maintenance of facilities.

Mike Svetz advocated for doing maintenance plans and designing a facility that will address revenue capture. Parks Board members commented on the difficulty of selling the need to the community. Mr. Svetz pointed out the importance of ownership and communication to the community through workshops to keep the momentum going. He suggested advocating for champions who are active in City Council, Parks staff, and the Parks Board. He stressed it has to be a priority on a political level to become a reality.

Planning Board member Goodrich noted significant changes on County design standards brought forward by a Subcommittee intimated by the Planning Board. He asked how this master plan compares to previous plans with the availability of data. Mr. Svetz explained the previous master plan was done 17 years ago and looked at demography and service radius. This plan recommends tracking a maintenance system and it will be implemented as soon as possible. The Parks Board has met with the Chamber and Board of Realtors and will be presenting to City Council on November 6, 2017 to fund underdeveloped parkland as they wish to increase Park District 1. Bill Cole asked for Mr. Svetz' comments on this approach versus the larger picture of presenting a "big ask". Mr. Svetz stated Billings is the type of community that doesn't recognize how big it is. If an incremental foundational difference is made, then advocacy can be built at a grass roots level for future projects.

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Planning Board Member Cook asked if there is value in divesting the undeveloped properties and he commented that a foundation would be good for planning purposes. He suggested dedication of parkland may need to be addressed legislatively. He said he feels the Master Plan is a good plan but it comes with the challenges of bringing it forward to community. Mr. Cook stated he feels there is a need to make the aquatic center happen within a certain time frame and he asked if Operation and Maintenance reserve accounts are set up. Director Whittaker stated there is no reserve in any accounts. Planning Board Member Cook commented on the benefits of building reserves within a budget to fall back on for maintenance purposes. He said he is excited to have the Master Plan in place.

PUBLIC COMMENT: There was no further public comment.

PARK BOARD ACTION

Motion

Lew Morris made a motion and was seconded by Tim Warburton to forward a recommendation of approval of the 2017 City of Billings Parks and Recreation Comprehensive Plan. The motion carried with a unanimous voice vote.

CITY/COUNTY PLANNING BOARD ACTION

Motion

Planning Board member David Goodrich made a motion and it was seconded by Planning Board member to forward a recommendation of approval of the 2017 City of Billings Parks and Recreation Plan. The motion carried with a unanimous voice vote.

**This item will be heard by City Council on November 13, 2017.*

Director Whittaker thanked the Planning Board for their involvement and invited Planning Board members to attend the November 13, 2017 City Council meeting and speak on their behalf for this plan.

9. OTHER BUSINESS/ANNOUNCEMENTS

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: 12:30 p.m.

DRAFT--To be approved by a motion by the City/County Planning Board on November 14, 2017

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

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

CITY/COUNTY PLANNING BOARD

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OCTOBER 24, 2017

DRAFT- To be approved by a motion on November 24 2017

1. Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, October 24, 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 members: Wyeth Friday, Director, Planning & Community Services; Monica Plecker, Planning Division Manager; Dave Green, Planner II; Tammy Deines, Planning Clerk

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

Planning Board President thanked Board member Patrick Klugman for his service as Planning Board Representative for City Ward V and encouraged him to continue in his community efforts. Mr. Klugman is resigning as he moved out of district.

Approval of the October 24, 2017 Agenda

Motion

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

3. Approval of Minutes: October 11, 2017

Motion

Board member Saldivar made a motion and Board member Klugman seconded the motion to approve the October 11, 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:

7b. Public Hearing Copper Ridge Subdivision, 7th Filing. County Major. Dave Green, Planner II, presenting.

Planner Dave Green opened this agenda item with. presentation of the staff report.

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 86 new buildable lots for single-family residential development and 6 lots for future development or storm water management. 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, 2017 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 conducted a second plat review at its October 11 meeting and the Board will conduct a public hearing at this meeting. City Council will take action on this plat on November 13, 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 storm water 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 fire access road that will support a 40-ton truck in all

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weather conditions, and that it 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 in determining the correct 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.

Discussion

President Tunncliff called for discussion and questions from the members of the Board. Board member Goodrich asked if the entire parcel has been annexed and he noted that portions of this parcel are outside of the current zoning jurisdiction. Planner Dave Green stated the zoning is in place, and it is up to the property owners to request an update to the zoning jurisdiction.

Public Hearing

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

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

Mr. Oakland said this project was amended to meet the demand for lot inventory. He respectively requested the Board forward a recommendation of approval of the master plan and this subdivision filing to City Council.

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At 6:12 pm, President Tunncliff asked if there is anyone else wanting to speak in favor or against Copper Ridge Subdivision, 7th Filing. There was none. President Tunncliff closed the public hearing and called for a motion.

Motion

Board member Goodrich made a motion and it was seconded by Board member Klugman to forward a recommendation of 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.

Discussion

Board member Klugman commented this filing does not have parkland dedication but the previous filings have a large developed park and an excellent trail system. He commended the developer for his insight for trail connectivity and making the developments conducive to all ages. Board member Klugman is in favor of this motion.

The motion carried with a unanimous voice vote.

8. NEW BUSINESS: There is no new business.

9. OTHER BUSINESS/ANNOUNCEMENTS

- **Recognition for MAP Award for the YC Subdivision Regulations Amendment project, Planning Division Manager Monica Plecker**

Ms. Plecker announced the Montana Association of Planners recognized the *Yellowstone County Suburban Subdivision Regulations* for the 2017 Outstanding Planning Projects Award and recognized members of the Planning Board Special Committee for their role in crafting a unique set of regulations facilitating high quality and compatible development in the suburban areas immediately surrounding the City of Billings and other populations centers through the County. (2017 Montana Association of Planners Conference-Miles City, Montana). This award recognizes a comprehensive plan, process, outcome or special planning project of exceptional merit. Considerations include originality and innovation; a visionary approach that can be compatible in other jurisdictions; and focus on public participation, the development community, and regulations. The Yellowstone County Suburban Subdivision Regulations was a Community driven amendment. Board member Goodrich accepted the award on behalf of the Committee during the Western Planner Conference.

Dave Goodrich said the Planning Board initiated the committee to make the changes. Staff has noticed applicants are well aware of the new requirements during Pre application meetings. President Tunncliff stated the Planning Board

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took the initiative to move forward and address the inconsistencies in the County subdivision regulations for sidewalks and roads and remedy the problems. He commended staff for identifying key players in the community to serve on the committee and said this is an example of Boards and staff working together to make the community a better place to live. He commented that “Oftentimes we have the energy to complain but not correct”. He thanked Staff for their efforts, Board member Goodrich for chairing the committee; and all that were involved with this project. Director Friday stated staff plans to share this recognition with the Board of County Commissioners and City Council in the next few weeks.

- Board member Klugman thanked President Tunnicliff and the Board. He stated he has enjoyed serving on the Board as this is an important Board with the opportunity to innovate as this award shows. It is an example of proactive leadership rather than reactive. He thanked Planning Clerk Tammy Deines for her administrative support during his tenure on the Board.

ADJOURNMENT: 6:31 p.m.

DRAFT- To be approved by a motion on November 14, 2017



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



Planning Board Meeting I (2nd Tuesday)

8. a.

Meeting Date: 11/14/2017

Information

INTRODUCTION

On October 2, 2017, Sanderson Stewart, agent for Falcon Ridge I, LLC, owners, applied for preliminary major plat approval for Falcon Ridge Subdivision, 3rd Filing. The proposed subdivision creates 35 new lots for single-family residential development. The subject property is generally located on the south side of Masters Boulevard, east of Golden Acres Drive. The property is zoned Residential Multi-Family-Restricted (RMF-R). The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on November 28, 2017.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Falcon Ridge Estates Subdivision, 3rd 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 a final stormwater report to City Engineering for review and approval.
2. To minimize the effects on local service 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.
3. 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.
4. 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 August 17, 2017 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on October 2, 2017.
- A departmental review meeting was conducted on October 19, 2017.
- The preliminary plat was resubmitted with revisions based on department reviews on October 26, 2017.
- The Planning Board will review the plat on November 14, 2017.
- The Planning Board will conduct a public hearing on November 28, 2017, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on December 18, 2018.
- The 60 working-day preliminary plat review period ends December 29, 2017.

PLAT INFORMATION

General location:	South Masters Boulevard, east of Golden Acres Drive
Legal Description: Ridge Subdivision, 1st Ridge Subdivision,	Being Lot 10A of Amended Plat of Lots 10 & 15, Block 4, Falcon Filing, and Lot 11A of Amended Plat of Lots 11-14, Block 4, Falcon 1st Filing
Owner/Subdivider:	Falcon Ridge I, LLC
Engineer and Surveyor:	Sanderson Stewart
Existing Zoning:	RMF-R
Existing land use:	Vacant
Proposed land use:	Residential
Gross and Net area:	10.444 acres; 7.436 acres
Proposed number of lots:	35
Lot size:	Max: 15,450 square feet Min: 6,033 square feet
Parkland requirements: met with	Parkland dedication requirements for this proposed plat have been met with previous filings.

Attachments

Findings of Fact
Proposed Plat
Draft SIA

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Falcon Ridge Estates Subdivision, 3rd Filing. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

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

1. Effect on agriculture and agricultural water user facilities

The subject property is not currently used for agricultural purposes but is vacant land within the subdivision. Cove Ditch runs along the southern border of the land and there is City Park Land along its length. 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 and will not take any agricultural land out of 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, a single service to single family home lots and two services to lots proposed to have twin homes built on them. All new water lines and fire hydrants will be installed 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 8-inch water line that is in Southern Bluffs Lane and from an existing 8-inch water line in Masters Boulevard. 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 Southern Bluffs Lane and one in Masters Boulevard. The subdivider will install new sewer mains in the local streets and individual services for each lot, or two services to a single lot where a twin home is proposed to be constructed, in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

MDU will provide gas services and 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 a detention pond in the southwest corner of this filing. The storm detention facility was put in place with the 2nd Filing of Falcon Ridge Estates and was designed to handle storm runoff from both the 2nd and 3rd Filings. All 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. A Home Owners Association (HOA) will be created and will be responsible for maintenance of the proposed storm water drainage system. The applicant will place an easement over the storm water drainage system that will allow City Engineering to repair and maintain the system and create an SID to cover costs should the HOA fail to do so. An updated Stormwater Report will be submitted and approved by City Engineering before final plat. **(Condition #1)**

- 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** – The applicant will be installing new roads in this filing. Southern Bluffs Lane and Falcon Ridge Circle, both will have a 56 foot right of way width. Southern Bluffs Lane and Falcon Ridge Circle 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. The applicant will be installing sidewalks along park land frontages and will install handicap accessibility ramps at the time of private contract for construction of roads. All sidewalks will be boulevard type sidewalks as outlined in subdivision regulations. Each home owner will be required to install the sidewalk with lot development.

There is a section of Southern Bluffs Lane that was platted with Falcon Ridge Estates 2nd Filing, that the applicant is proposing to connect to with the 3rd Filing. To make this connection the applicant will be putting a road through a strip of parkland that was dedicated to the City of Billings with the 1st Filing. In this staff report under the heading Parks and Recreation there is an explanation of what is proposed.

A Traffic Impact Study (TIS) has been submitted with previous filings that included the proposed 3rd filing. Updates to the TIS have been provided to City Engineering. Intersection improvements identified in the TIS will provide a cash contribution as outlined in the SIA under III Transportatoin D. 1. 3 prior to final plat approval.

- d. **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).

- e. **Schools** –School District #2 provides educational services to elementary through high school students. Schools serving these students are Boulder Elementary, Ben Steele 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. From previous subdivisions in the area 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 35 residential lots being created with this filing the required parkland acreage would be 0.808 acres. In the previous two filings of Falcon Ridge Estates Subdivision they have provided 8.12 acres of park land, the previous two filings were required to provide 4.92 acres. The subdivision has provided 3.2 acres more parkland than required by subdivision regulations. With the third filing there will not be any additional parkland required from the developer.

Outlined earlier in this staff report it was pointed out that there is a section of Southern Bluffs Lane that was platted with Falcon Ridge Estates 2nd Filing, the applicant is proposing to make a connection to that road with the 3rd Filing. To make this connection the applicant will be putting a road through a strip of parkland that was dedicated to the City of Billings Parks Department with the 1st Filing. In the SIA it is proposed that there will be a land swap to get the road through the existing park land. The applicant is proposing to provide a 4,846 square foot parcel of land in exchange for the new right of way through the existing parkland. The amount of land that will be used to provide a new right of way to connect Southern Bluffs Lane is 3,794 square feet. The proposed land exchange has been reviewed and approved by the City Parks Department.

- 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. They have requested the centralized mailbox be placed on the corner of Masters Boulevard and Southern Bluffs Lane. It needs to be placed a safe distance from the intersection to not create a traffic issue with the intersection. It will also need to provide enough space for the mail delivery person to be able to safely stop along the road edge. The developer will need to coordinate mailbox location with the postal service. **(Condition #2)**

3. Effect on the natural environment

The subject property is vacant property that has been planned for urban development. The property generally slopes to the south toward the Cove Ditch.

There is geotechnical study information outlined in the SIA under the heading IX. Soils/Geotechnical Study.

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 paragraph in the SIA that warns future lot owners of the presence of wildlife 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. Yellowstone County-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 on Rimrock Road.

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 RMF-R 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 Southern Bluffs Lane, and Masters Boulevard.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Falcon Ridge Estates Subdivision, 3rd 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

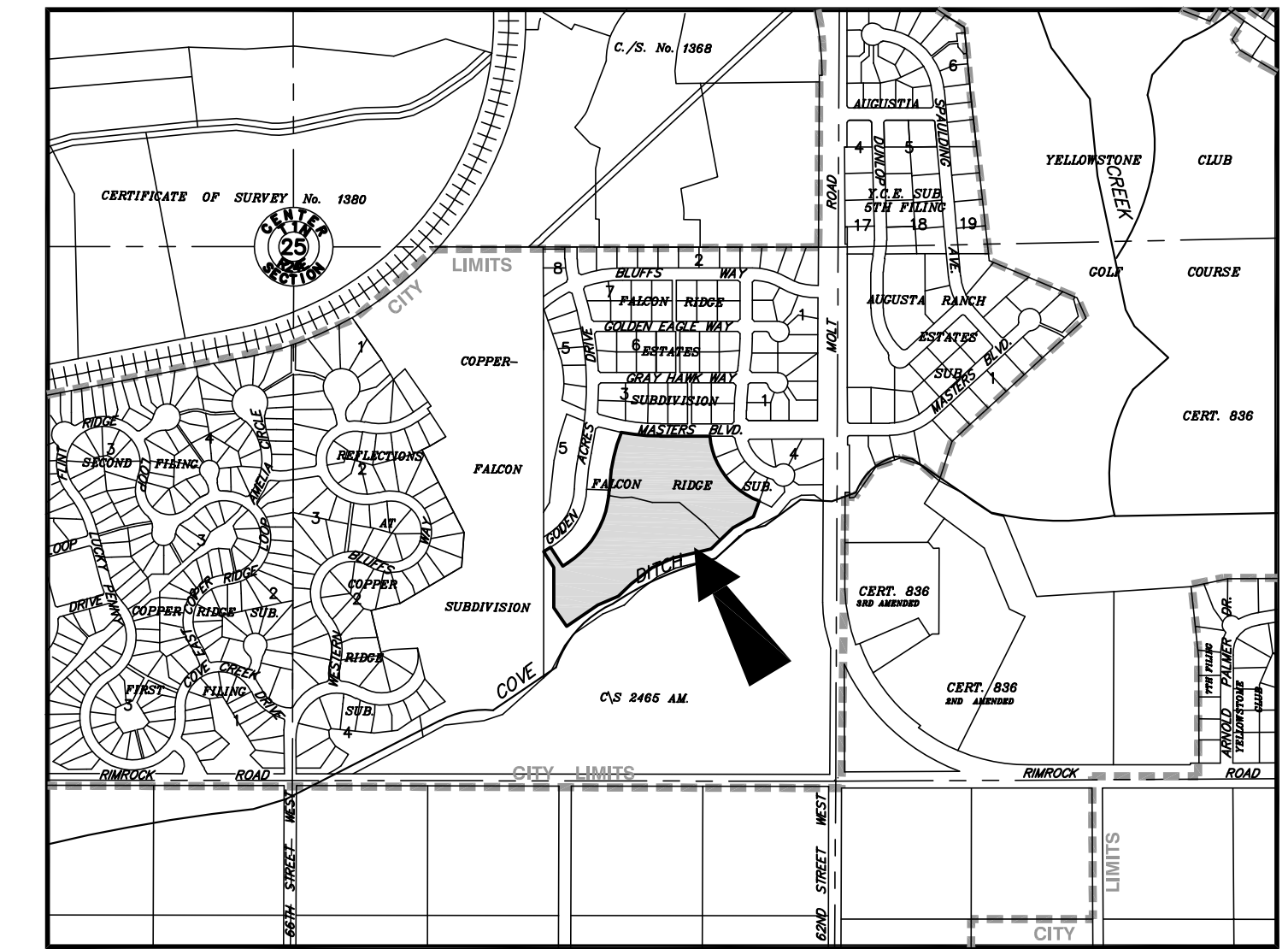
Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Falcon Ridge Estates Subdivision, 3rd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF FALCON RIDGE ESTATES SUBDIVISION, 3RD FILING

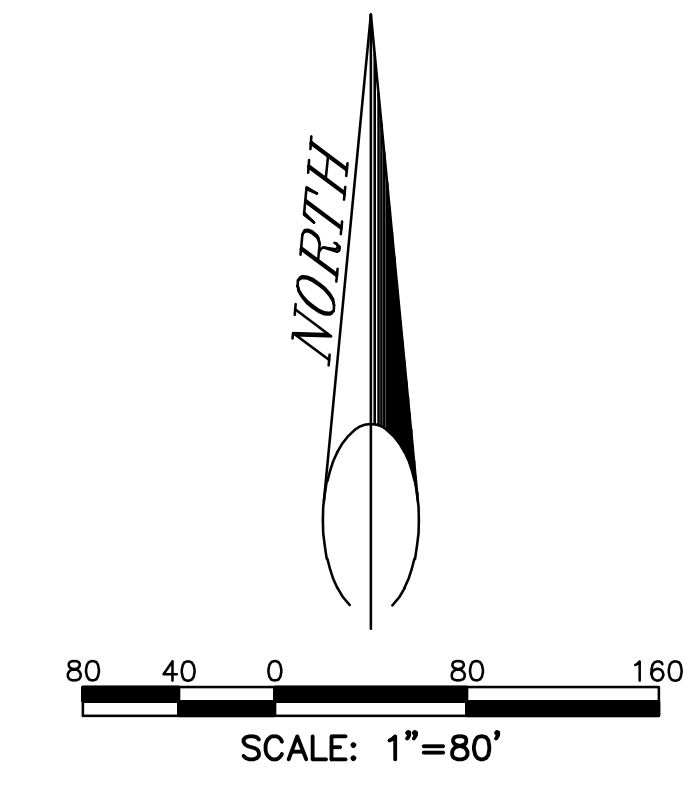
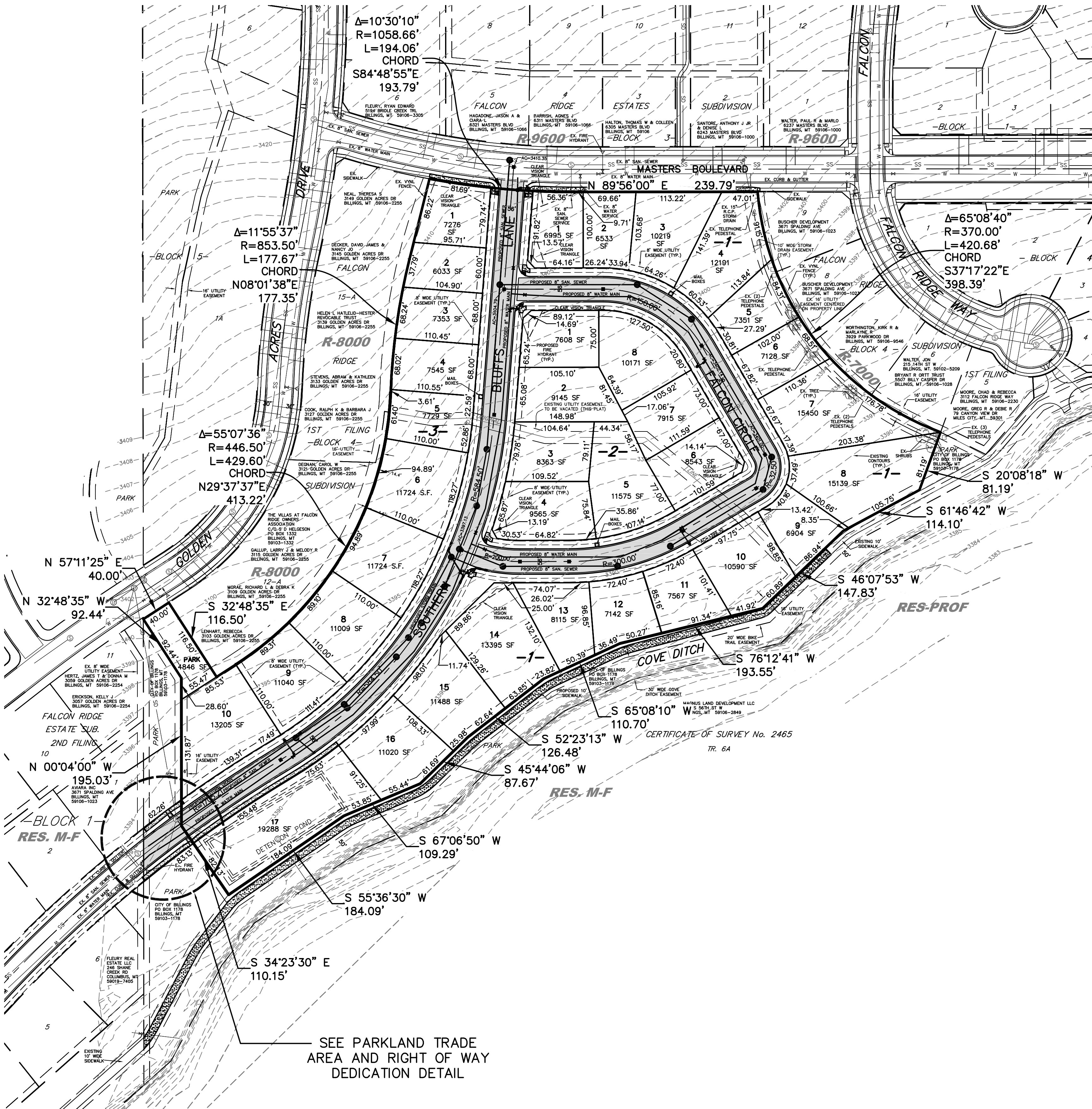
BEING LOT 10A OF AMENDED PLAT OF LOTS 10 & 15, BLOCK 4, FALCON RIDGE SUBDIVISION, FIRST FILING
AND LOT 11A OF AMENDED PLAT OF LOTS 11-14, BLOCK 4, FALCON RIDGE SUBDIVISION, 1ST FILING
SITUATED IN THE SE1/4 OF SECTION 25, T. 1 N., R. 24 E., P.M.M.,
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : FALCON RIDGE I, LLC
PREPARED BY : SANDERSON STEWART

AUGUST, 2017
BILLINGS, MONTANA

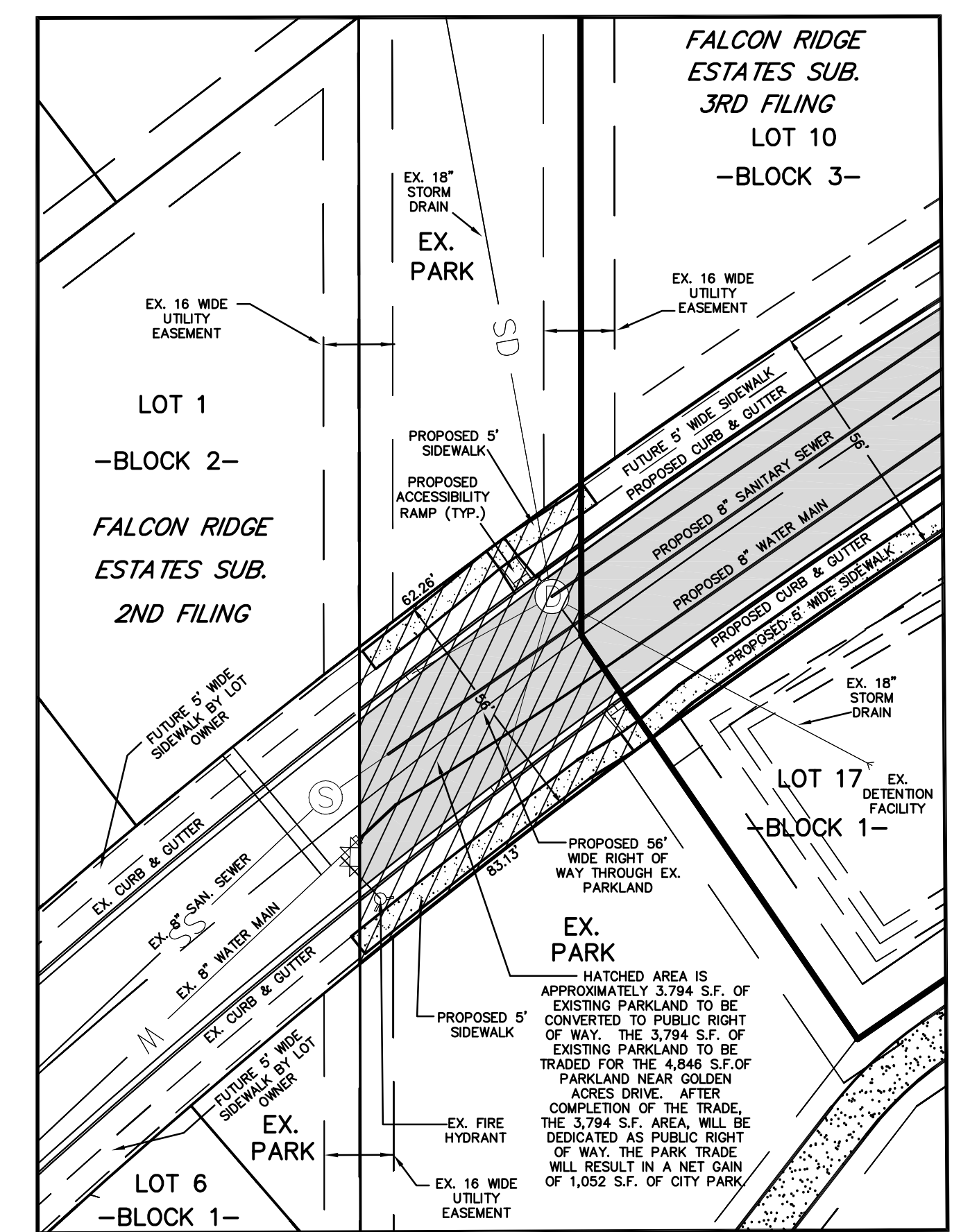


VICINITY MAP
NOT TO SCALE



PLAT DATA

GROSS AREA	=	10.444 AC
NET AREA	=	±7.436 AC
NUMBER OF LOTS	=	35
MINIMUM LOT SIZE	=	±6,033 SF
MAXIMUM LOT SIZE	=	±19,288 SF
LINEAL FEET OF STREETS	=	±1,914 LF
PARKLAND REQUIREMENT	=	0.818 AC.
PARKLAND DEDICATION	=	±0.111 AC + MET THROUGH PREVIOUS FILINGS PARKLAND DEDICATION
EXISTING ZONING	=	RESIDENTIAL 9600
SURROUNDING ZONING:		
NORTH	=	RESIDENTIAL 9600
SOUTH	=	RESIDENTIAL MULTI-FAMILY & RESIDENTIAL PROFESSIONAL
EAST	=	RESIDENTIAL 7000
WEST	=	RESIDENTIAL 8000
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	RESIDENTIAL DEVELOPMENT



EX. PARKLAND TRADE AREA AND RIGHT OF WAY DEDICATION DETAIL
SCALE: 1"=30'

SEE PARKLAND TRADE AREA AND RIGHT OF WAY DEDICATION DETAIL

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

SUBDIVISION IMPROVEMENTS AGREEMENT FALCON RIDGE ESTATES SUBDIVISION, THIRD FILING

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

SUBDIVISION IMPROVEMENTS AGREEMENT FALCON RIDGE ESTATES SUBDIVISION, THIRD FILING

THIS AGREEMENT is made and entered into this ___ day of _____, 20___, by and between **FALCON RIDGE I, LLC**, whose address for the purpose of this agreement is 3671 Spalding Avenue, Billings, Montana 59106, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Montana, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, the preliminary plat of Falcon Ridge Estates Subdivision, Third 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 Falcon Ridge Estates Subdivision, Third 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 Falcon Ridge Estates Subdivision, Third 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 Falcon Ridge Estates Subdivision, Third 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 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 Third Filing.
- D.** Lot owners shall be advised that land is in proximity to 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 the 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 the 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.** 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.
- H.** 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.
- I.** 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.
- J.** Lots within Falcon Ridge Estates Subdivision, Third Filing are subject to the \$25.00 per lot per year fee for the existing stormwater connection to the Cove Ditch.

III. TRANSPORTATION

A. Streets

Right-of-way widths. Southern Bluffs Lane and Falcon Circle shall be 56-foot rights-of-way. These internal access roads shall be 34 feet back of curb to back of curb. 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. The developer will install 5-foot boulevard sidewalk along Masters Boulevard with the private contract construction. The developer will also install 5-foot boulevard sidewalk in the right of way along the parkland frontage with the private contract. The developer will also install 5-foot boulevard sidewalk in the right of way along Lot 17, Block 1 with the private contract. 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.

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 intersection of Rimrock Road and 62nd Street West. The calculated contribution percentage for this development is 1.33 percent. The developer will be required to make a cash contribution for this intersection improvements in the amount of \$3,325.00 prior to final plat approval.

E. Access

Access will be provided in two locations for the subdivision. One will be an extension of Southern Bluffs Lane and the other a connection to Masters Boulevard.

F. Billings Area Bikeway and Trail Master Plan

The Billings Bikeway and Trail Plan identifies the Cove Ditch as a connection linking other greenway corridors. Subdivider will install a 10-foot-wide pedestrian and bikeway path in the existing 20-foot-wide bike trail easement, located adjacent to the Cove Ditch easement. The Subdivider shall only be responsible for installing the path within the limits of the subdivision boundary.

G. 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 locations. The Falcon Ridge Estates Subdivision, Third Filing, will complete an extension of Southern Bluffs Lane and make a connection to Masters Boulevard. 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

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 an existing stormwater detention facility located in the southwest corner of the subdivision. The stormwater detention facility was constructed with Falcon Ridge Estates Subdivision, Second Filing and is located within Lot 17, Block 1. The detention facility will be located on Home Owner's Association (HOA) owned lot and shall be operated and maintained by the HOA. The detention facility was designed to account for drainage from both Falcon Ridge Estates Subdivision, Second Filing and Falcon Ridge Estates Subdivision, Third Filing. The stormwater detention facility has an existing outlet to Cove Ditch. The Subdivision will be required to retain, or provide treatment, of the water quality volume/flow on-site in accordance with the City of Billings Stormwater Management Manual (SWMM). The stormwater design for Falcon Ridge Estates Subdivision, Third Filing, will conform to the current SWMM and be reviewed by the City of Billings Public Works Department.

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 8-inch water main stub in Southern Bluffs Lane and from an existing 8-inch water main located in Masters Boulevard. Extension of the water mains will provide a looped system for the subdivision. 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 and twin home lots will receive two individual water services. 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.

B. Sanitary Sewer

Service to the subdivision will be from the existing 8-inch sanitary sewer stub located in Southern Bluffs Lane and from an existing 8-inch sanitary sewer main located in Masters Boulevard. 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 and twin home lots will receive two individual sewer services. 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.

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 subdivision has 34 residential lots and parkland dedication has been met through parkland dedication from previous filings.

Southern Bluffs Lane will be extended from Falcon Ridge Estates Subdivision, Second Filing and through this development. To accomplish this extension an existing portion of parkland will need to be converted from parkland to public right of way. This will be achieved by trading a new portion of parkland for the existing parkland area. With this development, a new 4,846 square feet of parkland will be dedicated and is located adjacent to the existing parkland near Golden Acres Drive. The 4,846 square feet of new parkland is currently landscaped, irrigated and maintained by the Parks Department. The 4,846 square feet of new park will be traded for 3,794 square feet of existing parkland. The 3,794 square feet will then be dedicated as public right at the completion of the trade. The park trade will result in a net gain of 1,052 square feet of City Park.

VIII. HOMEOWNER'S ASSOCIATION

A homeowner's association (HOA) will be established for this subdivision to maintain the water quality features constructed of Falcon Ridge Estates Subdivision, Third Filing. 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 operation and maintenance of the water quality features that will be constructed for Falcon Ridge Estates Subdivision, Third Filing. The HOA shall also be responsible for the maintenance of the on-site drainage facility located on Lot 17, Block 1. The HOA documents and operations and maintenance manual will be created with the private contract plans.

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 Rimrock Engineering, Inc., dated October 25, 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 Rimrock Engineering, Inc. to perform a preliminary geotechnical analysis for this property dated October 25, 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 three 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 Rimrock Engineering, Inc. October 25, 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 six inches of fall in the first ten 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

