



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



AGENDA

February 13, 2018 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: JANUARY 23, 2018**

Attachments

PlnBMinutes_2018_01_23_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. **Presentation/Discussion. 2017 Complete Streets Progress Report**, Lora Mattox, Transportation Planner, presenting. Link to the full report:
<http://ci.billings.mt.us/DocumentCenter/View/35435>

Attachments

Complete Streets Presentation

8. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. **Plat Review. Discussion. Lake Hills Subdivision, 36th Filing.** A 19-lot City major subdivision, originally platted in the Lake Hills Subdivision, 15th and 16th Filings, into 28 lots. The subject property is located on both sides of Gleneagles Boulevard, south of Cherry Hills Road and includes part of Lake Hills Drive, north west of the Lake Hills Golf Course in the Heights. 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, FEBRUARY 27, 2018

- a. **Public Hearing. Motion/Recommendation to City Council. Lake Hills Subdivision, 36th Filing.** A 19-lot City major subdivision, originally platted in the Lake Hills Subdivision, 15th and 16th Filings, into 28 lots. The subject property is located on both sides of Gleneagles Boulevard, south of Cherry Hills Road and includes part of Lake Hills Drive, north west of the Lake Hills Golf Course in the Heights. Dave Green, Planner II, presenting.

Planning Board Meeting I (2nd Tuesday)

3.

Meeting Date: 02/13/2018

Information

Subject

MOTION. APPROVAL OF MEETING MINUTES:JANUARY 23, 2018

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PlnBMinutes_2018_01_23_DRAFT

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"Serving Billings, Broadview and Yellowstone County"

JANUARY 23, 2018

Draft-To be approved by a motion on February 13, 2018

1. Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, January 23, 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; Scott Walker, Transportation Coordinator, Lora Mattox, Transportation Planner, Dave Green, Planner II; Tammy Deines, Planning Clerk

Others in Attendance: Scott Aspenlieder, Performance Engineering; Bryan Alexander, Sanderson Stewart; Charles and Arlene Schweigert; Gary and Teri Davis; Don and Linda Miller; Giles Zickefoose; Tom and Nancy Stock; Bruce Lackman; Barb Wagner; Tyler M. Kerns; Steve Reiter; Carol Lawson; Dennis P. Soloman; Steve Kuehn, Diana Kuehn, Jamie Anderson Marge Hankel; Kelly Coleman

Approval of the January 24, 2018 Agenda

Motion: Board member Cook made a motion and it was seconded by Board member Goodridge to approve the January 24, 2018 meeting agenda as submitted. The agenda was approved with a unanimous voice vote.

Approval of Minutes: January 9, 2018.

Motion Board member Goodridge made a motion and Board member Cook seconded the motion to approve the January 9, 2018 meeting minutes as submitted. The motion carried with a unanimous voice vote.

3. **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.

7. OLD BUSINESS:

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7a. Presentation/Discussion. Household Travel Survey. Lora Mattox, Transportation Planner, presenting.

This is a joint project between Billings MPO and MDT, (\$140,000 project total). This survey was conducted as the first step towards developing the Traffic Demand Model. Twenty thousand households were invited to participate, and staff received 1,066 out of the needed 1,100 surveys. Surveys were conducted when school was in session from May 2, 2017 through June 8, 2017, Tuesdays through Thursdays; and completed through a mobile application on participant's cell phones.

Selected Characteristics:

- A typical surveyed household in the region makes 7.9 trips a day and a typical person makes 3.6 trips per day.
 - After applying weights, the average number of household trips rises to 8.0 per day and the average person trip rate falls to 3.43
- The majority of trips made (89.7 percent) in the region are as the driver or passenger of an automobile, van or truck
- Non-motorized trips (by bike or walking) account for 6.9 percent of the total
- Trips made using a private vehicle take 15.6 minutes and covered 5.7 miles on average compared to transit trips which take 23.4 minutes and covered 2.8 miles.
- Work trips take an average of 16 minutes in the region
- The average distance traveled was 5.3 miles
- Work trips account for 13.7 percent of all trips made in the region
- Trips not categorized as work, school, shopping, or recreational account for 22.5 percent of all trips made (these include escorting minors, and non-mandatory errands and maintenance activities).

Ms. Mattox stated the survey is posted online and upon request, she will send the Committee members the hyperlink for reviewing purposes.

<http://www.ci.billings.mt.us/documentcenter/view/35446>

7b. Presentation/Discussion. 2017-2021 Transportation Improvement Plan, (TIP), Amendment I. Scott Walker, Transportation Coordinator, presenting.

Scott Walker said the amendment process is needed due to changing costs or timing of projects. He continued with the summary below highlighting the projects and funding sources that have changed.

- I-90 W King Ave Lighting – Install roadway lighting from top of the King Ave W Interchange bridge to the east and tie into S. Billings Blvd existing lighting, install panel delineation on the median side between the two interchanges

Urban Pavement Preservation Funding:

2017-2018 TIP Amendment #1 Highlights

Interstate Maintenance Funding:

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- West Billings Interchange – Pinehills Interchange: Moved to June 2018 letting
 - Previously in 2021

National Highway System Funding:

- *27th St. – 1st Ave S. to Airport: Moved to May 2019 letting
 - Previously in 2018
- Main St – Billings: Moved to February 2020 letting
 - Previously in 2018
- *Billings Bypass –
 - Yellowstone River Bridge: Moved to May 2020 letting
 - Previously outside of 5-year program
 - PE Amendment has not been processed

National Highway Freight Program Funding:

- I-90 Yellowstone River Bridge: New funding source added to the project, \$32.8 million between the years 2021 & 2022

Bridge Program Funding:

- 2012 Scour Mitigation: Moved to November 2018 letting
 - Previously in 2021
- *I-90 Yellowstone River Bridges: no change to year; \$10,000,000 moved out of Bridge into Freight Program

Highway Safety Improvement Program Funding:

- Billings Horizontal Curve Warning: Moved to March 2018 letting
 - Previously in 2019
- Roundabout King & 56th: Moved to February 2019 letting
 - Previously in 2017
- New Safety Projects:
 - UPN 9384 Frontage Road & Wise Lane Intersection – Installation of ITS intersection warning system on both roads warning vehicles on Frontage Road and vehicles on Wise Lane that a conflicting vehicle is present to mitigate intersection related crashes.
 - UPN 9420 Billings Area Safety Improvements – the following are within the MPO Planning boundary:
 - King Ave. E – Shoulder rumble strips on all curves and replace existing curve signing RP 1.7-2.1
 - Yellowstone River Rd – Replace existing chevrons with standard size chevrons at RP 3.6
 - Lake Elmo Drive – Install standard delineation through curve at RP 2.4
 - South Frontage Road (West of Sugar Ave) – Replace one directional large arrow with curve warning signs, speed advisory plaques & chevrons at RP 2.0

CITY/COUNTY PLANNING BOARD

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- Garden Ave – Corridor wide signing upgrade RP 0.0-1.4
- Nahmis Ave – Install delineation through entire corridor
- Story Road – Replace/relocate curve warning signs with speed advisory plaques at RP 0.2
- UPN 9423 Billings District Safety Improvements – the following are within the MPO Planning boundary
 - Johnson Lane – Install panel delineation through curve at RP 1.2
 - Old Highway 312 – Install panel delineation through the entire cluster segment from RP 2.3-3.1
- UPN 9421 I-90 W King Ave Lighting – Install roadway lighting from top of the King Ave W Interchange bridge to the east and tie into S. Billings Blvd existing lighting (RP 445.9-446.4), install panel delineation on the median side between the two interchanges (RP 445.6-447.3)

Urban Pavement Preservation Funding:

- New Projects, 2019 letting at the earliest:
 - UPN 9501 South Frontage Road
 - UPN 9502 Shiloh Road
 - UPN 9503 Blue Creek Road
 - UPN 9504 Billings Boulevard
 - UPN 9505 King Ave E
 - UPN 9506 Hardin Road
 - UPN 9509 Grand – 24th to Zimmerman

*Denotes project with more than one funding source

Review Schedule

Board/Commission	Action
Planning Board #2	PH/Recommendation - Tuesday, January 23 rd
Council Work Session	Presentation – Tuesday, January 16th at 5:30 p.m.
Council Meeting	Action - Monday, February 12th at 6:30 p.m.
County Discussion	Discussion - Monday, February 5th at 2:00 p.m.
Commissioner Meeting	Presentation/Action - Tuesday February 6th at 9:30 a.m. Both meetings held in the County Commissioners Board Room, 4th Floor, County Courthouse
PCC	Final Action – Tuesday, February 20th at 12:00 p.m. - 4th Floor County Courthouse, Commissioner Board

Discussion

President Tunncliff called for questions and discussion from the members of the Board. There were none.

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Public Hearing

President Tunnickliff opened the public hearing at 6:26 p.m. and asked if there is anyone wishing to speak in favor or against the 2017-2021 Transportation Improvement Plan, (TIP), Amendment I. 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 Bass to forward a recommendation of approval of the . 2017-2021 Transportation Improvement Plan, (TIP), Amendment I as presented by Staff. The motion carried with a unanimous voice vote.

7c. Public Hearing. Motion/Recommendation to BOCC. Whitehorse Estates Subdivision, 1st Filing, a 12-lot County Subdivision generally located on Hesper Road. NEXCO LLC, owner; Scott Aspenlieder, Performance Engineering, Agent. Dave Green, Planner II, presenting.

INTRODUCTION

On December 1, 2017, the Planning Division received an application for preliminary major plat approval for Whitehorse Estates Subdivision, 1st Filing. The proposed plat creates 12 lots for residential development. The subject property is generally located on the northwest corner of Hesper Road and South 48th Street West. The property is zoned Agriculture Suburban (AS). The Yellowstone County Board of Planning will conduct a public hearing at this meeting, Tuesday, January 23, 2018. The Board of County Commissioners will act on the proposal on February 13, 2018.

RECOMMENDATION

Staff recommends the Planning Board recommend the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Whitehorse Estates Subdivision, 1st Filing, adopt the Findings of Fact as presented in the staff report, and deny the variance request.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on the natural environment, prior to final plat approval the applicant will obtain approval from the MDEQ for the proposed wells, septic systems and storm water management and meet the requirements of Yellowstone County Storm Water Management.
2. To ensure maintenance of the new public road, prior to final plat approval the applicant

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will create an RSID-M for the maintenance of the road inside the subdivision.

3. To minimize the effects on public health and safety and to ensure proper maintenance, prior to final plat approval the applicant will add language in the SIA under IV.

Emergency Service stating the establishment of an RSID-M for the dry hydrant system. The Whitehorse Estates Subdivision shall not receive final plat approval until the proposed dry hydrant has been installed on the Hesper Road frontage. The new tank shall be tested and approved by the BUFSA.

4. To clarify the type of emergency service the BUFSA does provide to this county subdivision, prior to final plat approval the applicant will modify the first sentence in the SIA under Emergency Service to read: "The Billings Urban Fire Service Area (BUFSA) currently provides fire protection for the subdivision."

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 YCSR Section 10.6 to meet the requirements to determine the correct amount of the cash contribution to the County for park land. The estimated land amount will be provided by a third party land appraiser and that appraisal will be reviewed and approved by the County Parks Board before a cash in lieu contribution is made to the County Parks Department.

6. To minimize the effects on local services, prior to final plat approval the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.

7. To minimize the effects on the local environment, prior to final plat approval the applicant is required to obtain a weed management plan and a property inspection shall be done by the County Weed Department.

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

9. To ensure proper maintenance and to minimize the effects on existing agricultural water user facilities, prior to final plat approval HOA documents shall be submitted to outline the HOA's responsibility for the construction and maintenance of the open lateral ditch running through the subdivision.

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

CITY/COUNTY PLANNING BOARD

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the standard acceptable format.

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

VARIANCE REQUEST: The applicant is asking for a variance from the requirements of YCSR Section 4.6.B.1 Relation to Undeveloped Areas. This regulation requires that a developer provide road connections to surrounding undeveloped lots for future connections. Specifically, the applicant has not proposed east/west connections for future connection extending from the proposed dead-end street. Staff is recommending that the Planning Board recommend denial of the variance request to the BOCC.

Dave Green gave the reasoning behind the staff recommendation for denial of the variance request:

- In County Subdivision Regulations Section 4.6.B., 1 Relation to Undeveloped Areas, it states; When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land.
- By providing future access it would be beneficial to future home owners safety.
- The required road would require increasing the cost of the RSID if they are installed, but they are short sections and with additional development and increase in lots the cost would go down. The connections to the east and west could both be dedicated public easement similar to the 60-foot road and utility easement shown on the proposed plat for Hesper. The easement would not take away from overall lot acreage causing them to go below the 1-acre size.
- The purpose of these regulations is to provide for future growth and address connectivity for vehicle and pedestrian access for convenience and safety. By not providing a future connection to the east and west, this development creates an ‘island’ with no connection within neighborhoods that are next to each other.

Dave Green pointed out a plat of the original Whitehorse subdivision as a point of reference. He summarized and stated the proposal for access to this subdivision is off of Hesper Road. A 30,000-gallon dry hydrant system will be installed upon approval of the subdivision. The applicant is requesting a variance from the required future connection from the east and west to the adjacent parcels. He presented alternative proposals with depictions to provide connections to ensure connectivity in the neighborhoods. He suggested the Board consider adding a Condition of Approval be added to require the applicant to provide an easement between lots 3 and 4 and lots 9 and 10.

CITY/COUNTY PLANNING BOARD

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Discussion

President Tunncliff called for discussion and questions from the members of the Board. Per Board member Goodridge's request, Dave Green identified the City Limits on the Vicinity Map. Board member Boucher reiterated that the proposed condition for the easement will be 60 feet wide, and constructed according to County Public Works requirements to be paved to the edge of the property.

President Tunncliff called for presentation by the applicant.

Scott Aspenlieder, Performance Engineering, 7100 Commercial Avenue, Billings, Montana

Mr. Aspenlieder commented the neighbors have voiced concern with the width of the easement of the irrigation ditch to allow for maintenance. The Developer agrees to a 20 foot easement and adding a condition for proper maintenance. He spoke to the concerns with the variance request, stating in this case, a cul-de-sac is preferred as the lots are 1-acre lots under Agricultural Suburban zoning. They disagree with the Health and safety aspect stated by staff. He asked why this is not allowed as it is allowable under the subdivision regulations allow for 1,000-ft cul-de-sacs. He stated the owner is agreeable to building a 10' paved bike and pedestrian trail but vehicular travel does not make sense. He pointed out Lot 3 was sold to individual who intends to have a single home on the parcel. He asked why are we building "roads to nowhere" as there are no plans to further develop the adjacent parcels west or north. Mr. Aspenlieder asked the Board to vote for a favorable consideration of the variance request with the caveat of providing a pedestrian access.

Discussion

President Tunncliff called for questions and discussion from the members of the Board. Board member Bass asked Mr. Aspenlieder if they have considered locating the connection road farther north in the parcel. Mr. Aspenlieder responded they have not but logically connectivity to the east should align with shared lot line between lots 1, 2. President Tunncliff commented on the vicinity of the City limits located at Shiloh Road, 48th Street West & King Avenue. He noted the adjoining land is undeveloped and asked what the impact would be should this be annexed. Mr. Aspenlieder explained higher density is not possible at this time due to high nitrate and ground water levels. He said more density would be possible if this property is annexed. Board member Boucher asked for approximate costs to pave the east and west connection, Mr. Aspenlieder replied it would add about \$70,000-\$100,000 to the project. He explained to Board member Bass that in order to accommodate an east-west connection, the four Ag-Suburban lots have to remain 1-acre or more and the buildable area on the lots would be reduced to provide an easement.

CITY/COUNTY PLANNING BOARD

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Public Hearing

At 6:54 p.m., President Tunnickliff opened the public hearing and asked for anyone wishing to speak in favor of Whitehorse Estates Subdivision, 1st Filing.

Steve Kuehn, 4925 Chevelle Drive, Billings, Montana

Mr. Kuehn owns the 21.8 acre to the east. His primary concern with is the effects on irrigation as they have a livestock/agricultural operation. He stated there are no plans to subdivide the 21.8 acres and he feels an east-west connection will invite trespassers to their property.

Gary Davis, 2745 Homer Davis Road, Billings, Montana

Mr. Davis was concerned with the ditch easement width but the developer has agreed to a 20-foot easement width. He shares the concern with the east-west connection inviting trespassers to the property. He commented having an easement may be helpful for the future but not the paved roadway.

Dennis Soloman, 5108 Chevelle Drive, Billings, Montana

Mr. Soloman is also concerned with the ditch maintenance. He asked if there has been thought of maintenance of the utility easement as his property has power poles on the north side of the parcel and there is a right-of-way for above ground power. He inquired if there is existing data on the wells and septic systems on the water aquifer and at what point will the additional homes affect their home?

Jaime Anderson 5000 Chevelle Drive, Billings, Montana

Mr. Anderson owns property to the north if this parcel. He would like assurance the water quality is not adversely affected for existing home owners.

Diana Kuehn, 4925 Chevelle Drive, Billings, Montana

Ms. Kuehn also voiced concern with potentially affecting water quality as all of the homes north of this property are on wells.

Rebuttal

President Tunnickliff called for rebuttal.

Scott Aspenlieder, Performance Engineering, 7100 Commercial Avenue, Billings, Montana

Mr. Aspenlieder stated there is a platted utility easement and the maintenance of the power poles will be addressed. The Home Owners' Association, (HOA), will address ditch maintenance. He provided statistical information on DEQ requirements for water quality and nitrate levels for septic systems. They have tested wells for the surrounding existing homes and are proposing installation of Evaporation-Transpiration systems with lined drain fields which are at least twice as large as a typical drain field. They have determined they will be a non-contributor to the nitrate issues.

CITY/COUNTY PLANNING BOARD

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President Tunnickliff asked if there is anyone else wanting to speak in favor or against Whitehorse Estates Subdivision, 1st Filing. There was none. President Tunnickliff closed the public hearing at 7:05 p.m. and called for a motion on the variance request

Motion

Board member Goodridge made a motion and it was seconded by Board member Bass to support the staff recommendation and deny the applicant’s request for a variance from the requirements of YCSR Section 4.6.B.1 Relation to Undeveloped Areas. This regulation requires that a developer provide road connections to surrounding undeveloped lots for future connections. Specifically, the applicant has not proposed east/west connections for future connection extending from the proposed dead-end street.

Discussion

Board member Goodridge reasoned he would like to see connectivity but he does not think it needs to be a road, and it should be a bike pedestrian walkway. Director Friday said the Board may craft a recommendation if the Board wishes to meet a portion of the connectivity. President Tunnickliff questioned the Board’s authority to add things outside the scope of the regulations and noted the Planning Board review criterion for Health and Safety and benefitting local services. Clarification was given on the intent of the variance language. If the variance request is denied, the roadways will be required. Board member Boucher stated he will vote against the motion as he does not want the roads.

Board member Goodrich withdrew the motion in favor of a substitute motion.

Motion

Board member Boucher made a motion and it was seconded by Board member Goodridge to forward a recommendation to the BOCC of approval of the variance requested by the applicant.

Discussion

Wyeth Friday commented the potential for significant challenges with connections in the future with development.

Motion carries with a unanimous voice vote.

Motion

Board member Boucher made a motion and Board member Macrow seconded to forward approve recommend the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Whitehorse Estates Subdivision, 1st Filing, adopt the Findings of Fact as presented in the staff report with the additional Condition of approval for a 20’foot ditch easement.

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Discussion

Board member Goodridge said he agrees with the need for connectivity in the west end as Billings grows, and connectivity for bicycle and pedestrian use is extremely important as growth moves further towards the County. He proposed amending the motion to include a condition to provide bike and pedestrian connectivity to the east and to the western adjacent parcels between lots 9, 10 and lots 3, 4. President Tunnicliff commented on the difficulty of making good decisions for the future with surrounding undeveloped adjacent lands.

Motion

Motion by Goodridge and seconded by Boucher to amend the original motion to include a condition of approval to require bicycle and pedestrian connectivity to the east and to the west built to County standards to promote connectivity as growth and development takes place in the future and based on the criterion to benefit the effects on local service and health and safety. The location will be agreed upon by the developer and the Board of County Commissioners.

Motion carried with a unanimous voice vote.

President Tunnicliff called for a vote on the original motion.

The original motion carries with a unanimous voice vote.

8c. Public Hearing. Motion/Recommendation to BOCC. The Nines Subdivision, an 89-lot County Subdivision, generally located on 64th Street West. PC Coleman LLC, owner, Bryan Alexander, Sanderson Stewart, agent. Dave Green, Planner II, presenting.

INTRODUCTION.

On December 1, 2017, the Planning Division received an application for preliminary major plat approval for The Nines Subdivision. The proposed plat creates 88 lots for residential development. The subject property is generally located at 1245 South 64th Street West, which is north of Hesper Road and the Elder Grove School. The property is outside of zoning. The Yellowstone County Board of Planning will conduct a public hearing at this meeting, Tuesday, January 23, 2018. The Board of County Commissioners will act on the proposal on February 13, 2018.

VARIANCE REQUEST: The applicant is asking for a variance from the requirements of YCSR. The applicant is requesting a variance from YCSR Section 4.6 B 8, Street Continuity, also from Section 4.6.B., 15 Street/Road Names and Lot Addresses. These regulations require developers to continue a street name when one of the proposed new streets lines up with an existing street.

CITY/COUNTY PLANNING BOARD

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Staff recommends the Planning Board recommend the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of The Nines Subdivision and adopt the Findings of Fact as presented in the staff report. Staff is recommending denial of the requested variance.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize effects on local services, prior to final plat approval the applicant will create new RSID's for maintenance of roads for this subdivision and will provide for the RSID(s) to be expanded with each phase.
2. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will expand the RSID-M for the dry hydrant system in DeWitt Subdivision to include all of Phase I within this subdivision.
3. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will create an RSID-M for the dry hydrant system that will be built in Phase II. This RSID-M will be for both Phase II and III.
4. To provide for adequate maintenance of privately maintained lands and systems within the subdivision and to minimize the effects on local services, prior to final plat approval the applicant will submit HOA documents that within them specifically outline the homeowners' responsibility to maintain the community wells, community septic systems, irrigation infrastructure and private parks within the subdivision.
5. To minimize the effects on local service, prior to final plat approval the applicant will coordinate with the USPS for locating and provided the correct amount of space for safely delivering the mail to the residents.
6. To minimize the effects on the local environment, prior to final plat approval the applicant is required to obtain a weed management plan and a property inspection shall be done by the County Weed Department.
7. To provide needed private utility infrastructure, prior to final plat approval the applicant will coordinate with the private utility providers to determine needed utility easements and show them on the final plat.
8. 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.

CITY/COUNTY PLANNING BOARD

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9. 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.

Dave Green explained the reasoning for the recommendation of denial of the variance request:

- Both the City and County have road-naming standards calling for continuation of road names across subdivisions, staff believes the proposed subdivision “The Nines” should name proposed Crooked Stick Lane the same as the street it aligns with on the west side of S 64th St W, O’Donnell Lane. **Yellowstone County Subdivision Regulations Section 4.6.B., 8 Street Continuity**, states “Streets that are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerlines shall coincide and shall have matching names.
- **County Subdivision Regulations Section 4.6.B., 15 Street/Road Names and Lot Addresses** states “New streets/roads aligned with existing streets/roads shall have the same name as the existing street/road. All new street names and lot addresses shall be approved by the Yellowstone County GIS Department prior to final plat approval in order to avoid duplication and confusion with names of existing roads.
- **Yellowstone County Road Naming Standards. Section A**, states “To reduce confusion, no two roads shall be given the same primary name, and road names should apply throughout the entire length. When roads extend from one subdivision to the next, existing road names should be extended.”

Discussion

President Tunncliff called for discussion and questions from the members of the Board. Per request of Board member Goodridge, Dave Green clarified and said an RSID will be created with this subdivision and it will address maintenance of the subdivision roads with the remainder of O'Donnell Road being private.

President Tunncliff called for presentation by the applicant.

Bryan Alexander, Sanderson Stewart, 1500 N. Transtech Way, Billings, Montana

Mr. Alexander Denser noted the posted map and stated the subdivision core will have a higher density and the lower density lots and individual septic systems will be located on the perimeter of the subdivision. He said the applicants are requesting the variance as they feel naming it differently will eliminate confusion, and extending O'Donnell Lane may inadvertently create additional trips through the private road.

CITY/COUNTY PLANNING BOARD

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Public Hearing

President Tunnicliff opened the public hearing and asked for anyone wishing to speak in favor or against The Nines Subdivision.

Tom Stock, 1343 S 64th Street West, Billings, Montana

Mr. Stocked voiced concern with the 88 additional wells affecting

the water aquifer. He asked if the proposed septic system to the east of his property with cause issues.

Giles Zickefoose, 6806 Victoria Lane, Billings, Montana

Mr. Zickefoose stated he has lived in this area for 45-50 years. He has experienced fluctuations in the water table with new developments. He comments with farmers no longer irrigation, there will be a strain on the water system.

At 8:01 p.m., President Tunnicliff asked if there was anyone else wanting to speak in favor or against The Nines Subdivision. There was none. President Tunnicliff called for a motion on the variance request.

Motion

Board member Bass made a motion and it was seconded by Board member Boucher to recommend approval of the request from YCSR Section 4.6 B 8, Street Continuity, also from Section 4.6.B., 15 Street/Road Names and Lot Addresses Variance to provide private name.

Discussion

President Tunnicliff called for discussion on the motion. Board member Goodridge said he will vote against the motion due to the need for continuity with the development of the properties to the east and to eliminate confusion. President Tunnicliff commented it is often confusing when the street names change when crossing Rimrock Road, and pointed out the merit of the regulations. A roll call vote was taken: Bass: abstained. Boucher: favor; Macrow: against; Goodridge: against; Cook: favor; Tunnicliff against.

The request for variance is denied, 3 against, 2 favor-1 abstain.

President Tunnicliff called for a motion on The Nines Subdivision

Motion

Board member Goodridge made a motion and it was seconded by Board member Boucher that the Planning Board recommend the Yellowstone County Board of

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

County Commissioners conditionally approve the preliminary plat of The Nines Subdivision and adopt the Findings of Fact as presented in the staff report.

The motion carried with a unanimous voice vote.

7d. Public Hearing. Motion/Recommendation to BOCC. Southview Sanctuary Estates Major Subdivision. A 10-lot major subdivision generally located south of Kautzman Road east of 56th Street West. 2K enterprises LLC, owner. EEC, Inc. Engineer/Surveyor. Planning Division Manager Monica Plecker presenting.

Ms. Plecker pointed out the preliminary plat description describes “Dan Walt Subdivision” being C/S 974, Tract 12 B, as there is an expedited plat under review and it will be filed in the near future.

INTRODUCTION

On December 1, 2017, the Planning Division received a preliminary plat application for Southview Sanctuary Estates Major Subdivision, being Tract 12B of Amended C/S 974. The proposed plat creates 10 lots for residential development. The subject property is generally located south of Kautzman Rd., east of 56th Street West. A portion of the property is zoned for residential use only as a part of Special Zoning District #20. Access will be provided by the construction of Southview Sanctuary Estates Drive, a paved public road connecting to 56th Street West and Elk River Road. A 30,000-gallon dry hydrant will be constructed and installed as a part of this development. The Yellowstone County Board of Planning reviewed the plat on January 9th and will conduct its public hearing at this meeting on Tuesday, January 23rd.

RECOMMENDATION

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Southview Sanctuary Estates, C/S 974, Tract 12 B, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

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

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storm water management from the MDEQ and meet the requirements of Yellowstone County Storm Water Management.

2. To minimize effects on local services prior to final plat approval, the applicant will create new RSID's for maintenance of roads for this subdivision.
3. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will expand the RSID-M for the dry hydrant system in Curly Willow Subdivision to include the subdivision in its entirety and pay in full the proportional reimbursement.
4. To provide for maintenance within the private parks and to minimize the effects on local services, prior to final plat approval, the applicant will submit HOA documents that within them specifically outline homeowners' responsibility to maintain the parks within the subdivision.
5. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS for locating and provided the correct amount of space for safely delivering the mail to the residents.
6. To provide needed private utility infrastructure prior to final plat approval, the applicant will coordinate with the private utility providers to determine needed utility easements and show them on the final plat.
7. 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.
8. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

Discussion

President Tunncliff called for discussion and questions from the members of the Board. Per his request, Ms. Plecker gave the definition of an expedited plat review. Board member Bass asked if the designated parkland will be for public use and Ms. Plecker said it is private parkland intended for the use of the property owners in the subdivision.

President Tunncliff called for presentation by the applicant.

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Tyler Kerns, EEC, 720 Lohwest Lane, Billings, Montana

Mr. Kerns explained that the septic design will be with approval and in accordance with DEQ standards, and the water systems will need DNRC's approval.

Public Hearing

President Tunncliff opened the public hearing at 8:16 p.m. and asked if there is anyone wanting to speak in favor or against Southview Sanctuary Estates Subdivision.

Arlene Schweigert, 9401 Rudio Road, Billings, Montana

Mrs. Schweigert and her husband own the 30 acres adjacent to this parcel. She had several questions and voiced concern with potentially raising the nitrate levels and affecting their water and septic system. She asked if the developer has considered fencing to keep out dogs, as they have cattle on their property. She asked how many houses will be constructed in Dan Walt Subdivision, and where the Curley Willow subdivision is located in relation to this subdivision.

Charles Schweigert, 9401 Rudio Road, Billings, Montana

Mr. Schweigert concurred with Arlene Schweigert's comments and said fertilization of lawns builds up nitrate levels which rise and make the water unusable.

Rebuttal: President Tunncliff called for rebuttal.

Tyler Kerns, EEC, 720 Lohwest Lane, Billings, Montana

Mr. Kerns said the nitrates will be accounted for. The maximum allowable usage is identified by DNRC in accordance with the size of the development. They have limited the amount of irrigated landscape area in each lot. He noted the floodplain identified in the area. The parkland is private and intended to be a buffer. Fencing has not been identified in the SIA. The residential lots will range from .75 acres to 1 acre in size.

President Tunncliff asked if there is anyone else wanting to speak in favor or against the Southview Sanctuary Estates Subdivision. There was none. President Tunncliff closed the public hearing at 8:24 p.m. and called for a motion.

Motion

Board member Bass made a motion and it was seconded by Board member Macrow that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Southview Sanctuary Estates, C/S 974, Tract 12 B, and adopt the Findings of Fact as presented in the staff report. The motion carried with a unanimous voice vote.

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8. OTHER BUSINESS/ANNOUNCEMENT

a. Standing Item. Long Range Strategic Issues and an overview of future City and County issues and projects. There were no items.

b. Announcement: Wyeth Friday announced he has agreed to help provide some support on some projects and duties in the interim while the City sets its plans and schedule for hiring a City Administrator and also finding a permanent Assistant City Administrator. Based on Council discussion on Monday, it appears that things will move along in the next few months and, at least, Bruce McCandless may become the official City Administrator in the short term to work with the Council on the hiring process. If this occurs, he expects his support role will last about 4-5 months.

ADJOURNMENT: 8:35 p.m.

DRAFT-To be approved by a motion on February 13, 2018

Planning Board Meeting I (2nd Tuesday)

7. a.

Meeting Date: 02/13/2018

Information

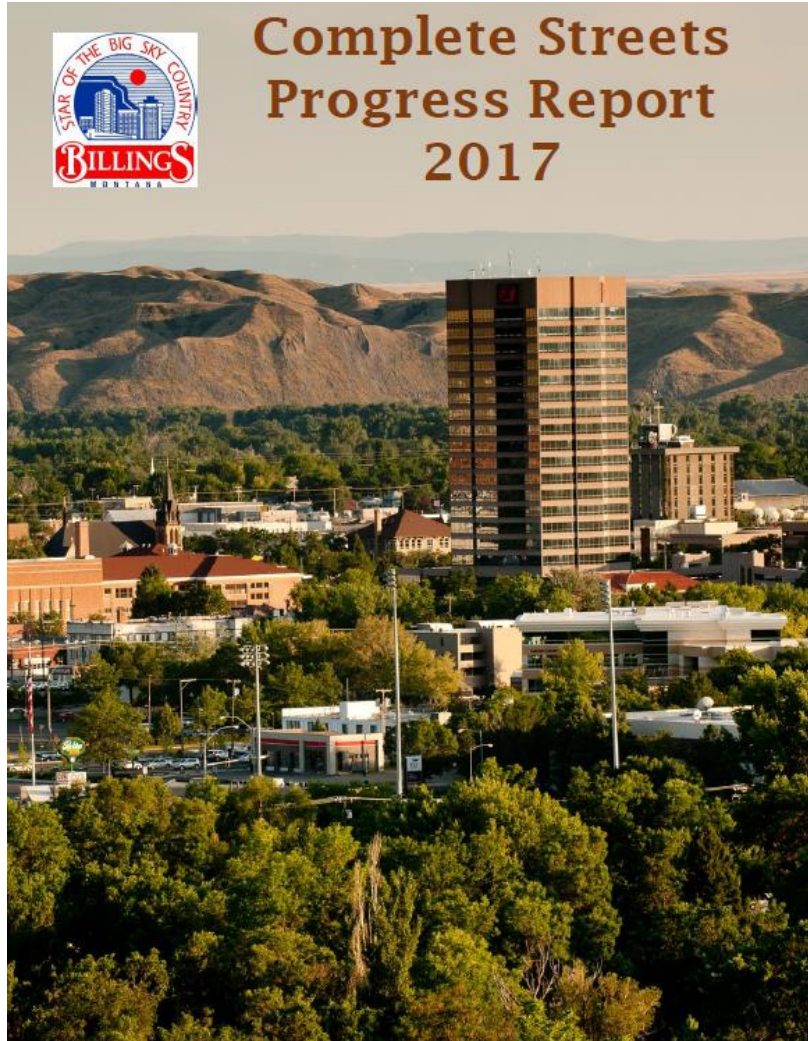
Subject

Presentation/Discussion. 2017 Complete Streets Progress Report, Lora Mattox, Transportation Planner, presenting. Link to the full report: <http://ci.billings.mt.us/DocumentCenter/View/35435>

Attachments

Complete Streets Presentation

2017 Complete Streets Progress Report



Planning Board
February 13, 2018

Background

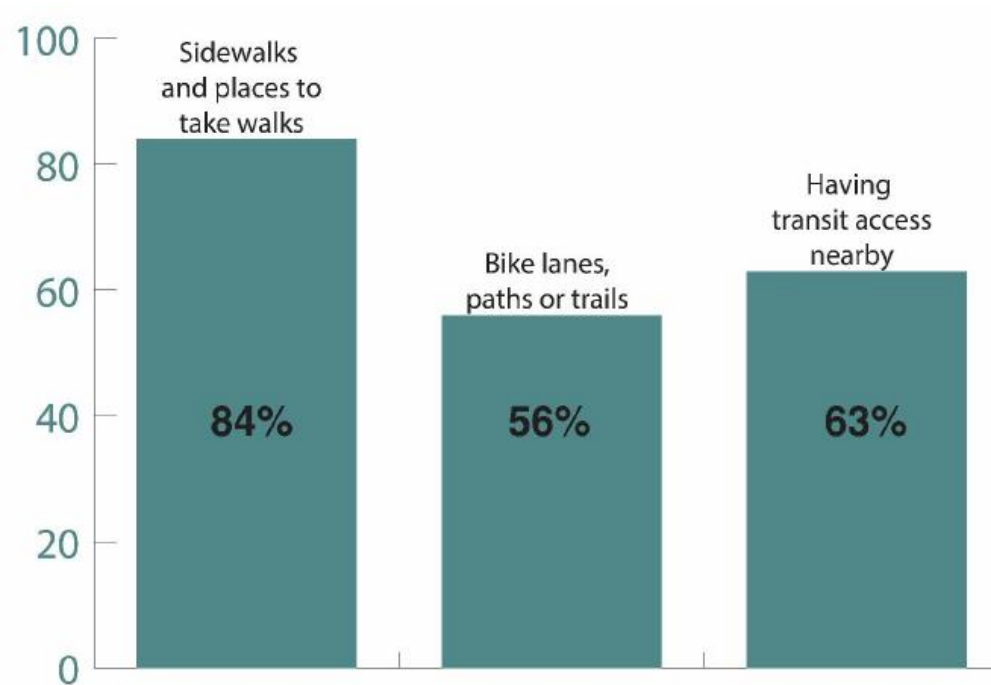
- ▶ Complete Streets Policy Adopted in August of 2011
- ▶ Established a Progress Report - Every 3 years
 - ▶ First report - 2013
 - ▶ Tracks policy implementation
 - ▶ Data comparison
 - ▶ Establishes Performance Measures
- ▶ Policy updated - May 2016
 - ▶ Complete Streets Checklist
 - ▶ 30% Design Review



Contents

- ▶ What Complete Streets means for Billings
- ▶ Walking and Rolling
- ▶ Bicyclists
- ▶ Transit
- ▶ Automobile
- ▶ Connectivity
- ▶ Community Health
- ▶ Economics
- ▶ What's Next?

Figure 1.1 2016 national survey of transportation infrastructure people want to live near.



What Complete Streets means for Billings

▶ Actions

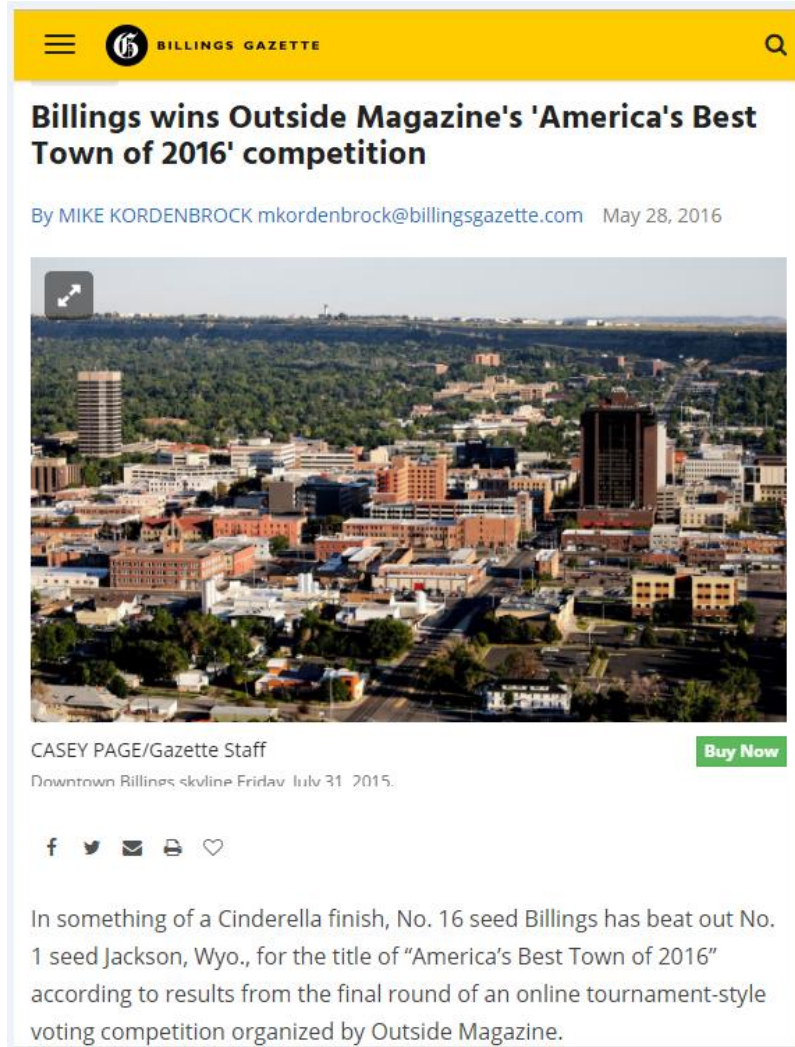
- ▶ www.bikebillings.com
- ▶ Take the Hi Road campaign
- ▶ Kids in Motion

▶ Meaningful Input

- ▶ Data Collection
- ▶ Existing Conditions
- ▶ Enhanced Collaboration

▶ National Recognition

- ▶ Sunset Magazine
- ▶ Outdoor Magazine
- ▶ Chamber of the Year
- ▶ Smart Growth America



The screenshot shows a news article from the Billings Gazette. The header is yellow with the Billings Gazette logo and a search icon. The article title is "Billings wins Outside Magazine's 'America's Best Town of 2016' competition". The byline is "By MIKE KORDENBROCK mkordenbrock@billingsgazette.com May 28, 2016". The main image is an aerial view of downtown Billings, Wyoming, with a "Buy Now" button in the bottom right corner. Below the image is the caption "CASEY PAGE/Gazette Staff Downtown Billings skyline Friday July 31 2015." and social media sharing icons for Facebook, Twitter, Email, Print, and Heart. The article text begins with "In something of a Cinderella finish, No. 16 seed Billings has beat out No. 1 seed Jackson, Wyo., for the title of 'America's Best Town of 2016' according to results from the final round of an online tournament-style voting competition organized by Outside Magazine."

Billings Gazette

Billings wins Outside Magazine's 'America's Best Town of 2016' competition

By MIKE KORDENBROCK mkordenbrock@billingsgazette.com May 28, 2016



CASEY PAGE/Gazette Staff
Downtown Billings skyline Friday July 31 2015.

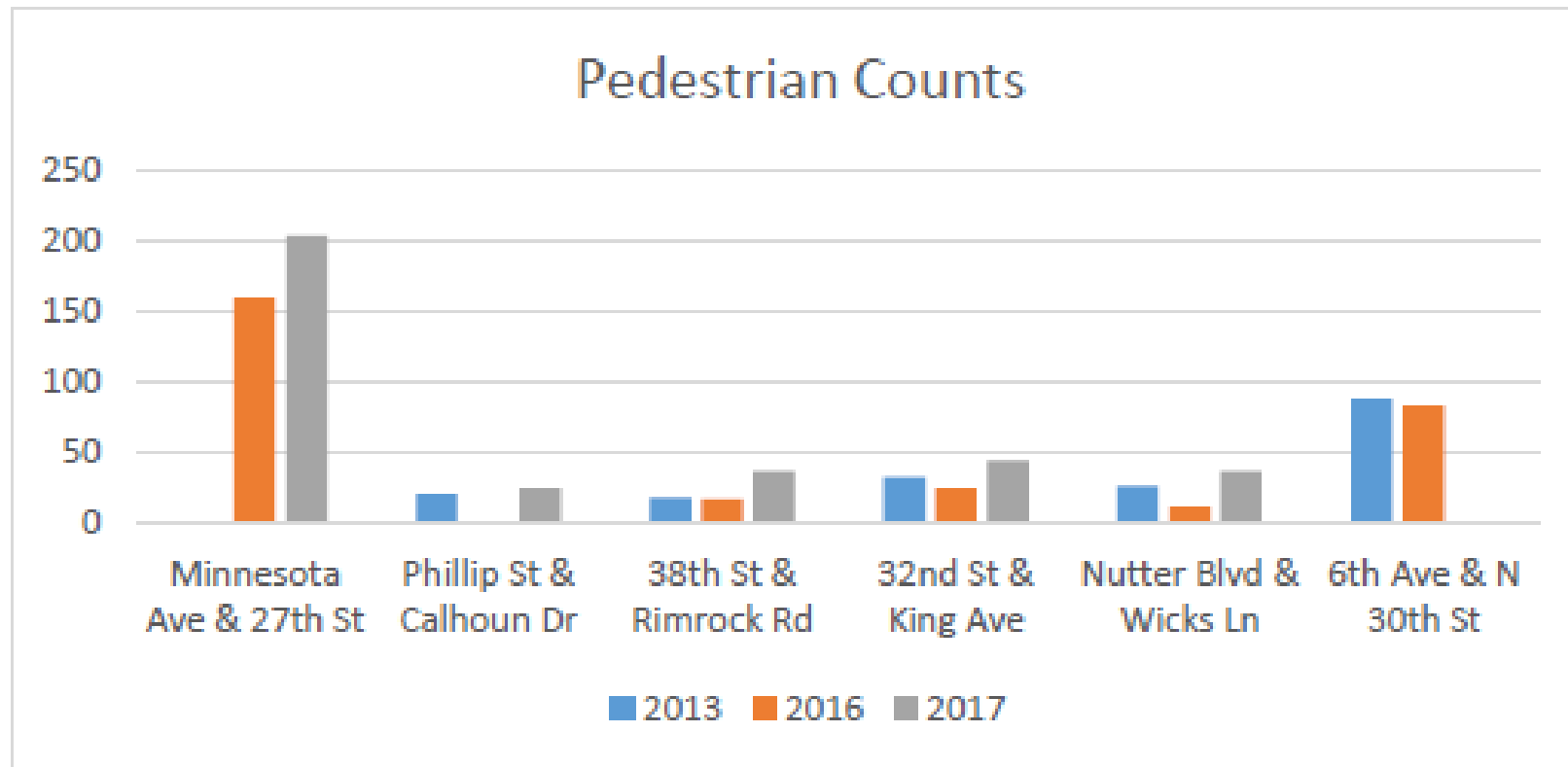
Buy Now

f t e p h

In something of a Cinderella finish, No. 16 seed Billings has beat out No. 1 seed Jackson, Wyo., for the title of "America's Best Town of 2016" according to results from the final round of an online tournament-style voting competition organized by Outside Magazine.

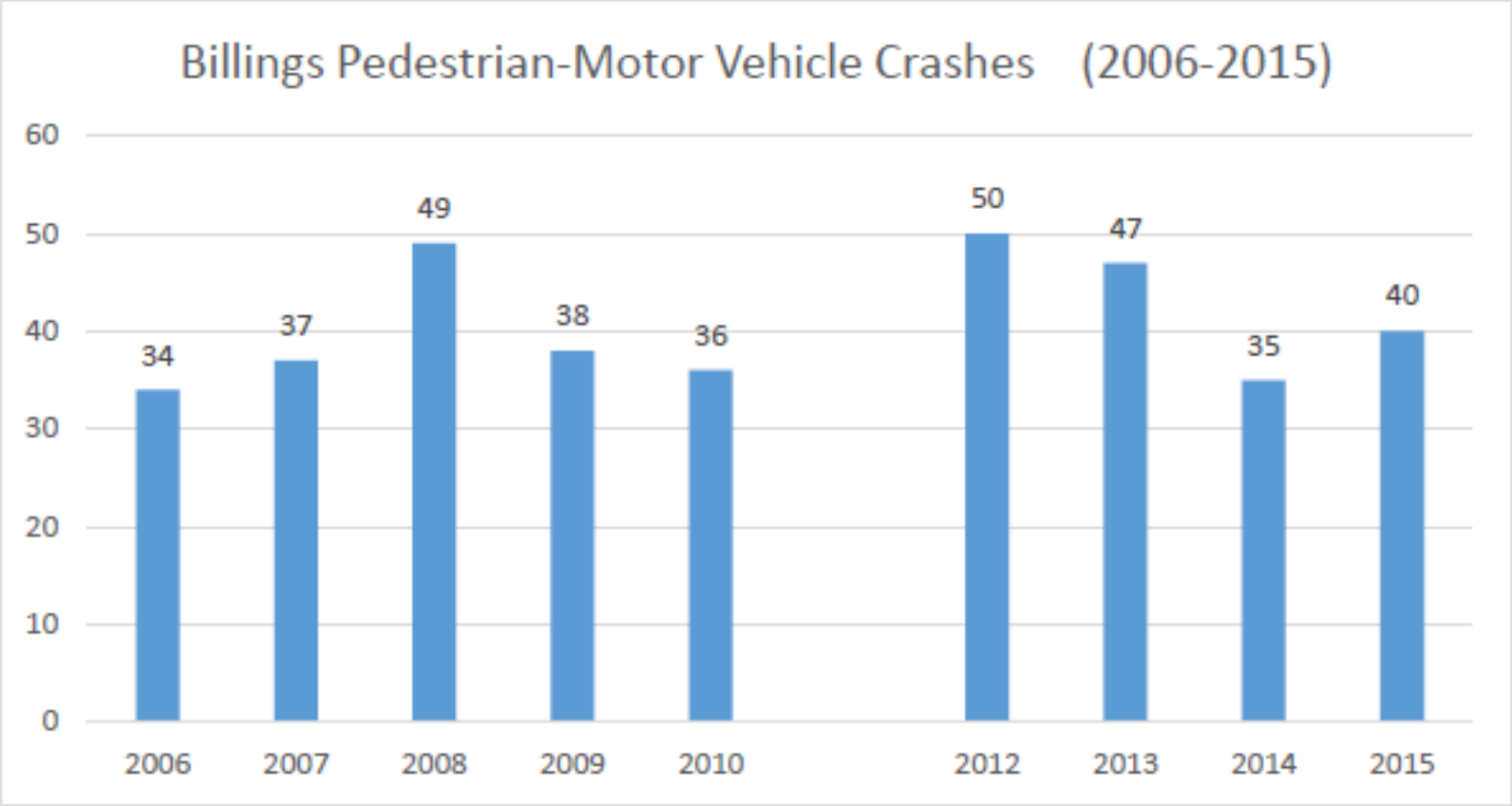
Walking and Rolling

Figure 3.1 Billings Pedestrian Counts



Pedestrian-Motor Vehicle Crashes

Figure 3.4 Pre and post policy crash rates



Source: MDT City and Statewide Crash Data (2006-2015)

Bicycling

Figure 4.4 Bicycling Counts

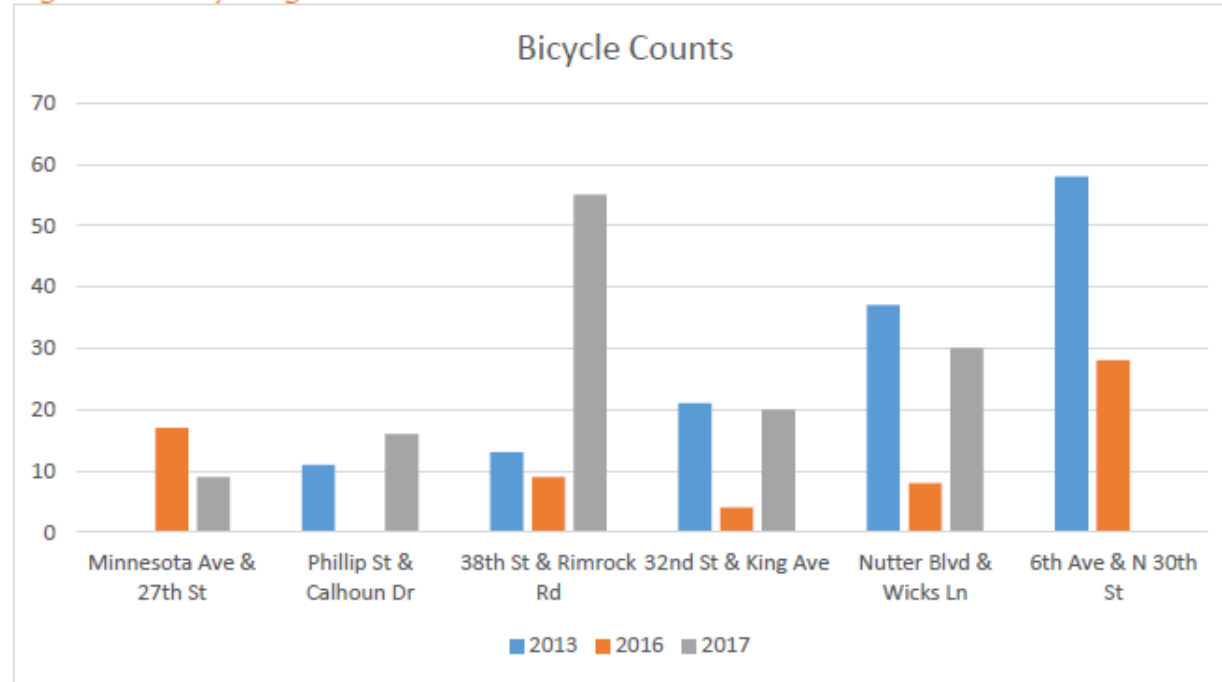
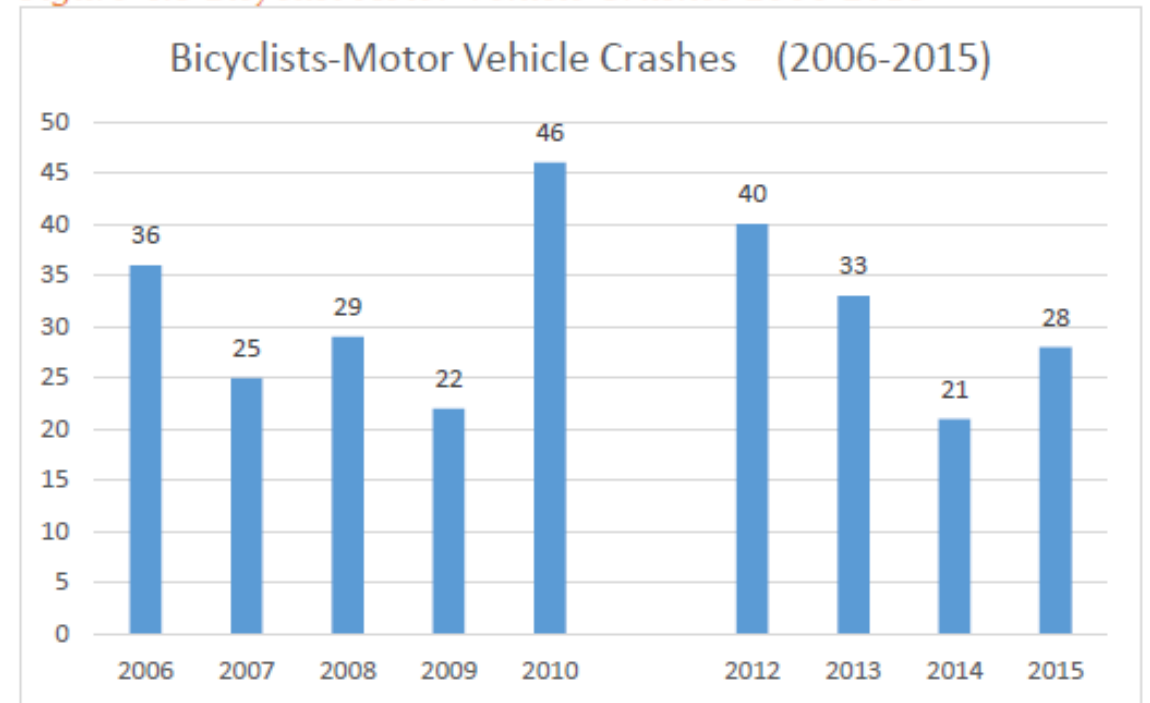


Figure 4.5 Bicyclist-Motor Vehicle Crashes 2006-2015

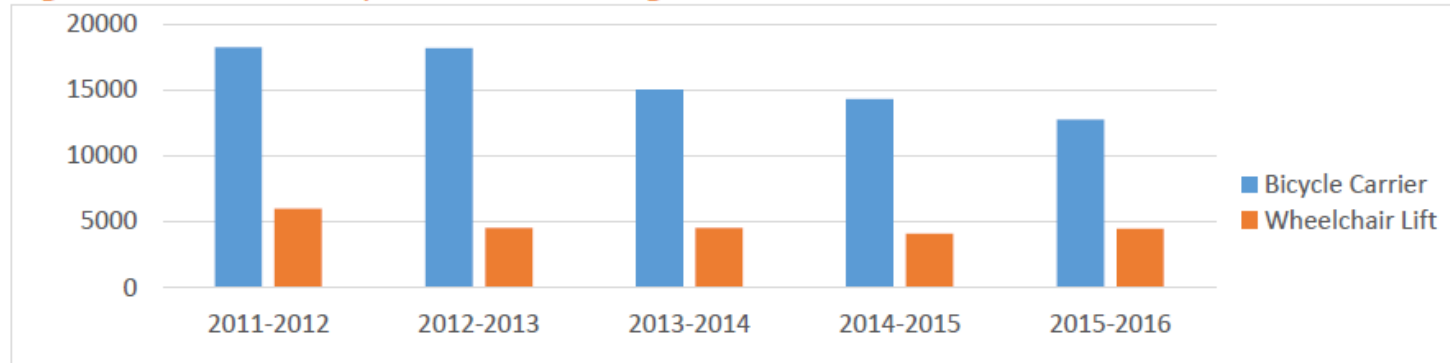


Project Description	Pedestrians	Elderly/Disabled	Bicyclists	Transit	Additional Complete Streets Features
Bench Boulevard -- Lincoln Ln. to Wicks Ln.	New continuous sidewalks on both sides	ADA ramps at intersections	Shared bike lanes from Lincoln Ln. to Hilltop Rd.	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Grand Avenue -- 32nd St. W. to Shiloh Rd.	New continuous sidewalk/trail on both sides	ADA ramps at intersections	Multi-use trail	No specific changes	Street lighting
Calhoun Lane -- King Ave. E. to Underpass Ave.	New continuous sidewalks on both sides	ADA ramps at intersections	On-street bike lanes added	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Arrowhead School Path	Multi-use trail	ADA ramps at intersections	Multi-use trail	No specific changes	
Poly Drive Sidewalks	Bulbouts added at school crossing	ADA ramps at intersections	Maintained existing bike lanes within the bulbout limits		
Shiloh Conservation Area	Multi-use trail	Multi-use trail	Multi-use trail		Benches, informational signs, etc.
Poly & Virginia Bike/Ped	Upgraded pedestrian signals	ADA ramps at intersection	On-street bike lanes added from Virginia Ln. to 13th St. W.	No specific changes	
Poly Drive -- 32nd St. W. to 38th St. W.	New continuous sidewalks on both sides	ADA ramps at intersections	On-street bike lanes added	No specific changes	
Orchard Lane -- King Ave. E. to State Ave.	New continuous sidewalks on both sides	ADA ramps at intersections	Parallel bike lanes on Calhoun	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Exposition Gateway Infrastructure Improvements	New continuous sidewalks on both sides	ADA ramps at intersections	No specific changes	No specific changes	Street lighting
Lewis Avenue Bike Lanes	No specific changes	No specific changes	On-street bike lanes and shared lanes added	No specific changes	
32nd St. W. & Gabel Rd. Traffic Signal Improvements	Installed new traffic signal with pedestrian signals	ADA ramps at intersections	No specific changes	No specific changes	
Ponderosa School Path	Multi-use trail	Multi-use trail	Multi-use trail		
44th Street West Trail	Multi-use trail	Multi-use trail	Multi-use trail		
19th Street West at Parkhill Drive	Sidewalk added along north side	ADA ramps at intersections	No specific changes	No specific changes	
19th Street West/Hoover Avenue at Colton Blvd.	Bulbouts added at school crossing	ADA ramps at intersections	No specific changes	No specific changes	
Wicks Lane Multi-use Path	Multi-use trail	Multi-use trail	Multi-use trail		
Jackson Street Sidewalks	Sidewalk added along west side	ADA ramps at intersections	No specific changes	No specific changes	
Grand Avenue -- 48th St. W. to 58th St. W.	School, Traffic signal at Grand Ave. & 54th St. W., Multi-use trail	ADA ramps at intersections	Multi-use trail	No specific changes	Included multi-use trail along 54th St. W. from Grand Ave. to Rimrock Rd. New street lighting added.
4th Ave. N. & Division St. Capacity Improvements	Upgraded pedestrian signals	ADA ramps at intersection	Upgraded detection to include bicycle detection	No specific changes	
Swords Bypass Trail	Multi-use trail	Multi-use trail	Multi-use trail	No specific changes	
Rimrock Road -- Forsythia Blvd. to Shiloh Rd.	New continuous sidewalk/trail on both sides	ADA ramps at intersections	Multi-use trail	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Annual ADA ramp project	Project aimed at corners, not aimed at providing continuous pedestrian paths	Over 200 ADA ramps installed at intersections	Project intent is providing accessibility at intersections	Provides improved access along MET routes	
Annual Curb, Gutter, Sidewalk Project	Installed over 50,000 lineal feet of new sidewalk	ADA ramps where applicable	Project intent is to install missing curb, gutter, and sidewalk, and was not focused on bicycle improvements	Provides improved access along MET routes	
Broadwater Shared Multi-use trail (TA Project)	Installed approximately 1-mile of shared use path along Broadwater Avenue from 32nd to Shioh	Multi-use trail	Multi-use trail	No specific changes	
Overlays:					
Monad Road -- 32nd St. W. to Shiloh Rd.	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Outside scope of the project	
Monad Road -- 24th St. W. to Lampman Trl.	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Outside scope of the project	
13th Street West -- Grand Ave. to Poly Dr.	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Two-way left turn lane allows traffic to pass when busses are stopped.	
Governors Boulevard -- Babcock Blvd. to Bazaar Exchange	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Outside scope of the project	

Project Description	Pedestrians	Elderly/Disabled	Bicyclists	Transit	Additional Complete Streets Features
Bench Boulevard -- Lincoln Ln. to Wicks Ln.	New continuous sidewalks on both sides	ADA ramps at intersections	Shared bike lanes from Lincoln Ln. to Hilltop Rd.	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
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Arrowhead School Path	Multi-use trail	ADA ramps at intersections	Multi-use trail	No specific changes	
Poly Drive Sidewalks	Bulbouts added at school crossing	ADA ramps at intersections	Maintained existing bike lanes within the bulbout limits		
13th Street West -- Grand Ave. to Poly Dr.	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Two-way left turn lane allows traffic to pass when busses are stopped.	

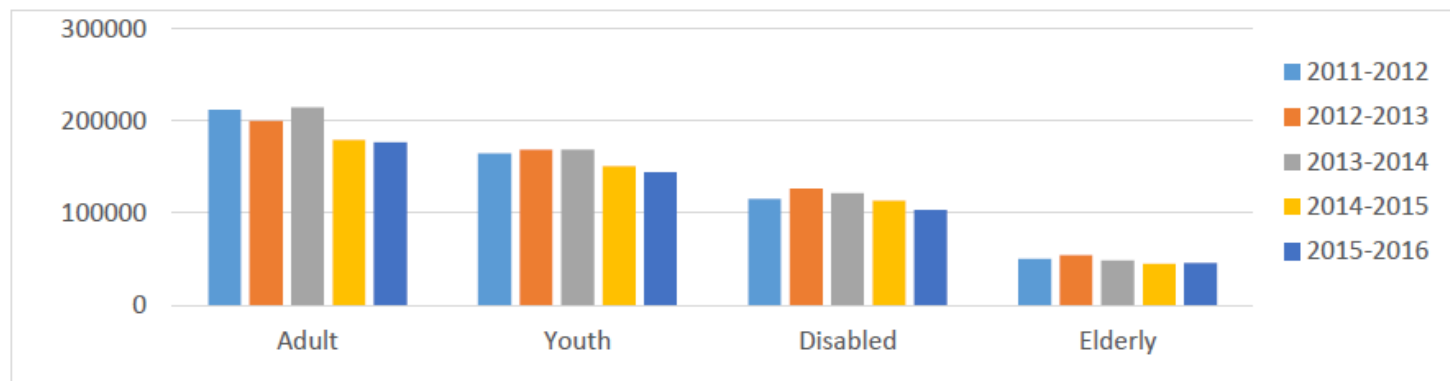
Transit

Figure 5.2 On-bus Infrastructure Usage (FY 2011-2016)



Source: MET Transit

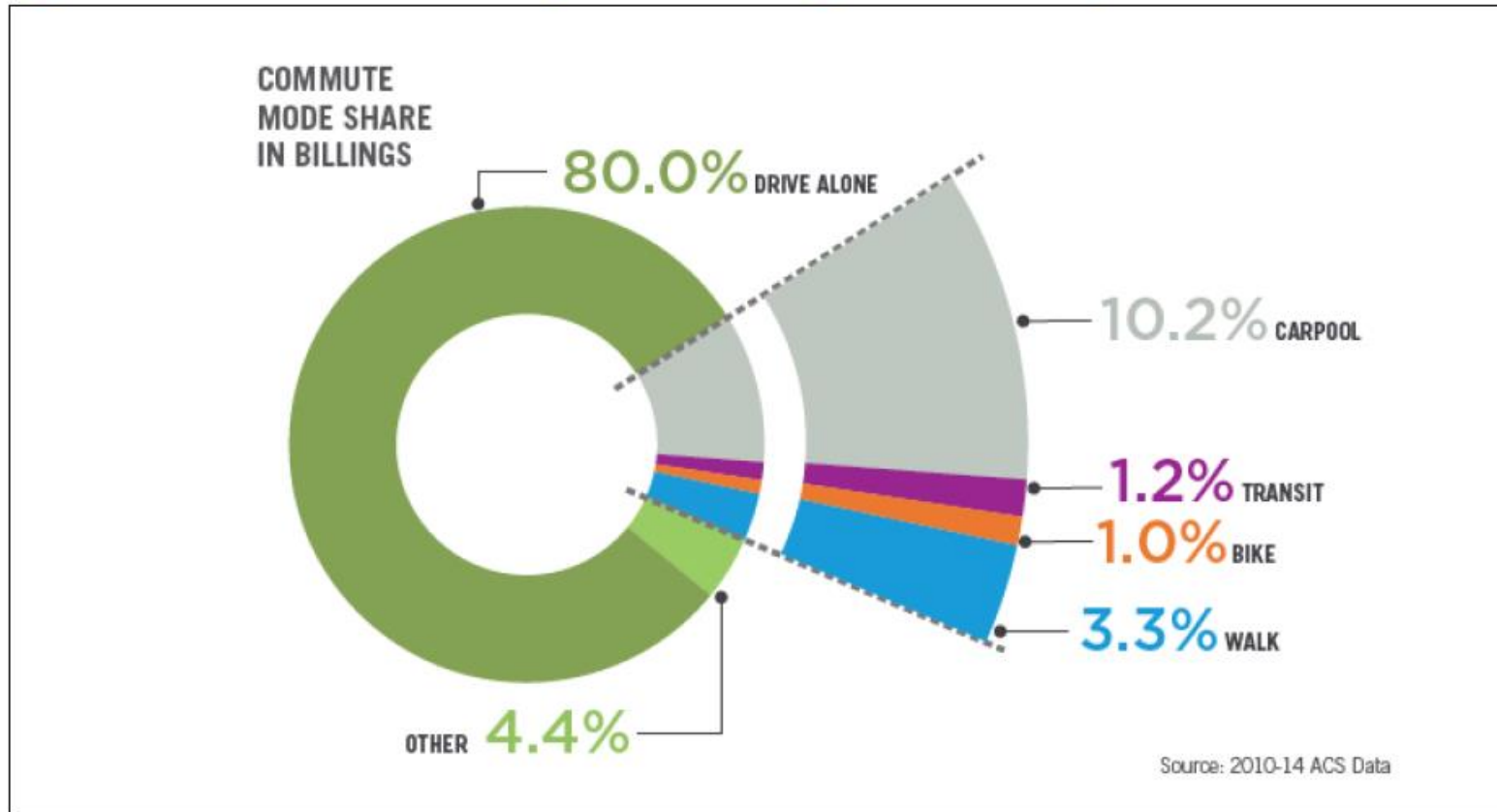
Figure 5.3 Annual MET Transit Ridership by User Type (FY 2011-2016)



Source: MET Transit

Automobile

Figure 6.1 Mode Share in Billings - 2016 Billings Area Bikeway and Trail Master Plan



Connectivity

Figure 7.3 Short Term Project Map

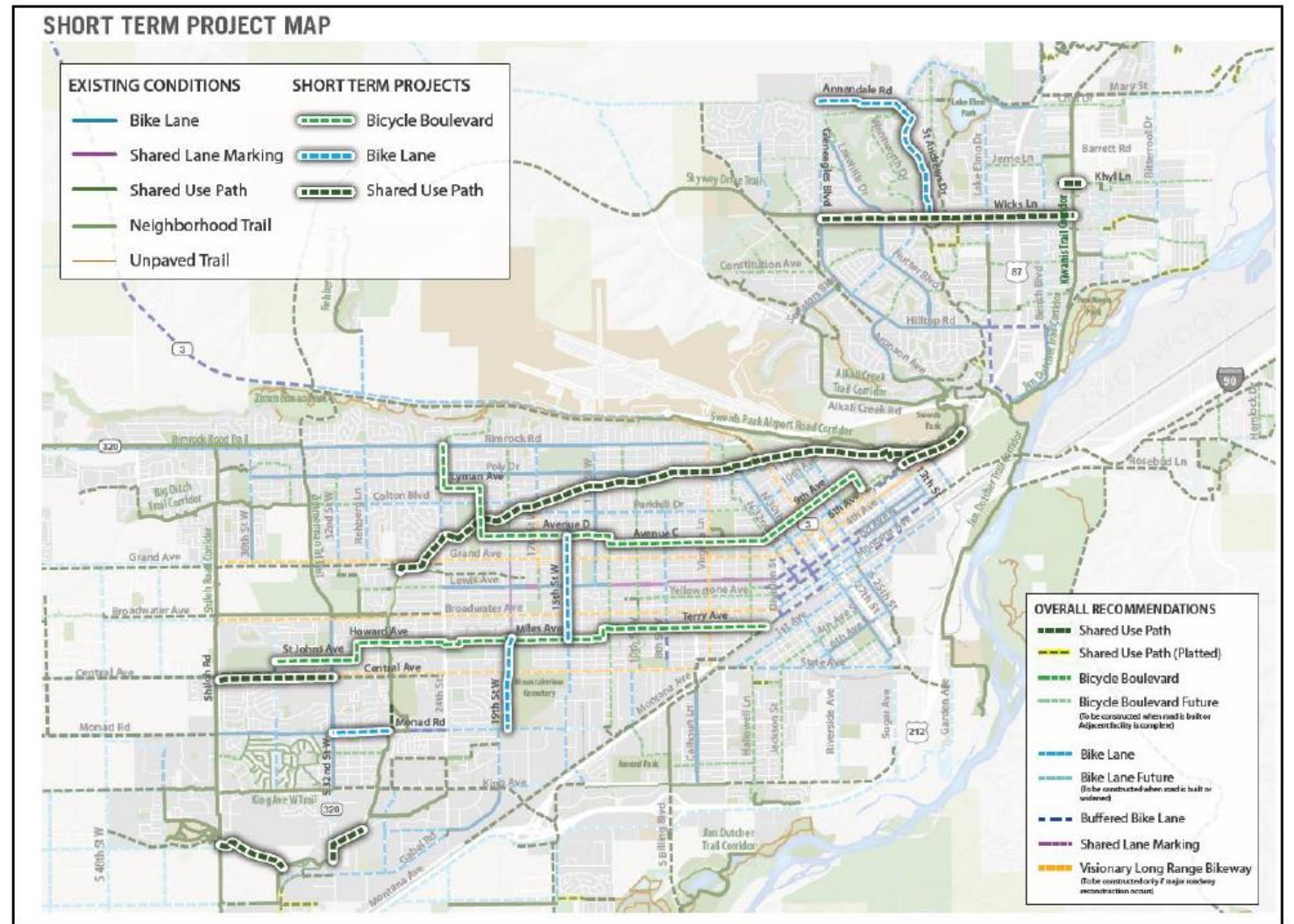
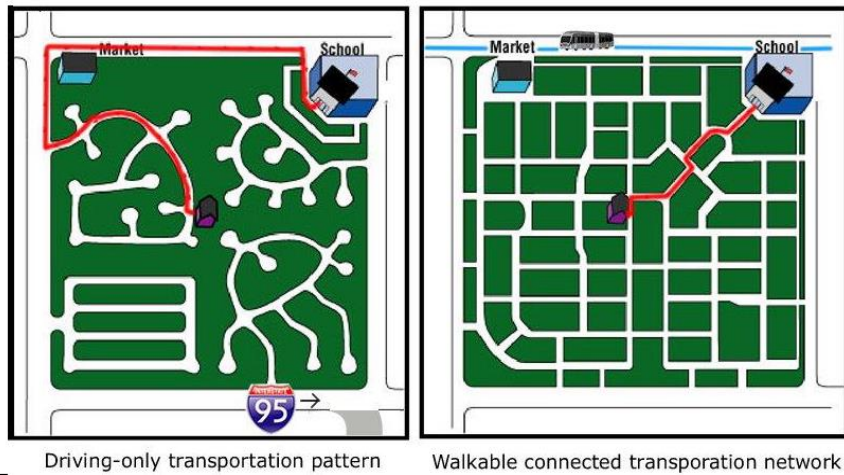


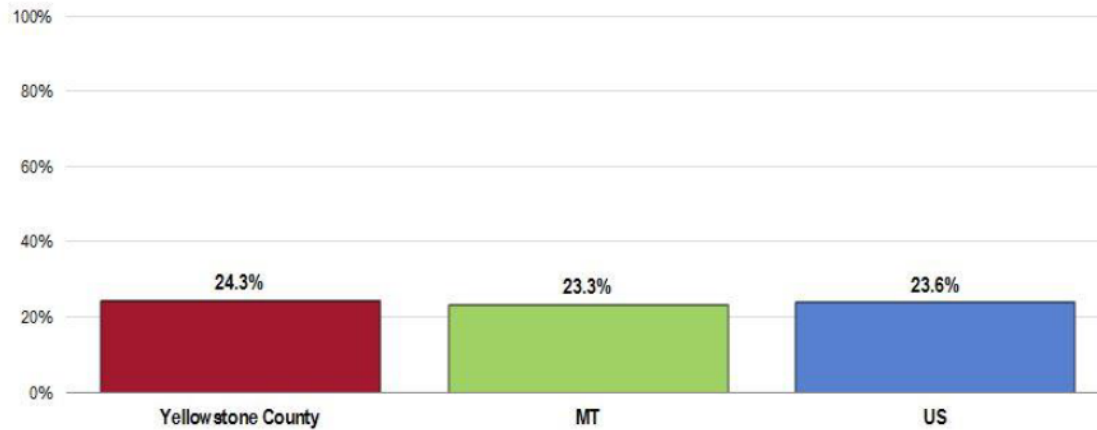
Figure 7.1 Diagram depicting suburban and historic block patterns



Community Health

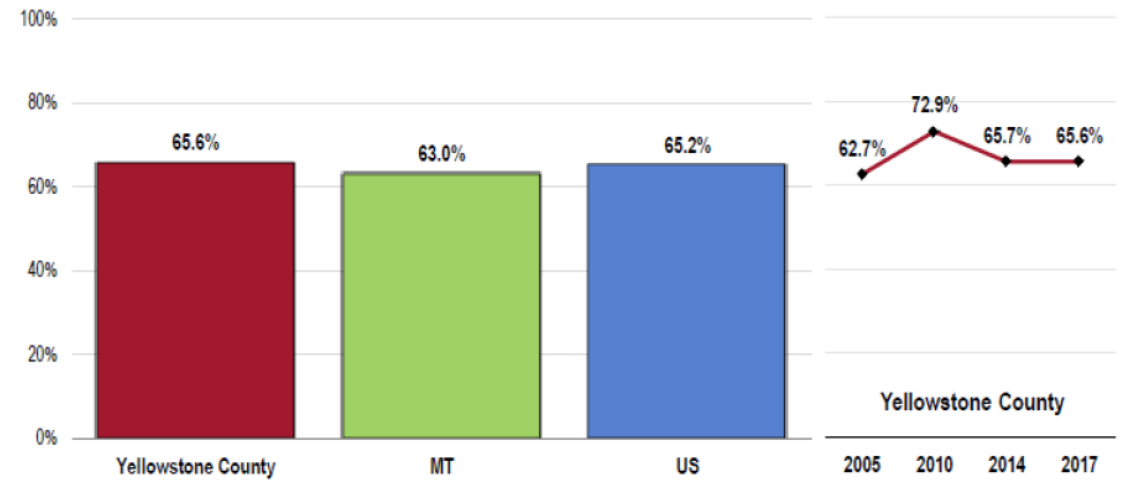
Meets Physical Activity Recommendations

Healthy People 2020 Target = 20.1% or Higher



Prevalence of Total Overweight

(Percent of Adults With a Body Mass Index of 25.0 or Higher)



Economics

- ▶ Reports show that Complete Street Elements can:
 - ▶ Increase employment levels;
 - ▶ Encourage new business development;
 - ▶ Increase property values and private investment;
 - ▶ Getting people to and from work efficiently and safely is a cost savings to the community - fewer crashes, more worker productivity;
 - ▶ People spending less money on transportation can spend more on restaurants, shopping, other goods and services;
 - ▶ Quality of life and creating wealth - people want to live near trails, bike lanes, pedestrian facilities, and also work near them or use them daily



The Future

- ▶ **2016 Policy Applied Going Forward**
 - ▶ Updated definition of Complete Streets Infrastructure - referenced adopted plans and studies that met goals and objectives of the City
 - ▶ Flexibility - Limited ROW, street function
 - ▶ Coordination - Transportation, transit and design standards
 - ▶ Checklist - Used in consideration in the planning, design, and constructions of bicycle and pedestrian infrastructure
 - ▶ 30% design review - presentation of projects at 30% design stage for Council review
- ▶ **Projects for Inclusion in CIP Process - Applying public input, network gaps, proximity to schools, ease of implementation, connections**
 - ▶ Shared Use Paths on specific corridors
 - ▶ Bike Lanes on specific street sections
 - ▶ Bicycle Blvds. on specific street corridors (parallel to Grand or other Arterials)
- ▶ **Partnerships, Outreach, Education, Funding Mechanisms**

Questions





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



Planning Board Meeting I (2nd Tuesday)

8. a.

Meeting Date: 02/13/2018

Information

INTRODUCTION

On January 2, 2018, Performance Engineering and Consulting for Ron S. Hill Living Trust, Sheila Siemion, applied for preliminary major plat approval for Lake Hills Subdivision, 36th Filing. The proposed subdivision re-plats 19 lots originally platted in the Lake Hills Subdivision, 15th and 16th Filings, into 28 lots. The subject property is located on both sides of Gleneagles Boulevard, south of Cherry Hills Road and includes part of Lake Hills Drive, northwest of the Lake Hills Golf Course in the Heights. The property is zoned Residential-9600 (R-96) and single family homes are proposed. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on February 27, 2018.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Lake Hill Subdivision, 36th 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 provide for the installation of private utilities, prior to final plat approval the applicant will coordinate with private utility providers for any needed easements and show them on the final plat as requested by the private utility companies.
2. To minimize impacts on local services, centralized mail delivery site(s) shall be coordinated and identified prior to final plat approval. A letter from USPS shall be provided for verification.
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

None Requested

PROCEDURAL HISTORY

- A pre-application meeting was held on November 9, 2017 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on January 2, 2018.
- A departmental review meeting was conducted on January 18, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on January 25, 2018.
- The Planning Board will review the plat on February 13, 2018.
- The Planning Board will conduct a public hearing on February 27, 2018, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on March 26, 2018.
- The 60 working-day preliminary plat review period ends March 29, 2018.

PLAT INFORMATION

General location: north west of Lake	On both sides of Gleneagles Boulevard (unconstructed at this time) Hill Golf Course.
Legal Description: 11-15, Block 11, Lots Filings, Lake Hills	Lots 9-10, Block 16 and Lots 14-15, Block 17, 15th Filing, and Lots 3-5, Lots 7-8, Block 16, Lots 8-9 and Lots 11-12, Block 17, 16th Subdivision.
Subdivider/Owner:	Ron S. Hill Living Trust, Sheila Siemion
Engineer and Surveyor:	Performance Engineering and Consulting
Existing Zoning:	R-96
Existing land use:	Platted vacant lots
Proposed land use:	Single Family Residential
Gross and Net area:	9.83 acres / 7.18 acres
Proposed number of lots:	28
Lot size:	Max: 20,049 square feet Min.: 9,600 square feet
Parkland requirements:	Parkland dedication was previously met.

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 Lake Hills Subdivision, 36th 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 located in the City limits and has been slated for residential development since it was originally platted in 1958. It should not have a negative effect on the agricultural industry.

The BBWA irrigation ditch is located approximately ½ mile northeast of the property. This subdivision does not contain any ditches or water shares, and therefore will not have an effect on agricultural water user facilities.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the County Water District of Billings Heights (CWDBH). A 12-inch water main exist within Gleneagles at the northern edge of the proposed subdivision. There is also an existing 8-inch water main located in Lake Hills Drive that ends at the southeastern edge of the proposed subdivision. An SID exists that will extend the 12-inch water line from the north in Gleneagles. Another SID will extend the 8-inch water line from the southeast in Lake Hills Drive to connect to the 12-inch water main at the intersection of Gleneagles and Lake Hills Drive. Each lot will have a water stub extended to it for future connection by home owners. New water services installed in the streets and to all of the new lots will be subject to the review and approval of the water district prior to construction.

Sanitary sewer service will be provided by connecting to an 8-inch sewer main within Gleneagles at the northern edge of the proposed subdivision. An SID exists that will extend the 8-inch sewer main from the north in Gleneagles to the intersection of Lake Hills Drive and continue to the southeast and connect to an existing connection in Lake Hills Drive. Sewer connections will be stubbed to each lot for future home owners to connect. New sewer services will be subject to the review and approval of City of Billings Engineering prior to construction.

MDU will provide gas services, and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements shall be shown on the face of the final plat that are acceptable to these utility providers (**Condition #1**).

- b. **Storm water** – The City commissioned a storm water management feasibility study approximately eight years ago in order to determine how to best manage the storm water in the greater Lake Hills area. The resultant plan that was adopted by City Council establishes a series of detention ponds on the golf course connected by channels which are eventually pumped down to a main pond at the southeastern area of the golf course. This main pond is then used for irrigation of the golf course. 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 Engineering Division.
- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. **Streets** – The proposed subdivision fronts Gleneagles Boulevard which is identified on the 2014 Functional Class Map as a principal arterial which requires an 80-foot wide platted right of way. Lake Hills Drive is also classified as a principal arterial and also has an 80-foot wide platted right of way. Neither road is constructed at this time in this area of Lake Hills Subdivision. The subdivider will construct their portion of Gleneagles Boulevard going south and also build Lake Hills Drive through their proposed subdivision. Both streets will be constructed to meet current City standards with a minimum of 49-foot wide back-of-curb to back-of-curb paved street with standard curb and gutter, and boulevard-style sidewalks. The developer will construct a temporary gravel surface cul-de-sac end on the south end of Gleneagles Boulevard.
- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1601 St. Andrews Drive (Station #6). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** –School District #2 provides educational services to elementary through high school students. In the response from School District #2 they state that Sandstone Elementary School, Castle Rock Middle School, and Skyview High School will serve the children in this subdivision. School District #2 Administration indicated that Sandstone Elementary is over capacity with Castle Rock and Skyview able to accommodate more students.
- g. **Parks and Recreation** – Parkland dedication requirements for this subdivision were met when this subdivision was originally platted in 1958.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested central delivery site with boxes to serve the new houses. It is recommended as a condition of approval that the developer obtain a letter from the USPS approving the location of the new centralized mail box site(s) prior to final plat approval (**Condition #2**).

3. Effect on the natural environment

The subject property has been planned for urban development since its original platting in 1958. This land has not been used for active farming in recent past. The subject property is dryland grass and is not a significant habitat for wildlife. There is some antelope grazing that takes place but not a significant amount. 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 deer and antelope in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat, as it is in an urbanized area.

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. The subdivision is located in an area with no known natural hazards.

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 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trail Master Plan Update? [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:

- a. **Essential Investments (relating public and private expenditures to public values):** Infill development and development near existing City infrastructure may be the most cost effective (p. 6).
- b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).
- c. **Mobility and Access (transportation choices in places where goods and services are accessible to all):** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings (p. 9).

2. 2014 Billings Urban Area Long Range Transportation Plan

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 Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a bike lane identified to be provided on Gleneagles Boulevard. The developer will not be required to do more than build Gleneagles Boulevard, the bike lane would be stripped as part of the road surface improvements.

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 conforms 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 the R-96 zoning district and shall comply with the standards set forth in Section 27-308, BMCC.

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.]

Easements for utilities will be shown on the final plat as requested by all utility providers.

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 Gleneagles Boulevard and Lake Hills Drive.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Lake Hills Subdivision, 36th Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy and does not conflict with the 2014 Transportation Map or BABTMP 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 Lakehills Subdivision, 36th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

SUBDIVISION IMPROVEMENTS AGREEMENT
Lake Hills Subdivision, 36th Filing
Table of Contents
City of Billings

I.	VARIANCES	1
II.	CONDITIONS THAT RUN WITH THE LAND	1
III.	TRANSPORTATION	2
	A. Streets	2
	B. Sidewalks	2
	C. Street Lighting	3
	D. Traffic Control Devices	3
	E. Access	3
	F. Billings Area Bikeway and Trails Master Plan (BABTMP)	3
	G. Public Transit	3
IV.	EMERGENCY SERVICES	3
V.	STORM DRAINAGE	4
VI.	UTILITIES	4
	A. Water	5
	B. Sanitary Sewer	5
	C. Power, Telephone, Gas, and Cable Television	5
VII.	PARKS/OPEN SPACE	5
VIII.	IRRIGATION	5
IX.	SOILS/GEOTECHNICAL STUDY	5
X.	PHASING IMPROVEMENTS	6
XI.	FINANCIAL GUARANTEES	6
XII.	LEGAL PROVISIONS	6

SUBDIVISION IMPROVEMENTS AGREEMENT

Lake Hills Subdivision, 36th Filing

This agreement is made and entered into this ____ day of _____, 20__, by and between *RON S. HILL LIVING TRUST*, whose address for the purpose of this agreement is **P.O. Box 50636; Billings, Montana 59105-0636**, and *SHEILA M. SIEMION*, whose address for the purpose of this agreement is **2210 Clubhouse Way; Billings, MT 59105**, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of *Lake Hills Subdivision, 36th Filing*; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the City Council conditionally approved a preliminary plat of *Lake Hills Subdivision, 36th Filing*; and

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

WHEREAS, the provisions of this agreement shall be effective and applicable to *Lake Hills Subdivision, 36th Filing* upon the 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

- A. No variance request is being made as part of this development.

II. CONDITIONS THAT RUN WITH THE LAND

- A. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- B. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience

problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

- C. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts (SID) for only those items specifically identified within this document 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.
- D. The Subdivider and subsequent contractors/builders acknowledge that a Stormwater Pollution and Prevention Plan (SWPPP) may be required to be filed with the City and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.
- E. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

III. TRANSPORTATION

A. Streets

- Right-of-Way widths of 80 feet have already been dedicated for Gleneagles Boulevard and Lake Hills Drive in previous filings. No additional right-of-way is being dedicated as part of this filing.
- SID 1403 shall construct public streets, and curb & gutter within the Subdivision. Gleneagles Boulevard and Lake Hills Drive shall be 49 feet back-of-curb to back-of-curb. These internal access 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, and City subdivision regulations.
- The construction costs have been funded and no additional monetary security is required.

B. Sidewalks

- SID 1403 will install corner intersection handicap ramps and aprons and will grade all street frontages for sidewalk finished grades.

- Individual lot owners will be responsible for the construction of the sidewalks adjacent to their lot at the time of lot construction and shall be included in each building permit.
- Sidewalks shall be 5-foot wide with a 5-foot boulevard planting strip between the sidewalk and the curb.

C. Street Lighting

- No street lighting is proposed for the development, however street lighting is included in the waiver of right to protest.

D. Traffic Control Devices

- Traffic control devices are not required for this subdivision, but are included in the waiver of right to protest.
- SID 1403 will furnish and install street name signs for streets within the subdivision, or located immediately adjacent thereto in accordance with the specifications of the City of Billings Public Works and Fire Departments.

E. Access

- Access to the lots will be from drive approaches installed at the time of lot development.

F. Billings Area Bikeway and Trails Master Plan (BABTMP)

- This subdivision is located within the jurisdiction of the Heritage Trail Plan, but no trail corridors are identified within this subdivision area. Gleneagles Boulevard is identified as an arterial on-street bikeway.

G. Public Transit

- This subdivision does not require improvements to ensure public transit service. The nearest transit stop is at the intersection of Wicks Lane and Gleneagles Boulevard.

IV. EMERGENCY SERVICES

The Billings Fire Department currently provides fire protection and paramedic services for the subdivision.

At the time of future lot development construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to meet fire suppression requirements. Prior to 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 twenty (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 apparatus access and water supply.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A master plan is in place for Lake Hills Subdivision and all future stormwater improvements will be reviewed and approved by the Engineering Division to comply with said plan. The new storm drainage improvements shall be constructed as part of SID 1403. The construction costs have been funded and no additional monetary security is required.

VI. UTILITIES

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 water mains to the County Water District of Billings Heights (CWDBH) and sanitary sewers to the City of Billings Public Works Department – Engineering Division. The extension of/connection to water mains and sanitary sewers is subject to the approval conditions of the applications. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any plans and specifications. The appropriate water and wastewater construction fees and franchise fee in effect shall be submitted with the applications.

The Subdivider/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made or when a building permit is issued for new construction.

It is acknowledged that all fees stated above are subject to the Franchise Fee in effect at the time of payment.

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, regulations of and as approved by the City of Billings Public Works

Department, CWDBH, Fire Department and the Montana Department of Environmental Quality.

A. Water

The County Water District of Billings Heights serves the property. There is an existing 12-inch water main located in Gleneagles Boulevard and currently terminates at the northern edge of the proposed subdivision. There is an existing 8-inch water main located in Lake Hills Drive and currently terminates at the southeastern edge of the proposed subdivision. SID 1403 will extend the 12-inch water main along Gleneagles Boulevard to the southern boundary of the proposed subdivision. SID 1403 will also extend the 8-inch water main along Lake Hills Drive and will connect to the 12-inch water main at the intersection of Gleneagles Boulevard and Lake Hills Drive. New water services will be installed for all lots in the subdivision.

B. Sanitary Sewer

Sanitary sewer mains and services will be extended from those that are existing in the subdivision. An existing 8-inch sewer main is located in Gleneagles Boulevard and currently terminates at the northern edge of the proposed subdivision. SID 1403 will install a new 8-inch sanitary sewer main from the existing 8-inch main in Gleneagles Boulevard and run it to the south edge of the proposed subdivision. SID 1403 will also install an 8-inch sanitary sewer main from the intersection of Gleneagles Boulevard and Lake Hills Drive and run it to the southeast along Lake Hills Drive. New sewer services will also be installed for all lots in the subdivision.

C. Power, Telephone, Gas, and Cable Television

Private utility facilities currently exist to serve the subdivision. Power, natural gas, telephone, and cable will all be located within the right-of-way and utility easements shown on the plat.

VII. PARKS/OPEN SPACE

There is no parkland requirement for this subdivision as the parkland dedication has been previously met.

VIII. IRRIGATION

No irrigation ditches, field laterals, or irrigation easements exist in this subdivision.

IX. SOILS/GEOTECHNICAL STUDY

According to the Geotechnical Concerns letter for Lake Hills Subdivision, 33rd Filing, prepared by Geoscience, PLLP (April 18, 2011), soils found in this area consist of potentially expansive shale and potentially collapsible fine-grained colluvial soils. Foundations shall be placed on sandstone with adequate vertical separation from underlying shale. Where this is not possible, or where foundation elevations are within the

soil zone or on expansive shale, subgrade improvement is recommended. A final geotechnical report shall be completed prior to construction, however initial results show that construction on these lots is feasible without fatal flaws.

X. PHASING IMPROVEMENTS

There are no intended phasing improvements.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements through Special Improvements District No. 1403. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district, and the improvements shall be installed as approved by the City Engineer and the City of Billings Public Works.

XII. 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 provisions of this Agreement.
- C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

This agreement is hereby approved and accepted by the 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 in and 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: _____

