



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



**AGENDA**

February 27, 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. MEETING MINUTES:** February 13, 2018
4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
  - 4a) **Comments on items not on agenda and requests to add items to future agendas**
  - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
  - a. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached

guidelines for the criterion. Thank you for participating!

1. **Public Hearing. Motion/Recommendation to City Council. Lake Hills Subdivision, 36th Filing.** Dave Green, Planner II, presenting.
  
8. **NEW BUSINESS:** There is no new business.
  
9. **OTHER BUSINESS:**
  - a. **(Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.**
    1. **For Distribution: Planning Division Monthly Activity Report: February 2018**
  
10. **ADJOURNMENT**

**FUTURE AGENDA ITEMS FOR TUESDAY, MARCH 13, 2018**

- a. **Plat Review. Discussion. Silver Creek Estates Subdivision, 2nd Filing. City major subdivision.** Dave Green, Planner II, presenting.
  
- b. **Staff Presentation. Discussion. City and County Subdivision Review Process and Procedures.** Planning Staff

### **Public Hearing Participation Guidelines**

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

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

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

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

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

***Thank you for participating.***

**Planning Board Meeting 2 (4th Tuesday)**

**Meeting Date:** 02/27/2018

---

**Information**

**Subject**

**MOTION. MEETING MINUTES:**February 13, 2018

---

**Attachments**

PlnBMinutes\_2018\_02\_13\_DRAFT

---



# CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

FEBRUARY 13, 2018

*Draft-To be approved by a motion on February 27, 2018*

## 1. Call the Meeting to Order

President Tunnickliff called the meeting to order at 6:00 p.m. on Tuesday, February 27, 2018, in the Miller Building 1<sup>st</sup> Floor conference room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

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

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

**Attending Planning staff members:** 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 February 13, 2018 Agenda**

**Motion:** Board member Cook made a motion and it was seconded by Board member Goodridge to approve the February 13, 2018 meeting agenda as submitted. The agenda was approved with a unanimous voice vote.

**Approval of Minutes: January 23, 2018.**

### **Motion**

**Board member Goodridge made a motion and Board member Cook seconded the motion to approve the January 23, 2018 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

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

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

The Ex Parte Communication Binder is available at the Sign-In and Agenda station. There were no Conflicts of Interest and no Ex Parte Communications reported by the Board.

## CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

---

### 7. OLD BUSINESS:

#### **7a. Presentation/Discussion. Complete Streets Progress Report. Lora Mattox, Transportation Planner, presenting.**

Lora Mattox-stated staff has provided an update on the 2011 Complete Streets Program every three years since its adoption. The Progress Report is data driven and establishes baseline performance measures, and provides data comparisons. She continued with an overview of the progress report.

What Complete Streets Means for Billings-Educational programs such as “Take the High Road Campaign” and “Kids in Motion”; meaningful input; and national recognition for the implementation and creativity this community has taken.

Ms. Mattox commented on the Billings Pedestrian Counts (The crash data is trending downward since the Complete Streets implementation with a spike in 2016).

Modes: Ms. Mattox stated there is a slight increase shown in transit use but users stay consistent in the numbers overall. As for mode share, 80% prefer driving alone in autos, with 10.2% carpooling, and others using other modes.

Connectivity: The Community Health Needs assessment was completed last year. Ms. Mattox said it is encouraging to see there is a high percentage meeting the requirement for minimal physical activity requirement.

Economics: There are positive impacts due the infrastructure of facilities available and where people want to go. Reports show that Complete Street Elements can increase employment levels; encourage new business development; increase property values and private investments.

Marketability: Getting people to and from work efficiently and safely is a cost savings to the community-fewer crashes, more worker productivity.

#### **Discussion**

President Tunnicliff called for discussion and questions from the members of the Board. Board member Goodridge asked how public transit use in Billings compares to other cities of similar size. Ms. Mattox explained there is a number of dedicated riders, especially those who either have no means of transportation, choose not to drive, or have special needs. She noted there are challenges to expanding the MET system, as Federal Transit funding has decreased and MET has not raised the mill levy since 1982. Longer rider schedules are needed and more efficient buses are needed to replace the older buses. She commented MET has a Master Plan, and said staff is working to increase ridership by using new technology and work toward slowly raising the current minimal fees to help address maintenance costs. Board member Goodridge voiced his support and stated he is an advocate for more use of the transit system.

Page 3 of 5

PlnBMinutes\_2018\_02\_13\_DRAFT

Reviewed by Planning Staff

## CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

---

Board member Bass noted that 10%-15% of city streets are gravel and badly in need of repair. Ms. Mattox said the City Engineering Department has a city-wide Maintenance Plan in place that includes a street conditions report. Street repairs are prioritized based on needs and available financing.

President Tunnicliff thanked Ms. Mattox for the informative presentation and asked how this information is used. Ms. Mattox stated the report is data driven and the data is used by staff for grant applications and by RiverStone Health and the hospitals for planning purposes

### 8. NEW BUSINESS.

#### **8a. Plat Review. Discussion. Lake Hills Subdivision, 36<sup>th</sup> Filing. Dave Green, Planner II, presenting.**

##### **INTRODUCTION**

On January 1, 2018, Performance Engineering and Consulting for Ron S. Hill Living Trust, Sheila Siemion, applied for preliminary major plat approval for Lake Hills Subdivision, 36<sup>th</sup> Filing. The proposed subdivision re-plats 19 lots originally platted in the Lake Hills Subdivision, 15<sup>th</sup> and 16<sup>th</sup> 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. 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, 36<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

**VARIANCES REQUESTED:** None.

##### **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.*

## CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

---

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.*

### **Discussion**

President Tunnickliff called for discussion and questions from the members of the Board. In response to a question by Board member Woods, Dave Green said City services will be extended and the developer will be assessed for the improvements as they are beneficiaries in the SID. Board member Goodridge asked what portion of Glean Eagles Boulevard will not be connected. Dave Green noted referred to the plat and said there will be about 200 yards of unconnected roadway. He provided clarification for Board member Bass and stated this parcel is within City Limits. There were no further questions.

\*\*A public hearing Lake Hills Subdivision 36<sup>th</sup> Filing will be held during the next Planning Board meeting on Tuesday, February 27, 2018. The Planning Board will forward a recommendation to City Council at that time.

### **OTHER BUSINESS/ANNOUNCEMENTS**

- a. **Standing Item. Long Range Strategic Issues and an overview of future City and County issues and projects.** There were no items.
- b. **“Project ReCode”:** Division Manager Plecker gave an update and said the working groups met this month. The Urban Issues Working Group will meet on Thursday, February 22, 2018, 11:30 a.m.-1:00 p.m., Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Ave North.

**ADJOURNMENT:** 6:35 p.m.

DRAFT-To be approved by a motion on February 27, 2018



---

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



**Planning Board Meeting 2 (4th Tuesday)**

**Meeting Date:** 02/27/2018

---

**Information**

**INTRODUCTION**

On January 2, 2018, Performance Engineering and Consulting for Ron S. Hill Living Trust and 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 conduct a public hearing at this meeting, February 27, 2018.

**RECOMMENDATION**

Staff recommends, 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.

**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 reviewed 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: On both sides of Gleneagles Boulevard (unconstructed at this time) north west of Lake Hill Golf Course.

Legal Description: Lots 9-10, Block 16 and Lots 14-15, Block 17, 15th Filing, and Lots 11-15, Block 11, Lots 3-5, Lots 7-8, Block 16, Lots 8-9 and Lots 11-12, Block 17, 16th Filings, Lake Hills 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.

## **VARIANCES REQUESTED**

None Requested

## **DISCUSSION/STAKEHOLDERS**

Planning staff gave a brief presentation to the Planning Board about the proposed subdivision. Planning Board President Tunnicliff asked if there were any questions from the Board. There was a question regarding the SID being created to construct the roads and would all lots be included in the SID assessment even though they are not part of this subdivision. Staff responded that all benefited parties would be assessed, so the three lots not included in this subdivision would be part of the SID. It was asked if this subdivision would complete Glen Eagles Boulevard. Staff responded that there would be about 200 yards not built with this development. There were no other questions from the Board. President Tunnicliff asked if the agent of the applicant would like to speak to the Board regarding the proposed subdivision. The agent chose not to speak about the proposed subdivision and discussion was concluded.

---

---

## **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, 36<sup>th</sup> 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, 36<sup>th</sup> 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, 36<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.



**SUBDIVISION IMPROVEMENTS AGREEMENT**  
**Lake Hills Subdivision, 36<sup>th</sup> 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, 36<sup>th</sup> 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, 36<sup>th</sup> Filing*; and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the City Council conditionally approved a preliminary plat of *Lake Hills Subdivision, 36<sup>th</sup> 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, 36<sup>th</sup> 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 Publics 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, 33<sup>rd</sup> 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: \_\_\_\_\_





**Planning Board Meeting 2 (4th Tuesday)**

**Meeting Date:** 02/27/2018

---

**Information**

**Subject**

**For Distribution: Planning Division Monthly Activity Report: February 2018**

---

**Attachments**

Monthly Activity Report\_February

---

# CITY – COUNTY PLANNING DIVISION

Monthly Activity Report, February 2018



To: Board of County Commissioners, City Administrator, Mayor and City Council, Planning Board, Zoning Boards and Commissions, Planning and Community Services Department Director

From: Monica Plecker, AICP, Planning Division Manager

Date: February 14, 2018

## MEETING MANAGEMENT & SUPPORT

Planning staff supports the regular meetings of the following Boards, Committees, and Commissions:

- Yellowstone County Board of Planning
- City & County Board of Adjustment
- County & City Zoning Commission
- Historic Preservation Board
- Bicycle and Pedestrian Advisory Committee
- Policy Coordinating Committee

## CITY SEEKS RECREATIONAL TRAILS PROGRAM GRANT FUNDING FOR RESTROOM AND SHILOH CONSERVATION AREA

The Planning and Engineering Divisions have partnered to seek out grant funding to construct and install new bathroom facilities at the Shiloh Conservation Area.

The RTP grant is designated for the development of recreational trails and facilities to serve those trails, and grants are available for up to \$45,000. The RTP grant provides reimbursement after monies have been expended for construction and requires a 20% local match. The local match for this project, of up to \$9,000, will be provided by the City of Billings Engineering Division. This restroom facility will be of similar design as the restroom facility located atop the Rimrocks at Swords Park.

## CERTIFIED LOCAL GRANT (CLG) FOR HISTORIC PRESERVATION ACTIVITIES

The Montana State Historic Preservation Office has designated the City of Billings as a Certified Local

Government (CLG) for historic preservation activities. As a CLG, the City is eligible annually to receive state funding to coordinate historic preservation efforts in the area. Applications for the FY18-FY19 funding cycle from the State are due February 21, 2018. The City of Billings has been utilizing CLG funding for activities that support the efforts of the Yellowstone Historic Preservation Board since 1997.

Major recent projects completed by the Yellowstone Historic Preservation Board include the listing of the North Elevation Historic District to the National Register of Historic Places. This is the first residential historic district listed in the City of Billings.

## CITIZEN ACCESS TO BOARDS AND COMMISSION AGENDAS AND MEETINGS MATERIALS

Citizens may access City Council and Planning related Board and Commission Agenda Packets by starting on this page on The City website: <http://ci.billings.mt.us/117/Agendas-Minutes>

**SUBSCRIBE >** To be added to a subscription list and receive Meeting Agenda Packets for any of the above Planning Division Boards or Commissions, e-mail your request stating which Board(s) or Commission(s) list(s) you would like to belong to: [Subscribe Now!](#)

The notice provides a Subscribe Now! Hyperlink to request to be added to the Subscription list for: Planning Board, City Zoning Commission, County Zoning Commission, City Board of Adjustment, County Board of Adjustment, and Policy Coordinating Committee.

It is helpful for the citizen to be specific or we will assume the request is for all of the subscription lists.

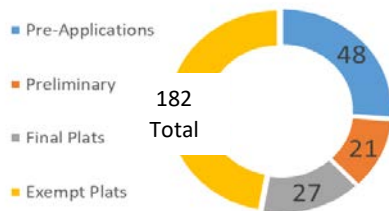
PLANNING DIVISION PROJECT PRIORITIES AND GOALS 2017-2018

Priority	Project/Goal	Completion Date
1	<b>County Growth Policy Revision* **</b>	7/1/2018
1	Complete Streets Progress Report* **	Completed
1	<b>Zoning Code Revitalization - Begin Review**</b>	11/1/2019
2	<b>Development of Billings Traffic Model</b>	6/1/2018
2	<b>EBURD and DBA Workforce Housing Needs Assessment</b>	12/1/2017
2	<b>2018 Transportation Plan and PPP Updated</b>	10/1/2018
2	Revamp Monthly Planning Report (PCSD Interface)	Completed
2	<b>Downtown Traffic Circulation Study</b>	7/1/2018
3	<b>Online Permitting and Application Delivery (PCSD Interface)</b>	3/1/2018
3	<b>Kids in Motion</b>	6/1/2018
3	<b>Innoprise/Data Imaging System for Archiving (PCSD Interface)</b>	Ongoing
3	Board and Commission Training	Completed
4	Permanent Funding Sources - (Grants, Levy, Bond) - Bike/Ped Facilities	3/1/2018
5	<b>Records Retention/Review/Storage Process (PCSD Interface)</b>	Ongoing
5	<b>Bike Parking Facilities* **</b>	Ongoing
5	<b>Healthy PLACES Working Group</b>	Ongoing
5	<b>Annexation Policy and Map Review</b>	Ongoing
5	Active Transportation Web Page Development**	Ongoing
5	<b>Neighborhood Task Force/Adjacent Neighborhood Support</b>	Ongoing
5	<b>TIFD Administrative Application/Support</b>	Ongoing
5	Infill Policy Implementation**	Ongoing

\* Aligns with 2018 Planning Work Plan, \*\* Aligns with 2014 Council Strategic Plan and Initiatives and BOCC

**Priority Index:** 1 = Next 3 Months, 2 = Next 6 Months, 3 = Next 12 Months, 4 = 2017-2018, 5 = Ongoing  
**Worked on in January**

Subdivision Applications 2/2017-1/2018



Zoning Application Submittals 2/2017-1/2018

