

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

MARCH 13, 2018

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

1. Call the Meeting to Order

Vice President Woods called the meeting to order at 6:00 p.m. on Tuesday, March 27, 2018, in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

Vice President Woods called for introductions of the members of the Planning Board and staff. He announced the City Council has approved Mr. Jon Thompson to be appointed as Planning Board representative for City Ward V. It is expected Mr. Thompson will attend the April 24, 2018 Planning Board.

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

Others in Attendance: Forrest Sanderson, KLJ Engineering; Travis Copper, KLJ Engineering

Approval of the March 27, 2018 Agenda

Motion:

Board member Cook made a motion and it was seconded by Board member Boucher to approve the March 27, 2018 meeting agenda as submitted. The agenda was approved with a unanimous voice vote.

Approval of Minutes: March 13, 2018.

Motion

Board member Cook made a motion and Board member Woods seconded the motion to approve the March 13, 2018 meeting minutes as corrected. The motion carried with a unanimous voice vote.

3. **Public Comment:** Vice President Woods 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

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7. OLD BUSINESS

8a. Public Hearing. Motion/Recommendation to City Council. Silver Creek Estates, 2nd Filing. City Major Subdivision. Dave Green, Planner II, presenting. Planner Dave Green opened this agenda item with an overview of the staff report.

INTRODUCTION

On February 1, 2018, KLJ Engineering for Boyer Land, LLC, applied for preliminary major plat approval for Silver Creek Estates Subdivision, 2nd Filing. The proposed subdivision would create 68 lots from a single lot. The subject property is generally located on the east side of 50th Street West and south of Rimrock Road. The property is zoned Residential 7000, (R-70) and Residential 6000 (R-60). Currently the property is farmland. The Yellowstone County Board of Planning reviewed the plat on March 13, 2018 and will conduct a public hearing on March 27, 2018.

RECOMMENDATION

Staff recommends the Planning Board recommend conditional approval of the preliminary plat of Silver Creek Estates Subdivision, 2nd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To minimize the effects on local services and ensure public safety, prior to final plat approval and prior to installation of any infrastructure the applicant will provide the City of Billings Engineering Division with installation and maintenance plans for the water, sewer and storm water systems for review and approval.
2. 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.
3. To provide for proper addressing, prior to final plat approval the applicant will provide street names for the two streets running north and south between Silver Creek Trail and Blue Mountain Trail on the proposed plat.
4. To ensure public health and safety and provide for the maintenance and continued use of the High Ditch by the City of Billings for drainage purposes, prior to final plat approval a ditch easement agreement between Boyer Land LLC and High Ditch Company (District) shall name the City of Billings as a third party. The easement agreement shall:

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

State the District grants the City first right of refusal to accept transfer of ownership of the District’s facilities and title, if applicable. Include language pertaining to the property owners within the subdivision to continue to meet the Subdivision Improvements Agreement pertaining to the ditch. Allow the City to utilize the easement for the public good and not restrict it to storm water collection and discharge. Include easement boundaries as approved by the District. The easement document must be either written or reviewed by an attorney familiar with property law and transfers.

5. To ensure understanding of the use of the High Ditch easement, prior to final plat approval the applicant in the SIA under the heading VIII. Irrigation shall outline the requirements of the easement document for the High Ditch and how it is used and the City of Billings involvement with the ditch.

6. To minimize impacts on local services, prior to final plat approval centralized mail delivery site(s) shall be coordinated and identified and a letter from USPS shall be provided for verification.

7. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

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

Discussion

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

Applicant

Vice President Woods called for presentation by the applicant.

Forrest Sanderson, KLJ Engineering, (forrest.sanderson@kljeng.com)

Mr. Sanderson is representing applicant, Jim Boyer, Boyer Land LLC. He commended Dave Green and Planning staff for their work with this project and said they are willing to comply with the Conditions of Approval as given. He said the TIS analyzed impacts at Poly Drive and 46th Street West; Poly Drive and Shiloh Road; Rimrock Road and 46th Street West; and Rimrock Road and Shiloh Road. With the first filing of this subdivision, Boyer Land LLC met with the City Engineering Division and established an agreement for the impacts associated with the 1st filing and the 2nd filing. The impacts were based on traffic counts for an additional 28 dwelling units in a mixed development, which is substantially denser than what is under consideration this evening. The SIA agreement

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

for the 1st filing was that the overall impacts for traffic and intersections totals \$35,500 to be applied to intersection improvements. This broader scope allows use of the impact fees to address intersections with immediate warrants and follow with others as they build toward warrants for signalization. The developer paid \$10,000 in impact fees with the 1st Filing with \$25,150 remaining to be paid with the 2nd Filing. The traffic study did not hit any safety or threshold targets for immediate impacts. The developer is prepared to move forward with the SIA and the distribution of funds as discussed with the City Engineering Division. Mr. Sanderson made himself available for questions.

Discussion

Vice President Woods related President Tunnicliff’s concerns during the plat review with the lack of north to south connections from Rimrock Road to Grand Avenue and the increasing amount of traffic dumping to Poly Drive and Shiloh Road. He said Mr. Sanderson’s explanation this evening of the plan to move forward with the impact fees should alleviate the concerns of keeping the traffic safe and flowing in that area. Board member Williams asked if basements are allowed on the lower lots adjacent to the ditch. Mr. Sanderson said ground water will make that determination and the lots should be evaluated prior to construction of a basement. Travis Copper, KLJ Engineering, stated the ground water is deeper on the south side of the parcel than in other areas of the subdivision. He said groundwater will be factor and a geotechnical investigation will be done with each lot. Board member Williams commented on differing results if test holes are dug in January versus August when the ditch is full. He asked if there is waiver or restriction in the Covenants and Restrictions. Board member Williams pointed out it is an active irrigation ditch in season. Mr. Copper said there is a notice in the SIA of the need for geotechnical evaluation.

Public Hearing

At 6:38 p.m., Vice President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against Silver Creek Estates, 2nd Filing. There was none. Vice President Woods closed the public hearing and called for a motion.

Motion

Board member Cook made a motion and Board member Boucher seconded the motion to recommend conditional approval of the preliminary plat of Silver Creek Estates Subdivision, 2nd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

The motion carried with a unanimous voice vote.

CITY/COUNTY PLANNING BOARD

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OTHER BUSINESS/ANNOUNCEMENTS

a. Discussion. Motion. April 10, 2017 Planning Board meeting.

Director Friday said staff is proposing canceling the April 10, 2018 Planning Board meeting due to a lack of agenda items. Three items will be brought forward during the April 24, 2018 Planning Board meeting. Staff will give a presentation and hold discussion on the Subdivision Review Process. The Board will hear a presentation from Transportation Coordinator Scott Walker on two documents related to the MPO and MDT; a Memorandum of Agreement, and a Cooperative Performance Based Document. Staff will e-mail copies of these documents to the Board next week to allow time for Board members to familiarize themselves with the documents prior to the hearing. The Planning Board will forward a recommendation to PCC. It is the consensus of the Board to cancel the April 10, 2018 Planning Board meeting.

b. Standing Item. Long Range Strategic Issues and an overview of future City and County issues and projects.

1. **Announcement: Strategy Partners Leadership Meeting.** Update and Next Steps for One Big Sky District Development, Phase II and III Planning Project, March 28, 2018, 4:00 P.M. to 6:00 P.M., FIB Operations Center

2. **Announcement: Project Re:Code Monthly Steering Committee Meeting.** Granite Tower, 22 N 32nd St, 1st Floor, 3:00 p.m.-5:00 p.m.

ADJOURNMENT: 6:25 p.m.

Approved by a motion on April 24, 2018

