



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



TUESDAY, JUNE 12, 2018

Project Re:Code Kickoff "Meet & Greet" Session, *SAFEBuilt Studios*: The City/County Planning Board and the Project Re:Code Steering Committee is invited to meet with members of the *SAFEBuilt Studios* Consultant Team and their project partners on **June 12th from 5:00 pm to 5:45 pm** in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana. The consultant team is scheduled to be in Billings, June 12, 13 and 14, 2018 to begin work on Project Re:Code, a major revision to the City/County zoning codes.

In the event a quorum of the Board is present during this informal session, no official business decisions will be made. **The Planning Board meeting will immediately follow and held as legally advertised and announced at 6:00 pm in the Miller Building Conference Room. Agenda Item (10a), "Project Re:Code, Presentation and Discussion", will be opened and conducted as denoted below.**

AGENDA

June 12, 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.

3. **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.

4. **MOTION. MEETING MINUTES: MAY 22, 2018**

Attachments

PlnBMinutes_2018_05_22_DRAFT

5. **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**

6. **DISCLOSURE OF CONFLICT OF INTEREST:**
7. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
8. **OLD BUSINESS: There is no Old Business.**
9. **NEW BUSINESS:** (Agenda items new to this meeting).

- a. **Plat Review. Board Discussion. Zimmerman Home Place Subdivision, 2nd Filing.** A 34.66 acre, 17-lot City major subdivision generally located west of the intersection of Zimmerman Trail and Grand Avenue. Performance Engineering, Agent. Billings Opportunities, owner. Dave Green, Planner II, presenting. (PZ-18-00054)

Attachments

Findings of Fact
Proposed Plat
Draft SIA

10. **OTHER BUSINESS:**
 - a. **Presentation: Project ReCode Kickoff.** Nicole Cromwell, Zoning Coordinator, Planning Staff. **Safe Built Studios, presenting.**

Attachments
Project Re:Code Guiding Principles
 - b. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.

11. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, JUNE 26, 2018

- a. **Public Hearing. Motion/Recommendation to City Council. Zimmerman Home Place Subdivision, 2nd Filing.** A 34.66 acre, 17-lot City major subdivision generally located west of the intersection of Zimmerman Trail and Grand Avenue. Performance Engineering, Agent. Billings Opportunities, owner. Dave Green, Planner II, presenting. (PZ-18-00054)

- b. **Update. Board Discussion. 2018 Transportation Plan, Transportation Project Updates. Scott Walker, Transportation Coordinator, presenting.**

Public Hearing Participation Guidelines

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

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

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

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

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

Thank you for participating.

Planning Board Meeting I (2nd Tuesday)

4.

Meeting Date: 06/12/2018

Information

Subject

MOTION. MEETING MINUTES: MAY 22, 2018

Attachments

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CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

MAY 22, 2018

DRAFT-To be approved by a motion on June, 12 2018

1. Call the Meeting to Order

President Tunnickliff called the meeting to order at 6:00 p.m. on Tuesday, May 22, 2018, in the Miller Building 1st Floor Conference Room, 2825 3rd 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; Tammy Deines, Planning Clerk

Others in Attendance: Ron Isakson, CTA; Marshall Phil, Blueline Engineering; Ed Gulick, BPAC, Kristi Drake, BPAC; Patrick G Weber; John R Kastner; Sheila McKary, WJH Bird Resources; Karen Hayes; Deb Julien; Mary Catherin Brownlee; Blaine Poppler; Jane VanDyk, BPAC; Donna Bernhardt; Stephanie Cowen; Terry Rudio; Lawrence Barber; Ben Sickler; Kristi Drake; Sam Parks; Rod Lorenz; Kathryn Sath

Approval of the May 22, 2018 Agenda

Motion:

Board member Woods made a motion and it was seconded by Board member Boucher to approve the May 22 2018 meeting agenda as submitted. The agenda was approved with a unanimous voice vote.

Approval of Minutes: May 8, 2018.

Motion

Board member Cook made a motion and Board member Woods seconded the motion to approve the May 8, 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.

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7. NEW BUSINESS

Presentation. Discussion. Bicycle and Pedestrian Advisory Committee, (BPAC), Annual Presentation Lora Mattox, Transportation Planner, BPAC members presenting.

Ed Gulick, Chairman, BPAC, opened his presentation.

Committee Members: Chair: Ed Gulick (Planning Board); Vice Chair: Kristi Drake (City); DJ Clark (County); Zach Hassler (County); Amber Sundsted (City); Jane Van Dyk (City); (1) County position to fill

The Advisory Committee’s primary task Identify barriers to safely walking or bicycling throughout Billings and portion of Yellowstone County in the MPO area, and to recommend solutions to City and County Planning and Public Works staff and the governing bodies based on public input and transportation industry standards.

Bicycle and Pedestrian facilities ensure

Safety: Predictable environment where both bicyclists and pedestrians and drivers know what to expect from each other (turning, stopping)

Health: Physical activity – “Active Transportation”; Center for Disease Control recommends 25 minutes per day/6 days per week moderate-intensity aerobic activity, (i.e., brisk walking) every week; Low levels of physical activity have contributed to obesity—66% of adults are obese or overweight in Yellowstone County, according to 2016-2017 Yellowstone County Community Health Needs Assessment

Quality of Life

Children – can they safely walk or ride to school and after-school activities? Or do parents need to drive them?

The Aging population increasingly wants to live in walkable, bikeable, interactive neighborhoods so they can age in place.

Millennial Generation in particular attracted to places that foster a healthy lifestyle and connection to place

Connect neighborhoods to Rims and river—unique assets

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Economic Vitality: Quality of life is key economic driver; Need access to trails from downtown hotels; Encourage visitors to stay longer, recreate here

Mr. Gulick summarized the issues in the forefront:

1. There is broad support for trails and bikeways for recreation and active transportation, including the general public, health community, and business community.

1. There is broad support for trails and bikeways for recreation and active transportation, including the general public, health community, and business community.
2. There are significant opportunities for world-class trails as well as better biking connections within the city and county.
3. Federal transportation funding dedicated to pedestrian and bicycle infrastructure has decreased significantly in the past 4 years.
4. If our community wants to continue progress in trails and bikeways, it will need to either reprioritize some existing transportation funding and/or create new sources of funding.

Mr. Gulick stated the Chamber of Commerce, and the local health and business community supports walking and bicycling. He presented a slide of the Marathon Loop and pointed out the remaining segments to be constructed to complete the Loop, including Skyline Trail, (\$3.5 million); Zimmerman Trail, (3.15 mill); the Jim Dutcher Trail (1.5), and the Zoo-to Riverfront Park connection. Bicycle boulevards have been introduced a solution for neighborhood streets that already have low speed and volumes as a parallel network. This year, a trail connector will be implemented on 6th Avenue to connect to the Heights. Federal funding for Active Transportation has decreased significantly. The community needs to find new avenues to fund trail and bikeway infrastructure as it is estimated. approximately 1 million/year is needed to fill the Federal funding gap.

Opportunities for new funding streams:

- **County gas tax (similar opportunity as % of recent state gas tax increase)**
- **Trails District**
 - Acknowledges that trails are the #1 priority for our parks system

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- Similar to Lockwood Pedestrian Safety District, a mill levy (10 mils) that raises about \$240,000/year
- The Lockwood District was then able to leverage a \$333,000 Transportation Alternatives federal grant
- **GO Bond (General Obligation Bond)**
- In 1990’s, Billings passed \$599K GO Bond that lasted 10 years when leveraged with other sources
- More dedicated local sources of funding = easier to get matching funds from federal and private grants and donations

Mr. Gulick said the Committee was able to obtain funding for 50 new bike racks downtown this year.

Discussion

President Tunnicliff asked the Board for questions or discussion. He thanked Mr. Gulick and stated the Committee should be proud of their accomplishments. A citizen in the audience suggested creating rest areas for pedestrians and bicyclists and renting advertisement space on the benches. Jon Thompson commented this may be possible with consideration of the rules that limit advertising within City parks.

8. OLD BUSINESS:

8a. Public Hearing. Motion/Recommendation to City Council. Coal Creek Subdivision Lts 7-17. City Major Subdivision. Magnus Land Development, Owner. Ron Isackson, CTA agent. Monica Plecker, Planning Division Manager, presenting.

Monica Plecker opened this agenda item with an overview of the staff report, findings of fact, and the conditions of approval. City Council will take action on June 25, 2018.

INTRODUCTION

On April 2, 2018, CTA, agent for Magnus Land Development, LLC, owner, applied for preliminary major plat approval for Amended Lots 7-17, Coal Creek Subdivision. The proposed subdivision creates 6 new lots for commercial development. The subject property is generally located on the northwest corner of the intersection of Rimrock Road and 62nd Street West. The property is zoned Community Commercial (CC).

RECOMMENDATION

Staff recommends the Planning Board recommend conditional approval of the preliminary plat of Amended Lots 7-17, Coal Creek Subdivision to the City Council, and adopt the Findings of Fact as presented in the staff report.

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PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To ensure the storm water system is properly maintained, prior to final plat approval the applicant will add the following to the storm drain section of the SIA:
 - 'The storm water retention areas and associated improvements will be privately owned and maintained by the HOA. O&M requirements and HOA responsibilities shall be as outlined within the City of Billings Storm water Management Manual (SWMM), appendices E and F. Retention areas shall be covered with a blanket easement, allowing access by the City. If the HOA fails to maintain the storm water retention facilities, the City reserves the right to create a maintenance district in the subdivision to maintain the storm water retention facilities.'
2. To bring the infrastructure section of the SIA into conformance with the subdivision regulations, prior to final plat approval the applicant will work with City Planning and Engineering to either write this section and include documentation to meet the requirements of phasing; or rewrite the portion of the SIA to define what improvements will be constructed initially and what remaining items will be bonded or have an irrevocable letter of credit to guarantee infrastructure installation at a later time.
3. To minimize the effects on local services and to have minimum road width requirements met, prior to final approval the applicant shall change the beginning of the sentence in the SIA under III Transportation A. Streets, at the last bullet point that states, 'The southern half of Signal Peak Avenue' to read, 'The southern half, a minimum of 30 foot asphalt width, of Signal Peak Avenue will be constructed from the western boundary of the subdivision east to 62nd Street West.'
4. To eliminate confusion and ensure the correct access is constructed as allowed, prior to final plat approval the applicant will change a sentence in the SIA under the heading E. Access, 62nd Street West sentence b., which says 'The Second full movement access', to read 'The second proposed access will be a 3/4 access and is approximately 650 ft. north of the 62nd Street West and Rimrock Road intersection'. The applicant will also change the sentence directly under the heading '62nd Street West' that states 'Two full movements' to read 'One full movement and one 3/4 movement'
5. To minimize the effects on local services and enable more useable roadways, prior to final plat approval the applicants' TIS shall be reviewed and approved by the City of Billings Engineering Division. The approval shall outline any additional requirements that developer will be responsible to construct. This review will also confirm or correct the contributions for street improvement from the developer listed in the SIA.
6. To minimize the effects on local services, prior to final plat approval the subdivider will provide a letter from the United States Postal Service acknowledging its agreement with the placement of mail delivery facilities in the subdivision.
7. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.
8. 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.
9. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules,

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regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Discussion

Ms. Plecker pointed out there are various means that may be used for storm water management but the applicant will be required to mitigate the storm water on site or connect to the City system when construction is completed.

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

Public Hearing

At 6:34 p.m., President Tunncliff opened the public hearing and asked if there is anyone wishing to speak in favor or against Creek Subdivision, Lts 7-17.

Ron Isackson, CTA Architects, Bozeman, roni@ctagroup.com

Mr. Isackson stated this is an amendment of a portion of the Coal Creek Subdivision. The TIS has been submitted and conditionally approved. Requirements will include improvements to Rimrock Road. A trail access is planned along the Cove Creek Ditch.

President Tunncliff closed the public hearing and called for a motion.

Motion

Board member Thompson made a motion and it was seconded by Board member Cook to forward a recommendation of recommend conditional approval of the preliminary plat of Amended Lots 7-17, Coal Creek Subdivision to the City Council, and adopt the Findings of Fact as presented in the staff report.

Discussion

President Tunncliff called for discussion on the motion. There was none.

The motion carried with a unanimous voice vote.

8b. Public Hearing. Motion/Recommendation. Mackenzie Meadow Subdivision, David E. Wagner, owner. Blueline Engineering agent. Monica Plecker, Planning Division Manager, presenting.

Monica Plecker opened this agenda item with an overview of the staff report, findings of fact, and the conditions of approval. The Yellowstone County Board of County Commissioners will be considering the application at its regular meeting on June 19, 2018.

INTRODUCTION

On April 2, 2018, the Planning Division received an application for major plat approval for the proposed Mackenzie Meadows Subdivision, 2nd Filing. The property is generally located on the south side of Neibauer Road between South 48th Street West and South 56th Street West. This subdivision would create

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Reviewed by Planning Staff

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183 lots from a 167.9-acre parcel for residential and commercial use. The land is currently used for farming. The majority of the land is outside of zoning with a smaller portion of the parcel being developed inside of zoning.

RECOMMENDATION

Staff recommends that the Yellowstone County Board of Planning recommend that the Board of County Commissioners conditionally approve the preliminary plat of Mackenzie Meadows Subdivision, 2nd Filing 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 provide for needed maintenance of internal ditches for downstream water users, prior to final plat approval, the applicant will add language in the SIA under IX Irrigation that states the ditches will be accessible for future maintenance until a time in the future when there are no longer downstream users.
2. To protect public health and safety, prior to final plat approval the applicant will receive approval from the MDEQ for the proposed water wells, community septic system and the proposed storm water management.
3. To protect public health and safety and provide efficient traffic movement, prior to final plat approval the applicant will submit a TIS to County Public Works for review and approval. Should the TIS identify any road widening or turn lanes required on Neibauer Road or South 56th Street West, the applicant will install those required improvements with oversight from County Public Works.
4. To provide for future maintenance of all public roads, parkland and trail easements within Mackenzie Subdivision, prior to final plat approval the applicant will create an RSID-M for the public roads and an RSID-M for the parkland.
5. To protect public health and safety and to ensure a usable dry hydrant system, prior to final plat approval the applicant will provide construction drawings to the BUFSA for the dry hydrant system and receive approval before construction begins within a public easement. The system must be tested and approved by the BUFSA after installation and an RSID created for the maintenance of the dry hydrant system.
6. To protect the surrounding lands and not introduce noxious weeds into the subdivision, prior to final plat approval the applicant will add language to the SIA describing the re-vegetation plan for the public parks and what type of seed will be used.
7. To minimize the effects on local service, 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.
8. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
9. To ensure correct zoning for the proposed lots in the zoned area of the subdivision, prior to final plat approval the applicant will go through the zone change process to have correct zoning for the proposed lot sizes.
10. 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.
11. 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.
12. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

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Ms. Plecker stated staff is recommending an additional condition of approval:

13. To minimize the effects on local services, prior to final plat approval the subdivider shall prepare a park maintenance district to be included with the final plat that differentiates between park areas with subsurface sewage drainage systems and areas that do not, and the subdivider shall insure that the private entity maintaining the wastewater system obtain an easement for the drain fields in the park. The County Park Board shall approve the drain field easement prior to final plat approval.

Ms. Plecker noted Condition of Approval #9 and stated the applicant will be allowed to move forward for final plat review if a request for a zone change is granted to R-15,000.

Discussion

Board member Woods asked if discussions were held regarding sidewalk construction during Phase 1 of development. Ms. Plecker pointed out that per the County Regulations, the portion of the parcel zoned R-15,000 would require sidewalks. There is no proposed change from the plat review. Board member Thompson asked Ms. Plecker to identify the location of the drain fields and asked how much of the parkland area will be used for this purpose? Ms. Plecker stated the applicant will provide this information through the DEQ submittal and report.

Public Hearing

President Tunnick opened the public hearing and asked if there is anyone wishing to speak in favor or against MacKenzie Meadow Subdivision.

Favor:

Marshall Phil, Blueline Engineering, 2110 Overland Ave, Billings, Montana

Mr. Phil is the applicant's agent. He clarified and stated the west half of this parcel is unzoned, and will not have sidewalks. He stated about 50% of the parkland will be used for drain fields and the remaining 50% will act as a drain field replacement area.

Opposed:

Patrick Weber, 2210 Anna, Billings, Montana

Mr. Weber voiced concerns with potential adverse effects on well and water quality issues with the additional units. He said five residents in his neighborhood have had to re-drill their wells due to the low aquifer.

Sheila Hancock McKay, WJH Bird Resources, 2753 S. 56th Street West

Ms. Hancock's property is a wetland preserve for a population of native birds. She has had discussions with Mr. Peila, who has been responsive. She feels that "It is much better to use what nature puts there the way nature puts it there". Ms. Hancock is very active in wildlife committees and wildlife preservation. She stated she is disappointed to find the

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park will be located next to Neibauer Road as it will draw animals who may be injured with the traffic.

Stephanie Cowen, 4940 Anna Circle, Billings, Montana

Ms. Cowen lives east of this proposed subdivision. She voiced concerns with the potential effects on the water table as they have had to drill a second well; children's safety with the additional traffic. She said Canyon Creek is a major thoroughfare for wildlife, and the removal of agricultural lands as this contributes to less water availability.

Jon Kastner, 2330 Anna Drive, Billings, Montana

Mr. Kastner voiced concern with the water table as he has had to drill a second well. He too is concerned with children's safety. He asked if widening the road to address the traffic is a possibility. Mr. Kastner said this development will have an adverse effect on the wildlife.

Debra Julien, 2460 CH Wagner Road, Billings, Montana

Ms. Julien said she is concerned with the additional wells lowering the aquifer; and the potential for septic leakage into the ground water. She asked for an explanation of the fire suppression system as there has been a fire event in the past. Ms. Julien expressed a need for weed control on the lots. She is concerned with potential contamination of the well water; availability of well water; impact to schools; increased traffic; and childrens' safety..

Terry Rudio, 2305 Anna Drive, Billings, Montana

Mr. Rudio is concerned with the water availability and the increased traffic on Neibauer Road and 48th Street West. He asked what can be done with the intersection to reduce accidents and traffic congestion.

Jon Kastner, 2330 Anna Drive, Billings, Montana

Mr. Kastner asked what will happen should the drain fields become saturated as this adversely affect the neighboring properties.

Josh Muir, 5470 Anna Marie Drive, Billings, Montana

Mr. Muir resides in Conrad Park Subdivision. Mr. Muir's concerns are related to minimizing noise, air, and water pollution. He has lived in this location for about two years and has had unresolved issues with the adjacent property owner. They experience light pollution from the adjacent parcel. He asked if there is language to address screening and buffering of incompatible land uses in order to preserve property values.

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He reported an explosion took place when the fire event occurred. Since there is no barrier between their subdivision and the commercial uses, material was launched to the north that could have landed on his home. There have been multiple discussions with the adjacent property owner regarding possible solutions and written acknowledgements stating it needs to be addressed but it has not been resolved. Mr. Muir stressed the need for wording to address light pollution. His primary concern is having adjacent incompatible land uses next to residential properties.

Rebuttal

President Tunncliff called for rebuttal.

Marshall Phil, Blueline Engineering, 2110 Overland Ave, Billings, Montana

Mr. Phil explained that the general water flow is to the southeast, and the neighboring properties to the north and to the west will not be impacted. The applicant is working with DEQ and DNRC for additional review of the aquifer. A 30,000-gallon dry hydrant tank will be installed in the event of a fire. There will be internal mailbox access locations and school bus collection of students. He noted Condition of Approval #3, which denotes “should the TIS identify any road widening or turn lanes required on Neibauer Road or South 56th Street West, the applicant will install those required improvements with oversight from County Public Works”. The zone change application will be submitted soon and the property owners will be contacted within a 300-foot radius as a part of the review.

Sheila Hancock McKay, WJH Bird Resources, 2753 S. 56th Street West

Ms. McKay asked for recognition and permission for additional comment and President Tunncliff acknowledged this request. Ms. McKay stated this property is an old agricultural area and there is need for proper care of environmental contaminants such as dead animals and chemicals from old farming practices.

Monica Plecker explained the review process. On June 19, 2018, the BOCC will make a decision on the preliminary plat. The conditions of approval have to be met within a 3-year time period, including the required zone change, which will be heard by the County Zoning Commission and the BOCC. Property owners within 300-feet of the property will receive written notification of the hearing dates and times for this application.

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At 7:12 p.m., President Tunnickliff asked if there is anyone else wishing to speak in favor or against MacKenzie Meadow Subdivision. There was none. President Tunnickliff closed the public hearing and called for a motion.

Motion

Board member Williams made a motion and Board member Boucher seconded the motion to forward a recommendation to the Board of County Commissioners to conditionally approve the preliminary plat of Mackenzie Meadows Subdivision, 2nd Filing and adopt the Findings of Fact as presented in the staff report with the addition of Condition of Approval #13.

Discussion

President Tunnickliff called for discussion on the motion. Board member Woods said it doesn't make sense that sidewalks will not be included in the first phase for the safety of the residents just because the zoning line segregates the properties. He related this instance to Lockwood Pedestrian Safety District, which was created due to a lack of sidewalks and accidental loss of life from a traffic incident. He will vote against the motion. Board member Thompson commented on the State law requirements for providing recreational space for residents. He feels that in this case; the proposal does not include parkland but drainage space instead. He said the positioning of the strip of parkland is too narrow for a playground or ball field; and the project is subverting the definition of parkland and what it is going to be used for. He is also concerned with the lack of sidewalks, and will vote against the motion. Board member Williams asked if another Condition of Approval can be included to address this. President Tunnickliff noted the concern with effects on wildlife habitat and attraction of wildlife to the highway. He is also concerned with issue of the lack of sidewalks.

President Tunnickliff called for a roll call vote:

(3)-Favor: Board member Boucher; Board member Cook; Board member Williams

(4)-Against: Board member Woods; Board member Thompson; Board member Macon
Board member Tunnickliff

The motion failed, 3- in favor, 4-against. The Planning Board forwards a recommendation of denial of Mackenzie Meadow Subdivision to the Board of County Commissioners. Planning Board members cited reasons of Public Health and Safety with the lack of sidewalks; effects on wildlife due disparaging of the wetlands and rare species; and circumventing the intent of the law for parkland requirements. Ms. Plecker offered to provide meeting minutes and the Board's comments regarding parkland requirements to the County Parks Board.

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9. OTHER BUSINESS/ANNOUNCEMENTS

9a. Standing Item. Long Range Strategic Issues and an overview of future City and County issues and projects.

1. Project Re:Code Planning Division Manager Monica Plecker stated that the Planning Division is under contract with Safe Built Studios for Project Re:Code. The “County Issues Working Group” is meeting on Wednesday. Board member Thompson asked to be provided with a meeting schedule for the various committees. Discussion followed by members of the Board regarding the need to expand the zoning district and the need to make changes by working from legislative sessions.

ADJOURNMENT: 7:45 p.m.

DRAFT-To be approved by a motion on June 12, 2018



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



Planning Board Meeting I (2nd Tuesday)

9. a.

Meeting Date: 06/12/2018

Information

INTRODUCTION

On May 1, 2018, Performance Engineering, LLC, agent for Billings Opportunities, LLC, owner, applied for preliminary major plat approval for Zimmerman Home Place Subdivision, 2nd Filing, Amended Lots 1, Blocks 4 & 5. The proposed subdivision creates 16 new lots for commercial development. The subject property is generally located on the northwest corner of the intersection of Grand Avenue and Zimmerman Trail. The property is zoned Community Commercial (CC) and Neighborhood Commercial (NC). The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on May 22, 2018.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Zimmerman Home Place Subdivision, 2nd Filing, Amended Lots 1, Blocks 4 & 5 to the City Council, 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 effects on local services and enable more useable roadways, prior to final plat approval the applicants submitted TIS will be reviewed and approved by City of Billings Engineering Division outlining any additional requirements that developer needs to be responsible to construct. This review will also confirm or correct the contributions for street improvement from the developer listed in the SIA.
2. To minimize the effects on local services, prior to final plat approval the subdivider will provide a letter from the United States Postal Service acknowledging its agreement with the placement of mail delivery facilities in the subdivision.
3. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.
4. 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.
5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROCEDURAL HISTORY

- A pre-application meeting was held on March 22, 2018 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on May 1, 2018.
- A departmental review meeting was conducted on May 17, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on May 24, 2018.
- The Planning Board will review the plat on June 12, 2018.
- The Planning Board will conduct a public hearing on June 26, 2018, and forward a recommendation to the Board of County Commissioners.
- The City Council will consider the preliminary plat on July 23, 2018.
- The 60 working-day preliminary plat review period ends July 26, 2018.

PLAT INFORMATION

General location:	Northwest corner of the intersection of Grand Avenue and Zimmerman Trail
Legal Description:	Lots 1, Blocks 4 & 5, Zimmerman Home Place Subdivision
Owner/Subdivider:	Billings Opportunities, LLC
Engineer and Surveyor:	Performance Engineering, LLC
Existing Zoning:	Community Commercial and Neighborhood Commercial
Existing land use:	Vacant/Farming
Proposed land use:	Commercial development
Gross:	34.66 acres
Proposed number of lots:	16
Lot size:	Max: 3.69 acres Min.: 0.79 acres
Parkland requirements:	There are no parkland requirements for this proposed subdivision because it is a commercial subdivision.

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 Zimmerman Home Place Subdivision, 2nd Filing, Amended Lots 1, Blocks 4 & 5. 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 land to be subdivided has been historically used for farming. The 34.66-acre parcel is located at the north west corner of the intersection of Grand Avenue and Zimmerman Trail. The property was annexed into the City limits on May 14, 2018. The agricultural land in this area have become more valuable as residential and commercial properties, and their development may possibly alleviate some development pressure on irrigated agricultural lands farther to the west. The development of the subject property should have minimal effects on agriculture and agricultural water user facilities in the area.

2. Effect on local services

- a. **Utilities** – All lots will be served by city water lines in the area. A new 12-inch water main will be installed in Green Valley Drive from a 12-inch water main connection to an existing stub that terminates at the subdivision boundary on Grand Avenue. There will be a 12-inch water main in Avenue E connected to an existing 12-inch water main from existing Avenue E. Avenue D will have an 8-inch water main installed in it to the subdivision boundary for future connections. The lot owners will be responsible to connect to the water lines at the time of lot development.

All water line installation shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations. This requirement is called out in the SIA under the heading VI. Utilities.

- b. **Sanitary Sewer** – All lots will be served by city sewer lines in the area. A new 12-inch sewer main will be installed in Green Valley Drive from a 12-inch sewer main connection to an existing stub that terminates at the subdivision boundary on Grand Avenue. There will be a 12-inch sewer main in Avenue E connected to an existing 12-inch sewer main from existing Avenue E. Avenue D will have an 8-inch sewer main installed in it to the subdivision boundary for future connections. The lot owners will be responsible to connect to the sewer lines at the time of lot development.

Sewer main installation and placement will meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations. This requirement is called out in the SIA under the heading VI. Utilities.

Power, natural gas, telephone, and cable will all be located within the right-of-way and utility easements shown on the plat.

- c. **Storm water** – Storm drainage shall be provided by a combination of surface drainage, curb and gutters, and storm drain piping and detention pond. The detention pond will be released into the City of Billings storm drains located in Grand Avenue at a rate allowed by City Engineering standards. An HOA will be created to maintain all storm drainage systems. Those responsibilities will be outlined in an Operation and Maintenance Manual. 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 complete stormwater management plan shall be submitted to the City Engineering Division and Montana Department of Environmental Quality for review and approval at the time of development. This requirement is called out in the SIA under the heading V. Storm Drainage.
- d. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste. Location of solid waste receptacles will be reviewed and approved by City of Billings Solid Waste division at the time of site development.
- e. **Streets** –All roads within the subdivision were dedicated to the public at the time of the original subdivision, Zimmerman Home Place Subdivision, document number 3811344. All streets shall be built in accordance with the City of Billings Engineering site development standards. Roads within the subdivision, Green Valley Drive and Avenue E, shall be built to commercial road standards having a minimum width of 45 feet back-of-curb to back-of-curb. Green Valley Drive is an 80-foot-wide right of way; Avenue E is a 70-foot-wide right of way. The applicant will be required to build Avenue E to a minimum of 30 feet of asphalt surface with curb and gutter on the south edge. The applicant notes this in the SIA under III Transportation A. Streets, at the fourth bullet point. Future development to the north will be required to complete the full width to 45 feet back-of-curb to back-of-curb road surface. Avenue D will be constructed to a 34 foot back of curb to back of curb width to the property edge.

A Traffic Impact Study (TIS) was submitted for this subdivision and will be reviewed and approved by the City of Billings Engineering Division to determine if all the accesses are acceptable and the type of accesses they will be. (**Condition #1**)

- f. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. This property is in the coverage

area of fire station #7 located at 1501 54th St. West. The subdivision is located within the ambulance service area of American Medical Response (AMR).

- g. **Schools** –School District #2 provides educational services to elementary through high school students. Because this is a commercial subdivision there will be no students added to the schools in the area.
- h. **Parks and Recreation** – Commercial subdivisions are not required to provide parkland.
- i. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required. The centralized mailbox unit needs to be located in an area with a safe pull off area for the postal vehicle and worker. **(Condition #2)**

3. Effect on the natural environment

The subject property consists of approximately 34.7 acres of irrigated farm land gently sloping to the south, southeast. A preliminary Geotechnical Investigation Report was performed and submitted for review. This report acknowledged the need for additional site-specific reports prior to construction, which will be required when an applicant submits drawings for a building permit. A paragraph in the SIA under the heading Conditions that Run with the Land notify future lot owners of the need for future geotechnical studies based on proposed specific site development.

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 in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

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 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):** Neighborhoods that are safe and attractive and provide essential services are much desired.
- b. **Essential Investments (relating public and private expenditures to public values):** Infill development and development near existing City infrastructure may be the most cost effective.
- c. **Prosperity (promoting equal opportunity and economic advancement)**
A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community.

2. 2014 Urban Area 2014 Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Functional Class Map and preserves the street network and street hierarchy specified in the plan. It also meets some of the goals of the 2016 City of Billings Growth Policy.

3. Billings Area Bikeways and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. There is a trail along the east side of Zimmerman Trail that is already constructed. There is a boulevard sidewalk constructed on the west side of Zimmerman Trail for public use also. It is encouraged that the applicant provides pedestrian/bike routes out of the commercial areas of this proposed development to the future residential zoned area to the north.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within CC and NC zoning. The lot sizes conform to the requirements of these zones. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]

The subdivider will coordinate and provided utility easements as requested by MDU and NWE on the face of the plat. **(Condition #3)**

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 Grand Avenue, Zimmerman Trail, Green Valley Drive and Avenue E.

CONCLUSIONS OF FINDINGS OF FACT

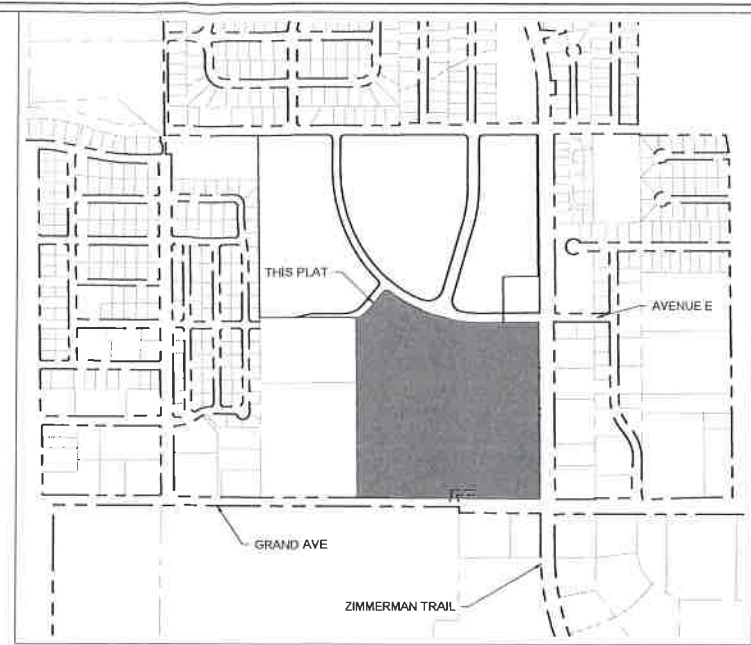
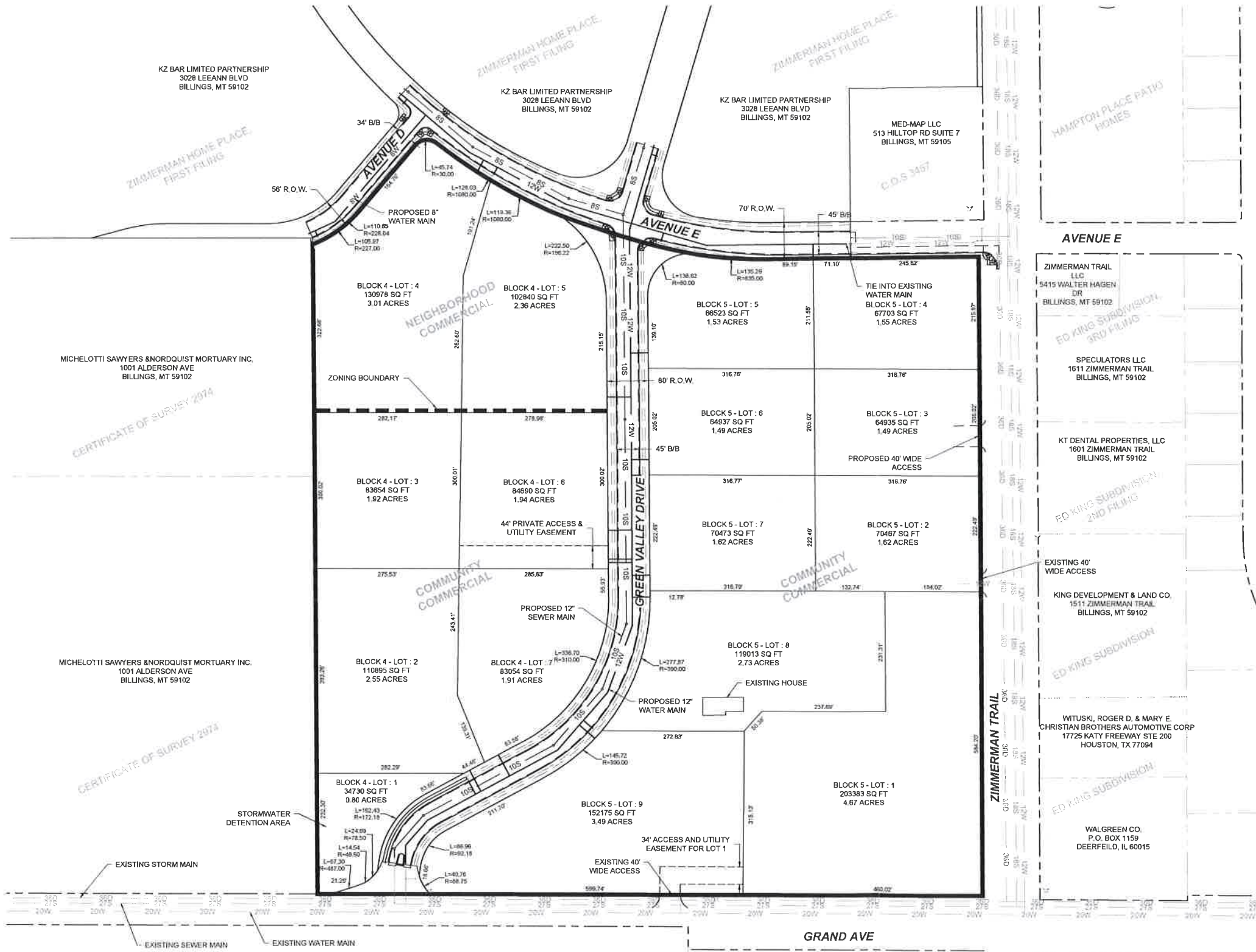
- The preliminary plat of Zimmerman Home Place Subdivision, 2nd Filing, Amended Lots 1, Blocks 4 & 5, does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway and Trail plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Zimmerman Home Place Subdivision, 2nd Filing, Amended Lots 1, Blocks 4 & 5 to the City Council, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF
ZIMMERMAN HOME PLACE, SECOND FILING

BEING LOT 1, BLOCK 4 AND LOT 1, BLOCK 5 OF ZIMMERMAN HOME PLACE, FIRST FILING
 SITUATED IN THE SW 1/4 OF SECTION 34, T 01 N, R 25 E, P.M.M.
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA



VICINITY MAP

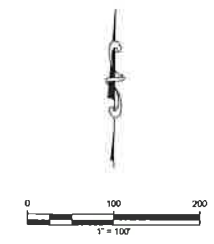
SITE DATA	
# OF LOTS	16
MAXIMUM LOT AREA	± 4.67 AC
MINIMUM LOT AREA	± 0.80 AC
PARKLAND AREA	N/A
LINEAL FEET OF STREETS	± 1,580 LF
NET ACREAGE	± 34.66 AC
GROSS ACREAGE	± 34.66 AC

PREPARED FOR: BILLINGS OPPORTUNITIES, LLC
 PREPARED BY: PERFORMANCE ENGINEERING, LLC
 PRELIMINARY PLAT DATE: MAY 2018

EXISTING LAND USE: AGRICULTURAL
 EXISTING ZONING: NEIGHBORHOOD COMMERCIAL
 COMMUNITY COMMERCIAL

PROPOSED LAND USE: COMMERCIAL
 PROPOSED ZONING: NEIGHBORHOOD COMMERCIAL
 COMMUNITY COMMERCIAL

PROPERTY OWNER: BILLINGS OPPORTUNITIES, LLC



7100 COMMERCIAL AVE., SUITE 4
 BILLINGS, MT 59101
 OFFICE - 406-384-0080
 www.performance-ec.com



SHEET
1 OF 1

DRAWN BY: JAS CHECKED BY: CPD DATE: MARCH 2017

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 Plot: 16-071 ZUP Prelim Plat.dwg

SUBDIVISION IMPROVEMENTS AGREEMENT
Zimmerman Home Place Subdivision, Second Filing
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City of Billings

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SUBDIVISION IMPROVEMENTS AGREEMENT

Zimmerman Home Place Subdivision, Second Filing

This agreement is made and entered into this ____ day of _____, 20__, by and between *BILLINGS OPPORTUNITIES, LLC*, whose address for the purpose of this agreement is **P.O. Box 6000; Butte, Montana 59702**, 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 *Zimmerman Home Place Subdivision, Second Filing*; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the City Council conditionally approved a preliminary plat of *Zimmerman Home Place Subdivision, Second 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 *Zimmerman Home Place Subdivision, Second 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. Currently all permitted structures within city limits are required by the City of Billings to obtain and follow a geotechnical report 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 may need to protect young 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. No water shares have been transferred to the individual lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners unless otherwise noted herein. All water shares associated with the property will be transferred to the Owner's Association.
- D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts (SID) 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.
- E. 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.
- F. 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.
- G. Lots 1 and 10, Block 5 of Zimmerman Home Place Subdivision, Second Filing will be responsible for landscaping the boulevard along Grand Avenue at the time of lot development in accordance with the City of Billings' Unified Zoning Regulations.

III. TRANSPORTATION

A. Streets

- Right-of-Way widths of 56 feet, 70 feet and 80 feet have already been dedicated for Avenue D, Avenue E and Green Valley Drive as part of Zimmerman Home Place Subdivision, 1st Filing (Document No. 3811344). No additional right-of-way is being dedicated as part of this filing.

- The Subdivider will execute a private contract to construct the public streets within the Subdivision.
 - Avenue D shall be 34 feet back-of-curb to back-of-curb;
 - Avenue E shall be 45 feet back-of-curb to back-of-curb west of Green Valley Drive. Subdivider shall complete the construction of the southern half of the existing road surface of Avenue E contained within Certificate of Survey 3457;
 - Green Valley Drive shall be 45 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.
- Grand Avenue is designated by the City as a Principal Arterial and has been built to these standards including utilities. Zimmerman Trail is designated by the City as a Principal Arterial and has been built to these standards including utilities. Widening of Zimmerman Trail is not required at the time of this agreement, however, future widening is included in the waiver of right to protest.

No other off-site street widening will be required by the Subdivider.

B. Sidewalks

- The Subdivider will install, within the private contract, corner intersection handicap ramps and aprons and sidewalk adjacent to the stormwater detention property. Subdivider will grade all street frontages for sidewalk finished grades.
- Individual lot owners will be responsible for the construction of the sidewalks within the public right-of-way adjacent to their lot at the time of lot development 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 internal roads within the development, however, street lighting is included in the waiver of right to protest.

D. Traffic Control Devices

- The Subdivider shall 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 Department.

- No traffic signals are required within this subdivision at the time of development. However, future intersection improvements are include with the waiver of right to protest.
- The Subdivider shall furnish and install all necessary traffic control devices in accordance with the Manual of Uniform Traffic Control Devices and approved by the City of Billings Public Works Department.
- A traffic accessibility study has been completed for Zimmerman Home Place Subdivision and submitted as part of this filing. Based on the additional lots created with Zimmerman Home Place Subdivision, Second Filing, the percent of traffic contribution and associated costs to these intersections is as follows:

Rimrock Road/Zimmerman Trail	6.69%	\$16,736.00
Poly Drive/Zimmerman Trail	10.37%	\$25,924.00
Grand Avenue/Zimmerman Trail	10.04%	\$25,104.00
Broadwater Avenue/Zimmerman Trail	6.69%	\$16,736.00
Poly Drive/Rehberg Lane	2.56%	\$6,399.00
Grand Avenue/Rehberg Lane	2.30%	\$5,743.00
<u>Grand Avenue/Shiloh Road</u>	<u>5.51%</u>	<u>\$13,783.00</u>
	Total	\$110,425.00

It has been assumed that improvements at each intersection will cost \$250,000.00. The Subdivider shall contribute \$110,425.00 to these intersections. These cash contributions for the intersection improvements will be made prior to final plat approval.

- Impacts at the internal intersection of Green Valley Drive and Avenue E are unknown at the time of this agreement. However, if at a future date intersection improvements at Green Valley Drive and Avenue E are warranted, each lot will be required to participate in their proportionate share of improvement costs as part of the waiver of right to protest.

E. Access

- Access to the subdivision is provided by Grand Avenue, Zimmerman Trail, Avenue E, Green Valley Drive and a potential future connection to Avenue D.
- A no access strip shall be provided along Grand Avenue, with an opening at the existing approach location, as indicated on the final plat.
- A controlled access strip will be provided along the frontage of Zimmerman Trail, with openings at the approach locations as indicated on the final plat.

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

- This subdivision is located within the jurisdictional area of the BABTMP. There is an existing multi-use trail along the east side of Zimmerman Trail. No improvements are required at this time for the subdivision.

G. Public Transit

- This subdivision does not require improvements to ensure public transit service. The nearest transit stop is at the intersection of Grand Avenue and Golden Valley Circle.

IV. EMERGENCY SERVICES

The Billings Fire Department currently provides fire protection 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.

Private fire hydrants may be required to satisfy the distance requirements as stated above. Should private fire hydrants be required, the subdivision HOA will be responsible for the maintenance of the hydrants.

V. STORM DRAINAGE

A complete stormwater management plan shall be submitted to the City Engineering Division for review and approval at the time of development. The storm drainage system shall consist of a curb and gutter surface collection and curb inlets that drain into storm drainage piping. The storm drain piping will discharge into a detention facility located in Lot 1, Block 4 located in the southwest corner of the subdivision. The stormwater will be released from the detention facility into existing City storm drains located in Grand Avenue. 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 Home Owners Associations (HOA) shall be responsible for the operation and maintenance of any flow-based treatment device and the detention facility. Operation and maintenance requirements and HOA maintenance and fiscal responsibilities shall be outlined within the Zimmerman Home Place Subdivision, Second Filing Operation and Maintenance Manual.

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 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, Fire Department and the Montana Department of Environmental Quality.

A. Water

The subdivision water system will consist of new 12-inch water mains in Green Valley Drive, Avenue E and an 8-inch water main in Avenue D. The 12-inch water mains will connect to existing stubs that terminate at the subdivision boundaries. New water services will be installed to the public right-of-way boundary for all lots in Block 4 and Lots 6-10 (inclusive) of Block 5. Individual lot owners will be responsible for extending these services to their properties/buildings at the time of development. Lot 4 of Block 5 will connect to the water main located in Zimmerman Trail and will be constructed by the individual lot owner at the time of development. Lots 1 and 3 of Block 5 will connect to the existing service stub outs along Grand Avenue and Zimmerman Trail.

B. Sanitary Sewer

Sanitary Sewer service to the subdivision will be provided by connecting to the existing 12-inch inch sanitary sewer main stub out at the intersection of Grand Avenue and Green Valley Drive. The subdivision sanitary sewer system will consist of new 10-inch sanitary sewer main in Green Valley Drive to the intersection of Avenue E and Green Valley Drive, and new 8-inch sanitary sewer mains in Avenue E and Avenue D. The 10-inch sanitary sewer main will connect to an existing 12-inch sanitary sewer main stub out located in Green Valley Drive that currently terminates at the southern edge of the proposed subdivision. New sanitary sewer services will be installed to the public right-of-way boundary for all lots in Block 4 and Lots 6-10 (inclusive) of Block 5. Individual lot owners will be responsible for extending these services to their properties/buildings at the time of development. Lots 4 and 5 of Block 5 will connect to the existing sewer main located in Zimmerman Trail or Avenue E and will be constructed by the individual lot owners at the time of development. Lots 1 and 3 of Block 5 will connect to the existing service stub outs along Grand Avenue and Zimmerman Trail.

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

A parkland dedication is not required for this subdivision per 76-3-621(3)(b) MCA as all the parcels are nonresidential.

VIII. IRRIGATION

Irrigation laterals exist on the subdivision for use on the site. No water shares have been transferred to the individual lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners unless otherwise

noted herein. All water shares associated with the property will be transferred to the Owner's Association.

IX. SOILS/GEOTECHNICAL STUDY

A soils/geotechnical study has been performed for the subdivision. The reported dated July 7, 2017 is available for review at the City of Billings Planning Department. Lot owners and contractors/builders are encouraged to review the report and its recommendations.

X. PHASING IMPROVEMENTS

There are no intended phasing improvements.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a private contract secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

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,

Planning Board Meeting I (2nd Tuesday)

10. a.

Meeting Date: 06/12/2018

Information

Subject

Presentation: Project ReCode Kickoff. Nicole Cromwell, Zoning Coordinator, Planning Staff. **Safe Built Studios, presenting.**

Attachments

Project Re:Code Guiding Principles

Project Re:Code

Mission Statement – To create a zoning code that allows for efficient and intelligent growth while meeting the goals of the community today and into tomorrow. As the Steering Committee, working groups, City & County staff review, revise and draft new zoning regulations, we will adhere to the following Guiding Principles:

- **CLARIFY AND SIMPLIFY** - All new regulations will be written in Plain English to maximize readers' ability to find what they need, understand what they find, and use what they find to meet their needs.
- **REGULATE WHAT MATTERS** - The regulations will have a clear alignment with community goals today while allowing for changing goals in the future..
- **PRESERVE AND PROTECT THE RIGHTS OF OWNERS AND RESIDENTS** - The regulations will recognize and incorporate clear and well defined processes that uphold property rights and access to housing choices.
- **PREVENT CONFLICTS** - The regulations will be internally consistent and will not create direct or un-reconcilable conflicts.
- **OPTIONS AND CONTEXT** - The regulations will provide a range of site development options with clear criteria and guidelines for allowing alternatives to future development as well as changes to existing neighborhoods as the community's goals change.
- **MAINTAIN WHAT WE CARE ABOUT** - The regulations will encourage stability of existing neighborhoods while allowing for changes over time.
- **FILL THE VOID** – The regulations will consider and include land uses and combinations of land uses that have been overlooked or not considered in the current code and methods for accommodating new use options.
- **PROSPERITY** – The regulations will serve to support the community's need and desire to remain regionally competitive in the recruitment of businesses, expansion of existing business, and private investment in the economy, all to promote job creation.