



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



AGENDA

January 22, 2019 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: January 8, 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**
 - a. **PUBLIC HEARING. MOTION/RECOMMENDATION TO CITY COUNCIL.**
Founders Park Subdivision, 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.

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, FEBRUARY 12, 2019

- a. Board Consideration/Discussion. DRAFT YC Landscape Regulations, Monica Plecker, Planning Division Manager, presenting.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 01/22/2019

Information

Subject

MOTION. MEETING MINUTES: January 8, 2018

Attachments

PlnBMinutes_2019_01_08_DRAFT

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

	Position	01/08/2019	01/22/2019	02/12/2019	02/26/2019	03/12/2019	03/26/2019	04/09/2019	04/23/2019	05/14/2019	** 05/29/2019	06/11/2019	06/25/2019	07/09/2019	07/23/2019	08/13/2019	08/27/2019	09/10/2019	09/29/2019	10/08/2019	10/22/2019	11/12/2019	11/26/2019	12/10/2019
Dave Goodridge	Mayor/Billings Ward I	E																						
Matt Macrow	Mayor/Billings Ward II	1																						
Eric Wallace	Mayor/Billings Ward III	1																						
Darell Tunnickliff	Mayor/Billings Ward IV	1																						
John Thompson	Mayor/Billings Ward V	1																						
Troy Boucher	YC District 1	1																						
Dennis Cook	YC District 2	1																						
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods	YC District 5	1																						
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jarett Hillius	YC District 7	1																						
Jerry Williams	Y County Cons. District	1																						
Scott Reiter	Ex-Officio SD2	A																						

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JANUARY 8, 2019

DRAFT-To be approved by a motion on January 22, 2019

Call the Meeting to Order

President Tunnicliff called the meeting to order at 6:00 p.m. on Tuesday, January 8, 2019 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

President Tunnicliff introduced Eric Wallace, Planning Board City Ward III, and thanked him for his willingness to serve in this capacity.

Introduction of Planning Board Members and Planning Department Staff

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

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

Others in Attendance: Darin Swenson, Yellowstone County Public Works Dept; Levi Wanner; Bill Morgan, Sanderson Stewart

Approval of the January 8, 2019 Agenda

Motion:

Board member Cook made a motion and it was seconded by Board member Macrow to approve the January 8, 2019 meeting agenda. The motion was approved with a unanimous voice vote.

Approval of Minutes: December 11, 2018

Motion

Motion was made by Board member Woods and seconded by Board member Cook to approve the December 11, 2018 meeting minutes with correction deleting the motion under the discussion item for the TIP update. The motion carried with a unanimous voice vote.

Public Comment: President Tunnicliff 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.

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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. President Tunnicliff said he met the Board of County Commissioners during a work session to discuss Board appointments and the selection process for new Planning Board members.

7. OLD BUSINESS

7a. Motion/Recommendation to PCC 2017-2021 Transportation Improvement Plan, (TIP). Scott Walker, Transportation Coordinator, presenting.

Scott Walker opened the agenda item with a brief introduction. He stated this is a budgetary document that tracks major fiscal projects put forth in the next two to three years.

Highlights:

- **West Billings Interchange – Pinehills Interchange:** Engineering zzzz (Re-Surface)
- **Zoo Drive: Signal Upgrades and Striping** – New Project to improve traffic operations and safety along the Zoo Drive corridor in Billings. Work will include intersection improvements, striping modifications, signal upgrades, median work and/or any other operational modifications necessary to improve traffic flows and safety in the area. Anticipated Let Date = December of 2020. Estimate PE Phase End Date = December of 2022.
- **Billings Bypass: Five Mile Road** - Construction Cost Update
- **I-90 Yellowstone River Bridges:** Update Construction Cost
- **Laurel Road Signals: Update Signals and add ADA Ramps** – New Project
- **Lockwood Interchange Study** – New Project. Other (OT) phase study to evaluate interchange improvement options on I-90 at the Lockwood Interchange in Billings. This evaluation will consider traffic patterns (current and future), ramp functionality, operational issues on I-90 (and connecting routes), proposed Interstate modifications (additional lanes, etc.), intersection improvement options, safety considerations, bridge construction options, environmental issues, right-of-way, utilities, geometrics and/or any other factors necessary to determine a preferred improvement alternative at

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this location. The end result of the study will be a project recommendation (outlining the preferred alternative and costs associated with this alternative).

- **South Frontage Road: Pavement Preservation** – New Project (Mullowney Lane to Wise Lane).
- **Blue Creek Road: Pavement Preservation** – New Project. Interstate Bridge to 3-mile section to Robindale Road. Construction letting-Spring of 2019. This project was identified in the Blue Creek Transportation Plan.
- **N. 27th Street R.R. Study** – Cost Adjustment. Scott Walker noted the previous placeholder for this study in the original TIP was \$300,000 and the new allocation is for \$1.2 million. It is his understanding that only will the previous studies be considered but this will include some of the newer technologies and innovations. The consultants are HDR, Kittelson, DOWL, Land Design and Etho Science. this study came out of the Statewide Crossing study. The difference is the benefit of being in an OT phase allows engineering details, and should a feasible solution come forward, a lot of the preliminary studies will be done. Scott Walker said the MDT Scope of Services for this project is comprehensive.
- **MET Transit Funds Added to the 5339 Program-** MET was awarded a grant and a transfer of about \$195,000 has to be included into this document for approval.

Adoption Schedule

Planning Board	January 8 th
City Council	December 10 th
County Commission	December 13 th
PCC	January 15 th

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Discussion

President Tunncliff called for discussion from the Board members. There were no questions or discussion.

Public Hearing

President Tunncliff opened the public hearing and asked if there is anyone wishing to speak in favor or against the 2017-2021 Transportation Improvement Plan Amendment 2. There were none. President Tunncliff called for a motion.

Motion

Board member Thompson made a motion and Board member Woods seconded the motion to forward a recommendation of approval of the 2017-2021 Transportation Improvement Plan, (TIP), Amendment 2 as presented by staff.

The motion carried with a unanimous voice vote.

7b. Motion/Recommendation to BOCC. Yellowstone County Subdivision Regulation Amendment. Monica Plecker, Planning Division Manager, presenting. Ms. Plecker stated staff have held discussions on the proposed updates with representatives from YC Public Works, BUFSA, and the YC Legal Department.

Background

Over the course of the last year, Planning Division staff along with County Legal, County Public Works and Billings Urban Fire Service Area (BUFSA) staff have been working to prepare County subdivision regulation amendments. First and foremost, the purpose of amending the regulations is to be in compliance with legislative changes that occurred in the 2017 Legislative Session. Staff also took this opportunity to coordinate with county departments on a handful of other proposed changes to provide more clarification and consistency with already adopted practices and regulations. They are described in the Background section below. The Planning Board is scheduled to discuss these proposed amendments at this meeting and is scheduled to consider the amendments and hold a public hearing before making a recommendation to the Board of County Commissioners on January 8, 2019.

A summary of proposed changes is provided below:

- Defining proportionate reimbursement of hydrants (both dry and pressurized). The proposed regulations now establish a formula for proportional reimbursement for those new developments who utilize an already existing hydrant system within one half

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road mile. Generally speaking, all subdivisions that utilize a hydrant will contribute equally towards the cost of the system. (Page 69)

- Clarify that the use of a secondary emergency access will require a variance request. (Page 45)
- Clarify allowable dwelling units on dead-end roads to meet and be consistent with International Fire Code (IFC). The IFC allows for 30 single family dwellings to be located on a dead-end road or 100 multi-family units. Dead-end roads cannot exceed 1,000 feet per our existing regulations. (Page 43)
- Clarify language for access/site plan requirements for approach permits, including adding language in the Subdivision Improvement Agreement. (Page 145)
- Lowering traffic study threshold changes based on type of subdivision (residential, commercial, industrial) and based on type of access (gravel or paved). (Page 49)
- Clarify how long bonds are in place and when they are required to be updated. (Page 74-75)
- Minor changes, then clean up or clarify but do not have substantive impact on the existing regulations
- Removal of application and fee schedules from regulations. (See appendices)

Proposed Process for Adoption

- December 10th – Board of County Commissioner Discussion
- December 11th – Planning Board Introduction & Discussion
- January 8th – Planning Board Public Hearing
- January 29th – BOCC Hearing and Adoption

RECOMMENDATION

Staff recommends that the Board of Planning review the proposed changes, provide feedback, and set a public hearing date for January 8, 2019.

Public Hearing

President Tunnickliff opened the public hearing and asked if there is anyone wishing to speak in favor or against the proposed Yellowstone County Subdivision Regulation Amendments. There was none. At 6:16 p.m., President Tunnickliff closed the public hearing and called for a motion.

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Reviewed by Planning Staff

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Motion

Board member Woods made a motion and Board member Boucher seconded the motion to forward a recommendation to the Board of County Commissioners of approval of the Yellowstone County Subdivision Regulations Amendments as presented by staff.

Discussion

President Tunnick called for questions and discussion. Per Board member Boucher's request, Ms. Plecker clarified the threshold change on the traffic study and said cumulative impacts will reach the threshold sooner and allow the County Public Works Department to address the road system.

The motion carried with a unanimous voice vote.

8. NEW BUSINESS

8a. Plat Review/Discussion. Founder's Park Subdivision. Dave Green, Planner II, presenting.

Planner Dave Green opened this agenda items with an overview of the parcel and gave the presentation below.

INTRODUCTION

On December 1, 20108, Sanderson Stewart, agent for Habitat for Humanity, applied for preliminary major plat approval for Founders Park Subdivision. The proposed subdivision creates 22 lots for residential development on a 5-acre parcel of land. The subject property is generally located south of Wicks Lane, approximately 340 feet, and on the east side of Hawthorne Lane in the Billings Heights. The property is zoned Residential-7,000 (R-70). Parkland dedication requirements for this proposed plat is 0.418 acres. The applicants are proposing to do a cash-in-lieu contribution for parkland.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Founders Park Subdivision, to the City Council, and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To provide for the safe delivery of mail to the subdivision prior to final plat approval the applicant will provide a letter from the USPS to show they have coordinated with the USPS provided the correct and safe mail delivery system.

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2. 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.
3. 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 October 4, 2018 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on December 1, 2018.
- A departmental review meeting was conducted on December 20, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on December 27, 2018.
- The Planning Board will review the plat on January 8, 2019.
- The Planning Board will conduct a public hearing on January 23, 2019, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on February 26, 2019.
- The 60 working-day preliminary plat review period ends March 1, 2019.

Discussion

President Tunncliff called for questions and discussion from the members of the Board. Board member Macrow asked regarding area school capacity and Dave Green replied the school district indicated there is capacity in all of the area schools for additional students. Board member Thompson asked for clarification on the parkland dedication denotations in the staff report and on the plat. Bill Morgan, Sanderson Stewart stated he will check into this and clarify during the public hearing. Dave Green commented that an independent assessment is done for parkland cash-in-lieu when the plat is approved.

Applicant

Bill Morgan, Sanderson Stewart, 100 North Transtech Way, Billings, Montana

Mr. Morgan is the engineer for this project. He introduced Levi Warner, Board member for Habitat for Humanity. Mr. Morgan stated Habitat for Humanity’s critical mission is to provide affordable housing. The geotechnical report has been submitted and this parcel is a clean site. The housing proposed is for slab on grades. He said the Findings of Fact for this project are agreeable to the applicant and he asked the Board for a positive recommendation. In response to question by Board member Woods,

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Mr. Morgan explained that each of the homeowners will construct the sidewalk at the time of construction. Board member Thompson asked about the buildout timeframe. The expectation is to construct three to four houses per year with a four to six-year time frame for the subdivision buildout.

****A public hearing will be held for Founder's Park Subdivision during the next Planning Board meeting on Tuesday, January 22, 2019.**

9. OTHER BUSINESS

9a Election of 2019 Officers.

The Nominating Committee has forwarded a recommendation of nomination of Darell Tunnicliff to serve as Planning Board President for the 2019 term and Woody Woods to serve as Planning Board Vice President for the 2019 term.

President Tunnicliff called for nomination of officers from the floor. There were none. **A motion was made by Board member Boucher and seconded by Board member Macrow to close the Nomination Period.**

Board member Cook made a motion and it was seconded by Board member Woods to elect Darell Tunnicliff as Planning Board President for the 2019 term. The motion carried with a unanimous voice vote.

Board member Boucher made a motion and it was seconded by Board member Thompson to elect Woody Woods as Planning Board Vice President for the 2019 term. The motion carried with a unanimous voice vote.

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

→ Appointment and Recommendation Process for City/ County Planning Board members. Wyeth Friday, Director, Planning & Community Service Department Director Friday said the Commissioners are open to the Board interviewing or meeting applicants prior to appointments. President Tunnicliff noted the significance of having a diversity of members. He also commented on the importance of communicating the time commitment, activities, and responsibilities to interested applicants. The Board is in agreement with prospective applicants meeting with a Planning staff member and a Planning Board member prior to the Board forwarding a recommendation to the BOCC. Director Friday offered to look into the City Council process for appointing board members.

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→ **Subdivision Regulation Amendments.** -Division Manager Plecker said the amended County Subdivision Regulations are moving forward for adoption. A kick-off meeting with City departments will be held in the near future for the Amendments of the City Subdivision Regulations. Director Friday commented the Legislative session has started and the City has a new lobbyist through Crowley-Fleck, based in Helena. Board members are to notify staff if they have interests or concerns.

→ **Project Recode Town Center Concept for Lockwood**-Board member Woods spoke of an article published by the Yellowstone County News regarding land uses and said he will provide staff a copy of the article. He stressed the importance of developing a town center in Lockwood surrounded by compatible uses.

ANNOUNCEMENTS: The next Planning Board meeting is scheduled for **Tuesday, January 22, 2019, 6:00 pm in the Miller Building 1st Floor Conference Room.**

ADJOURNMENT

DRAFT- TO APPROVED BY A MOTION ON JANUARY 22, 2019



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 01/22/2019

Information

INTRODUCTION

On December 1, 2018, Sanderson Stewart, agent for Habitat for Humanity, applied for preliminary major plat approval for Founders Park Subdivision. The proposed subdivision creates 22 lots for residential development on a 5-acre parcel of land. The subject property is generally located approximately 340 feet south of Wicks Lane and on the east side of Hawthorne Lane in the Billings Heights. The property is zoned Residential-7,000 (R-70).

RECOMMENDATION

Staff recommends the Planning Board recommend conditional approval of the preliminary plat of Founders Park Subdivision 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 safe delivery of mail to the subdivision, prior to final plat approval the applicant will provide a letter from the USPS to show they have coordinated with the USPS and provided the correct and safe mail delivery system.
2. 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.
3. 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.

PLAT REVIEW DISCUSSION / STAKE HOLDERS

Planning staff gave a brief presentation about the proposed subdivision and stood for questions. There were clarifying questions from board members regarding parkland dedication. Staff provided answers and there were no further questions. Planning Board President Darell Tunnicliff asked if the applicant or agent wished to address the board. The agent, Bill Morgan, addressed the board and stated the applicant has completed a geotechnical report, although the current staff report states there is not one. He also said he will verify the acreage discrepancy for park land between what was shown on the plat and what was reported by Planning staff in the staff report. Since this meeting, the applicant's agent has clarified they will provide a cash contribution based on the 17,200 sq. ft. park land requirement.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROCEDURAL HISTORY

- A pre-application meeting was held on October 4, 2018 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on December 1, 2018.
- A departmental review meeting was conducted on December 20, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on December 27, 2018.
- The Planning Board reviewed the plat on January 8, 2019.
- The Planning Board will conduct a public hearing on January 22, 2019, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on February 26, 2019.
- The 60 working-day preliminary plat review period ends March 1, 2019.

PLAT INFORMATION

General location: South of Wicks Lane, approximately 340 feet, and on the east side of Hawthorne Lane

Legal Description: COS 1335, Amended Tract 1

Owner/Subdivider: Habitat for Humanity

Engineer and Surveyor: Sanderson Stewart, Bill Morgan

Existing Zoning: R-70

Existing land use: Vacant

Proposed land use: Residential

Gross and Net area: 5 acres; 3.8 acres

Proposed number of lots: 22

Lot size: Max: 9,363 square feet
Min: 7,001 square feet

Parkland requirements: Parkland dedication requirements for this proposed plat is 0.395 acres. The applicants are proposing to do a cash-in-lieu contribution for parkland.

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 Founders Park Subdivision. 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 currently vacant land with native vegetation. It is adjacent to residential uses to the west, north and future residential to the east, Emma Jean Heights Subdivision. It will provide housing in an area that is not used for agriculture. It should not have a negative effect on the agricultural industry.

The BBWA irrigation canal is located on the eastern edge 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** – There is an existing 8-inch water main in Hawthorne Lane that the developer will be connecting to for serves to the new subdivision. The developer will install an 8-inch water line in the proposed subdivision. It will be looped to equalize water pressure throughout the subdivision. Pressurized fire hydrants will also be installed in the subdivision as requested by the Billings Fire Department. Each lot will have a water line stub to it appropriately sized for residential service. These improvements are subject to the review and approval by County Water District of Billings Heights and the City Fire Department before time of construction. This requirement is pointed out in the SIA under the heading VI. Utilities A. Water.
- b. Sanitary sewer service** will be provided by connecting to a public sanitary sewer system. Appropriately sized mains in the internal streets will provide service to the individual lot in the subdivision. All proposed infrastructure will be reviewed and approved prior to installation by the City of Billings Public Works Department and the Montana Department of Environmental Quality. This requirement is pointed out in the SIA under the heading VI. Utilities B. Sanitary Sewer.

MDU will provide gas services, and Northwest Energy will provide electric services to the subdivision. The applicant is proposing easements for all private utilities outside of the right of way wherever possible. An 8-foot-wide easement is shown on the face of the plat for the private utility companies.

- c. Storm water** – Storm drainage will be managed on site through surface flow on the streets, inlets, piping, and a storm water detention facility that is located at the front of the

subdivision, just east of Hawthorne Lane. This and all drainage improvements shall satisfy the criteria set forth by the most-current *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Division. This requirement is outlined in the SIA under the heading V. Storm Drainage. The developer will be required to create an easement over the storm water detention facility to the City of Billings and an HOA to provide funding for the maintenance of the storm water system. Should the HOA fail to provide proper maintenance the City will repair the storm detention facility and create an SID to collect for the cost of repairs. This is all outlined 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.
- e. **Streets** –The proposed subdivision will be accessed from Hawthorne Lane with a looped road to provide two ways in and out. The internal street will be a public street and will be built to City standards at 34 feet wide, with curb, gutter and boulevard-style sidewalks, all within a 56-foot right-of-way. The developer will be required to complete the section of Hawthorne Lane that this subdivision abuts that includes paving, curb, gutter and sidewalk. There is the correct right of way for Hawthorne Lane which is total of 80 feet.

A Traffic Impact Study (TIS) was not required to be completed for the Founders Park Subdivision. This subdivision is not large enough to meet the trigger point to require a traffic study. As indicated in the Subdivision Improvement Agreement (SIA) the developer will be installing all required traffic and street signs for the subdivision.

- f. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. This proposed subdivision is within fire station number 6 service area. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- g. **Schools** – School District #2 provides service to elementary, middle and high school students, Beartooth elementary, Medicine Crow Middle School, and Skyview High School. The district states that there is capacity in all the schools for additional students.
- h. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 0.395 acres. The subdivider proposes to provide cash in lieu of parkland for this subdivision.
- i. **Mail Delivery** - The United States Postal Service (USPS) has been requesting centralized delivery facilities for new subdivisions to make mail delivery more efficient. The developer will consult with the USPS prior to placement of the centralized mail boxes. **(Condition #1)**

3. Effect on the natural environment

The subject property is relatively level land adjacent to urban development on the west, north and future to the east. A geotechnical study was submitted with this subdivision, in the

conditions that run with the land in the SIA there is a paragraph notifying the future lot owner there may be limitations or special requirements of the lot that should be investigated before construction on the lots.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of wildlife in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat, as it is in an area that is urbanizing.

5. Effect on the public health, safety and welfare

The subdivision is located in an area with no known natural hazards. Fire hydrants will be constructed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

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 Growth Policy Statements and Guidelines:

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)

Home Base (healthy, safe and diverse housing options) A mix of housing types that meet the needs of a diverse population is important. (p.9)

2. 2014 Billings Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the Transportation Plan 2014 Update and preserves the street network and street hierarchy specified in the plan.

3. Billings Area Bikeway and Trail Master Plan Update (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan shows a future short range bike lane along Hawthorne Lane.

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-70 zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

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 shall provide utility easements as requested by the private utility providers on the face of the plat.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from Hawthorne Lane to the new internal road for the subdivision. The new local street within the subdivision is to be dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Founders Park Subdivision 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 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 Founders Park Subdivision to the City Council, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF
FOUNDERS PARK SUBDIVISION

BEING TRACT 1B, AMENDED TRACT 1 OF CERTIFICATE OF SURVEY No. 1335
 SITUATED IN THE NW1/4 NE1/4 SECTION 23, T1N, R26E, PMM
 IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : MID-YELLOWSTONE VALLEY HABITAT FOR HUMANITY

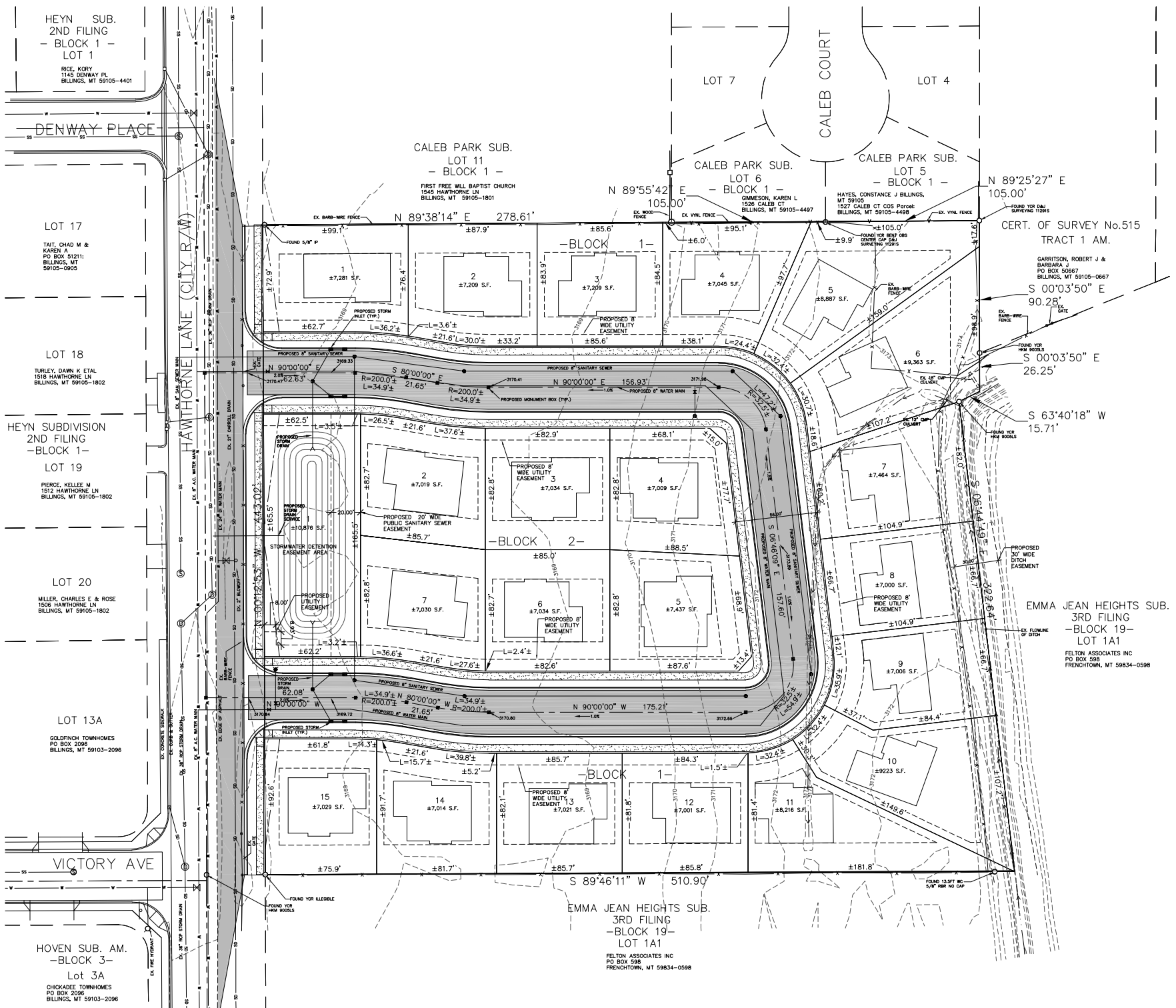
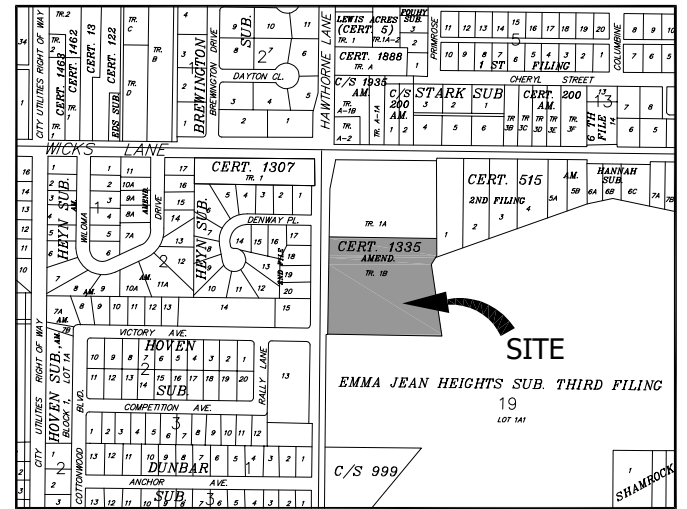
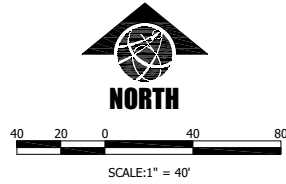
JANUARY, 2019

PREPARED BY : **SANDERSON STEWART**

BILLINGS, MONTANA

PLAT DATA

GROSS AREA	=	5.0 ACRES
NET AREA	=	3.8 ACRES
NUMBER OF LOTS	=	22
MINIMUM LOT SIZE	=	7,000 S.F.
MAXIMUM LOT SIZE	=	9,363 S.F.
LINEAL FEET OF STREETS	=	898 L.F.
PARKLAND REQUIREMENT	=	17,200 S.F.
PARKLAND DEDICATION	=	CASH IN LIEU
EXISTING ZONING	=	R-7000
SURROUNDING ZONING:		
NORTH	=	R-5000
SOUTH	=	R-7000
EAST	=	R-7000
WEST	=	R-7000
EXISTING LAND USE	=	VACANT - URBAN
PROPOSED LAND USE	=	R-7000



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

SUBDIVISION IMPROVEMENTS AGREEMENT FOUNDERS PARK SUBDIVISION

This Agreement is made and entered into this ____ day of _____, 20____, by and between **HABITAT FOR HUMANITY, MID-YELLOWSTONE VALLEY**, whose address for the purpose of this Agreement is P.O. Box 3133, Billings, Montana 59103, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Montana, a municipal corporation, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, at a regular meeting conducted on the ____ day of _____, 20____, the Board of Planning recommended conditional approval of a preliminary plat of Founders Park Subdivision; and

WHEREAS, at a regular meeting conducted on the ____ day of _____, 20____, the City Council conditionally approved a preliminary plat of Founders Park Subdivision; 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 Founders Park Subdivision 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

No variances requested with this subdivision.

II. CONDITIONS THAT RUN WITH THE LAND

- A.** Lot owners will be required to construct that segment of the required five-foot wide boulevard-style sidewalk that fronts their property at the time of lot development.
- B.** Lot owners should be aware that this subdivision is being built in close proximity to wildlife 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.** 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.
- D.** No water rights have been transferred to the 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.
- E.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- F.** Each owner of a completed lot shall be a member of the Founders Park Homeowners Association. Membership shall be appurtenant to and may not be separated from ownership of a lot. The Homeowners Association will be set up to maintain the permanent stormwater detention facility. The HOA Board of Directors shall have the power, in its discretion, to exclude costs

of major repairs or approved capital improvements to the HOA Storm Water System from the regular monthly assessments and, instead, impose special assessments for these expenses, and for emergencies, as they are incurred.

- G. The lowest finished floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb measured from the highest location along the lot frontage. Higher finished floor elevations shall be required on a lot by lot basis, as noted on the final plat.

III. TRANSPORTATION

A. Streets

All internal access roads and site improvements within the subdivision will be installed in accordance with the City of Billings Site Development Code, the *Stormwater Management Manual*, and other applicable City codes, rules, and regulations.

Rights-of-way widths. The internal subdivision street will have a 56-foot right-of-way. The existing half right-of-way width along Hawthorne Lane adjacent to the subdivision is 40 feet, for a total right-of-way width of 80 feet on Hawthorne Lane. This width is adequate and fulfills the required dedication for a collector street type as outlined in the subdivision regulations.

Pavement widths and surface types. All streets shall be built to grade with a satisfactory engineered subbase, base course, and asphalt surface and include concrete curb and gutter. The internal subdivision street will be 34-foot-wide back-to-back curb public street. Hawthorne Lane shall be a 45-foot wide back-to-back curb public street with curb and gutter installed on the East side of the street directly adjacent to the subdivision. The engineered design cross-sections of said streets shall be submitted to the City of Billings Engineering Division.

The internal subdivision street is proposed to be public and future maintenance of the street improvements shall be the responsibility of the City of Billings.

B. Sidewalks

City and Subdivider agree that developer will install handicap accessibility ramps at time of private contract construction. Individual lot owners will be

responsible for the construction of the five-foot wide boulevard sidewalks adjacent to their lot at the time of lot construction. The sidewalks along the right-of-way frontage on Hawthorne Lane, and along the right-of-way frontage of the internal subdivision street for Block 2 Lot 1, shall be 5-foot boulevard sidewalk to be constructed with the private contract for this subdivision.

C. Street Lighting

Construction or installation of street lights within the public rights-of-way shall not be required at this time. If street lights are installed, a maintenance district will be formed for future maintenance of the street lights.

D. Traffic Control Devices

The Subdivider shall furnish and install all necessary traffic control devices adjacent to the subdivision. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction. All traffic control devices shall be subject to review and approval by the City Engineering Division.

Street name signs for streets within the subdivision shall be furnished and installed in accordance with the current City of Billings Public Works standards at the time of construction.

The Subdivider shall furnish and install all necessary traffic control devices in accordance with the Manual on Uniform Traffic Control Devices.

E. Access

Access to the site shall include two (2) new full street accesses from Hawthorne Lane for the internal looped street. Location of these accesses shall be subject to review and approval by the City Engineering Division.

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

The subdivision is included in the Billings Area Bikeway and Trail Master Plan. Hawthorne Lane is identified with short range bike lanes. Sufficient right-of-way is dedicated with the existing public right-of-way along Hawthorne Lane to allow for bike lane installations. No improvements are required or proposed at this time.

G. Public Transit

No improvements with regard to public transit are anticipated at this time.

IV. EMERGENCY SERVICES

Access is provided to this subdivision from Hawthorne Lane in the form of a looped internal road within the subdivision. Fire hydrants will be installed at the required locations as reviewed and approved by the City of Billings Fire Department.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrants in place to allow for 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.
- Roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of 20-feet-wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or affect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

All storm drainage improvements shall comply with the provisions of Chapter 28, BMCC, and shall be in accordance with the recommendations of an approved storm drain study to be submitted to the City of Billings Engineering Division by the Subdivider. The stormwater in the subdivision will be managed on-site through surface flow on the streets, inlets, piping, and a stormwater detention facility. The stormwater design for the subdivision will conform to the current City of Billings Stormwater Management Manual and be reviewed by the City of Billings Public Works Department.

The developer will construct one detention basin along the western boundary of the subdivision on Lot 1, Block 2. The detention facility will be located on a Home Owner's Association (HOA) owned lot and shall be operated and maintained by the HOA. A stormwater detention easement for the benefit of the City will be recorded at the time of final plat recording. The stormwater detention facility will have an outlet to Hawthorne Lane and be allowed to directly discharge to the City storm drain in Hawthorne Lane.

VI. UTILITIES

Water and sanitary sewer lines shall be sized and installed in conformance with the design standards and specifications, and the rules and regulations of the City of Billings (sanitary sewer) and County Water District of Billings Heights (water).

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of/to water mains and sanitary sewers to the County Water District of Billings Heights and the Public Works Department, Engineering Division. The extension/connection of/to water mains and sanitary sewers are subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

The developer/owner acknowledges that the subdivision shall be subject to the applicable system development fees and charges in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules and regulations of, and as approved by the City of Billings Public Works Department, County Water District of Billings Heights, City of Billings Fire Department, and the Montana Department of Environmental Quality.

A. Water

The subdivision will be served by making a connection to an existing water main located in Hawthorne Lane. The existing water main in this street is an 8-inch diameter main and is a part of the County Water District of Billings Heights water distribution system. A new looped 8-inch water main will be installed in the local interior street. Fire hydrants will be provided at

appropriate locations and will be subject to approval by the City of Billings Fire Department. Appropriately sized services will be provided to the individual lots within the subdivision. Each lot shall be provided with its own separate water service. Extension of the water service from the property line to each building within the subdivision lots will occur at the time of lot development. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the County Water District of Billings Heights and Montana Department of Environmental Quality.

B. Sanitary Sewer

Sanitary sewer for the subdivision will be provided through a connection to a public sanitary sewer system. The sanitary sewer located within the subdivision will consist of an 8-inch sanitary sewer main. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division. Extension of the sewer service from the property line to each building within the subdivision lots will occur at the time of lot development.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be placed in designated easements outside of the right-of-way, where possible, and shall be installed underground prior to surface improvements. The location of all such facilities shall be subject to approval of the City Engineer.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Additionally, Section 23-1002.B.1 of the City of Billings municipal code covers parkland dedication of major subdivisions. The subdivider will make a cash in-lieu contribution for the 0.395 acres in lieu of parkland dedication.

VIII. IRRIGATION

Irrigation ditches that are still operational and servicing this property or downstream properties shall be maintained until no longer needed. Easements for their locations shall be provided.

IX. SOILS/GEOTECHNICAL STUDY

A soils/geotechnical study has been performed on the Subdivision. Additional soils/geotechnical investigation may be required for each lot at time of development. Lot owners are encouraged to review that document and obtain additional analysis as may be required.

X. HOMEOWNER'S ASSOCIATIONS

A homeowner's association (HOA) will be established for this subdivision. The HOA will have the following responsibilities:

Contact Information

HOA shall provide contact information of the senior board official to the City Engineering Division upon the establishment of the HOA and/or changing of board members.

Stormwater Drainage Facilities

The HOA shall be responsible for the maintenance of the on-site stormwater drainage facility located on Lot 1, Block 2.

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 Engineering Division and Public Works Department, Collection and Distribution Division.

XII. LEGAL PROVISIONS

- A. Subdivider agrees to guarantee all public improvements for a period of one (1) year from the date of final acceptance by the City of Billings.
- B. The owners of the properties involved in this proposed subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provision of the agreement.

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

