



YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

NOVEMBER 23, 2021 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

NOTICE TO THE PUBLIC

***In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.

In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City/County Planning Division is making every effort to meet the requirements of the open meeting laws. Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: deinest@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at **406.237.6165**. All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

Please direct questions to Tammy Deines, Planning Clerk at deinest@billingsmt.gov or 406-247-8610. Thank you!

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MOTION. APPROVAL OF MEETING MINUTES:** NOVEMBER 9, 2021
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:**
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).

- a. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!
- 1. **Public Hearing. Motion/Recommendation to City Council. Ridgeline Subdivision. City Major. Craig Dalton, PEC Engineering, agent. Dave Green, Planner II, presenting.**
- 2. **Public Hearing. Motion/Recommendation to City Council. Annafeld Subdivision 4th Filing. City Major Subdivision. McCall Development, Owner/Developer. Gary Owen, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**
- 8. **NEW BUSINESS:** There is no New Business.
- 9. **OTHER BUSINESS:**
 - a. **Planning Board Nomination Committee Recommendations for 2022 Planning Board Officers. Planning Board members.**
 - b. **Board Discussion. Update on Community Wastewater systems in Public Parks. Planning Board members and Staff.**
 - c. **Announcement.** Planning Board Bicycle Pedestrian Advisory Committee Representative Ed Guilick's resignation. Planning Staff.
 - d. **Planning Board openings:** The following positions have been advertised: City Ward II, BOCC District 3, and BOCC District 4, Yellowstone County Conservation District. These positions expire 12/31/21 and Board members may reapply: Woody Woods, BOCC District 5; Jarrett Hillius, BOCC District 7.
 - e. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
- 10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, DECEMBER 14, 2021

- a. **Plat Review. Board Discussion. Copper Ridge Subdivision, 9th Filing, City major subdivision. Gary Oakland, developer. Gary Owen, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**
- b. **Plat Review. Board Discussion. High Sierra Subdivision, 21st Filing. City Major Subdivision. High Sierra II, Inc., developer. Gary Owen, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**
- c. **Board Discussion with School District 2. Planning Board, School District #2 Representative, and Planning Staff.**

Public Hearing Participation Guidelines

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

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

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

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

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

Thank you for participating.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 11/23/2021

Information

Subject

MOTION. APPROVAL OF MEETING MINUTES: NOVEMBER 9, 2021

Attachments

PlnBMinutes_2021_11_09_DRAFT

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

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	01/12/2021	01/26/2021	02/09/2021	02/23/2021	03/09/2021	03/23/2021	04/13/2021	04/28/2021	05/11/2021	** 05/27/2021	06/09/2021	06/22/2021	07/13/2021	07/27/2021	08/10/2021	08/24/2021	09/14/2021	09/22/2021	10/12/2021	10/26/2021	11/09/2021	11/24/2021	12/08/2021
Teresa Larsen	Mayor/Billings Ward I	1	1	1	1	1	1	1	E	1	E	-	1	1	E	E	1	1	E	1	1	1		
Heidi Jensen-Christison	Mayor/Billings Ward II	1	1	E	1	1	E	1	E	1	E	-	E	R	-	-	-	-	-	-	-	-		
Dennie Stephenson	Mayor/Billings Ward III	1	1	1	1	1	1	1	1	1	1	-	E	1	1	1	1	1	1	1	1	1		
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1	1	-	1	1	1	E	E		1	1	1	1		
Jon Thompson	Mayor/Billings Ward V	1	E	1	1	E	1	1	1	E	1	-	1	E	1	E	E	1	E	E	1	V	V	
Troy Boucher	YC District 1	1	1	1	E	1	E	1	1	A	E	-	1	E		1	E	E	1	A	A	1		
Dennis Cook	YC District 2	1	1	1	1	1	1	1	1	1	1	-	A	1	E	1	E	1	1	E	1	1		
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Woody Woods	YC District 5	1	1	1	1	1	1	1	1	1	1	-	1	1	1	1	1	1	1	1	1	1		
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Jarett Hillius	YC District 7	1	1	1	E	1	1	E	1	1	1	-	1	E	1	1	1	1	1	E	1	E		
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	E	-	-	-	-	-	-		
Scott Reiter	Ex-Officio SD2	-	-	-	1	E		E	E	A	1	-	E	E	E	1		E	E	1	E	1		

CITY/COUNTY PLANNING BOARD

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November 9, 2021

DRAFT- To be approved by a motion on November 23, 2021

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.

As legally advertised, The Yellowstone County Board of Planning met on November 9, 2021 in the Miller Building 1st Floor Conference Room.

Citizens are invited to:

→Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>

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Call the Meeting to Order

President Woods called the meeting to order at 6:00 p.m. on Tuesday, November 9, 2021.

Introduction of Planning Board Members and Planning Department Staff

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

Participating Planning staff members: Monica Plecker, Planning Division Manager; Scott Walker, Transportation Coordinator; Dave Green, Planner II; Hunter Kelly, Planner I, Tammy Deines, Planning Clerk

Others in Attendance: Kurtis Schneiber, MDT Planning District Office; Scott Aspenlieder, Performance Engineering, Dennis Randall, McCall Development, Gary Owen, Sanderson Stewart; Sarah Plath, Sanderson Stewart

Approval of the November 9, 2021 Agenda

Board member Larsen moved and Board member Cook seconded the motion to approve the November 9, 2021 meeting agenda. The motion carried with a unanimous voice vote.

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Approval of Minutes: October 26, 2021

Motion

Board member Tunncliff moved and Board member Stephenson seconded the motion to accept the October 26, 2021 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Public Comment: President Woods asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public might 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.**

Disclosure of Outside (Ex Parte) Communication or Conflicts of Interest– Board Members and Planning Staff. – There were no disclosures of outside communication or conflict of interest from the members of the Board.

7. OLD BUSINESS:

7a. Motion/Recommendation to Policy Coordinating Committee, (PCC), 2020-2024 TIP Amendment 2. Scott Walker, Transportation Coordinator, presenting.

Transportation Coordinator Scott Walker opened this agenda item with the staff presentation below.

BACKGROUND

Federal regulations require that Metropolitan Planning Organizations (MPOs) review and update their Transportation Improvement Program (TIP) periodically. Given timing and funding adjustments with several transportation projects, the current Billings 2020-24 TIP must be amended to maintain compliance with State and Federal requirements. The TIP is a short-range program of highway and transit projects in the Billings MPO area and is prepared by City-County Planning Division staff in cooperation with state and local agencies. The purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicate regional priorities, and demonstrate a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the urbanized area that are exempt from the TIP approval process, such as projects that do not utilize federal funds. This TIP amendment is being presented to the Council for review due to timing and cost updates to several projects.

RECOMMENDATION

Staff recommends the Planning Board approve the 2020-2024 TIP Amendment 2 and forward the recommendation to PCC through its designee, President Woods. The PCC is scheduled to meet on November 16 for action on this item.

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Discussion

Planning Board President Woody Woods called for questions and discussion. There was no discussion or questions. President Woods called for a motion.

Motion

Board member Tunncliff made a motion and Board member Stephenson seconded the motion that the Planning Board recommend to the Policy Coordinating Committee approval of the 2020-2024 TIP Amendment 2 as presented by staff. The motion carried with a unanimous voice vote.

7b. Presentation. Discussion. MDT project updates and update on the Exposition & 1st Avenue Intersection project. Kurtis Schneiber, MDT District office, presenting.

President Woods introduced Kurtis Schneiber from the MDT District Office. Mr. Schneiber distributed a handout to the members of the Board. Points of interest on the Exposition & 1st Avenue project:

- Alternative to add a fourth lane for the north bound movement which will require purchasing right-of-way from MetraPark.
- Stormwater will be addressed with reconstruction of the intersection to handle the stormwater runoff. MDT will partner with the City and the County for design.
- Provide pathway connection to Jim Dutcher Trail.
- Provide transition to sidewalks and bicycle facilities on 3rd Avenue North
- New intersection for a southern approach into MetraPark

Discussion

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

President Woods asked about a pedestrian crossing. Kurtis Schneiber said a pedestrian actuated light may be installed at the intersection to 1st Avenue North. President Woods asked how the light at the new access point will function. Mr. Schneiber replied that it will be more of an event type signal and the timing will be set by MDT's traffic engineer. Board member Larsen asked where the connection will be for the bike path as it moves towards Jim Dutcher Trail. Scott Walker said there will be a bike route from 6th Avenue North and an underpass under Main Street that may provide connectivity.

Mr. Schneider provided a handout with other current projects. Board member Thompson asked about landscaping and who will be responsible for maintenance. Board member Tunncliff stated Sanderson Stewart has completed a landscaping plan and the majority of landscaping will be located and maintained by Metra Park. A pedestrian sky bridge across Main Street is contemplated. The landscaping within the boundaries of Metra Park will be addressed as a part of the Metra Park Master Plan. Mr. Schneiber pointed out they are in the early stages of design but the plan denotes greenway. Construction for the Exposition & 1st Avenue Intersection project is projected for June 2024. President Woods commented on the coordination that will take place to complete the projects from Lockwood to 1st Avenue North. Mr. Schneiber said there will be a lot of construction taking place in this area in the next five to ten years.

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President Woods thanked Mr. Schneiber for his presentation.

8. NEW BUSINESS

8a. Plat Review. Discussion. Ridgeline Subdivision. City Major. Scott Aspenlieder, PEC Engineering, agent. Dave Green, Planner II, presenting.

Planner Dave Green opened this agenda item with the background and the staff report. The general location is on the northeast corner of the intersection of King Avenue west and South 48th Street West.

BACKGROUND

On October 1, 2021, Performance Engineering, applied for preliminary major plat approval for Ridgeline Subdivision. The proposed subdivision creates 11 lots for residential and commercial development. The subject property is generally located on the north east corner of the intersection of King Avenue West and South 48th Street West. The property is zoned PND, and builders will follow the PND when developing the lots. This property is part of an already approved Planned Neighborhood Development and phased annexation plan. The Development Agreement between the City and Developer outlines the timeline for approval of the phasing. This preliminary plat is for the property in its entirety. As such, the City will be the approving body and the Board of County Commissioners will also acknowledge the plat and terms of development. The phased nature of the annexation is why both the City Council and Board of County Commissioners are involved in the review and approval of this plat.

RECOMMENDATION

Staff proposes the Planning Board recommend to City Council and Board of County Commissioners that the preliminary plat of Ridgeline Subdivision be conditionally approved 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 protect public health and safety, prior to final plat approval, the applicant will submit all drawings and specifications for water systems, sewer systems and storm water systems to the City of Billings Engineering Department for review and approval prior to installation.
2. To protect public health and safety, prior to final plat approval, the applicant will submit all drawings and specifications for fire hydrants and their locations to the City of Billings Fire Department for review and approval prior to installation.
3. 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.
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.

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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.

Discussion

President Woods called for questions and discussion. He asked for clarification on the phases that will be annexed into the City and the roadways and it was given by Dave Green. Monica Plecker said this development is the first phased Planned Neighborhood Development and Annexation project since the adoption of project ReCode. To initiate the northern portion phase of the project, the property owner has to notice staff. She explained that staff has learned from this application and that tweaks may be made so process may look different in the future.

Board member Thompson asked if the Parks Department reviewed the parkland. He pointed out there are several small parks platted that could be consolidated into one larger park. Monica Plecker said this was determined in the zoning Planned Neighborhood Concept meeting. She said neither the zoning code nor the subdivision regulations require public parkland. It will be developed as open space and will act as a corridor to move pedestrians on the trail way to the Conservation District. Dave Green stated access to the private parkland is up to the developer and an easement would need to be provided.

Scott Aspenlieder said the intent of the private roads was development of a Master Site Plan for building purposes. He said he can bring this discussion forward to the developer. Monica Plecker stated that the open space is clearly delineated in the zoning ordinance and the Parks Department was a part of this decision. She pointed out that it is not contrary to the subdivision regulations in any way and said the developer is tied to the layout once the zoning ordinance is approved by City Council. President Woods said part of the reasoning for the language of the PND is to provide open space. Board member Tunnicliff said this is a property rights issue as it is private land. He said he disagrees with Board member Thompson that all parkland needs to be public parks. He feels that the PND process will work well. Board member Thompson said the intent of the state law is to make parkland available to the public.

In response to question by Board member Stephenson, Scott Aspenlieder said the lot configuration will be developed as townhomes with common ownership. Monica Plecker said this will be reviewed under Master Site Plan review.

In response to question by Board member Stephenson, Monica Plecker the individual with the single county parcel wishes for it to remain in the County.

President Woods called for presentation by the Applicant.

**A public hearing will be held during the November 3, 2021 BOCC meeting as an acknowledgement of the City and County properties, and on November 23, 2021 Planning Board meeting. Planning Board will forward a recommendation to City Council for Ridgeline Subdivision.

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City Council action will be taken on December 20, 2021 and the Board of County Commissioners on December 21, 2021 for consideration of preliminary approval.

8b. Plat Review. Discussion. Annafeld Subdivision, 4th Filing. McCall Development, Owner/Developer. Gary Owen, Sanderson Stewart, agent.

Planner Dave Green opened this agenda item with the background statement and a brief introduction and staff report.

BACKGROUND

On October 1, 2021, Sanderson Stewart for McCall Development, Inc., applied for preliminary major plat approval for Annafeld Subdivision, 4th Filing. The proposed subdivision creates 127 lots for residential development in the City of Billings. The subject property is generally located south of Elysian Road and west of Annafeld Subdivision, 3rd Filing. The property is zoned PD, and builders will follow the Planned Development when developing the lots. The entire project area is not currently within the City Limits, however, a petition for annexation has been submitted and the City Council will consider the annexation at the same business meeting as the preliminary plat.

RECOMMENDATION

Staff proposes the Planning Board recommend to City Council that the preliminary plat of Annafeld Subdivision, 4th Filing be conditionally approved 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 protect public health and safety, prior to final plat approval, the applicant will submit all drawings and specifications for water systems, sewer systems and storm water systems to the City of Billings Engineering Department for review and approval prior to installation.
2. 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.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Discussion

President Woods called for questions and discussion. There was none.

CITY/COUNTY PLANNING BOARD

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**A public hearing will be held during the November 23, 2021 Planning Board meeting. Planning Board will forward a recommendation to City Council for Annafeld Subdivision, 4th Filing. City Council will take action on December 20, 2021 for consideration of preliminary plat approval.

9. OTHER BUSINESS

9a. Planning Board Nomination Committee, 2022 Planning Board Officers. Woody Woods, Planning Board President. President Woods announced that the Nomination Committee will consist of Planning Board members Tunnicliff, Stephenson, and Thompson. Members wishing to serve as Planning Board officers are to contact the committee members. The Nomination Committee will forward a recommendation during the December 14, 2021 Planning Board meeting. Officers will take their seats during the first meeting of January 2022.

Staff updates:

- The City's Capital Improvement Plan should be posted on the City website for review. The Planning Division has programmed a few trail segments. There will be public comment. Staff will forward an email with more information to the Planning Board.
- City of Billings Public Safety Mill Levy: The public safety mill levy passed. City Administration is working on a plan on how these changes will occur.
- City Council passed a second reading of the marijuana zoning regulations and there will be a third hearing. The BOCC passed interim zoning regulations.

9b. The next Planning Board meeting will be held **Tuesday, November 23, 2021**, in person in the Miller Building 1st Floor Conference Room, 2825 3rd Ave N. at 6:00 PM.

ADJOURNMENT 7:10 PM

DRAFT—TO BE APPROVED BY A MOTION- November 23, 2021

--Tamara L Deines, Planning Clerk

Planning Board

Date: 11/23/2021
Title: Ridgeline Subdivision - Preliminary Major Plat - Public Hearing
Presented by: Monica Plecker
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Staff proposes the Planning Board recommend to City Council and Board of County Commissioners that the preliminary plat of Ridgeline Subdivision be conditionally approved and adopt the Findings of Fact as presented in the staff report.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On October 1, 2021, Performance Engineering, applied for preliminary major plat approval for Ridgeline Subdivision. The proposed subdivision creates 11 lots for residential and commercial development. The subject property is generally located on the north east corner of the intersection of King Avenue West and South 48th Street West. The property is zoned PND, builders will follow the PND when developing the lots. This property is part of an already approved Planned Neighborhood Development and phased annexation plan. The Development Agreement between the City and Developer outlines the timeline for approval of the phasing. This preliminary plat is for the property in its entirety. As such, the City will be the approving body and the Board of County Commissioners will also acknowledge the plat and terms of development. The phased nature of the annexation is why both the City Council and Board of County Commissioners are involved in the review and approval of this plat.

VARIANCES REQUESTED

The applicant is not requesting a variance from the subdivision regulations.

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 protect public health and safety, prior to final plat approval, the applicant will submit all drawings and specifications for water systems, sewer systems and stormwater systems to the City of Billings Engineering Department for review and approval prior to installation.
2. To protect public health and safety, prior to final plat approval, the applicant will submit all drawings and specifications for fire hydrants and their locations to the City of Billings Fire Department for review and approval prior to installation.
3. 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.
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.

PROCEDURAL HISTORY

- Pre-application meeting April 15, 2021
- Preliminary plat application submitted to Planning Division on October 1, 2021
- Departmental review meeting October 14, 2021
- Preliminary plat resubmittal October 21, 2021
- Planning Board plat review November 9, 2021
- Planning Board public hearing November 23, 2021
- Preliminary plat to City Council December 20, 2021
- Preliminary plat to Board of County Commissioners December 21, 2021
- 60 working-day preliminary plat review period ends December 30, 2021

PLAT INFORMATION

General location: Northeast corner of the intersection of King Avenue West and South 48th Street West

Legal Description: COS 983 Parcel 2G1, 2H1, 2C and 14

Owner/Subdivider: Kelly Coleman

Engineer and Surveyor: Performance Engineering

Existing Zoning: PD

Existing land use: Farmland

Proposed land use: Residential/Commercial

Gross and Net area: 65.317 acres / 57.635 acres

Proposed number of lots: 11

Lot size: Max: 16.11 acres
Min.: 10,001 square feet

Parkland requirements: Parkland dedication requirement is 5.310 acres. The applicant is proposing to have 5.334 acres. The parkland will be private

parks maintained by the subdivision.

STAKEHOLDERS

There are no stakeholder responses at this time. On November 23rd, at a regularly scheduled meeting of the Planning Board, public comment will be formally received during a public hearing.

On November 9, 2021, the Planning Board held a plat review meeting to discuss the proposed plat of Ridgeline Subdivision. Staff gave a brief presentation to the board about the proposed subdivision. President Woods called for questions and discussion. He asked for clarification on the phases that will be annexed into the City and the roadways. Monica Plecker stated this development is the first phased Planned Neighborhood Development and Annexation following the adoption of project ReCode. Currently, the southern half of the proposed subdivision is annexed into the city. The northern half is not, but there is an agreement with the developer and the city that it will be annexed and developed in the City of Billings. To initiate the northern portion, the property owner has to provide a formal request for annexation to staff. She explained that because this is the first development to use this process it was a little clunky. The process may look different in the future.

Jon Thompson asked if the Parks Department reviewed the parkland. Jon Thompson pointed out there are several small parks that could be consolidated into one larger park. Monica Plecker said this was determined in the Planned Neighborhood Development concept. She said neither the zoning code nor the subdivision require public parkland, instead it requires parkland that can be private or public and the zoning code allows for a flexibility of different types of open space so its not unusual to see small park areas. It will be a developed open space and will act as a corridor to move pedestrians on the trail way to the Shiloh conservation area. Dave Green stated access to the private parkland is up to the developer. An easement over the parks and private roads to allow public use would need to be generated stating the public has access. Scott Aspenlieder, agent for the applicant, said the intent of the private roads was development of a master site for building purposes. He said he can take this discussion to the developer. Monica Plecker stated the open space is clearly delineated in the zoning ordinance and Parks was a part of the decision. The developer is tied to the layout once the zoning ordinance is approved by City Council. President Woods said part of the reasoning for the language of the PND is to provide open space in all types of developments. Board member Tunnicliff said this is a property rights issue as it is private land. He disagrees that all parks need to be public parks. He feels that the PND process will work well. Board member Thompson said the intent of the state law is to make parkland available to the public.

Board member Stephenson asked about the large lots and how will they be developed. Scott Aspenlieder stated the large lots will be developed as townhomes with common ownership. Monica Plecker said this will be reviewed under Master Site Plan review.

ALTERNATIVES

In accordance with state law, the Governing Body has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on December 30, 2021. Subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The Governing Body may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the Governing Body is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

FISCAL EFFECTS

This plat will have no fiscal impacts on the City/County Planning Division.

SUMMARY

One of the purposes of the subdivision review process is to identify potential negative effects of property being subdivided. Negative effects that are identified become the subdivider's responsibility to mitigate. Various departments, private service/utility providers and the affected school district/s, have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this proposed subdivision.

Attachments

Findings of Fact
Proposed Plat
SIA Draft
Question from surrounding property owner

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Ridgeline Subdivision. These findings are based on the preliminary plat application and supplemental documents; addressing 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 used for farming. No water rights will be transferred to subdivision property owners. There are no existing ditches near this proposed development. The subdivision should not affect agricultural water users' facilities.

2. Effect on local services

a. **Utilities** – Public water services to the subject property will be provided by the City of Billings. The subdivision will be served extending an existing 24-inch water main along King Avenue West to South 48th Street West. A future water main is proposed to be installed in South 48th Street West as part of a larger project in connection with the West End Reservoir project. Rather than extend a water line up South 48th Street West the applicant will install a new 12-inch water main from King Avenue West through the subdivision up to the intersection of South 48th Street West and Georgina Drive, located within public right of way or a public easement. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings. The City of Billings Engineering Department will review and approve all proposed water lines prior to installation. **(Condition #1)**

Fire hydrants will also be installed as required by the City of Billings Fire Department. The City Fire Department will review and approve all proposed hydrant locations prior to installation. **(Condition #2)**

Sanitary sewer service will be provided by the City of Billings by extending and connecting to an existing 8- inch diameter sewer main located in King Avenue West to South 48th Street West. The subdivider will be required to provide a cash contribution for half of the cost of installation of a 12-inch sanitary sewer main along South 48th Street West. The contribution will be for the distance from King Avenue West to the northern edge of the proposed subdivision. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department. The City of Billings Engineering Department will review and approve all proposed sanitary sewer lines prior to installation. **(Condition #1)**

All telephone, gas, electrical power, and cable television lines that are placed within the public right-of-way shall be installed prior to surface improvements.

- b. Storm water** – Stormwater management for the proposed subdivision will be provided by a combination of surface drainage and curbs and gutters. Storm water will discharge to a stormwater detention facility located in areas located within public easements or on public property. All proposed stormwater management will be reviewed and approved by City of Billings Engineering Department. All drainage improvements shall comply with the provisions of the City of Billings Stormwater Management Manual and Section 23-706, BMCC, a stormwater management plan shall be submitted to the Engineering Division prior to filing of the final plat. **(Condition #1)**
- c. Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. Streets** – Access to the lots in this proposed subdivision is from King Avenue West and South 48th Street West. All access to individual lots will be from internal streets. All new public streets will be in a 56-foot-wide right of way and will be constructed to 34-foot wide, back of curb to back of curb road. Road construction will include installation of accessible ramps at the intersections.

Sidewalks will be installed throughout the subdivision at the time of individual lot development. All sidewalks will be boulevard type walks with 5-foot wide boulevard sidewalks. The subdivider will install ADA ramps and sidewalk along any public areas within the subdivision.

A 10-foot-wide trail will be installed around the outer edge of the subdivision. The subdivider will install ADA ramps and trail along any public areas within the subdivision. Trails will be constructed on individual lots as the lots are developed.

- e. Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1501 54th Street West (Station #7).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

- f. Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Meadowlark Elementary School, Ben Steele Middle School, and West High School). Response from School District #2 shows all schools are above maximum capacity.

- g. Parks and Recreation** – The parkland dedication requirement for this subdivision is 5.310 acres. The applicant is proposing to provide 5.334 acres of parkland/open space. All parkland/open space will be private parks. The parks will be developed by the subdivider and maintained by the Home Owner Association (HOA).
- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #3)**
- i. Phasing** - The Subdivision is proposed to be constructed in phases as defined below. Public improvements associated with these phases shall be constructed or monetarily guaranteed prior to opening the phase.
Phase 1: Lots 3-4, Block 1; Lots 1-2, Block 2; and Lot 1, Block 3.
Phase 2: Lots 3-8, Block 2 and Lot 1, Block 4.
Phase 3: Lots 1-2, Block 1

3. Effect on the natural environment

The subject property is relatively level land adjacent to urban development to the east and future proposed development to the south. A geotechnical study was performed for the subdivision and submitted to the City Engineering Division.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants will be installed 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 76-3-603 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 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

Essential Investments: Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings. (p.6)

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) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. (p.9)

2. 2018 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision.

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 a Planned Neighborhood Development (PND). The PND has the following zones within it, Commercial Mixed Use 1 (CMU1), Mixed Residential 2 (NX2), Mid-Century Residential (N2), Open Space, Parks, Recreation (P1), and Mixed Residential 3 (NX3). All building development on the lots shall comply with current zoning when applying for a 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 will furnish private utility easements as required by private utility providers.

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

Legal and physical access is provided to the proposed lots are from King Avenue West and South 48th Street West. New internal streets will provide access to individual lots.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Ridgeline Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy and does not conflict with the 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 proposes the Planning Board recommend to City Council the preliminary plat of Ridgeline Subdivision be conditionally approved and adopt the Findings of Fact as presented in the staff report.

**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT
DISTRICTS
Ridgeline Subdivision
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(City of Billings)**

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**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENT DISTRICTS**

Ridgeline Subdivision

This agreement is made and entered this ____ day of _____, 20 __, by and between **TKJ Development, LLC**, whose address for the purpose of this agreement is **28121st Ave. North, Suite 500, Billings, MT 59101**, 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 **Ridgeline Subdivision**; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20 __, the City Council conditionally approved a preliminary plat of **Ridgeline 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 **Ridgeline 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

Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City’s Subdivision Regulations (Section 23.1101, BMCC):

1. No variances have been requested at this time.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

- A.** Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development. If sidewalk is not constructed within 5 years, the City has the right to construct the sidewalk and assess the property owners. Sidewalks shall be 5-foot boulevard style walk.
- B.** Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- C.** 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 by the completion of the conditions set forth in the Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- F.** The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) 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.
- G.** 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 with Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

III. TRANSPORTATION

A. Streets

All internal access roads and site improvements within the subdivision shall be installed in accordance with the City of Billings' street standards. Subdivider will execute a private contract to construct public streets, and curb and gutter within the Subdivision.

Subdivider and City agree that the required street improvements are as follows:

1. Standard curb and gutter will be installed on all of the interior streets being constructed within the Subdivision.
2. All streets will be provided with an asphalt concrete driving surface.
3. A Traffic Impact Study (TIS) has been completed and submitted to City Engineering and the Montana Department of Transportation (MDT) for review and approval prior to final plat. Construction and/or financial contributions for improvements along King Avenue West and 48th Street West as well as contributions to future intersection improvements shall be in general accordance with that document and as specifically described herein.
 - a. King Avenue West is a Principal Arterial and requires a half right-of-way width of sixty feet. An additional thirty feet shall be dedicated as part of this Subdivision to reach the required right-of-way width.
 - b. 48th Street West is an arterial and requires a half right-of-way width of sixty feet. Sixty feet shall be dedicated as part of this Subdivision to reach the required right-of-way width.
 - c. Additional right-of-way shall be dedicated at the corner of King Avenue West and 48th Street West to accommodate a potential future roundabout as determined by the final design of intersection.
 - d. Open Range Road and Tandem Ridge Drive are classified as commercial access roads and shall be forty-four feet back-of-curb to back-of-curb and be located within a seventy-foot right-of-way.
 - e. Roof Tree Road and Trail Ridge Drive are classified as residential access roads and shall be thirty-four feet back-of-curb

to back-of-curb and be located within a fifty-six-foot right-of-way.

- f. The Subdivider shall construct sidewalk, curb and gutter, and a thirty-foot wide asphalt road along Georgina Drive from 48th Street West to the eastern property line of Lot 4, Block 2 of the Subdivision. A sixty-foot right-of-way shall be dedicated for Georgina Drive.

- g. No physical surface improvements to 48th Street West are anticipated at this time. In-lieu of construction improvements, the Subdivider shall make a cash contribution to the City of Billings for future improvements to 48th Street West. Said contributions shall be based on one-half of the required surface improvements for a residential street section, including curb and gutter, less a credit for existing surfacing. Subdivider shall construct the multi-use trail, due to this, no cash contribution for sidewalk is required. Said contributions and/or trail construction, shall be made at the time of development of Lots 1 and 4, Block 1; Lot 1, Block 3; and Lot 1, Block 4.

- h. King Avenue West improvements will be required in conjunction with the development of Phase 2 of the Subdivision. These improvements include the construction of a right turn-lane into Open Range Road. These improvements shall be made at the expense of the Subdivider at the time of development of Phase 2.

- i. Intersection contributions identified in the Traffic Impact Study are noted herein. Based on the Traffic Impact Study the following intersection contributions shall be paid at the time of initial lot development:

- i. Central Avenue and 48th Street West (3.8%) \$9,500

Based on trip generation estimates from the TIS, the costs associated with, and to be paid by, each lot at the time of development is as follows:

- Lot 1, Block 1 \$1,165
- Lot 2, Block 1 \$1,225
- Lot 3, Block 1 \$800
- Lot 4, Block 1 \$800
- Lot 1, Block 2 \$1,050

• Lot 2, Block 2	\$1,740
• Lot 3, Block 2	\$1,740
• Lot 1, Block 3	\$480
• <u>Lot 1, Block 4</u>	<u>\$500</u>
Total	\$9,500

4. The Montana Department of Transportation controls the right-of-way for King Avenue West. Any access locations and improvement installation shall be subject to their review and approval.

B. Sidewalks And Trails

1. Individual lot owners will be responsible for the construction of the sidewalks within public right-of-way or easements adjacent to or through their lot at the time of lot construction and shall be included in each building permit.
2. Multi-use paths shall be 10-foot wide with corner intersection handicap ramps and aprons. Multi-use trails shall be constructed by the Subdivider, within the private contract, at the time of each phase opening. A multi-use path shall be required to be constructed along 48th Street West and King Avenue West. Maintenance of the multi-use paths will be the responsibility of the HOA.
3. Sidewalks shall be 5-foot wide with a 5-foot boulevard planting strip between the sidewalk and the curb at corner intersection handicap ramps and aprons.
4. Subdivider will install, within the private contract, corner intersection handicap ramps and aprons.
5. Subdivider to install sidewalks and trails fronting parkland/open space areas.

C. Street Lighting

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

D. Traffic Control Devices

The Traffic Impact Study completed and submitted to City Engineering and the Montana Department of Transportation for review prior to final plat indicates intersection improvements are warranted at the intersection King Avenue West and 48th Street West. Intersection improvements (not limited to traffic signal or roundabout), signage, and striping shall be installed as part of Phase 1 in accordance with the Traffic Impact Study and conform to the City of Billings

and Montana Department of Transportation standards. The developer may be responsible for full intersection costs as determined by the Montana Department of Transportation and the City of Billings.

Street name signs for streets within the Subdivision, or located immediately adjacent thereto, shall be furnished and installed by the subdivider in accordance with the specifications of the City of Billings standards.

E. Access

The Subdivision will be accessed by way of internal roads and driveway approaches as approved by the Montana Department of Transportation and the City. There will be three accesses off 48th Street West and a single access off King Avenue West. An internal road will access onto King Avenue West approximately 680 feet east of the intersection with 48th Street West with allowable turning movements as approved by Montana Department of Transportation. Two internal road approaches will access onto 48th Street West approximately 550 and 1,400 feet north of the intersection with King Avenue West. An additional internal road access point to 48th Street West will be provided via the existing Georgina Drive.

Road improvements along King Avenue West and 48th Street West, including a roundabout at the intersection, are anticipated at an unknown future date. To facilitate the movement of traffic leaving the subdivision in the interim, Tandem Ridge Drive shall be allowed full turning movements. At the time of redevelopment of 48th Street West and the installation of a roundabout, approaches within 1,000 feet of the 48th Street West and King Avenue West intersection will be restricted to a maximum of three-quarter ($\frac{3}{4}$) access turning movements as determined by City Engineering.

F. Billings Area Bikeways and Trail Master Plan

The proposed subdivision is within the planning area for the Billings Area Bikeway & Trail Master Plan. The Trail Plan indicates a proposed multi-use path along the north side of King Avenue West and the east side of 48th Street West. Portions of the 10-foot multi-use path shall be constructed by the Subdivider, within a private contract, at the time of phase development.

G. Public Transit

MET Transit provides service along King Avenue West with the closest route at the intersection of King Avenue West and Montana Sapphire Drive, approximately 0.5 miles east of the Subdivision. No improvements are required to ensure public transit service.

IV. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to the 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 the 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 fire apparatus access and water supply.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A complete stormwater management plan shall be submitted to the Engineering Division for review and approval at the time of development.

Where not contained within street rights-of-way, public storm drainage facilities will be located within public easements or on public property.

Developer shall install dry storm drain pipe from storm drain retention facilities to the drain ditch along 48th Street West. This pipe can be utilized in the future to drain the retention facilities with a pumping system.

Maintenance of the developments storm retention facilities shall be the responsibility of the Home Owners Association(s).

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 Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is 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 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, regulations of and as approved by the City of Billings Public Works Department, Billings Fire Department and the Montana Department of Environmental Quality.

A. Water

The Subdivision will be served by extending 24-inch water main along King Avenue West to 48th Street West. The Subdivider has the option to enter into a compensation agreement with the City to pay the difference in the upsizing of a 12-inch main to a 24-inch. The Subdivider will be required to construct a public 12-inch water main from King Avenue West through the Subdivision to the intersection of 48th Street West and Georgina Drive to be located in a public easement or public right-of-way.

B. Sanitary Sewer

The Subdivision will be served by extending sanitary sewer main along King Avenue West to 48th Street West. The Subdivider will be required to provide a cash contribution for half of the cost of installation of a 12-inch sanitary sewer main extension in 48th Street West for the extent of the property.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines within the public right-of-way shall be installed prior to surface improvements. 8-foot utility easements are provided along the front lot lines of selected lots for utility services as shown on the plat.

VII. PARKS/OPEN SPACE

Parkland/open space requirements will be met via private parkland/open space areas. The subdivision regulations require 11% of the net residential lot area be provided as parkland/open space area which equates to 5.310 acres. A total of 5.334 acres of parkland/open space is provided.

All parkland spaces within the subdivision will be private. Private parkland areas will be constructed by the Subdivider and maintained by the Home Owners Association(s).

VIII. IRRIGATION

No water rights have been transferred to the lot owners. Irrigation ditches that exist near this development are for the benefit of other properties. Ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

IX. SOILS/GEOTECHNICAL STUDY

A geotechnical investigation was performed for the area and can be obtained from the City Engineering Department office.

X. PHASING OF IMPROVEMENTS

The Subdivision is proposed to be constructed in phases as defined below. Public improvements associated with these phases shall be constructed or monetarily guaranteed prior to opening the phase.

Phase 1: Lots 3-4, Block 1; Lots 1-2, Block 2; and Lot 1, Block 3.

Phase 2: Lots 3-8, Block 2 and Lot 1, Block 4.

Phase 3: Lots 1-2, Block 1

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 APPLYING TO SUBDIVIDER

- A. Subdivider agrees to guarantee all public improvements for a period of two years 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 run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees of the respective parties.

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

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“SUBDIVIDER”

TKJ Development, LLC

By: _____

Its: _____

STATE OF MONTANA)
 : ss
 County of)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____ of *TKJ Development, LLC*, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

 Notary Public in and for the State of Montana
 Printed Name: _____
 Residing at: _____
 My commission expires: _____

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 20__.

“CITY”
CITY OF BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

Hello Dave,

Georgina Drive was created by way of a non-exclusive private access agreement granted by Tract 14 (northern tract of Ridgeline Subdivision) to allow for free ingress/egress of Tract 14 and the surrounding residential properties. As the easement is contained wholly within Tract 14 it is being dedicated to the City as part of the annexation/subdivision process. The Ridgeline Subdivision is required to improve the portions of Georgina (i.e. pavement) along portions in which the subdivision fronts the roadway directly. To summarize, the developer will be required to pave Georgina from 48th Street West to the west boundary of Tract 12 of COS 983. There will remain a portion of Georgina Drive where county properties occupy both sides of the road and would remain gravel.

Let me know if you have questions.

Thanks,

Craig Dalton, P.E.
Project Manager/Principal
Office: 406-384-0080



608 N. 29th St Billings, MT 59101

From: Green, Dave <greend@billingsmt.gov>
Sent: Friday, November 5, 2021 11:05 AM
To: Craig Dalton <craig@performance-ec.com>
Subject: FW: [EXTERNAL] Proposed Ridgeline Subdivision

Craig, could you please enlighten me on the plans for the road in question below?

dave

From: Tony Seitz <seitzt44@gmail.com>
Sent: Friday, November 5, 2021 10:57 AM
To: Green, Dave <greend@billingsmt.gov>
Cc: K Seitz <kmlarsen7844@gmail.com>
Subject: [EXTERNAL] Proposed Ridgeline Subdivision

**Good Morning, Dave Green,
I just received the notice of the public hearing on the
Ridgeline Subdivision scheduled for November 23rd,
2021.**

**Can you possibly tell me what the plans for this
subdivision propose for Georgina Drive as far as**

paving, and also as far as connecting Georgina Drive to the adjoining property to the East?

Hanser Capital Holdings is in the process of developing the property East of Georgina now.

I know in the past that Georgina Drive was scheduled to remain a private drive and end before the Hanser development, however, that may not still be the plan.

Thank you so much for your time and comments.

Tony & Kay Seitz

4631 Georgina Drive

Billings, Montana 59106

--

Tony Seitz

seitzt44@gmail.com

(406) 850-5620

Planning Board

Date: 11/23/2021
Title: Annafeld Subdivision, 4th Filing - Preliminary Major Plat - Public Hearing
Presented by: David Green
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Staff proposes the Planning Board recommend to City Council that the preliminary plat of Annafeld Subdivision, 4th Filing be conditionally approved and adopt the Findings of Fact as presented in the staff report.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On October 1, 2021, Sanderson Stewart for McCall Development, Inc., applied for preliminary major plat approval for Annafeld Subdivision, 4th Filing. The proposed subdivision creates 127 lots for residential development in the City of Billings. The subject property is generally located south of Elysian Road and west of Annafeld Subdivision, 3rd Filing. The property is zoned PD, builders will follow the PD when developing the lots. The entire project area is not currently within the City Limits, however, a petition for annexation has been submitted and the City Council will consider the annexation at the same business meeting as the preliminary plat.

VARIANCES REQUESTED

The applicant is not requesting a variance from the subdivision regulations.

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 protect public health and safety, prior to final plat approval, the applicant will submit all drawings and specifications for water systems, sewer systems and stormwater systems to the City of Billings Engineering Department for review and approval prior to installation.
2. 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.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY

- Pre-application meeting August 26, 2021
- Preliminary plat application submitted to Planning Division on October 1, 2021
- Departmental review meeting October 14, 2021
- Preliminary plat resubmittal October 21, 2021
- Planning Board plat review November 9, 2021
- Planning Board public hearing November 23, 2021
- Preliminary plat to City Council December 20, 2021
- 60 working-day preliminary plat review period ends December 30, 2021

PLAT INFORMATION

General location: South of Elysian Road and west of Annafeld Subdivision 3rd Filing

Legal Description: Lot 2A, Block 1 of Adam & Mollie Walter Sub, 1st Filing & Lot 1, Block 17 & Lot 3, Block 10 of Annafeld Sub, 3rd Filing & Tract 2A of COS 3594

Owner/Subdivider: McCall Development, Inc.

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: PD

Existing land use: Farmland

Proposed land use: Residential

Gross and Net area: 36.690 acres / 27.591 acres

Proposed number of lots: 127

Lot size: Max: 14.14 acres
Min.: 1,656 square feet

Parkland requirements: Parkland dedication requirement is 1.33 acres. The parkland will be private parks maintained by the subdivision.

STAKEHOLDERS

There are no stakeholder responses at this time. On November 23rd, at a regularly scheduled meeting of the Planning Board, public comment will be formally received during a public hearing.

At the November 9, 2021, Planning Board meeting planning staff gave a brief overview about the proposed subdivision. Planning Board President Woods asked if there were any question for the staff or the applicants' agent. There were none.

ALTERNATIVES

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on December 30, 2021. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

FISCAL EFFECTS

This plat will have no fiscal impacts on the City/County Planning Division.

SUMMARY

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. Negative effects that are identified become the subdivider's responsibility to mitigate. Various City departments, private service/utility providers and the affected school district/s, have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this proposed subdivision.

Attachments

Findings of Fact
Proposed Plat
SIA Draft

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Annafeld Subdivision, 4th Filing. These findings are based on the preliminary plat application and supplemental documents; addressing 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 farm land. Water rights will not be transferred to subdivision property owners. Existing ditches near this proposed development will remain in place and will not be altered by the future property owners. The subdivision should not affect agricultural water users' facilities.

2. Effect on local services

a. Utilities – Public water services to the subject property will be provided by the City of Billings. The subdivision will continue a 12-inch water main down Norma Jean Lane and in a portion of Street 4 (temporary name). All remaining street in Annafeld Subdivision, 4th Filing, will be an 8-inch line with water taps to individual lots for future home connections. The water mains within the subdivision will make looped connections whenever possible. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings. The City of Billings, Engineering Department, will review and approve all proposed water lines prior to installation. **(Condition #1)**

Fire hydrants will also be installed as required by the City of Billings Fire Department. The City Fire Department will review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by connecting to an existing 8- inch diameter gravity feed sewer main located in Street 2 (temporary name), Eva Marie Lane, Norma Jean land and Johannis Meadow Lane. and extending the 8-inch sewer main within Matador Avenue, Modera Avenue and Street 1 (Temporary Name). All sanitary sewer mains will be stubbed to each lot. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department. The City of Billings Engineering Department will review and approve all proposed sanitary sewer lines prior to installation. **(Condition #1)**

All telephone, gas, electrical power, and cable television lines that are placed within the public right-of-way shall be installed prior to surface improvements.

- b. Storm water** – Stormwater management for the proposed subdivision will be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains. The new storm drain piping will discharge into existing storm drain piping and to an existing mechanical stormwater filtration manhole, then into Hogan’s Slough. There is an existing Operation and Maintenance (O&M) manual that was developed with Annafeld Subdivision, 1st Filing that will include Annafeld Subdivision, 4th Filing. The subdivision HOA is owner of the stormwater management system and fees are collected to cover the cost of O&M. All drainage improvements shall comply with the provisions of the City of Billings Stormwater Management Manual and Section 23-706, BMCC, a stormwater management plan shall be submitted to the Engineering Division prior to filing of the final plat. **(Condition #1)**
- c. Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. Streets** – Access to the lots in this proposed subdivision is from Elysian Road and St. George Boulevard. Access to each individual lot will be from the internal streets that are proposed with this subdivision. All new streets will be in a 56-foot-wide right of way and will be constructed to 34-foot wide, back of curb to back of curb road. Road construction will include installation of accessible ramps at the intersections.

A traffic study has been completed for this proposed subdivision and the applicant will be making contributions to the intersections impacted by the additional traffic burden places on them. Those contributions are outlined in the SIA and will be made to the City prior to final plat approval.

Sidewalks will be installed at the time of individual lot development. All sidewalks will be boulevard type walks with 5-foot wide boulevard sidewalks.

- e. Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 605 South 24th Street West (Station #5).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

- f. Schools** – Elysian School provides service to students within this subdivision for K through 8. School District #2 provides service to students within this subdivision from high school (West High School). School District #2 responded stating West High School is over capacity at this time.

- g. Parks and Recreation** – The parkland dedication requirement for this subdivision is 1.33 acres. This parkland will be private park for the residents of the subdivision. There is a public park that was dedicated to the City with Annafeld 1st Filing. Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of an existing public park within Annafeld Subdivision. This information is in the SIA under the heading Property Conditions and Information for Lot Purchasers.
- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #2)**

3. Effect on the natural environment

The subject property is relatively level land adjacent to urban development to the east. A geotechnical study was performed for the subdivision, a summary of the information from that study is included in the SIA under the heading X. Soils/Geotechnical Study. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open farm land areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants will be installed 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 76-3-603 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 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired. (p.8)

Home Base (healthy, safe and diverse housing options) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. (p.9)

2. 2018 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision.

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 a PD zoning district. All building development on the lots shall comply with the PD zoning when applying for a 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 will furnish private utility easements as required by private utility providers.

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

Legal and physical access is provided to the proposed lots from Elysian Road and from St. George Boulevard. Other new internal streets will provide access to individual lots. All streets are dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Annafeld Subdivision, 4th Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy and does not conflict with the 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 proposes, the Planning Board recommend to the City Council, the preliminary plat of Annafeld Subdivision, 4th Filing be conditionally approval and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF ANNAFELD SUBDIVISION, FOURTH FILING

BEING LOT 2A, BLOCK 1 OF ADAM & MOLLIE WALTER SUBDIVISION, FIRST FILING AND PROPOSED LOT 1A, BLOCK 17
OF AMENDED ANNAFELD SUBDIVISION 3RD FILING AND LOT 3, BLOCK 10 OF ANNAFELD SUBDIVISION, 3RD FILING
SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M.
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

PREPARED BY : SANDERSON STEWART

AUGUST, 2021
BILLINGS, MONTANA

PLAT DATA

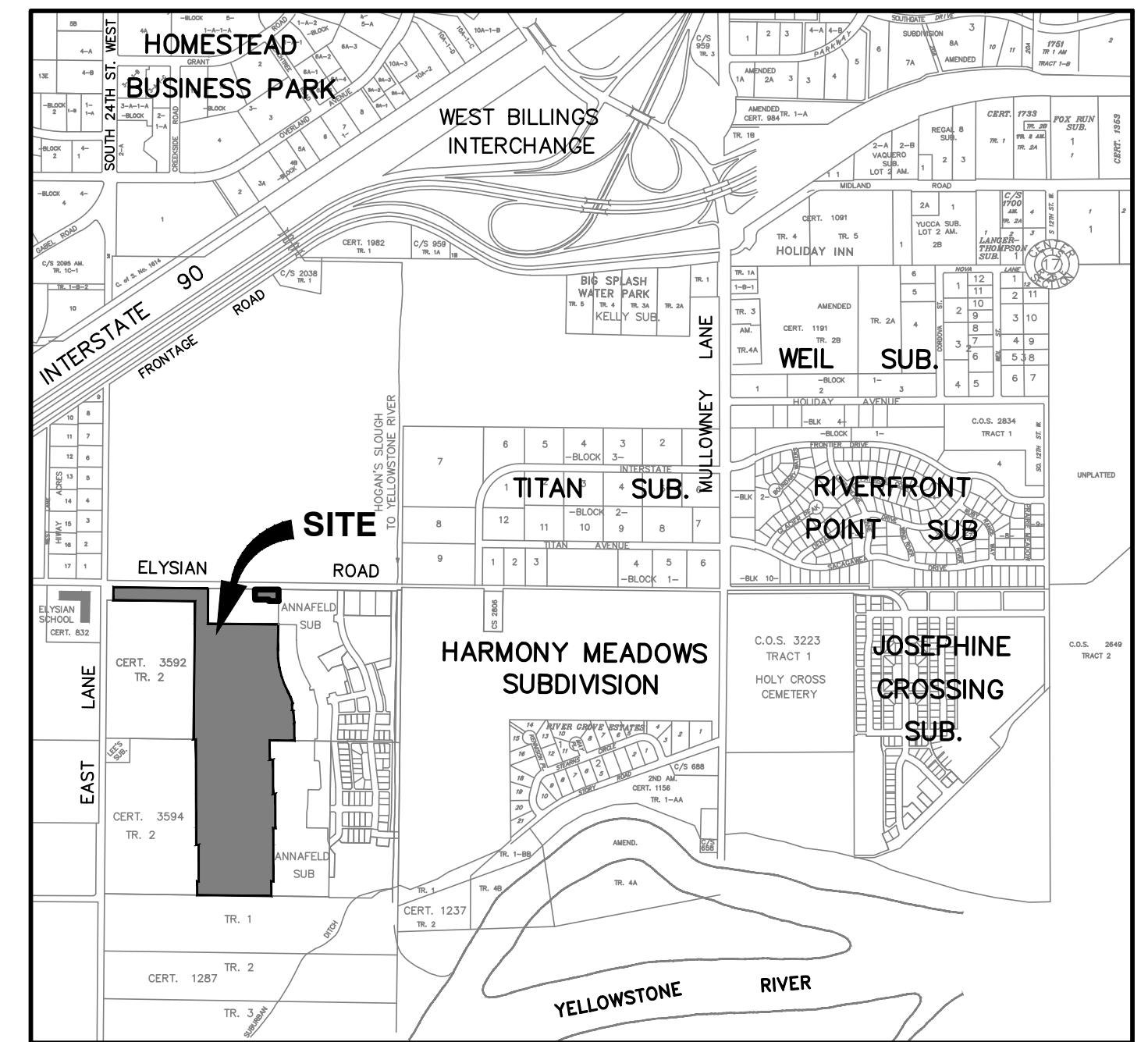
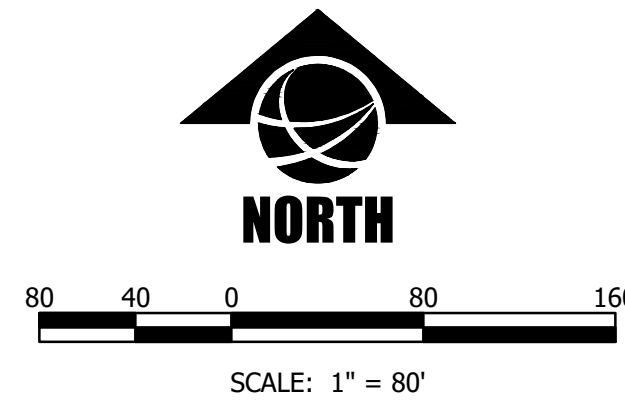
GROSS AREA	=	36.690 ACRES
NET AREA	=	27.591 ACRES
NUMBER OF LOTS	=	127
MINIMUM LOT SIZE	=	1,656 S.F.
MAXIMUM LOT SIZE	=	615,830 S.F.
LINEAL FEET OF STREETS	=	±9,101 L.F.
PARKLAND REQUIREMENT	=	±1.191 ACRES
PARKLAND DEDICATION	=	MET WITH 1.358 AC. PRIVATE PARK DEDICATION
EXISTING ZONING	=	PD
SURROUNDING ZONING:		
NORTH	=	PD AND NX2
SOUTH	=	A
EAST	=	PD
WEST	=	PD
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	RESIDENTIAL

BASIS OF BEARINGS: PLAT OF ANNAFELD SUBDIVISION, SECOND FILING

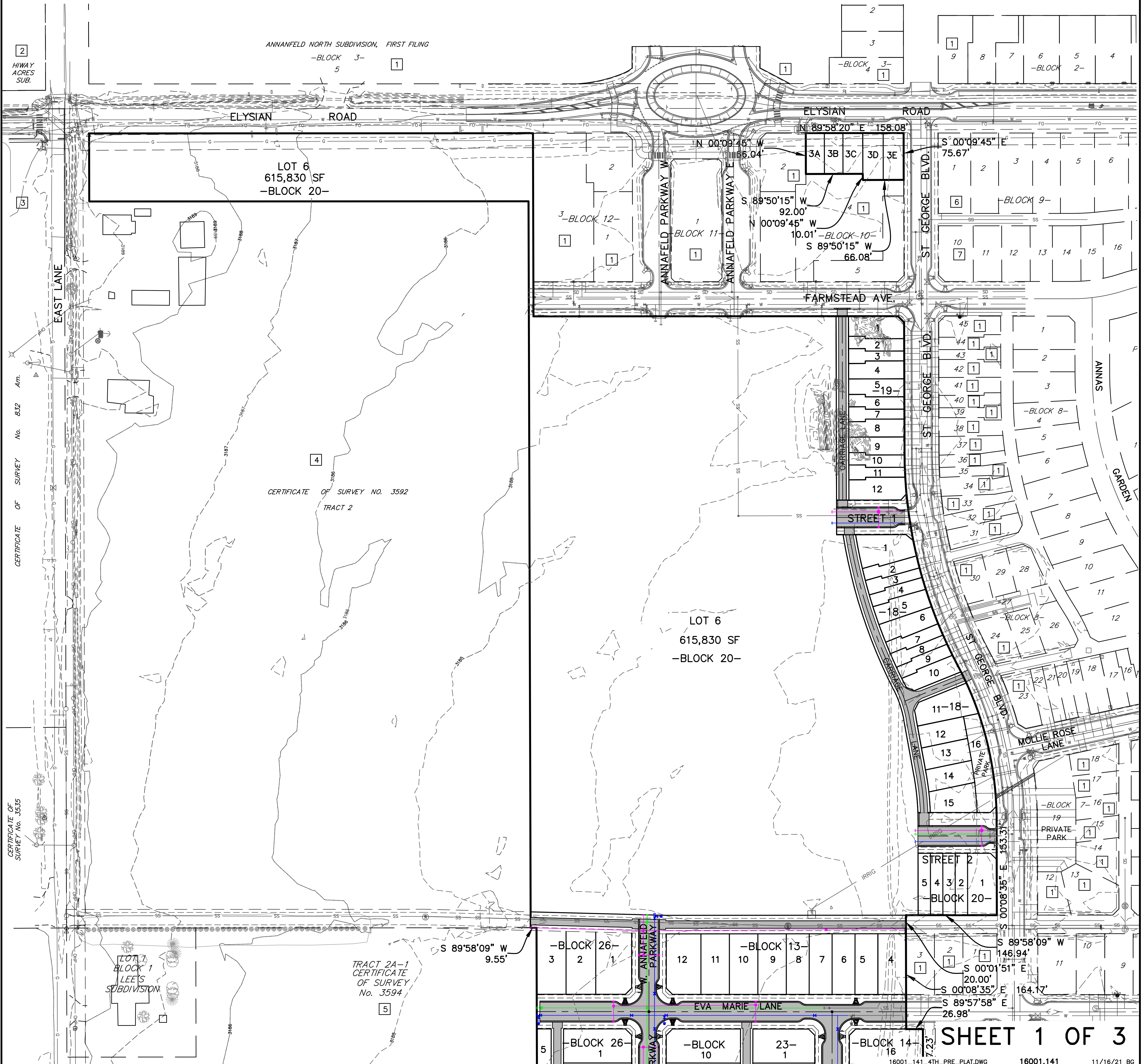
NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

OWNERSHIPS

- 1 MCCALL DEVELOPMENT INC
1536 MULLOWNEY LN. STE 100
BILLINGS, MT 59101-6397
- 2 KELLER, ARLISS M
1540 EAST LANE
BILLINGS, MT 59101-6329
- 3 SCHOOL DISTRICT #23RR 9
BILLINGS, MT 59101-9610
- 4 GARY J ARMSTRONG
LIVING TRUST
1701 EAST LANE
BILLINGS, MT
59101-6364
- 5 WALTER, LEROY J
& NORMA J
1807 EAST LANE
BILLINGS, MT
59101-6349
- 6 DERLATKA, DANIEL R
276 BLACKTAIL RD
LAKESIDE, MT 59922-9617
- 7 JONES, TIMOTHY O & LEAH
3620 POWDERHORN CIR
BILLINGS, MT 59102-037



VICINITY MAP
NOT TO SCALE



PRELIMINARY PLAT OF ANNAFELD SUBDIVISION, FOURTH FILING

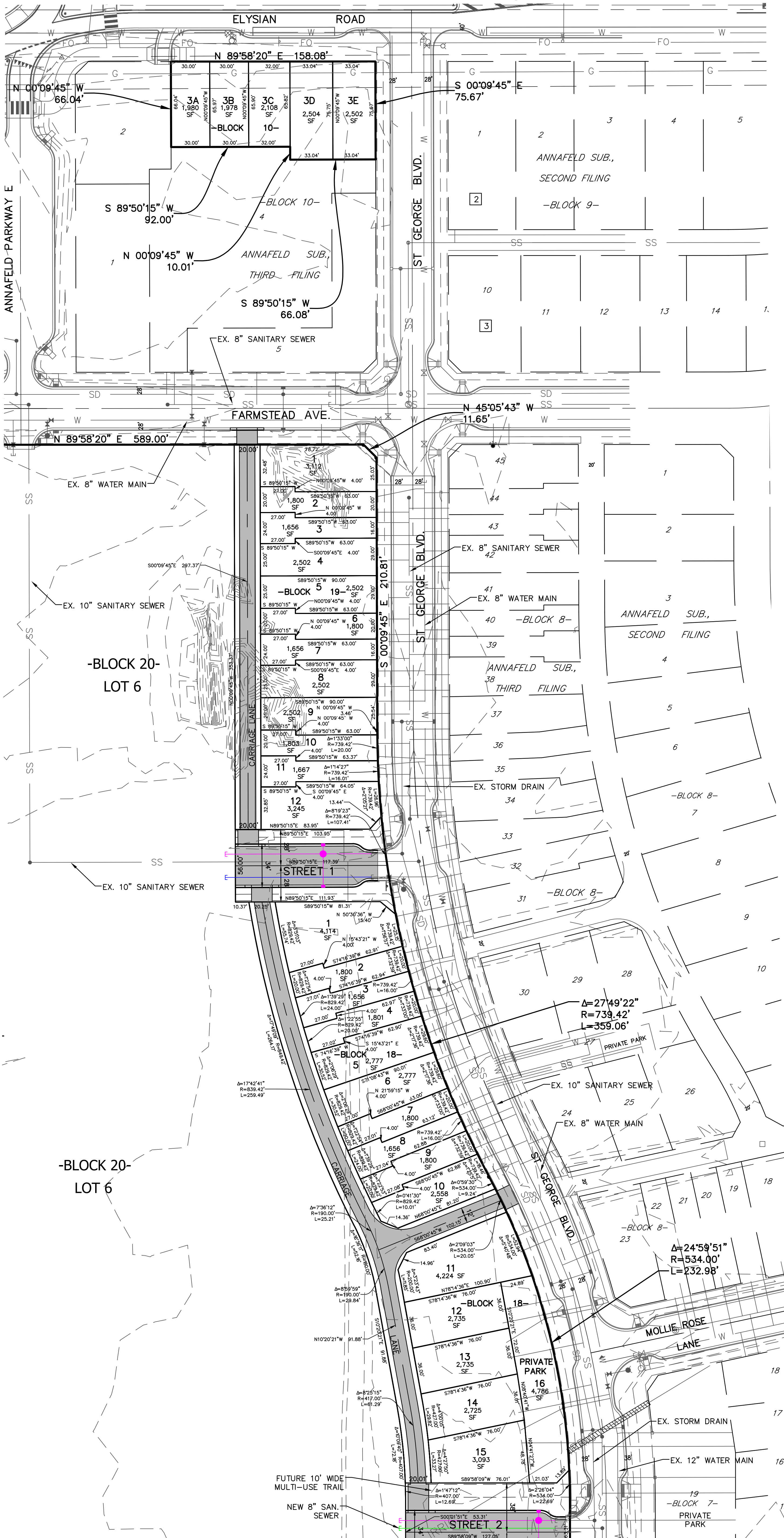
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IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

PREPARED BY : **SANDERSON STEWART**

AUGUST, 2021

BILLINGS, MONTANA



SCALE: 1"=40'

BASIS OF BEARINGS: PLAT OF ANNAFELD SUBDIVISION, SECOND FILING

- FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP MARKED "SANDERSON STEWART", OR AS NOTED.
- EXISTING BRASS CAP IN CAST IRON MONUMENT BOX.
- SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
- SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

OWNERSHIPS

- 1 MCCALL DEVELOPMENT INC
1536 MULLOWNEY LN STE 100
BILLINGS, MT 59101-6397
- 2 DERLATKA, DANIEL R
276 BLACKTAIL RD
LAKEBOE, MT 59922-9617
- 3 JONES, TIMOTHY O & LEAH
3620 POWDERHORN CIR
BILLINGS, MT 59102-037
- 4 GARY J ARMSTRONG
LIVING TRUST
1701 EAST LANE
BILLINGS, MT
59101-6364

LINETYPES

	EXISTING
SANITARY SEWER	SS
STORM DRAIN	SD
WATER MAIN	W
	PROPOSED
8" SANITARY SEWER	—
STORM DRAIN	—
8" WATER MAIN	—

RESERVED FOR CLERK AND RECORDER

PRELIMINARY PLAT OF ANNAFELD SUBDIVISION, FOURTH FILING

BEING LOT 2A, BLOCK 1 OF ADAM & MOLLIE WALTER SUBDIVISION, FIRST FILING AND PROPOSED LOT 1A, BLOCK 17
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PREPARED FOR : McCALL DEVELOPMENT, INC.

PREPARED BY : SANDERSON STEWART

AUGUST, 2021 BILLINGS, MONTANA

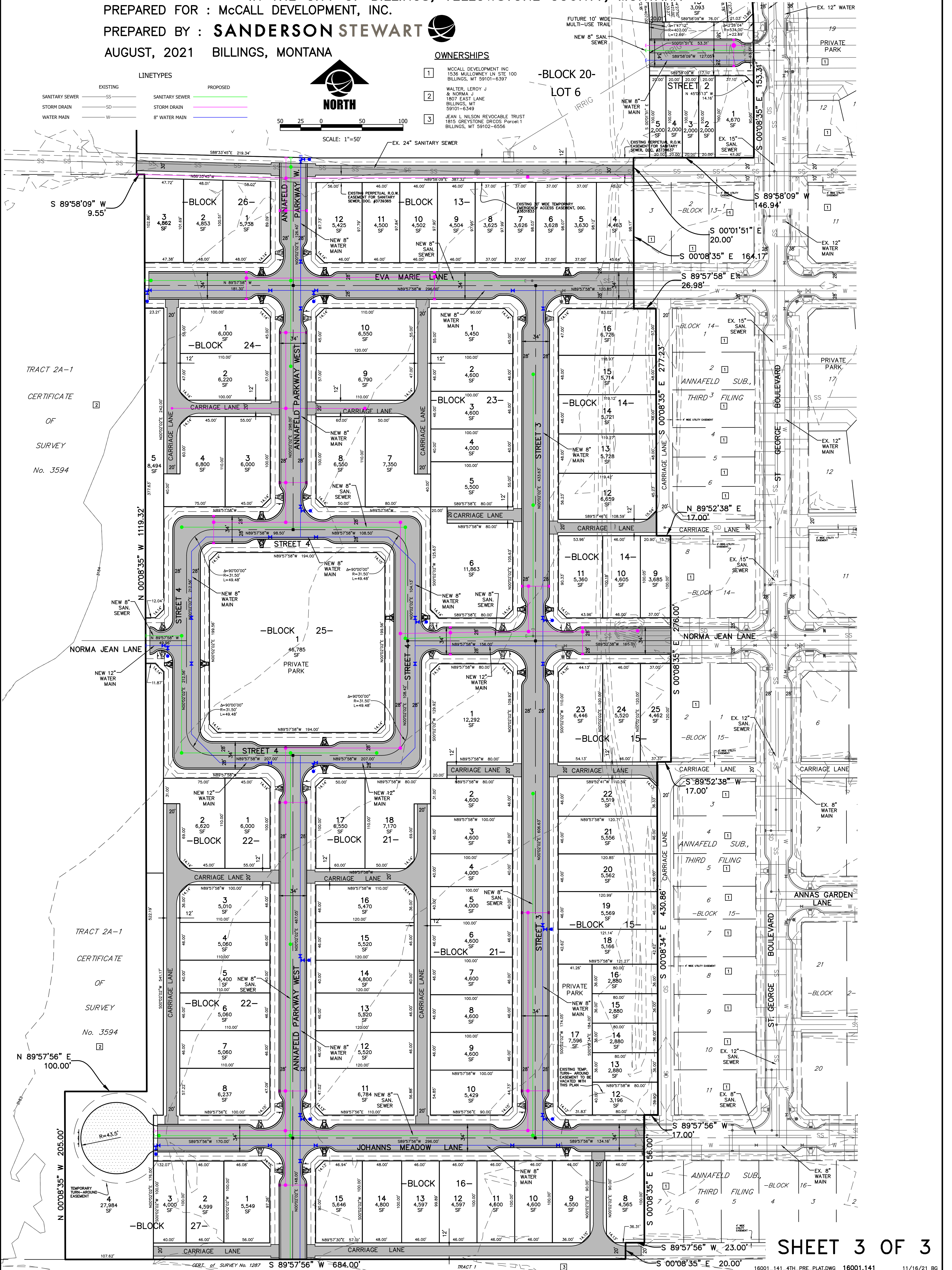
- OWNERSHIPS**
- 1 MCCALL DEVELOPMENT INC.
1536 MULLOWNEY LN STE 100
BILLINGS, MT 59101-6397
 - 2 WALTER, LEROY J & NORMA
1907 EAST LANE
BILLINGS, MT
59101-6349
 - 3 JEAN L. NILSON REVOCABLE TRUST
1815 GILSON DR. DICKES FOREST
BILLINGS, MT 59102-6556

LINETYPES

EXISTING	PROPOSED
SANITARY SEWER — SS —	SANITARY SEWER — SS —
STORM DRAIN — SD —	STORM DRAIN — SD —
WATER MAIN — W —	8" WATER MAIN — W —



SCALE: 1"=50'



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

**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENT DISTRICTS
ANNAFELD SUBDIVISION, FOURTH FILING
CITY OF BILLINGS
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Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENT DISTRICTS
ANNAFELD SUBDIVISION, FOURTH FILING**

THIS AGREEMENT is made and entered into this ____ day of _____, 20__, by and between **MCCALL DEVELOPMENT, INC.**, whose address for the purpose of this agreement is 1536 Mallowney Lane, Suite 100; Billings, Montana 59101, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, the plat of Annafeld Subdivision, Fourth Filing located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning; and

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

WHEREAS, at a regular meeting conducted on the ____ day of _____20__, the City Council conditionally approved a preliminary plat of Annafeld Subdivision, Fourth 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 Annafeld Subdivision, Fourth 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

None requested

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

- A.** Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development. If sidewalk is not constructed within 5 years, the City has the right to construct the sidewalk and assess the property owners.
- B.** 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.
- C.** Lot owners should be aware that this subdivision is built with a “traditional neighborhood” design. The single-family dwellings will have the garage set in the rear of the lots. The access will be provided to the garages by means of a paved Carriage Lane.
- D.** Lot owners should be aware that this subdivision is zoned “Planned Development” (PD). Special zoning regulations regarding lot development will be enforced in accordance to the Amended Planned Development Agreement recorded at the Yellowstone County Clerk and Records Office under Document No. 3826023.
- E.** Lot owners should be aware that this subdivision is adjacent to wildlife habitat. Consequently, owners are advised that wildlife indigenous to the

area is found on the property, and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and gardens. Any impacts associated with wildlife and any damage arising there from is the responsibility of the lot owners.

- F.** No water rights have been transferred to the individual lot owners but may be held by the Subdivider and/or the homeowners association. 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 without the permission of the controlling ditch company.
- G.** Lot owners should be aware they may be required to participate in a park maintenance district administered by the homeowners association for Annafeld Subdivision, Fourth Filing.
- H.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Chapter 28-201, BMCC and detailed in the City of Billings *Stormwater Management Manual*.
- I.** Lot owners should be aware that the Yellowstone River Channel Migration Study sponsored by the Yellowstone River Conservation District Council and the U.S. Army Corp of Engineers has identified areas which may be susceptible to erosion by the Yellowstone River. Owners are encouraged to review the extent to which bank erosion may pose a threat to structures built in this subdivision.
- J.** Lot owners should be aware that Hogan's Slough adjacent to the subdivision is a major stormwater outfall for Billings west end. There is a possibility that the slough could overtop during a major storm event. Based upon the existing topography near Hogan's Slough and the Elysian Road Bridge, it is anticipated that the channel would overtop northeast of Elysian Road and flow east prior to overtopping Elysian Road. There is the possibility however that Elysian Road could be overtopped during a major storm event. If that occurs, flows not carried within the Hogan's Slough channel would be carried within the subdivision streets. The elevation of residential dwellings and commercial structures must be established in recognition of the City's policy that storm runoff flows are allowed to a depth of 18-inches in the gutter flowline of adjacent streets during the major storm. Higher house finished floor elevations may be required on a lot by lot basis.

- K.** The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and the State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the City of Billings *Stormwater Management Manual*.

III. TRANSPORTATION

A. Streets

1. All internal access roads and site improvements within the subdivision will be in accordance with the City of Billings Site Development Ordinance, City Zoning Ordinance, International Building Code, the *Stormwater Management Manual*, and other applicable City codes, rules, and regulations.
2. All internal streets within the subdivision shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All public roads will be built to provide a 34-foot back-to-back curb street width. The design cross-sections of said streets shall be submitted to, and approved by, the City of Billings Public Works Department. The street improvements will be completed by private contract or SID.
3. At the time of this Filing, Phase IV of Harmony Meadows Subdivision, Second Filing has not been constructed. Therefore, a physical connection between Annafeld Subdivision and Harmony Meadows Subdivision cannot be made. Furthermore, even if the Story Road connection were constructed, the traffic generated from Annafeld Subdivision, Fourth Filing would be unlikely to utilize Story Road based on proximity to Elysian Road and the land uses that are currently in Harmony Meadows Subdivision. Therefore, a detailed traffic impact analysis of the Story Road connection to Harmony Meadows Subdivision is not required for this Filing of Annafeld Subdivision. A traffic impact analysis of the Story Road connection to Harmony Meadows Subdivision is required with future filings.

The Subdivider agrees to contribute up to 50 percent of the cost for design, permitting, and construction of the Hogan's Slough crossing on Story Road. If the cash contribution is not sufficient to cover 50

percent of the crossing costs at the time of construction, the City retains the right to create a SID to recover additional design and construction costs.

The timing of the contribution for the Hogan's Slough crossing on Story Road shall be made at the earlier of the following:

- I. At the time an Annafeld Subdivision Traffic Impact Study recommends the Story Road connection be completed.
 - II. At the commencement of construction of Phase IV improvements for Harmony Meadows Subdivision, 2nd Filing.
 - III. Prior to final plat approval of the final filing of Annafeld Subdivision.
4. A traffic accessibility study has been completed for the Annafeld Subdivision, Fourth Filing. All required intersection improvement contributions identified therein shall be completed by the Subdivider at the Subdivider's expense. Based on the additional lots created with Annafeld Subdivision, Fourth Filing, the percent of traffic contribution and associated costs to these intersections is as follows:

S. Frontage Rd/Midland Road & Mallowney Ln	2.08%	\$5,200.00
Mallowney Lane & Elysian Road	3.33%	\$8,325.00
Elysian Road & East Lane	0.83%	\$2,075.00

These cash contributions for the intersection improvements will be made prior to final plat approval. The percentage contributions and dollar amounts are as outlined within the Traffic Impacts Study for Annafeld Subdivision, Fourth Filing as submitted with the preliminary plat.

B. Carriage Lanes

All Carriage Lanes within the subdivision shall be built to grade with a satisfactory subbase, base course, and asphalt surface or concrete surface. All Carriage Lane approaches constructed with asphalt shall be replaced with concrete by the Subdivider at the time when home construction is complete. In the event asphalt approaches within the subdivision are not replaced with concrete within three years of the date of recording of the final plat, the City may construct the concrete approaches and assess the Subdivider for the costs associated with the approach construction. Carriage

Lane pavement widths shall be 12-feet. The design cross-sections of said Carriage Lanes shall be submitted to, and approved by, the City of Billings Public Works Department. No trees are allowed to be planted in the Carriage Lane. In addition, no shrubs taller than two feet are allowed to be planted in Carriage Lanes.

C. Sidewalks

Subdivider shall install handicap access ramps, where necessary. Construction of sidewalks along frontage of the lots shall be installed by the lot owner at the time of lot development. Sidewalks along the street frontage shall be minimum 5-foot-wide and separated with a boulevard width not less than five feet. Developer shall construct the 5-foot-wide boulevard sidewalk adjacent to private parks (east side of Lot 16, Block 18; north/south/east/west sides of Lot 1, Block 25; north side of Lot 16, Block 16) at the time of private park development.

D. Street Lighting

Street lighting is not required for this subdivision; however, it is anticipated that street lighting will be installed for Fourth Filing by private contract or SID. A Street Light Maintenance District will be created for operation and maintenance of the lighting at a future date and is included in the waiver of right to protest.

E. Traffic Control Devices

1. Street name signs for streets within the subdivision, or located immediately adjacent thereto, shall be furnished and installed in accordance with the specifications of the City of Billings Public Works and Fire Departments.
2. No traffic signals are required within this subdivision.
3. 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.

F. Access

Access to the subdivision will be provided by St. George Boulevard, Farmstead Avenue, Eva Marie Lane, Norma Jean Lane, and Johannis

Meadow Lane. Carriage Lane access is also provided to all residential lots within the subdivision.

G. Billings Area Bikeway and Trail Master Plan

A multi-use trail has been constructed along the south boundary of Elysian Road. Said multi-use trail shall extend from the east boundary of the subdivision to the easterly right-of-way line of East Lane.

In addition, a 10-foot-wide multi-use path will be provided on the north side of Street 2. No additional trail improvement will be required as part of this subdivision.

H. Public Transit

There are no MET Transit routes that service this subdivision at this time. The nearest established route is at the intersection of Elysian Road and Mallowney Lane. No improvements with regard to MET Transit vehicles are anticipated at this time.

IV. EMERGENCY SERVICE

A. Fire Hydrants

Emergency service will be provided by the City. Placement of fire hydrants will be as required by the City of Billings Fire Department.

B. Construction of Buildings

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (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 the 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 20-foot-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 fire apparatus access and water supply.

C. Building Location

All buildings shall be located on each lot so that the furthest portion of each building is within 150-feet from an approved fire department access road over an approved route excluding all carriage lanes.

V. STORM DRAINAGE

- A.** A stormwater management plan shall be submitted to the Engineering Division prior to final plat approval. The storm drainage system for Annafeld Subdivision, Fourth Filing will consist of a curb and gutter surface collection and curb inlets that drain into storm drainage piping, as well as surface conveyance. The storm drain piping will discharge into existing storm drain piping and to an existing mechanical stormwater filtration manhole, then into Hogan’s Slough. All drainage improvements shall comply with the provisions of the City of Billings *Stormwater Management Manual* and Chapter 28, BMCC.
- B.** The mechanical stormwater filtration manholes are existing, and associated improvements are privately owned and maintained by the HOA. Annafeld Subdivision, Fourth Filing will be included in the HOA that is responsible to maintain these facilities. O&M requirements and HOA maintenance and fiscal responsibilities have been outlined within the Annafeld Subdivision, First Filing I O&M Manual.
- C.** Hogan’s Slough adjacent to the subdivision is a major stormwater outfall for Billings west end. There is a possibility that the slough could overtop during a major storm event. Based upon the existing topography near Hogan’s Slough and the Elysian Road Bridge, it is anticipated that the channel would overtop northeast of Elysian Road and flow east prior to overtopping Elysian Road. There is the possibility however that Elysian Road could be overtopped during a major storm event. If that occurs, flows not carried within the Hogan’s Slough channel would be carried within the

subdivision streets. The elevation of residential dwellings and commercial structures must be established in recognition of the City's policy that storm runoff flows are allowed to a depth of 18-inches in the gutter flowline of adjacent streets during the major storm.

- D.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Chapter 28, BMCC and detailed in the City of Billings *Stormwater Management Manual*.
- E.** The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and the State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater discharges Associated with Construction Activity, Chapter 28, BMCC and the City of Billings *Stormwater Management 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 Public Works Department - Engineering Division. The extension of/connection to water mains and sanitary sewers is 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 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.

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 Annafeld Subdivision water system consists of a series of looped water mains located in each of the local streets. The subdivision water system will

consist of new 12-inch water mains in Norma Jean and in a portion of Street 4. 8-inch water mains will be installed in the remaining streets in Annafeld Subdivision, Fourth Filing. Future filings of the Annafeld Planned Development will provide the opportunity to make additional connections to the trunk main in Elysian Road providing water main looping.

B. Sanitary Sewer

Sanitary sewer service to Annafeld Subdivision, Fourth Filing will be provided by connecting to the existing 8-inch gravity sewer main located in Street 2, Eva Marie Lane, Norma Jean Lane, and Johanns Meadow Lane. 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.

C. Power, Telephone, Gas, and Cable Television

Private utility facilities currently exist to serve the subdivision. The private utility facilities will be installed within the Carriage Lane right-of-way and by easements included on the plat, as requested by the utility companies, to provide routes to the Carriage Lanes.

VII. PARKS/OPEN SPACE

The subdivision lies within a planned unit development that provides for land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development, per 76-3-621(6)(a) of the Montana Code Annotated. The park and open space within the Annafeld Planned Unit Development Master Plan meets or exceeds the area of dedication required under section 76-3-621(1), MCA. The Subdivider and City agree that the parkland dedication has been met through the dedication of private park area within Annafeld Subdivision, Fourth Filing and with additional public and private park dedication with Annafeld Subdivision, First, Second and Third Filings.

In addition, the lots within Annafeld Subdivision, Fourth Filing may provide additional funding to complete the park improvements for the previously created public parkland SID. The park improvements shall be in accordance with the City Council approved Annafeld Parks Master Plan. The Subdivider shall prepare all SID documents necessary for creation, and coordinate with the City of Billings Parks and Recreation Department for review and approval. If all park

improvements as defined in the Annafeld Parks Master Plan have been completed prior to the creation of this park SID, then this park SID will no longer be required.

The current park maintenance district (PMD 4041) for Annafeld Subdivision, First Filing shall be expanded to include lots with Annafeld Subdivision, Fourth Filing for the perpetual maintenance of the public parkland. The Subdivider shall prepare all park maintenance district documents necessary for its expansion and coordinate with the City of Billings Parks and Recreation Department for review and approval.

VIII. HOMEOWNER'S ASSOCIATIONS

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

A. Contact Information

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

B. Stormwater Drainage Facilities

The HOA shall be responsible for the maintenance of the mechanical filtration stormwater manholes. The HOA shall share the cost of maintenance of the community stormwater facilities.

IX. POSTAL DELIVERY

The Subdivider shall provide centralized delivery boxes with sufficient pullout to accommodate a mail carrier vehicle. The location of the boxes shall be reviewed and approved by the United States Postal Service.

X. SOILS/GEOTECHNICAL STUDY

A soils/geotechnical study has been performed for the subdivision. The report dated _____, 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.

XI. PHASING OF IMPROVEMENTS

Phasing is not being proposed with this subdivision.

XII. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install, and construct said required improvements by SID or by private contract secured by letters of credit or a letter of commitment to lend funds from a commercial lender or by SID. 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.

XIII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

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

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 20__.

“CITY”

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 11/23/2021

Information

Subject

Planning Board Nomination Committee Recommendations for 2022 Planning Board Officers. Planning Board members.

Attachments

Planning Board By-Laws 2021_Adopted

BY-LAWS

YELLOWSTONE COUNTY BOARD OF PLANNING
“Serving Yellowstone County, City of Billings, and Town of Broadview”

Adopted March 12, 1985
Amended September 12, 1989
Amended: June 8, 1993
Amended: February 22, 1994
Amended: February 27, 1996
Amended: July 24, 2001
Amended: September 24, 2002
Amended: May 25, 2004
Amended: July, 2012
Amended: March 2021

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ARTICLE I

NAME AND LOCATION

Section 1. Name

The name of this Board shall be the Yellowstone County Board of Planning (hereinafter referred to as the Board).

Section 2. Location

The Board offices are located on the fourth floor of the Parmly Billings Library, 510 North Broadway (N. 29th Street), Billings, Montana.

ARTICLE II

DEFINITION OF TERMS

As used in these by-laws.

1. Board: The Yellowstone County Board of Planning
2. City: Billings and Broadview
3. City Council: The governing bodies of Billings and Broadview
4. County: Yellowstone County, Montana
5. County Commissioners: The governing body of Yellowstone County
6. Town: Broadview
7. Town Council: The governing body of Broadview
8. Master Plan: As defined by Section 76-1-601 Montana Codes Annotated
9. Planning Director: That individual so designated by the County Commissioners and City Of Billings
10. Plat: A subdivision of land into lots, streets, and areas marked upon the earth and represented on paper, and includes re-plats and amended plats.

ARTICLE III

AUTHORITY, POWERS, AND DUTIES

Section 1. Authority

The Yellowstone County Board of Planning is authorized under Section 76-1-101 through 76-1-104 and 76-1-111 Montana Codes Annotated and the Yellowstone County Agreement on Planning dated December 10, 1984, and as amended on October 24, 1990, October 1, 1995 and as amended in April of 2002.

Section 2. Powers and Duties

A. Role of the Board:

1. To assure the promotion of public health, safety, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of community development, the planning board shall prepare a Growth Policy master plan and shall serve in an advisory capacity to the local governing bodies establishing the planning board.
2. The Board may also propose policies for:
 - a. Subdivision plats;
 - b. The development of public ways, public places, public structures, and public and private utilities;
 - c. The issuance of improvement location permits on platted and unplatted land;
 - d. The laying out and development of public ways and services and to platted and unplatted lands.
 - e. Long range plans
 - f. Flood plane and floodway area
3. The role of the Board shall be to recommend planning policy to the County, Billings, and Broadview.
4. The Board shall prepare a Growth Policy for the jurisdictional area, as defined in Section 76-1-601 Montana Code Annotated.
5. The Board shall serve as the Metropolitan Planning Organization for the Billings Urban Transportation Area.
6. The Board shall perform other planning related functions as requested by the parties hereto.
 - a. Prescribe uniform rules pertaining and hearings
 - b. Adopt by-laws, which set forth the Board's policies and procedures.
 - c. Recommend an annual work program.
 - d. Keep an accurate and complete record of all proceedings.
7. The Board may, from time to time, comment upon plans and planning related policies subject to review or adoption by Federal or State agencies, and/or may recommend that the County and Cities make appropriate comment on the same.

ARTICLE IV

JURISDICTIONAL AREA

Section 1.

The jurisdictional area of the Board will include all the area in Yellowstone County including the incorporated limits of Billings and Broadview but excluding the incorporated limits of Laurel and the existing jurisdictional area surrounding Laurel.

ARTICLE V

OBJECTIVES AND POLICIES

The objectives of the Board as established by State Law, are to enable units of local government within Yellowstone County (except Laurel) to cooperate in promoting the orderly development of those units and their environs by planning for the improvement of the present health, safety, convenience, and welfare of their citizens and the future development of their communities to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with the promotion of the efficient and economical use of public funds.

ARTICLE VI

MEMBERSHIP AND TERMS OF APPOINTMENT

Section 1. Composition

The Board shall consist of citizen members and may include elected officials.

Section 2. Membership

The Board shall consist of fifteen (15) members.

Seven (7) members are to be appointed by the County Commissioners – one (1) from each geographical area determined by the County Commissioners.

Five (5) members are to be appointed by the Mayor of Billings from within the city limits of Billings.

One (1) member to be appointed by the County Commissioners from the governing board of a soil conservation district or a state cooperative grazing district.

Two (2) ex-officio non-voting representatives. One from School District #2 and the County Superintendent of Schools.

Section 3. Terms

Members of the Board shall be appointed to 2-year terms pursuant to Section 76-1-203 MCA.

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.
- B. 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.

Section 5. Vacancies

Vacancies occurring on the Board shall be filled by the governing body having appointed them for the unexpired term.

ARTICLE VII

BOARD OFFICER, TERMS, AND DUTIES

Section 1. Officers

The officers of the Board shall consist of a President, Vice President, and Executive Secretary.

Section 2. Election of Officers

The President and Vice President shall be elected by a majority of the Board members present and voting at the first regular scheduled meeting in December. The terms of office of the President and Vice President shall commence on January 1.

Section 3. Board President

The President shall preside over all regular and special meetings of the Board and may vote in the case of a tie or to create a tie. The President shall also sign such documents and communications of behalf of the Board, as the Board may authorize and are of such a nature as to require the signature of the President. The President may in absence delegate such responsibility to the Vice President. The President shall have the authority to appoint in ARTICLE IX Committees. The President shall be an “ex-officio” member of all committees except the nominating committee, and shall retain

voting rights on these committees, and shall be counted as a member for purposes of comprising a quorum.

Section 4. Board Vice President

The Vice President, in the absence of the President, shall preside over any regular or special meeting of the Board and at the direction of the President, sign such documents and communications on behalf of the Board, as the Board may have authorized the President to sign.

Section 5. Office Vacancy

If the office of the President becomes vacant, then the Vice President shall fill the unexpired term. On assuming this office, the President shall appoint a nominating committee to present their nominations for Vice President.

Section 6. Officer Absences

If the President and Vice President are absent from any regular meeting, the Executive Secretary shall call the meeting to order and a quorum of members shall elect a temporary chairperson for the meeting.

Section 7. Removal of Officers

If the Board votes no confidence in an office, a motion to remove said officer shall be brought before the Board at its next meeting. Should the motion pass, a new officer shall be elected to serve the remainder of the term of office.

Section 8. Terms of Office

All officers shall serve a term of one (1) year. Any officer may serve for successive terms.

Section 9. The Director of Planning

The Director of Planning shall function as Executive Secretary (Appendix B), whose duties may include:

- A. Keeping true and correct copies of the minutes of all regular and special board meetings, and the minutes of any committee meetings.
- B. Administering the affairs of the Board in accordance with adopted Board policies and policies of the County.
- C. Recommending policies, ordinances, or resolutions, which may be necessary to accomplish the objectives of the Board and implement the goals of the Growth Policy.
- D. Representing the Board before any other board, commission or committee, or citizen's organization.

- E. Preparing in the name of the Board correspondence, official notices, and agendas.
- F. Signing all plats and affixing the official seal of the board thereon only after such plat has been approved in accordance with the requirements of the Subdivision Regulations, adopted policies and procedures of the Board and only after all requirements have been satisfied.
- G. Reporting at the Board's request the progress and status of any program or project for which the Board has responsibility and changes in State or Federal guidelines, which may affect any of the Board's programs, or status.
- H. Preparing an annual report, this shall include a summary of the Board's activities during the previous year.

ARTICLE VIII

MEETINGS, QUORUMS, AND PROCEDURES

Section 1. Regular Meetings

Regular meeting of the Board shall be held on the second and fourth Tuesday of each month at 6:00 p.m. in the conference room of the fourth floor of the Parmly Billings Library or in such other place and time as shall be advertised in a conspicuous location in the South lobby of the Parmly Library on the day of the regular meeting. Regular meetings of the Board and its committees are open to the public and testimony or correspondence may be received from any citizen at any public meeting. Regular and special meetings shall be recorded and all records shall be available for public inspection during normal business hours at the Planning Office on the fourth floor of the Parmly Billings Library.

Section 2. Quorums

- A. A majority of voting members shall constitute a quorum.
- B. No action of the Board is official, however, unless authorized by a majority of voting members in attendance of the Board at a regular or properly called special meeting. Official action can only be conducted when there is a quorum present at any meeting.

Section 3. Special Meetings

Special meetings of the Board may be called by the President or by any two members upon request to the Executive Secretary three (3) working days prior to the date of the special meeting. The Executive Secretary shall then notify all members of the special meeting and the topic(s) to be considered.

Section 4. Agendas

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. Each agenda shall contain the following standing items:

- 1 **CALL TO ORDER.** Welcome and introduction of new and returning Board Members and staff
- 2 **APPROVAL OF AGENDA,** including any additions or deletions to agenda
- 3 **MEETING MINUTES**
- 4 **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person)
 - a. Comments on items not on agenda and requests to add items to future agendas
 - b. Comments on items on the non-public hearing agenda items
- 5 **DISCLOSURE OF CONFLICT OF INTEREST**
- 6 **DISCLOSURE OF EX PARTE COMMUNICATION**
- 7 **OLD BUSINESS** (items that were not discussed or not completed in a previous meeting or items requiring action)
- 8 **NEW BUSINESS** (items that are new to this meeting)
- 9 **UNSCHEDULED BUSINESS** (items added by the Board)
- 10 **AGENDA ITEMS FOR NEXT BOARD MEETING**
- 11 **ADJOURNMENT**

An agenda item that requires formal action by the Board must first have been discussed at a previous business meeting. On items added to the Agenda by a majority vote of members present, the Board may choose to take action at the same meeting if the item is not of significant interest to the public. To consider an item brought before the Board under Unscheduled Business the item must be placed on the agenda by motion at the beginning of the meeting and approved by a majority vote of the members present. The Board will not take formal action at that meeting but can choose to discuss the item and place it on future agenda for formal action. Agendas and copies of the minutes of all regular meetings shall be distributed to each member of the Board no later than the Friday preceding the meeting date. In addition, all agencies, organizations and individuals that may have an interest in any matter before the Board shall be notified of the upcoming meeting. At the beginning of each meeting the public shall be given the opportunity to address the Board on any item that is not on the current agenda. The Board will not take action on the item at that time, but could choose to add the item to the next regular meeting's agenda for discussion.

Section 5. Public Hearings

The Board shall cause to be published a Notice of Public Hearing containing the date, time, location, and purpose pursuant to statutory requirements in a newspaper of general circulation for each hearing held by the Board.

A. Public Hearings for Subdivisions

1. When a preliminary plat application is set for a public hearing pursuant to a public notice, the matter shall be heard even though no one in favor or in opposition to the application appears at the hearing, unless the Board has received a written request from the subdivider, twenty-four (24) hours prior to the public hearing, to continue such

hearing at a later time due to good and sufficient reason, or to withdraw or to postpone the application for reason approved by the Board.

2. Each person who speaks at the public hearing shall stand and furnish his/her name and address to the Board and shall thereby become a part of the record.
3. Each preliminary plat application shall be heard in the following order:
 - a. A Planning Department staff member shall summarize pertinent data and present or amplify the recommendations of staff and department heads.
 - b. The applicant, or his representative, shall present the application to the Board, and summarize the proposed subdivision and, if applicable, the following criteria of public interests:
 - i. Effects on Agriculture
 - ii. Effects on Local Services.
 - iii. Effects on Natural Environment.
 - iv. Effects on Wildlife Habitat and Wildlife.
 - v. Effects on Public Health and Safety.
 - vi. Effects on Agricultural Users Facilities.
 - c. Persons in favor or opposed to the application shall be heard or written comments received up and until the time of the close of the public hearing.

B. Other Public Hearings

1. All other public hearings shall be conducted in accordance with the following procedure unless the Board determines by a majority vote to follow some different procedure:
 - a. The Board shall first hear a report on the subject item from the Planning Department staff, which report may include a recommendation as to the action to be taken by the Board.
 - b. The Board shall then hear and/or receive written or oral statements from the public in the following order:
 - i. Proponents of the proposal.
 - ii. Opponents of the proposal.
 - iii. Members of the public who, being neither proponents nor opponents of the proposal wish to make a general statement or comment regarding the same.
 - iv. The Board shall then hear any brief rebuttal to previous comments, testimony, or statements.
 - v. The Board shall then hear any brief final comments, statements, or recommendations, if any, from the Planning Department staff.
 - vi. Any person wishing to speak a second time may do so only during the proper course of the proceedings, only after all persons wishing to speak

have been heard, and only with the permission of the President or the approval of the majority of the Board members.

2. Prior to hearing and/or receiving oral statements, comments, or testimony from the public, the Board may, by majority vote, impose reasonable and prudent limitations on the time allotted for each person's oral statement, comments, or testimony.
3. The Board or any member thereof, may at any time question any person about his/her statements, comments, or testimony.
4. After hearing any and all statements, comments, and testimony as above provided, the President shall close the public testimony portion of the hearing. After closure, and after such discussion as may be appropriate, the Board may vote upon a recommendation for the item under consideration.
5. Subject to any time constraints imposed by law, the Board may, at any stage of a public hearing or proceeding, continue the same to a later date in order to allow or facilitate full public participation, to obtain additional information, to properly consider or deliberate any matter, or for any other lawful reason. In the case of such continuance, the time and place of all further proceedings in regard thereto shall be immediately fixed and announced to the Planning Department staff and the public, in which case no further legal notice of the hearing need be given.

C. Informal Hearings

The Board, by majority vote, may follow some other procedures for the conduct of hearings.

Section 6. Quarterly Meetings

The Board may hold quarterly meetings with the City Administrator, Mayor and City Council, and the Board of County Commissioners. These meetings shall be for bringing all said parties together to discuss planning issues and concerns. Any proposed amendment to the Interlocal Agreement on Planning shall be placed on the agenda for the first available quarterly meeting prior to action by either the City or the County. Quarterly meetings shall be held on the second Tuesday of the first month of each quarter at a time to be mutually agreeable to all of the parties. The responsibility for preparation and distribution of agendas, meeting notices, etc., shall be with the Planning Department.

Section 7. Interlocal Agreement

If any party to the Interlocal Agreement on Planning proposes an amendment to said agreement, the Board of Planning shall first be provided a copy of the amendment along with the recommendations(s) for revision. The Board shall request that a joint meeting be held with all of the signatory parties to the Agreement to discuss any proposed amendments, prior to any action by the signatory parties. The Board shall then provide a recommendation to all signatory parties to the agreement. The Board can recommend approval, denial, or modification of any such proposed amendments.

ARTICLE IX

COMMITTEES AND ADVISORY COMMITTEES

Section 1. Committees

The President is responsible for selecting the chairman and individual members of the committee.

A. Plat Review Committee

The committee shall consist of the entire Planning Board.

B. Nominating Committee

The President shall at the first regular meeting in November appoint three (3) members who will present their recommendations for new officers at the first meeting in December as the first order of business following the approval of the minutes. Nominations from the floor may be made at this time. Election of officers will follow the nominations at first meeting in December (See Article VII, Section 2). The President shall not be a member of the Nominating Committee.

C. Special Committees

Special committees for any purpose may be appointed by the President or created by motion of the Board to create and direct the President to appoint its members.

Section 2. Advisory Committees

Citizen Advisory Committees may be established in each of the geographical areas from which a Board member is appointed. The purpose of the committees is to provide advice to the Board on planning related matters of interest to their areas.

Section 3. Committee Action

In no case shall a committee take official action unless a quorum is present.

ARTICLE X

LEGAL ASSISTANCE

The Board shall seek legal assistance from the attorneys for the appropriate governing body.

ARTICLE XI

FINANCING

Section 1. Board Financing

As provided through MCA 76-1-306 the governing body shall assign staff employed by the governing body to assist the planning board in conducting its duties. The planning board may delegate to assigned staff the authority to perform ministerial acts in all cases except when final action of the planning board is necessary. The governing body may make contracts for special or temporary services and any professional service. The following MCA sections also govern the fiscal administration of the Planning Board:

76-1-401. Fiscal Administration.

- (1) To effectuate the purpose of this chapter, the board shall have the power and duty to:
 - (a) supervise the fiscal affairs and responsibilities of the board;
 - (b) prepare and submit to the governing bodies represented on the board an annual budget in the same manner as other departments of the city and county governments and shall be limited in all expenditures to the provisions made therefore by the governing bodies represented upon the board.
- (2) The planning board shall have authority to expend, under regular city or county procedure as provided by law, all sums appropriated to it for purposes and activities authorized by this chapter.

76-1-402. Funding of board operation.

- (1) After a city council has by ordinance, a board of county commissioners has by ordinance and resolution, or a city council and board of county commissioners have by ordinance and resolution created a planning board, the governing bodies represented upon such board may appropriate funds to carry out the duties of the planning board.
- 2) When a planning board has been created by agreement of more than one governmental unit, the governing bodies of the governmental units which have created the board shall agree upon the proportion of expenditures to be borne by each such unit and may budget and appropriate the funds necessary for the respective shares thus agreed upon.

Section 2. Financial Summary

The Planning Director shall provide a financial summary of the Department budget to the Board as requested.

ARTICLE XII

PROGRAM DEVELOPMENT

Each year, under direction of the Board, the Planning Department shall prepare a Unified Planning Work Program (UPWP).

The UPWP shall outline all proposed work activities for the year and indicate funding sources for each.

The primary purpose of the UPWP shall be to maintain certification as the Metropolitan Planning Organization (MPO) through the Montana Department of Transportation and the Federal Highway Administration (FHWA). The secondary purpose shall be to provide the Board and administrative guide to monitor yearly work activities of the Planning Department.

ARTICLE XIII

MISCELLANEOUS

Section 1. Conflict of Interest

Any member(s) having a financial or personal interest in a matter before the Board for discussion or vote shall publicly disclose the nature and extent of such interest and absent himself from the meeting until discussion on the matter has ended and a vote, if any, is taken. In such circumstances, the secretary shall note in the minutes that a conflict of interest was acknowledged and the Board member(s) was absent during the discussion and voting.

Section 2. Travel

Authorization of travel of any Board member to attend a conference, convention, or other meetings necessary to carry out the affairs of the Board must be approved by the Board and the appropriate governing body represented by the board member. Upon return, the Board member must submit a written summary of the expenditures and activities.

Section 3. Distribution of Planning Studies

Pertinent studies of interest to certain entities may be distributed to interested parties and local media. Additional copies may be made available to the public at the cost of publication or duplication.

Section 4. Plan Study and Adoption

The Board shall formally adopt all plans or studies by resolution. Such resolution shall clearly state the authorization for the particular plan or study, the findings of fact, which necessitated its preparation and the recommendation to the respective governing bodies relative to action necessary to implement the objects of the plan or study.

Section 5. By-Law Amendments

Amendments to the By-Laws of the Yellowstone County Board of Planning may be initiated by any member of the Board. Such amendments must be submitted, in writing, at a regular meeting and approved by a two-thirds vote of the members present.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 11/23/2021

Information

Subject

Planning Board openings: The following positions have been advertised: City Ward II, BOCC District 3, and BOCC District 4, Yellowstone County Conservation District. These positions expire 12/31/21 and Board members may reapply: Woody Woods, BOCC District 5; Jarrett Hillius, BOCC District 7.

Attachments

City of Billings Board Application
Yellowstone County Board Application Form



Board, Commission or Committee Application

Board/Commission/Committee: _____ Date: _____

Thank you for your interest. Citizen volunteers are regularly appointed to various City boards, commissions and committees. Unless otherwise required or permitted by applicable law or agreement, members must be a resident of the city for at least two (2) years, registered voter of the city, and eighteen (18) years of age or older. Members serve without compensation. For more information see Billings, Montana Charter Article V, Billings Montana Municipal Code Article 2-500 and City of Billings website: <https://ci.billings.mt.us/65/Boards-Commissions>.

Please complete the following and return it to:
Mayor's Office, P. O. Box 1178, Billings, MT 59103, by designated deadline.

Name (please print): _____

Home Address: _____

In which Ward do you reside? _____ Email address: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Employer: _____ Occupation: _____

Would your work schedule conflict with meeting dates? Yes ___ No ___ (if yes, explain)

Education: High School: _____ College/Vo-Tech/Other: _____

Military Service: Yes ___ No ___ Branch: _____

Special Skills/Talents/Interest/Hobbies:

At least 18 years of age? Yes ___ No ___ Registered City voter? Yes ___ No ___

Resident of Billings for at least the last 2 years? Yes ___ No ___

IF NECESSARY, ATTACH A SEPARATE SHEET OF PAPER FOR YOUR ANSWERS TO THE FOLLOWING:

Previous and current community service:

Previous and current public experience (elective or appointive):

Membership in other community organizations:

Have you ever worked for or are you currently working for the City of Billings? If yes, where and during what dates?

Do you have any relatives working for the City of Billings? Yes ___ No ___ If yes, who, which department, and relationship? _____

Have you ever served on a City or County Board? Yes ___ No ___
Are you currently serving on a Board? Yes ___ No ___ If yes, where, what Board, and when did you serve? _____

Why are you interested in serving on this Board, Commission or Committee?

Please describe your experience and/or background that you believe qualifies you for service on this Board/Commission/Committee:

Have you ever been convicted of a felony? Yes ___ No ___ If yes, describe in full giving dates.

Have you ever been convicted of a crime? Exclude traffic citations only. If yes, describe in full giving dates. (Criminal convictions are not an absolute bar to appointment, except for some felonies, but may be considered in relation to an appointment.)

Signature: _____ Date: _____



BOARD APPLICATION FORM
YELLOWSTONE COUNTY, MONTANA

NAME: _____ HOME PHONE: _____

ADDRESS: _____ WORK PHONE: _____

CITY: _____ STATE: MT ZIP: _____

BUSINESS OR JOB: _____

E-MAIL ADDRESS: _____

BOARD OR COMMISSION APPLIED FOR: _____

Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

Why do you wish to serve on this Board or Commission?

Additional information that you feel is pertinent (attach additional sheets if needed):

Signature _____

Date _____

Return application to: Board of County Commissioners
P.O. Box 35000
Billings, MT 59107-5000

OFFICE USE ONLY:

APPOINTED: YES ___ NO ___ DATE _____

TERM EXPIRATION DATE: _____

(Circle one)

ORIGINAL APPOINTMENT REAPPOINTMENT TERM NO: _____