



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



AGENDA

JULY 26, 2022 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. 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:** April 26, 2022, June 14, 2022. July 12, 2022 - delayed.
4. **PUBLIC COMMENT PERIOD** -- As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).

- a. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!
- 1. **Public Hearing. Motion/Recommendation to BOCC. The Meadows Subdivision. County Major Subdivision. Taj Maukadum, owner. Kolten Knatterud, IMEG, agent. Hunter Kelly, Planner I, presenting.**
- 8. **NEW BUSINESS:** There is no New Business.
- 9. **OTHER BUSINESS:**
 - a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
- 10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, AUGUST 9, 2022

- a. **Preliminary Plat Review/Board Discussion. Shanks Subdivision.** Mason and Jami Shanks, applicant. Taylor Kasperick, PE, Performance Engineering, agent. Dave Green, Planner II, presenting.
- b. **Staff Presentation. Board Discussion. Draft Billings Urban Area Unified Planning Work Program, (UPWP), FFY 2023.** Scott Walker, Transportation Coordinator, presenting.

CITY/COUNTY PLANNING BOARD
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101



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: 07/26/2022

Information

Subject

MOTION. APPROVAL OF MEETING MINUTES: April 26, 2022, June 14, 2022. July 12, 2022 - delayed.

Attachments

2022_04_24_PlnB Minutes_DRAFT.pdf

2022_06_14_PlnB Minutes_DRAFT.pdf

CITY/COUNTY PLANNING BOARD

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

	Position	01/11/2022	01/25/2022	02/08/2022	02/22/2022	03/08/2022	03/22/2022	04/12/2022	04/26/2022	05/10/2022	05/24/2022	06/14/2022	06/28/2022	07/12/2022	07/26/2022	08/09/2022	08/23/2022	09/13/2022	10/27/2022	10/25/2022	10/26/2022	11/08/2022	11/22/2022	12/13/2022
Teresa Larsen	Mayor/Billings Ward I	1	1	-	-	-	1	E	E	x	x													
Roger Gravgard	Mayor/Billings Ward II	1	1	-	-	-	1	1		x	x													
Dennie Stephenson	Mayor/Billings Ward III	1	1	-	-	-	1	1	1	x	x													
Vacant	Mayor/Billings Ward IV	1	1	-	-	-	-	-	-	x	x													
Jon Thompson	Mayor/Billings Ward V	1	E	-	-	-	E	1	1	x	x													
Troy Boucher	YC District 1	1	1	-	-	-	E	A		x	x													
Dennis Cook	YC District 2	1	1	-	-	-	1	1	1	x	x													
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods	YC District 5	1	1	-	-	-	1	1	1	x	x													
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jarett Hillius	YC District 7	1	E	-	-	-	1	1	1	x	x													
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Scott Reiter	Ex-Officio SD2	1	E	-	-	-	1	A		x	x													

CITY/COUNTY PLANNING BOARD

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APRIL 26, 2022

DRAFT- To be approved by a motion on June 14, 2022

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.

As legally advertised, The Yellowstone County Board of Planning met on April 26, 2022 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 Cook called the meeting to order at 6:00 p.m. on Tuesday, April 26, 2022.

Introduction of Planning Board Members and Planning Department Staff

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

Participating Planning staff members: Wyeth Friday, Director, PCSD; Dave Green, Planner II; Hunter Kelly, Planner I; Tammy Deines, Planning Clerk

Others in Attendance: Connie Pelican, Laron Pluhar, `

Approval of the April 26, 2022 Agenda

Board member Stephenson moved and Board member Boucher seconded to approve the agenda as submitted. The motion carried unanimously.

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Approval of Minutes: April 12, 2022

Motion

Board member Boucher moved and Board member Woods seconded the motion to approve the April 12, 2022 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Public Comment: President Cook 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 conflicts of interest.

8. OLD BUSINESS

8a. Public Hearing. Motion/Recommendation to BOCC. Southern Sky Estates Subdivision, County Major Subdivision. Bryce Kirschenmann, Applicant. Rob Neihart, PE, Performance Engineering, and agent. Hunter Kelly, Planner I, presenting.

RECOMMENDATION

Staff recommends the Planning Board recommend the Board of County Commissioners conditionally approve the preliminary plat of Southern Sky Estates Subdivision and adopt the Findings of Fact as presented in the staff report.

BACKGROUND

On March 1, 2022, Performance Engineering submitted to the Planning Division an application for Southern Sky Estates Subdivision, Preliminary Major Plat. The purpose of this subdivision is to create 29 lots with a mix of commercial and residential uses. Lots 13 through 29 of the Subdivision are intended to be developed with commercial condominiums. Only these lots shall be able to be developed as individual buildings with separate units to be leased or sold. Should Lots 1 through 12 within the Subdivision be developed with commercial condominiums, they shall be done so in accordance with the Yellowstone County Subdivision Regulation's procedures for platting. The property is generally located south of Danford Road and east of South 60th Street West. The land is outside the zoning jurisdictional boundary.

VARIANCES REQUESTED

The subdivider has not requested a variance from Yellowstone County Subdivision Regulations.

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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 receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To protect public health and safety and provide for future dry hydrant maintenance, prior to final plat approval, the applicant will provide installation and tank specifications to Laurel Fire Department, prior to installation, for review and approval. The subdivision shall install a 30,000-gallon water storage tank with dry hydrant according to the specification of the Laurel Fire Department. The 30,000-gallon water storage tank with a dry hydrant shall be constructed by the Developer on Park 1 as shown on the preliminary plat. When installed the applicant will have the system tested and signed off by the Laurel Fire Department. The applicant will create an RSID for the new dry hydrant system for the subdivision.
3. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will create an RSID for the new public roads within the subdivision. All temporary street names will have permanent names determined and identified on the Final Plat
4. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS for preferred mail delivery box type. The applicant will coordinate the locations and provide the correct amount of space for safely delivering the mail to the residents.
5. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
6. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
7. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

Discussion

President Cook called for questions and discussion. In response to question by Board member Larson, Planner Hunter Kelly said there is no requirement for sidewalks so they will not be constructed as a part of this development.

Taylor Kasperick, Performance Engineering, (No address given)

Mr. Kasperick clarified the language for condominium use. Board member Thompson asked what type of commercial use will be done if not used for condominiums. Mr. Kasperick explained that the developer plans to self-develop one of the lots for a shop-office. This is outside of zoning and there will not be zoning restrictions. Limitations will be enforced by DEQ for water and waste water.

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Board member Woods stated his is a proponent for construction of sidewalks regardless of zoning. Board member Gravgaard asked about children walking to the bus stop.

Public Hearing

President Cook opened the public hearing and asked for anyone wishing to speak in favor or against Southern Sky Estates Subdivision.

Connie Pelican, 5817 Danford Road, Billings, MT

Ms. Pelican's concern is related to the subdivision's access point from the Frontage Road to the eastern road. The survey depicts the main entrance to the subdivision across from the front of her house and driveway. She said that the school bus will stop there and the potential of accidents will be higher. In response to a question by Board member Stephenson, Ms. Pelican said her parcel is located approximately in the middle of the subdivision.

President Cook closed the public hearing called for a motion and discussion.

Motion

Board member Boucher made a motion and Board member Stephenson seconded the motion that the Planning Board recommend the Board of County Commissioners conditionally approve the preliminary plat of Southern Sky Estates Subdivision and adopt the Findings of Fact as presented in the staff report

Discussion

Director Friday asked Taylor Kasperick for clarification. He said one of the arched driveway approaches line up with the entrance. This was not intentional but he feels it is a safer approach. Board member Woods asked if it is possible to relocate the roadway to realign the entrance away from the driveway. Mr. Kasperick stated it is possible but not preferred.

Motion carried with a unanimous voice vote. The BOCC will hold a hearing on May 17, 2022.

8b. Public Hearing. Motion/Recommendation to BOCC. Lipp Sub, 2nd Filing, County Major Subdivision. Jerry Lee Brey, Applicant. Marshall Phil, Blueline Engineering, Agent. Dave Green, Planner II, presenting.

RECOMMENDATION

Staff proposes the Planning Board recommend to the Board of County Commissioners the preliminary plat of Lipp Subdivision, 2nd Filing be conditionally approval, the Findings of Fact as presented in the staff report be adopted and the variance request be denied.

BACKGROUND

On March 1, 2022, Blueline Engineering, agent for Jerry Brey, applied for preliminary major plat approval for Lipp Subdivision, 2nd Filing. The proposed subdivision creates 13 lots for commercial development. The subject property is generally located on the southwest corner of 88th Street West and Lipp Road. This parcel of land is outside of zoning and is surrounded by various uses that include commercial, residential and farming. The Planning Board reviewed the plat at its April 12

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meeting and will conduct a public hearing at this meeting before making a recommendation to the Board of County Commissioners.

VARIANCES REQUESTED

The applicant has requested a variance from Section 4.14.C.2. of the Yellowstone County Subdivision Regulations, which outlines the requirement for a 30,000-gallon dry hydrant in a major subdivision. The specific request is to use an existing nearby hydrant in the Brey Subdivision rather than installing one for this development. Staff is recommending denial of the variance request. Further explanation and analysis can be found in Attachment A. If the variance is denied, the Subdivision Improvement Agreement will be required to update Section I. Variances.

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 receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management. Further, to ensure future lot owners are aware of the water and sanitary restrictions on some lots, the SIA, under Conditions That Run With the Land shall include language to inform lot purchasers of these restrictions.
2. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will obtain access permits from MDT. They will create an RSID for the new public roads within the subdivision with the ability to expand with each new phase.
3. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings of the dry hydrant system to Laurel Fire Department for review and approval. Once installed the applicant will request Laurel Fire Department to test the system to ensure it works correctly and get a sign off from Laurel Fire Department. The applicant will also create an RSID for the dry hydrant system that is expandable with each new phase.
4. 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.
5. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
6. 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.
7. 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.

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Discussion

President Cook called for questions and discussion by the members of the Board.

Board member Woods pointed out that this survey does not depict the existing buildings. He said existing the dry hydrant is intended for the full buildout of Brey Subdivision and he is in favor of the staff recommendation to deny the variance.

Public Hearing

President Cook opened the public hearing at 6:38 pm, and asked for anyone wishing to speak in favor or against Lipp Subdivision, 2nd Filing. There was none.

President Cook closed the public hearing called for a motion and discussion.

Motion

Board member Boucher made a motion and Board member Thompson seconded the motion that the Planning Board recommend to the Board of County Commissioners the preliminary plat of Lipp Subdivision, 2nd Filing be conditionally approved with the Findings of Fact as presented in the staff report be adopted and the variance request be denied.

Discussion

Board member Gravgaard asked who will be able to build a structure on this parcel without adequate fire suppression ability as insurance costs will be high and there has to be some type of access to water. It was pointed out that denial of the variance will demand the developer install a dry hydrant. In response to Board member Stephenson, Dave Green said this parcel is outside of zoning and the County may not have any recourse for building. The 30,000-gallon tank will have to be installed and approved prior to final plat approval. Director Friday said the issue is a building can be constructed prior to final plat approval but conveyance of the land would trigger investigation by the Yellowstone County Code Enforcement Division for investigation.

Eric Morell 238 S 88th Street West, Billings, MT

Mr. Morell asked for clarification regarding sanitary approval. Staff explained that future lot owners will have to obtain sanitary restriction approval. Mr. Morell said an enormous shop is currently under construction. Staff said lots are not saleable until the survey is recorded. There are no restrictions or noise restrictions as this is an unzoned parcel.

The motion carried with a unanimous voice vote. . The BOCC will hold a hearing on May 17, 2022.

8c. Public Hearing. Motion/Recommendation to BOCC. Creekside Estates 2nd Filing, County Major Subdivision, John Poukish, Applicant. Kolten Knatterud, IMEG, Agent. Dave Green, Planner II, presenting.

RECOMMENDATION

Staff recommends the Board of County Commissioners conditionally approve the preliminary plat of Creekside Estates Subdivision, adopt the Findings of Fact as presented in the staff report and

approve the requested variance.

BACKGROUND

The Planning Division received an application for major preliminary plat approval for the proposed Creekside Estates Subdivision, 2nd Filing. The property is generally located on the northeast corner of the intersection of Grand Avenue and 62nd Street West. This subdivision would create 8 lots from a 17.55-acre parcel of land. The applicant is proposing to develop a residential subdivision, the land is zoned Rural Residential 1 (RR1). The land was historically used as farmland.

VARIANCES REQUESTED

A variance is being requested for this subdivision. The applicant has requested a variance from Yellowstone County Subdivision Regulations Section 4.14.C. 2, Major, Commercial, and Subsequent Minor Subdivision. The regulations require that the subdivider shall provide an approved, single, minimum thirty thousand (30,000) gallon underground water storage tank for fire suppression. Per the regulations, developers are able to use tanks located within 1/2 road mile. When a County subdivision is within one half (1/2) road mile of a pressurized municipal hydrant the developer shall pay a fee in lieu of hydrant installation to the Fire Department serving the proposed subdivision. This development is further than 1/2 road mile, it is .58 road miles, therefore the variance is requesting that the distance of 1/2 road mile be waived to allow use of the pressurized hydrant .58 miles away. If the variance is approved the required fee to the Billings Fire Department shall be paid. Staff is recommending approval of the variance requests.

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 receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management. Further, to ensure future lot owners are aware of the water and sanitary restrictions on lots 7 & 8, the SIA, under Conditions That Run With the Land shall include language to inform lot purchasers of these restrictions.
2. To protect public health and safety and meet County Public Works requirements for driveway separations, prior to final plat approval, the applicant will show they can meet those requirements for accesses from the cul-de-sac off of Grand Avenue.
3. To ensure the correct users on the private driveways proposed in this subdivision, prior to final plat approval, the applicant will provide easement documents listing the two lots that have use of those easements.
4. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings to Billings Fire Department for review and approval, this includes the area for the fire departments to access the tank and the tank construction. Once installed the applicant will request Billings Fire Department test the system to ensure it works correctly and get a sign off from Billings Fire Department. The applicant will also create a public easement where the tank is installed and an RSID for the dry hydrant system.

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5. To protect public health and safety and to meet Yellowstone County Resolution No. 19-53, prior to final plat approval, should the variance request be granted, the applicant will provide a reimbursement to the county for the use of a municipal pressurized fire hydrant.
6. 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.
7. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
8. To ensure future home construction on the lots meets the requirements of County Zoning, prior to final plat approval the applicant will add language in the SIA under Conditions That Run With The Land that informs lot purchasers of the requirement to obtain a zoning compliance permit before construction begins on the lot.
9. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
10. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

Discussion

President Cook called for discussion and question by the members of the Board.

Board member Woods noted the survey depicts the wells for lots 3 and 4 as located on lot 5 with an easement, and there is an easement on Lot 2 for Lot 1. He asked if the sanitary restrictions are lifted for Lots 7 and 8. Kolten Knatterud said this parcel is difficult to develop due to ground water issues. Lots 7 and 8 are undevelopable unless annexed. He said the owner previously tried to rezone for a dry use but was unsuccessful. He commented that the highest and best use may be for horses or livestock, and added that the variance is driven by the City's preference for a cash contribution. The client is providing an easement which may be used for a pedestrian trail facility and the intent is to construct a multi-use path.

Laren Pluhar, 1720 60th Street West, Billings, MT

Mr. Pluhar said these lots are flood irrigated. He noted three proposed septic systems proposed across from the drainage way. He pointed out a 30-foot-wide easement for the Birely Drain easement and the survey scale only 2.5 feet which will not allow an excavator to keep the ditch clean.

Kolten Knatterud, IMEG, (no address given)

Kolten Knatterud said per DEQ requirements, a berm will be created on the east boundary of the property to prevent surface water from entering the drain field. There is a storm water swale for onsite

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storm water. The Birely Drain requires a 15-foot width for cleaning and maintenance, and this will be clarified on the final plat.

Public Hearing

At 7:07 pm, President Cook opened the public hearing and asked for anyone wishing to speak in favor or against Lipp Subdivision, 2nd Filing. There was none. President Cook closed the public hearing called for a motion.

Motion

Board member Stephenson made a motion and Board member Gravgaard seconded the motion that the Planning Board recommend to the Board of County Commissioners the preliminary plat of Creekside Estates, 2nd Filing be conditionally approved, with the Findings of Fact as presented in the staff report be adopted and the variance request be approved.

The motion carried with a unanimous voice vote. The BOCC will hold a hearing on May 17, 2022.

9. OTHER BUSINESS

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

b. Director Wyeth Friday. Darell Tunnichliff Memorial Tree. Director Friday said the Parks and Recreation Department planted the tree and a dedication will be scheduled when the memorial plaque arrives.

The May 10, 2022 and May 24, 2022 meetings will be cancelled due to a lack of agenda items. The next Planning Board meeting is scheduled for Tuesday, June 14, 2022.

ADJOURNMENT 7:30 PM

DRAFT—TO BE APPROVED BY A MOTION June 14, 2022

--Tamara L Deines, Planning Clerk



YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

APRIL 26, 2022 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

NOTICE TO THE PUBLIC

****ATTENTION****

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- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
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- 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. MEETING MINUTES:** APRIL 12, 2022
4. **PUBLIC COMMENT PERIOD** -- As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) Comments on items not on agenda and requests to add items to future agendas
 - 4b) Comments on items on the non-public hearing agenda items
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
 - a. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!
 1. Public Hearing. Motion/Recommendation to BOCC. Southern Sky Estates Subdivision, County Major Subdivision. Bryce Kirschenmann, Applicant. Rob Neihart, PE, Performance Engineering, agent. Hunter Kelly, Planner I, presenting.
 - 2.

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.

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

	Position	01/11/2022	01/25/2022	02/08/2022	02/22/2022	03/08/2022	03/22/2022	04/12/2022	04/26/2022	05/10/2022	05/24/2022	06/14/2022	06/28/2022	07/12/2022	07/26/2022	08/09/2022	08/23/2022	09/13/2022	10/27/2022	10/25/2022	10/26/2022	11/08/2022	11/22/2022	12/13/2022
Teresa Larsen	Mayor/Billings Ward I	1	1	-	-	-	1	E	E	x	x	1												
Roger Gravggaard	Mayor/Billings Ward II	1	1	-	-	-	1	1		x	x	1												
Dennie Stephenson	Mayor/Billings Ward III	1	1	-	-	-	1	1	1	x	x	E												
Vacant	Mayor/Billings Ward IV	1	1	-	-	-	-	-	-	x	x	x												
Jon Thompson	Mayor/Billings Ward V	1	E	-	-	-	E	1	1	x	x	E												
Troy Boucher	YC District 1	1	1	-	-	-	E	A		x	x	1												
Dennis Cook	YC District 2	1	1	-	-	-	1	1	1	x	x	1												
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods	YC District 5	1	1	-	-	-	1	1	1	x	x		1											
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jarett Hillius	YC District 7	1	E	-	-	-	1	1	1	x	x	1	1											
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Scott Reiter	Ex-Officio SD2	1	E	-	-	-	1	A		x	x	E												

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

June 14, 2022

DRAFT- To be approved by a motion on June 28, 2022

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.

As legally advertised, The Yellowstone County Board of Planning met on June 14, 2022 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>

→View the meeting live online at Facebook: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

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Call the Meeting to Order: President Cook called the meeting to order at 6:00 p.m. on Tuesday, June 15, 2022.

Introduction of Planning Board Members and Planning Department Staff

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

Participating Planning staff members: Wyeth Friday, Director, PCSD; Monica Plecker, Planning Division Manager; Dave Green, Planner II; Scott Walker, Transportation Coordinator; Elyse Monat, Transportation Tammy Deines, Planning Clerk

Others in Attendance: Greg Reid, WWC Engineering; Kolten Knatterud, IMEG Corp.; Scott Worthington, SitePro; Lee Hanson, Doug Wild, Billings Builders; Anna Vickers, IMEG Corp

Approval of Minutes: April 26, 2022-delayed due to a lack of a quorum.

Public Comment: President Cook 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

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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 conflicts of interest.

8. NEW BUSINESS

8a. Presentation. Public Hearing. Board Discussion. 2020-2024 TIP Amendment #3. Scott Walker, Transportation Coordinator, Rusty Logan, Transit Manager, MET Transit presenting...

Scott Walker opened the agenda item and gave the recommendation gave background on each of the transportation projects listed below. Rusty Logan reviewed the Federal Transit sections of the TIP.

RECOMMENDATION

Planning staff recommends the Planning Board receive a staff presentation and then hold a public hearing at this meeting. No action following the hearing is required at this meeting as the Planning Board will have any final discussion and take formal action at its meeting on June 28th.

BACKGROUND

Federal regulations require that Metropolitan Planning Organizations (MPOs) review and update their Transportation Improvement Program (TIP) periodically. Given timing and funding adjustments with some transportation and transit 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 Planning Board for review due to timing and cost updates to several projects. All of the projects subject to updates in this TIP amendment are MDT projects that are supported by federal funding. Staff provided a quick reference page indicating what project adjustments are part of this amendment as well as the full amended 2020-24 TIP document itself.

Projects Modified Due to Change in Funding/Scope:

Billings Bypass

Updated Right of Way Cost

Five Mile Road – Additional Drainage Features

Yellowstone River Bridge – Updated Cost

Johnson Lane Interchange – Updated Cost

Railroad Overpass – Updated Cost

I-90 Yellowstone River Bridges

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Bridge Cost Update
West Billings Interchange
Project Added – All Phases

FEDERAL TRANSIT ADMINISTRATION SECTION 5339

- **Two Tables now reflected to show projects programmed in FORMULA FUNDS and COMPETITIVE FUNDS;** all projects were previously included in one table. Additional project tables added to show more specific project information for each source.
- **FORMULA FUNDING** now includes Training Lot Capital project moved from CARES funding sources.
- **COMPETITIVE FUND** table now includes technology additions (Automated Passenger Counters, Digital Fare System) which had previously been included in both CARES funding and 5339 FORMULA FUNDING; COMPETITIVE FUNDS also now includes recently awarded \$3,028,000 in Federal funds for additional bus replacements and facility improvements.

FEDERAL TRANSIT ADMINISTRATION SECTION 5310

Table updated with most recently available funding figures as well as recently completed GRANT selections for Coordination Group projects to occur in FY23. Projects table added to provide more specific project information.

TRANSADA

Updated with actual apportionment figures with decreased estimates for funding moving forward based on recent apportionments

2020-24 TIP Amendment 3 Schedule

■ Technical Advisory Committee	May 17
■ Planning Board Discussion	June 14
■ Planning Board Action	June 28
■ City Council Work Session	June 20
■ City Council Action	June 27
■ Commission Discussion	June 20
■ Commission Action	June 21
■ Policy Coordinating Committee	July 19

Discussion

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

Public Hearing

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against the 2020-2024 TIP Amd III. There was none. Due to a lack of a quorum of members, this public hearing will be continued. Planning Board will forward a recommendation on this agenda item during the June 28, 2022 meeting.

8b. Public Hearing. Presentation. Discussion. Safe Routes to School (SRTS) Plan Update.**Elyse Monat, Active Transportation Planner, Sara Schooley, Toole Design presenting.**

Elyse Monat explained that two public hearings are scheduled in order to promote public information transparency. She introduced Sara Schooley, Toole Design, who followed with a PowerPoint presentation. Sara said that one of the impetus for this study was the redrawing of the School District #2 boundaries

BACKGROUND

The Billings Metropolitan Planning Organization (MPO) identified the need to conduct a Safe Routes to School (SRTS) Plan Update to evaluate walking and biking conditions for students attending elementary schools in the Billings Public Schools District. Through a competitive process, the MPO selected Toole Design as the consultant for this project. A project oversight committee consisting of representatives from the MPO, Billings City Council, Billings Public Schools, City of Billings Engineering Division, Healthy by Design, RiverStone Health, and community advocates provided feedback and helped guide the process throughout the development of the plan. This is an update to the City of Billings Safe Routes to School Study completed in August 2011 by the City of Billings Engineering Division.

The draft document is undergoing further staff review. As a result, this will be the first of two public hearings on this item. Final internal staff edits will be incorporated into the draft document ahead of the June 28 Planning Board meeting. The goals of this plan are:

- Evaluate current walking and biking conditions for students in the region
- Identify barriers or issues that might discourage students from walking or biking
- Recommend policy or programmatic changes that would encourage more students to walk or bike to school
- Develop a list of prioritized projects that can be built to improve walking and biking conditions for students
- Create walking route maps for all 22 public elementary schools in Billings

Project locations were identified through several sources:

- Geographic data showing gaps in pedestrian and bicycle infrastructure
- Crash locations showing crashes involving people biking or walking
- Interviews with principals
- Conversations with crossing guards
- Public input via an online interactive web map and survey
- On the ground observations of either arrival or dismissal
- A walking audit of the .5-mile radius around the school

The body of the document identifies observed and reported safety concerns at project locations and describes the type of concern at that location. Examples of concerns include long crossing distances, turning vehicles not yielding, etc. Then, Section 4 of the Plan provides an infrastructure toolkit that offers some common engineering solutions that can be used to address the observed and reported concerns. A matrix helps identify possible solutions based on the type of concern.

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Based on guidance from the project oversight committee, Section 5 prioritizes projects based on four criteria: traffic safety, feasibility, demand, and equity. Each category was assigned a certain number of points based on the metrics in the category. For example, traffic safety was based on the posted speed limit and the roadway classification. Points for each category were then added up for a total score. In the final draft of this document, projects will be grouped into short, medium, and long-term project categories. Due to a variety of other factors, projects will be selected based on category first and may not be completed exactly from highest to lowest score.

Section 6 of the Plan contains walking route maps for each school.

Appendix B includes school summaries including existing conditions maps for each school, data about the school, and a summary of interviews with the principal and crossing guard, web map comments, and on-the-ground observations. There are also project suggestions that are for planning purposes only and will require further analysis and design before implementation. Staff is making updates to these suggestions. These staff amendments will be incorporated into the plan prior to the next public hearing. An overview will be provided to the Planning Board during that time.

RECOMMENDATION

Staff recommends that at the June 14 meeting, the Yellowstone County Board of Planning receive a presentation on the "Safe Routes to School Plan" update and conduct a public hearing to receive public comment on the plan. A public hearing will also be held at the June 28 Planning Board meeting given the upcoming changes to the document. The Planning Board is scheduled to take formal action on the Plan and provide a recommendation to the Policy Coordinating Committee (PCC) at its June 28 meeting. The PCC is scheduled to take final action on the study at its meeting on July 19, 2022.

Discussion

President Cook called for questions and discussion. Board member Hillius asked how some of these project suggestions will come into play with funding options. Scott Walker said that City Public Works Department has moved forward on several of these projects through the Capital Improvement Plan. Major projects may be funded with a grant or be included in future transportation plans.

Public Hearing

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against the "Safe Routes to School Plan" update. There was none. Due to a lack of a quorum of members, the public hearing will be continued to the June 28, 2022 Planning Board meeting. Planning Board will forward a recommendation on the Safe Routes to School, (SRTS), and Plan Update during the June 28, 2022 meeting

8c. Plat Review. Legacy Subdivision, 2nd Filing. (Re-subdivision of Legacy Subdivision, portions of Block 2, 3, 4 and 5). City major subdivision. Doug Wild, owner. Greg Reid, WWC Engineering, agent. Dave Green, Planner II, presenting.

Dave Green opened this agenda and explained that this proposal is to replat the existing Legacy Subdivision,

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BACKGROUND

On April 1, 2022, WWC Engineering, applied for preliminary major plat approval for Amended Lot 1, Block 1, Legacy Subdivision, 2nd Filing. The proposed subdivision creates 26 lots for residential development. The subject property is generally located south of Grand Avenue and west of 52nd Street West, below Vintage Estates Subdivision. The property is zoned Neighborhood 3 (N3). Due to delays from need for additional information, and coordination with City Engineering the application submittal date moved to May 1, 2022.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

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 and ensure a temporary turnaround is defined, prior to final plat approval the applicant will provide easement documents for the temporary cul-de-sac at the north end of 52nd Street West on the south side of the Big Ditch.
2. To protect public health and safety and to ensure sidewalk continuity, prior to final plat approval the applicant will add paragraph language in the SIA under the heading III Transportation 3, The developer will install all required ADA ramps at the intersections within the proposed subdivision and in front of any lots with public infrastructure on them.
3. To minimize the effects on local service, prior to final plat approval the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide 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, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

RECOMMENDATION

Staff proposes the Planning Board recommend to City Council that the preliminary plat of Legacy Subdivision 2nd Filing be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Discussion

President Cook called for questions and discussion.

Greg Reid, WWC Engineering, (No address given)

Mr. Reid is the agent. He clarified and said the lot sizes in the vacated area will be increased slightly. They are working with the Public Works department towards 50% construction instead of the 50% cash-in –lieu.

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Doug Wild, Classic Designs, (No address given)

Mr. Wild is the builder and developer for this subdivision. He explained the thought behind the re-platting of this survey.

****A Public Hearing will be held and Planning Board will forward a recommendation on Legacy Subdivision during the June 28, 2022 Planning Board meeting.**

8d. Plat Review. Board Discussion. Wild Rose Subdivision. City major subdivision. Scott Worthington, Site Pro LLC, agent. Dan Wells, Wells Built Homes, property owner. Dave Green, Planner II, presenting.

BACKGROUND

On May 2, 2022, In Site Engineering and Performance Engineering, agents for Regal Land Development, applied for preliminary major plat approval for Wild Rose Subdivision, 1st Filing. The proposed subdivision creates 64 new lots for residential development. The subject property is generally located south of Sweetgrass Creek Drive and west of 54th Street West. The property is a mix of zones and recently received approval of a planned neighborhood development, required for new properties greater than 10 acres annexing into the City limits. The property where this subdivision is located is zoned Neighborhood 1 (N1), Neighborhood 2 (N2), Neighborhood 3 (N3), Mixed Residential 1 (NX1) and Public 1 (P1).

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

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 and ensure correct road construction, prior to final plat approval the applicant will receive approval for all street construction from City of Billings Engineering prior to street construction.
2. To protect public health and safety, prior to final plat approval the applicant will add the following language to the SIA under the heading III Transportation Streets: No obstructions may be placed in any public right of way such as subdivision entry signs, signs, planter beds or any other obstruction that would be a hazard to traffic in the public right-of-way.
3. To ensure correct additional road width construction on 54th Street West, prior to final plat approval, the applicant will add the following wording to the SIA under the heading III Transportation Streets: The subdivider will provide cash-in-lieu contribution for the construction of approximately 3 feet of asphalt surface with satisfactory sub-base, base course, standard curb and gutter along 54th Street West. The cash-in-lieu contribution will also include engineering design and construction administration.
4. To ensure public health and safety and to ensure safe pedestrian access to the south (Cottonwood Park) the developer shall construct a pedestrian crossing across the storm drainage area located along the southern property boundary. Further, the developer shall amend the SIA to include specific information regarding the construction of the crossing.

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5. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
6. 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.
7. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

RECOMMENDATION

Staff proposes the Planning Board recommend to City Council that the preliminary plat of Wild Rose Subdivision, 1st Filing be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Discussion

President Cook called for questions and discussion. Division Manager Monica Plecker clarified and explained the difference between a Planned Development and a Planned Neighborhood Development such as this subdivision. She stated this is a Planned Neighborhood Development and will be developed under the N2 zoning classification.

Scott Worthington, Site Pro Engineering, (No address given)

Mr. Worthington clarified the private parkland which will be maintained by an HOA. Cash-in-lieu will be given towards the development of Cottonwood Park. He noted there are 76 lots in this development instead of what is reported in the staff report. They have maximized the use of City resources for this master planned area. Monica Plecker asked about the pedestrian crossing requirement to access Cottonwood Park. Scott Worthington suggested using a culvert wide enough placed in the retention pond in order to provide a safe shoulder on the pathway. His estimation for the pond depth is about 3-feet depth. The pond is owned by Regal Land Development who will provide an easement.

****A Public Hearing will be held and Planning Board will forward a recommendation on Wild Rose Subdivision during the June 28, 2022 Planning Board meeting.**

8e. Plat Review. Board Discussion. Shop World II. County major subdivision. Anna Vickers, IMEG, agent. Cold Smoke Investments, property owner. Dave Green, Planner II, presenting.

BACKGROUND

On May 2, 2022, the Planning Division received an application for major preliminary plat approval for the proposed Shop World 2 Subdivision. The property is generally located south of Monad Road and east of Eggebrecht Lane. This subdivision would create 186 lots from a 49.04-acre parcel for private storage garage development. The land is not used for farming and it is also outside of zoning.

VARIANCES REQUESTED

No variances are requested for this subdivision.

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 receive approval from the MDEQ for the proposed wells/cisterns, septic systems and the proposed storm water management.
2. To protect public health and safety and provide written and visual documentation of which lots will have water and septic systems available to them, prior to final plat approval, the applicant will list which lots will have water and septic systems in the SIA and identify them on the plat with the final plat.
3. To ensure maintenance of Monad Road, which provides access to this subdivision, prior to final plat approval the applicant will create an RSID for the maintenance of Monad Road.
4. To provide for clarification of allowed public vehicles on the private roads and to provide documentation showing who is responsible for the maintenance of private roads, prior to final plat approval the applicant will provide easement documents for the private roads that allow emergency vehicle access and private utility access. Maintenance access for the fire dry hydrant shall also be included in this easement. Further, the applicant will create an HOA for the private road maintenance and provide documentation defining how fees will be assessed and collected.
5. To protect public health and safety and possibly provide a proportional share of the cost of intersection/road improvements to the County, prior to final plat approval, the applicant will enter in the SIA under the heading III Transportation information regarding the TIS and any improvement they may be required to provide a proportional share of cost of upgrade to the County.
6. To protect public health and safety and provide the correct water tank and access to the tank, prior to final plat approval the applicant will provide construction drawings to the Billings Fire Department for the dry hydrant system and receive approval before construction begins. The system must be tested and approved by the Billings Fire Department after installation, with a letter to show the approval from the Billings Fire Department. The applicant will also create an RSID-M for the maintenance of the dry hydrant system.
7. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
8. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department. The applicant will also check and provide documentation by photos or other means acceptable to the County Weed Department that the property has been checked for the presence of Russian Knapweed or Spotted Knapweed. Should either be present the applicant will take proper measures to eliminate the problem before any construction, in coordination with County Weed Department.
9. To ensure the placement of easements for private utility providers, prior to final plat approval, the applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision. MDU has requested 10-foot-wide easement along front property lines.

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10. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
11. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

RECOMMENDATION

Staff recommends the Planning Board recommend to the Yellowstone County Board of County Commissioners conditional approval of the preliminary plat of Shop World 2 Subdivision and adopt the Findings of Fact as presented in the staff report.

Discussion

President Cook called for questions and discussion by the members of the Board. Board member Woods, Dave Green stated this is a commercial subdivision similar to Shop World I which is located on 80th Street West. Board member Woods pointed out that the lot sizes may be too small for water and sewer systems. Discussion was held on options for continuing the pavement of 72nd Street West.

Kolten Knatterud, IMEG Engineering, (No address given)

Mr. Knatterud added that the property owner worked with the property owner to the north of this parcel to obtain another 30-feet to widen Monad Road. He said there have been conversations regarding the pavement of 72nd Street West between the developer and the YC Public Works Department. He said in the instance that DEQ approves systems, they would be granted as one and two units with no living facilities. They are working to determine where the separation of the drain fields and the groundwater level will be located on the parcel. He said they will work with Planning Staff to clarify the language in Condition of Approval #2. Monica Plecker commented on the disregard for condominium unit development subdivision regulations evidenced in the Shop World I Subdivision. She emphasized that should condominiums be contemplated, this intent has to be expressed during this process. Kolten Knatterud said there is a condominium section of language in the SIA for this project.

****A Public Hearing will be held and Planning Board will forward a recommendation on Shop World II Subdivision during the June 28, 2022 Planning Board meeting.**

9. OTHER BUSINESS

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

a.1 Tunnickliff Memorial Tree Dedication. Director Friday invited Planning Board members to attend the tree dedication for Darell Tunnickliff Tuesday June 28, 2022 4:30 pm at Evergreen Park on the east side of the basketball courts. Evergreen Park is a linear park just west of 13th Street West between the one way legs of Avenue D. Robin Tunnickliff and some of her friends and family will also attend. Mayor Cole will be invited (as he wanted to be kept informed of this effort) along with a few past Planning Board Members that served with Darell over the years.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

Division Manager Plecker said Karen Alley, Legal Counsel for the Montana Association of Counties (MACo) has reached out to me inquiring about whether the board would be interested in training. Karen has been traveling from county to county providing these learning opportunities for boards specifically as it relates to:

- Ethics
- Ex-parte Communication
- Subdivision Review Process – Findings and Conditions
- Land Use Legislative Update

This would be a ½ day training that would occur during the day and during working hours. She will be in the vicinity on June 22nd and June 23rd. Board members asked Ms. Plecker to look at calendaring time June 22, or June 23 or a ½ day during September 27-29

ADJOURNMENT 7:48 PM

DRAFT—TO BE APPROVED BY A MOTION June 28, 2022

--Tamara L Deines, Planning Clerk



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



AGENDA

JUNE 14, 2022 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

NOTICE TO THE PUBLIC

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.

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

- 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: APRIL 26, 2022**

Attachments
2022_04_24_PlnB Minutes_DRAFT.pdf
4. **PUBLIC COMMENT PERIOD** -- As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
4a) Comments on items not on agenda and requests to add items to future agendas
4b) Comments on items on the non-public hearing agenda items
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
8. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. Presentation. Public Hearing. Board Discussion. 2020-2024 TIP Amendment #3. Scott Walker, Transportation Coordinator, presenting.

Attachments

TIP_AMD3_DRAFT.pdf
2020-24 TIP Amd. 3 - Quick Reference

b.

Public Hearing. Presentation. Discussion. Safe Routes to School (SRTS) Plan Update. Elyse Monat, Active Transportation Planner, presenting.

Attachments

Draft Safe Routes to School Plan Update - Currently under staff review

- c. Plat Review. Legacy Subdivision, 2nd Filing. (Re-subdivision of Legacy Subdivision, portions of Block 2, 3, 4 and 5). City major subdivision. Doug Wild, owner. John Bruckner, WWC Engineering, agent. Dave Green, Planner II, presenting.

Attachments

Findings of Fact

Proposed Plat

SIA Draft

- d. Plat Review. Board Discussion. Wild Rose Subdivision. City major subdivision. Scott Worthington, Site Pro LLC, agent. Dan Wells, Wells Built Homes, property owner. Dave Green, Planner II, presenting.

Attachments

Findings of Fact

Proposed Plat

SIA Draft

- e. Plat Review. Board Discussion. Shop World II. County major subdivision. Anna Vickers, IMEG, agent. Cold Smoke Investments, property owner. Dave Green, Planner II, presenting.

Attachments

Findings of Fact

Proposed Plat

SIA Draft

9. **OTHER BUSINESS:**

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

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, JUNE 28, 2022

- a. Motion/Recommendation to PCC. 2020-2024 TIP Amendment #3. Scott Walker, Transportation Coordinator, presenting.
- b. Public Hearing. Motion/Recommendation to City Council. Legacy Subdivision, 2nd Filing. (Re-subdivision of Legacy Subdivision, portions of Block 2, 3, 4 and 5). Doug Wild, owner. John Bruckner, WWC Engineering, agent. Dave Green, Planner II, presenting.
- c. Public Hearing. Motion/Recommendation to City Council. Wild Rose Subdivision. City major subdivision. Scott Worthington, Site Pro LLC, agent. Dan Wells, Wells Built Homes, property owner. Dave Green, Planner II, presenting.
- d. Public Hearing. Motion/Recommendation to BOCC. Shop World II. County major subdivision. Anna Vickers, IMEG, agent. Cold Smoke Investments, property owner. Dave Green, Planner II, presenting.

Planning Board

Date: 07/26/2022
Title: The Meadows Subdivision - County Major Preliminary Plat Public Hearing
Presented by: Hunter Kelly, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff recommends that the Planning Board conduct a public hearing and recommend conditional approval of the preliminary plat of The Meadows Subdivision to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report, the SIA, Waiver, and conveyance restrictions.

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

On June 1, 2022, IMEG Engineering Corp., on behalf of M&J Land Co., LLC, applied for preliminary major plat approval for The Meadows Subdivision, formerly known as Lackman Meadows Subdivision. The proposed subdivision creates 39 Lots for residential development. The subject property is generally located west of S 64th Street W and north of Hesper Road.

VARIANCES REQUESTED

No variances have been requested.

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 receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To protect public health and safety and provide for future dry hydrant maintenance, prior to final plat approval, the applicant will provide installation and tank specifications to Billings Fire Department, prior to installation, for review and approval. The subdivision shall install a 30,000-gallon water storage tank with dry hydrant according to the specification of the Billings Fire Department. The 30,000-gallon water storage tank with a dry hydrant shall be constructed by the Developer on Parkland as shown on the preliminary plat. When installed, the applicant will have the system tested and signed off by the Billings Fire Department. The applicant will create an RSID for the new dry hydrant system for the subdivision.
3. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will submit easement documents and a plan demonstrating how the roads will be maintained by the subdivision residents. The easement documents must comment on whether future subdivisions on created lots will be allowed or intended.
4. To protect public health and safety, prior to final plat approval, the applicant shall include provisions to the SIA to include KNOX Gate Switches for all proposed gates for Fire Department access
5. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for preferred mail delivery box type. The applicant will coordinate the locations and provide the correct amount of space for safely delivering the mail to the residents.
6. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
7. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
8. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.
9. To protect public health and safety and ensure access to public facilities, the applicant shall create a public access easement on Wildflower parallel to the frontage of Lot 16 & Parkland. The applicant shall create an RSID for the maintenance of the aforementioned easement.
10. To minimize the effects on local services and ensure public health and safety, the applicant shall dedicate the entire 60' right of way for South 68th Street West, a public road, and amend the SIA in Section III: Transportation to reflect the public status of 68th street west and the requirement for the developer to provide the entire right of way in accordance with Yellowstone County Subdivision Regulations.
11. To protect public health and safety and provide maintenance for South 68th Street West, prior to final plat approval, the applicant will be required to create an RSID for the maintenance of the aforementioned street.

PROCEDURAL HISTORY

Pre-application meeting: November 18, 2021

Preliminary Plat Application Submitted to Planing Board: June 1, 2022

Planning Board Plat Review: July 12, 2022

Planning Board Public Hearing: July 26, 2022

Preliminary Plat to Yellowstone County Board of County Commissioners: August 16, 2022

60 working-day preliminary plat review period ends: August 24, 2022

PLAT INFORMATION

General location: North of Hesper Road and west of S 64th St West

Legal Description: Certificate of Survey 2335, Tracts 2 & 3, Section 18, Township 1 South, Range 25

East Owner/Subdivider: M&J Land Co., LLC

Engineer/Surveyor: IMEG Engineering Corp.

Existing Zoning: None

Existing land use: Agricultural Proposed land use: Residential

Gross and Net area: 48.95 ac / 47.18 ac

Proposed number of lots: 39

Max. lot size: 1.42 ac

Min. lot size: 0.96 ac

Parkland requirements: 2.32 ac required / 2.74 ac provided

STAKEHOLDERS

A public hearing is scheduled for July 26, 2022. The Planning Division has received no public comments or questions regarding the proposed subdivision at the time this staff report was made.

A plat review meeting was held July 12, 2022. The applicant and engineers were present at the meeting. Board member Dennie Stephenson fielded questions regarding the availability of sidewalks in the subdivision. Applicant and staff were able to answer such concerns. No additional questions or comments were made.

Since the plat review occurred, Public Works staff has requested three additional conditions of approval, which are now included in this staff report as conditions 9-11.

ALTERNATIVES

In accordance with state law, the Board of County Commissioners has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on August 24, 2022. Montana Code Annotated and County subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The County 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 Board is required to:

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

FISCAL EFFECTS

The preliminary plat of this subdivision will have no financial impact on the Planning Division.

SUMMARY

One of the purposes of the County'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 County departments, private service/utility providers and the affected school districts, 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

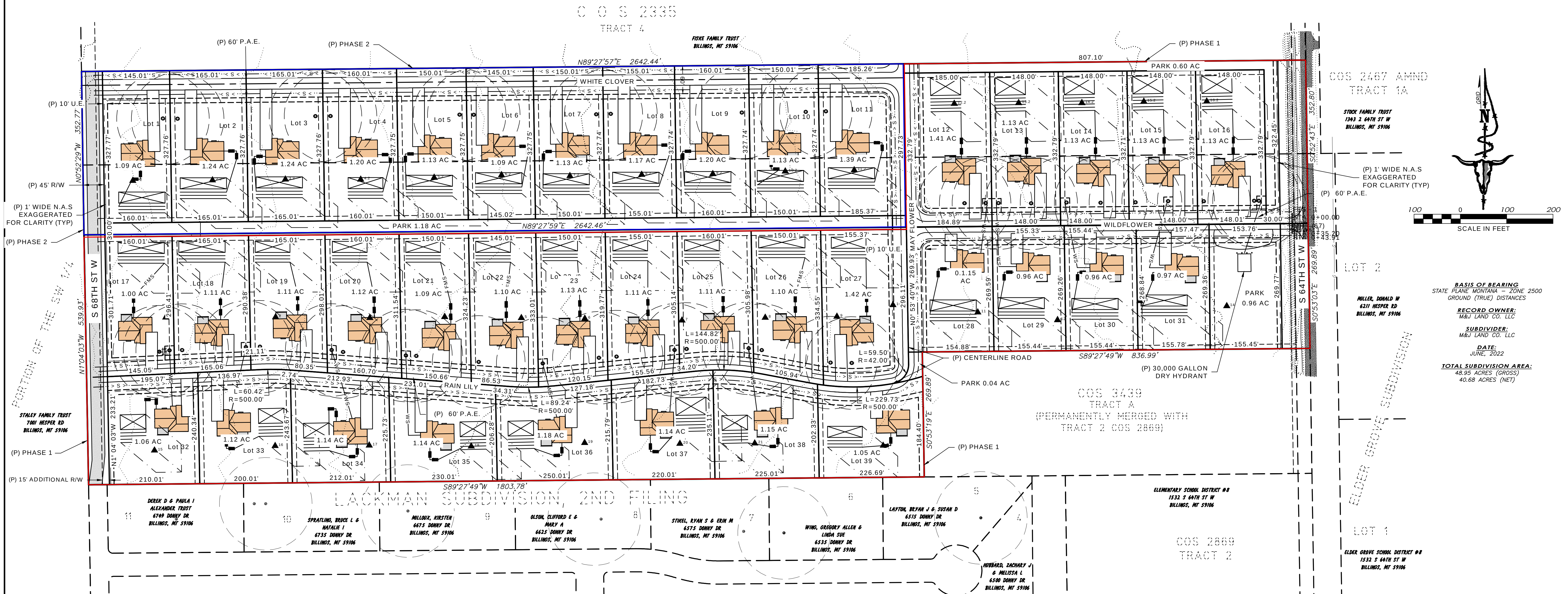
Preliminary Plat

Subdivision Improvement Agreement

Findings of Fact

PRELIMINARY PLAT OF
THE MEADOWS SUBDIVISION

LOCATED IN THE SE1/4 OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 25 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA



SITE DATA

NUMBER OF LOTS	39
MAXIMUM LOT AREA	1.42 AC
MINIMUM LOT AREA	0.96 AC
AREA OF PARKLAND	2.74 AC
LINEAR FEET OF STREETS	5,025 LF
NET ACREAGE	47.18 AC
GROSS ACREAGE	48.95 AC
EXISTING ZONING	N/A
PROPOSED ZONING	N/A
EXISTING LAND USE	AGRICULTURAL
PROPOSED LAND USE	RESIDENTIAL

LEGEND	
(E)	= EXISTING
(P)	= PROPOSED
COS	= CERTIFICATE OF SURVEY
R/W OR R.O.W.	= RIGHT-OF-WAY
P.A.E.	= PRIVATE ACCESS EASEMENT
U.E.	= UTILITY EASEMENT
N.A.S.	= NO ACCESS STRIP
W	= WELL
X	= SOIL PROFILE
⊠	= DRAINFIELD

VICINITY MAP



THIS PROJECT

PERIMETER LEGAL DESCRIPTION

REMAINDER OF TRACT 2A OF AMENDED TRACT 2 CERTIFICATE OF SURVEY NO. 2335 AND TRACT 3 OF CERTIFICATE OF SURVEY 2335, FILED AS DOCUMENT NO. 1361108 IN THE OFFICE OF THE YELLOWSTONE COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 25 EAST, PRINCIPAL MERIDIAN MONTANA, YELLOWSTONE COUNTY, MONTANA.

ACCESS AND MAINTENANCE EASEMENT

ACCESS IS GRANTED TO EMERGENCY VEHICLES AND PERSONNEL TO UTILIZE AND MAINTAIN THE DRY HYDRANT CONSTRUCTED IN THE PARK AREA.



175 N. 27TH ST., STE 1312
BILLINGS, MT 59101
PH: 406.545.6420
FAX: 406.256.1191
www.imegcorp.com

1/4	SEC.	T.	R.
1	18	1S	25E

SUBDIVISION IMPROVEMENTS AGREEMENT
The Meadows Subdivision
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Yellowstone County

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SUBDIVISION IMPROVEMENTS AGREEMENT

The Meadows Subdivision

This agreement is made and entered into this ____ day of _____, 20____, by and between *M&J Land Co., LLC* whose address for the purpose of this agreement is PO Box 80252 Billings, MT, hereinafter referred to as “Subdivider,” and YELLOWSTONE COUNTY, Montana, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____ day of _____, 20____, the Board of Planning recommended conditional approval of a preliminary plat of *The Meadows Subdivision*, and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20____, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *The Meadows Subdivision*, and

WHEREAS, a Subdivision Improvements Agreement is required by the County prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to *The Meadows 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 Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

A. The subdivider requests no variances for The Meadows Subdivision.

II. CONDITIONS THAT RUN WITH THE LAND

A. 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.

B. 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.

- C. 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.
- D. 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.
- E. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F. When required by road improvements, all fences and irrigation ditches in the public right- of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G. Future maintenance of all public (or common) improvements shall be done through one (1) or more Homeowners Association (HOA) or RSID(s) created as part of the SIA for this subdivision.
- H. The Subdivider will obtain three Access Permits from County Public Works prior to any construction on any lot within the subdivision. The application will include a site plan showing the desired location of the access and show that it meets the requirements outlined by the DEQ storm water requirements for the subdivision. These three Access Permits will be obtained for the connections as coordinating with the phasing delineated on the Preliminary Plat. Two Access Permits are associated with Phase 1 for the private roads onto South 68th Street West and South 64th Street West. One Access Permit is associated with Phase 2 for the private road onto South 68th Street West.

Future lot owners inside the subdivision will all access their property from the private road network and a County Public Works Access Permit will not be required.

III. TRANSPORTATION

A. Streets

The Meadows Subdivision proposes the following internal private roads:

- Standard asphalt 24-foot-wide private road maintained by the newly created HOA and to be known as Rain Lily, located within a 60' Private Road Easement throughout the subdivision as shown on the plat. Rain Lily is located within Phase 1 of The Meadows Subdivision.
- Standard asphalt 24-foot-wide private road maintained by the newly created HOA and to be known as Wildflower, located within a 60' Private Road Easement

throughout the subdivision as shown on the plat. Rain Lily is located within Phase 1 of The Meadows Subdivision.

- Standard asphalt 24-foot-wide private road maintained by the newly created HOA and to be known as Mayflower, located within a 60' Private Road Easement throughout the subdivision as shown on the plat. Mayflower will be constructed going north to the intersection of proposed Wildflower during Phase 1. The remaining portion north of the intersection with Wildflower will be constructed during Phase 2.
- Standard asphalt 24-foot-wide private road maintained by the newly created HOA and to be known as White Clover, located within a 60' Private Road Easement throughout the subdivision as shown on the plat. White Clover is located within Phase 2 of The Meadows Subdivision.

B. Traffic Control Devices

There will be three stop signs within The Meadows Subdivision.

- One stop sign will be at the intersection of Rain Lily and South 68th Street West. This stop sign will be provided during Phase 1.
- One stop sign will be at the intersection of Wildflower and South 64th Street West. This stop sign will be provided during Phase 1.
- One stop sign will be at the intersection of White Clover and South 68th Street West. This stop sign will be provided during Phase 2.
- A traffic impact study shall be completed before the final plat filing of The Meadows Subdivision. All recommended changes from the traffic impact study shall be installed in correlation with the phases indicated on the preliminary plat and within this document.

C. Access

- There will be three accesses for the proposed subdivision. All residential approaches are no more than 30' wide. One approach will be from South 64th Street West and two approaches will be from South 68th Street West. The approaches of Rain Lily onto South 68th Street West and White Clover onto South 64th Street West will be installed during Phase 1. The approach of White Clover onto South 68th Street West will be installed during Phase 2.
- The Subdivider will provide a total of 45' of right of way for South 68th Street West from the centerline. South 68th Street West is a County road intended to have 60' of right of way. The remaining 15' of right of way will be provided by the property to the west if developed in the future.
- South 68th Street West must be paved for the portion that runs adjacent to the proposed subdivision. The paving for South 68th Street west will correlate with the subdivision phases.
- All lots within the subdivision shall be accessed using the internal road network.

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

- The subdivision is within the BABTMP. The nearest proposed bike trail is South 64th Street West. This trail then leads to Hesper Rd.

IV. EMERGENCY SERVICE

- Billings Fire Service Area will provide fire protection for the subdivision. The subdivider will provide a 30,000 gallon dry hydrant within the park area located east of Lot 31 adjacent to South 64th Street West. A Rural Special Improvement District will be formed for the dry hydrant maintenance. Access to the hydrant can be achieved using the existing County public road, South 64th Street West.
- Police Protection will be provided by Yellowstone County Sheriff's Department.
- Ambulance Service will be provided by Eagle Ambulance Service.

V. STORM DRAINAGE

A system of roadside ditches, culverts, and retention swales proposed and will be approved by MDEQ prior to filing the final plat.

VI. UTILITIES

A. Water

Each lot will have an individual well approved by Montana Department of Environmental Quality and Department of Resources and Conservation.

B. Septic System

Each lot will have an individual subsurface wastewater treatment system. This system will be approved by Montana Department of Environmental Quality.

C. Power, Telephone, Gas, and Cable Television

These utilities will be provided within the 60-foot Private Access Easement or the Utility Easements created as part of this subdivision.

D. Solid Waste

Solid Waste disposal will be provided by Republic Services or Mackenzie Disposal.

VII. PARKS/OPEN SPACE

The subdivision will dedicate 2.74 acres of parkland to The Meadows Subdivision to be maintained by the HOA. The required dedication amount is 2.32 acres. The park parcel located east of Lot 31 adjacent to South 64th Street West will contain a 30,000 gallon dry hydrant for fire protection. A Rural Special Improvements District will be formed for maintenance of the dry hydrant.

VIII. IRRIGATION

- The private drain ditch on the southern side of the property will be removed.
- No irrigation water rights will be transferred to individual lot owners.

IX. WEED MANAGEMENT

All noxious weeds on the latest Yellowstone County Noxious Weed List shall be controlled on all properties in the subdivision.

The weed plan shall include the following and shall be referenced in this SIA:

- A Weed Management Plan must be filed and updated as needed for approval by the Yellowstone County Weed Department. Said weed management plan shall contain the noxious weeds being addressed and the plan for the control of those weeds. All associated cost for noxious weed control is the responsibility of the owner of record.
- A revegetation plan shall be submitted as part of the management plan. A seeding recommendation can be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

X. SOILS/GEOTECHNICAL STUDY

The subdivider has not completed any geotechnical study. Lot owners are encouraged to perform individual geotechnical studies prior to building.

XI. PHASING OF IMPROVEMENTS

The Meadows Subdivision proposes to phase infrastructure improvements in two phases. In correlation with MCA76-3-617(4) the Subdivider must notify the governing body 30 days prior to the commencement of each phase.

- Phase 1 of The Meadows Subdivision will include Lots 12 – 39. This phase includes Access Permits for Rain Lily and Wildflower. Rain Lily and Wildflower will be fully constructed within Phase 1. Mayflower will be constructed running north from Rain Lily to the intersection of Wildflower. Phase 1 will commence no later than August 14, 2025
- Phase 2 of The Meadows Subdivision will include Lots 1 – 11. This phase includes an Access Permit for White Clover. White Clover will be fully constructed within Phase 2. Mayflower will be constructed running north from the intersection with wildflower to the intersection with White Clover. Phase 2 will commence no later than August 14, 2031. The Lots 1-11 of The Meadows Subdivision will remain within a Declaration of Restriction on Transfers and Conveyances and may only be lifted upon the financial guarantee or construction of improvements associated with this phase.

XII. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the Planning Board and Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be designed by and constructed under the supervision of a professional engineer competent in civil engineering, licensed in the state of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C. of the Yellowstone County Subdivision Regulations.

(In the event that all required improvements are not installed and constructed prior to final plat approval, the Subdivider shall provide a monetary security guarantee in the amount of 125% of the estimated total cost by one (1) of the methods listed in Chapter 5 of the Yellowstone County Subdivision Regulations.)

XIII. LEGAL PROVISIONS

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G. Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

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

“SUBDIVIDER”

M&J Land Co., LLC

By:_____

Its:_____

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 _____ known to me to be the_____of *M&J Land Co., LLC*, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

SS_____

This agreement is hereby approved and accepted by Yellowstone County, this _____ day of _____, 20____

“COUNTY”
COUNTY OF YELLOWSTONE
MONTANA

County of Yellowstone
Board of County Commissioners

By: _____
Chairman

Commissioner

Commissioner

Attest: _____
County Clerk and Recorder

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 Board of County Commissioners and the County Clerk and Recorder, respectively, of Yellowstone County, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of Yellowstone County, Montana.

SS _____

Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's), for a period of no more than twenty years from the recording of this waiver, which Yellowstone County may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

The Meadows Subdivision

Signed and dated this _____ day of _____, 20____.

M&J Land Co. LLC

By: _____

Its: _____

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 _____ known to me to be the _____ of *M&J Land Co. LLC*, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

SS _____

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for the preliminary plat of The Meadows 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 Yellowstone County Subdivision Regulations (YCSR).

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health and safety (76-3-608 (3) (a) MCA) (Section 3.2 (H) (2) YCSR)

1. Effect on agriculture and agricultural water users' facilities

The subject property is used for farming purposes. A private drain ditch runs along the south side of proposed subdivision, which will be removed during development. According to the SIA under the heading VIII, Irrigation, no irrigation water rights will be transferred to individual lot owners. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners. There will be no affect on water user facilities with this subdivision.

2. Effect on local services

a. **Water and Septic** – The proposed subdivision is not located within any public water district. It is proposed that each lot will have a well on it for domestic water use. The proposed wells in the subdivision will be reviewed and receive approval from Montana Department of Environmental Quality (MDEQ). The applicant will provide a copy of the MDEQ approval for the septic systems at the time of final plat. **(Condition #1)** Maintenance of the individual wells will be the responsibility of the home owner.

It is proposed that each lot, within the proposed subdivision, will have a septic system. The proposed septic systems will need to be reviewed and installed in accordance with Section 4.9 of the Yellowstone County Subdivision Regulations and will need to have MDEQ approval. The applicant will provide a copy of the MDEQ approval for the septic systems at the time of final plat. **(Condition #1)** Maintenance of the individual septic systems will be the responsibility of the home owner.

b. **Streets and roads** – There will be several new roads within the proposed subdivision. These roads will be private roads and will be built to Yellowstone County Paved road standards within 60-foot-wide rights-of-way. **(Condition #4)**

The applicant will create an Home Owner's Association (HOA) that will maintain the private roads. **(Condition #3)**

The applicant shall dedicate the entire 60' right of way for South 68th Street West, a public road, and amend the SIA in Section III: Transportation to reflect the public status of 68th street west and the requirement for the developer to provide the entire right of way in accordance with Yellowstone County Subdivision Regulations. **(Condition #10).**

The Applicant shall create an RSID for the maintenance of the South 68th Street West. **(Condition #11)**

A TIS is has been submitted. It will be reviewed by County Public Works for impacts to the roads and intersections in the area.

c. **Fire and Police services** – The property is within the Billings Urban Fire Service Area (BUFSA). The applicant will be installing a 30,000-gallon dry hydrant system as required by Yellowstone County Subdivision Regulations. The location, access and construction drawings for the dry hydrant system are to be reviewed and approved by Billings Fire Department prior to installation. The applicant will create an RSID for the new dry hydrant system for the subdivision. Public access easements for the dry hydrant and access shall be shown on the plat and included aforementioned RSID. **(Condition #2)**

The Yellowstone County Sheriff's Department will provide law enforcement services to this subdivision.

d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.

e. **Storm water drainage** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and MDEQ. A storm water plan will have to be reviewed and approved by the MDEQ to ensure the proposed stormwater management is feasible and will work satisfactorily. **(Condition #1)**

f. **School facilities** –Elder Grove Middle School (SD #8) will provide educational services for K-8. West High School (SD #2) will provide educational services for High School students. West High School is over capacity for additional students.

g. **Parks and recreation** – This proposed subdivision is required to provide parkland. The applicant is required to provide 2.32 Acres of parkland and has provided 2.74 Acres. The parks will be private and be maintained through an HOA.

h. **Postal Service** – The USPS has not responded to request for comments. The applicant will be required to coordinate with the USPS to ensure proper type and location of mailboxes within the subdivision. **(Condition #5)**

i. **Historic features** – No known historic or cultural assets exist on the site.

j. **Phasing of Development** - The applicant is proposing to phase this subdivision. Phase 1 will include Lots 12 – 39 and will commence no later than August 14, 2025. Phase 2 of The Meadows Subdivision will include Lots 1 – 11 and will commence no later than August 14, 2031. Lots 1-11 will remain within a Declaration of Restriction on Transfers and Conveyances and may only be lifted upon the financial guarantee or construction of improvements associated with this phase.

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. Prior to final plat approval, the applicant will apply for and obtain a weed management plan with the County Weed Department. That plan will be submitted with final plat approval. **(Condition #6)**

There are no apparent or known natural hazards on the property.

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. A paragraph in the 'Conditions that Run with the Land' section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

5. Effects on public health and safety

Plans and designs for the water and septic system will be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Billings Fire Department and the Yellowstone County Sheriff's department. **(Condition #4)**

B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-603 MCA) (Chapter 9, YCSR)

An environmental assessment was required for this subdivision pursuant Section 9.2 C of the County Subdivision Regulations. In the environmental assessment it was determined that the impacts to the environment which include, agricultural, water user facilities, natural environment wildlife and habitat, will be minimal. There are no known endangered species on the land.

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]

1. Yellowstone County - 2008 Growth Policy

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

- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)

The subdivision is consistent with the type of residential development in the surrounding area.

- Goal: New developments that are sensitive and compatible with the character of adjacent County town sites. (p. 6)

There is residential development directly adjacent to the subject property.

- Goal: Controlled weed populations. (p. 9)

The developer shall complete a weed management plan and shall provide a re-vegetation plan for any ground disturbed by development.

2. 2018 Urban Area Transportation Plan

The subject property maintains the road the study area of the Transportation Plan. As proposed, there are only neighborhood streets associated with this subdivision.

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

The subject property is within the Billings Area Bikeway and Trail Master Plan. The nearest proposed bike trail is South 64th Street West. This trail then leads to Hesper Rd.

D. Does the subdivision conform to the Montana Subdivision and Platting Act (MSPA) and to local subdivision regulations? [MCA 76-3-608 (3) (b) and Section 3.2 (3) (a) YCSR]

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [Section 4.8 (C) and 4.9 (C), YCSR]

The subdivider must receive approval from the MDEQ prior to final approval. New parcels are subject to DEQ review.

F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2 (H) (3) (e), YCSR]

The proposed subdivision is not within a zoned area of Yellowstone County.

G. Does the subdivision provide for necessary planned utilities? [MCA 76-3-608 (3) (c) and Section 3.2 (H) (3) (b), YCSR]

Private utilities are to be installed in the public utility easements. Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies.

H. Does the proposed subdivision provide for Legal and Physical Access to all lots? [MCA 76-3-608 (3) (d) and Section 3.2 (H) (3) (c) (d), YCSR]

Legal and physical access will be provided for the new proposed lots from South 64th Street West. The internal streets will provide access to individual lots. A public access easement shall be provided along Wildflower parallel to the parkland and Lot 16.
(Condition #9)

CONCLUSIONS OF FINDINGS OF FACT

- This subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal, and can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of The Meadows Subdivision to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report, the SIA, Waiver and conveyance restrictions.

DECLARATION OF RESTRICTION ON TRANSFERS. AND
CONVEYANCES

THE MEADOWS SUBDIVISION

THIS DECLARATION is made this _____ day of _____ 20____, by M&J Land Co., LLC hereinafter referred to as "Declarant,"

WITNESSETH:

WHEREAS, the Declarant is the owner of all of the lots in The Meadows Subdivision, situated in the Southeast One-Quarter of Section 18, Township 1 South, Range 25 East, PMM., Yellowstone County, Montana, hereinafter referred to as the "Subdivision"; and

WHEREAS, in connection with the filing of the plat for the Subdivision, the Declarant executed that certain Subdivision Improvements Agreement dated the ____ day of _____ 20__ to Yellowstone County, which Agreement contains restrictions against the sale, conveyance or transfer of certain lots in the Subdivision until such time as a private contract has been executed providing for the installation and construction of required public improvements; and

WHEREAS, in order to more fully evidence the restriction against sale, conveyance, or transfer and to give third parties notice of such restrictions, the Declarant desires to execute and record this Declaration of Restrictions.

NOW, THEREFORE, in consideration of these premises, the Declarant, for itself and its successors and assigns, does hereby declare:

1. Except as hereinafter provided, the Declarant does hereby agree and declare that the following described lots shall not be sold, transferred, or conveyed to any third party unless and until a release has been executed and recorded in accordance with the provisions hereinafter appearing:

Phase II.

Lots 1 through 11, inclusive of White Clover and Mayflower north of the intersection with Wildflower within The Meadows Subdivision in Yellowstone County, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana.

2. It is the express purpose and intent of this Declaration to restrict or preclude sale, transfer, or conveyance of the above-described lots until such time as a private contract has been executed and necessary funding guarantees provided, as the case may be, providing for the construction and installation of those public improvements required under the above-described Subdivision Improvements Agreement which by reference thereto is hereby incorporated herein as though fully set forth at this point. It is anticipated, however, that the Declarant will develop The Meadows Subdivision, in distinct phases, upon providing for the installation and construction of the public improvement necessary to serve the particular phase. In that regard a release of some but not all of the above described lots may be executed and recorded from time to time, in accordance with the provisions hereinafter appearing, and upon the recording of said release, the covenants and restrictions contained herein with respect to the lots described in said release shall be deemed canceled and terminated, and of no further force and effect.

3. Upon compliance with the requirements for a private contract specified above, a release for the lot or lots affected thereby shall be executed and recorded by Yellowstone County, pursuant to the provisions contained in the said Subdivision Improvements Agreement. The execution and recording of said release shall be deemed conclusive evidence to all third parties purchasing or acquiring any lot described therein that the restriction against sale, conveyance, or transfer of said lot has been removed.
4. UNTIL SUCH RELEASE IS EXECUTED AND RECORDED, THIS DECLARATION SHALL SERVE AS NOTICE TO ALL THIRD PARTIES PURCHASING OR ACQUIRING ANY OF THE ABOVE-DESCRIBED LOTS OF THE EXPRESS RESTRICTIONS AGAINST ANY SUCH SALE, CONVEYANCE OR TRANSFER, AND OF THE TERMS AND CONDITIONS OF THE SAID SUBDIVISION IMPROVEMENTS AGREEMENT, AND SHALL FURTHER SERVE AS NOTICE THAT YELLOWSTONE COUNTY MAY ENFORCE ANY AND ALL LEGAL RIGHTS AND REMEDIES SPECIFIED IN THE SUBDIVISION IMPROVEMENTS AGREEMENT SHOULD THE TERMS OF THIS DECLARATION BE VIOLATED.
5. The terms, conditions, and restrictions contained in this Declaration shall not preclude or restrict the ability of the Declarant to (a) sell, convey, and transfer all of the above-described lots, all of the lots in one phase, or those lots remaining subject to the terms of this Declaration, as one unit or group, to a third party, parties or entities; provided, however, that such sale shall be subject to this Declaration and the lots shall continue to be subject to the restrictions herein provided against the sale, transfer and conveyance until a release has been executed and recorded; or (b) enter into sale and purchase agreements for individual lots; provided, however, that the deeds or other conveyance documents shall not be delivered to the prospective buyer nor shall the closing under any such sale and purchase agreements occur until such time as a release covering the affected lot has been executed and recorded.
6. The terms and conditions of this Declaration shall run with the land and shall be binding upon and shall inure to the benefit of the Declarant, Yellowstone County, and their successors and assigns.

IN WITNESS WHEREOF, the Declarant has executed this Declaration the day and year first above written.

M&J Land Co., LLVC

By: _____

Its: _____

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 _____ known to me to be the _____ of *M&J Land Co. LLC*, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

SS _____