



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



AGENDA

AUGUST 23, 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!

- CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
- 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.
- MOTION. MEETING MINUTES:** JULY 12, 2022, JULY 26, 2022; AUGUST 9, 2022
- 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.*
 - Comments on items not on agenda and requests to add items to future agendas**
 - Comments on items on the non-public hearing agenda items**
- DISCLOSURE OF CONFLICT OF INTEREST:**
- DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
- OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
 - 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!
 - Staff Presentation. Motion. Recommendation to Governing Bodies. 2023 Unified Planning Work Program, (UPWP).** Scott Walker, Transportation Coordinator, presenting.
 - Public Hearing. Motion/Recommendation to City Council. St. Vincent Healthcare Subdivision, 2nd**

Filing, Sanderson Stewart, on behalf of SCL Health - Montana. A Subsequent Major plat creating 27 lots for development. The subject property is generally located at the northwest corner of the intersection of King Avenue West and Shiloh Road. The property is zoned PUD - Planned Unit Development. The land is currently vacant. No variances are requested. Hunter Kelly, Planner I, presenting.

3. **Public Hearing. Motion/Recommendation to BOCC. The Waters Subdivision.** PEC Engineering, agent for Mason and Jami Shanks. A 15-lot residential development generally located on the south side of Central Avenue and east of South 52nd Street West. This parcel is zoned N4 -- Large Lot Neighborhood. Planning Board will review the plat at this meeting and a conduct a public hearing on August 23rd, 2022. **VARIANCE REQUESTED:** The applicant has requested a variance from Section 4.6.A.6 of the Yellowstone County Subdivision Regulations, which requires a second means of ingress and egress for major subdivisions. Dave Green, Planner II, presenting.
8. **NEW BUSINESS:** (Agenda items new to this meeting).
9. **OTHER BUSINESS:**
 - a. Discussion. 2022 MAP Conference. Tuesday, September 27 - Thursday, September 29, 2022. The Double Tree by Hilton, Downtown Billings, Montana. Planning Board member registration and attendance. Monica Plecker, Planning Division Manager
 - b. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, SEPTEMBER 13, 2022

- a. **Plat Review. Board Discussion. Buffalo Crossing Subdivision.** City Major Subdivision. Aaron Redland, WWC, agent for Doug Wild, Buffalo Crossing, LLC. Dave Green, Planner II, presenting.

Public Hearing Participation Guidelines

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

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

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

-Effect on agriculture and agricultural water user facilities

-Effect on local services

-Effect on the natural environment

-Effect on wildlife and wildlife habitat

-Effect on public health and safety

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

Thank you for participating.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 08/23/2022

Information

Subject

MOTION. MEETING MINUTES: JULY 12, 2022, JULY 26, 2022; AUGUST 9, 2022

Attachments

PlnBMinutes_2022_07_12_DRAFT.pdf

2022_07_26_PlnB Minutes_DRAFT.pdf

PlnBMinutes_2022_08_09_DRAFT.pdf

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

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

	Position	01/11/2022	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	1	E										
Roger Gravggaard	Mayor/Billings Ward II	1	1	-	-	-	1	1		x	x	1	1	1										
Dennie Stephenson	Mayor/Billings Ward III	1	1	-	-	-	1	1	1	x	x	E	1	1										
Vacant	Mayor/Billings Ward IV	1	1	-	-	-	-	-	-	x	x	x	x		-									
Jon Thompson	Mayor/Billings Ward V	1	E	-	-	-	E	1	1	x	x	E	1	E										
Troy Boucher	YC District 1	1	1	-	-	-	E	A		x	x	A	A	E										
Dennis Cook	YC District 2	1	1	-	-	-	1	1	1	x	x	1	1	1										
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods	YC District 5	1	1	-	-	-	1	1	1	x	x		1	1										
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jarett Hillius	YC District 7	1	E	-	-	-	1	1	1	x	x	1	1	1										
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Scott Reiter	Ex-Officio SD2	1	E	-	-	-	1	A		x	x	E	-	E										

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

July 12, 2022

DRAFT- To be approved by a motion on July 26, 2022

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.

As legally advertised, The Yellowstone County Board of Planning met on July 12, 2022 in the Miller Building 1st Floor Conference Room.

Citizens are invited to:

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Call the Meeting to Order: President Cook called the meeting to order at 6:00 p.m. on Tuesday, July 12, 2022.

Approval of Agenda: Board member Stephenson made a motion and Board member Woods seconded the motion to approve the meeting agenda as submitted. The motion carried with a unanimous voice vote.

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: Monica Plecker, Planning Division Manager; Hunter Kelly, Planner I; Tammy Deines, Planning Clerk

Others in Attendance: Kolten Knatterud, IMEG Corp.; Taj Mukadam

Approval of Minutes: June 28, 2022- delayed due to a lack of a quorum

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4. 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.

5- 6. 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.

7. OLD BUSINESS There is no Old Business

8. NEW BUSINESS

8a. Presentation. Plat Review, The Meadows Subdivision, Hunter Kelly, Planner I, presenting. Planner Hunter Kelly opened this agenda item with the staff presentation and report.

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 and SIA.

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

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subdivision. Easements for the dry hydrant shall be shown on the plat and included aforementioned RSID.

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.

Discussion

President Cook called for questions and discussion. Board member Stephenson asked questions regarding parkland and future improvements for sidewalks in the subdivision.

Kolten Knatterud, IMEG Corp., kolten.l.knatterud@imegcorp.com

Mr. Knatterud is the agent for Mr. Taj Mukadam. He said this property will have wells and currently an application is under DEQ review for individual well systems.

Taj Mukadam, 6214 Ironwood Drive, Billings, MT

Mr. Mukadam said there is additional parkland on the north side of the parcel. There is an identified space to allow for future sidewalks or a walking path from the north to the south. No sidewalks will be provided for individual lots. Davison Manager Plecker reminded the Board that County unzone parcels do not have trigger points for sidewalk improvements.

**A public hearing for The Meadows Subdivision will be heard during the Planning Board meeting July 26, 2022.

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9. OTHER BUSINESS

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

1. City Council Land Use presentations will be given by Planning Staff Monday July 25, 2022 following the regular business work session business meeting to cover subdivision review.

2. Project ReCode Planning staff is working on substantive changes based on feedback from the development community. The expectation is to hold public meetings to “roll out” ideas surrounding the proposed changes.

3. Long Range Transportation Plan Steering Committee initial meeting Thursday, July 14, 2022. Consultant Kittelson and Associates. The Committee is comprised of representatives from MDT, Council, City/County Planning Board, Planning staff and members of the community.

4. PCC meeting is scheduled for Tuesday, July 19, 12:00 PM. President Cook will attend as the Planning Board representative.

ADJOURNMENT 6:21 PM

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

--Tamara L Deines, Planning Clerk

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Teresa Larsen	Mayor/Billings Ward I	1	1	-	-	-	1	E	E	x	x	1	1	E	1									
Roger Gravggaard	Mayor/Billings Ward II	1	1	-	-	-	1	1		x	x	1	1	1	1									
Dennie Stephenson	Mayor/Billings Ward III	1	1	-	-	-	1	1	1	x	x	E	1	1	1									
Vacant	Mayor/Billings Ward IV	1	1	-	-	-	-	-	-	x	x	x	x		-									
Jon Thompson	Mayor/Billings Ward V	1	E	-	-	-	E	1	1	x	x	E	1	E	1									
Troy Boucher	YC District 1	1	1	-	-	-	E	A		x	x	A	A	E	1									
Dennis Cook	YC District 2	1	1	-	-	-	1	1	1	x	x	1	1	1	1									
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods	YC District 5	1	1	-	-	-	1	1	1	x	x		1	1	1									
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jarett Hillius	YC District 7	1	E	-	-	-	1	1	1	x	x	1	1	1	E									
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Scott Reiter	Ex-Officio SD2	1	E	-	-	-	1	A		x	x	E	-	E	A									

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

July 26, 2022

DRAFT- To be approved by a motion on August 9, 2022

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.

As legally advertised, The Yellowstone County Board of Planning met on July 26, 2022 in the Miller Building 1st Floor Conference Room.

Citizens are invited to:

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1. Call the Meeting to Order: President Cook called the meeting to order at 6:00 p.m. on Tuesday, July 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, Planning and Community Services Department; Hunter Kelly, Planner I; Tammy Deines, Planning Clerk

Others in Attendance: Kolten Knatterud, IMEG Corp; Taj Mukadam

2. Approval of Agenda

Motion

Board member Gravgaard made a motion and Board member Stephenson seconded the motion to approve the meeting agenda as submitted. The motion carried with a unanimous voice vote.

3. Approval of Minutes: April 26, 2022, June 14, 2022

Motion was made by Board member Stephenson and seconded by Board member Gravgaard

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to approve the April 26, 2022 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Motion was made by Board member Gravgaard and seconded by Board member Stephenson to approve the June 14, 2022 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Approval of the July 12, 2022 meeting minutes is delayed.

4. 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.

5- 6. 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.

7. OLD BUSINESS

7a. Public Hearing. Motion/Recommendation to BOCC, The Meadows Subdivision (aka Lackman Meadows), Hunter Kelly, Planner I, presenting.

Planner Hunter Kelly opened this agenda item with the staff presentation and report. Since the plat review occurred, Yellowstone County Public Works requested three additional Conditions of Approval, which are now included in this staff report as conditions 9-11.

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 and SIA.

BACKGROUND

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 West 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

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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 & the 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

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final plat approval, the applicant will be required to create an RSID for the maintenance of the aforementioned street.

Discussion

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

Public Hearing

President Cook opened the public hearing and called for anyone wishing to speak in favor or against The Meadows Subdivision.

Kolten Knatterud, IMEG Corp., kolten.l.knatterud@imegcorp.com

Mr. Knatterud is the agent for Mr. Taj Mukadam. He thanked Planner Hunter Kelly for his summary report. He has had conversations with YC Public Works regarding the right-of-way and intends to have further discussions prior to the Board of County Commissioners' hearing. In response to question by Board member Woods, the intention is for a multi-use path to further access the school from the lots.

President Cook asked if there is anyone else wishing to speak in favor or against The Meadows Subdivision. There were none. At 6:20 pm, President Cook closed the public hearing and called for a motion.

Motion

Board member Thompson made a motion and Board member Woods seconded the motion 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 and SIA.

Discussion

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

The motion carried with a unanimous voice vote. The Board of County Commissioners will hold a hearing on August 16, 2022.

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.

a1. Montana Association of Planners conference September 27-29, 2022 DoubleTree Hotel, Billings - information forthcoming

a2. Update. Federal highway Administration BUILD Grant agreement for the Inner Belt Loop has been approved and will be forwarded to City Council for signature and start the process to find a consultant.

CITY/COUNTY PLANNING BOARD

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Motion

**Motion to adjourn by Board member Woods and seconded by Board member Gravgaard.
Motion carried with a unanimous voice vote.**

ADJOURNMENT 6:31 PM

DRAFT—TO BE APPROVED BY A MOTION August 9, 2022

--Tamara L Deines, Planning Clerk

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, “Z” stands for Zoom participation. **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	1	E	1	E								
Roger Gravgard	Mayor/Billings Ward II	1	1	-	-	-	1	1		x	x	1	1	1	1	Z								
Dennie Stephenson	Mayor/Billings Ward III	1	1	-	-	-	1	1	1	x	x	E	1	1	1	1								
Vacant	Mayor/Billings Ward IV	1	1	-	-	-	-	-	-	x	x	x	x		-	-								
Jon Thompson	Mayor/Billings Ward V	1	E	-	-	-	E	1	1	x	x	E	1	E	1	E								
Troy Boucher	YC District 1	1	1	-	-	-	E	A		x	x	A	A	E	1	Z								
Dennis Cook	YC District 2	1	1	-	-	-	1	1	1	x	x	1	1	1	1	1								
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods	YC District 5	1	1	-	-	-	1	1	1	x	x		1	1	1	1								
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jarett Hillius	YC District 7	1	E	-	-	-	1	1	1	x	x	1	1	1	E	1	-	-	-	-	-	-	-	-
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Scott Reiter	Ex-Officio SD2	1	E	-	-	-	1	A		x	x	E	-	E	A	A								

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

August 9, 2022

DRAFT- To be approved by a motion on August 23, 2022

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.

As legally advertised, The Yellowstone County Board of Planning met on July 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>

→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 e-mails 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.

1. Call the Meeting to Order: President Cook called the meeting to order at 6:00 p.m. on Tuesday, August 9, 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: Monica Plecker, Planning Division Manager; Dave Green, Planner II; Hunter Kelly, Planner I; Scott Walker, Transportation Planning Coordinator; Robbin Bartley, Administrative Assistant

Others in Attendance: Rick Leuthold, John Halvorson, Rusty Logan, Taylor Kasperick and Darin Swenson via Zoom.

2. Approval of Agenda

Motion

Board member Stephenson made a motion and Board member Jarrett seconded the motion to approve the meeting agenda as submitted. The motion carried with a unanimous voice vote.

CITY/COUNTY PLANNING BOARD

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3. Approval of Minutes: July 12, July 26, 2022

The approval of these minutes is delayed, they were not attached to the packet for review.

4. **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.

5- 6. **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.

7. OLD BUSINESS - NO OLD BUSINESS

7a. **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!

8. NEW BUSINESS

1. Public Hearing. Staff Presentation. Board Discussion. 2023 Unified Planning Work Program, (UPWP). Scott Walker, Transportation Coordinator, presenting.



Page 3 of 6

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Reviewed by Planning Staff

CITY/COUNTY PLANNING BOARD

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2023 UPWP Power
Point Presentation.p



Rusty Logan then talked about MET Transit's stake in the UPWP, further development of the system and routes. Board member Woods asked about the route extending into Lockwood. Mr. Logan explained this is the desire, however, there are politics involved in the funding being that Met Transit is a City organization and Lockwood is in the County. He hopes to establish a cooperative agreement between the City and County.



Property Information

- Location: South side of Central Avenue and east of South 52nd Street West
- Legal Description: Certificate of Survey 2713 Parcel 1B
- Owner / Subdivider: Mason and Jami Shanks
- Engineer / Surveyor: PEC Engineering
- Existing Zoning: N4 – Large Lot Neighborhood
- Existing Land Use: Farm land
- Proposed Land Use: Residential
- Gross/Net Area: 7.953 acres / 7.953 acres
- Number of Lots: 15
- Lot sizes: Max 0.793 acres / Min 0.393 acres
- Parkland Required: Parkland dedication required with this subdivision is 0.763 acres, the applicant is proposing 0.957 acres of private parkland.

Planning & Community Services Department



Variance Requests

The applicant has requested a variance from Section 4.6.A.6 of the Yellowstone County Subdivision Regulations, which requires a second means of ingress and egress for major subdivisions.

Staff is recommending approval of the variance request. Further explanation and analysis can be found in Attachment A.

The applicant has requested a variance from Section 4.6.B.1 of the Yellowstone County Subdivision Regulations, which outlines the requirement for a connection to adjacent undeveloped land.

Staff is recommending approval of the variance request. Further explanation and analysis can be found in Attachment B.

Planning & Community Services Department



Recommendation

Staff recommends conditional approval of the subdivision subject to eight conditions of approval. Staff is also recommending approval of the 2 variance requests.

A Public Hearing will be held at the next PB meeting on August 23, 2022.

Board of County Commissioners are scheduled to review and act on the preliminary plat on September 13, 2022.

Planning & Community Services Department

- a. **Preliminary Plat Review. Board Discussion. The Waters Subdivision (AKA Shanks Subdivision). County Major Subdivision. Mason and Jami Shanks, property owner. Taylor Kasperick, Performance Engineering, agent. Dave Green, Planner II, presenting.**

CITY/COUNTY PLANNING BOARD

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Taylor Kasperick, Performance Engineering, Agent

Described the subdivision and some pedestrian paths to the east and west for future connectivity. For now, they will stop at the borders of the subdivision. Upon further development, pedestrian paths would connect to them.

Boardmember Woods asked about the required 2nd access for ingress and egress.

Monica Plecker responded fire approved this plat (there can be up to 30 dwellings on a single access), this is a unique situation and is not the standard.

Board member Hillius asked how close public water and sewer are. Currently they are just west of 40th (Shiloh). He then confirmed this would be a private well. Mr. Kasperick spoke about a drinking water well and irrigation wells for watering the lawn. Stating drinking water may need treatment in the future due to the high-water table.

b. Plat Review. Discussion. St. Vincent Healthcare Subdivision, 2nd Filing. City Major Subdivision
St Vincent Healthcare applicant. Doug Pezoldt, Sanderson Stewart, agent. Hunter Kelly, Planner I, presenting.



Property Information

- General Location: Northwest corner of the intersection of King Avenue West and Shiloh Road
- Legal Description: Lots 1A & 2A of Amended St. Vincent Healthcare Subdivision
- Owner/Subdivider: SCL Health - Montana
- Engineer/Surveyor: Sanderson Stewart
- Existing Zoning: PUD - Planned Unit Development
- Existing Land Use: Vacant land
- Proposed Zoning: PUD - Planned Unit Development
- Proposed Land Use: Commercial
- Proposed number of lots: 27
- Gross & Net Area: 60.44 acres / 57.56 acres
- Lot Size:
 - Minimum: 5.68 acres
 - Maximum: 0.48 acres
- Parkland Requirements: N/A for a commercial subdivision, however the applicant is providing 3.25 acres of private parkland.

Planning & Community Services Department



Recommendation

Staff recommends conditional approval subject to 3 conditions of approval.

The Planning Board is scheduled for a Public Hearing on August 23, 2023.

The City Council is scheduled to review and act on the preliminary plat on September 12, 2022.

Planning & Community Services Department

Board member Woods asked if in the straightening of the roads and creating more lots if the roundabouts would be deleted. The roundabouts are existing and will not change.

Rick Leuthold, Sanderson Stewart, Agent

He described the subdivision as being 25 years old. Their desire is to bring it up to current development standards with more buildable lots. They may apply later for a Zone Change making straight zoning. The park is private. And this will clean up the existing slate on this parcel.

There were no questions for Mr. Leuthold.

9. OTHER BUSINESS:

- **Chairman Cook presented Jarrett Hillius with a Certificate of Appreciation for his 4 years on the Planning Board. This is Jarrett's last meeting as he is moving to the Dakotas. Mr. Hillius returned his City device to the clerk.**

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- **Monica Plecker stated City administration has expressed the necessity of one neighborhood plan being completed each year. Application has been submitted for a CDBG grant to further the West End Neighborhood Plan. If awarded, \$50,000.00 will further us along in this endeavor. The City of Billings is considered an entitlement community because we have other low income programs that receive grants. The grant application, as submitted, hopes to point out the needs of our community.**
- **Montana Association of Planners Conference September 27-29, 2022 DoubleTree Hotel, Billings - information forthcoming**

10. ADJOURNMENT

FUTURE AGENDA ITEMS FOR TUESDAY, August 23, 2022

- a. Motion/Recommendation to PCC. 2023 Unified Planning Work Program, (UPWP). Scott Walker, Transportation Coordinator, presenting.
- b. Public Hearing. Motion/Recommendation to BOCC. The Waters Subdivision (AKA Shanks Subdivision). County Major Subdivision. Mason and Jami Shanks, property owner. Taylor Kasperick, Performance Engineering, agent. Dave Green, Planner II, presenting.
- c. Public Hearing. Motion/Recommendation to City Council. St. Vincent Healthcare Subdivision, 2nd Filing. City Major Subdivision. St Vincent Healthcare applicant. Doug Pezoldt, Sanderson Stewart, agent. Hunter Kelly, Planner I, presenting.

Motion

Motion to adjourn by Board member Woods and seconded by Board member Hillius. Motion carried with a unanimous voice vote.

ADJOURNMENT 7:10 PM

DRAFT—TO BE APPROVED BY A MOTION August 23, 2022

--Robbin Bartley, Administrative Assistant

Planning Board

Date: 08/23/2022
Title: 2023 Unified Planning Work Program (UPWP) - Public Hearing and Recommendation to PCC
Presented by: Scott Walker
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff recommends the Planning Board review the Draft 2023 UPWP and take action at this meeting. The Board reviewed the UPWP and conducted a public hearing at its meeting on August 9 and is scheduled to take action on the 2023 UPWP at this meeting and instruct PCC Designee President Cook to give a positive recommendation to PCC for final local approval.

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

The City-County Planning Division is presenting the 2023 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization (MPO) for Planning Board review and recommendation to the Billings Policy Coordinating Committee (PCC). At this meeting, the Board is scheduled to review the document and take action on the UPWP. At the August 9 Planning Board meeting, the Board reviewed the UPWP and conducted a public hearing. It is scheduled to forward a recommendation to the PCC at this meeting.

The UPWP is primarily for the purpose of programming the federal dollars that Billings receives from the Federal Highway Administration (FHWA) for transportation planning and the Federal Transit Administration (FTA) for transit (MET) planning. These funds are passed through the Montana Department of Transportation (MDT). All transportation planning activities are included in the UPWP so that it represents a comprehensive document for the urban transportation planning program. This UPWP proposes planning activities for Federal Fiscal Year 2023, which runs from October 1, 2022, through September 30, 2023. This UPWP corresponds directly with the Planning Division's annual work plan. The significant changes in this year's program include completion of the 2023 Long Range Transportation Plan, Phase II of the Safe Routes to School Plan, beginning the update to the Bikeway and Pedestrian Master Plan, and transportation specific analysis and updates to two neighborhood plans. The Transit section is Chapter II of the UPWP. The document is consistent with past programs in its content and format.

STAKEHOLDERS

The Planning Board is required to hold a public hearing prior to its recommendation to PCC. The public hearing was held on August 9th and no public testimony was received. The Planning Board will take action on the item at this meeting to forward a recommendation to PCC.

ALTERNATIVES

The Planning Board may:

- Recommend approval of the 2023 UPWP to the PCC and directs its designee Board President Dennis Cook to take that recommendation to the PCC; or,
- Recommend amendments to the 2023 UPWP to the PCC and directs its designee Board President Dennis Cook to take that recommendation to the PCC; or,
- Not recommend approval of 2023 UPWP to the PCC and directs its designee Board President Dennis Cook to take that recommendation to the PCC. If the UPWP is not approved, there would be a significant loss of resources for community planning and the community's ability to manage transportation planning projects and programs would be severely limited.

FISCAL EFFECTS

Approval of the 2023 UPWP allows the City to access Federal funds for transportation planning in the community. Federal and local funds are combined to provide most of the planning work done by the Planning Division for the City and the County. If the UPWP is not approved, there would be a significant loss of resources for community planning and the community's ability to manage transportation planning projects and programs would be severely limited. The breakdown of funding sources for the FY 2023 UPWP is estimated below:

- \$300,000 Planning Dept. Fee Revenue (City of Billings)
- \$160,000 Planning Dept. Fee Revenue (Yellowstone County)
- \$525,000 Yellowstone County Planning Levy

- \$2,007,135 Federal Planning (PL) Allocation
- \$2,992,135 Total Local and Federal Program Funding (UPWP)

Attachments

Draft 2023 UPWP

Billings Urban Area

Unified Planning Work Program

(UPWP)

Federal Fiscal Year

2023

DRAFT

Prepared By:

Billings/Yellowstone County Planning Division
2825 3rd Avenue North, 4th Floor
Billings, Montana 59101

In Cooperation With:

Montana Department of Transportation
Federal Highway Administration
Federal Transit Administration



UNIFIED PLANNING WORK PROGRAM

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INTRODUCTION

The Billings Urban Area planning process is organized and conducted in a cooperative, coordinated, and comprehensive manner. The Yellowstone County Board of Planning, as the designated Metropolitan Planning Organization (MPO), is charged with the responsibility of administering the planning process. Under federal regulations, an MPO must be established for urban areas with populations greater than 50,000 in order to receive federal funds for construction projects and transportation planning. This document, the Billings Urban Area Unified Planning Work Program (UPWP), and a companion document, the Prospectus, is the foundation upon which the planning process is based.

The UPWP is developed each year, and once adopted and approved by FHWA and FTA, is in effect from October 1 to September 30. The UPWP contains a task by task discussion of projects, which are to be undertaken during the program year. It also contains appropriate funding information, staffing information, and a schedule for each project. The UPWP undergoes a comprehensive review at the local, state, and federal levels each year.

This year, Federal Fiscal Year 2023, the format for work program activities conforms to Federal Transit Administration (FTA) Circular 8100.1C, specifically Chapter IV. The Montana Department of Transportation and the Yellowstone County Board of Planning have mutually agreed upon use of this format.

The UPWP is a detailed description of projects, which occur on a routine basis. Once adopted, the document is only amended if there is a change in the planning process. The UPWP also contains information pertaining to the organization of the planning process, agencies involved, and agreements between agencies involved in the process.

Cost overrun guidelines have been established by the Montana Department of Transportation, and agreed to by the Yellowstone County Board of Planning. Those guidelines will determine the allowable overruns for any work program element. Overruns that surpass those outlined in the guidelines will require a UPWP amendment.

This document includes two chapters, Highway and Transit. Each chapter contains individual work elements. These work elements describe work the planning and transit staff will undertake in the program year as well as work accomplished in the past year. Also included is a breakdown of funding sources which include, Planning (PL) funds and Local (City & County) funds which are used to provide funding for non-PL eligible activities. Priorities this year include continuing the 2023 Long Range Transportation Plan Update, beginning an update to the 2017 Bike and Pedestrian Plan, an MPO-wide School Safe Routes to School Study, Neighborhood Planning Transportation Elements, grant application development, and other projects.

DATES OF LOCAL APPROVAL

TAC -7/28/22
PLANNING BOARD -8/23/22
COUNTY COMMISSION -8/23/22
CITY COUNCIL -8/22/22
PCC -8/30/22
FWHA-September 2022

CHAPTER I

YELLOWSTONE COUNTY BOARD OF PLANNING

SECTION I UNIFIED PLANNING WORK PROGRAM

41.11.100 PROGRAM SUPPORT & ADMINISTRATION

100 PROGRAM ADMINISTRATION (4301)

OBJECTIVE

- To administer the area-wide planning process.
- To support the Board of Planning and other Boards, Commissions, and the City Council and County Commissioners in decision-making activities in the planning process.
- To engage in administrative and financial actions related to identified planning activities and to prioritize those activities.
- To enhance staff skills and maintain staff exposure to the "state-of-the-art" in planning practice and computer software.
- To maintain contact with, provide input to, and receive feedback from various local, state and federal agencies, committees and groups during the planning process.

ACCOMPLISHMENTS - FISCAL YEAR 2022

Conformance with federal, state, and local administrative and regulatory requirements, as well as maintenance of planning operations was achieved for FY22.

Members of the planning staff attended various professional meetings, workshops, and conferences at which planning, transportation, transit, bicycle/pedestrian and related topics were presented and discussed.

Specifically, the City-County Planning Division (Planning Division) and members of other local, state and federal departments and agencies actively participated in a diverse set of local meetings, including the Billings Technical Advisory Committee (TAC), Policy Coordinating Committee (PCC), Billings & Yellowstone County Zoning Commissions and Boards of Adjustment, Board of Planning, City Annexation Committee, City Development Process Review Committee, Community Development Board, Public Works (formerly the Traffic Control) Board, Bicycle and Pedestrian Advisory Committee, Historic Preservation Board and others. Grant writing for the Division was completed under this work element. Staff also participates in meetings with MDT and the other two MPO's quarterly to discuss activities and issues. Billings MPO also meets with MDT to discuss project coordination and issues.

Planning staff received updates in computer software programs for the geographic information system and its application to mapping data layers such as streets, land use, TAZ data information, address, ownerships and environmental data. This GIS information is vital to provide to consultants for local plan development. Staff regularly utilizes an application tracking and project management software system that integrates the existing City building permit, finance and land management software, as well as coordinated subdivision and development project reviews across City and County departments. This software allows for electronic submittal of building, sign, fence and exempt plats for local review. Staff also reviewed/updated the City Annexation Policy and Limits of Annexation Map, and assisted in updates to the City's Capital Improvement Plan (CIP). Implementation of the City's Complete Streets Policy is ongoing with the continued collection of data to be incorporated into the Complete Streets Status Report that is

updated and published every three years, including in calendar year 2020. Implementation of the Billings Community Transportation Safety Plan will continue with reporting to MDT as required. The 2023 UPWP outlines an update to the Community Transportation Safety Plan, that project is discussed in more detail in the Transportation Planning Studies.

Online permitting continues to have a positive impact on development.

PROPOSED ACTIVITIES - FISCAL YEAR 2023

All administrative functions of the Planning Division will be performed under this work element. Program management activities will include, but not be limited to the following:

1. Correspondence
2. Public Relations
3. Employee Guidance, Supervision, and Training
4. Program Organization and Management
5. Consultant Liaison Activities
6. Staff Meetings
7. Negotiations
8. Preparation of Contracts
9. Staff Training
10. Performance Monitoring
11. Office Equipment Acquisition
12. Budget Management and Administration

Federal regulations require that performance measures and goals be established to monitor the performance of the region's transportation system.

The MPO will work with federal, state and local agencies to improve current performance tracking methods. Performance measures will be tracked on the MPO website and regular reporting will be provided to the Transportation Policy Coordinating Committee, MPO committees and the general public depending on the availability of related data.

With the refilling of the Planner 1 positions, senior staff has the ability to undertake a few neighborhood planning efforts. Staff is looking for other funds to assist with some consultant lead neighborhood activities on larger sub-area plans. With development and implementation of the new Zoning Code, higher emphasis on the transportation system, including road classification, safety and connectivity is vital to how the adjacent land uses for residential and commercial development are built. The road system emphasizes location and setting of any structures. The Planner I will be responsible for using the new code and existing transportation documents for review of land use applications, building permits and zoning clarification forms.

PL Eligible Activities

- As per the MPO's public participation plan and ongoing public outreach efforts, the planning staff will make available the documents and guidelines for transportation planning activities to the community, as well as keep abreast of federal and state requirements as they relate to the overall planning processes. These activities may include distribution of the Billings Area Bikeway and Trail Master Plan to community organizations or individuals, distribution of the current Billings Area Tour Map for bicycle and pedestrian users and visitors, distribution and explanation of the latest Billings Urbanized Area Traffic Count Map and Bicycle Count Map, explanation and distribution of the MPO's public participation plan to groups involved or interested in transportation planning processes in the community, and explanation and information dissemination of the TA or other grant programs to possible project applicants in the community.

- Staff will update the PL & Memorandum of Agreement as necessary to meet the requirements of the IJA or any new legislation they may be approved in the upcoming fiscal year.
- Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation (MDT) in order to maintain federal funding support.
- The FY 2023 UPWP will be continually appraised and monitored in terms of content and budget allocations and will be revised when deemed necessary.
- The Fiscal Year 2024 UPWP will be developed under this work element.
- The Board of Planning, Board of County Commissioners and City Council will be kept informed of the activities of the staff and its progress in completing the approved UPWP.
- Staff will be involved in update and implementation of the Community Safety Plan for the Billings Urban Area.
- All planning staff will participate in recognized and approved training programs in order to improve staff skills and capabilities. Planning expertise will be maintained through enrollment in appropriate planning and transportation-related courses at area colleges, workshops, seminars, webinars and conferences.
- Staff will adapt software programs to effectively utilize traffic data and continue computer-training programs.
- The use of PL funds for out-of-state travel and/or registration fees for the above or other purposes will continue to be subject to prior approval of MDT.
- The TA Program administration will be funded through this work element.
- Infrastructure Investment and Jobs Act (IJA) will be reviewed so staff may become familiar with changes affecting the metropolitan planning process.
- Grant writing services will continue to be incorporated within the department.
- Planning activities pertaining to Bicycle-Pedestrian in this work element will include:
 - Work field inspections, handle complaints and investigate problem areas of the Bike/Pedestrian system.
 - Presentations as needed.

Locally Funded Activities

- General administrative activities will include maintenance of files, library documents, daily correspondence and preparation of necessary periodic reports.
- Interagency committee participation is included in this work element.
- All staff members will continue to participate in and encourage increased cooperation between state and local agencies, departments and governing bodies.
- The Planning Division will serve both as a coordinator of and a participant in meetings and committees.
- Planning Division involvement will include participation with such agencies as the Housing Authority, Big Sky Economic Development (BSED), Air Pollution Control Board, RiverStone Health (City-County Health Department), Healthy by Design, legislative study committees, and other agencies.
- Staff will continue to implement long-term document storage through virtual servers and cloud storage platforms.

STAFFING

28 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

The Planning Division will be responsible for administering the area-wide planning process for the City and County.

PRODUCT

- An ongoing administrative program focused primarily at effective and expeditious implementation of this UPWP.

- The continual enhancement of the Planning Division staff skills and knowledge.
- Maintenance of a coordinated, comprehensive, and cooperative planning process that is endorsed and supported by the local community.
- The development of the FY24 UPWP.

FUNDING SCHEDULE - ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$247,500	\$202,500	\$450,000**
TOTAL	\$247,500	\$202,500	\$450,000**

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	55	45	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$264,000	\$216,000	\$480,000**
TOTAL	\$264,000	\$216,000	\$480,000**

*The matching ratio is Federal PL--86.58% and State match-13.42%.

** Record Keeping via virtual servers and cloud storage, scanning - \$8,000, 3 Computer Upgrades - \$7,500.

101 SERVICE (4302)

OBJECTIVE

- To coordinate the dissemination of information and exchange of ideas between planning agencies and the interested public, decision-makers, and other departments, agencies, and organizations as related to the Billings MPO.

ACCOMPLISHMENTS - FISCAL YEAR 2022

Members of the planning staff were involved in a wide range of service tasks. Planning services included presentations related to roadways and alternative transportation, responding to citizen inquiry and complaints regarding streets, subdivision layout, site distance, zoning request, conformance with the 2018 Transportation Plan Update and the Billings Area Bikeway and Trails Master Plan, City of Billings 2016 Growth Policy, the Lockwood Growth Policy and various neighborhood and community plans.

Staff presented transportation planning information to its organization and agency partners as needed for educational and decision-making purposes. Planning staff also shared information with the community and stakeholders throughout the development of several planning efforts. The Billings MPO hosts monthly webinars covering a variety of topics including transportation and mobility related topics.

PROPOSED ACTIVITIES - FISCAL YEAR 2023

PL Eligible Activities

- Staff will continue the very successful series of webinars and “brown bag lunch” seminars on a wide range of planning topics, including multi-modal transportation planning and funding, collaborative community planning techniques and planning for sustainability as well as various Institute of Transportation Engineers, Project for Public Spaces, Sustainable Communities, and Federal Highway Administration webinars.
- Staff is also targeting webinars which educate staff and public on the transportation planning process and funding as related to the operation of the MPO.
- The Planner I positions will also be working within this element. These positions will provide transportation and related planning information to the general public and interested organizations.

Locally Funded Activities

- Staff will continue to develop and use website tools to enable citizens to access information on upcoming planning activities, board and commission meetings, and recent land use applications, as well as interact with various planning processes through email notification and online comment programs. Staff will look at implementing citizen access to the Questys System software for access to historical data related to transportation, zoning and other planning applications.
- Continue increasing community and agency awareness of the interrelationships between land use development and transportation needs through dissemination of information and drafting of planning documents that incorporate both elements together.

STAFFING

3.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

As Assigned.

PRODUCT

- A responsive and flexible planning process utilizing staff capable of providing short-term findings and recommendations, as well as ongoing customer service to the public on all levels of planning projects and regulations.
- Provide transportation related webinars to staff, local officials and general public to educate on current transportation issues. These webinars are scheduled on a monthly basis and anticipate 5-10-person viewings per showing. This number can fluctuate depending on the topic. Staff participation is anticipated to be 4-5 persons at these viewings.
- In addition to the transportation specific webinars, staff also provides general planning webinars that are advertised to all city staff, local officials and the general public. These webinars are scheduled routinely and can include up to 3 webinars a month. Participation anticipated at these webinars is 5-10 person per viewing. This number can fluctuate depending on the topic. Staff participation is approximately 3-5 per viewing contingent on scheduling.

FUNDING SCHEDULE - SERVICE

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$25,000	\$25,000	\$50,000
TOTAL	\$25,000	\$25,000	\$50,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	50	50	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$30,000	\$30,000	\$60,000
TOTAL	\$30,000	\$30,000	\$60,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

102 CITIZEN INVOLVEMENT (4303)

OBJECTIVE

- To solicit information concerning community values and goals and to receive community input into the development of plans and projects.

ACCOMPLISHMENTS - FISCAL YEAR 2022

Numerous meetings with service clubs, civic groups, and professional organizations were attended by staff members to discuss all facets of local planning. The Planning Board used extensive public input to review and receive comments on a wide range of planning issues throughout the City and County. Meetings of neighborhood task force organizations and neighborhood advisory committees were also attended as requested to answer questions and review long-range planning issues, particularly related to transportation planning and projects, as well as code enforcement complaints. Projects specifically related to citizens and citizen boards included the Community Transportation Safety Plan Update, the Billings Bypass Corridor Study and the development of the Safe Routes to School Plan Update.

PROPOSED ACTIVITIES - FISCAL YEAR 2023

PL Eligible Activities

- Outreach to the public and all affected jurisdictions for ongoing transportation projects, including but not limited to several MDT planning and construction projects such as the North Billings Bypass, short- and long-term planning for rail traffic mitigation in downtown Billings, 6th Street Underpass project and several MPO projects. The MPO has several projects that will be completed and initiated this upcoming year including the completion of the Community Transportation Safety Plan Update, the Safe Routes to School Plan and the Billings Bypass Corridor Study. The 2023 Long Range Transportation Plan Update will carry over to this year as well as the new transportation planning studies identified in this UPWP.
- The staff will continue to support the Bicycle and Pedestrian Advisory Committee. The Committee is responsible for forwarding recommendations to the Planning Board and governing bodies on bicycle safety, bike lanes, pedestrian safety and access, and other matters. The group will be involved in the nomination and review of TA Program eligible projects, bicycle and pedestrian signing and safety projects, grant applications for non-motorized transportation projects, and community education and outreach on bicycle and pedestrian safety within the MPO.
- The MPO has several large planning efforts this year and next, as part of our continuous efforts to engage the public in these transportation planning efforts, staff will be actively engaged with the City of Billings Public Information Officer (PIO) to push information and public participation opportunities to the community. The PIO is new to the City and has already had significant impact on planning efforts.
- TAC and PCC meetings will be held and meeting information disseminated as necessary.
- Staff will continue to update and maintain the MPO's website to provide the most current up to date information to the community.
- Staff will utilize web-based GIS and web mapping software for assistance in transportation planning.
- Some of the specific projects that will involve community participation include the completion of the North Billings Bypass Corridor Study, and the Community Transportation Safety Plan Update. New projects include updating the 2018 Long Range Transportation Plan and a second phase of a Safe Routes to School Study that will review Middle Schools, urban County Elementary Schools and Private Schools. Both of these projects will include extensive public participation and solicitation.

- The Planner I will also act in this position through transportation and general planning efforts to engage the community in a broad range of MPO planning projects.

Locally Funded Activities

- Meetings with various citizen groups will be coordinated and attended for the purpose of soliciting information and ideas on a broad range of planning issues within the Billings Urban Area and throughout Yellowstone County.
- Community participation using new tools and techniques will also be included in all planning studies proposed within this document.
- Staff will utilize web-based GIS and Web mapping software for assistance in land-use planning.

STAFFING

4.0 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- A comprehensive and coordinated solicitation and collection of public opinions in order to accurately reflect the preferences and priorities of the citizens within the Billings Urban Area.
- An enhanced integrated web-based public participation software that includes MPO and general planning projects and procedures and other pertinent information.

FUNDING SCHEDULE - CITIZEN INVOLVEMENT

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$40,000	\$40,000	\$80,000
TOTAL	\$40,000	\$40,000	\$80,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	50	50	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$47,500	\$47,500	\$95,000
TOTAL	\$47,500	\$47,500	\$95,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.12.200 GENERAL DEVELOPMENT & COMPREHENSIVE PLANNING

200 Community Planning (4304)

OBJECTIVE

- To maintain records and make projections of population and dwelling unit data, land use information, employment data, and to maintain adequate financial records, files and reports.
- To provide current, accurate information pertaining to the quantity of residential, commercial, industrial, and public land in the MPO and across the County.
- To summarize and analyze development trends and to provide visual information to the City Council, County Commission, Planning Board and the public during the public input process for transportation and land-use decision making.
- To recommend implementation of the goals, policies, and strategies of the adopted 2016 City of Billings and Lockwood Growth Policies.
- Implementation of Long-Range Transportation Plans and Planning Studies.
- The current ten planning factors have been reviewed and incorporated in this UPWP. The factors are:
 - 1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
 - 2) Increase the safety of the transportation system for motorized and non-motorized users;
 - 3) Increase the security of the transportation system for motorized and non-motorized users;
 - 4) Increase the accessibility and mobility of people and for freight;
 - 5) Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
 - 6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
 - 7) Promote efficient system management and operation;
 - 8) Emphasize the preservation of the existing transportation system.
 - 9) Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
 - 10) Enhance travel and tourism.

ACCOMPLISHMENTS - FISCAL YEAR 2022

Staff is reviewing and analyzing the 2020 Census and most recent American Community Survey (ACS) data. Current ACS data is updated and placed in various databases as it has become available. Data gathered and updated included annual information related to population estimates for city and counties within the State of Montana. This annual information is used by the public and public agencies for planning purposes. The ACS is accessed for review and dissemination, and updated information released by the US Census Bureau in regards to commuting patterns. Other data gathered includes:

- Building Permits, Demolition Permits, Electrical Permits, Subdivision Applications, Zoning Applications, Special Reviews, Variances, temporary use permits, sign permits, zoning compliance permits and zoning clarification documents, annexation data, population trends, land use trends, school enrollment, employment data and general economic indicators.

The planning staff continues to review the most current ACS data and slowly released information from the 2020 Census data and estimates for population and demographic data. Census information is made available to various local agencies and organizations and to the general public. The data is used for developing reports, grant applications and planning documents such as Transportation and Land Use Plans and for projects like the Recreational Trails Program Grant and other grants as needed.

The City-County Planning Division, on behalf of the Billings MPO, is responsible for preparing a Complete Streets Progress Report every three years. This direction was outlined in the City of Billings Complete Streets Policy: “The City will periodically collect, review and report performance data and benchmark measurements to demonstrate the effectiveness of the policy.” This effort was completed with the first-ever Billings Complete Streets Benchmark Report prepared in 2013. The Report is updated on a 3-year cycle with the most current update occurring in 2020. This [Progress Report](#) includes comparison of various data sets related to motorized and non-motorized transportation.

Zoning data developed in element 204 for the entire City and County zoning jurisdictions was provided to neighborhood task force groups and others as requested.

Numerous other special purpose maps were prepared for meeting purposes including bicycle trail maps, annexation maps, estimated development density maps and tables for the Limits of Annexation Map area, and other project influence areas. Natural resource, 2020 Census, and jurisdictional boundary information was updated or developed. Traffic count station locations were geo-positioned and linked with the City-County traffic count matrix. The City also upgraded its internal mapping system with an ArcGIS product that makes access to the most current property data and aerial photography better and easier for staff when researching existing conditions of transportation corridors and adjacent property. The new system provides a robust City GIS base map for use in application reviews, transportation planning efforts, and general customer inquiries. Ongoing review and implementation of sub-area neighborhood and transportation plans, and other planning documents was carried out by staff.

PROPOSED ACTIVITIES - FISCAL YEAR 2023

PL Eligible Activities

- The new web-based GIS software is compatible with available datasets and utilizes the existing data sets more effectively. The GIS will be utilized to develop a series of maps, including existing and proposed pedestrian trail routes and projects in the community, maps to implement the Long-Range Transportation Plan, updates to a preferred growth area map in conjunction with the City’s Limits of Annexation Map, mapping of focus areas for implementation of the City’s Infill Development Policy, and others. This ability of the new GIS allows for anticipating and planning for the transportation network in areas of annexation and infill. This will assist in the development of our LRTP and project planning for future plans and studies.
- The planning staff, under the direction of the Board of Planning, will continue to work on long-range planning projects according to the priorities established by both the City of Billings and Yellowstone County. In particular, the continuing implementation of the South Billings Master Plan, the 2018 Long Range Transportation Plan Update, and the 2016 Bikeway and Trails Master Plan.
- Senior staff will be undertaking development of one neighborhood planning project to assist our neighborhoods in local planning specific to their area. This is possible due to the hiring of two additional Planner I’s. In addition to staff leading this effort, staff will be looking at grant funds to hire consulting services to assist with larger sub-area plans.
- The addition of two new Planners will allow the senior staff to take a more active role in long range planning. It is anticipated that the Planner I’s will undertake the review of:
 - Zoning applications. The development and adoption of Project Re:Code now ties land uses and land patterns to the road and street network.

- Site development plans to address clear vision and controlled and shared access points.
- Site development plans to address newly implemented build to zones which prevent traffic flow in front of buildings.
- Site orientations that allow for internal traffic and other services, for example, drive through locations.

Work related to Bicycle-Pedestrian activities in this work element will include:

- Work with staff to insure a bike/pedestrian friendly community.
- Review of proposed subdivisions for non-motorized transportation connectivity.

Locally Funded Activities

- Staff also will continue to work with the Big Sky Economic Development (BSED) to implement the Master Plan for the East Billings Urban Renewal District (EBURD), the Hospitality Corridor Planning Study, the Exposition Gateway Concept Plan and the South Billings Boulevard Urban Renewal District (SBBURD) Master Plan. The plans include detailed analysis of the transportation and land use connections in the area and promote sustainable development projects.
- Staff plans to work with the City, County, BSED, and neighborhood groups to identify planning needs in various parts of the urbanized area.
- Continued maintenance and update of socio-economic and land use data for both transportation and comprehensive planning activities will continue in 2023, with 2020 data and the 2020 American Community Survey data.
- Various GIS databases and layers will continue to be developed and centrally maintained, including information on neighborhoods, community assets, route planning, trail systems and transportation plans.
- The new web-based system tracking and managing projects will include application information on zoning and subdivision applications.
- Neighborhood planning activities will be initiated to identify local issues and strategies to assist neighborhood groups and organizations with neighborhood sustainability, equity, and safety.

STAFFING

24 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- Various reports, files, and projections of socio-economic data necessary for current transportation and comprehensive planning activities, as well as support of City/County economic development activities.
- An ongoing GIS database/mapping system for the City of Billings and Yellowstone County.
- Ongoing updates to the preferred growth areas mapping and analysis for the City, implementation of the City Infill Development Policy, SBBURD Master Plan, the 2018 Long Range Transportation Plan Update, 2018 Public Participation Plan, the Downtown Area Traffic Circulation and Safety Study, Wayfinding Sign Plan, and the Heritage Trail Tour Map and App.

FUNDING SCHEDULE - COMMUNITY PLANNING

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$90,000	\$210,000	\$300,000
TOTAL	\$90,000	\$210,000	\$300,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	30	70	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$99,000	\$231,000	\$330,000
TOTAL	\$99,000	\$231,000	\$330,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

204 ZONING ADMINISTRATION (4308)

OBJECTIVE

- To oversee, interpret and enforce current City and County zoning regulations.
- To effectively administer the regulations and provide efficient service to the elected officials and the public.
- To maintain current zoning and land use information for all zoned property within the jurisdiction of the Billings Metropolitan Planning Organization to use in long-range transportation planning studies, traffic analysis, and transportation projects.

ACCOMPLISHMENTS - FISCAL YEAR 2022

During the past year, even during the height of COVID, all applications for zone changes, special reviews, variances, and planned developments were reviewed and processed by the planning staff in a timely manner. Reports and recommendations were prepared on each case to the various boards, commissions, and governing bodies. Digital photos are now incorporated into all zoning reports and Microsoft Power Point presentations are given to all boards and commissions. Staff is in the process of ongoing scanning of historic zoning files in preparation of future citizen access through a new archiving system software. All applications for building permits were also reviewed for compliance with City and County zoning regulations. Special zoning studies and ordinance updates were prepared as requested by the governing bodies. These included making a series of zoning code amendments to bring the regulations into compliance with changes in State Law and changes driven by community interests.

Staff coordinated with the County GIS Department to ensure that all zone changes within the Billings MPO area were reflected on GIS online and printed maps to ensure land use information was current.

A significant amount of time was also spent assisting the public with general zoning questions. The status of all active zoning applications is now posted on the City/County Planning websites.

PROPOSED ACTIVITIES - FISCAL YEAR 2023

PL Eligible Activities

- Zoning, Special Review, and Variance applications will be reviewed for land use compatibility, traffic, access, and overall site design.
- Staff will continue to maintain its zoning maps and land use information so that it is applicable to long-range transportation planning efforts in the Billings MPO. This information is regularly applied to a variety of MPO functions, including corridor analysis efforts like those involved in the Billings Bypass project, specific road projects, TA program applications and non-motorized grant applications.
- Staff will continue implementing the new Zoning Code. Staff will be reviewing and trouble-shooting any inconsistencies or inaccuracies in the new code with the intent to make any needed amendments within the next 2-years. As stated earlier, the Zoning Code places a higher emphasis on the transportation system, including road classification; safety and connectivity is vital to how the adjacent land uses for residential and commercial development are built. The road system emphasizes location and setting of any structures.
- The addition of two new Planners will allow the senior staff to take a more active role in long range planning. It is anticipated that the Planner I's will undertake the review of:

- Zoning applications. The development and adoption of Project Re:Code now ties land uses and land patterns to the road and street network.
- Site development plans to address clear vision and controlled and shared access points.
- Site development plans to address newly implemented build to zones which prevent traffic flow in front of buildings.
- Site orientations that allow for internal traffic and other services, for example, drive through locations.

Locally Funded Activities

- Carrying out the day to day activities required to effectively administer the zoning regulations as well as ensure that land use information is current and available for all long-range transportation planning efforts, including Transportation Plan updates, specific road projects, corridor studies and the North Bypass project.
- Activity in 2022 will include ordinance updates as required by State law or requested by the public or governing bodies.
- All zone change applications will be reviewed for compliance with local plans.
- Staff will continue the update to Zoning Code based on fulfilling policy goals set by the local governing body including Growth Policy, Neighborhood Plans, Complete Streets and Infill Policies.

STAFFING

13 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- Effective zoning regulations and administration for the City of Billings and Yellowstone County. Effective enforcement of the zoning regulations for Yellowstone County.
- Online submittal capability for certain zoning permits, i.e. sign and fence will increase efficiency and convenience for applicants.

FUNDING SCHEDULE - ZONING ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$37,000	\$148,000	\$185,000
TOTAL	\$37,000	\$148,000	\$185,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	20	80	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$40,000	\$160,000	\$200,000
TOTAL	\$40,000	\$160,000	\$200,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

205 SUBDIVISION ADMINISTRATION (4309)

OBJECTIVE

- To maintain the current City and County subdivision regulations and ensure that they are updated when changes in State law occur.
- To effectively administer the regulations and provide efficient service to developers, engineers and surveyors, elected officials, and the community.
- To ensure that development is occurring with minimal negative impacts to the community and that subdivisions are designed to be safe and long lasting in the community.
- To evaluate traffic accessibility studies, general circulation data, and ensure conformity with the Functional Classification Map and associated elements of the Long-Range Transportation Plan when a subdivision application is submitted.
- To collect, manage, and apply subdivision development information for long-range transportation planning activities for the MPO – including but not limited to updates to the transportation plan and maintenance of inputs for traffic modeling.

ACCOMPLISHMENTS - FISCAL YEAR 2022

The Board of Planning and the planning staff reviewed all preliminary major and minor plat applications. Numerous conceptual and pre-application meetings were coordinated and attended by staff. All final plats were reviewed and processed. Also, a significant amount of time was spent assisting the public with general subdivision questions. Updates to the City and County Subdivision Regulations due to legislative changes were drafted and approved.

Staff collected and compiled information on the details of each new subdivision in terms of numbers of lots and land area slated for development. This information is integral to any transportation plan updates or long-range transportation planning efforts undertaken by the MPO in the community to determine population growth and location of residents and commercial services that affect the transportation system. This involved monthly subdivision activity reporting and periodic reviews of new development locations. This is also considered in relation to the TA program and when the MPO pursues grants for non-motorized transportation projects in the community.

The MPO continues to implement and enforce the Suburban Subdivision Regulations that require property currently outside the city limits but within the County Zoning Jurisdiction that may be annexed in the future to develop at city standards for infrastructure such as sidewalk, storm water management and future utility access. This procedure has been a positive to residential development on the city fringe areas.

PROPOSED ACTIVITIES - FISCAL YEAR 2023

PL Eligible Activities

- Staff will review all subdivisions for compliance with the Billings Area Long Range Transportation Plan, and for conformity with the Billings Area Bikeway and Trails Master Plan, Lockwood Transportation Plan, Blue Creek Transportation Plan, and other neighborhood and community transportation plans as applicable.
- Staff also will continue to collect information on the details of each new subdivision as an integral data source for long-range transportation planning efforts undertaken by the MPO. The MPO expects to use this data in 2023 for a variety of projects, including the implementation of the Long-Range Transportation Plan, the Bike/Ped Plan and continued analysis for the North Bypass.

- The newly added Planner I to the UPWP will take an active role in reviewing subdivision applications for compliance with the various transportation and planning documents overseeing land use within the MPO and Planning jurisdictional area.

Locally Funded Activities

- All subdivision applications will be reviewed for compliance with local and state subdivision law.
- Staff will continue to carry out the day to day activities required to effectively administer the subdivision regulations, and to keep the regulations current.
- Continued implementation of the Suburban Subdivision Regulations within the County Zoning Jurisdiction area.

STAFFING

14.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- An effective subdivision review process with regard to local and state law, the Growth Policy, and the Billings Area Transportation Plan.
- Correctly identified street segments in alignment with the 2018 Transportation Plan Functional Classification Map.

FUNDING SCHEDULE - SUBDIVISION ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$55,500	\$129,500	\$185,000
TOTAL	\$55,500	\$129,500	\$185,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	30	70	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$60,600	\$140,400	\$202,000
TOTAL	\$60,600	\$140,400	\$202,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.13.300 LONG RANGE TRANSPORTATION PLANNING

300 TRANSPORTATION SYSTEM DATA (4310)

OBJECTIVE

- To develop and maintain current transportation system data files and records.
- To provide transportation planning and data information to City and County staff, elected officials, developers, engineering firms, and the general public.

ACCOMPLISHMENTS - FISCAL YEAR 2022

The traffic count program for FY 2022 was completed. Travel times/delay/speed studies were completed, calculations computed, and level-of-service values determined. This data was used for various planning and engineering projects throughout the year. In addition, the public commonly requests this data for land use planning.

Staff participated in the update of the City of Billings Capital Improvement Plan (CIP). Crash information was compiled and analyzed. Crash data is also used in many of the planning studies undertaken by the MPO. The staff also continued to utilize the trail scanners that were purchased and found new and better ways to both use the scanners in more trail locations in the community and display the data for various applications. The MPO also took over collection and distribution of the data from the Lockwood sidewalk counters purchased through the Lockwood Pedestrian Safety District.

The transportation data is also being used for our current Planning Studies including the Billings Bypass Corridor Study, Safe Routes to School Plan Update and the Community Transportation Safety Plan (CTSP).

PROPOSED ACTIVITIES - FISCAL YEAR 2023

PL Eligible Activities

- The traffic count program for the Billings Urban Area as well as the Yellowstone County influence area will be conducted and the appropriate data recorded during FY2023. All traffic count data will be submitted to the MDT by February 1, 2023.
- Staff will update, where appropriate, the City's Capital Improvement Program.
- Continue with the contract position with City Engineering to continue traffic and trail counts.
- Staff will collect and maintain bike/pedestrian information through the trail census and use of the trail-bike/pedestrian scanners. The information from the bike/pedestrian counts links directly to the development of the LRTP and the MPO's non-motorized planning studies. These counts also contribute to other planning projects such as the Complete Streets Progress Report. This activity is in conjunction with MPO region wide planning.
- The traffic count data archive will be maintained and accessible for other agencies and the public.
- Data will also be used during proposed FY23 Planning Studies.
- The Bicycle-Pedestrian activities will continue. Duties will include but not limited to:
 - Maintain Bike/pedestrian data bases in conjunction with MPO region wide planning purposes.
 - Maintain data base for easement acquisition.

STAFFING

13.5 Staff Months – City/County Planning

11.0 Staff Months - City Engineering (Contract Position)

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning/MDT

PRODUCT

- Documentation as necessary, support of transportation grant programs, transportation system modeling, updated Traffic Count Program, and research and integration of traffic information into planning projects and development review activities.
- Current traffic count data. Traffic counts are vital for any long-range planning efforts and during development of commercial and residential projects. Traffic counts also directly relate to the development of projects in the LRTP and ultimately for programming in the TIP.
- Current bike/pedestrian counts. MPO uses these counts for the development of the non-motorized network. This information is used for the development of the Bikeway and Trails Master Plan as well as for applications for various grants.

FUNDING SCHEDULE - TRANSPORTATION SYSTEM DATA

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$266,000	\$0	\$266,000
TOTAL	\$266,000	\$0	\$266,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$250,000	\$0	\$250,000**
TOTAL	\$250,000	\$0	\$250,000**

*The matching ratio is Federal PL--86.58% and State match-13.42%.

**This Includes - \$25,000 for Maintenance of the Billings MPO Travel Demand Model.

301 TRANSPORTATION PLAN (4311)

OBJECTIVE

- Implement the Goals and Objectives in the Billings Long Range Transportation Plan.
- Develop (where necessary) and maintain data for the urban area in order to effectively monitor and evaluate the validity of the Transportation Plan.

ACCOMPLISHMENTS - FISCAL YEAR 2022

Staff continued to implement the 2018 Long Range Transportation Plan. Elements in the Plan include Goals and Objectives, a Transit section, an analysis of the railroad interface with the community, and a review of current projects listed in the Plan.

Staff will continue to implement the 2017 Billings Area Bikeway and Trail Master Plan. This will include working with MDT, City and County Public Works and other organizations with the continued development of the non-motorized transportation system.

PROPOSED ACTIVITIES - FISCAL YEAR 2023

PL Eligible Activities

- The MPO initiated an update to the 2018 Long Range Transportation Study in FY22. This project will span FY22 and FY23.
- Staff will work to implement the 2017 Billings Area Bikeway and Trails Master Plan.
- Staff will be undertaking the development of two consultant lead neighborhood planning efforts. Staff is actively pursuing grant funds to assist with two large sub-area neighborhood plans that will include a deeper dive into neighborhood transportation issues and strategies. The goal of the transportation element of these plans is to ensure safe, sustainable and equity level transportation elements and policies.
- Staff will also integrate the 2018 Transportation Plan with the City's Capital Improvement Program to ensure consistency.
- Projects will continue to be reviewed for future implementation in the City's CIP and the MPO's TIP.

STAFFING

9.0 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- Implementation of transportation projects identified in the Billings Area Bikeway and Trails Master Plan, the Transportation Improvements Program, Transportation Plan and the Capital Improvements Program.

FUNDING SCHEDULE - TRANSPORTATION PLAN

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$381,000	\$0	\$381,000
TOTAL	\$381,000	\$0	\$381,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$575,000	\$0	\$575,000
TOTAL	\$575,000	\$0	\$575,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

**Approximately 50% or \$137,500 of the cost of the LRTP Update and \$100,000 (50%) for the Bike Plan Update is included here. Also \$75,000 each for the Heights Neighborhood Plan (Transportation Element) and the West End Neighborhood Plan (Transportation Element) is included here.

302 PLANNING STUDIES (4312)

OBJECTIVE

- To update and develop site-specific plans and transportation studies where appropriate.

ACCOMPLISHMENTS - FISCAL YEAR 2022

- The North Bypass Corridor Study began in January 2021, to date, the Consultant, Dowl has been preparing study development content and developing options for public outreach. A public website, www.billingsbypasscorridor.com is live. Staff anticipates that this study will wrap up later this summer.
- The Safe Route to School Plan Update is completed and received final adoption on July 19, 2022. This project has several elements related to identifying and providing safe routes for children to get to school.
- The update to the Billings Community Transportation Safety Plan is also slated to be completed later this summer. Emphasis area strategies are being reviewed and tied into a final draft.
- The 2018 Long Range Transportation Plan Update was kicked off in July. This project is projected to carry over into FY23.
- Initiated the Phase II of the Safe Routes to School Plan that will study Billings Middle, County Urban Elementary, and Private Schools interested in participating in the development of a Safe Routes to School Plan.

PROPOSED ACTIVITIES - FISCAL YEAR 2023

PL Eligible Activities

- Continue the update to the LRTP. This update will include all regulatory elements required including Goals and Objectives, a Transit section, and a review of current projects.
- Develop and release the RFP for the 2017 Bike Plan Update. This will include Vision, Goals, and Objectives; Existing Conditions; Needs Assessment; Recommendations; and Implementation strategies. This project is scheduled to carryover to FY23.
- The MPO will continually research grant opportunities. Consultant services will be solicited to assist the MPO is preparing for a submittal of a larger federal grant. This process will help narrow and fine tune the project to the correct funding source. In addition, the consultant will assist the MPO in preparation of the grant, this could include the identification of local match sources, determining right-of-way needs, and other federal grant requirements.
- Continue to update and distribute the MPO Heritage Trail Bike/Pedestrian Tour Maps.
- Implement and promote the web-based interactive Bike and Pedestrian Mobile Application.
- Continue and complete the second phase of a Safe Routes to School Plan by addressing Billings Middle, County Urban Elementary, and Private Schools.
- The Planner I will be active in this work element as part of transportation planning elements within sub-area/neighborhood plans, as well as assisting with the development and information gathering on Transportation Planning Studies.

Locally Funded Activities

- Staff will be involved in the coordination through completion of all planning studies undertaken. This includes contract negotiations, coordination of citizen advisory groups, public meetings, overseeing contract deliverables and project wrap-up.

STAFFING

6.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- Completed Urban Area-wide transportation studies for the 2018 LRTP Update, Bike Plan Update, Phase II of the Safe Routes to School Plan, Transportation study for sub-area planning, development of a grant application package.

FUNDING SCHEDULE – PLANNING STUDIES

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$180,000	\$120,000	\$300,000
TOTAL	\$180,000	\$120,000	\$300,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	60	40	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$140,400	\$93,600	\$234,000**
TOTAL	\$140,400	\$93,600	\$234,000**

*The matching ratio is Federal PL--86.58% and State match-13.42%.

** Safe Routes to School Plan Phase II \$125,000; Grant Writing \$100,000.

41.15.500 TRANSPORTATION IMPROVEMENT PROGRAM

500 TRANSPORTATION IMPROVEMENT PROGRAM (4313)
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OBJECTIVE

- To maintain a viable five-year program of transportation improvements for the Billings Urban Area.

ACCOMPLISHMENTS - FISCAL YEAR 2022

The MPO completed three TIP amendments in FY22. These updates included updating projects, project costs and project timing. The last amendment was approved on July 19, 2022.

PROPOSED ACTIVITIES - FISCAL YEAR 2023

PL Eligible Activities

- A new Transportation Improvement Program (TIP) will be completed in FY23 as needed to reflect current project status. A certification statement will be included, as appropriate, to conform to the planning regulations. Based on the Transportation Plan, projects will be evaluated and ranked in accordance with the Priority Ranking Procedures, and in accordance with consistency/conformity procedures. Necessary data will be gathered from primary and secondary sources by the planning staff based upon the Memorandum of Understanding with the City of Billings Public Works Department, establishing areas of data responsibility. Conformity determinations will be prepared as necessary to ensure conformity with the Clean Air Act.

STAFFING

2.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- A current transportation improvement program which reflects conformity with FHWA, the Clean Air Act, and local priorities.

FUNDING SCHEDULE - TRANSPORTATION IMPROVEMENT PROGRAM

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$36,000	\$0	\$36,000
TOTAL	\$36,000	\$0	\$36,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$37,000	\$0	\$37,000
TOTAL	\$37,000	\$0	\$37,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.16.600 SPECIAL PROJECTS

600 ENVIRONMENTAL CONSIDERATIONS (4314)

OBJECTIVE

- Maintain current records of monitored air pollution levels and obtain other environmental data as necessary within the Metropolitan Planning Area.
- Review proposed development and transportation system improvements with respect to environmental considerations within the MPO influence area.

ACCOMPLISHMENTS - FISCAL YEAR 2022

The MPO was notified that in July of 2021 the Billings Urban Area was removed from the Air Quality's "Not Classified" list. The MPO is now designated as an Attainment Area and will move the update of the LRTP from 4-years to 5-years.

Air quality monitoring information was obtained from the County Air Pollution Control Board. Air quality mapping for the State Air Quality Bureau was revised. The Congestion Mitigation Air Quality (CMAQ) program was implemented. Staff continues to monitor carbon monoxide (CO) information in the Urbanized Area.

The Socio-Economic and Environmental (SEE) effects guidelines were used to review proposed developments and transportation system improvements.

PROPOSED ACTIVITIES - FISCAL YEAR 2023

PL Eligible Activities

- The planning staff will continue to utilize the SEE effects guidelines to evaluate all major development proposals in terms of transportation systems. This would include the CMAQ program.
- Work will continue to maintain the Billings air quality designation.
- Staff will continue to review the MOVES Program and others like it and their relationship to the MPO.

STAFFING

2.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

Current environmental data as well as a comprehensive planning and transportation planning process that will substantially address the socio-economic and environmental consequences associated with growth and development.

FUNDING SCHEDULE - ENVIRONMENTAL CONSIDERATIONS

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$35,000	\$0	\$35,000
TOTAL	\$35,000	\$0	\$35,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$36,000	\$0	\$36,000
TOTAL	\$36,000	\$0	\$36,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.17.700 OTHER ACTIVITIES

700 UN-PROGRAMMED FUNDS (4315)

OBJECTIVE

- To provide for the accounting of available un-programmed funds in the current UPWP.

ACCOMPLISHMENTS - FISCAL YEAR 2022

N/A

PROPOSED ACTIVITIES - FISCAL YEAR 2023

PL Eligible Activities

- This work element will be utilized for accounting purposes only. No specific work activity will be charged to this work element.

STAFFING

N/A

FUNCTIONAL AGENCY RESPONSIBILITY

N/A

PRODUCT

N/A

FUNDING SCHEDULE - CONTINGENCY

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$326,181	\$109,400	\$435,581
TOTAL	\$326,181	\$109,400	\$435,581

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	100	100

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$388,035	\$39,100	\$427,135
TOTAL	\$388,035	\$39,100	\$427,135

*The matching ratio is Federal PL--86.58% and State match-13.42%.

SECTION II -- FUNDING

TABLE I FUNDING SUMMARY FEDERAL FISCAL YEAR 2023

WORK ELEMENT	FUNDING SOURCES FY 2023		
	PL*	LOCAL	EST. COST
100 Administration	\$264,000	\$216,000	\$480,000
101 Service	30,000	30,000	60,000
102 Citizen Involvement	47,500	47,500	95,000
200 Community Planning	99,000	231,000	330,000
204 Zoning	40,000	160,000	200,000
205 Subdivision	60,600	141,400	202,000
300 Transportation System	250,000	0	250,000
301 Transportation Plan	575,000	0	575,000
302 Planning Studies	180,000	120,000	300,000
500 T.I.P.	37,000	0	37,000
600 Environmental	36,000	0	36,000
700 Un-Programmed Funds	388,035	39,100	427,135
TOTAL	\$2,007,135	\$985,000	\$2,992,135

*The matching ratio is Federal PL--86.58% and State match-13.42%.

TABLE II FUNDING COMPARISONS

WORK ELEMENT	FY 2023 ESTIMATED COST	FY 2022 ESTIMATED COST
100 Administration	\$480,000	\$450,000
101 Service	60,000	50,000
102 Citizen Involvement	95,000	80,000
200 Community Planning	330,000	300,000
204 Zoning Administration	200,000	185,000
205 Subdivision Administration	202,000	185,000
300 Transportation System Data	250,000	266,000
301 Transportation Plan	575,000	381,000
302 Planning Studies	300,000	234,000
500 T.I.P.	37,000	36,000
600 Environmental Considerations	36,000	35,000
700 Un-Programmed Funds	427,135	435,581
TOTAL	\$2,992,135	\$2,637,581

**TABLE III
FUNDING PERCENTAGES FEDERAL FISCAL YEAR 2023**

WORK ELEMENT	RECIPIENT	PL	LOCAL	TOTAL
100 Administration	MPO	55	45	100
101 Service	MPO	50	50	100
102 Citizen Inv.	MPO	50	50	100
200 Community Planning	MPO	30	70	100
204 Zoning Administration	MPO	20	80	100
205 Subdivision Admin.	MPO	30	70	100
300 Trans. System Data	MPO	100		100
301 Transportation Plan	MPO	100		100
302 Planning Studies	MPO	60	40	100
500 T.I.P.	MPO	100		100
600 Environmental	MPO	100		100
700 Un-Programmed Funds	MPO	100		100

**TABLE IV
STAFF MONTHS BY WORK ELEMENT FISCAL YEAR 2023**

WORK ELEMENT	DIRECTOR	SENIOR PLANNER (TRANS)	PLANNER I	PLANNING MANAGER	PLANNER II	CLERK	PLANNER II	PLANNER I	PLANNER I	SENIOR PLANNER (ZONING)	Active Trans. Planner I	TOTAL M.M.
100	7	1.5	2.5	5.5	.5	1.5	.5	.5	2	1	5.5	28
101	.5		1				.5	.5		1		3.5
102	.5		.5	.5	.5	.5	1	.5				4
200	1.5		5	2	1	2	1	5	3	1	2.5	24
204			.5	.5		.5	.5	2	3	6		13
205			.5	1		.5	7.5		3	2		14.5
300		2.5	.5	.5	5	2					3	13.5
301	.5	4		.5	2	2						9
302	.5	1		.5	1	1		2.5				6.5
500	.5	1			.5	.5						2.5
600		1	.5		.5	.5						2.5
TOTAL	11	11	11	11	11	11	11	11	11	11	11	121

*This table indicates approximately how many man months individual staff members work in each work element.

WORK ELEMENT	CITY TRAF. TECHNICIAN
300	11
TOTAL	11

SECTION III

INDIRECT COST PLAN

INTRODUCTION

The Office of Management and Budget Circular 2 CFR Part 200 is used as governing criteria for establishing the allowed costs.

IDENTIFICATION OF COSTS

The costs are delineated below by type:

DIRECT	INDIRECT	BENEFITS
Salaries & Wages	Maintenance	FICA
Legal Notices	Reproduction	PERS
Travel	Supplies	Workmen's Compensation
Printing	Postage	Accident Insurance
Training	Subscriptions	Health Insurance
Consultants	Telephone	Sick Leave
Equipment	Utilities	Vacation
Mileage	Rent	Holidays
Moving/Interview	Audit	Maternity
	Messenger	Military
		Life Insurance
		Dental Insurance

ALLOCATION OF COSTS

Direct costs will be charged to the work program line item to which they apply.

An indirect cost rate of **9%** of the City and County's direct salaries and wages is proposed. The **9%** rate will be applied to the direct wages and salaries of each line item within the work program to cover all indirect expenses.

Benefits will be calculated at a rate of **55%** of the City and County's direct salaries and wages charged to each line item.

FUNDING SOURCES

The degree of participation by each funding agency is based on the prorations which have been determined for each line item. Each agency will be billed their share of the total charges made against each line item according to the approved prorations.

Funding sources and amounts contained in the UPWP are as follows:

Planning Dept. Fees (City of Billings)	\$300,000
Planning Dept. Fees (Yellowstone Co.)	\$160,000
Yellowstone County (Mill)	\$525,000
PL*	\$2,007,135
TOTAL	\$2,992,135

*The matching ratio is Federal PL--86.58% and State match-13.42%.

SUMMARY

The indirect cost rate is a predetermined fixed rate which is not subject to adjustment. The base period used in determining the rate is the period from July 1, 2021 through June 30, 2022. The calculated rate is applicable to the grant period, which is October 1, 2022 through September 30, 2023.

CHAPTER II

CITY OF BILLINGS TRANSIT DIVISION

SECTION I UNIFIED PLANNING WORK PROGRAM ELEMENTS

44.21.00 PROGRAM SUPPORT & ADMINISTRATION

44.21.01 ADMINISTRATION

OBJECTIVE

- To provide program support, general administration, and grant administration
- To provide training in support of transit planning activities.

ACCOMPLISHMENTS - FISCAL YEAR 2022

Conformance with federal, state, and local administrative and regulatory requirements for maintenance of transit planning and development as well as execution of developed plans.

Staff remained informed of Federal and State requirements concerning all federal funding sources including, but not limited to, sections 5303, 5307, 5310, and 5339. Staff also adjusted grants in response to the CARES Act, the American Rescue Plan, and additional allocation from state sources.

Staff continued to manage and execute programmed aspects of awarded 5339, closing out multiple grants.

Staff attended training opportunities to enhance knowledge and skills, including the Montana Transit Association conference, safety trainings, and other education opportunities and webinars focusing on various federal requirements.

Staff maintained and updated the Transit Asset Management (TAM) Plan with upcoming and in-process capital projects, as well as fleet and facility metrics to ensure accurate capital and asset planning.

Updated the Public Transit Agency Safety Plan for MET Transit; this included additional training program development for operator and dispatch staff, additional mitigation strategies, and expanded safety promotion strategies.

Updated the MET Transit Title VI and Public Participation Plans.

Staff analyzed, recommended and implemented two new Road Supervisor personnel positions. These positions support the ongoing implementation and execution of the public transit agency safety plan as well as support daily operations.

Staff managed FTA Section 5303 grant activities and prepared the transit aspect of Unified Planning Work Program.

Transit members attended and participated in a diverse range of transit-related and general community meetings including the Billings Technical Advisory Committee (TAC), the Policy Coordinating Committee (PCC), City of Billings Transportation Team meetings, Healthy By Design Coalition meetings, and various project specific coordinating committees for transportation related projects. As the lead agency on the Coordinated Human Services Transportation Plan Committee, staff also provided guidance and updates to the plan.

PROPOSED ACTIVITIES - FISCAL YEAR 2023

All administrative functions necessary in support of transit planning and development will be performed under this work element. Activities will include:

- Continuing to assess data-keeping and gathering practices with focus on further technology utilization and process improvement.
- Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation, Urban Planning Division to maintain funding requirements.
- The FY 2023 UPWP will be monitored and revised as necessary.
- The FY 2024 UPWP for transit activities will also be developed within this element.
- Staff will execute grant administrative functions; staff will continue research and development regarding the utilization of FTA funding, including furthering innovative funding practices and partnerships.
- Maintenance of coordination agreements with 5310 providers and, as the lead agency, updates to the Billings Area Human Services Transportation Coordination Plan.
- Research feasibility and make recommendations for capital grants as advised by the Transportation Coordination Plan Committee.
- Research feasibility and make recommendations for capital grants in the 5339 Bus and Bus Facilities programs and other funding opportunities utilizing the TAM plan as well as the City Equipment Replacement plan.
- Participation in recognized and approved training programs in order to improve skills and capabilities including Grant Management programs as recommended.
- Division policy assimilation of documents, regulations, codes, and practices to ensure compliance with federal, state, and local requirements as they relate to the transit planning process.
- Participate with the TAC, Transportation Coordination Plan Committee, citizen advisory boards and other committees throughout the community as needed.
- Staff will continue updating and maintaining the FTA mandated Transit Asset Management Plan

- Staff will continue to update and implement required Public Transit Agency Safety Plan including annual updates as well as further research and development of best practices.
- Assists in development of improved transit integrations in the local area Emergency plan including regular participation on committee meetings.

STAFFING

180.00 Transit Manager Staff Hours
 120.00 Transit Planner Staff Hours
 230.00 Grants and Admin Coordinator Staff Hours
 60.00 Transit Supervisor Staff Hours (3 positions)
 60.00 Marketing and Outreach Coordinator Staff Hours
 20.00 Aviation/Transit Director Staff Hours

670.00 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

PRODUCT

- An ongoing administrative program to carry out the transit elements identified within this UPWP
- Administrative oversight and execution of transit planning and development functions including federally required plans.
- Enhancement of transit division skills and knowledge.
- Proper maintenance and administration of grant related activities.

FUNDING SCHEDULE - ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$5,535	\$22,139	\$27,674
TOTAL	\$5,535	\$22,139	\$27,674

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$15,171	\$60,684	\$75,855
TOTAL	\$15,171	\$60,684	\$75,855

44.24.00 SHORT RANGE TRANSPORTATION PLANNING

01 FUTURE SERVICE ANALYSIS AND ENHANCEMENTS

OBJECTIVE

To facilitate considerations of means to ensure citizens will have acceptable and improved public transportation alternatives in the future.

ACCOMPLISHMENTS FISCAL YEAR 2022

Members of the transit division updated projections of future revenues and expenses and directed annual budget and financial resources analysis, including multi-year forecasts.

Staff arranged for and ensured execution of on-going data gathering and analysis efforts to monitor current system effectiveness and efficiency. This assisted in identification of operating and capital needs required to ensure a reliable and effective system into the future.

Transit Division members, in conjunction with SRF Consulting, performed operational analysis of the transit system including development of identified goals and route restructures for implementation; this, as well as other recommendations, will be compiled into a finalized Transit Development Plan with anticipated plan approval to occur in Q4 of FFY2022.

Staff researched, recommended, and procured additional software solutions to blocking, run cutting, and rostering to assist in implementation of routing and schedule changes resulting from the Transit Development Plan.

Staff continued development and recommendation of alternative service models for fixed-route systems in anticipation of changing ridership demands.

Assessed feasibility of additional capital projects utilizing apportionment funds as CARES Act and ARP funds were available for operational expenses.

Staff tracked and compiled on-going ridership metrics by route and mode to support planning practices.

Staff provided information and comments related to transit at meetings geared toward development, annexation, and traffic projects. Staff also received and responded to system inquiries, concerns, complaints, and suggestions.

PROPOSED ACTIVITIES FISCAL YEAR 2023

Functions necessary in support of future transit planning and development will be performed under this work element, including continuation of activities undertaken in FY 2021. These activities

necessitate the ongoing cloud-based software costs, including the addition of a run cutting module, for route development and planning, which is split between this element and current service enhancements. Activities are as follows:

- Continue investigating feasibility of expanding service beyond existing city limits and engage county stakeholders in discussion regarding potential for service to outlying areas; include analysis of possible funding models, interlocal agreement requirements, changes in governance, and other related items.
- Analyze and evaluate current City and other area government practices for right of way requirements regarding future bus stop locations; analyze potential land acquisition and easement requirements supporting future transit infrastructure.
- Continued financial analysis and planning in support of further modified frequency and service in conjunction with TDP routing overhaul implementation.
- Assessing ongoing and future capital and operating requirements based upon projected demand and growth. Continue to assess financial and infrastructure requirements of transitioning eligible fleet vehicles to electric or alternative fuel sources. Assess feasibility of adding additional green technology to facility locations.
- Continue research on feasibility of, and make recommendations for, additional technology conveniences for passengers including modifications to established electronic fare system and amenities at transfer centers.
- Continuation of planning efforts regarding public and stakeholder involvement and input opportunities, including recruiting involvement from key partners.
- Facilitation of public meetings to support system improvements as well as specialized services for seniors and disabled.
- Perform analysis of current fare structure including comparisons to similar systems and populations to ensure equitable and sustainable fare generation.
- Analyze and make recommendations on overall ITS development within the urbanized area in conjunction MPO staff and City departments.
- Analyze, develop, and recommend opportunities for MPO and Transit collaboration on projects eligible for multiple funding sources, including flex funding, to support integration of transit and overall surface transportation structure.

STAFFING

125.00	Transit Manager Staff Hours
500.00	Transit Planner Staff Hours
80.00	Grants and Admin Coordinator Staff Hours
130.00	Transit Supervisor Staff Hours (3 positions)
100.00	Marketing and Outreach Coordinator Staff Hours
40.00	Aviation/Transit Director Staff Hours

975.00 Total Staff Hours

PRODUCT

- Identification of and plans for efficient and effective transit service into the future.
- Financial and capital analyses for future transit enhancements.
- Identification and assistance in implementation of future system modifications.

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

FUNDING SCHEDULE – FUTURE SERVICE EVALUATION AND ANALYSIS

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$16,909	\$67,635	\$84,544
TOTAL	\$16,909	\$67,635	\$84,544

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$16,390	\$65,562	\$81,952
TOTAL	\$16,390	\$65,562	\$81,952

02 CURRENT SERVICE ENHANCEMENT

OBJECTIVE

To improve service, ridership, and effectiveness of the existing transit system.

ACCOMPLISHMENTS FISCAL YEAR 2022

Staff implemented the recommended Advertising, Marketing, and Outreach Coordinator position including significant development of marketing and outreach programs.

Recommended changes to and implemented an updated agency website to increase ease of use as well as improve overall communication to the public. Developed and implemented a significantly improved social media presence for public engagement.

Analyzed and recommended the internalization of the bus bench and vehicle advertising program; recommended, developed, and implemented internal program, including procurement of inventory, to support transit operations as well as opportunities for capital support.

Division members assessed upcoming and immediate operational needs and made recommendations on capital and operational projects.

Staff researched, analyzed, and recommended the procurement of ticket vending machines and electronic fare interfaces to support the previously implemented Cubic electronic fare system for fixed-route operations.

Continued to leverage data gained from the electronic fare system to make recommendations to admin regarding metric tracking and budget structure.

Analyzed and implemented a transition of the AVL system to the Transloc system away from the deprecated DoubleMAP system; TransLoc purchased DoubleMAP and assisted with the transition.

Staff analyzed and developed a planned capital project converting a vacant lot connected to the main METroplex into a dedicated training space to assist MET in meeting the requirements of the Entry Level Driver Training regulations implemented by the Federal Motor Carriers Services Administration regarding CDL holders. This will further support MET's hiring of non-CDL holders into trainable positions.

Staff reviewed ridership data in analysis of system functioning and passenger miles travelled metrics; members also provided monthly ridership analysis (including ADA lift use and bike rack use), assessed ridership trends, and prepared other information on system functioning as requested.

Staff prepared National Transit Database reports for monthly submission of required metrics as well as annual reporting requirements.

Staff members regularly participated in group meetings and committee meetings (both in person and virtual) to solicit partner and public feedback on current system usage, demands, successes and shortfalls.

PROPOSED ACTIVITIES FISCAL YEAR 2023

Functions necessary in support of planning and development of enhancements to the current systems will be performed under this work element, including continuation of activities undertaken in FY2020. These activities necessitate the ongoing cloud-based software costs, including the addition of a run cutting module, for route development and planning, which is split between this element and future service enhancements. Activities are as follows:

- Prepare for and implement route restructure resulting from FY2022 Transit Development Plan; final routing changes anticipated to be placed in service in July, 2023.
- Develop a bus stop master plan for transitioning the system to designated stops in conjunction with the route refresh; this will be completed prior to route restructure implementation. Develop and implement criteria for stop amenities and other required items.
- Continue development and implementation of education and outreach strategies to guide market research, promote public awareness and engagement to increase ridership.
- Develop and implement further education and outreach programs to increase partnerships and other forms of participation.
- Investigate, analyze, and recommend methods for bringing existing technology solutions into a single portal to streamline customer engagement with and use of the transit system; research feasibility of a single white label smartphone app to integrate AVL, fare payment, and other customer facing items.
- Procurement and implementation of further technology enhancements to the existing technology solutions system to gather data, improve efficiency, provide further customer conveniences, and enhance safety.
- Research and make recommendations on internal technology support systems to streamline staff access and use of existing systems; research, analyze, and make recommendations on technology implementations to support transition from outdated or non-existent software solutions including items for customer account management and fleet/facility maintenance.
- Finalize automated passenger counter implementation and audit plan for approval of data reporting with the National Transit Database.
- Develop further marketing strategies including opportunities for increased revenue generation through amenity expansion and innovative concession programs. Include analysis of potential concession for retail space and other revenue generators at the Downtown Transfer Center.
- Assessment of current personnel usage for areas of improvement in utilization of resources and effectiveness.
- Maintain monthly ridership figures and summary figures for effective decision-making; complete related National Transit Database reports.
- Solicit and record public reaction to any modified routes, schedules, education efforts, and technology enhancements.
- Assessment of current budgetary impact of recommended improvements.

STAFFING

- 190.00 Transit Manager Staff Hours
- 655.00 Transit Planner Staff Hours
- 150.00 Grants and Admin Coordinator Staff Hours
- 250.00 Transit Supervisor Staff Hours (3 positions)
- 200.00 Marketing and Outreach Coordinator Staff Hours
- 40.00 Aviation/Transit Director Staff Hours

975.00 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

PRODUCT

- **Information relating to potential enhancements for existing service and system.**
- **Recommendations for immediate improvements.**
- **Information and recommendations on passenger education and outreach**
- **Analyses of current system functions.**
- **Budget alternatives.**

FUNDING SCHEDULE – CURRENT SERVICE ENHANCEMENTS

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$15,750	\$63,000	\$78,750
TOTAL	\$15,750	\$63,000	\$78,750

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$22,927	\$91,706	\$114,633
TOTAL	\$22,927	\$91,706	\$114,633

44.25.00 Transportation Improvement Program (TIP)

01 T.I.P

OBJECTIVE

To maintain a viable five-year program of transit improvements for the Billings Urbanized Area.

ACCOMPLISHMENTS FISCAL YEAR 2022

Developed Transit specific updates for a TIP/STIP amendment, including programming for selected capital programs in relation to CARES Act funding. Updated projects were also added to the Division’s Transit Asset Management Plan (TAM), Capital Improvement Plan (CIP), and Equipment Replacement Plan (ERP).

Monitored projects for inclusion in the TIP and STIP. The Statewide Transportation Improvement Program (STIP) process was also addressed and monitored.

Attended and participated in MPO meetings.

PROPOSED ACTIVITIES FISCAL YEAR 2023

Functions necessary in support of transit related project inclusion in the Transportation Improvement Program will be performed under this work element. Activities are as follows:

- Division members will develop and compile information on operating and capital projects for which MET Transit plans to pursue grant assistance for inclusion in the TIP; this includes utilizing and updating the Division’s TAM, CIP, and ERP as required.
- All applicable projects will be provided to the MPO for inclusion in the program.
- Staff will monitor inclusion in the TIP and STIP to ensure ability to obtain federal Sections 5307, 5310 & 5339 and other applicable grants are not affected.

STAFFING

- 35.00 Transit Manager Staff Hours
- 16.83 Transit Planner Staff Hours
- 41.00 Grants and Admin Coordinator Staff Hours
- 05.00 Aviation/Transit Director Staff Hours

102.83 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit will provide transit-related information to the City/County Planning Division for the MPO's inclusion in the TIP document.

PRODUCT

- Monitoring of plans including Transit Asset Management, the Capital Improvement Program, and components of the Equipment Replacement Plan for related projects.
- Annual inclusion of projects in TIP as necessary per FTA regulations.
- Amendments to TIP as necessary to include new projects.

FUNDING SCHEDULE – T.I.P.

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$1,575	\$6,301	\$7,876
TOTAL	\$1,575	\$6,301	\$7,876

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$1,616	\$6,465	\$8,081
TOTAL	\$1,616	\$6,465	\$8,081

44.26.00 Implementation of Americans with Disabilities Act (ADA)

01 IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT (ADA)

OBJECTIVE

To ensure optimal use of City of Billings funds in meeting the transportation needs of seniors and individuals with disabilities in both demand response and fixed route transportation in accordance with Federal Regulations, especially concerning the Americans with Disabilities Act (ADA).

ACCOMPLISHMENTS FISCAL YEAR 2022

Researched, developed and implemented additional training procedures for transit operators to improve paratransit customer service, procedures, and policies; integrated these practices into the Public Transit Agency Safety Plan.

Staff investigated methods to improve paratransit efficiency and cost-effectiveness, including assessing and evaluating further options for self-scheduling of rides.

Continued evaluating dispatch and customer service practices for potential modification in regards to dispatching software implementation as well as other technology implementations.

Members also assessed financial and operational functioning of paratransit services including contractual agreements with area agencies including the Adult Resource Alliance and the State of Montana Developmental Disabilities Bureau. These agreements were subsequently re-negotiated, updated, and modified to ensure more effective transportation service to seniors and individuals with disabilities.

Staff monitored procedures and policies involving ADA accessible fixed-route service and other accessibility features/requirements and updated with relevant findings.

Assessed and updated paratransit vehicle specifications to support future vehicle purchases; implemented procurement of smaller ADA equipped vehicles to enhance paratransit service efficiencies.

Staff familiarized passengers with fixed route system use as appropriate via MET's travel training program.

Staff continued to coordinate transportation services among 5310 transit providers, social service agencies and the general public to provide an overall strategy to enhance transportation access, minimize duplication of services and facilitate the most appropriate cost-effective transportation possible within available resources. This also included outreach and engagement to improve and advance the coordination plan as well as to improve community relations.

PROPOSED ACTIVITIES FISCAL YEAR 2023

Functions necessary in support of planning and development of transit related Americans with Disabilities projects, procedures, outreach, and other related activities will be performed under this work element. Activities are as follows:

- Continue developing and refining improvements to current travel training options available to the public using available technology and updated delivery methods.
- Integrated ADA accessibility location assessments into the in-development bus stop master plan.
- Staff will continue to provide outreach and education for professionals, organizations, and other identified entities in the community including participating on advisory groups in order to maintain positive relationships with individuals with disabilities and senior communities.
- Staff will continue to facilitate and encourage involvement in regular Billings Area Human Services Transportation Coordination Plan meetings with human service providers, social service agencies, transportation providers and the public to coordinate efforts associated with transit capital and service planning.
- Continue to facilitate effective service provision and usage of lift-equipped fixed-route vehicles; assess and recommend capital and operational projects with the intent of supporting existing service and adding potential enhancements.
- Continue identification of means to address transit and paratransit needs, assessing both short- and long-term paratransit needs, the organizational and financial capabilities of addressing those needs, and the inclusion of such needs in the Transit Development Plan.
- Continue community outreach to the public and organizations in support of improving access to transportation for seniors, individuals with disabilities, and low-income populations; continue participation on community committees' meetings while exploring avenues for further outreach and engagement.
- Continue working with contracted providers in execution of agreements including existing agreements with the Adult Resource Alliance and the State of Montana, ensuring modifications are made as necessary to increase the efficiency and effectiveness of service.
- Analyze and recommend improvements to current scheduling practices including more advanced use of available technologies in order to expand availability of services to seniors and low-income groups.

STAFFING

85.00 Transit Manager Staff Hours

250.00 Transit Planner Staff Hours

120.00 Grants and Admin Coordinator Staff Hours

180.00 Transit Supervisor Staff Hours (3 positions)

100.00 Marketing and Outreach Coordinator Staff Hours

40.00 Aviation/Transit Director Staff Hours

775.00 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

PRODUCT

- Continued consensus with and support of City of Billings compliance with ADA regulations related to transit
- Continued community consensus and support of City of Billings methods for addressing of specialized needs, including lift-equipped vehicles and other options for individuals with disabilities and seniors.
- Recommendations and proposals for enhancements to existing system and programs in support of ADA compliance and regulations aimed at increasing efficiency and effectiveness.
- Public involvement and feedback regarding potential system enhancements in support of transportation for seniors and individuals with disabilities.

FUNDING SCHEDULE – ADA SERVICE

FUNDS PROGRAMMED - FISCAL YEAR 2022

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$11,432	\$45,729	\$57,161
TOTAL	\$11,432	\$45,729	\$57,161

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$10,519	\$42,078	\$52,597
TOTAL	\$10,519	\$42,078	\$52,597

SECTION II FUNDING SUMMARY

FEDERAL FISCAL YEAR 2023

WORK ELEMENT	FUNDING SOURCES FY 2021			STAFF HOURS
	LOCAL	FTA	EST. COST	
44.21.01 Administration	\$15,171	\$60,684	\$75,855	670.00
44.24.01 Future Service	\$16,390	\$65,562	\$81,952	975.00
44.24.02 Current Service	\$22,927	\$91,706	\$114,633	1485.00
44.25.01 T.I.P.	\$1,616	\$6,465	\$8,081	102.83
44.26.15 ADA Service	\$10,519	\$42,078	\$52,597	775.00
TOTAL	\$66,623	\$266,495	\$333,118	4007.8

ALLOCATION OF COSTS

Expenditures identified include direct costs, benefits at the rate of 48% of direct salary or wages, and indirect costs at the rate of 11% of direct salary or wages.

Federal Transit Administration Section 5303 funding is available at an 80% reimbursement rate, meaning the local to FTA funding ratio for all categories is 20% local, 80% federal.

LIST OF ACRONYMS

ADA	American Disability Act
ACS	American Community Survey
ARP	American Rescue Plan
AVL	Automated Vehicle Locator
BSED	Big Sky Economic Development
BUILD	Better Utilizing Investments to Leverage Development
CAC	Citizen Advisory Committee
CARES	Coronavirus Aid, Relief, and Economic Security
CDL	Commercial Drivers License
CIP	Capital Improvement Plan
CMAQ	Congestion Mitigation Air Quality
CTSP	Community Transportation Safety Plan
EBURD	East Billings Urban Renewal District
ERP	Equipment Replacement Plan
FAST Act	Fixing America's Surface Transportation Act
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FY	Fiscal Year
GIS	Geographic Information System
GTFS	General Transit Feed Specification
HPMS	Highway Performance Monitoring System
IJA	Infrastructure Investment and Jobs Act
ITS	Intelligent Transportation Systems
LRTP	Long Range Transportation Plan
MDT	Montana Department of Transportation
MPO	Metropolitan Planning Organization
NTD	National Transit Database
PCC	Policy Coordinating Committee
PEP	Private Enterprise Participation
PL	Planning Funds
PTASP	Public Transit Agency Safety Plan
RAISE	Rebuilding American Infrastructure with Sustainability and Equity
SBBURD	South Billings Boulevard Urban Renewal District
TA	Transportation Alternative Program
TAC	Technical Advisory Committee
TAM	Transit Asset Management
TAZ	Traffic Analysis Zones
TDP	Transit Development Plan
TIP	Transportation Improvement Program
UPWP	Unified Planning Work Program
VMT	Vehicle Miles Traveled
YCBP	Yellowstone County Board of Planning

Planning Board

Date: 08/23/2022
Title: St Vincent Healthcare Subdivision, 2nd Filing - Preliminary City Major Plat, Public Hearing
Presented by: Hunter Kelly, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

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

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

On July 1, 2022, Sanderson Stewart, on behalf of SCL Health - Montana, applied for preliminary subsequent Major plat approval for St. Vincent Healthcare Subdivision, 2nd Filing. The proposed subdivision creates 27 lots for development. The subject property is generally located at the northwest corner of the intersection of King Avenue West and Shiloh Road. The property is zoned PUD - Planned Unit Development. The land is currently vacant.

VARIANCES: No variances are requested.

PROPOSED CONDITIONS OF APPROVAL

1. 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 lots.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY

Pre-Application Meeting: June 9, 2022
Preliminary Plat application submitted to Planning Division: July 1, 2022
Departmental Review Meeting: July 14, 2022
Preliminary Plat Resubmittal: July 21, 2022
Planning Board Plat Review: August 9, 2022
Planning Board Public Hearing: August 23, 2022
Preliminary Plat to City Council: September 12, 2022
60 Working-Day Preliminary Plat Review period ends: September 26, 2022

PLAT INFORMATION

General Location: Northwest corner of the intersection of King Avenue West and Shiloh Road
Legal Description: Lots 1A & 2A of Amended St. Vincent Healthcare
Subdivision Owner/Subdivider: SCL Health - Montana
Engineer/Surveyor: Sanderson Stewart
Existing Zoning: PUD - Planned Unit Development
Existing Land Use: vacant land
Proposed Zoning: PUD - Planned Unit Development
Proposed Land Use: Commercial
Proposed Number of Lots: 27
Gross & Net Area: 60.44 acres / 57.56 acres
Lot Size:
 Minimum: 5.68 acres
 Maximum: 0.48 acres

Parkland Requirements: N/A for a commercial subdivision, however the applicant is providing 3.25 acres of private parkland.

STAKEHOLDERS

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on August 23, 2022. The Planning Board reviewed this item at its August 9th meeting.

PLANNING BOARD DISCUSSION

Staff gave an overview of the proposed subdivision, St. Vincent Healthcare Subdivision, 2nd Filing. Board member Woods asked if the reconfiguration of the existing roads and lots would remove the roundabouts on the plat. Staff clarified the roundabouts are existing and installed improvements on the site. The Board had no other questions for staff.

Rick Leuthold, an agent of Sanderson Stewart, stood up to speak about the project. He described the subdivision as a project that has been going for over 25 years, and this revision to the current plat was to make the lots closer to current development standards and ultimately more appealing to purchase. Mr. Leuthold also alluded to possibly changing the zoning in the future from a Planned Development zone to one of the "regular" zoning districts in the zoning code, but gave no indication on a possible timeframe for such action. He also clarified on how the proposed park will be private. The Planning Board had no inquires for Rick Leuthold.

ALTERNATIVES

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends September 26, 2022. State and City subdivision regulations also require that preliminary plat be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

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

FISCAL EFFECTS

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

SUMMARY

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

Attachments

Preliminary Plat
Subdivision Improvement Agreement
Findings of Fact

PRELIMINARY PLAT OF
**ST. VINCENT HEALTHCARE
 SUBDIVISION, SECOND FILING**

BEING LOTS 1A & 2A OF AMENDED ST. VINCENT
 HEALTHCARE SUBDIVISION

SITUATED IN THE SE1/4 OF SECTION 10, T. 1 S., R. 25 E., P.M.M.,
 IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : SCL HEALTH-MONTANA

JUNE, 2022

PREPARED BY : SANDERSON STEWART

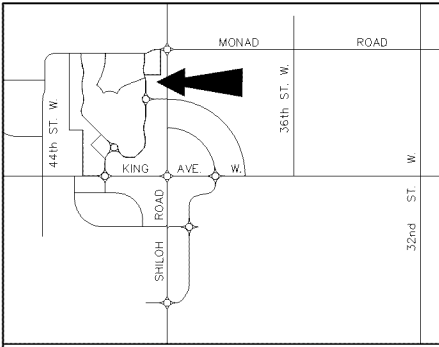
BILLINGS, MONTANA

PLAT DATA

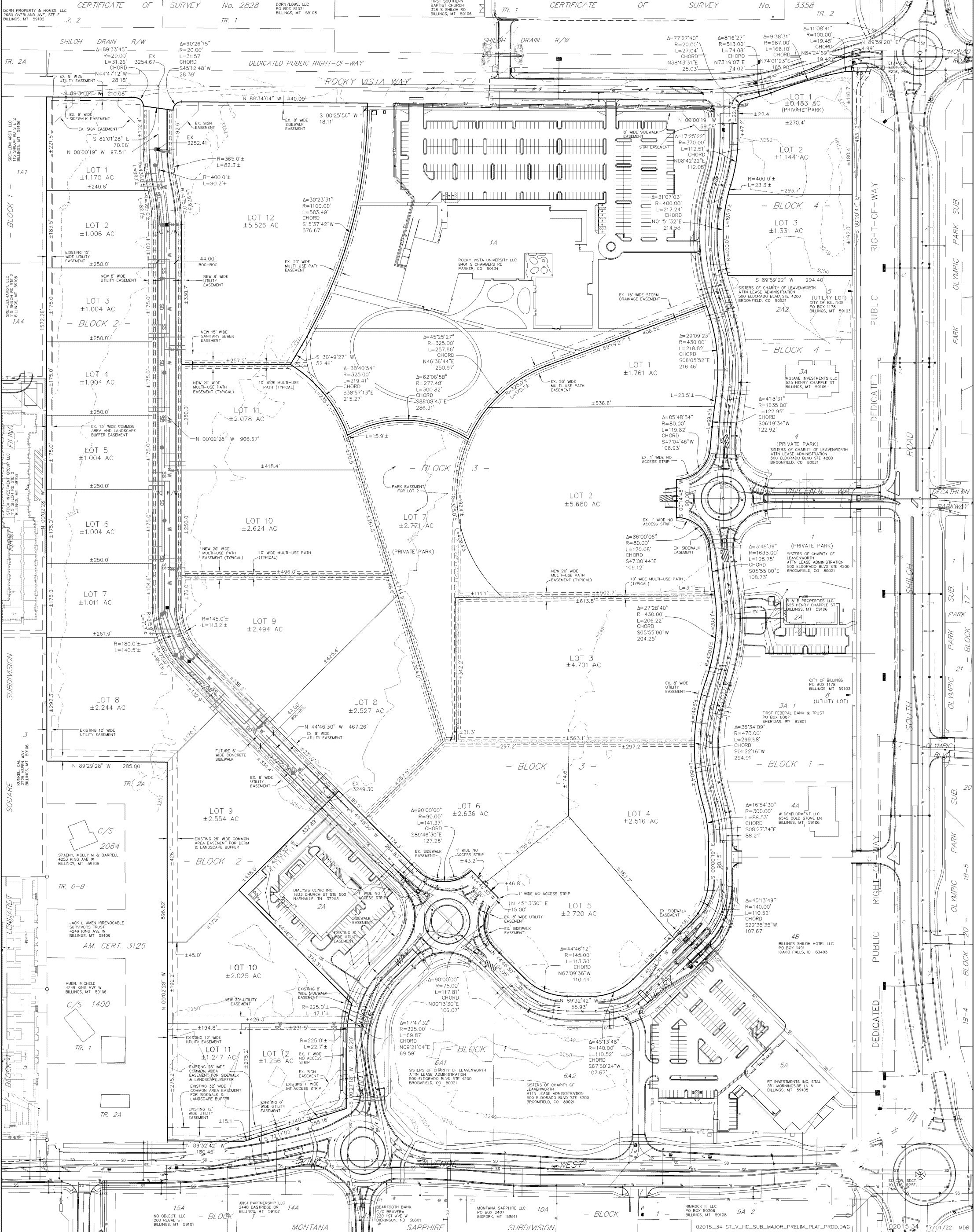
GROSS AREA	=	60.444 ACRES
NET AREA	=	±57,564 ACRES
NUMBER OF LOTS	=	27
PRIVATE PARKS	=	2
PRIVATE PARK AREA	=	±3,254 ACRES
MINIMUM LOT SIZE	=	±0.483 ACRES
MAXIMUM LOT SIZE	=	±5.680 ACRES
LINEAL FEET OF STREETS	=	±1,792
EXISTING ZONING	=	PLANNED DEVELOPMENT
SURROUNDING ZONING:		
NORTH	=	PUBLIC, CIVIC & INSTITUTIONS
SOUTH	=	CORRIDOR MIXED USE 2
EAST	=	PLANNED DEVELOPMENT
WEST	=	PLANNED DEVELOPMENT
EXISTING LAND USE	=	PROFESSIONAL & BUSINESS
PROPOSED LAND USE	=	PROFESSIONAL & BUSINESS



EXISTING LAND USE = PROFESSIONAL & BUSINESS
 PROPOSED LAND USE = PROFESSIONAL & BUSINESS



VICINITY MAP
 NOT TO SCALE



CERTIFICATE OF SURVEY No. 2828
 DORN PROPERTY & HOMES, LLC
 5500 OVERLAND AVE STE 1
 BILLINGS, MT 59102

CERTIFICATE OF SURVEY No. 3358
 TR. 1
 TR. 2

CERTIFICATE OF SURVEY No. 3358
 TR. 1
 TR. 2

LOT 1 ±1.170 AC
 LOT 2 ±1.006 AC
 LOT 3 ±1.004 AC
 LOT 4 ±1.004 AC
 LOT 5 ±1.004 AC
 LOT 6 ±1.004 AC
 LOT 7 ±1.011 AC
 LOT 8 ±2.244 AC
 LOT 9 ±2.554 AC
 LOT 10 ±2.025 AC
 LOT 11 ±1.247 AC
 LOT 12 ±1.256 AC

LOT 1 ±1.170 AC
 LOT 2 ±5.526 AC
 LOT 3 ±1.331 AC
 LOT 4 ±1.761 AC
 LOT 5 ±2.720 AC
 LOT 6 ±2.636 AC
 LOT 7 ±2.721 AC
 LOT 8 ±2.527 AC
 LOT 9 ±2.494 AC
 LOT 10 ±2.624 AC
 LOT 11 ±2.078 AC
 LOT 12 ±2.494 AC

LOT 1 ±0.483 AC (PRIVATE PARK)
 LOT 2 ±1.144 AC
 LOT 3 ±1.331 AC
 LOT 4 ±1.761 AC
 LOT 5 ±2.720 AC
 LOT 6 ±2.636 AC
 LOT 7 ±2.721 AC
 LOT 8 ±2.527 AC
 LOT 9 ±2.494 AC
 LOT 10 ±2.624 AC
 LOT 11 ±2.078 AC
 LOT 12 ±2.494 AC

ROCKY VISTA WAY
 SHILOH DRAIN R/W
 DEDICATED PUBLIC RIGHT-OF-WAY
 MONAD ROAD
 SHILOH ROAD
 KING AVE W
 44th ST W
 36th ST W
 32nd ST W

BLOCK 1
 BLOCK 2
 BLOCK 3
 BLOCK 4

UTILITY LOTS
 CITY OF BILLINGS
 SISTERS OF CHARITY OF LEAVENWORTH
 MOJAVE INVESTMENTS LLC
 FIRST FEDERAL BANK & TRUST
 RT INVESTMENTS INC, CTAL

AMENDED ST. VINCENT HEALTHCARE SUBDIVISION
 BEING LOTS 1A & 2A OF AMENDED ST. VINCENT HEALTHCARE SUBDIVISION

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

**SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER
OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT
DISTRICTS
ST. VINCENT HEALTHCARE SUBDIVISION
SECOND FILING
CITY OF BILLINGS
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**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENT DISTRICTS
ST. VINCENT HEALTHCARE SUBDIVISION, SECOND
FILING**

THIS AGREEMENT is made and entered into this ____ day of _____, 20___, by and between **SISTERS OF CHARITY OF LEAVENWORTH HEALTH SYSTEMS INC**, whose address for the purpose of this Agreement is 500 Eldorado Blvd, Ste 4300, Broomfield, CO 80021 hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Montana, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, at a meeting held by the Yellowstone County Board of Planning on the ____ day of _____, 2022, the Board recommended for approval, subject to certain conditions, an area known as St. Vincent Healthcare Subdivision, Second Filing; and

WHEREAS, at a regular meeting conducted on the ____ day of _____, 2022 the City Council conditionally approved a preliminary plat of St. Vincent Healthcare Subdivision, Second Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to approval of the final plat; and

WHEREAS, the real property affected by the proposed plat was previously subdivided and is known as St Vincent’s Healthcare Subdivision, First Filing, as filed the 12th day of June, 2014, under Document No. 3707746; records of Yellowstone County; and,

WHEREAS, the real property affected by the proposed plat is covered by and subject to the terms and conditions of that certain Subdivision Improvements Agreement and Waiver between Sisters of Charity of Leavenworth Health System, Inc. as “Subdivider” and the City of Billings as “City,” dated the 27th day of May, 2014, and recorded the 12th day of June, 2014, under Document No. 3707749, for St. Vincent Healthcare Subdivision; and that certain Declaration of Restrictions on Transfers and

Conveyances, dated the 20th day of August, 2020, and recorded the 25th day of August, 2020, under Document No. 3935502, all in records of Yellowstone County; and

WHEREAS, the real property affected by the proposed plat is covered by and subject to the terms and conditions of that certain Planned Development Agreement, recorded the 27th day of February, 2015, under Document No. 3732703, in the office of the Clerk and Recorder of Yellowstone County, Montana; and, that certain Declaration of Conditions, Covenants, and Restrictions, dated the 1st day of April, 2014, and recorded the 12th day of June, 2014, under Document No. 3707751, all in records of Yellowstone County; and

WHEREAS, the real property affected by the proposed plat is covered by and subject to the terms and conditions of that certain new Planned Development Agreement, dated the _____ day of _____, 20____, and recorded the _____ day of _____, 20____, under Document No. _____, in the office of the Clerk and Recorder of Yellowstone County, Montana; and, that certain new Declaration of Conditions, Covenants, and Restrictions, dated the _____ day of _____, 20____, and recorded the _____ day of _____, 20____, under Document No. _____, all in records of Yellowstone County, both new documents which supersede and replace the original St Vincent's Healthcare Subdivision, First Filing documents; and

WHEREAS, the provisions of this agreement shall be effective and applicable to St. Vincent Healthcare Subdivision upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana, and the original Village Subdivision Improvements Agreement as well as subsequent documents filed as part of amendments of property subject to this plat and related documents referenced above shall have no further force or effect. The subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

Subdivider has requested, and the City hereby grants, the following variance by the City Council from the strict interpretation of the City's Subdivision Regulations:

- A.** No Variances are being requested with this subdivision.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

- A.** Lot owners will be required to construct that segment of the required five-foot-wide boulevard-style sidewalk that fronts their property at the time of lot development. If sidewalk is not constructed within 5 years, the City has the right to construct the sidewalk and assess the property owners.
- B.** Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- C.** Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the geotechnical investigation report for this property, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical investigation prior to construction. Assessment and mitigation, if any, of these conditions shall be the responsibility of the lot owner.
- D.** The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the city and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.
- E.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.
- F.** 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.

- G. Lot owners should be aware that agricultural activities could be present on surrounding properties. Any impacts associated with agricultural activities, and any issue arising therefrom, is the responsibility of the lot owners.

III. TRANSPORTATION

A. Streets

All streets shall be built in accordance with the City of Billings site development ordinance, Subdivision Regulations, and Uniform Building Code. The internal access roads shall be built to grade with a standard crown and a satisfactory subbase, base course, curb and gutter, and asphalt surface.

B. Sidewalks & Multi-Use Paths

City and the Subdivider agree that the developer will install accessibility ramps at time of private contract construction. Individual lot owners will be responsible for the construction of the five-foot wide boulevard sidewalks adjacent to their lot at the time of lot construction. The City reserves the right to construct any missing sidewalk and assess the property owners three years after construction of a phase.

Individual lot owners will be responsible for the construction of the sidewalks adjacent to their lot at the time of lot construction. Sidewalks shall be 5-foot boulevard sidewalks.

Individual lot owners will be responsible for the construction of the multi-use paths adjacent to their lot at the time of initial construction. Each lot owner shall be responsible for building the ten (10) foot wide Multi-Use Paths (in the Easement Area reflected on the plat) in the Easement Area appurtenant to each owner's lot, as provided in the Planned Development Agreement for the Subdivision.

C. Street Lighting

City and Subdivider agree that street lights will be installed in the boulevard area within the right-of-way along both sides of St. Mary Way, St. Vincent Way, Henry Chapple Street, Marillac Street, and Rocky Vista Way. Subdivider has created a City of Billings street light maintenance district for construction, operation, and maintenance prior to the installation of the street lights.

City and Subdivider agree that the street lights shall be designed to meet City of Billings' standards and that said design will be reviewed by the City Engineer. However, Subdivider reserves the right to choose fixture and pole types of the street lights. City and Subdivider agree that fixture and pole types will be determined by mutual agreement between the two parties.

D. Traffic Control Devices

There has previously been completed a comprehensive area wide Traffic impact Study for this subdivision. As part of this re-platting, a executive summary update letter will be completed reviewing current conditions to those outlined in the original study.

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

Subdivider reserves the right to install traffic calming devices throughout the Subdivision in order to create and maintain a pedestrian friendly subdivision. Traffic calming devices in dedicated streets may only be installed with the cooperation and consent of the City and in accordance with approved plans and specifications submitted by the Subdivider.

E. Access

Access to this subdivision is provided by connecting Marillac Street to Rocky Vista Way at Marillac's north end and to Saint Mary Way and Henry Chapple Street at Marillac's south end. Lots fronting Henry Chapple Street will have access from Henry Chapple Street and from Saint Vincent Way.

F. Billings Area Bikeway and Trail Master Plan and On-Site Trails

The Billings Area Bikeway and Trail Master Plan identifies the west side of Shiloh Road and the north side of Rocky Vista Way as routes for segments of the multi-use trail. The Shiloh Road segment has been constructed as part of the Shiloh Road reconstruction project (Shiloh Road Federal-Urban Project Number STPU 103(2) CN 4666) and no further trail or sidewalk improvements on Shiloh Road are anticipated at this time.

The trail adjacent to Rocky Vista Way will be 10-feet wide and will meet Billings Area Bikeway and Trail Master Plan and On-Site Trails standards. City and Subdivider agree that the trail adjacent to Rocky Vista Way will be constructed by Subdivider in connection with the final completion and paving of Rocky Vista Way.

As part of the King Avenue West widening project constructed in 2009, a new 10-foot wide multi-use path has been installed along the north side of King Avenue West adjacent to the subdivision. No further trail or sidewalk improvements on King Avenue West are anticipated at this time.

City and Subdivider agree that construction of trail improvements on the lots shall be constructed by lot owners at the time of lot development. Provisions for planning, development, and maintenance of said trails shall be as described in the planned development agreement for this subdivision.

G. Public Transit

Internal street circulation and multi-use path interconnectivity is provided in this subdivision plan. This will, in turn, provide sidewalks for pedestrians to access public transit routes. There is a planned transit stop within the subdivision, but it has been subject to relocation at the direction of the City and in agreement with the Subdivider. No other specific public transit provisions are proposed at this time.

IV. EMERGENCY SERVICE

Emergency services will be provided by the City of Billings. Access to this subdivision is provided at three locations along Shiloh Road and two locations along King Avenue West.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e., lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site. The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply

V. **STORM DRAINAGE**

All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division, which shall be in accordance with the recommendations of the approved storm drain study previously submitted to the Engineering Division by the Subdivider in addition to addressing the more recent revisions to the stormwater regulations. Stormwater will be handled on site through surface flow on the streets; collection through a network of catch basins, inlets, and piping; and discharge following appropriate treatment to the existing storm drain in King Avenue West and to the Shiloh Drain.

Individual lot owners shall be responsible for their on-site stormwater storage as required by the provisions of the *Stormwater Management Manual*.

VI. **UTILITIES**

Water and sanitary sewer lines shall be sized and installed in conformance with

the City design standards and specifications and the rules and regulations of the City of Billings.

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department, Distribution and Collection Division,. The extension/connection of/to water mains and sanitary sewers are subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications. The appropriate water and wastewater fees in effect shall be submitted with the applications.

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

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

A. Water

The water mains within the subdivision will make looped connections whenever possible, connecting to existing water mains within the Marillac and Rocky Vista rights of way. Fire hydrants will be provided at all appropriate locations and will be subject to approval by the City of Billings Fire Department. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. Each lot shall be provided with its own separate water service. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

B. Sanitary Sewer

The subdivision will be served by the extension of lateral sanitary sewer lines in the public streets from the existing main in King Avenue West.

Service stubs will be provided for all lots. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

C. Power, Telephone, Gas, and Cable Television

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

VII. PARKS/OPEN SPACE

This is a replat of existing subdivided land. No additional lands are being included and none of the uses anticipated within the platted area are considered residential in nature. As such, there are no park contributions anticipated in this re-platting and only reconfiguration of existing open spaces that were created in the original platting.

VIII. IRRIGATION

Various lateral irrigation supply and waste ditches traverse the property. These ditches are serving the agricultural needs of this and other upstream property and will be continued in service as development progresses.

The Sisters of Charity of Leavenworth Health System, Inc. will retain its shares in the irrigation district serving St. Vincent Healthcare Subdivision for continued agricultural purposes and for future landscaping irrigation and watercourse recharge needs.

IX. SOILS/GEOTECHNICAL STUDY

The Subdivider has performed a preliminary geotechnical analysis for this property in accordance with City Subdivision Regulations and there are several area geotechnical reports that have been completed in the earlier phases of the

development.

It is recommended that owners, purchasers, realtors, builders or developers fully familiarize themselves with the information contained in this report prior to any design or construction.

X. FINANCIAL GUARANTEES

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

XI. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

- A. The Subdivider agrees to guarantee all public improvements for a period of two years from the date of final acceptance by the City of Billings.
- B. The owners of the properties involved in this proposed subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provision of the agreement.
- C. The covenants, agreements, and all statements in this agreement run with the land and apply to, and shall be binding, on the heirs, personal representatives, successors, assigns and transferees of the respective parties.
- D. In the event it becomes necessary for either party to this agreement to retain an attorney to enforce any of the terms or conditions of this agreement, or to give any notice required herein, then the prevailing party 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. The Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

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

“SUBDIVIDER”

**SISTERS OF CHARITY OF LEAVENWORTH
HEALTH SYSTEM, INC.**

By: _____

It's: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 2022, before me, the undersigned Notary Public for the State of Montana, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument as _____ of the **SISTERS OF CHARITY OF LEAVENWORTH HEALTH SYSTEM, INC.**, and who acknowledged to me that he executed the same.

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

Notary Public for the State of Montana
Printed name: _____
Residing in: _____
My commission expires: _____

**Waiver of Right to Protest
Future Special Improvement Districts**

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 special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements which the City of Billings may require.

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

This Waiver is in addition to any other recorded waiver related to the property described herein and is not intended to replace, supersede, or invalidate any such waiver.

The real property hereinabove mentioned is more particularly described as follows, to-wit:

All of St. Vincent Healthcare Subdivision, Second Filing, according to the plat thereof on file and of record in the office of the Clerk and Recorder of Yellowstone County, Montana

WAIVER signed and dated this _____ day of _____, 2022.

‘SUBDIVIDER’

**SISTERS OF CHARITY OF LEAVENWORTH
HEALTH SYSTEM, INC.**

By: _____

Its: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this _____ day of _____, 2022, before me, the undersigned Notary Public for the State of Montana, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument as

_____ of the **SISTERS OF CHARITY OF LEAVENWORTH HEALTH SYSTEM, INC.**, and who acknowledged to me that he executed the same.

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

Notary Public for the State of Montana
Printed name: _____
Residing in: _____
My commission expires: _____

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of St. Vincent Healthcare Subdivision, 2nd Filing. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property is vacant land in a PUD Zone. Perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. New individual services will be provided to all the lots, and new fire hydrants will be installed as required by the City Fire Department. The water service for this subdivision comes from existing mains along Marillac & Rocky Vista Way. Any needed extension of those water lines will be installed by the subdivider to meet the requirements of the City of Billings Engineering Department regulations. The subdivider will install all new water lines in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Engineering/Public Works Department and MDEQ. This is outlined in the SIA under the heading VI Utilities, A, Water.

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains. The subdivision will be served by extending sanitary sewer lines in the public streets from the existing main in King Avenue West. All new services shall be installed in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. This is outlined in the SIA under the heading VI Utilities, B, Sanitary Sewer.

Private Utilities will be provided from existing facilities to the subdivision. No additional easements on the lot frontage have been requested.

Stormwater – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Department.

- b. **Solid Waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

- c. **Streets** – The subdivision is adjacent to King Avenue West and South Shiloh Road. Both of these streets are developed rights of way and all proposed internal streets shall be built to grade with a standard crown and a satisfactory subbase, base course, curb and gutter, and asphalt surface. Street improvements are included in the Waiver of Right to Protest Future Special Improvement Districts.

The sidewalks will be installed by the respective lot owner on a lot-by-lot basis, as lots develop. Sidewalks along the street frontage shall be minimum 5-foot-wide and separated with a boulevard width not less than five feet. The developer will also install all ADA required ramps at the intersections within the proposed subdivision. This information is all in the SIA under the heading Transportation.

- d. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station, Station #7, is located at 1501 54th Street West. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** – School District #2 provides educational services to elementary through high school students. Schools serving these students are Meadowlark Elementary,
- f. Ben Steele Middle School, and West High School. At the time of the writing of this staff report all schools are shown as being over capacity. The subdivision is intended for commercial development
- g. **Parks and Recreation** – This subdivision is part of a master planned development. The parkland requirements have been met with the previous filing of the subdivision.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the previous filings of this subdivision. The developer will need to coordinate mailbox locations with the postal service. (**Condition #1**)

3. Effect on the natural environment

The subject property is currently vacant land with the proposed use of commercial development. The property is not located in a floodplain. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

4. Effect on wildlife and wildlife habitat

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

5. Effect on the public health, safety and welfare

There will be no impacts to public health, safety and welfare because of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2014 Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

1. City of Billings 2016 Growth Policy

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

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

2. West Billings Plan

The proposed subdivision is consistent with the following goals of the West Billings Plan.

PLANNED GROWTH GOAL 1 - Establish Development Patterns that Use Land More Efficiently

Policy A: Promote efficient utilization of land within the West Billings planning area by promoting well designed, more pedestrian friendly, urban development patterns with a mix of uses and an efficient, creative use of land.

3. 2018 Billings Urban Area Long Range Transportation Plan

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

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

The proposed subdivision is within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. The Billings Area Bikeway and Trail Master Plan identifies the west side of Shiloh Road and the north side of Rocky Vista Way as routes for segments of the multi-use trail. The trail adjacent to Rocky Vista Way will be 10-feet wide and will meet Billings Area Bikeway and Trail Master Plan and On-Site Trails standards. No further trail or sidewalk improvements on King Avenue West or South Shiloh Road are anticipated at this time.

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

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

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

The subject property is located within Planned Unit Development zoning. The lot frontages conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

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

The subdivider will provide utility easements as requested by private utility companies on the face of the plat.

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

Legal and physical access is provided to the proposed will be from connecting Marillac Street to Rocky Vista Way at Marillac's north end and to Saint Mary Way and Henry Chapple Street at Marillac's south end. Lots fronting Henry Chapple Street will have access from Henry Chapple Street and from Saint Vincent Way.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of St. Vincent Healthcare Subdivision, 2nd Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy, West Billings Plan and does not conflict with the Transportation or Bikeway/Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends the Planning Board recommends to City Council that the preliminary plat of St. Vincent Healthcare Subdivision, 2nd Filing be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, September 12, 2022

William A. Cole, Mayor

Planning Board

Date: 08/23/2022
Title: The Waters Subdivision - Preliminary Major Plat
Presented by: David Green
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff proposes the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of The Waters Subdivision, adopt the Findings of Fact as presented in the staff report and approve of the variances requested.

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

On July 1, 2022, PEC Engineering, agent for Mason and Jami Shanks, applied for preliminary major plat approval for The Waters Subdivision. The proposed subdivision creates 15 lots for residential development. The subject property is generally located on the south side of Central Avenue and east of South 52nd Street West. This parcel is zoned N4 -- Large Lot Neighborhood. Planning Board will review the plat at this meeting and a conduct a public hearing on August 23rd, 2022.

VARIANCES REQUESTED

The applicant has requested a variance from Section 4.6.A.6 of the Yellowstone County Subdivision Regulations, which requires a second means of ingress and egress for major subdivisions.

Staff is recommending approval of the variance request. Further explanation and analysis can be found in Attachment A.

The applicant has requested a variance from Section 4.6.B.1 of the Yellowstone County Subdivision Regulations, which outlines the requirement for a connection to adjacent undeveloped land.

Staff is recommending approval of the variance request. Further explanation and analysis can be found in Attachment B.

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 to clearly outline those allowed to use the proposed driveway, prior to final plat approval, the applicant will add language outlining only lots 6 and 7 are allowed to use the shared drive at the end of the dead-end cul-de-sac.
3. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will include language in the SIA under the heading III Transportation A Streets, clearly outlining the private street will be maintained by the Home Owner Association (HOA).
4. To protect public health and safety and outline maintenance of proposed pedestrian/bicycle trails to the east and west in the subdivision, prior to final plat approval, should the variance request be approved to not have vehicle connections, the applicant will build 10-foot-wide hard surface trail within the 20-foot-wide easement for both proposed connections. The applicant will add language in the SIA under the heading III Transportation B Sidewalks, the HOA will be responsible for the maintenance of the two trails to the east and west.
5. 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.
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, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
8. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY

- Pre-application meeting March 3, 2022
- Preliminary plat application submitted to Planning Division on July 1, 2022
- Departmental review meeting July 14, 2022
- Preliminary plat resubmittal July 21, 2022
- Planning Board plat review August 9, 2022
- Planning Board public hearing August 23, 2022
- Preliminary plat to Board of County Commissioners September 13, 2022
- 60 working-day preliminary plat review period ends September 26, 2022

PLAT INFORMATION

General location: South side of Central Avenue and east of South 52nd Street West

Legal Description: Certificate of Survey 2713 Parcel 1B

Owner/Subdivider: Mason and Jami Shanks

Engineer and Surveyor: PEC Engineering

Existing Zoning: N4 -- Large Lot Neighborhood

Existing land use: Farmland

Proposed land use: Residential

Gross and Net area: 7.953 acres 7.953 acres

Proposed number of lots: 15

Lot size: Max: 0.793 acres
Min.: 0.393 acres

Parkland requirements: Parkland dedication required for this subdivision is 0.763 acres. The applicant is proposing to provide 0.957.

STAKEHOLDERS

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on August 23, 2022.

The Planning Board reviewed this item at its August 9th meeting.

PLANNING BOARD DISCUSSION

Staff gave an overview of the proposed subdivision, The Waters, to the Planning Board. After the presentation, Planning Board President Dennis Cook asked the board if there were any questions. Board member Woods asked about the proposed pedestrian connection to the east. It ends on a private access easement, would there need to be permission for pedestrians to access the easement? Staff stated that it would be advisable to obtain permission for the foot/bike traffic on a private easement. Monica Plecker, Planning Division Manager clarified a point about the variance request that the Billings Fire Department regulations do allow 30 individual homes on a cul-de-sac, although the subdivision regulations require a second way in and out of major subdivisions. The Billings Fire Department, with their regulations, believe this variance request is acceptable and does not create a life safety issue. There were no other questions from the board for the planning division staff.

Mr. Taylor Kasperick, agent for the subdivision, stood to address the board. Mr Kasperick stated that the easement for the pedestrian/bike access would be in place for future connections should the land to the east and west develop. Board member Hillius asked the agent how far away are city water and sewer lines? The agent responded that they are just west of Shiloh Road and this subdivision is near South 52nd Street West, just over a mile away. Board Member Hillius also asked if the community well will be monitored by the MDEQ? Mr. Kasperick stated it will be monitored as required by MDEQ. They are also requiring residents to only use the community well water for household use. Any yard irrigation would require each lot owner to drill a well on their lot for irrigation purposes.

There were no other question for staff or the agent. A public hearing is set for this proposed subdivision August 23, 2022.

ALTERNATIVES

In accordance with state law, the Board of County Commissioners has 60 working days to act upon this major preliminary plan. The 60 working day review period for the proposed subdivision ends on September 26, 2022. State 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 of County Commissioners is required to:

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

FISCAL EFFECTS

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

SUMMARY

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

Attachments

Findings of Fact
Proposed Plat
SIA Draft
Attachment A Variance
Attachment B Variance

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for The Waters 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 currently used for farming purposes. Historically it has been irrigated from the Cove Ditch. There are no water rights or shares that will be available for the future property owners in this subdivision. Any surrounding ditches will be left in place with access to them for maintenance purposes. This proposed subdivision will have minimal impact on water users' facilities.

2. Effect on local services

a. **Water** – The applicant is proposing this subdivision will have wells in the parkland with a distribution system through the subdivision. They will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the DEQ. The operation and maintenance of the system will be the responsibility of the Home Owners Association (HOA). Individual lot irrigation shall be done with individual or shared wells drilled by lot owners. It is to be separate from the subdivision water supply system.

b. **Septic** - The applicant is proposing each lot will have its own septic system. They will be built in compliance with the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations and the DEQ. Each system will be maintained by the individual lot owner.

Both the proposed water and septic systems will be reviewed and approved by MDEQ with a copy of the approval provided with the final plat. **(Condition #1)**

All private utilities, power, telephone, gas and cable television, if available to the subdivision will be installed in the public right of way or easements identified on the plat.

c. **Streets and roads** – Roads within the subdivision will be built in 60-foot-wide private right of ways with a 24-foot paved surface and 2-foot-wide shoulders on each side. Drainage ditches will be installed along the sides as required by MDEQ for stormwater management. The private road will be a 1,000-foot-long dead-end cul-de-sac with a shared driveway to lots 6 and 7. In the SIA under the heading III Transportation D Access, the applicant will add language outlining that only lots 6 and 7 are allowed to use the shared drive. Lots 5 and 8 are required to get access from the main internal road.

(Condition #2) The home owners are responsible for the maintenance and care of the road. The applicant will add language in the SIA under the title III Transportation A Streets, that clearly states the home owners are responsible for maintenance of the road in the subdivision. **(Condition #3)**

d. **Sidewalks** – This subdivision is required to install sidewalks. The property owners will be installing sidewalks at the time of lot construction within the private road and sidewalk easement. The applicant will be installing sidewalks in all areas where there will not be a home, parkland and connecting to properties adjacent to the subdivision. Sidewalks shall be 5 feet wide with 5-foot-wide boulevards. The applicant is proposing to provide a walking/bike connection to the property to the east and west rather than vehicle connection. This is the subject of a variance, Attachment A. Should the variance request be approved the applicant will build a 10-foot-wide trail within the 20-foot-wide easement for the trail. **(Condition #4)**

e. **Fire and Police services** – The property is within the Billings Fire Department firefighting area through BUFSA. Subdivision regulations require that major subdivisions have a 30,000-gallon dry hydrant system for the subdivision. Alternatively, if there is a 30,000-gallon dry hydrant within ½ road mile to the farthest point in the subdivision or a pressurized fire hydrant within the ½ road mile to the farthest point in the subdivision they may use those. There is a 30,000-gallon dry hydrant system within ½ road mile within Black Rock subdivision to the north west. There is also one in Granite Park Subdivision to the west.

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

f. **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.

g. **Storm water drainage** – Proposed Storm water drainage shall be submitted to the MDEQ for review and approval prior to final plat. All proposed stormwater systems shall meet the requirements of Section 4.7 of Yellowstone County Subdivision Regulation's and the requirements of MDEQ. **(Condition #1)**

h. **School facilities** – The proposed subdivision is located within School District #2. Meadowlark elementary, Ben Steele middle school and West High School are the locations for children attending school. These schools are currently over capacity.

i. **Parks and recreation** – This proposed subdivision is required to provide parkland. The amount of parkland dedication that is required is 0.763 acres. The proposed amount of parkland dedication is 0.956. Maintenance of the open space parkland will be paid for by the Subdivision HOA and provided by the same HOA or designated third party.

j. **Postal Service** – The applicant will coordinate with the USPS to provide areas for Central Box Units for the subdivision and enough area for the postal delivery person to safely deliver the mail. **(Condition #5)**

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

l. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

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. As required by County Subdivision Regulations Section 4.15 all county subdivisions are required to 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 Laurel Fire Department and the Yellowstone County Sheriff’s department.

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 not for this subdivision by Yellowstone County Subdivision Regulations.

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)

There are existing residential developments on the land to the north and west of the proposed subdivision.

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

This proposal is consistent with the type of development in the surrounding area.

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

The developer shall complete a weed management plan and shall provide a re-vegetation plan as required by County Subdivision Regulations.

2. 2018 Billings Urban Area Long Range Transportation Plan

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

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

This subdivision is within the BABTMP boundaries for trails. They will not be required to build any trail within this subdivision. There is a proposed future Long-range bike lane on Central Avenue.

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, without existing septic systems, are subject to MDEQ review.

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

The proposed subdivision is outside County Zoning Jurisdiction. There are no Yellowstone County zoning regulations on the subject property.

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

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 subdivision by Central Avenue.

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

The Planning Division recommends conditional approval of The Waters Subdivision, preliminary plat to the Planning Board and adopt the Findings of Fact as presented in the staff report, the SIA, Waiver and approval of the variance requests. The Planning Board recommendation will be forwarded to the Board of County Commissioners.

PRELIMINARY PLAT OF THE WATERS SUBDIVISION

BEING TRACT 1B OF THE AMENDED PLAT OF TRACT 1 OF CERTIFICATE OF SURVEY 2713
LOCATED IN THE NW 1/4 OF THE NE 1/4 OF SECTION 9,
TOWNSHIP 1 SOUTH, RANGE 25 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA

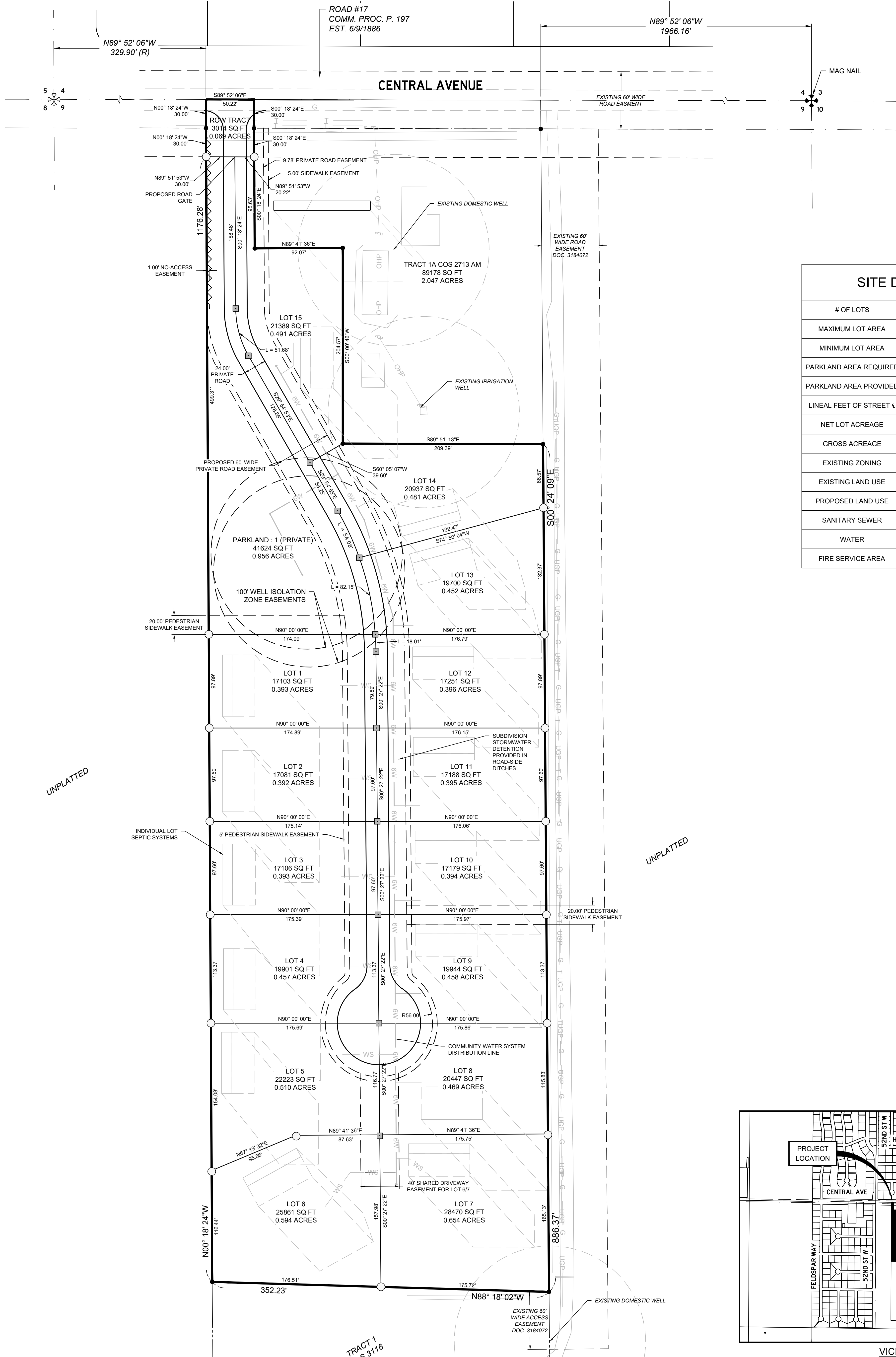
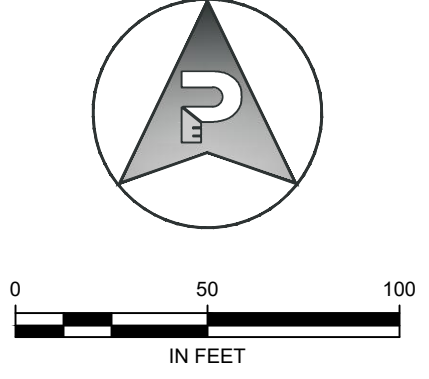
PREPARED FOR : MASON & JAMI SHANKS

PREPARED BY : PERFORMANCE ENGINEERING, LLC

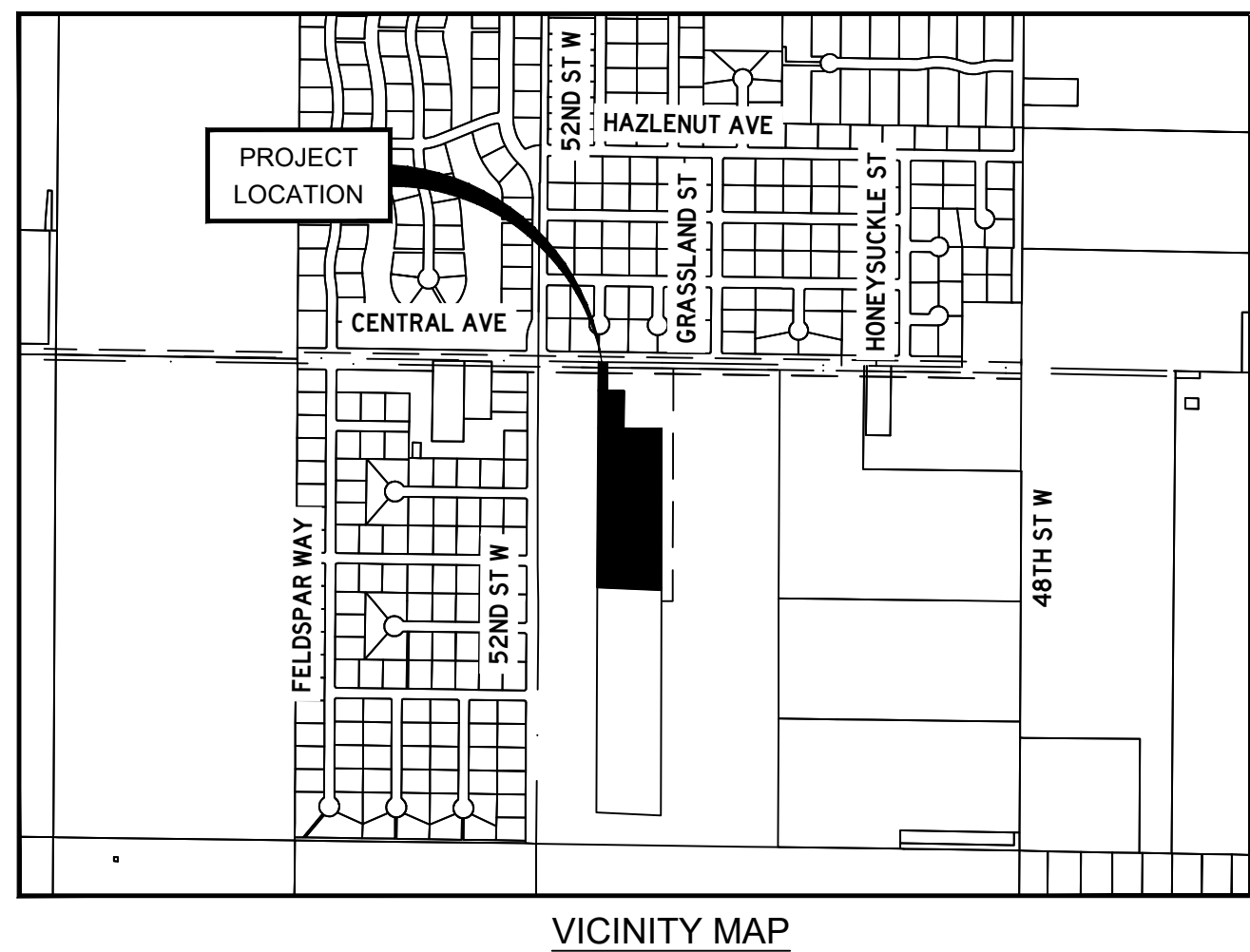


SURVEY PERFORMED : OCTOBER 2020

LEGEND	
PROPERTY BOUNDARY	
SECTION LINE	
EASEMENT LINE	
FOUND PROPERTY CORNER, AS DESCRIBED	
PROPERTY CORNER TO BE SET, AS DESCRIBED	
FOUND SECTION CORNER, AS DESCRIBED	
CALCULATED QUARTER CORNER	
PROPERTY CORNER, NOT SET	



SITE DATA	
# OF LOTS	15
MAXIMUM LOT AREA	± 28,294 SF
MINIMUM LOT AREA	± 17,081 SF
PARKLAND AREA REQUIRED	± 0.763 AC
PARKLAND AREA PROVIDED	± 0.956 AC
LINEAL FEET OF STREET	± 1,000 LF
NET LOT ACREAGE	± 6.997 AC
GROSS ACREAGE	± 7.953 AC
EXISTING ZONING	AGRICULTURE
EXISTING LAND USE	AGRICULTURE
PROPOSED LAND USE	RESIDENTIAL
SANITARY SEWER	INDIVIDUAL SEPTIC
WATER	PUBLIC WELL
FIRE SERVICE AREA	BUFSA



**SUBDIVISION IMPROVEMENTS AGREEMENT
THE WATERS SUBDIVISION
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(Yellowstone County)**

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SUBDIVISION IMPROVEMENTS AGREEMENT

The Waters Subdivision

This agreement is made and entered into this ____ day of _____, 20__, by and between *MJ Shanks, LLC*, whose address for the purpose of this agreement is **5110 Central Avenue, Billings, MT 59106**, 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 Waters 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 Waters 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 Waters 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

Subdivider has requested, and the County hereby grants, the following variances by the Board of County Commissioners from the strict interpretation of the County’s Subdivision Regulations (Chapter 11, Yellowstone County Subdivision Regulations):

1. A variance from Yellowstone County Subdivision Regulations Section 4.6, (A), 6, requiring two means of access to major subdivisions is being requested.
2. A variance from Yellowstone County Subdivision Regulations Section 4.6, (B), 1, requiring connections to adjacent undeveloped areas is requested.

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 shares from surrounding ditches 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 by the completion of the conditions set forth in the Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- 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 private common improvements (roads, community water supply system, sidewalks, parkland) shall be paid for and provided by the Subdivision HOA.
- H.** It is the obligation of the property owners within this subdivision to pay for the maintenance of the community water system, private roadway and sidewalks, and park whether it is handled by a third-party contractor or through the HOA.
- I.** Prior to construction, a zoning compliance permit is required to be obtained.

III. TRANSPORTATION

A. Streets

Pavements Widths and Surface Types: All streets shall be built to grade with a satisfactory engineered subbase, base course, and asphalt surface. All internal roads

shall have a minimum pavement width of 24 feet with 2-foot gravel shoulders. The engineered designed cross-sections of said streets shall be submitted to the Yellowstone County Public Works Department prior to the start of construction. Proposed road improvements will be private roadways within a 60' private road easement.

Other Required Street Improvements: Drainage ditches shall be constructed adjacent to the roadways in accordance with Yellowstone County Public Works standards and DEQ requirements to manage stormwater. Culverts shall be provided to convey stormwater across roadways and driveways only in those locations as called for in the approved DEQ site layout for the subdivision. The Developer will install an automated gate at the entrance to the private roadway from Central Avenue.

B. Sidewalks

Individual lot owners, and the Subdivider in instances of open spaces/parks, are responsible for the installation of sidewalks within the designated private road and sidewalk easements as shown on the plat. Sidewalks fronting lots within the subdivision shall be 5' wide and installed at the time of lot development. Sidewalks in front of parkland and connecting to properties adjacent to the subdivision shall be 5' wide and constructed at the time of road construction. The subdivision HOA will be responsible for the maintenance and repair of sidewalks following initial installation.

C. Traffic Control Devices

Traffic Control Devices: Subdivider shall furnish the necessary traffic control devices within and adjacent to the subdivision as required by the County. Traffic control devices shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and County standards. It is anticipated the traffic control devices necessary for the subdivision include a stop sign leaving the subdivision onto Central Avenue.

Street Name Signs: Subdivider shall furnish and install street name signs for streets within the subdivision, or located immediately adjacent thereto, in accordance with the specifications of the County Publics Works and Fire Departments.

D. Access

Access to The Waters Subdivision shall be provided by a 60' wide private road easement running south from Central Avenue.

IV. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply in place to allow for fire suppression requirements. Prior to the construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the Billings Urban Fire Service Area (BUFSA).

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- The subdivision and the anticipated furthest building within it is within ½ road mile of the 30,000 water tank and dry fire hydrant located in Black Rock Subdivision. Black Rock Subdivision was approved in October of 2015, and is therefore past the 5-year timeline laid out for proportionate reimbursement. The Waters Subdivision will be included in the RSID for said dry hydrant and tank to contribute for ongoing maintenance and operation of the existing dry hydrant and tank. The Waters Subdivision is in the BUFSA and is provided firefighting services by the Billings Fire Department.
- The above requirements do not alter or effect the current minimum subdivision requirements for apparatus access and water supply.

V. **STORM DRAINAGE**

All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by the Montana Department of Environmental Quality (MDEQ), or its designee.

Stormwater management is planned to be provided within roadside ditches adjacent to the private roadway.

VI. **UTILITIES**

A. **Water**

In accordance with Section 4.9 Yellowstone County Subdivision Regulations, all proposed water systems must obtain approval by the MDEQ, or its designee.

- The Subdivision shall be supplied by community wells and public water supply system. Water will be conveyed to the individual lots utilizing a water distribution system.
- The community water supply system shall conform to the standards set forth by the Yellowstone City-County Health Department and MDEQ.
- The operation and maintenance of the community water system shall be contracted by the Subdivision Home Owners Association(s) or Subdivider.
- A MDEQ approval letter will be submitted with the final plat.
- Lot irrigation will be provided by individual/shared irrigation wells on lots. Lot irrigation will be separate from the aforementioned public water supply.

B. Septic System

In accordance with Section 4.8 of the Yellowstone County Subdivision Regulations, all sanitary sewer systems must obtain approval by the Montana Department of Environmental Quality, or its designee.

The subdivision will be served with individual wastewater disposal systems as approved by Montana Department of Environmental Quality. These systems shall be located and installed as shown on the site layout approved by Montana Department of Environmental Quality submitted with the final plat.

Lot owners will be responsible for the construction of individual septic tanks, dosing tanks (as necessary and approved by MDEQ), and drainfields at the time of lot development.

C. Power, Telephone, Gas, and Cable Television

Power, natural gas, telephone, and cable will be located within the 60' wide private access easement or approved utility easement.

All power, natural gas, telephone, and cable (where said utilities are actually available and existing to the subdivision) shall be installed prior to street paving. Extension of private utilities into each lot shall be the responsibility of the individual lot owners. The location of all such off-site facilities within the existing public rights-of-way shall be subject to approval of the County Public Works Department and shall be installed underground. The Subdivider shall coordinate installation with various utility companies.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Per 10.2(A) of the Yellowstone County Subdivision Regulations:

- Lots 0.50 acres or less, 11% dedication: $6.997 \text{ acres} \times 11\% = 0.769 \text{ acres}$
- Lots 0.50 – 1.0 acres, 7.5% dedication: $0.00 \text{ acres} \times 7.5\% = 0.00 \text{ acres}$
- Lots 1.0 acres – 3.0 acres, 5% dedication: $0.00 \text{ acres} \times 5\% = 0.00 \text{ acres}$
- Lots greater than 3.0 acres, 2.5% dedication: $0.00 \text{ acres} \times 2.5\% = 0.00 \text{ acres}$

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Required parkland dedication is 0.763 acres, Subdivider is proposing to reserve 0.956 acres of private open space parkland area, meeting the requirement of Section 76-3-621. Maintenance of the open space parkland will be paid for by the Subdivision HOA and provided by the same HOA or designated third party.

VIII. IRRIGATION

No water shares from surrounding ditches will be transferred to the individual lot owners. Irrigation of individual lots can be conducted by individual or shared irrigation wells constructed by lot owners. Access to the existing ditches and drains on the perimeter of the property for maintenance and operation shall remain. Any modification to the ditches or drains shall be agreed upon by the respective ditch and drain owners.

IX. SOILS/GEOTECHNICAL STUDY

A geotechnical study is not required by the Yellowstone County Subdivision Regulations as part of this plat. 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 limitation for proposed construction on the lots, which may require a geotechnical survey prior to construction.

X. PHASING OF IMPROVEMENTS

There are no intended phasing improvements.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required public 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 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.

XII. 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”

Mason Shanks

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 *Mason Shanks* who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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

This agreement is hereby approved and accepted by 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.

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

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 the 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 describe as follows:

The Waters Subdivision

Signed and dated this ____ day of _____, 20__

Mason Shanks

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 *Mason Shanks* who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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

Attachment A

Staff Analysis and Recommendation

County Planning, County Public Works, County Legal staff and Billings Fire Department have reviewed the request for a variance from Yellowstone County Subdivision Regulations Section 4.6.A.6, Major and subsequent minor subdivisions shall have at least two means of vehicular access unless granted by variance.

The applicant is proposing to develop a subdivision that is a single dead-end cul-de-sac private road that is a maximum of 1,000 feet long. This is allowed in Yellowstone County subdivision regulations. This regulation does allow subdivisions to have dead end cul-de-sacs that are a maximum of 1,000 feet long within a larger development. There can be areas where a cul-de-sac is the only feasible option when taking topography, water and other obstacles into consideration that may not allow standard street layout. This developer is proposing to have a single road, dead end cul-de-sac, as the only road for this major subdivision. Yellowstone County subdivision regulations require two ways in and out of a major subdivision, the applicant is not proposing another exit out of the subdivision. The applicant is asking for a variance from the requirement of two ways in and out of the subdivision.

Staff has reviewed the proposed subdivision and the variance request for one way into and out of the subdivision. They are providing a cul-de-sac end that will accommodate emergency vehicles ability to turn around to exit the subdivision. The road will be private road built to Yellowstone County road standards.

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.

The purpose of two ways in and out of a subdivision is for safety should one direction be closed for any reason, reduce traffic on one way in and out lowering the possibility of traffic conflicts/accidents, providing emergency vehicles ease of maneuvering in a subdivision.

Yellowstone County Subdivision Regulations do allow for a 1,000-foot-long dead-end road with a maximum of 30 residential lots. The subdivision regulations also require two ways in and out of a major subdivision, this is a major subdivision with 15 proposed lots. With only one way in and out, should something happen, blocking the single road it could block exiting the subdivision. There is a 60-foot-wide private road easement on the east edge of the proposed subdivision that may have been investigated to attain access.

The granting of this variance would not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties, although there may be issues within the subdivision with one way in and out. The applicant will be building a road to Yellowstone County Standards and will also be providing a cul-de-sac end with a large enough turning radius for fire equipment to turn around and exit.

2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.

There are no surrounding physical conditions that would result in an undue hardship to the developer. The land is currently used for farming and it basically flat. There is no physical hardship of the land.

3. The variance will not result in an increase in taxpayer burden.

The variance requested for this proposed subdivision will not increase taxpayer burden.

4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.

Approval of this variance will not place this subdivision in nonconformance of adopted zoning regulations or the growth policy. This subdivision road layout is not part of the Yellowstone County Zoning code. Zoning compliance will be reviewed when building of homes begin in the subdivision. This is zoned land within the county and the lot purchasers are required to obtain zoning compliance permits prior to construction the lots.

5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied.

The alternate option proposed is a cul-de-sac built to meet Yellowstone Count Subdivision regulations with a turnaround radius big enough to accommodate fire trucks and any other emergency vehicles. The Billings Fire Department finds the solution to be acceptable to them for this subdivision.

Therefore, Staff and the Planning Board is recommending approval of the proposed variance to the Board of County Commissioners.



MEMO

To: Yellowstone County Planning Board
From: Taylor Kasperick, Project Manager
Date: 6/22/2022
Re: The Waters Subdivision Variance Written Statement

On behalf of Mason Shanks (Owner/Subdivider) of the proposed The Waters Subdivision, Performance Engineering is submitting two variance requests in connection with the proposed development. The Owner is requesting a variance from Section 4.6.A.6 and 4.6.B.1 of the Yellowstone County Subdivision Regulations which describe development requirements pertaining to multiple means of vehicular access for all major subdivision and the requirement to provide means for future connection to adjacent undeveloped areas, respectively. This written statement has been prepared and is submitted to the Planning Board to describe the facts of hardship and reasoning upon which the variances are being requested. Below are the criteria for which variances are reviewed against with findings of the variances requested to follow.

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
3. The variance will not result in an increase in taxpayer burden;
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy; and
5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.

Variance from *4.6.A.6 – “Major and subsequent minor subdivisions shall have at least two means of vehicular access unless granted by a variance.”*

1. The subdivision as proposed will be accessed via a single means off Central Avenue and include an 87' diameter cul-de-sac at the internal road's terminus. Two means of vehicular access are typically required to assist emergency services with through access to a given subdivision, however in discussions with the local fire jurisdiction and per Section 4.6.A.8, subdivisions with less than 30 living units are allowed a single access with an approved turnaround to assist those emergency services navigate the subdivision. The proposed subdivision will include an 87' diameter cul-de-sac providing a necessary means for an emergency vehicle to maneuver the roadway and turnaround without the need for a second access.
2. A second access to the subdivision is not available due to the physical constraints of the underlying parcel. The existing frontage along Central Avenue is approximately 50.22' wide, necessitating a 9.78' easement from the Subdivider's adjacent property to the east. As there is no other frontage surrounding the property, a second means of access is not feasible.
3. The variance will not result in an increase in taxpayer burden as there will be no additional public improvements necessary if approved.
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy. There are no planned roadways through the subdivision in the 2018 Billings Urban Area Long Range Transportation Plan, and the proposed zoning of the subdivision does not dictate number of means of access.
5. Provided the 87' diameter cul-de-sac at the terminus of the internal roadway and fewer than 30 living units, the single means of access to the subdivision will be equally effective and satisfy the objectives of having multiple means of access.

Attachment B

Staff Analysis and Recommendation

County Planning, County Public Works, County Legal staff and Billings Fire Department have reviewed the request for a variance from Yellowstone County Subdivision Regulations Section 4.6.B.1, When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land.

The applicant is proposing to develop a subdivision that is a single dead-end cul-de-sac private road that is a maximum of 1,000 feet long. Yellowstone County Subdivision Regulations Section 4.6.B.1, require; when a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land. This regulation is to avoid neighborhood islands. The creation of neighborhood island makes getting from one subdivision to another difficult and in some cases dangerous for neighborhood that are next to each other. Without the internal connections it requires people to leave their subdivision by way of major roads, principle arterials or collector roads, to get to the next subdivision. This can be problematic for youth to get to a neighbor's house when they must go out to major roads to get to a development next to them but is an island development.

The applicant is asking for a variance from the requirement of providing future connections to undeveloped land adjacent to this propose subdivision.

Staff has reviewed the proposed subdivision and the variance request for no connection to adjoining undeveloped land. As an alternative the applicant has proposed to provide walking paths to undeveloped adjacent land. Staff feels this is a workable option although not the best option.

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.

The granting of this variance would not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties. It will not allow future development around this one to access the road and vis a versa. This variance will create a vehicular neighborhood island. The applicant is providing a workable option to allow for foot/bicycle traffic from this subdivision to future development around the proposed subdivision.

2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.

There are no surrounding physical conditions that would result in an undue hardship to the developer. The land is currently used for farming and is generally flat. There is a 60-foot private access on the east border of the proposed subdivision.

3. The variance will not result in an increase in taxpayer burden.

The variance will not increase taxpayer burden.

4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.

Approval of this variance will not place this subdivision in nonconformance of adopted zoning regulations or the growth policy. Zoning does not dictate street layout

5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied.

The alternate option proposed by the subdivider are pedestrian paths to the surrounding properties, one to the east and one to the west. This will provide a connection for foot traffic and bicycles to move between subdivisions as the area develops.

Therefore, staff and the Planning Board is recommending approval of the proposed variance to the Board of County Commissioners.



MEMO

To: Yellowstone County Planning Board

From: Taylor Kasperick, Project Manager

Date: 6/22/2022

Re: The Waters Subdivision Variance Written Statement

On behalf of Mason Shanks (Owner/Subdivider) of the proposed The Waters Subdivision, Performance Engineering is submitting two variance requests in connection with the proposed development. The Owner is requesting a variance from Section 4.6.A.6 and 4.6.B.1 of the Yellowstone County Subdivision Regulations which describe development requirements pertaining to multiple means of vehicular access for all major subdivision and the requirement to provide means for future connection to adjacent undeveloped areas, respectively. This written statement has been prepared and is submitted to the Planning Board to describe the facts of hardship and reasoning upon which the variances are being requested. Below are the criteria for which variances are reviewed against with findings of the variances requested to follow.

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
3. The variance will not result in an increase in taxpayer burden;
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy; and
5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.

Variance from 4.6.B.1 - *"Relation to Undeveloped Areas: When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision will be arranged to allow access to the adjoining undeveloped land. Street right-of-way within the proposed subdivision shall be provided to the boundary lines of the tract to be developed, unless prevented by topography, other physical conditions, or adjoining land cannot be further developed."*

1. The subdivision is not proposing to provide vehicular access to adjoining undeveloped land which is not anticipated to be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
 - a. If provided the variance, it is not believed that the lack of vehicular access to adjoining undeveloped land would be detrimental to the public health safety or general welfare. This is because traffic volumes on the internal private roadway will be decreased overall without additional accesses provided, allowing for residents of the subdivision to avoid having traffic from outside the subdivision utilizing the internal private roadway as a through street. In addition, it is proposed with the subdivision to provide pedestrian path easement to the developed property to the south and to the portion of adjacent undeveloped property to the east. Pedestrian access to the portion of the undeveloped property to west can be accommodated through the parkland being proposed with the subdivision.
 - b. The adjoining undeveloped property to the east and west (a single parcel that adjoins on both sides of the proposed subdivision) has sufficient frontage along Central Avenue and along 52nd Street West that multiple means of access are available should it ever be developed, not necessitating access through the proposed subdivision.
2. The subdivision proposes to utilize privately owned and maintained internal roadways as part of the development. Requiring access to adjacent undeveloped areas would in turn be placing additional use from areas outside the subdivision and HOA and additional wear and tear on the private roadway that would in turn be a maintenance and upkeep burden and hardship on the Subdivider and HOA who is responsible for maintaining the roadway.
3. The variance will not result in an increase in taxpayer burden.
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.
5. The objectives of improvements for providing access to undeveloped areas is to allow for future connectivity between adjacent subdivisions. While vehicular access is not proposed to be provided to adjacent undeveloped areas as part of the subdivision as it is a private roadway, pedestrian access is proposed to provide the connectivity to adjacent properties, thus fulfilling the objective of the improvements.