

# 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.
- B. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term. Schedule: (\*\* denotes a Wednesday meeting)

	Position	01/13/15	01/27/15	02/10/15	02/24/15	03/10/2015	03/24/2015	04/15/2015	4/28/2015	05/12/2015	05/26/15	06/09/2015	06/23/2015	07/15/2015	07/28/2015	08/11/2015	08/25/2015	09/08/2015	09/22/2015	10/13/2015	10/27/2015	11/10/2015	
Dan Goodrich	Mayor/Billings Ward I	-	-	-	-	1																	
Patrick Klugman	Mayor/Billings Ward II	1	1	1	-	1																	
Donna Forbes	Mayor/Billings Ward III	1	1	E	-	1																	
Darell Tunnicliff	Mayor/Billings Ward IV	1	1	1	-	-																	
Dick Clark (President)	Mayor/Billings Ward V	1	E	1	-	1																	
Vacant	YC District 1	-	-	-	-	-																	
Dennis Cook	YC District 2	1	1	1	-	-																	
Lisa Sukut	YC District 3	1	E	E	-	-																	
Vacant	YC District 4	-	-	-	-	-																	
Don Reed	YC District 5	E	E	1	-	-																	
Dean Clark	YC District 6	E	E	1	-	1																	
Al Littler	YC District 7	1	1	1	-	1																	
Clint McFarland	Y County Cons. District	1	1	1		1																	
Scott Reiter	Ex-Officio S.D. 2 Facilities Director	E	E			1																	
Supt. Terry Bouck	Ex-Officio S.D. 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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**March 10, 2015**

*Approved by a motion on March 24, 2015*

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## **1. Call the Meeting to Order**

President Dick Clark called the meeting to order at 6:00 p.m. on Tuesday, March 10, 2015, in the Miller Building 1<sup>st</sup> Floor conference room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

### **Introduction of Planning Board Members and Planning Department Staff**

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

Attending Planning staff members were: Candi Millar, Director, Planning & Community Services Department; Juliet Spalding, Planner II; Lora Mattox, Transportation Planner; Tammy Deines, Planning Clerk

**Others attending:** Toby Liechti, Blueline Engineering; Marshall Phil, Blueline Engineering; Jason Hertz, Applicant; Patty Nordlund, Billings Industrial Revitalization District

- 2. Approval of the Agenda-**President Clark called for approval of the February 10, 2015 meeting agenda. He noted a request to reorder the agenda and move item 8b. “Community Transportation Safety Grant” to “Old Business”.

### **Motion**

**Donna Forbes made a motion and it was seconded by Al Littler to approve the March 10, 2015, meeting agenda with the reordering for Item 8b. “Community Transportation Safety Grant”, Lora Mattox, presenting.**

**The motion carried with a unanimous voice vote.**

- 3. Meeting Minutes:** President Clark called for approval of the approval of the February 10, 2015 meeting minutes. (The February 24, 2015 meeting was cancelled due to a lack of agenda items).

### **Motion**

**Dean Clark made a motion and Donna Forbes seconded the motion to approve the February 10, 2015 minutes.**

**The motion carried with a unanimous voice vote.**

- 4. Public Comment:** President Clark asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion.

There were no Public Comments given during this time.

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**5. Disclosure of Conflict of Interest – Board members and Planning Staff.** There were no disclosures of conflict of interest.

**6. Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff.** The Ex Parte Communication Binder is available at the Sign-In and Agenda station. There was none.

**7. OLD BUSINESS-8b. Motion/Recommendation. Community Transportation Safety Grant, Lora Mattox, Transportation Planner.** President Clark asked Lora Mattox to open this agenda item. This agenda item was discussed at the February 10, 2015 meeting. She explained this is an opportunity to expand the Traffic Safety Plan within the MPO and gave the introduction below.

**INTRODUCTION:** The Planning Division is presenting to the Planning Board a request for the Metropolitan Planning Organization (MPO) to apply for a Community Transportation Safety Grant. The Montana Department of Transportation (MDT) is offering planning assistance to communities to develop local transportation safety plans. This plan would complement the recently completed 2014 Billings Urban Long Range Transportation Plan. City Council and the Board of County Commission have recommended approval of this plan.

### **RECOMMENDATION**

Staff recommends that the Planning Board initiate the process to submit an application to MDT for the Transportation Safety Plan. This action will direct staff to meet with the local governing bodies, and solicit coordination on this project and grant application.

### **Discussion**

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

### **Motion**

**Dean Clark made a motion and Donna Forbes seconded the motion to forward a recommendation to initiate the process to submit an application to MDT for the Transportation Safety Plan.**

**The motion carried with a unanimous voice vote.**

## **8. NEW BUSINESS**

**8a. Plat Review/Discussion, Juliet Spalding, Subdivision Coordinator: Diamond Falls Subdivision,** a 61-lot, County major subdivision of S16, T01 S, R25 E, S2NE (Less C/S 2452 & 2892). The 64.781-acre subject property is located on the north side of Austrian Pine Drive, between South 48th Street West and South 52nd Street West. The property is zoned Agricultural-Open, and residential use is proposed. Diamond Falls, LLC, owner; BlueLine Engineering, Agent.

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Juliet Spalding opened this agenda item and gave a brief presentation on the staff report and recommendation. She distributed copies of the Amended, (as of 3/10/15), Conditions of Approval below to the Board members.

### **INTRODUCTION**

On February 2, 2014, the Planning Division received an application for preliminary plat approval for the proposed Diamond Fall Subdivision. The property is generally located on the west side of South 48th Street West and south of King Avenue West. This 61-lot subdivision would be developed in two phases with the first phase containing 13 lots. The proposed lots range from 0.341 acres to 0.91 acres. A concurrent zone change application is in review at this time to change the zoning from Agricultural Open Space to Residential-15,000. This zone change is necessary to allow the subdivision to proceed. The Planning Board will review the plat at this meeting and a conduct a public hearing on March 24, 2015.

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Diamond Falls Subdivision and adopt the Findings of Fact as presented in the staff report.

### **PROPOSED CONDITIONS OF APPROVAL, as Amended 3/10/15**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize effects on local services, the Homeowners' Association shall be established concurrent with the final plat recording. Articles of Incorporation, Covenants, Conditions & Restrictions, and any other appropriate documents for its creation shall be provided with the final plat documents.
2. To minimize effects on local services, prior to final plat approval, the 30,000 gallon dry hydrant system shall be installed as approved by the Billings Fire Department and a Rural Special Improvement District – Maintenance (RSID-M) shall be created for its maintenance.
3. To minimize effects on the natural environment and public health and safety, a note shall be added to Section II. of the Subdivision Improvements Agreement (SIA) stating that future landowners are responsible for having a Montana Registered Professional Engineer inspect and provide as-built certification that the improvements for the SepticNET drain field are constructed as shown on the Drain field Plans as required by Montana Department of Environmental Quality (MDEQ) at the time of septic permitting. A separate note shall notify future lot owners that there is an operation and maintenance plan in place for the approved septic system that must be followed in order to ensure proper functioning of the system.

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4. To minimize effects on the natural environment and public health and safety, a note shall be added to Section II. SIA stating that future landowners are prohibited from building structures on the areas identified as primary drain field and replacement drain field on the MDEQ Certificate of Subdivision Approval exhibit.
5. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plat approval.
6. To ensure compliance with zoning, a note shall be added to Section II of the final SIA indicating that Zoning Compliance Permits shall be submitted for review and approved by the City-County Planning Division prior to construction on the lots.
7. To minimize the effects on local services, prior to final plat approval a Rural Special Improvement District (RSID) will be created or expanded, as appropriate, to provide maintenance of the new interior roads of this subdivision and Austrian Pine Road.
8. To minimize the effects on agricultural water user facilities, evidence that the existing irrigation facility on and adjacent to the subject property does not serve downstream users shall be provided prior to final plat approval.
9. To minimize effects on local services, improvements to Austrian Pine Road shall be made in phases, to bring it up to current County paved road standards. Any necessary improvements from Bridle Creek Trail to S. 48<sup>th</sup> St. West shall be made during Phase I, while improvements from S. 52<sup>nd</sup> St. West to Bridle Creek Trail shall be made during Phase II. Updates shall be made to Section XI. of the final SIA to reflect these requirements.
10. To minimize effects on local services, prior to Phase II development, the developer shall apply for and receive the appropriate provisional permit for additional water rights from Montana Department of Natural Resources and Conservation (DNRC). A note shall be added to Section VI.A. of the final SIA stating this requirement.
11. To minimize effects on local services, a note shall be added to the face of the final plat and Section VI.B. of the final SIA indicating which lots will retain sanitary restrictions until future approval is granted by MDEQ.
12. To minimize effects on local services, a Park Maintenance District shall be established prior to final plat approval for future maintenance of the dedicated parkland.

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13. 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.
14. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

### **Discussion**

President Clark called for questions and discussion from the members of the Board. Donna Forbes asked if the owners will be responsible for improvements on 52<sup>nd</sup> Street West from Austrian Pine. Juliet Spalding explained there will be improvements to 52nd Street West from Austrian Pine north at the time of the second phase of development. Donna Forbes asked for clarification on the plat denotations. Juliet Spalding stated they are references to the drain fields, housing footprints, and wells. Clint McFarland asked which irrigation ditch serves this parcel. Agent Marshal Phil stated he is unsure but it may be a lateral from the BBWA. Dick Clark asked regarding sidewalks requirements and Juliet Spalding said they would be required along with other improvements if this parcel ever petitioned to annex into the City.

### **Marshall Phil, Blueline Engineering, 2110 Overland Avenue, Billings, Montana**

Mr. Phil is the agent for Diamond Falls, LLC, (Rod Lorenz and Jason Hertz). He thanked Juliet Spalding for her thorough presentation of this application.

Mr. Phil referred to a posted plat of the subdivision and pointed out the denotations for the primary and secondary drain-fields and the protection zones for the septic systems. He commented on the SepticNET system performance and functionality.

Per Patrick Klugman’s request, he pointed out the access points to the parkland throughout the subdivision. Donna Forbes stated she feels it is a mistake to not have sidewalks planned for this subdivision. David Goodridge asked about the potential for building houses over drain-fields and Mr. Phil commented on the DEQ and DNRC regulations for setbacks. David Goodridge asked about the proposed housing for this subdivision. Mr. Phil replied the draft Covenants are similar to the housing requirements for the adjacent subdivision; a minimum of 1650 square feet for a ground level one story homes; and a minimum of 1750 square feet combined for two story homes; and allowances for secondary structures.

### **Jason Hertz, 3472 Stone Mountain Circle, Billings, Montana**

Mr. Hertz is a co-applicant. He said one of the primary concerns voiced at last night’s County Zoning Commission is septic tank maintenance. They plan to have a contract with SepticNET to maintain the homeowners’ systems.

\*\*A Public Hearing for Diamond Falls Subdivision will be held on Tuesday, March 24, 2015.

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### **9. OTHER BUSINESS:**

#### **9a. Discussion. Affirmation of the East Billings Urban Renewal District. Wyeth Friday, Planning Division Manager.**

President Clark asked Planning Division Manager Wyeth Friday to open this agenda item. This item will return to the Board for action on March 24, 2015.

**INTRODUCTION:** City Council on March 23 is scheduled to consider adopting a resolution to modify the East Billings Boulevard Urban Renewal District (EBURD). The EBURD was originally created in November 2006 and while the tax increment in the district has increased, a significant amount of long range planning and project planning has also occurred to position the EBURD for development and redevelopment. The Council's intends to modify the district to include newly annexed properties east of the existing EBURD in the Exposition Gateway Concept Plan area as well as include two properties adjacent to the District that a property owner has asked be brought into the EBURD.

The Yellowstone County Board of Planning is asked to review the EBURD Modified Plan and determine for the City Council if the modification is in conformance with the 2008 Yellowstone County and City of Billings Growth Policy. This is a requirement of both the creation and modification of an urban renewal district under state law. The Planning Board will discuss this request at this meeting and take action on the request at its meeting on March 24. If the City Council passes the resolution of intent to modify the EBURD on March 23, it will conduct a public hearing on April 13 and consider action on the modification. It is prior to this action and hearing that the Council will expect a recommendation from the Planning Board.

#### **Discussion**

President Clark called for questions and discussion. Donna Forbes asked about the life of the TIFD. Candi Millar said an infrastructure bond will extend the life of the district until the bond is paid off; it will be a twenty-five year bond if the district is extended.

Per Dick Clark's request, Wyeth Friday noted the County and railroad properties on the Expansion Map. In response to a question by David Goodridge, Wyeth Friday stated County islands will have to be addressed as this moves forward, and there is funding from an older RSID that will be used as a part of the infrastructure project.

\*\*The Planning Board will take action on the request at its meeting on March 24, 2015.

**9b. Lockwood TEDD:** Candi Millar announced the proposed Targeted Economic Development District, TEDD, has been tabled by the Board of County Commissioners, and will not come before the Planning Board until it moves forward and is ready to hold Growth Policy conformance discussions.

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### **FUTURE AGENDA ITEMS: MARCH 24, 2015**

- 1. PUBLIC HEARING/Motion: Diamond Falls Subdivision, Juliet Spalding, Subdivision Coordinator:** a 61-lot, County major subdivision of S16, T01 S, R25 E, S2NE (Less C/S 2452 & 2892). The 64.781-acre subject property is located on the north side of Austrian Pine Drive, between South 48th Street West and South 52nd Street West. The property is zoned Agricultural-Open, and residential use is proposed. Diamond Falls, LLC, owner. Blueline Engineering, Agent.
- 2. MOTION/RECOMMENDATION: Affirmation of the East Billings Urban Renewal District. Wyeth Friday, Planning Division Manager**

### **ADJOURNMENT:**

**ATTEST: Approved on March 24, 2015**

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*Richard Clark, President, Yellowstone County Board of Planning*

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*Candi Millar, Director, Planning and Community Services Department*