

# 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)

1	Position	01/13/2015	01/27/2015	02/11/2015	02/24/2015	03/10/2015	03/24/2015	04/14/2015	04/28/2015	05/12/2015	05/26/2015	06/09/2015	06/23/2015	07/14/2015	07/28/2015	08/11/2015	08/25/2015	09/08/2015	09/22/2015	10/13/2015	10/27/2015	11/10/2015
Dave Goodridge	Mayor/Billings Ward I	-	-	-	-	1	1	-	1	E	E											
Patrick Klugman	Mayor/Billings Ward II	1	1	1	-	1	1	-	1	1	1											
Donna Forbes	Mayor/Billings Ward III	1	1	E	-	1	1	-	1	1	1											
Darell Tunnicliff	Mayor/Billings Ward IV	1	1	1	-	-	1	-	1	1	1											
Dick Clark (President)	Mayor/Billings Ward V	1	E	1	-	1	1	-	1	1	1											
Vacant	YC District 1	-	-	-	-	-	-	-	-	-	-											
Dennis Cook	YC District 2	1	1	1	-	-	E	-	1	1	1											
Lisa Sukut	YC District 3	1	E	E	-	-	E	-	E	1	E											
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-											
Don Reed	YC District 5	E	E	1	-	-	1	-	1	E	1											
Dean Clark	YC District 6	E	E	1	-	1	1	-	1	1	1											
Al Littler	YC District 7	1	1	1	-	1	E	-	E	E	E											
Clint McFarland	Y County Cons. District	1	1	1		1	1	-	E	1	1											
Scott Reiter	Ex-Officio S.D. 2 Facilities Director	E	E			1	1	-	1	-	E											
Supt. Terry Bouck	Ex-Officio S.D. 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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**June 9, 2015**

*Approved by a motion on June 23, 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, June 9, 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 are: Candi Millar, Director, Planning & Community Services Department; Wyeth Friday, Planning Division Manager; Dave Green, Planner I; Scott Walker, Transportation Planning Coordinator; Tammy Deines, Planning Clerk

**Attending:** Toby Liecht, BlueLine Engineering; Quentin Eggart, EEC; Chris Vlahos

- 2. Approval of the Agenda**-President Clark called for approval of the June 9, 2015 meeting agenda. Director Millar requested an additional discussion item for the Exposition Gateway Overlay District-City and County.

### **Motion**

**Darell Tunnickliff made a motion and it was seconded by Dennis Cook to approve the June 9, 2015 meeting agenda with the discussion item for the Exposition Gateway Overlay District-City and County.**

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

## **3. Meeting Minutes for May 27, 2015**

### **Motion**

**Donna Forbes made a motion and Clint McFarland seconded the motion to approve the May 27, 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.

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

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**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-**

**7a. Public Hearing Guidelines-**President Clark reviewed the public hearing participation guidelines provided on the agenda.

### **7b. Public Hearing. Motion/Recommendation 2015-2019 TIP Amendment I, Scott Walker Transportation Planner**

#### **Introduction**

Scott Walker gave an overview of the summary and adoption schedule below. . This document is the fiscal accounting of projects moving through the planning process. This amendment is due to cost changes in some of the projects, including the Bench Boulevard project and several safety projects.

#### **2015-19 TIP AMENDMENT I**

##### **PROJECTS ADDED/AMENDED - Summary**

- Bench Boulevard – Cost Updates
- Signal Upgrades Billings – Various Locations
- Lockwood Signal Upgrades – Various Locations
- Pinehills and Prior Creek Interchanges – Pavement Preservation
- Highway 3 (27<sup>th</sup> to Zimmerman Trail) – Pavement Preservation
- 6<sup>th</sup> Avenue (27<sup>th</sup> to 32<sup>nd</sup>) – Pavement Preservation
- Division Street – Pavement Preservation
- Hillcrest – Right Turn Lane
- Billings North – Rumble Strips
- King Avenue Interchange Signals – Reflective Back plating

##### **2015-2019 TIP AMENDMENT I - ADOPTION SCHEDULE**

- The Technical Advisory Committee met the morning of May 21<sup>st</sup> to review the 2015-19 96 TIP Amendment I. TAC has recommended approval.
- The Planning Board will initially review the 2015-19 TIP Amendment I at its regular meeting on May 27<sup>th</sup> then make final recommendation of the document June 9<sup>th</sup> and forward its recommendation to the PCC.
- The Board of County Commissioners will review and take action on the 2015-19 TIP Amendment I at its regularly scheduled meeting on June 16<sup>th</sup> and forward its recommendation to the PCC.
- The City Council will review and take action on the 2015-19 TIP Amendment I at its regular meeting on June 22<sup>nd</sup> and forward its recommendation to the PCC.
- The PCC is expected to meet on June 23<sup>rd</sup> to take final local action on the 2015-19 TIP Amendment I.

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### **Discussion**

President Clark called for questions and discussion. Don Reed asked what the Lockwood signalization project entails and Scott Walker said it will involve Johnson Lane.

### **Public Hearing**

At 6:10 p.m., President Clark opened the public hearing and asked if there is anyone present wanting to speak in favor or against the 2014-2019 TIP Amendment I. There was none. President Clark closed the public hearing and called for a motion.

### **Motion**

**Dennis Cook made a motion and it was seconded by Donna Forbes to forward a recommendation to PCC of approval of the 2015-2019 TIP Amendment I as presented by staff.**

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

Scott Walker added he followed up with the Public Works Engineering Division as requested by Board members Klugman and Clark. The intersection at Wicks and Governors Boulevard is under review. The Central Ave and 19th-intersection needs conduit replacement and they are waiting for an available crew.

### **7c. Public Hearing/Motion/Recommendation. City and County Subdivision Regulation Amendments-Wyeth Friday, Planning Division Manager**

President Clark asked Wyeth Friday to open this agenda item. He explained Planning staff was recently alerted to an inconsistency in the local subdivision regulations with state law in relation to subdivision of land within a 100-year floodplain. It is desirable to have local subdivision regulations consistent with all other applicable laws. This proposed amendment is designed to bring the local and state regulations related to the 100-year floodplain into alignment with each other.

### **RECOMMENDATION**

Planning staff recommends that the Board of Planning review the proposed changes, provide feedback, and set a public hearing date for June 9, 2015.

### **Discussion**

President Clark called for questions and discussion. Donna Forbes asked if insurance can be obtained if a structure is built in the flood fringe. Wyeth Friday stated insurance would have to be obtained for this to take place. Darell Tunnicliff asked if the County regulations can be more restrictive than State regulations. Candi Millar stated it is possible but justification is needed for the reasoning behind the more restrictive regulations. Dick Clark asked about the process if one wants to build in the fringe area. Wyeth Friday explained that a floodplain permit would need to be obtained and there are requirements to demonstrate there would be no impacts. The local floodplain administrator determines if the criterion is met. Candi Millar explained that the language

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in the floodplain regulations is a remnant from older model regulations primarily written for cities and counties that did not adopt the old FEMA regulations. These regulations were carried for decades and both the City and County adopted the Flood Insurance maps in the 80s. Under the floodplain regulations, demonstration is needed to say what the subdivision regulations used to say. She said this amendment should have been done some time ago.

Don Reed commented that much of the proposed development (industrial park) in Lockwood is in the flood fringe. Wyeth Friday clarified and stated the proposal is to not develop the property in the fringe area. Don Reed noted applicants would have to go through the permitting process. Discussion followed on the changes in the river and the floodway mapping. Clint McFarland stated the Yellowstone Conservation District conducted LIDAR mapping of the river and Candi Millar said this was used for recent remapping of the floodplain.

### **Public Hearing**

At 6:28 p.m., President Clark opened the public hearing and asked if there is anyone present wanting to speak in favor or against the City and County Subdivision Regulation Amendments. There was none. President Clark closed the public hearing and called for a motion.

### **Motion**

**Dean Clark made a motion and it was seconded by Dennis Cook to forward a recommendation to the governing bodies of approval of the City and County Subdivision Regulation Amendments presented by staff.**

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

## **8. NEW BUSINESS**

### **8a. Plat Review/Discussion. Clear Creek Subdivision, 2<sup>nd</sup> Filing Amended Lot 5 B1 Dave Green, Planner I**

President Clark asked Dave Green to open this agenda item.

### **INTRODUCTION**

On May 1, 2015, owners Robert and Dorothy Labert applied for preliminary subsequent minor plat approval for Clear Creek Subdivision, 2<sup>nd</sup> Filing, Amended Lot 5, Block 1. The proposed plat creates 2 lots from a 3.8-acre parcel of land. The subject property is generally located on the south side of Pine Ridge Lane, just north of the Highway 87 N/ Highway 312 intersection in the Heights. The property is zoned Community Commercial (CC) and there are a mixture of commercial and residential uses in the immediate vicinity. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, June 23, 2015. The Board of County Commissioners will act on the proposal on July 14, 2015.

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### **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Clear Creek Subdivision, 2<sup>nd</sup> Filing, Amended Lot 5, Block 1, and adopt the Findings of Fact as presented in the staff report.

### **PROPOSED CONDITIONS OF APPROVAL**

Planning staff recommends the following conditions of approval:

1. To 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.
2. 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.
3. 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 discussion. Donna Forbes asked for clarification on the subdivision access points and it was given by Dave Green. In response to question by Patrick Klugman, the property is in the BUSFA, and Billings Fire Department has designated an emergency access from the cul de sac.

\*\* A public hearing for Clear Creek Subdivision, 2<sup>nd</sup> Filing, Amended Lot 5 Block 1 will be held on Tuesday, June 23, 2015.

### **8b. Plat Review/Discussion. Lone Tree Industrial Park, Dave Green, Planner I**

President Clark asked Dave Green to open this agenda item.

### **INTRODUCTION**

On May 1, 2015, the Planning Division received an application for review and approval of a seven-unit condominium subdivision on Tract 3A of Certificate of Survey. The property is located on the north side of King Avenue West, between South 64th Street West and South 72nd Street West, the general address is 6875 King Avenue West. The property is not within the County zoning jurisdiction and therefore, in accordance with Chapter 8 of the County Subdivision Regulations, this condominium development must be reviewed as a “subdivision for rent or lease.”

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of the Lone Tree Industrial Park and adopt the Findings of Fact as presented in the staff report.

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## **PROPOSED CONDITIONS OF APPROVAL**

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

1. To minimize the effects on public health and safety, prior to final plat approval the subdivider shall receive approval from the MDEQ / RiverStone Health for the proposed cistern and septic system.
2. 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.
3. 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 discussion. Donna Forbes commented on the lack of green space in this area. Dave Green pointed out this is an industrial subdivision for businesses.

\*\*A public hearing for Lone Tree Industrial Park will be held on Tuesday, June 23, 2015.

## **8c. Plat Review/Discussion. Aspen Ridge Subdivision, 2<sup>nd</sup> Filing, Wyeth Friday, Planning Division Manager**

President Clark asked Wyeth Friday to open this agenda item.

## **INTRODUCTION**

On May 1, 2015, owner, Superior Builders, LLP, applied for preliminary major plat approval for Aspen Ridge Subdivision, 2<sup>nd</sup> Filing. The proposed plat creates 15 lots from a 28-acre parcel of land. The subject property is generally located in Lockwood, on the south side of San Marino Drive, between Tanglewood Drive and Noblewood Drive. The property is zoned Residential-9,600 (R-96). The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, June 23, 2015. The Board of County Commissioners will act on the proposal on July 14, 2015.

## **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Aspen Ridge Subdivision, 2<sup>nd</sup> Filing, and adopt the Findings of Fact as presented in the staff report.

## **PROPOSED CONDITIONS OF APPROVAL**

Planning staff recommends the following conditions of approval:

1. To minimize effects on local services, Lot 9, Block 2 shall be deeded to the County at the time of final plat recording, and a maintenance district shall be established or expanded to maintain the storm water facilities on the lot.

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2. 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.
3. 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.
4. 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 discussion. He asked if the parkland cash-in-lieu will be used for Harris Park. Wyeth Friday said that the funds have to be used in the area so the subdivision residents are benefitted. Don Reed commented the residents and not the County currently maintain Harris Park. Patrick Klugman noted that any cash-in-lieu within the County goes to a park in the vicinity. Don Reed asked if the cash can go to the park and those maintaining it. Wyeth Friday commented the County is in the process of parkland inventory. Candi Millar said Harris Park is a County Park and residents are probably paying for a maintenance district. The initial cash-in-lieu could be used for additional improvements, and residents could request additional improvements through the County Park Board.

Patrick Klugman asked how far away Noblewood Drive is from Becraft and Wyeth said it is probably close to a mile away. Patrick Klugman asked about the pedestrian access. Agent Toby Liecht, Blueline Engineering, said it is a gravel path connecting to Noblewood Drive. Patrick Klugman asked if there is opportunity for paving and Toby Liecht responded it is possible but more expensive. Don Reed noted Noblewood Drive is the only thoroughfare that has the potential to become a collector. He said there has been no concurrent connections as subdivisions were developed through the years, and he would like to see Noblewood Drive constructed to a collector standard. Wyeth Friday said initially Noblewood Drive will be improved with a gravel improvement to the trail at Lot 9. In the future with additional development Noblewood Drive will be improved to Yellowstone County’s paved road standards. Don Reed asked about the criterion for County standards for roadways and Wyeth Friday gave an explanation. Don Reed asked why the County doesn't live up to their standards for thoroughfares and voiced concern with the lack of planning for incoming future development. Donna Forbes commented many of these subdivisions do not have sidewalks and this will become an issue in the future as they are annexed into the City. Candi Millar said the City will not annex

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property that is not built to City standards and this issue will be addressed in the Growth Policy for future developments. Don Reed said sidewalks in the thoroughfares are an absolute necessity. Patrick Klugman spoke to the need to meet the opportunities to address these items when subdivisions are developed and to consider holding a higher standard for developers. He asked why the County doesn't live up to their standards for thoroughfares. He voiced concern with the lack of planning for thoroughfares. Donna Forbes commented in the future many of these subdivisions do not have sidewalks and will become an issue as they are annexed into the City. Candi Millar said the City will not annex property that is not built to City standards and this issue will be addressed in the Growth Policy for future developments. Don Reed said sidewalks in the thoroughfares are an absolute necessity. Patrick Klugman said it is an opportunity to address these items when subdivisions are developed and a higher standard for developers should be considered.

\*A public hearing for Aspen Ridge 2<sup>nd</sup> Filing will be held on Tuesday, June 23, 2015.

### **OTHER BUSINESS-**

#### **a. Exposition Gateway Overlay District-City and County, Candi Millar, Director, Planning & Community Services Department**

Candi Millar said the East Billings Industrial Revitalization District (EBIRD), met today and approved this proposal for the update. This is an interim zoning district that would prevent developments from coming into the district at Controlled Industrial zoning standards. An Urban Renewal Plan has been drafted to cover the expansion of the EBURD and several parcels have been annexed. There is a fear that some of the developments coming in are not consistent with the Exposition Gateway Master Plan, and they are trying to prevent developments inconsistent with the Hospitality concept. This Overlay District addresses uses and how they look. The Special Requirements Section lists prohibited uses in Section 27-306; the allowable uses that are otherwise prohibited in CI zoning; and the minimum site development requirements.

#### **Discussion**

Dennis Cook voiced his discouragement with the development of the car wash and asked if this is the direction that should be taken considering the Master Plan. Candi Millar explained this is an allowed use under the current zoning but is not in character with the Exposition Gateway Master Plan. In response to further comment by Dennis Cook, she offered to bring the Master Plan presentation to the Board as a refresher. Darrel Tunnickliff voiced concern if the criterion is based on only aesthetics, and he advocated for a listing of allowed businesses and uses

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instead of a prohibitive concept. After discussion, it was noted the concept presented this evening is both inclusive and exclusive and not a moratorium on the existing zoning. Dennis Cook said he understands private property rights but he is concerned the development of the Exposition Gateway could be lost if this is not addressed. Darell Tunncliff suggested developing language that would require exceptions from the allowed uses. He commented this update is a good start to addressing the needs of this area.

Candi Millar explained this item is brought to the Planning Board as the law allows initiation of a zone change via property owners; the County Commissioners; and the Planning Board. Staff will request the Planning Board to initiate this zone change and forward it to the City and County Zoning Commissions for recommendation to the governing officials. She said this is a draft and most if not all of the landowners were contacted in this process.

### **Announcements**

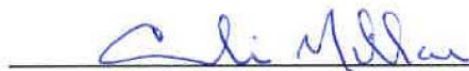
1. Dick Clark announced his plans to run for City Council this fall and said depending on the election results, he may have to resign his position.

**ADJOURNMENT:** 7:50 p.m.

**ATTEST: Approved on June 9, 2015**



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



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