

# 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	E	1										
Patrick Klugman	Mayor/Billings Ward II	1	1	1	-	1	1	-	1	1	1	1	1										
Donna Forbes	Mayor/Billings Ward III	1	1	E	-	1	1	-	1	1	1	1	E										
Darell Tunnicliff	Mayor/Billings Ward IV	1	1	1	-	-	1	-	1	1	1	1	1										
Dick Clark (President)	Mayor/Billings Ward V	1	E	1	-	1	1	-	1	1	1	1	1										
Vacant	YC District 1	-	-	-	-	-	-	-	-	-	-	-	-										
Dennis Cook	YC District 2	1	1	1	-	-	E	-	1	1	1	1	1										
Lisa Sukut	YC District 3	1	E	E	-	-	E	-	E	1	E	1	1										
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-										
Don Reed	YC District 5	E	E	1	-	-	1	-	1	E	1	1	1										
Dean Clark	YC District 6	E	E	1	-	1	1	-	1	1	1	1	1										
Al Littler	YC District 7	1	1	1	-	1	E	-	E	E	E	E	1										
Clint McFarland	Y County Cons. District	1	1	1		1	1	-	E	1	1	1	1										
Scott Reiter	Ex-Officio S.D. 2 Facilities Director	E	E			1	1	-	1	-	E	E	1										
Supt. Terry Bouck	Ex-Officio S.D. 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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**June 23, 2015**

*Approved by a motion on July 14, 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 23, 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: Wyeth Friday, Planning Division Manager; Dave Green, Planner I; Scott Walker, Transportation Planning Coordinator; Tammy Deines, Planning Clerk

**Attending:** Toby Liecht, BlueLine Engineering; Jolene Rieck, Peaks to Plains Design; Mary Kay Rottrop

- 2. Approval of the Agenda-**President Clark called for approval of the June 23, 2015 meeting agenda. Planning Clerk Deines requested an agenda item under “Other Business” to discuss the “Agenda Quick” software and the meeting packets.

### **Motion**

**Dean Clark made a motion and it was seconded by David Goodridge to approve the June 9, 2015 meeting agenda with discussion item to discuss the “Agenda Quick” Software and the meeting packets.**

**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.

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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-**

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

### **7b. Public Hearing. Motion/Recommendation Aspen Ridge Subdivision 2nd Filing, Wyeth Friday, Planning Division Manager**

#### **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 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.

Wyeth Friday noted the following items as an update from the plat review:

- **Stormwater Management Facilities**
  - Developer retains ownership of Lot 9, Blk. 2 with stormwater maintenance easements placed on the lot.
  - County Public Works proposed condition to pipe stormwater conveyance on northeast side of subdivision along existing alley.
- **Clarification and condition proposed by Planning to ensure pedestrian pathways are constructed in the First and Second filings of Aspen Ridge.**

#### **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 effects on local services, prior to final plat approval two stormwater facilities easements shall be created for the stormwater facilities on Lot 9, Block 2.
2. A County RSID for maintenance of the stormwater facilities in the

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- easements also shall be established or expanded prior to final plat approval. The final SIA must reflect these arrangements for the storm water management.
2. To minimize effects on local services, prior to final plat approval the conveyance of stormwater in the 20’ stormwater easement along the northeast boundary of the subdivision adjacent to the existing alley shall be piped from the new stormwater facilities proposed on Lot 9, Block 2, to the existing stormwater detention pond located in an easement on proposed lots 2, 3, and 4, Block 2. The design of the piping system shall be reviewed and approved by County Public Works.
  3. 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.
  4. To minimize effects on local services, provide the pedestrian pathway connectivity required by Section 4.6 C. 15 of the County Subdivision Regulations, and meet the requirements of the Aspen Ridge Subdivision, 1st Filing Subdivision Improvement Agreement, prior to final plat approval the 5-foot wide pedestrian walkway/trail shall be constructed along the east side of Tanglewood Drive and the north side of San Marino Drive in the existing walkway/trail easement in Aspen Ridge Subdivision, 1st Filing, and the 5-foot wide pedestrian walkway/trail shall be constructed in the walkway/trail easement along the north side of San Marino Drive to the cul-de-sac in the 2nd Filing.
  5. 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.
  6. 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. Al Littler asked if the County or City has any maintenance through an RSID. Wyeth Friday said an Ad Hoc Committee assesses the needs on an annual basis and usually the County will contract for the work to be done. Al Littler commented the residents have to hire a private contractor to maintain the detention pond and the covered pipes. Wyeth Friday said his understanding is that County Public Works Department preferred covered pipes due to the potential for swales diverted by homeowners.

Don Reed asked where the stormwater goes after it leaves this neighborhood. He said the streets and roads may not handle traffic loads from future developments as they are not collector streets. His preference would be to develop Noblewood Drive to handle more traffic and to build an exit onto Noblewood Drive. Wyeth Friday clarified and said the ponds retain the water until it dissipates. He said Noblewood Drive will be built to County collector standards and the proposal is to fully construct Noblewood Drive with the next

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filing. Don Reed said Becraft Lane and Old Hardin Road should be built to County collector standards.

In response to a question by Dick Clark, Wyeth Friday said he will find out what materials will be required for the pedestrian path.

David Goodridge asked regarding the parkland dedication, and Wyeth Friday explained it would not be for the area along the roadway.

### **Public Hearing**

At 6: 31 p.m. President Clark opened the public hearing and asked for anyone that wished to speak in favor or against Aspen Ridge Subdivision, 2<sup>nd</sup> Filing.

### **Toby Liecht, Blueline Engineering, 2110 Overland Ave, Suite 119B, Billings, Montana**

Mr. Liecht said they are required by DEQ to hold the stormwater on site. They have proposed a swale with a culvert approved by the County. Don Reed voiced concern with the need for an access to Noblewood Drive, and asked how long it will be before the implantation of the next phase. Mr. Liecht responded it will be done as soon as possible but it depends on development. Patrick Klugman asked if there has been any consideration to build the pedestrian trail to Heritage Trail standards. Mr. Liecht said they typically use gravel but will build it to Heritage trail standards if needed. Patrick Klugman said an asphalt trail would be better for the greater community. Al Littler said he likes the plan of a swale but typically homeowners will build over it and cause issues if maintenance is needed.

### **Mary Kay Ruttrop (no address given)**

Ms. Ruttrop said she and her hey own property south of this parcel. She asked regarding the future plans for the end of Noblewood Drive. She said their hope is Noblewood will be built towards the west and run into Eagle Cliff Meadows Subdivision. Wyeth Friday referred to the functional classification map and said Noblewood Drive is expected to go through to Ford Road. The direction is unknown and will be decided as development takes place. Ms. Ruttrop said they hope to have some input at some time Wyeth Friday explained they will be notified of any development through the public notices.

### **Motion**

**Don Reed made a motion and it was seconded by Darell Tunncliff to forward a recommendation to the Board of County Commissioners of conditional approval with the Findings of Fact and conditions presented by staff.**

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

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### **Discussion**

President Clark called for discussion on the motion. Patrick Klugman asked if the request for a paved pedestrian trail will be brought forward. Wyeth clarified and said staff will work to address this through the SIA; the proposed Condition of Approval is to complete it prior to final plat approval. Darrell Tunnicliff asked what the solution is for these issues.

Wyeth Friday said Lockwood created a pathway and lighting district to make pedestrian improvements along the streets. He commented it will take some time to accomplish this, and they are working on prioritization of projects for the future. Darrell Tunnicliff said the global issue is that the County has different standards than the City and an action plan may be more rewarding than discussion points.

### **7c. Public Hearing. Motion/Recommendation Clear Creek Subdivision 2nd Filing, Amended Lot 5, Block 1, Dave Green, Planner I.**

#### **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 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 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**

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.

- 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.
- 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.
- 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.

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### **Discussion**

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

### **Public Hearing**

President Clark opened the public hearing and asked if there is anyone present wanting to speak in favor or against the Clear Creek Subdivision 2<sup>nd</sup> Filing Amended L5 B1.

### **Toby Liecht, Blueline Engineering, 2110 Overland Ave., Billings, Montana**

Mr. Liecht represents the property owners Robert and Dorothy Labert. Per one of the Board member’s request, he clarified the ownership of the existing house on the property.

### **Motion**

**Al Littler made a motion and Darell Tunncliff seconded the motion to forward a recommendation to the Board of County Commissioners of conditional approval of Clear Creek Subdivision, 2<sup>nd</sup> Filing with the Findings of Fact and conditions presented by staff.**

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

## **7d. Public Hearing. Motion/Recommendation Lone Tree Industrial Park Subdivision, Dave Green, Planner I.**

### **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 64<sup>th</sup> Street West and South 72<sup>nd</sup> 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.” The Board of County Commissioners will act on the proposal on July 7, 2015.

### **RECOMMENDATION**

Staff recommends 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.

### **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.

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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 questions and discussion. Dick Clark noted that there is a lot of commercial growth in this area. Patrick Klugman commented this application will not move forward if it is not up to DEQ's standards.

### **Public Hearing**

President Clark opened the public hearing and asked if there is anyone present wanting to speak in favor or against the Lone Tree Industrial Park.

### **Quentin Eggart, Eggart Engineering, 720 Lohwest Lane, Billings, Montana**

Mr. Eggart explained DEQ approval is needed to install the septic tank, and without the approval the buildings would be considered as "cold storage". Currently, there is an electrician planning to use one building and the others are planned to be used for recreational storage.

President Clark asked if there is anyone else wanting to speak in favor or against the Lone Tree Industrial Park Subdivision. There was none. President Clark closed the public hearing at 7:01 p.m.

### **Motion**

**David Goodridge made a motion and Patrick Klugman seconded the motion to forward a recommendation to the Board of County Commissioners of conditional approval of Lone Tree Industrial Park Subdivision with the Findings of Fact and conditions presented by staff.**

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

## **8. NEW BUSINESS-**

### **8A. Discussion. Lockwood Non-Motorized Plan, Scott Walker Transportation Coordinator**

Scott Walker introduced this agenda item and stated the Transportation Advisory Board met and is recommending to move this plan through the review system. He said Lockwood constituents contacted Staff with a request to review this plan and forward it with a recommendation to the governing bodies; as they would like to have this document recognized by PCC. He introduced consultant Jolene Rieck, Peaks to Plains Design.

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### **Jolene Rieck, Peaks to Plains Design, Billings, Montana**

Ms. Rieck opened with a PowerPoint presentation and said she along with Chuck Strum, Interstate Engineering, are the consultants for this study. She gave a brief history of the Lockwood Public Safety District. The ultimate spending authority is the Yellowstone County Board of County Commissioners. The Mission is to effectively eliminate fatalities and serious injuries with walking and bicycling in the Lockwood area. They determined the US Department of Transportation assigns a statistical life value of \$9.2 million dollars. Using this statistic as a basis, Lockwood has lost over 20 million in economic impacts due to loss of life. The study considered Lockwood’s demographics including population; income, and health. The study looks at crash and injury data. Ms. Rieck noted that less than 2% of all of the roads in Lockwood have sidewalks. There has been a lot of public involvement and outreach, including LPDS Advisory Board Meetings; and Open House, and postings on the Yellowstone County Web site.

### **LPDS Work Plan:**

- **Education**-Bicycle Safety Class, Distribution of Reflective arm bands
- **Enforcement**-development of ordinance for sidewalks; update county road standards collaborate with City County Planning; speed study on Highway 87
- **Encouragement**-street lights; recognize businesses that have put in infrastructure, and a helmet give away with leverage of partnerships
- **Engineering**-US Highway 87 sidewalk from Old Hardin Road to Peters Street, school bus stop gathering areas; Evaluate re-opening of the cut through path at East Ridge Estates, Becraft sidewalk
- **Evaluations**-Annual review of non-motorized transportation plan; bicycle pedestrian counts; parent and student surveys, Partnerships & Funding Sources-identify possible grant sources with a 6 month rolling time frame request non-infrastructure funding from Yellowstone County; participate in meeting involving tax entities.

The next step is to complete the sidewalk around Highway 87 prior to school opening in the fall. LPDS Meetings are held the 1st Wednesday of the month at 7:00 p.m. at the Lockwood School Building. This plan will be brought forward for a motion and recommendation from Planning Board on July 14, 2015, City Council on July 6, 2015 and July 13, 2015; the Board of County Commissioners on July 6, 2015 and July 14, 2015; and presented to PCC at the July 21, 2015 meeting.

### **Discussion**

President Clark called for questions and discussion. Al Littler asked if there are any reliance on RSIDs for funding. David Goodridge asked about grants for lighting and in was noted NorthWest Energy and Yellowstone Valley Electric have provided some support. Don Reed complemented the consultants for the job they have done with this plan.

Woody Woods, Lockwood Water and Sewer District, explained that this document aims to fix 40 years of development. He stressed the need to address issues and said they have worked with the County to find ways to get the sidewalks put in to make Lockwood a safe community and to find any available help to move forward.

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Darell Tunnicliff said he appreciated Ms. Rieck’s presentation and asked that more agenda items of this type are scheduled as they are of great value.

David Goodridge asked if it is possible to build incentives in the SIAs wherein sidewalks can be a part of the developer’s parkland dedication. Wyeth Friday explained parkland dedications of land are to be used for park facilities. He cautioned and explained that the sidewalk is a part of the transportation corridor and there should be a distinction as oftentimes the sidewalks are in the right of-way.

Dick Clark asked about incorporation for Lockwood. Don Reed stated currently the number one priority is trails and sidewalks Woody Woods commented the demographics of Lockwood is changing and has more younger people that are more in tune with amenities. He said they are dealing with these on a step by step basis and an incorporation or charter may come into play in the future.

Darell Tunnicliff commented on the need for a thought process how to mitigate some of these problems and change the circumstances. Patrick Klugman said the Growth Policy addresses some of the items and potentially have some of the regulations changed. Wyeth Friday said the Board can supporting this plan or could bring forward additional statements to the Board of County Commissioners requesting changes to the regulations. Al Littler said the answer lies within the Legislature changing the laws to address the jurisdictional problems between the City and the County. Discussion followed on City and County regulations and development standards.

### **8A. Motion/Recommendation. East Billings Urban Renewal District Zone Change, Wyeth Friday, Planning Division Manager**

Planning Division Manager Wyeth Friday explained the idea of the zone change initiation is to get an Overlay District in place for City and County properties to move towards the Master Plan developments. Tonight’s formal action is to initiate a zoning text amendment which will go through the Zoning Commission and the governing Boards for consideration of adoption.

#### **Discussion**

Al Littler asked about participating landowners in the District. Wyeth Friday explained 12 properties were annexed into the City and included into the EBURD, and there are approximately a dozen property owners that are not interested in participating in the Master Plan or the EBIRD. Don Reed commented this is an opportunity to create a distinctive gateway to the community. He asked if there are any plans to work through the traffic bottleneck. Wyeth Friday said the Hospitality Corridor Plan has several proposals to address this area from reconfiguration and a slip lane, pedestrian access, or a roundabout. Don Reed commented he would thing the “back side” of the METRA could be made more useable. Wyeth Friday said there are several concepts from an access and

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transportation standpoint that could make a difference but there are a lot of issues to work through with METRA Park. Darrell Tunncliff commented on the environmental issues with soils and the ongoing efforts to do brownfield analysis. BSEDA has a grant to contract with a grantee to conduct assessments to clearly identify issues. Patrick Klugman pointed out that BSEDA does not benefit financially in this process. Al Littler said it makes sense to create a special area to avoid jurisdictional differences and to create a common blue print. Dennis Cook said the primary road block is the assemblage of the land. Wyeth Friday explained this is a long term process; the latest effort with the annexation of some of the properties is a forward step but there could be challenges with those property owners who are not interested.

### **Motion**

**Darrel Tunncliff made a motion and it was seconded by Dennis Cook to initiate a zoning text and map amendment to the Unified Zoning Regulations for the purpose of establishing the Exposition Gateway Overlay District Zone for the Exposition Gateway Concept Plan Area.**

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

### **OTHER BUSINESS-**

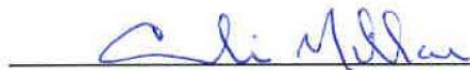
1. **Planning Board Packets:** Discussion was held on the new “Agenda Quick” software staff is using to deliver agendas, minutes and supporting documents. It was the consensus of the Board members to have staff poll the Board to determine preference for digital information, hard copies or a combination of both.

**ADJOURNMENT:** 8:50 p.m.

**ATTEST: Approved on June 14, 2015**



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



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