

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

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**July 28, 2015**

*Approved by a motion on August 11, 2015*

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

In the absence of President Dick Clark, Vice President Don Reed called the meeting to order at 6:00 p.m. on Tuesday, July 28, 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**

Vice President Reed 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 II, Tammy Deines, Planning Clerk, Jeffrey Butts, Alternative Modes Coordinator

**Attending:** Keith Egelhoff, Robert Walter, Tom Llewellyn, Darin Swenson, County Public Works.

- 2. Approval of the Agenda-**Vice President Reed called for approval of the July 28, 2015 meeting agenda.

### **Motion**

**Dennis Cook made a motion and it was seconded by Donna Forbes to approve the July 28, 2015 meeting agenda**

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

## **3. Meeting Minutes for June 23, 2015; July 14, 2015**

### **Motion**

**Dennis Cook made a motion and Donna Forbes seconded the motion to approve the June 23, 2015 meeting minutes as submitted.**

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

### **Motion**

**Dennis Cook made a motion and Donna Forbes seconded the motion to approve the July 14, 2015 meeting minutes with a correction in the motion to change “Dave Green Goodrich” to “Dave Goodrich”.**

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

- 4. Public Comment:** Vice President Reed 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. Patrick Klugman discussed that as BSEDA employee, he has worked extensively for TAP funding for the Lockwood project. Although he supports all four projects, he will be recusing himself from voting on this item.

**5. 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. Plat Review/Discussion. Holly’s Subdivision Amd Lot 1, B1, Dave Green, Planner II**

##### **INTRODUCTION**

On June 1, 2015, the owners’ agent Tom Llewellyn for the Holly Huennekens Trust applied for preliminary subsequent minor plat approval for Holly’s Subdivision, Amended Lot 1, Block 1. The proposed plat creates 4 lots from a 25.25-acre parcel of land. The subject property is generally located at 7625 Neibauer Road. The property is outside of zoning and there is a mixture of farming and residential uses in the immediate vicinity. The Board of County Commissioners will act on the proposal on August 11, 2015.

##### **VARIANCES REQUESTED**

The applicant has requested a variance from Section 4.4 D of the Yellowstone County Subdivision Regulations, which states “No Single lot may be divided by a public road, alley, or access easement”. Staff is recommending approval of this variance request. Further explanation and analysis can be found in Attachment A.

##### **RECOMMENDATION**

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Holly’s Subdivision, Amended Lot 1, Block 1, and adopt the Findings of Fact and approve the variance request as presented in the staff report.

##### **PROPOSED CONDITIONS OF APPROVAL**

Planning staff recommends the following conditions of approval:

1. To minimize the effects on surrounding property owners the applicant will add language in the SIA under Conditions That Run with the Land to inform future property owners, should they use water from the Big Ditch to irrigate their property, that they will control irrigation water from flooding onto adjacent property owners land.
2. To ensure proper transfer or retention of water shares currently on Lot 1, in the SIA under an Irrigation Facilities heading, the applicant will clarify what water

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shares exist with Lot 1 and what will be done with them as per Section 4.13 of the Yellowstone County Subdivision Regulations (YCSR).

3. To ensure the Big Ditch company has proper access and room to perform maintenance on the Big Ditch applicant will contact the Big Ditch Company to determine what size the easement needs to be for the ditch company to properly access the ditch for maintenance purposes and provide documentation with signatures from the Big Ditch representative on what was agreed upon.
4. To minimize the effects on the natural environment and provide safe services to lot owners the subdivider will receive approval from MDEQ for the use of septic systems, and wells or cisterns before final plat approval
5. To minimize the effects on the existing ditches on the site any construction of culverts for getting over the ditch or trenches for the installation of utilities will require approval from the ditch company that is affected prior to construction or trenching for utilities.
6. To clarify the SIA and what is being built for access to the proposed lots the applicant will revise the transportation section of the SIA to clarify what lots have a paved private road on them, which lots have a dirt drive way as their access and how Lot 1C is required to have a separate access across the existing ditch than Lots 1A and 1B that are using the dirt drive way.
7. To ensure proper fire suppression systems installation the applicant will need a letter from the Laurel Fire Department that they have tested and accept the 10,000 gallon dry hydrant system.
8. To ensure the future maintenance of the dry hydrant system an RSID will need to be created for maintain of the 10,000 gallon dry hydrant tank.
9. To meet YCSR and ensure proper storm water management practices before final plat approval the applicant will submit proposed storm water management information to the MDEQ for review and approval.
10. 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.
11. 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.
12. 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**

Vice President Reed called for discussion and questions from the Board. Donna Forbes asked Dave Green where the road will cross the irrigation ditch. He explained that the Yellowstone County regulations only allows two lots to be served by a driveway so in this instance there will be two crossings over the ditch. The roads will be graveled and built to County standards. The property owners will be responsible for snow plowing as it is a private road. Don Reed clarified that the crossing is for the minor ditch and not the Big Ditch. Al Littler asked if the Ditch Company will provide one water share for each lot and if each lot owner would have to purchase a water certificate. Dave Green said pumping rights could be maintained for irrigation purposes. Staff is requesting clarification on the remaining shares from Lot 1. Donna Forbes asked about the rail traffic and a citizen in the audience replied there are approximately 12-15 trains per day as it is a coal route to Great Falls.

### **Public Hearing**

Vice President Reed opened the public hearing and asked if there was anyone wishing to speak in favor or against Holly’s Subdivision, Amended Lot 1, Block 1.

### **Tom Llewellyn, 1925 Grand Avenue, Billings, Montana**

Mr. Llewellyn is the agent for the Holly Huennekens Trust. He stated he has submitted a new SIA with corrections to staff. He said the intent is to have the irrigation water shares transferred to each lot. There is a storm water management plan for each lot as required by DEQ to avoid runoff issues. The DEQ application for approval was submitted in June, and he expects a response on August 14, 2015. The easement with the BBWA ditch is about 50-70 feet wide. The Ditch Company will approve installation of the culverts, the fire suppression facility will be built; and the roads will be built to County Standards. There will be a hammerhead turnaround on the north lot for emergency purposes.

### **Robert Walter, 2405 S 64th Street, Billings, Montana**

Mr. Walter said additional culverts will be needed to address irrigation water that flows from the Hi-Line Ditch to the subject property and crosses the Big Ditch... He is an adjacent property owner and farms. He wants a plan in place as to how these property owners will get water as currently water flows from the High Line Ditch 3/4 of a mile away through his property to reach the subject property. Don Reed asked if this a gentleman's agreement or if there are legal ramifications. Mr. Walker explained he has farmed the Huennekens property and it has not been a problem. He said it is possible for the lot owners to purchase pumping rights from the Big Ditch Company. Mr. Llewellyn said he thinks the property owners will drill wells instead of using the ditch water, and he plans to recommend they purchase pumping rights from the Big Ditch Company. He said it is unfair to the farmer to worry about this issue and he will clarify that the lot owners have either pumping rights or irrigation.

Wyeth Friday referred to Condition of Approval #2, “To ensure proper transfer or retention of water shares currently on Lot 1, in the SIA under an Irrigation Facilities heading, the applicant will clarify what water shares exist with Lot 1 and what will be

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done with them as per Section 4.13 of the Yellowstone County Subdivision Regulations (YCSR). He said a plan is required for water allocation and suggested clarifying this condition to address both the Hi-Line Ditch and Big Ditch in terms of irrigation access and rights for the subject property.

Darrell Tunncliff suggested modifying Condition of Approval #2 with language to vacate irrigation from the Highline Ditch as it would solve Mr. Walter's irrigation issues. Al Littler said the water accommodation to the joint landowner should have an easement and a disclosure. Mr. Walter pointed out the locations of the ditches used for High Line water and Big Ditch water. Mr. Littler spoke to the complexity of the two ditches being separate entities and stated the plan must accommodate both sources of water.

Mr. Llewelyn voiced some frustration as this information is not on the title report and he was unaware of this issue prior to this meeting. Per Mr. Llewelyn's request, Mr. Walter said he will work with Mr. Llewelyn to sort out this information.

### **Keith Engelhoff, 2522 80th Street West, Billings, Montana**

Mr. Engelhoff asked about maintenance access to the east/west lateral ditch that brings waste off of the Big Ditch to the properties to the east of the subject property. Al Littler pointed out a 25-foot easement for the ditch shown on Lot 1-D and he reiterated the plan needs to take into consideration both sources and all uses of water.

Darrell Tunncliff asked if the surveyor identifies easements on the plat. Al Littler said it may not be a matter of record. Tom Llewellyn will meet with Mr. Walter at the end of the week.

At 6:49 p.m., Vice President Reed asked if there was anyone else wishing to speak in favor or against Holly's Subdivision, Amended Lot 1, Block There was none.

Vice President Reed closed the public hearing and called for a motion.

### **Motion**

**Al Littler made a motion and Donna Forbes seconded the motion to amend Condition of Approval #2 to address and clarify the water flows and usage from the High Line Ditch and Big Ditch, and the easements to convey irrigation water from both ditches to, or through, the subject property.**

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

### **Motion**

**Darrel Tunncliff made a motion and Donna Forbes seconded to include an additional Condition of Approval to state the lots in the Holly Subdivision will vacate their shares of water from the High Line Ditch for irrigation purposes in lieu of watering the property with pumping rights from the Big Ditch and/or using wells.**

**Motion carries, with Al Littler abstaining.**

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### **Motion**

**Al Littler made a motion and Patrick Klugman seconded the motion to recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Holly’s Subdivision, Amended Lot 1, Block 1, and adopt the Findings of Fact and approve the variance request as presented in the staff report.**

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

### **8. NEW BUSINESS**

#### **8a. Motion. Transportation Alternative Program, (TAP), Support Letters. Wyeth Friday, Planning Division Manager -**

Wyeth Friday said the Policy Coordinating Committee signed letters of support for the list of TAP applications below and Staff is asking the Planning Board to sign a letter of support for each project. Project submittals are due to MDT July 31<sup>st</sup> and the Federal Highway Committee will review them.

**--Ben Steele Middle School Project** currently there is no connectivity to the school. Project Cost estimate \$440,000

**--Laurel Road Improvement Project-** in large part fills in the sidewalk along the south side of Laurel Road to Parkway Lane and provides for crosswalk locations and ADA improvements. This project is scaled back from last year's project submittal. Cost estimate \$460,000

**--Rimrock Parkland Scenic Overlook & Trail Project, (Highway 3 Bike Pedestrian Path Project) -** ADA compliance and connection to 27th Street. This project has been scaled back from last year's submittal. Projected Cost \$314,00

**--Lockwood Pedestrian Walkway Project along Becraft Lane,** The County Attorney has determined these areas may have sidewalks constructed within the designated road tracts. BSEDA is submitting this project. Projected Cost: \$590,000

### **Discussion**

Wyeth Friday explained this community is forwarding four projects for the Committee’s consideration but each application will be looked at individually. Don Reed voiced concern with the Laurel Road project and the width of the roadway; and said the Highway 3 Bike Pedestrian Path project is already walkable. It is his opinion the Lockwood Pedestrian Walkway Project along Becraft Lane is much more viable due to the safety factors. Darrel Tunnicliff suggested using a footnote to forward the Board’s project preference. Per request of Donna Forbes, Wyeth Friday explained the Transportation Alternatives Program replaced the former CTEP program. Communities throughout Montana will submit project applications and a MDT committee comprised of MDT staff and a Federal Highway

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representative will consider them for selection. Alternative Modes Coordinator Jeffery Butts said it his understanding the Review Committee's primary priorities for project selection are connectivity and ADA accessibility.

### **MOTION**

**Darrell Tunnickliff made a motion and it was seconded by Al Littler to sign a letter of support for each of these projects: Ben Steele Middle School Project; Laurel Road Improvement Project; Rimrock Parkland Scenic Overlook & Trail Project, (Highway 3 Bike Pedestrian Path Project), and the Lockwood Pedestrian Walkway Project along Becraft Lane.**

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

### **8b. Update/Discussion. AmeriCorps Vista Program/Planning Division-Jeffrey Butts, Bike Pedestrian Coordinator**

Jeffrey. Butts opened this item with a PowerPoint presentation titled, “Alternative Modes Outreach and Education”. The 2014 AmeriCorps VISTA volunteers, Isaac Mevis and Emily Jones, worked within the school system to increase bicycling and walking activity. The program was very successful. They were able to obtain a \$30,000 grant fund from St Vincent Hospital to continue the program in 2015. The Planning Division is expecting the arrival of AmeriCorps VISTA Anthony Chase/Incoming AmeriCorps this fall.

### **AmeriCorps VISTA 2014 Overview**

- 4 bicycle repair clinics
- 2 after school bike rides
- 3 educational events
- [www.bikebillings.com](http://www.bikebillings.com)
- Post cards
- *Current State of Active Transportation in Billings Area Schools* report
- *Kids In Motion Vision Guide*
- KIM logo
- \$30,000 St. Vincent Funding
- More than 400 students reached

### **Incoming AmeriCorps VISTA 2015**

- One VISTA
- Starts Aug 17, 2015
- 8 bicycle repair clinics
- Kids In Motion Committee
- Educational Resources on SD2 Portal
- More events, materials, ...

### **Discussion**

Per request of Donna Forbes, Jeffrey explained this is a nationwide Federal program for stateside volunteers similar to the Peace Corps. Volunteers receive a small stipend and SNAP benefits. Donna Forbes commended Jeffrey and the volunteers for their efforts.

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Don Reed commented that the Lockwood School district would like to use this program but safe places to ride and walk need to be constructed first.

### **9. OTHER BUSINESS-**

a. (Standing Item) Staff Update. Long Range Strategic Issues and an overview of future City and County issues and projects. There were no discussion items.

\*\*The next Planning Board meeting will be held on Tuesday, August 11 2015.

### **FUTURE AGENDA ITEMS FOR AUGUST 11, 2015**

- A. Plat Review. Curly Willow Subdivision, L4, Condominiums**
- B. Plat Review. Keller Place Subdivision, Amd L3A B1**
- C. Plat Review. Amended Plat of Lots 5-11, and 15-18, Block 2, Pike Subdivision**

**ADJOURNMENT:** 7:30 p.m.

**ATTEST: Approved on August 11, 2015**

  
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Tamara L. Deines, Planning Clerk

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*Candi Millar, Planning Board Executive Secretary and Planning and Community Services Department Director*