

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

# CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

---

**August 11, 2015**

*To be approved by a motion on August 25, 2015*

---

---

## **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, August 25, 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: Candi Millar, Director, Planning & Community Services Dept.; Wyeth Friday, Planning Division Manager; Dave Green, Planner II, Tammy Deines, Planning Clerk, Jeffrey Butts, Alternative Modes Coordinator

**Attending:** Dave Doll Sandi Doll, Gary Donovan, Kelly Donovan, Deb Schmidt, Kirck Brumfield, Saundra Matthews, Bob Young, Darin Swenson, Yellowstone County Public Works Department, Barbara Beichl, Bob Beichl, Terry Rice

- 2. Approval of the Agenda-**Vice President Reed called for approval of the August 11, 2015 meeting agenda. Wyeth Friday asked the Board to consider including two additional agenda items, 1. Discussion 2016 Draft UPWP, Scott Walker, Transportation Coordinator 2. Staff request to add the Exposition Gateway Overlay Initiation

### **Motion**

**Dennis Cook made a motion and it was seconded by Dean Clark to approve the August 11, 2015 meeting agenda including two additional agenda items, 1. Discussion 2016 Draft UPWP, Scott Walker, Transportation Coordinator 2. Staff request to add the Exposition Gateway Overlay Initiation.**

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

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

### **Motion**

**Dennis Cook made a motion and Donna Forbes seconded the motion to approve the July 27, 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 27, 2015 meeting minutes as submitted.**

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

## **CITY/COUNTY PLANNING BOARD**

*“Serving Billings, Broadview and Yellowstone County”*

---

**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.

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

**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.

### **6. OLD BUSINESS**

**6a. Initiation of the Exposition Gateway Overlay District.** Wyeth Friday, Planning Division Manager

**INTRODUCTION** An amendment to the Unified Zoning Regulations pertaining to the development of land within the Exposition Gateway Area of the East Billings Urban Renewal area generally located east of N 10<sup>th</sup> Street to Exposition Drive and from 6<sup>th</sup> Avenue North to 1<sup>st</sup> Avenue North. The district overlay will not change the underlying zoning but will provide for enhanced site development requirements and restrict some industrial uses. The Yellowstone County Board of Planning initiated the amendment on June 23, 2015. The initiation was the first step to place an overlay in the district as recommended by the 2013 Exposition Gateway Plan to develop a hospitality corridor. Staff had requested that the Board initiate as it is comprised of both city and county representatives. Public Hearings were conducted at the City and the County Zoning Commissions. The City Zoning Commission heard about 14 citizens testify against the zoning amendment and voted to deny the zone change. The County Zoning Commission voted to have a 30-day delay in order to allow time for the Planning Board to consider a request to withdraw the initiation of the amendment. The initiation request will be removed from the City Council agenda and will be considered with the Planning Board's withdrawal request at the September Yellowstone County Zoning Commission meeting.

#### **Discussion**

Vice President Reed called for discussion. Dean Clark asked for some instances that have created concern with the property owners. Wyeth Friday explained the area contains parcels that have commercial and industrial uses and businesses for a long period of time. Property owners do not wish to have their properties limited to certain uses with a zone change. Donna Forbes asked if there were attendees from the EBIRD at the meetings. Wyeth Friday said an EBIRD staff member attended the City Zoning Commission meeting but there was no one present at the Yellowstone County Zoning Commission meeting. He said the EBIRD has decided to remain neutral while this is in process. Donna asked about what will happen going forward if the initiation is withdrawn. Wyeth Friday said there will have to be discussions with the property

## **CITY/COUNTY PLANNING BOARD**

*“Serving Billings, Broadview and Yellowstone County”*

---

owners. He noted this is a major concern as the infrastructure investments have already been made by the City. Donna Forbes asked if the opposition from property owners been an issue before this time. Wyeth Friday explained the district was included in the EBURD Master Plan and the Exposition Gateway Plan. The concerns and issues regarding properties and businesses have been there and it is a challenging process. Don Reed asked how the Planning Board action will affect the decision of the Yellowstone County Zoning Commission. Wyeth Friday said a withdrawal will allow staff to withdraw the zone change as a City Council agenda item and the YC Zoning Commission to consider the withdrawal at the September meeting.

### **Motion**

**Al Littler made a motion and David Goodridge seconded the motion to withdraw the initiation of the Exposition Gateway Overlay District Amendment.**

### **Discussion**

David Goodridge said he wished to see things grow and improve in this district but there should be some leeway for property owners should there be issues. He said he did not comprehend the authoritative language in the plan when it was presented. He stressed the importance of having the participants, the City, the County, and the community discussing what the City of Billings will look like in the next 20 years and work towards putting something in place. Don Reed asked the effect on the two plans. Wyeth Friday said the EBURD was adopted; several property owners petitioned to be annexed into the City; and the district was expanded but the zoning remains designated as Controlled Industrial. The area was complex enough that the Exposition Gateway Plan was needed to address all of the properties. Donna Forbes expressed concern with the zone change withdrawal potentially hindering moving forward with the plans that are in place.

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

**2016 UPWP, Scott Walker, Transportation Coordination**

INTRODUCTION: The Planning Division is presenting the Draft 2016 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization for Planning Board review and recommendation to the Billings Policy Coordinating Committee (PCC). The UPWP is primarily for the purpose of programming the federal dollars Billings receives from the Federal Highway Administration (FHWA) for transportation planning, including public transit. These funds are passed through the Montana Department of Transportation (MDT). However, all planning activities are included in the UPWP so that it represents a comprehensive document of the urban transportation planning program. This UPWP proposes planning activities for Federal Fiscal Year 2016, which runs from October 1, 2015 through September 30, 2016.

This UPWP corresponds directly with the Planning Division’s annual work plan. Significant changes in this year’s program include updating the Bicycle/Pedestrian Plan, completing the West End Traffic Study, the 5th Avenue Corridor Study, the Complete Streets Progress Report as well as completing the Growth Policy. The Transit section is

## **CITY/COUNTY PLANNING BOARD**

*“Serving Billings, Broadview and Yellowstone County”*

---

in Chapter II of the UPWP. The document is consistent with past programs in its overall content and format. The Planning Board is scheduled to discuss this item at this meeting and conduct a public hearing and take action on this item at its meeting on August 25th.

**FINANCIAL IMPACT:** The UPWP identifies the funding sources for transportation planning in the community during the 2016 fiscal year. The funding is comprised of several sources locally that then match the federal funding for a total funding package for all transportation planning and related activities. The following is a breakdown of the estimated funding for the FY2016 UPWP:

\$236,138	Planning Division Fee Revenue (City of Billings)
\$54,250	Planning Division Fee (Yellowstone County)
\$420,000	Yellowstone County Planning Levy (Mill)
\$1,185,317	Federal Planning (PL) Allocation
\$1,895,705	Total Program (UPWP)

### **RECOMMENDATION**

Staff recommends that the Planning Board conduct a public hearing at its meeting on August 25th and recommend approval of the Draft 2016 UPWP to the PCC for its action on September 15th.

### **Discussion**

Vice President Reed called for discussion. Per request of the Board, Scott Walker explained the contingency fund line item and the federal regulations for carryover from one budget year to another. He continued with an explanation of the table denoting the staff time man months. The 2016 Priorities are: the Rimrocks to Valley/Bike Pedestrian Study; the West End Traffic Study, the Complete Streets Progress Report, the 5th Avenue Corridor Study, Update the Bike/Pedestrian Plan, the Growth Policy Update, and Implementation of the 2014 Transportation Plan. Don Reed asked if any of these will have an effect on Lockwood. Scott Walker said road segments in Lockwood will be considered through the Transportation Plan and Lockwood will be included in the Bike/Pedestrian plan update. Al Littler commended staff for their work and diligence with this grant. Candi Millar added the West End Traffic Study came out of this Board's discussions on west end subdivision reviews.

\*\*A public hearing for the 2016 UPWP will be held on Tuesday, August 25, 2015.

## **7. NEW BUSINESS -**

### **7a. Plat Review/Discussion. 2<sup>nd</sup> Amd plat Pike Subdivision, Amending Block 2, County Subsequent Minor, Dave Green, Planner II**

#### **INTRODUCTION**

On July 1, 2015, the Planning Division received an application for preliminary plat approval for the proposed Pike Subdivision Amended Block 2. The property is generally located north of Stillwater Drive which is north of King Avenue West and west of 80<sup>th</sup> Street West. This 11-lot subdivision will re-arrange the western half of the original plat

## **CITY/COUNTY PLANNING BOARD**

*“Serving Billings, Broadview and Yellowstone County”*

---

from December 1972. The proposed lots range from 1.09 acres to 1.96 acres. Planning Board will review the plat at this meeting and a conduct a public hearing on August 25, 2015.

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Second Amended Pike Subdivision 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 ensure ditches are properly identified and easements are identified and in place for them the applicant will show ditch locations and existing easement for them or provide easements and documentation for their creation before final plat approval.
2. To ensure proper vacating of public road on Canyon Drive involving Lots 14-A-2, 20-A and 19-A the applicant will go through the process of vacating portions of the existing cul-de-sac with County Public Works before final plat.
3. To minimize the effects on local services, prior to final plat approval a Rural Special Improvement District (RSID) will be created to provide maintenance of the interior roads of this subdivision.
4. To ensure public park land is being used in accordance with the desires of the County Park Board the applicant will get permission from the County Park Board to install the 10,000 gallon dry hydrant system in the park land off of South 80<sup>th</sup> Street West before final plat or any construction of the tank takes place.
5. To ensure proper location and installation of the proposed 10,000 gallon dry hydrant the applicant will involve the Laurel Fire Department in location and installation of the tank and receive a written sign off letter from them before final plat approval.
6. 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.
7. 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.
8. To minimize the effects on local services, prior to final plat approval the subdivider shall provide written verification that the US Postal Service has approved the mail facilities and its location for this subdivision.

## **CITY/COUNTY PLANNING BOARD**

*“Serving Billings, Broadview and Yellowstone County”*

---

9. 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.
10. 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**

Vice President Reed called for discussion and questions from the Board. Donna Forbes asked for clarification on the access points along Stillwater Drive. Dave Green pointed out a no access strip on the posted plat and said lots 3 and 4 Stillwater Drive. Donna Forbes asked if there is any concern with the location of the dry hydrant. Dave Green said the Laurel Fire Department has signed off on this location. Donna Forbes asked how many Growth Policy goals need to meet. Candi Millar said most of the goals do not apply to development but if the land use goals are considered, about half of the goals would be met. She explained that staff is trying to point out it is not in conflict with any goals and directly addresses some of the goals. Donna Forbes asked about the advantage of a using a hammerhead. Candi Millar said it accomplishes the use of a turnaround and reduces the size of the street surface. In response to a question by Don Reed, Dave Green said the west side of this parcel is partially swampland near the proposed roads but not in the lot areas.

Vice President Reed asked for presentation by the applicant. Jim Slehoffer, D & J Surveying is in attendance but had no comments.

**\*\*The public hearing for Second Amended Pike Subdivision, Amending Block 2 will be held on Tuesday, August 25, 2015.**

### **7b. Plat Review/Discussion. Curly Willow Subdivision, Lot 4, County Subsequent Minor for Condominium Development, Dave Green, Planner II**

#### **INTRODUCTION**

On July 1, 2015, the Planning Division received an application for review and approval of a five-unit condominium subdivision on one lot of the recorded Curly Willow Subdivision. The property is located on the east side of South 56<sup>th</sup> Street West, south of Interstate-90. 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 Planning Board will conduct a plat review at this meeting and a public hearing on August 25, 2015.

## **CITY/COUNTY PLANNING BOARD**

*“Serving Billings, Broadview and Yellowstone County”*

---

### **RECOMMENDATION**

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of the Curly Willow Condos Subdivision 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 RiverStone Health for the proposed shared septic system and well.
2. To minimize effects on local services, the Rural Special Improvement District (RSID) established for the maintenance of the dry hydrant system, on Lot 2, shall be expanded to include each individual condominium.
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. 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.
5. 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**

Vice President Reed called for discussion and questions from the Board. Donna Forbes asked if there is greenery on the property. Dave Green said the property is outside of zoning and there is limited vegetation. Don Reed pointed out the plat has not been approved and construction has been started. Dave Green said the owner can construct the building but is unable to lease the property as condominiums. In response to a question by Donna Forbes, Dave Green stated the buildings are commercial units.

### **Applicant**

The applicant is not present at this meeting.

**\*\*The public hearing for Curly Willow Condos will be held on Tuesday, August 25, 2015.**

## **CITY/COUNTY PLANNING BOARD**

*“Serving Billings, Broadview and Yellowstone County”*

---

### **7c. Plat Review/Discussion. Keller Place Subdivision, Amd L3A, Block 1, Dave Green, Planner II**

#### **INTRODUCTION**

On July 1, 2015, Sanderson Stewart agents for Kimmet Properties LLC applied for preliminary subsequent minor plat approval for Keller Place Subdivision, Amended Lot 3A, Block 1. The proposed plat creates 3 lots from a 3.315-acre parcel of land. The subject property is generally located on the west side of Johnson Lane, south of Old Hardin Road in Lockwood. The property is zoned Entryway General Commercial (EGC) 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, August 25, 2015. The Board of County Commissioners will act on the proposal on September 15, 2015.

#### **RECOMMENDATION**

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Keller Place Subdivision, Amended Lot 3A, 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**

Vice President Reed called for discussion and questions from the Board. Al Littler asked if this commercial section of property fits with the Lockwood Plan. Don Reed said the idea is to have Johnson Lane as the "downtown" of Lockwood and this proposal fits this projection. Don Reed commented there is no community wide storm water drainage plan in Lockwood. Dave Green said a storm water management plan is required and they will be retaining storm water on site. Don Reed said a community wide storm water drainage plan for Lockwood must be addressed for the future and the sidewalk along Johnson Lane is strongly recommended. He said the property to the south was required to have sidewalks and amenities and he asked why it would be different for this parcel. He said he cannot be in favor of approving this subdivision without addressing pedestrian traffic

## **CITY/COUNTY PLANNING BOARD**

*“Serving Billings, Broadview and Yellowstone County”*

---

along Johnson Lane as this should be a priority. Dave Green said this has been mentioned to the applicant.

Vice President Reed asked for presentation by the applicant.

### **Applicant**

#### **Pat Davies, Sanderson Stewart, 1300 N Transtech Way, Billings, Montana**

Mr. Davies stated the intent is to build sidewalk improvements along Johnson Lane. Candi Millar asked that this be included in the SIA. Don Reed said this is the future home of Lockwood Ace Hardware. He commended Kimmett Properties for their entrepreneurship in getting new businesses to come to this area.

**\*\*The public hearing for Keller Place Subdivision, Amd L3A, B1 will be held on Tuesday, August 25, 2015.**

### **8. 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.
- b. The Planning Board is invited to attend the PCC meeting at noon on Tuesday, August 18, 2015 in the Board of County Commissioners Board Room. Director Mike Tooley, MDT will be present for a roundtable discussion.

**\*\*The next Planning Board meeting will be held on Tuesday, August 25, 2015.**

### **FUTURE AGENDA ITEMS FOR AUGUST 25, 2015**

- A. Public Hearing: 2016 UPWP**
- B. Public Hearing... Curly Willow Subdivision, L4, Condominiums**
- C. Public Hearing. Keller Place Subdivision, Amd L3A B1**
- D. Public Hearing. Amended Plat of Lots 5-11, and 15-18, Block 2, Pike Subdivision**

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

**ATTEST: DRAFT. To be approved on August 11, 2015**

---

*Tamara L. Deines, Planning Clerk*

---

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