

# 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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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**August 25, 2015**

*To be approved by a motion on September 9, 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, September 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 Dept.; Wyeth Friday, Planning Division Manager; Dave Green, Planner II, Tammy Deines, Planning Clerk, Jeffrey Butts, Alternative Modes Coordinator

- A. Alternative Modes Coordinator Jeffrey Butts introduced Anthony Chase, AmeriCorps Vista Volunteer who will be working with staff for a one year term to help coordinate and promote the “Kids in Motion” educational program.

**Attending:** Woody Woods, Lockwood Safety District; Skip King, Darin Swenson, Yellowstone County Public Works Department, Bandon Fleury, Levi Briton

2. **Approval of the Agenda**-President Clark called for approval of the August 11, 2015 meeting agenda.

3.

### **Motion**

**Donna Forbes made a motion and it was seconded by Al Littler to approve the August 25, 2015 meeting agenda.**

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

## **4. Meeting Minutes for July 28, 2015**

### **Motion**

**David Goodrich made a motion and Don Reed seconded the motion to approve the July 28, 2015 meeting minutes as submitted.**

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

5. **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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**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. Public Hearing. Motion/Recommendation to PCC. 2016 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization, Scott Walker, Transportation Coordinator**

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.

#### **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**

President Clark called for discussion. Don Reed asked if the Work Program funding is contingent on the Highway Bill and how the Bill will affect the Bypass project. Scott Walker explained that even though the work program is connected to the Highway Bill, it is not dependent as the funds are encumbered annually. He said staff would like to see a 5-year Highway Bill approved. He pointed out there is quite a bit of time between the available funding today and what will be available during the projected 2019 construction timeframe for the project. Per Donna Forbes 'request, Scott Walker gave the boundaries of the 5<sup>th</sup> Avenue Corridor Study and stated this study will look at the availability of right-of-way, property ownership, and start discussions with the railroad about development.

#### **Public Hearing**

President Clark opened the public hearing and asked if there was anyone present wishing to speak in favor or against the 2016 UPWP. There was none. President Clark closed the public hearing and called for a motion.

#### **Motion**

**Al Littler made a motion and Dean Clark seconded to forward a recommendation to approval of the Draft 2016 UPWP to PCC for its action on September 15, 2015.**

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

### **6b. Public Hearing/Motion/Recommendation. 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 Board of County Commissioners will act on the proposal September 15, 2015.

#### **PROCEDURAL HISTORY**

- A pre-application meeting was held on May 14, 2015 for this proposal. It was determined that this is a subsequent minor subdivision for rent or lease application which follows the major subdivision review process.
- The preliminary plat application was submitted to the Planning Division on July 1, 2015.
- A Department Review Meeting was held on July 16, 2015, on this plat application.
- The Yellowstone County Board of Planning held a plat review for this application at its August 11, 2015, meeting.
- The Yellowstone County Board of Planning will conduct a public hearing on this application at its meeting on August 25, 2015.
- The Yellowstone County Board of County Commissioners will be considering the application at its regular meeting 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 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.

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2. To minimize affects 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**

Al Littler asked if the existing hard surfacing will be completed to meet the requirements for access to the buildings. Dave Green clarified and said the roadway section will be paved to meet the County’s requirement for street width. Dick Clark pointed out there is a building on the site under construction prior to preliminary approval, and Dave Green said this is allowed. If the preliminary plat is denied, the property owners could rent the building and maintain ownership but would be unable to use them as a condominium development.

### **Public Hearing**

President Clark opened the public hearing and asked if there was anyone present wishing to speak in favor or against Curley Willow Subdivision Lot 4 County Subsequent Minor Condominium development. There was none. President Clark closed the public hearing and called for a motion.

### **Motion**

**Al Littler made a motion and Don Reed seconded the motion to forward a recommendation to the Yellowstone County Board of County Commissioners to conditionally approve the preliminary plat of the Curly Willow Condos Subdivision and adopt the Findings of Fact as presented in the staff report.**

### **Discussion**

There was none.

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

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### **6c. Public Hearing/Motion/Recommendation. 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 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.

Planner Dave Green stated the applicants provided staff with a new portion of the SIA, (below), to state sidewalks are required along Johnson Lane at the time of development of the site.

### **III. TRANSPORTATION A. Streets**

**Johnson Lane:** Johnson Lane is a designated principal arterial street. The Yellowstone County subdivision regulations require a 120-foot right-of-way for a designated principal arterial street. No additional right-of-way is required as the existing right-of-way is 120-foot. No additional street improvements are required at this time for the subdivision, however at the time of lot development, or re-subdivision of the property, additional street improvements may be required on Johnson Lane along the subdivision frontage, including, but not limited to curb and gutter, additional paving width, and sidewalks. Said

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street improvements will be included in the Waiver of right to protest, as referenced in paragraph III.E.

### **B. Sidewalks**

A sidewalk shall be required along the Johnson Lane frontage of Lot 3A-1 at such time that it is further developed or redeveloped. A sidewalk shall be required along the Johnson Lane frontage of Lot 3A-3 at such time that it is developed. The sidewalk shall consist of a minimum 5-foot-wide boulevard type sidewalk with a minimum 5-foot-wide boulevard. Sidewalks will be included in the Waiver of right to protest, as referenced in paragraph III.E.

### **C. Street Lighting**

Construction or installation of street lights within the public rights-of-way shall not be required at this time, but street lights are included in the Waiver referenced herein for construction of the same in the future. A maintenance district for street lights may be formed for future maintenance of any street lights installed in the future.

### **D. Traffic Control Devices**

No traffic control devices are required at this time for the subdivision, however at the time of lot development, or re-subdivision of the property, traffic control devices may be required. Traffic control devices will be included in the Waiver of right to protest, as referenced in paragraph III.E.

### **Discussion**

Al Littler asked if the landscaping will meet the entryway zoning requirements. Dave Green iterated the landscaping requirements and said they will be required at the time of development. Don Reed commented he is glad there are lighting requirements and asked if they are new. Per Patrick Klugman’s request, Dave Green referred to a posted site plan and explained the sidewalk construction requirements. He pointed out that this corridor was identified for sidewalks by the Lockwood Transportation Plan and by a BOCC resolution. Wyeth Friday said this developer has decided to construct the sidewalks even though the zoning regulations have not been amended to do so. Patrick Klugman commended the developer for going "above and beyond" by including language in the SIA stating sidewalks will be constructed as this parcel is developed. Donna Forbes commented on the need for a 5 foot boulevard between the street and the sidewalk as a safety measure for pedestrians and bicyclists.

### **Public Hearing**

President Clark opened the public hearing and asked if there was anyone present wishing to speak in favor or against Curley Willow Subdivision Lot 4 County Subsequent Minor Condominium development.

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### **Woody Woods, 129 Rolling Meadow Drive, Billings, Montana**

Mr. Woods is Chairman of the Lockwood Safety District. He explained that even though not required by the regulations, they had conversations with the developer when this development started to promote sidewalks. They will discuss this with the owners of the storage units and Verizon. He asked that staff notify Lockwood Safety District of future meetings with developers so they can be involved at the early stages of development.

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

Mr. Davies thanked Dave Green for his overview of the project and stated they are in agreement with the conditions of approval. He explained to Don Reed that Sanderson Stewart is involved with the storage unit project to the south of this property.

President Clark asked if there was anyone else wishing to speak in favor or against Keller Place Subdivision Amd L3A, Block 1. There was none. President Clark closed the public hearing at 6:46 pm.

### **Motion**

**Don Reed made a motion and David Goodridge seconded the motion to 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.**

### **Discussion**

President Clark called for discussion on the motion. It was noted by staff this property is too far to the south to be included in the proposed TEDD. Director Candi Millar commented there may be some funding through the safety district itself. Woody Woods stated this would be part of the planning process when the district considers Johnson Lane as a priority. He said they plan to do as much as possible to get businesses to construct sidewalks now. Patrick Klugman stated the communications between the developer and the Lockwood Safety District is commendable.

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

## **6d. Public Hearing/Motion/Recommendation. 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

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from December 1972. The proposed lots range from 1.09 acres to 1.96 acres. The Board of County Commissioners will act on the proposal on September 15, 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.

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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**

President Clark called for discussion. In response to a question by Al Littler, Dave Green said the hammerhead depicted on the plat is a “t ending” but it still allows enough for emergency vehicles turnarounds. Donna Forbes commented it would make sense to have an access from the hammerhead ending to provide a way to the dry hydrant located on the northern lots. Dave Green stated the Laurel Fire Department attended the review meeting and found this is to be an acceptable location for the dry hydrant. Wyeth Friday asked how the dry hydrant will be maintained if it is located in the park and it was determined that an RSID would be in place for this purpose. Per Clint McFarland’s query, staff replied there is a 33-foot easement for maintenance of the High Ditch.

### **Public Hearing**

President Clark opened the public hearing and asked if there was anyone present wishing to speak in favor or against Pike Subdivision, Amended Block 2.

### **Levi Britton, 7623 N Leopard, Billings, Montana**

Mr. Britton is the developer for this property. He stated the parkland approval for the tank was granted and they are planning to create an RSID. He said the Laurel Fire Department likes this location as it will serve other areas; it has easy access for a filling station; and 80th Street West is paved and is more of an all-weather road. Donna Forbes asked if the developer pays for the dry hydrant, and Mr. Britton replied the hydrants are there to use at the Fire Department's discretion. The park maintenance is included in the SIAs along with mowing and weed spraying.

### **Bill Keene, 1819 Ave G, Billings, Montana**

Mr. Keene owns property north of this parcel. He commended Mr. Britton for his developments and said he does an "A-1 job" with taking care of the properties.

President Clark asked there was anyone else wishing to speak in favor or against 2<sup>nd</sup> Amd plat Pike Subdivision, Amending Block 2, County Subsequent Minor. There was none. At 7:14 p.m., President Clark closed the public hearing and called for a motion.

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### **Motion**

**Don Reed made a motion and David Goodrich seconded the motion to 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.**

### **7. OTHER BUSINESS-**

**a. (Standing Item) Staff Update. Long Range Strategic Issues and an overview of future City and County issues and projects.** Director Candi Millar announced that as a part of the Growth Policy process, a staff presentation will be given at the Wednesday, September 9, 2015 Planning Board meeting to introduce Board members to a Growth Scenario application that allows users to “paint” land uses on a map. The software has the ability to synthesize all of the input and come up with general agreement. This is the first step in creating the scenarios to reach an estimate of cost of development and determine how it will achieve our goals. Al Littler requested a list of the Growth Policy Committee members and it will be e-mailed to him by staff.

\*\*The Planning office will be closed on Monday, September 7 to observe Labor Day. The next Planning Board meeting will be held on **Wednesday, September 9, 2015**.

### **FUTURE AGENDA ITEMS: Wednesday, September 9, 2015**

- a. Plat Review/Discussion. Yellowstone River Campground Expansion,** a County Subdivision for Rent or Lease. A 5.96 acre property generally located on Garden Avenue with a proposal to add 36 more sites. Douglas and Judy Barnes, owners. Travis West, Engineering West. Wyeth Friday Planning Division Manager
- b. Growth Policy Scenario Planning-Mapping Potential Land use in selected growth areas.** Candi Millar, Director, Planning & Community Services and the Planning Board.

**ADJOURNMENT:** 7:35 p.m.

**ATTEST: DRAFT. To be approved on September 9, 2015**

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

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