

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	10/14/2015	10/27/2015	11/10/2015
Dave Goodridge	Mayor/Billings Ward I	-	-	-	-	1	1	-	1	E	E	E	1	1	E	1	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	1	1	1	1	1	1
Donna Forbes	Mayor/Billings Ward III	1	1	E	-	1	1	-	1	1	1	1	E	1		1	1	1	1	1	1	1
Darell Tunnicliff	Mayor/Billings Ward IV	1	1	1	-	-	1	-	1	1	1	1	1	1		1	1	1	1	E	1	1
Dick Clark (President)	Mayor/Billings Ward V	1	E	1	-	1	1	-	1	1	1	1	1	1	E	E	1	1	1	1	1	1
Vacant	YC District 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dennis Cook	YC District 2	1	1	1	-	-	E	-	1	1	1	1	1	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	1	1	1	1	A	A
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Don Reed	YC District 5	E	E	1	-	-	1	-	1	E	1	1	1	1	1	1	1	1	1	1	E	1
Dean Clark	YC District 6	E	E	1	-	1	1	-	1	1	1	1	1	1	E	1	1	1	1	E	E	E
Al Littler	YC District 7	1	1	1	-	1	E	-	E	E	E	E	1	E	1	1	1	1	1	E	E	1
Clint McFarland	Y County Cons. District	1	1	1		1	1	-	E	1	1	1	1	E	A	1	1	E	E	1	1	A
Scott Reiter	Ex-Officio S.D. 2 Facilities Director	E	E			1	1	-	1	-	E	E	1	E	1	E	E	E	1	1	E	E
Supt. Terry Bouck	Ex-Officio S.D. 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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November 10, 2015

Approved by a motion on November 24, 2015

1. Call the Meeting to Order

President Dick Clark called the meeting to order at 6:00 p.m. on Tuesday, November 10, 2015, in the Miller Building 1st Floor conference room, 2825 3rd 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

Attending: Darin Swenson, Yellowstone County Public Works; Scott Aspenlieder, Performance Engineering; Forrest Mandeville; Rockie McCaffree, Chuck Henrichs, Bryan Alexander, Sanderson Stewart

Approval of the Agenda- The November 10, 2015 agenda is approved as submitted.

Meeting Minutes for October 27, 2015. The approval of the October 27, 2015 meeting minutes is delayed.

2. 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. **Board member Patrick Klugman stated he has no personal internal or personal gain or conflict of interest. Even so, he is choosing to abstain from voting today as he is employed by BSEDA, who is involved with the Targeted Economic Development District (TEDD). Don Reed is abstaining from the vote on Bottrell Subdivision as he has family members involved.

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.

OLD BUSINESS

6a. Public Hearing/Motion and Recommendation. Majestic Cove Mobile Home and RV Park. Wyeth Friday, Planning Division Manager

The Board revisited the Majestic Cove Mobile Home and RV Park project and updated its motion:

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Motion

Planning Board Vice President Don Reed made a motion and Planning Board Member Donna Forbes seconded the motion to forward a recommendation of conditional approval of the preliminary plan of the Majestic Cove Mobile Home and RV Park and adopt the Findings of Fact as presented in the Staff Report. The motion carried with a unanimous voice vote.

NEW BUSINESS

A. 2015-2019 Transportation Improvement Program, (TIP), Amendment II. Scott Walker, Transportation Coordinator

Scott Walker said this document is the accounting document for FWHA funding that comes to this area for transit or highway funds. Generally, an amendment is needed as there was a significant change in the projects or funding; and in this case the latter is true. The 1st Ave North project has a significant funding change while other changes in this document are related to safety or highway projects. All of the proposed amendments are in range for funding the current projects. He mentioned that the 1st Ave North project is a substantial rehabilitation on 1st Avenue North going from Division to Main Street. The project will include ADA ramps; sidewalk replacement; signalization; mill and fill; pavement; and pavement markings. He referred to Table 11 and commented on the funding allotment for the connection from the Lockwood Community to the Heights to Highway 87. He said this project is fiscally on target for the projected allotment.

****A public hearing for the 2015-2019 Transportation Improvement Program, (TIP), Amendment II will be held at the next Planning Board meeting on November 24, 2015.**

B. Plat Review. West King Commercial Park Subdivision, Lots 2-3, Block 3, a County Subsequent Minor, Dave Green, Planner II

INTRODUCTION

On October 1, 2015, the Planning Division received an application for review and preliminary approval of a 26-unit condominium subdivision on Lots 2 and 3, Block 3, West King Commercial Park Subdivision. The property is located on the east side of Black Hawk Street north of King Avenue West, between South 64th Street West and South 72nd Street 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 major subdivision for condominium development. The Planning Board will conduct a plat review at this meeting and a public hearing on November 24, 2015.

RECOMMENDATION

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

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PROPOSED CONDITIONS OF APPROVAL

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

1. To minimize the effects on public health and safety, prior to final plat approval the subdivider shall receive approval from the MDEQ/RiverStone Health for the proposed cistern and septic system.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

Discussion

Planner Dave Green explained that the buildings are commercial units intended for business persons that need storage for equipment and supplies. The applicant has started construction and may rent the units instead of selling them if this proposal is denied. Dave Green responded to a question by Board member Reed and said asked if there will be limited opportunities for retail activities as there is very little parking space available.

****A public hearing for the West King Commercial Park Subdivision, Lots 2-3, Block 3, will be held at the next Planning Board meeting on November 24, 2015.**

C. Plat Review. Duck Creek Condominiums, (Formerly Bowman Subdivision, Lot 2, Block 1), County Subsequent Minor, Dave Green, Planner II

INTRODUCTION

On October 1, 2015, the Planning Division received an application for review and preliminary plat approval of a Twelve-unit condominium subdivision on one lot of Bowman Subdivision. The property is located on the west side of Duck Creek Road, north of Kautzman Road, generally located at 3620 Duck Creek Road. 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 November 24, 2015.

RECOMMENDATION

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of the Duck Creek Condominiums 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.

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1. To minimize effects on local services and to provide correct easements for the needed private utilities the applicant before final plat will contact the private utility companies and identify where they will need easements on the site and show them on the final plat.
2. To minimize effects on local services and provide for public health and safety, prior to final plat approval, the applicant will install the dry hydrant system as approved by the BUFSA and a Rural Special Improvement District for Maintenance will be established for the dry hydrant system, on Lot 2.
3. To minimize the effect on local services the applicant before final plat will provide documentation that they have contacted the USPS and have approval for the proposed type of postal receptacle system.
4. To minimize the effects on the natural environment, prior to final plat approval, a weed management plan and property inspection shall be approved by the County Weed Department.
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

Dave Green responded to a question by Board member Don Reed, and explained that the road will be private. The easement documents will spell out who will have access, and the condominium association will maintain it. Board member Donna Forbes commented there is a mix of uses in this area.

Vice President Reed asked if there are comments from the applicant.

Bryan Alexander, Sanderson Stewart, 1300 N Transtech Way, Billings, Montana

Mr. Alexander representing the developer, Dan Bowman. The intent is for condominium shop units for service/storage facility. This property will be using on site water and sewer services which are under review with DEQ.

****A public hearing for Duck Creek Condominiums, (Formerly Bowman Subdivision, Lot 2, Block 1) will be held at the next Planning Board meeting on November 24, 2015.**

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D. Plat Review. Bottrell Subdivision, Lot 1 and Lot 4, Block 1, Dave Green, Planner II

INTRODUCTION

On October 1, 2015, Performance Engineering and Consulting for Diamond B Companies applied for preliminary subsequent minor plat approval for Amended Lots 1 and 4, Block 1, Bottrell Subdivision. The proposed plat creates 5 lots from a 14.68-acre parcel of land. The subject property is generally located on the north side of Trade Center Avenue and east of Shackelford Lane. The property is zoned Controlled Industrial (CI) and there are existing commercial/industrial on the land and in the immediate vicinity. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, November 24, 2015. The Board of County Commissioners will act on the proposal on December 8, 2015.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Amended Lots 1 and 4, Block 1, Bottrell Subdivision, 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 ensure that public health and safety measures with fire suppression are met the applicant will receive approval from the Billings Fire Department for the location of the proposed dry hydrant and that it will meet the requirements for access with fire apparatuses.
2. To ensure that public health and safety measures with fire suppression are met with final plat documents the applicant will submit public easement documents to be recorded with the final plat for the dry-hydrant system.
3. To ensure future maintenance of the dry-hydrant system before final plat approval the applicant will create an RSID-M to maintain the dry-hydrant fire suppression system.
4. To minimize the effects on the natural environment prior to final plat approval, a weed management plan and property inspection shall be approved by the County Weed Department.
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

Board member Patrick Klugman noted Findings of Fact #3.

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Billings Area Bikeway and Trail Master Plan (BABTMP) The subject property is on the south west boundary of the study area of the BABTMP. The Plan does not identify any bikeway in the area of this proposed subdivision. However, the **Zoo Montana to Riverfront Park Trail Feasibility Study** completed in 2014 identifies Trade Center Avenue as having a high potential for a 10 foot wide trail within its 80-foot-wide public right-of-way. A trail in this area is vital to providing access east/west between the Zoo and Riverfront Park and existing public right-of-way that is more than adequate in width means that construction of a trail would result in little or no impact to private property. Since this is a commercial subdivision, park land dedication or cash in lieu is not required. Further, Trade Center Avenue is already constructed in this area and no additional construction is anticipated with this development. Given these factors, no trail improvements may be required and no improvements are proposed by the developer with this plat.

He noted there are no parkland dedication requirements with this application, and pointed out that Trade Center Avenue is identified as a part of the Marathon Loop with an 80 foot right of way. Wyeth Friday said the plan calls for a separated trail in the right of way along the other side of the ditches, but there is no funding in place at this time. The idea is to put a trail in this location as a part of the connection. Patrick Klugman stated this is one the most important corridors and he wished to ensure that this opportunity will not be hindered.

****A public hearing for Bottrell Subdivision, Lot 1 and Lot 4, Block 1 will be held at the next Planning Board meeting on November 24, 2015.**

OTHER BUSINESS-

1. **Planning Board Nomination Committee for the 2016 Officers.** The Nomination Committee members are: Donna Forbes, Patrick Klugman, and Lisa Sukut. The Committee will bring announce the recommendations for the 2016 Officers at the December 8, 2015 meeting. The new officers take positions the first part of 2016. Due to his re-election to City Council, Richard Clark will resign his position in Ward 5. Patrick Klugman announced he will be moving out of Ward 2 but intends to apply for the vacated Ward 5 position.

ARTICLE VII BOARD OFFICER, TERMS, AND DUTIES

Section 1. Officers

The officers of the Board shall consist of a President, Vice President, and Executive Secretary.

Section 2. Election of Officers

The President and Vice President shall be elected by a majority of the Board members present and voting at the first regular scheduled meeting in January. The terms of office of the President and Vice President shall commence on February 1.

2. **Updated Announcement:** Lynn Zanto, Director, Statewide and Urban Planning, MDT will be giving a presentation, "Roles and Responsibilities of the Policy Coordinating Committee" at the next PCC meeting on ~~Tuesday, November 17,~~

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2015, Tuesday, December 15, 2015, 12:00 p.m., in the Commissioners’ Board Room. All Planning Board members are encouraged to attend.

FUTURE AGENDA ITEMS FOR TUESDAY, NOVEMBER 24 2015

A. Motion/Recommendation. Transportation Improvement Program, (TIP), Amendment II. Scott Walker, Transportation Coordinator

B. Motion/Recommendation. Westfield Warehouses, a County Subsequent Minor review for a 13-unit condominium project on 1-acre on the north side of King Ave. West. Quentin Eggart, EEC, applicant. Dave Green, Planner II.

C. Motion/Recommendation. Duck Creek Condominiums, (formerly Bowman Subdivision, Lot 2, Block 1), a County Subsequent Minor review for the creation of a condominium complex of four 3-unit buildings on Bowman Subdivision, Lot 2, Block 1. The 3.9-acre property is on the west side of Duck Creek Road, north of Kautzman Road. The property is outside of zoning, and has one existing three-unit shop on the parcel. MD Yellowstone Properties, Dan Bowman, Applicant. Dave Green, Planner II.

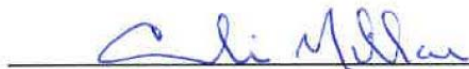
D. Motion/Recommendation. Bottrell Subdivision, Lot 1 and Lot 4, Block 1, a County subsequent minor located on the north side of Trade Center Avenue and east of Shackelford Lane. Performance Engineering and consulting, agent. Bottrell Family Investment, LLP, owner. Dave Green, Planner II

ADJOURNMENT: 6:55 p.m.

ATTEST: Approved by a motion on November 24, 2015



Richard Clark, President, Yellowstone County Board of Planning



Candi Millar, Director, Planning and Community Services Department