

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	11/24/15	12/08/15
Dave Goodridge	Mayor/Billings Ward I	-	-	-	-	1	1	-	1	E	E	E	1	1	E	1	E	E	1	1	E	1	1	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	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	1	1
Darell Tunncliff	Mayor/Billings Ward IV	1	1	1	-	-	1	-	1	1	1	1	1	1		1	1	1	1	E	1	1	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	E	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	1	1
Lisa Sukut	YC District 3	1	E	E	-	-	E	-	E	1	E	1	1	1	1	E	1	1	1	A	A	1	1	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Don Reed	YC District 5	E	E	1	-	-	1	-	1	E	1	1	1	1	1	1	1	1	1	E	1	1	1	E
Dean Clark	YC District 6	E	E	1	-	1	1	-	1	1	1	1	1	1	E	1	1	1	E	E	E	1	1	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	E	E
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	A	1
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	E	E
Supt. Terry Bouck	Ex-Officio S.D. 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1

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December 8, 2015

Approved by a motion on January 12, 2016

1. Call the Meeting to Order

Vice President Don Reed called the meeting to order at 6:00 p.m. on Tuesday, December 8, 2015, in the Miller Building 1st Floor conference room, 2825 3rd 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;

Attending: Tim Bronk, Bryan Alexander, Sanderson Stewart; Todd Reichenbach, Victor Reichenbach, Toby Liehti, Blueline Engineering; Robert and Linda Golubski; Coleen Cantell; Francisco Saldivar, Marshall Phil, Blueline Engineering; Darin Swenson, Yellowstone County Public Works Department.

- 2. Approval of the Agenda.** Wyeth Friday requested an additional agenda item to discuss approval of Mr. Francisco Saldivar’s application for Board of County Commissioners District 7.

Motion

Dennis Cook made a motion and it was seconded by Lisa Sukut to approve the December 8, 2015 agenda as submitted.

The motion carried with a unanimous voice vote.

- 3. Meeting Minutes for November 24, 2015 meeting minutes.**

Motion

Donna Forbes made a motion and it was seconded by Dennis Cook to approve the November 24, 2015 meeting minutes as submitted. 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.

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Bob Golubski, 3540 Duck Creek Road, Billings, Montana

Mr. Golubski would like to comment on the subdivision review program. He stated that Staff is not getting correct information to the Board to make a good decision. He gave examples related to the Duck Creek Subdivision review. President Clark said the public hearing for the subdivision is closed. Mr. Golubski related to the Board that Director Millar told him staff would contact him to discuss the issues with the subdivision, and the staff did not follow up as they said they would.

5-6. Disclosure of Conflict of Interest – Board members and Planning Staff 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. Board member Goodridge will abstain from the Pinerock Subdivision review and motion as he has solicited the applicant’s business.

7. OLD BUSINESS

Application for Board of County Commissioners District #7 Planning Board opening. Francisco Saldivar, Wyeth Friday, Planning Division Manager

Wyeth Friday presented the County Commissioners’ request for review and recommendation for Mr. Francisco Saldivar to fill a full term in Board of County Commissioners District #7 to December 31, 2017. Mr. Saldivar is attending. He introduced himself and stated his has been active in local government in Chicago; and is a faculty member at City College MSU-B teaching sustainable energy. Mr. Saldivar resides in the outskirts of the County.

Motion

Patrick Klugman made a motion and it was seconded by Clint McFarland to recommend accepting Mr. Francisco Saldivar to fill the vacancy in District 7. The motion carried with a unanimous voice vote.

A. Motion Recommendation. 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 delayed action on this proposal until its December 8, 2015 meeting. Additional information is included in the Findings of Fact under the “**Effect on agriculture and agricultural water user facilities**” heading regarding the drainage ditch and the existing Methanol tank on site. There are also recent photos of the drainage ditch under photo attachment with the staff report.

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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.

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.

Wyeth Friday stated he is unaware that Director Millar told Mr. Golubski that staff would discuss this development with him in person. He said Planner Dave Green has done extensive research but neither he nor Dave have made a visit. The Findings point to the fact the ditch was created for agricultural drainage purposes. When the site developed and there was no use for the ditch, the drainage company was disbanded. At that point maintenance becomes a private property issue. Tim Miller, YC Public Works stated it is his understanding the ditches were created for agricultural uses but the County is not responsible for cleaning them out. DNRC and Helena DEQ offices stated interpretation of flood plain interpretations is up to the

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County floodplain administrator. The methanol tank is seen as a grand fathered use and can continue in use as it has prior to being identified as being in the flood plain.

Discussion

Vice President Reed called for discussion. David Goodridge asked for further clarification on the flood plain question. Dave Green said the tank was installed before the 2013 flood plain boundary was delineated. Wyeth Friday stated the portion of the ditch on the south side of the property would be the owners' responsibility. Donna Forbes commented that seemingly nothing has been resolved. Wyeth Friday said the portion in the County right-of-way should be directed at the County. The portion on the private property is something the property own could clean their piece but that would be the extent of it. In response to a question by Dick Clark regarding a Weed Management program, Wyeth Friday said any evasive weeds identified on the property owners property is their responsibility.

Motion

David Goodridge made a motion and it was seconded by Patrick Klugman to 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, with an additional condition to emphasize maintaining the ditch from obstructions in the form of pollution or weeds on this parcel.

Discussion

Vice President Reed called for discussion on the motion. Darrell Tunnicliff asked if the Board has the right to dictate use of the property owner and who would be responsible to enforce this condition. Patrick Klugman had some questions as to the scope of the motion and if the County would enforce this motion. Wyeth Friday noted the action of keeping the portion on the property clear affects other properties, and the proposed condition would be included in the SIA. Darrin Swenson said it is his guess the County will not maintain waste ditches and the difference in elevation may cause drainage issues. Darrell Tunnicliff said it seems impractical to clean a small section of the ditch. David Goodridge stated he wishes to have this come to someone's attention and lay claim to ownership of this issue.

Darrell Tunnicliff pointed out this should be directed to the easement holder and he is unsure of how this should be enforced.

Patrick Klugman stated it is clearly the best interest of the property owner to be a good neighbor and maintain his portion of the ditch.

Clint McFarland said he has observed similar situations, and the County often does nothing to address them. Noxious weeds in the right-of-way is a State problem but no one is responsible for grass or other weeds, (plants out of place).

David Goodridge said there were photos of standing water presented at the last meeting. Mr. Golubski said it pains him to not provide the information needed for this discussion.

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Clint McFarland said this type of issue has come up a number of times and brought forward to the Attorney General but no opinion has been given. He pointed out the Conservation District has taken action a number of times to encourage property owners of their civic duty to clean up their property and be a good neighbor.

The motion carried with a unanimous voice vote.

8. NEW BUSINESS

B. Plat Review, Discussion. Pinerock Subdivision, County Major Subdivision, Dave Green, Planner II

INTRODUCTION

On November 2, 2015, Blueline Engineering for VTR Properties, LLC, applied for preliminary major plat approval for Pinerock Subdivision 1st Filing. The proposed plat creates 48 lots for single-family residences on a 118.18-acre parcel of land. The subject property is generally located on the west side of Highway 87 North (Hwy 87 N), directly across from Hidden Lake Subdivision. The property is outside of zoning. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, January 12, 2016. The proposal will go to the Board of County Commissioners for action on January 26, 2016.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Pinerock Subdivision 1st Filing 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 mitigate impacts on local services, prior to final plat approval the subdivider shall create a Rural Special Improvement District – Maintenance (RSID-M) for future maintenance of the new internal roads the dry hydrant system and for the 5-foot wide trail corridor dedicated with the subdivision.
2. To ensure provision of easements for the location and installation of planned utilities, prior to final plat approval a recordable easement document shall be provided with the final plat documents for the dry hydrant system. The dry hydrant system shall be installed by the subdivider, and inspected and approved by the Billings Fire Department prior to.
3. 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.

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4. To minimize the effects on the natural environment and to inform future property owners of possible habitat, before final plat approval, the applicant will include in Conditions That Run With The Land under “A.” information from the Environmental Assessment about the Species of Concern and the need to be aware they may be in the area and to preserve as much as possible their habitat.
5. To provide for the installation of the needed private utilities within the subdivision, before final plat approval, the applicant will provide easement documents for the easements shown on the plat for the private utility companies.
6. 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.
7. 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.

Discussion

Vice President Reed called for questions and discussion. In response to a question by Donna Forbes, Dave Green related that staff has discussed proposals for some of the areas that have washes and gullies to include a trail system for natural walking areas and cash-in-lieu for the balance due. Donna Forbes noted there is no open space parkland proposed at this time and no sidewalks. Dave Green explained that the lot sizes are over the size that would require sidewalks. Patrick Klugman asked for clarification on soft trail surfaces. Darrel Tunnicliff asked about the wildlife species identified, and it was given by Dave Green.

Marshall Phil, Blueline Engineering, 2110 Overland, Billings, Montana

Mr. Phil represents VTR Properties, LLC. Mr. Phil said the applicant is trying to make this subdivision rural in nature. A decomposed granite product is proposed for a soft surface trail as gravel may be too loose. Trail maintenance will be covered through an RSID. Wyeth Friday asked for clarification on the trail locations and it was given by Mr. Phil on a posted map. Clint McFarland asked about the road, and Mr. Phil stated it will be paved and built according to County specifications. Donna Forbes commented it would be interesting to depict some of the elevations. Mr. Phil pointed out a topographical map that was included in the application. Darrell Tunnicliff asked about issues with fire as grassfires potential may be an issue. Mr. Phil stated the covenants require homeowners to maintain the grass at a 6" controlled height. Residents will be hauling water to their homes as the aquifer has water but it varies in quality and there is not enough quantity to service this subdivision.

**A public hearing for Pinerock Subdivision will be held on January 12, 2016.

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9. OTHER BUSINESS-

a. **Planning Board Nomination Committee for the 2016 Officers.** Donna Forbes reported the Nomination Committee members recommended Darrell Tunnicliff for Planning Board President, and Don Reed for Planning Board Vice President to serve for 2016. Elections will be held at the January 12, 2015 meeting. The elected officers will take their positions during the February 9, 2016 meeting.

b. **(Standing Item) Staff update.** Long Range Strategic Issues and an overview of future City and County issues and projects.

--Rims to Valley Pedestrian Feasibility Study, Wyeth Friday, Planning Division Manager. The consultant team did a field visit, conducted neighborhood meetings, and held a public community meeting with 40-50 persons attending. The team is using Scan Technology and have discovered 3 potential areas that may provide a means to travel to the top of the rims. Another public meeting in February 2016 will be held to present these recommendations.

--West End Traffic Modeling Study, Wyeth Friday, Planning Division Manager: This is a technical study with collaboration with the City, County, an MDT to look at current development activity and future development and considering the collector streets for future improvements to address transportation needs. A tentative public meeting is scheduled for January 14, 2016.

c. **Announcements:** The December 22, 2015 Planning Board meeting is canceled. The next Planning Board meeting will be held on Tuesday, January 12, 2016. The Planning and Community Services Offices will be closed on Friday, December 25, 2015 to observe the Christmas Holiday, and on Friday, January 1, 2016 to observe New Year's Day.

d. Wyeth Friday thanked Board Members Al Littler and Dick Clark for their service as members of this Board. A formal recognition is tentatively scheduled for the January 12, 2015 meeting.

ADJOURNMENT: 8:00 p.m.

ATTEST: Approved by a motion on January 12, 2016