



# CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

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**January 12, 2016**

*Approved by a motion on January 26, 2016*

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

In the absence of Vice President Don Reed, Board member Donna Forbes called the meeting to order at 6:00 p.m. on Tuesday, January 12, 2016, 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 and Community Services; Wyeth Friday, Planning Division Manager; Dave Green, Planner II; Tammy Deines, Planning Clerk

**Attending:** Richard Clark; Sheri Kisch, Diane Kostelecky, Craig Dalton, Chris Hayes, Todd Reichenbach, Vic Reichenbach, Steve Zeier, Chandler Griffin, Max Griffin, Marshal Phil Blueline Engineering; Tobias Liecti, Blueline Engineering; Darin Swenson, Yellowstone County Public Works Department.

**Approval of the Agenda.** Donna Forbes asked to amend the agenda to move item 9a. Election of the 2016 officers to be heard after 7a. Recognition of retiring Board members,

### **Motion**

**Donna Forbes made a motion and it was seconded by Dennis Cook to amend the agenda to move item 9a. Election of officers to be heard after the Recognition of retiring Board members.**

## **2. December 8, 2015 meeting minutes.**

### **Motion**

**Dennis Cook made a motion and it was seconded by Patrick Klugman to approve the December 8, 2015 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

**3. Public Comment:** Darrel Tunnicliff 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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### **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. Jared LeFevre will abstain from a motion on Glynn Abbey as his law firm has had contact with the applicants.

### **7. OLD BUSINESS**

#### **a. Recognition of retiring Board members: Al Littler, Board of County Commissioners District #7; Richard Clark City Ward I**

Director Millar thanked Richard Clark for his service on this board and as a member of the Planning Board and presented him with a certificate of appreciation. She acknowledged Al Littler’s twelve years of service as a member of the Planning Board. Mr. Littler is not present but will receive a certificate of appreciation.

#### **b. Motion. Election of the 2016 Planning Board Officers**

Patrick Klugman reported the Planning Board Nomination Committee has nominated Darell Tunnicliff to serve as Planning Board President and Don Reed to serve as Planning Board Vice President for the 2016 term. Per the Bylaws, the elected officers will take their positions during the February 9, 2016 meeting.

#### **Motion**

**Patrick Klugman made a motion and it was seconded by Jared LeFevre to elect Darell Tunnicliff to serve as Planning Board President and Don Reed to serve as Planning Board Vice President for the 2016 term.**

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

#### **c. Public Hearing: Motion/Recommendation to Board of County Commissioners. Pinerock Subdivision, 1<sup>st</sup> Filing, Dave Green, Planner I**

Planner Dave Green opened this agenda item with a PowerPoint presentation.

#### **INTRODUCTION**

On November 2, 2015, Blueline Engineering for VTR Properties, LLC, applied for preliminary major plat approval for Pinerock Subdivision 1<sup>st</sup> 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 proposal will go to the Board of County Commissioners for action on January 26, 2016.

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### **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Pinerock Subdivision 1<sup>st</sup> 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.
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**

Darrel Tunnickliff called for discussion. Donna Forbes asked about the trails and the total acreage provided. Dave Green clarified and said the applicant is proposing to create easements along the road which can be accepted for parkland dedication. Patrick

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Klugman noted the Findings of Fact 2b Streets and Roads requirement for additional review. Dave Green explained that a left hand turn lane may be required in order to turn into the subdivision safely during the 2nd and 4th filing. Patrick Klugman concurred and said turning into the subdivision will be an issue.

Donna Forbes complemented the developer for his expectation to have these properties resemble prairie land. She commented on the limited water availability and asked if native grasses and trees will be planted. Dave Green said if native grasses for the area are planted in the correct season, they will be able to get moisture from the ground, spout, and grow.

Darell Tunnicliff voiced concern with the 6" grass height criterion for mowing. Dave Green said neither the Covenants and Restrictions or the Conditions of Approval call out a separation distance but the Board may include a condition with a separation distance from a house or building. Patrick Klugman said a general defensible practice is 150' from any structure. Candi Millar noted that the City Ordinances require 150' from an adjoining property to reduce the risk of fire to the property. She said the wildland interface standards are universal and a minimum of 30' should be clear of vegetation to protect structures. Wyeth Friday said Staff received no comments from the Fire District. Patrick Klugman asked for input from the developer and suggested a 30 foot separation with a maximum of 30 feet. Donna Forbes commented she admires the developer's intention to keep this parcel as native as possible.

### **Applicant/Agent**

#### **Marshal Phil, Blueline Engineering, 2110 Overland Ave., Billings, Montana**

Mr. Phil said there is an easement on one side of each road, and the trail will be placed on the most well sloped side of each road as there is variegated terrain to deal with. They plan to replant native grasses to any disturbed areas in the spring. The cistern will handle this type of development. There is no requirement for a turn lane. The need will be determined at the discretion of MDT per the traffic study and site distance determinations. As a point of clarification, Mr. Phil read aloud the section of the traffic study and said in the end, it is an MDT determination. MDT will review the requirements after the recordings of the 2nd and 4th filing. He said he will further discuss the separation distance with the fire authorities.

#### **Todd Reichenbach, 1921 Chickadee Circle, Billings Montana**

Mr. Reichenbach stated they are encouraging an Exo scape, and they can require a minimum distance that would include the Exo scape. They will reseed the ground with a “prairie carpet and they have planter ponderosa pines in areas away from the houses. The wildlife species inhabiting this area include antelope, deer, songbirds, and rabbits.

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### **Public Hearing**

Board member Tunnickliff opened the public hearing and asked if there was anyone wanting to speak in favor or against Pinerock Subdivision, 1<sup>st</sup> Filing.

### **Sherrie Kisch, 2547 Roundup Road, Billings, Montana**

Ms. Kisch asked if there is a requirement on the size of homes, are modular homes allowed, and if electricity and gas are available. Todd Reichenbach responded and said this is a rural development. Modular and mobile homes are not allowed and stick built houses are to be constructed with a 1,800 square foot minimum. Outbuildings have to match the construction of the house. All utilities will be underground with MDU providing natural gas and Yellowstone Valley Electric Company providing electric services.

### **Diane Kostelecky, 2547 Roundup Rd, Billings, Montana**

Ms. Kostelecky asked if horses will be allowed in this subdivision. Dave Green replied horses are allowed with some limitations.

Board member Tunnickliff asked if there is anyone else wanting to speak in favor or against Pinerock Subdivision, 1<sup>st</sup> Filing. There was none. Board member Tunnickliff closed the public hearing at 6:50 p.m.

### **Motion**

Board member Tunnickliff called for a motion.

**Jared LeFevre made a motion and it was seconded by Clint McFarland to forward a recommendation of conditional approval of Pinerock subdivision as presented by staff with the Findings of Fact.**

### **Discussion**

Patrick Klugman voiced concern with the need for some criterion for an additional condition for a separation distance for vegetation.

### **Motion**

**Patrick Klugman made a motion to amend the motion to include a condition to provide that all dry vegetation will not exceed 6" within a minimum of a 30 foot perimeter of a structure and the rest of the vegetation will be left as native grass.**

### **Discussion**

Dennis Cook said this amendment seems like a bit of overkill as the Fire District did not come forward with any recommendations. He pointed out the Home Owners Insurance will take the vegetation height in consideration. Darell Tunnickliff said this is a sensitive wildlife habitat and the mowing may affect the habitat. Patrick Klugman said this

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developer has an understanding that there will be a natural habitat. Clint McFarland commented that 6" native grass is highly combustible.

Following this discussion, Patrick Klugman voiced concern with potentially “handcuffing” the developer with an amendment and withdrew his amendment to the original motion.

Board member Tunnicliff called for a vote on the original motion.

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

### **8. NEW BUSINESS**

#### **a. Application for Board of County Commissioners District #1 Planning Board opening. Troy Boucher, Candi Millar, Director**

Candi Millar presented the County Commissioners’ request for review and recommendation for Mr. Troy Boucher to fill a full term in Board of County Commissioners District #1 to December 31, 2017.

#### **Motion**

**Dennis Cook made a motion and it was seconded by Dave Goodridge to recommend accepting Mr. Troy Boucher to fill the vacancy in District 1.**

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

#### **b. Plat Review. Glynn Abbey Subdivision, Wyeth Friday, Planning Division Manager**

#### **INTRODUCTION**

On November 30, 2015, the Planning Division received an application for preliminary plat approval for the proposed Glynn Abbey Subdivision, a major residential subdivision. The property is located on the north side of Rimrock Road between the intersection of 54th Street West and Rimrock Road and the intersection of Mickey Wright Lane and Rimrock Road. The subdivision is proposed to include 33 lots for single family residential development and one lot for open space/parkland/storm water management area. Planning Board will review the plat at this meeting and a conduct a public hearing on January 26.

#### **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the City Council conditionally approve the preliminary plat of the Glynn Abbey 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 agriculture and agricultural water user facilities, prior to final plat approval the subdivider will add language to Section VIII of the SIA as to the maintenance responsibilities of the relocated and piped irrigation ditch and documentation in writing that ditch user Ted McFarland has accepted the maintenance plan for the relocated piped ditch.
2. To minimize the effects on local services, prior to final plat approval the subdivider will receive approval from the City Engineering Division for the content of the City of Billings Right-Of-Way Easement and prepare the easement document for execution and recording at the time of final plat approval.
3. To minimize effects on local services and ensure ongoing operation of electric utilities, prior to final plat approval the subdivider will provide written documentation that the Yellowstone Country Club has approved relocation and burying of the overhead power line that crosses the subject property and serves the Yellowstone Country Club.
4. To minimize the effects on local services and address management of storm water in the subdivision as per City Engineering Division specifications, prior to final plat approval the subdivider will update language in Section V of the SIA to read: “The existing property does not have any existing or active storm water detention or retention facilities located onsite. The development will include installation of four (4) storm water ponds used for routing and detention. Total detention volume within the central open space area will be sized in accordance with the Storm Water Management Manual for a commercial site. Water will be pumped to the Cove Ditch from the ponds to reduce pond volume to pre-storm volume within 72 hours. All ponds shall be maintained by the Home Owner’s Association.” The subdivider also will submit a copy of the agreement with the Cove Ditch for pumping storm water and the easement necessary to pump storm water to the ditch where it crosses Yellowstone Country Club Property to City Engineering for review and approval prior to final plat approval.
5. To minimize the effects on local services and address management of storm water in the subdivision as per City Engineering Division specifications, prior to final plat approval the subdivider will submit the Glynn Abbey HOA language regarding maintenance of the storm water facilities to City Engineering for review and approval.
6. To minimize effects on local services and as specified in Section III (A) of the SIA , prior to final plat approval the subdivider will provide the required cash contribution to the City Engineering Division equivalent to construction of half a residential street to fund the future reconstruction of Rimrock Road adjacent to the subdivision to a Principal Arterial Street standard.
7. To minimize the effects on local services and public health and safety, and to ensure emergency access to the subdivision, prior to final plat approval the

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- subdivider will receive approval from the City Fire Department and City Public Works Department that the access gates at the entrances to the subdivision are designed to meet all City requirements for emergency and maintenance access.
8. To minimize the effects on local services and ensure that the park land requirements are met, prior to final plat approval the subdivider will provide public access easement documents for review and recording and will show public access easements on the plat over the park land/open space areas of the subdivision to ensure public access is maintained for the park land areas.
  9. To minimize the effects on local services, prior to final plat approval the subdivider will provide a letter from the United States Postal Service acknowledging its agreement with the placement of mail delivery facilities in the subdivision.
  10. To minimize the effects on public health and safety, prior to final plat approval the subdivider will provide documentation that the subdivision has completed a Conditional Letter of Map Revision process through FEMA on the impacts the proposed project may have on the Special Flood Hazard Area of the Cove Creek Drainage, and an approved Floodplain Permit issued by the City of Billings Floodplain Administrator. The Cove Creek 100-Year Floodplain also will be delineated on the final plat.
  11. Minor changes may be made in the SIA and final documents, as requested by Planning and/or Engineering/Public Works to clarify the documents and bring them into the standard acceptable format.
  12. The final plat shall comply with all requirements of the City Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

### **Discussion**

Board member Tunnicliff called for discussion. He asked about the utility easement on the west property line and if there is an access. Wyeth Friday said access is already available and Public Works is comfortable with the development providing the walking paths. He said the easement language will be checked to ensure public access is provided. Candi Millar asked who is the grantor and the grantee. Darell Tunnicliff said the golf course has drain tiles that drain onto this property. In response to a question by David Goodrich, Wyeth Friday said two pedestrian walkways will be located south of the gate. There was some discussion with the applicant to do a sidewalk along the frontage on Rimrock. He pointed out there are some challenges to construct sidewalk due to the very large ditch and the timeframe for the City to reconstruct Rimrock Road. Per Dave Goodridge's request, Wyeth Friday gave clarification on the Cove Ditch. Francisco Saldivar asked how common it is for a variance to not have boulevard sidewalks and Wyeth Friday gave the example of Ironwood Subdivision which had a variance approved for an internal trail system instead of sidewalks.

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### **Applicant**

#### **Craig Dalton, P.E., Performance Engineering, 2101 Overland, Billings, Montana**

Mr. Dalton represents Glynn Abbey, LLC. He said there will be a public access for the central park area in the trail system. Access gates will be open from 5:00 a.m.-9:00 p.m. which correlates with City park times. Lateral users at the head gate ditch to the turnout will share a maintenance irrigation lateral. The storm water requirements evacuate water within 72 hours to allow for storage. The proposal is to utilize a central greywater irrigation system. The Cove Ditch Company is considering the request for storm water drainage. Storm water maintenance will be the responsibility of a Home Owners Association, and the SIA documents state the City has the right to create an RSID if the ponds are not maintained. They will look into the need for access documents. The applicant submitted a request for the Variance not to have boulevard sidewalks, as this is a private, low traffic subdivision. The developer is proposing a mix of berming and fencing. Patrick Klugman as if there is additional reasoning for the variance request beyond low traffic volumes. Mr. Dalton stated the developer has concerns with the boulevard maintenance and he foresaw using this area as an extension of the front yards instead.

#### **Chandler Griffin, chandler@cbmontana.com**

Mr. Griffin explained their desire to filter pedestrian traffic into the central parkland area and stated the expense of additional sidewalk will take away from funds for improvements for the parkland. David Goodridge asked about the need for speed bumps and Mr. Griffin said there hasn't been a lot of discussion about specific traffic control measures. In response to Lisa Sukut's query, he stated the land is not currently irrigated...

#### **Max Griffin, 1655 Valley Heights Road, Billings, Montana**

Mr. Griffin said they spent a lot of time developing the trail system, and they agreed to place sidewalks on one side of Glenn Abbey Way to address connectivity. Mr. Griffin spoke to the feel of the neighborhood and stated he doesn't like unkempt boulevards. The storm water will be controlled, and a greywater system is planned for irrigation from the storm water retention ponds. Mr. Griffin doesn't wish to have a "cookie cutter" product. There will be a combination of berming and overlapping berming with sections of masonry wall along Rimrock Road. He said he would like to do something on the front side of the property instead of a cash-in-lieu parkland dedication. Division Manager Wyeth Friday said staff will follow up with City Engineering. Donna Forbes explained the importance of having boulevard sidewalks as a safety measure for pedestrians, especially during the winter season. Clint McFarland asked if they will be using water from the Cove Ditch for irrigation. Mr. Griffin stated they own 15 shares from the Cove Ditch, and will reserve the right to use them. Francisco Saldivar asked about construction on the lots in the flood plain and it was noted that basement foundations are unlikely. Regulations state the inhabitable 1st floor has to be 2 feet above ground in the flood fringe.

\*\*A public hearing will be held during the January 26, 2016 Planning Board meeting.

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

**a. Planning Board Nomination Committee for the 2016 Officers-(Moved to Item 7b).** The elected officers will take their positions during the February 9, 2016 meeting.

**b. Urban Fringe Design Standards-Candi Millar, Director, Planning & Community Service**

Ms. Millar noted the separate subdivision regulations between the City and the more rural part of the County, and said that quite often the City inherits the lower standards when it grows. The Annexation Policy states City standards must be met for sidewalks, roads, and drainage facilities. A third set of transitional subdivision regulations under consideration to address these needs, and the idea is to form a subcommittee of this Planning Board. City Council has expressed interest and Lockwood plans are asking for higher subdivision standards. She asked if there are volunteers on the Board who would like to participate. She would like to invite a member of the Board of County Commissioners and a Council person to participate.

Board member Tunnickliff asked staff to place this request on the January 26, 2016 agenda as an action item and for Ms. Millar to extend an invitation to City Council and the County Commissioners to participate.

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

**d. Announcements:** The next Planning Board meeting will be held on Tuesday, January 26, 2016.

**ADJOURNMENT:** 8:05 p.m.

**ATTEST: Approved by a motion on January 26, 2016**