



# CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

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**January 26, 2016**

*To be approved by a motion on February 9, 2016*

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

President Darell Tunncliff 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**

President Tunncliff 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; Tammy Deines, Planning Clerk

**Attending:** Gary and Theresa Dickhuat; Dave and Phylis Weaver; Morgan Manning; Mark and Kelly Hahn; Paul Hatzell; William Rightmire; Craig Dalton; Morris & Sandra Welchlin; Steve Wilson; Dennis & Kim Tallant ; Max Griffin; Chandler Griffin; Max Fogelsong, Sanderson Stewart; Chris Hertz, City Engineering Division

## **2. Approval of the Agenda.**

### **Motion**

**Donna Forbes made a motion and it was seconded by Jared LeFevre to approve the agenda as submitted. The motion carried with a unanimous voice vote.**

## **3. January 12, 2016 meeting minutes.**

### **Motion**

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

- 4. Public Comment:** President Tunncliff 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.

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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 LeFevre will abstain from a motion on Glynn Abbey as his law firm has had contact with the applicants.

### **7. OLD BUSINESS**

#### **a. Public Hearing: Motion/Recommendation to City Council. Glynn Abbey Subdivision, Wyeth Friday, Planning Division Manager**

Wyeth Friday opened the agenda item and noted a new condition of approval to update the easement document language to address pedestrian access. He continued with an overview of this application. The parkland provided exceeds the total parkland requirements. The parkland areas will be held as private but public access easements will be provided for public use. The flood plain boundary is discussed in the SIA and the lots in this area will have to meet the construction requirements. This development will need to coordinate with Yellowstone Country Club to relocate the power line. There is an irrigation lateral that serves property to the south, and the proposal is to relocate it in the utility easement. There will be a point for the piped ditch to supply the ponds in the subdivision if needed and then flow to the south. This subdivision HOA will be responsible for the pipe maintenance. The ponds will serve for several purposes including irrigation and storm water. He opened a PowerPoint presentation and offered the information below.

### **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 reviewed the plat at its meeting on January 12 this meeting and will conduct a public hearing at this meeting.

### **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.

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

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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. 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.
5. 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.
6. 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 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.
7. 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

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over the park land/open space areas of the subdivision to ensure public access is maintained for the park land areas.

8. To minimize the effects on local services and ensure public pedestrian access on the 20-foot-wide utility easement on the western boundary of the subject property, prior to final plat approval the subdivider will provide a revised public access and utility easement documents for recording that ensures that both utility and public pedestrian access is allowed on the 20-foot-wide utility easement on the west boundary of the subject property.
9. To ensure connectivity between the subject property and existing neighborhoods to the west, the subdivider will update Section III (B) of the SIA to clarify that at time of construction of the sidewalks and trails within the subdivision, a 6-foot wide sidewalk will be constructed from where the public right-of-way for Mickey Wright Lane and Arnold Palmer Drive meet the subject property line and the 20-foot-wide public access and utility easement to where the 8-foot-wide trail between Lot 14 and Lot 15 is being built to connect to sidewalk on Glynn Abbey Way and the internal trail system in the open space of the subdivision.
10. 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.
11. 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.
12. Minor changes may be made in the SIA and final documents, as requested by Planning  
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.
13. 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.

### **VARIANCES REQUESTED**

Two variances have been requested from the City of Billings Subdivision Regulations for this proposal.

**Variance #1:** One variance is regarding provision of sidewalks on both sides of all of the internal streets in the subdivision. The applicant is requesting a variance to provide boulevard style sidewalk on only the north side of Glynn Abbey Way and not on either side of Aston Bay Circle. In lieu of complete boulevard sidewalk within the subdivision, the applicant is proposing to utilize an internal trail network that runs behind the lots on the south side of Glynn Abbey Way and may provide pedestrian connections to the lots

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in the subdivision. Justification for the variance request is provided by the applicant in an attachment to this memo. It is important that the Yellowstone County Board of Planning understand that it is the Board that may choose to recommend to the City Council that the sidewalk requirements be waived or modified for local residential streets as per Section 23-406 (B)(13) CSR. Planning and Engineering staff are not in support of the proposed sidewalk variance and recommend that boulevard sidewalks be installed on both sides of Glynn Abbey Way and Aston Bay Circle throughout the subdivision. Staff's recommendation is based primarily on the safety of pedestrians circulating within the subdivision and access for pedestrians to neighboring lots in the subdivision. Other benefits of boulevard sidewalks include snow storage, off-street and off-sidewalk location for garbage and yard waste bins, landscaping, and in some cases mail delivery.

**Variance #2:** The second variance is regarding the requirement Section 23-406(A) (8) that streets in a new subdivision that are aligned with existing streets shall have matching names. The proposed internal Glynn Abbey Way is aligned with 58th Street West where it intersects Rimrock Road on the west side of the subdivision. The applicant is proposing that 58th Street West not continue across Rimrock Road but have the name change to Glynn Abbey Way when it enters the subdivision. The City's Address Coordinator, City Fire Department, and County GIS (manages the street name database for emergency services), all support this variance request for the change in street name on the 58th Street West alignment.

### **Discussion**

Donna Forbes asked several questions. Wyeth Friday clarified and said the property will be held as a private development, and the Home Owners' Association will be responsible for maintenance. There will be public access points to the parkland. There is not a plan for a specific parking area to accommodate visitors to the park but there is on-street parking available. If needed, the available trail width will allow larger equipment to access the ponds for repairs. All of the lots will have access into the streets are internal. The proposal for a bermed wall on the southern end along Rimrock Road will be under consideration as to how it may affect storm water flows. Clint McFarland asked if there is a provision made for the irrigation pipe diameter.

### **Applicant/Agent**

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

Mr. Dalton represents Glynn Abbey, LLC. He stated parking will be available on the shoulders of the internal roadways. There will be access to the ponds via the trails along with a potential access from Rimrock Road. The proposed intermix of walls and berms will have offset depths to allow water to move through them. The current lateral ditch holds a 15" irrigation pipe

Francisco Saldivar noted the applicant's reasoning for the sidewalk variance being encouraging pedestrian use of the center walking path request for a variance. He asked for the developer's consideration of Lots 25-27, as they do not have ready access to the walkway especially in the spring. With the current plat, the only option for pedestrians is to cross the street and use a neighbor's driveway. He stated this arrangement is not in the best interest for public safety.

Mr. Dalton asked the Board to consider the applicant's proposal to put up cash for aesthetic improvements along Rimrock Road instead of an SID, as the City doesn't have a plan for what will take place in the future for Rimrock Road improvements. An irrigation lateral used for to supplement the pond level and the home owners' association

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will monitor filling the ponds. He suggested using a flow activated valve to “kick on” at a certain water level.

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

Mr. Griffin is the property owner. He stated they are not asking to waive the contribution for the development of Rimrock Road but instead asking allocate the monies for landscaping and trees. They do not want to construct a wall or berm and have a large weed patch facing it. He suggested keeping the continuity of the subdivision out to the road. Mr. Griffin acknowledged Board member Saldivar’s comments on connectivity for Lots 25-27 and said he would consider installation of a footbridge. Mr. Griffin explained the City reviewed the floodplain impacts and requires 0% impact on the neighboring properties. They will not raise the floodplain with this development plan. The ponds are designed to handle the flood waters with the sidewalks acting as a barrier. He commented on an option to use injection wells instead of piping the water to the Cove Ditch.

### **Public Hearing**

At 6:55 p.m., President Tunnickliff opened the public hearing and asked if there was anyone wanting to speak in favor or against Glynn Abbey Subdivision.

### **Gary Dickhaut, 3045 Arnold Palmer Drive, Billings, Montana**

Mr. Dickhaut has been a long term resident in this area and has experienced three storm events during this time. He said during these events the storm water follows Arnold Palmer Drive, crosses the new service road, and flows into the irrigation ditch. He voiced concern with the potential for damming if the irrigation ditch is removed. He said Arnold Palmer Road is not suited for heavy equipment and asked that construction vehicles be restricted to Glynn Abbey’s roadways. Mr. Dickhaut asked for consideration of lowering the 55 mph speed limit on Rimrock Road in front of this property it to a more reasonable speed. He commented issues may arise from the slowing traffic entering the security gates; and a turn lane off of Rimrock Road is preferable.

### **Paul Hatzell, 5515 Rimrock, Billings, Montana**

Mr. Hatzell has lived at this address for 15 years and experienced more than three significant water events in this time. The water table on his property is much higher than 7-feet in the spring season. He asked what will happen when the ditches are full and additional water is pushed toward Rimrock Road. Yellowstone County Club’s tiles are located under three fairways. They are designed to move water southward which causes overflows when not maintained. Mr. Hatzell stated he built his home on the highest point of his property and he runs a sump pump at all times. He voiced concern with the HOA maintaining the ponds and the potential for creating breeding grounds for insects due to the swamp ground. He asked where the injection wells will place the water. He asked this Board to take a “hard look” as the water issues are valid. He said Rimrock

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Road will need repair and the contribution funds should be spent to have a reserve to take care of this road in the future.

### **Steve Wilson, 5735 Sweetgrass Creek Drive, Billings, Montana**

Mr. Wilson concurred with Mr. Hazel’s comments and said this property has not been developed for several years due to the storm water issues. The reported water level at his residence is 3- 4 feet. He voiced concern with the effect on his property if there is continuously water in the ditch along Rimrock Road. He said houses will settle if the water table drops. He asked if this property should be classified as wetlands. He stated it seems this project has already started as they have hauled in dirt and utility line installation has begun.

### **Dave Weaver, 3026 Arnold Palmer Drive, Billings, Montana**

Mr. Weaver said the storm water flows toward Rimrock Road and the water lies stagnant in the ditch. He asked if the property will be leveled. He commented on several types of wildlife species in this area and asked how they will be affected. He stated the water issues should be addressed prior to development.

### **William Rightmire, 5811 Mared Street, Billings, Montana**

Mr. Rightmire asked about the water flows and said the water table is about 6-feet during the summer.

### **Rebuttal**

President Tunnicliff called for rebuttal.

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

Mr. Dalton said the subdivision gates will be open from 5:00 a.m.-9:00 p.m. and traffic should easily move through the intersections for the majority of the day. The subdivision accesses will be built at the beginning of the development so Arnold Palmer and Mickey Wright Lane will not be used during construction. The applicant is going through the FEMA process to obtain a letter of map revision. They are working to lower the existing ground level for the pond storage areas. They will pump storm water to Cove Creek in order to meet City requirements to evacuate storm water after 72 hours and allow for adequate storage. The ponds will contain water year round. He pointed out the open lateral irrigation ditch and stated it may be contributing to the standing water. The applicant has contacted the Fish, Wildlife, and Parks Department, who stated there are no detrimental impacts to endangered species.

Darell Tunnicliff asked about groundwater monitoring. Mr. Dalton stated monitoring took place in November 2014; it will be checked again in early March 2015 and during the spring high water season. He explained the water evacuation rates and said they would ask the City to extend the evacuation time if the Cove Ditch is full. Dave Goodrich asked about monitoring the water system. Mr. Dalton stated the developer is proposing using secondary piping for a grey water system for irrigation. They may use a variable

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frequency drive pump to open a valve and initiate discharge from the ponds. The Homeowners Association will maintain the water system.

Darell Tunnicliff asked about mitigation for surface waters moving to the east. Mr. Dalton said it is likely they will put bentonite blocks inside the utility trenches. The surface water will be contained up to a 50-year storm event, and the water will spill to the Rimrock Road ditch after that point. The streets will be designed with sag curves to alleviate flows across Rimrock Road. In response to a question by Dave Goodrich, Mr. Dalton said the modeling depicts flows moving towards the pond area. The 0% impact requirement is literal as the subdivision will be maintaining and holding its own surface water and not increasing the current water levels.

Clint McFarland asked about the alignment of the Rimrock Road access and 58th Street West. He stated the traffic congestion at 54th Street West and Yellowstone Country Club is horrendous and dangerous with high traffic speeds ranging beyond 55mph. He voiced concern with having a new access within a very short distance as there have been several accidents.

### **William Rightmire, 5811 Mared Street, Billings, Montana**

Mr. Rightmire asked about the elevation changes along the perimeter of the interior street. Mr. Dalton said they will spread the dirt throughout the subdivision to develop the center parkland, and the outside lots have been raised to the point of the roadway. Homeowners in the flood fringe will be required to build homes with a 2 foot elevation above the known flood height.

### **Paul Hatzell, 5515 Rimrock, Billings, Montana**

Mr. Hatzell commented the water table is between 3-7 feet and more dirt will raise the ground to an elevation above his property forcing water to flow that direction.

### **Steve Wilson, 5735 Sweetgrass Creek Drive, Billings, Montana**

Mr. Wilson asked about the pond depths and said they will not help with a storm event if they are full.

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

Mr. Griffin stated he understands the water issues and have been working with the City to do the best they can. They are dedication 3 acres to parkland to avoid creating an adverse impact on the neighbors. He said he is not in favor of the pipeline but favors the injection wells instead. He stated change is difficult but they are committed to try to make this a great subdivision.

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### **Chris Hertz, P.E., City of Billings, Engineering Division**

Mr. Hertz said the applicant will have to construct in the winter when the water is lower. He explained the requirements to monitor buildings a certain distance away from the dewatering and said due to the number of onsite units, this development falls under commercial review. The applicant has provided calculations showing they are able to retain the water on site. The applicant’s proposal to use the cash contribution to Rimrock Road for landscaping is not an option as this is a part of the SID process and it will be used when Rimrock Road is constructed.

### **Paul Hatzell, 5515 Rimrock, Billings, Montana**

Mr. Hatzell asked who is financially responsible for poor modeling or a poor plan that impacts everyone else?

President Tunnicliff asked if there is anyone else wanting to speak in favor or against Glynn Abbey Subdivision. There was none. President Tunnicliff closed the public hearing at 7:37 p.m. and called for a motion.

### **Discussion**

Wyeth Friday commented that the applicant brought of the potential use of injection wells during the plat review but up until that time, the applicant’s plan was to pipe the water to Cove Ditch. He said these are two different systems as injection wells find a layer of natural gravel and inject the water there. Chris Hertz said the Engineering Division will approve the injection wells if the applicant is able to provide calculations that the water can be evacuated within 72 hours. Candi Millar asked Mr. Hertz regarding the process for adjusting the speed limit on Rimrock Road, and he replied he could speak with the City Traffic Engineer. Francisco Saldivar requested an additional condition of approval that the applicant will install engineered footbridges for Lots 25-27 to provide pedestrian access to ponds 1 and 2.

### **Motion**

President Tunnicliff called for a motion.

**David Goodridge made a motion and it was seconded by Francisco Saldivar 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, and an additional condition of approval that the applicant will install engineered footbridges for Lots 25-27 to provide pedestrian access to ponds 1 and 2.**

### **Discussion**

There was no further discussion on the motion.

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

President Tunncliff called for a motion on the request for a variance to provide boulevard style sidewalk on only the north side of Glynn Abbey Way and not on either side of Aston Bay Circle.

### **Motion**

**Francisco Saldivar made a motion and it was seconded by Donna Forbes to approve the variance to provide boulevard style sidewalk on only the north side of Glynn Abbey Way and not on either side of Aston Bay Circle.**

### **Discussion**

Per Troy Boucher’s request, Wyeth Friday reiterated the request for this variance and explained staff is not in favor due to safety issues. Staff wishes to stay with the standard required by the subdivision regulations.

President Tunncliff called for a roll call vote

**The motion fails, 4-3-1, Against-(Cook, Boucher, Forbes, McFarland), Favor-(Saldivar, Goodridge, Klugman), and Abstaining-(LeFevre).**

President Tunncliff called for a motion on the request for a variance to proposing that 58th Street West not continue across Rimrock Road but have the name change to Glynn Abbey Way when it enters the subdivision. The City's Address Coordinator, City Fire Department, and County GIS (manages the street name database for emergency services), all support this variance request for the change in street name on the 58th Street West alignment.

### **Motion**

**David Goodridge made a motion and it was seconded by Donna Forbes to approve the variance that 58th Street West not continue across Rimrock Road but have the name change to Glynn Abbey Way when it enters the subdivision.**

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

**8. NEW BUSINESS-**There is no new business.

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

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

This item was brought forward from the previous Planning Board meeting. Ms. Millar related she has discussed this with President Tunncliff as members may not be familiar enough with the specific information needed to serve as a

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committee. President Tunncliff and Ms. Millar are suggesting delaying this action until a later date and putting together a scope of work for the committee. President Tunncliff stressed the need to define what the work will be and who are the interested parties. He asked that Staff present the Board with a written document. This will be a future agenda item, possibly during the second meeting in February.

- b. Item) Staff update.** Long Range Strategic Issues and an overview of future City and County issues and projects.
1. President Tunncliff announced to the Board Director Millar plans to retire and depart from the Planning & Community Services Department on July 28, 2016. Ms. Millar related to the Board she has encouraged City Administrator Tina Volek to initiate the search process to fill her position in a timely fashion. The City Administrator may be asking for a representative from this Board to participate in the selection process.
  2. President Tunncliff encouraged Board members and this Board to become more engaged in the planning process.
  3. Director Millar said she will be bringing the results of the scenario planning for City Growth areas and use this group to help develop a growth policy statement. She stated this is a critical task for this Board. Other focus groups will write alternative statements, including the Steering Committee and Special Interest Groups.

**c. Announcements:**

1. **West End Traffic Modeling Study Public Meeting:** February 2, 2016 5:00 p.m.-7:00 p.m. Billings Library Community Room.
2. **Rimrocks to Valley Bike Pedestrian Study Public Meeting:** February 3, 2016, 4:00 p.m.-6:00 p.m. Billings Library Community Room.
3. **The next Planning Board meeting** will be held on Tuesday, February 9, 2016, in the Miller Building 1<sup>st</sup> Floor Conference Room.

**ADJOURNMENT:** 8:08 p.m.

**ATTEST:** Approved by a motion on February 9, 2016

  
Tamara L. Deines, Planning Clerk