

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

March 8, 2016

Approved by a motion on March 22, 2016

1. Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, March 8, 2016, in the Miller Building 1st Floor conference room, 2825 3rd 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 were: Candi Millar Millar, Director, Planning and Community Services; Wyeth Friday, Planning Division Manager; Robbin Bartley, Administrative Assistant; Darin Swenson, Yellowstone County Public Works.

Attending: Tom Kelly, North Star Land Services and Lee Myers, 6848 Niebauer Rd, Billings, MT

Approval of the Agenda

Motion

Board member Goodridge made a motion and it was seconded by Board member Cook to approve the March 8, 2016 agenda as submitted. The motion carried with a unanimous voice vote.

2. February 23, 2016 meeting minutes.

Motion

Board member Forbes made a motion and it was seconded by Board member McFarland to approve the amended February 23, 2016 meeting minutes. The motion carried with a unanimous voice vote. Board member Klugman noted these corrections: On Page 15, the voting is incorrect, Board member Boucher’s vote is not accounted for. Board member Boucher was in favor, so noted and amended to minutes.

3. 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.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

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 Goodrich works for Mr. Myers, and therefore excludes himself regarding Cowboy Country Acres Subdivision, 2nd Filing.

7. OLD BUSINESS: There is no old business.

8. NEW BUSINESS

8a. Plat Review/Discussion. Cowboy Country Acres Subdivision 2nd Filing, Amended Lot 15A, Dave Green, Planner II, presenting

President Tunncliff asked Planning Division Manager Wyeth Friday in Dave Green’s absence, to open this agenda item. Wyeth Friday opened this agenda item with a PowerPoint presentation.

INTRODUCTION

On February 1, 2016, Tom Kelly of North Star Land Services for property owner Lee Myers applied for preliminary major plat approval for Cowboy Country Acres Subdivision 2nd Filing, Amended Lot 15A. The proposed plat creates 16 lots from a 28-acre parcel of land. The subject property is generally located near the south east intersection of Neibauer Rd. and South 72nd St. West. The property is outside the zoning jurisdiction and commercial and light industrial uses are proposed. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, March 22, 2016. The Board of County Commissioners will act on the proposal on April 19, 2016.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Cowboy Country Acres Subdivision, Amended Lot 15A, and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

The applicant has requested a variance from Section 4.6 (C) (B) (13) of the Yellowstone County Subdivision Regulations, which outlines the requirement for a dedicated right-of-way be paved when it abuts a paved road.

The applicant has requested a second variance from Section 4.6 (A) (3) of the Yellowstone County Subdivision Regulations, which outlines the requirement that there shall be right-of-way and road connections made when existing roads or platted roads outside of the subdivision connect to the subject parcel.

Staff is recommending denial of the variance requests.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To ensure public health and safety measures prior to final plat approval, the applicant will obtain MDEQ approval for the proposed water and sewer systems in the subdivision.
2. To ensure future maintenance of the roads prior to final plat approval the applicant will create an RSID-M to maintain the road system in the subdivision.
3. To ensure future maintenance of the existing fire suppression system the applicant will expand the existing RSID-M for the dry hydrant facilities in Cowboy Country Subdivision.
4. To ensure public health and safety measures prior to final plat approval, the applicant will obtain MDEQ approval for the storm drainage system in the subdivision.
5. To ensure access for public facilities in the subdivision prior to final plat approval the applicant will show utility easement on the face of the final plat.
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

President Tunncliff called for questions and discussion from the members of the Board. Board member Forbes asked if 70th Street West would eventually going through. Wyeth Friday explained that the owner’s variance request was to not have 70th Street West go thru and connect to Neibauer. Board member Klugman asked for clarification as to which variance Donna was referring to. Is it number #1? After checking back, Wyeth Friday stated that it is variance #2. The first variance is regarding the paving of 68th Street West and the second is regarding 70th Street West.

President Tunncliff asked how will connecting the new subdivision to the residential subdivision on the south impact the traffic through the current residential subdivision. Will there be trucks driving through the residential streets? Wyeth Friday explained that more likely there would be residential traffic heading south from Neibauer on 70th Street West and commercial traffic heading to the north from Cowboy Way to Neibauer. President Tunncliff asked if there would be a negative impact on the residential area with the connection. Wyeth Friday stated he believed there would be minimal negative impact.

Board member Forbes asked if 68th Street West was also going to extend to the south? Wyeth Friday explained it is not intended to go through at this time.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

Applicant/Agent

Tom Kelly, North Star Land Services, 33 Centennial Rd, Columbus, MT

Mr. Kelly is the surveyor and Mr. Meyers’ representative on this project. He began with clarification. The DEQ approval is in process. The access road on 68th Street West will be used by the owner, Mr. Meyers, to access property owned in that area. The variance is requested because 68th Street West is not going anywhere at this point in time. His argument is that the County could require the paving of 68th Street West if, in the future, the area were to go through the subdivision process. The section of road in question would be brought up to road specifications, graveled, etc.; but not paved by them at this time. He has difficulty with the denial of the second variance because he believes it is a huge safety issue to combine and connect commercial property with a residential area. Riverside Construction owns the property to the west.

Board member Sukut asked who owns the property in the southeast corner and how this area is accessed. Mr. Kelly explained that the area may be accessed by 68th or 64th Street West. Mr. Meyers has a sand and gravel company on this property now.

Board member Klugman asked if Mr. Meyers’ property on the southeast corner could be developed into a residential area in the future. Mr. Kelly explained that currently there is no zoning in this area. He also showed access scenarios if it should become a residential area in the future.

Board member Klugman confirmed with Mr. Kelly that he had not seen or was aware of the County’s legal stance on the paving of 68th Street West. He then read the County statement aloud. “Failure to pave the stub on 68th Street West at this time would mean that it would likely never be paved. We would never force a potential sub divider to the south of this proposed subdivision to pave something in a different subdivision after making an affirmative decision to allow the current subdivider to not pave on his own property.”

Mr. Kelly asked if that meant the paving could not be forced in the future. Board member Klugman confirmed this to be correct. Mr. Kelly stated his disagreement with that. He further stated that there are public safety issues that could be used condition the road be paved in future subdivision. Board member Klugman asked if it wouldn’t make sense to pave it now and it be complete. Mr. Kelly voiced that his problem with paving a street that goes nowhere. Without upkeep and maintenance the street will deteriorate.

Mr. Kelly and Board member LeFevre discussed the possibility of a binding agreement for paving in the future should the southeast corner be developed. Candi Millar addressed the issue of a future subdivision being conditioned to pave 68th Street West. Public health and safety and services are valid reasons for a possible condition. The

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

Board could at that time, make a recommendation for that condition. This County Commission very rarely recommends offsite improvements.

President Tunncliff stated that it was the decision of the developer to place residential next to commercial even though Mr. Kelly’s statement was in opposition to it. President Tunncliff went on to say that they have put the burden on the County Commissioners to mitigate a problem caused by this development..

Lee Myers, 6848 Neibauer Rd, Billings, Montana

Mr. Myers is the property owner. He stated that Lakeshore Drive neighbors do not want 70th Street West to connect and be paved. They are concerned about commercial trucks using the road.

Board member Klugman asked if all surrounding property owners have been notified. Candi Millar confirmed they had been. Board member Klugman then reminded Mr. Meyer’s that those parties can attend the meeting in two weeks for comment.

Wyeth Friday summarized the process.

President Tunncliff questioned what the intention was regarding the subdivision to the south. When the stub of 70th Street West was cut in and platted was it anticipated at that time that the property to the north would be residential? It was not clear what the development to the north would be and no zoning applied, however the size of the subdivision suggested that an access to the north would be feasible. President Tunncliff then asked for clarification regarding the requirement of 70th Street West to be completed. Wyeth Friday explained the need for connectivity to Neibauer. President Tunncliff then asked whether that need outweighed the public safety issues of commercial traffic in a residential area. Wyeth Friday said that without a traffic study there is no way to know how much commercial traffic would use it and therefore connectivity may be more important, and furthermore there are no existing sidewalks or pedestrian facilities in the subdivisions regardless of the public safety issues.

President Tunncliff explained that there is no action required and therefore a public hearing for Cowboy Country Acres Subdivision 2nd Filing, Amended Lot 15A will be held at the next Planning Board meeting on Tuesday, March 22, 2016.

8b. Presentation/Discussion. Growth Policy Scenarios. Candi Millar Millar, Director, Planning & Community Services Department. President Tunncliff asked Ms. Millar to present this agenda item and she opened this agenda item with a PowerPoint presentation.

Candi Millar disclosed there had been a Growth Policy Public Meeting in Lockwood on March 3, 2016 and that all the Planning Board members had not been notified because

CITY/COUNTY PLANNING BOARD

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staff was unaware they were not notified automatically through CivicSend. She apologized for this oversight and said it would be taken care of. Board member Klugman spoke up and said that he had been notified. This Growth Policy is focusing on 3 areas: the City of Billings, land use in Lockwood and the rural part of the County. In Lockwood, emphasis was placed on future zoning compliancy with the Growth Policy and how important compatible zoning is. A Growth Policy needs to be adopted in order to guide land use decisions in the future.

Outline of PowerPoint Presentation

- 2016 Lockwood Growth Policy
Yellowstone County Planning Board
March 8, 2016

A 20-Year Vision

Candi Millar Millar, AICP

Director, Planning & Community Services Department

Slide 1 - Population Projections

Slide 2 - Proposed Land Use

Slide 3 - Proposed Land Use - Examples

Small Town Center

Residential Density ~6 d.u./ac.

Slide 4 - Proposed Land Use -Examples

Residential Density ~ 3 d.u./ac.

Residential Density ~10 d.u./ac.

Slide 5 - Proposed Land Use - Examples

Slide 6 - DRAFT Growth Policy Statement

“Lockwood is a community that will evolve with a Main Street-style TOWN CENTER surrounded by a range of housing options that support and sustain, both fiscally and socially, the community investments in schools, public water and sewer, transportation, recreation, and public safety while providing economic opportunities in general commercial and light and heavy industry businesses in areas shown on the preferred land use map.”

Slide 7 - DRAFT Growth Policy Guidelines

- The existing zoning of R-15,000 *may* be changed to higher densities of 7 - 10 dwelling units per acre.
- The existing zoning of R-9,600 *may* be changed to higher densities of 4 - 6 dwelling units per acre.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

- A mixed-use zoning district *may* be applied to properties within the area designated as the TOWN CENTER
- Consider constructing private and public improvements to higher design standards in the more densely developed area
- Take into account pedestrian safety when designing private and public infrastructure
- Industrial development *may* be located along existing and proposed transportation corridors north of the interstate
- A Targeted Economic Development District (TEDD) *may* be used to foster secondary, value adding economic development. Properties within the general area of the TEDD may be initially zoned as agriculture with the intent to rezone to an industrial zoning district when and if the TEDD is implemented.
- Consider connectivity and convenient access for all users when designing future road network
- The County Floodplain Regulations *may* be the best regulatory tool to protect the floodway and flood fringe.

Discussion

President Tunncliff called for discussion from the members of the Board.

President Tunncliff mentions that he continues to struggle with why we continue to put industrial zoning next to the Yellowstone River. The Yellowstone is the longest free flowing river in the nation and we continue to put industrial property next to it and subject it to industrial accidents. Secondly, our criteria is to promote wildlife and this is one of the most pristine areas in the county as far as wildlife. It strikes him as unusual from an aesthetics viewpoint that we would select that particular piece of property which is a gateway into our community as an industrial area. Candi Millar replied that is exactly why floodplain regulations protect the area. It is our only tool for protecting it. Adding both floodplain and zoning would provide a modicum of protection. President Tunncliff states that he simply disagrees.

Board member Goodridge’s concern is the word “industrial” from a real estate point of view; it promotes the wrong image. The railroad set in motion the development of that portion of land. Commerce is a better word than industrial, light commercial or large warehousing.

President Tunncliff would like to add aesthetics into the planning not just zoning, a layer of aesthetic value. Candi Millar talks about entryway higher design standards for aesthetics purposes. President Tunncliff asks for some middle ground as to what these areas could be called other than industrial. Candi Millar says she will look into it as far as what the statute allows. This plan is trying to address the statutory requirements for the Targeted Economic Development District (TEDD). We could call it something other

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

than heavy industrial. President Tunncliff feels what it is called is less important than how it is defined.

Board member Forbes asked if there is there a Yellowstone River Association. She refers to Great Falls and their river frontage preservation. Candi Millar replied the Yellowstone River Protection Association’s is organized to preserve land along the river. There are not a lot of tools to protect the land along the river. One tool that may be considered is to recommend an overlay district in the vicinity of the TEDD to require protection of habitat and require more landscaping. A Growth Policy guideline could be added to the effect: “A zoning overlay district may be used along the river to protect wildlife habitat and other natural resources.”

Wyeth Friday added that one of the entryway zonings is entryway light industrial and has much more robust landscape requirements. Would the board like us to add a guideline that addresses wildlife conservation and habitat?

Board member Goodridge liked the idea of developing a guideline. He stated his real estate clients are looking for 10-20 acre parcels that are close to infrastructure. President Tunncliff would like to see different restrictions for north of the railroad verses south of the railroad.

President Tunncliff wants to see staff do the research and due diligence to address some guidelines for our river and wildlife.

Board member Forbes explains that there are other communities that have preserved their treasures and natural resources.

Candi Millar stated that staff will come back with an additional guideline that addresses these issues. Candi Millar expressed her appreciation for all the input and emphasized that it is not regulatory but it would permit future regulations if the County was so inclined.

8c. Presentation/Discussion. Lockwood/Billings & Beyond. Candi Millar Millar, Director, Planning & Community Services Department, presenting.

President Tunncliff asked Ms. Millar to open this agenda item.

Next Wednesday on March 16, 2016 from 4-6pm at the Library we are going to be talking about the scenario planning phase of the City of Billings. It is very interesting. **We wish to give the people some rational information to create a Growth Policy Statement.**

Slide 1 - 2016 City of billings Growth policy

Yellowstone County Planning Board

March 8, 2016

Slide 2 - Scenario Planning Phase

Slide 3 - The Planning Process

Slide 4 - Scenarios Examined

Slide 5 - **Infill and Contiguous Parcels**

Page 9 of 12

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Reviewed by Planning Staff

CITY/COUNTY PLANNING BOARD

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- Residential densities and land use determined from existing zoning

Slide 6 - North Growth Area

- Public Preferred – mixed densities
- Low Density – 2-4 du/ac
- High Density – 12-20 du/ac

Slide 7 - West Growth Area

- Public Preferred – mixed densities
- Low Density – 2-4 du/ac
- High Density – 12-20 du/ac

Slide 8 - Indicators Analyzed

- **Community Parks** (3 mile radius from existing and hypothetical community parks)
- **Walkability** (1 mile radius from existing and hypothetical elementary schools)
- **Fire Station Coverage** (5-minute drive time from existing and hypothetical fire stations)
- **Bus Routes** (hypothetical bus routes to serve new growth * operation costs)
- **Branch Libraries** (number needed per capita)
- **New Arterials and Collectors** (construction cost of new roads per mile)
- **Garbage Pick-Up** (distance from housing unit to landfill * operating cost of truck)
- **Property Tax and Assessment Revenues** (property tax and assessments generated on a per unit basis)
- **Farmland preservation**

Slide 9 - Infill and Contiguous Parcels

Slide 10 - North Preferred

Slide 11 - North Low Density

Slide 12 - North High Density

Slide 13 - West Preferred

Slide 14 - West Low Density

Slide 15 - West High Density

Slide 16 - Scenarios Ranked by Costs

- West High Density - \$50,058,005
- West Preferred - \$66,391,470
- Infill and Adjacent Parcels - \$75,440,631
- North High Density - \$81,367,770*
- West Low Density - \$85,988,822
- North Preferred - \$119,067,770*
- North Low Density - \$126,656,689*

CITY/COUNTY PLANNING BOARD

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* Preserve farmland

Slide 17 - Scenarios Ranked by Tax Generated

X units * average annual property tax for density = total property tax generated at buildout

e.g.	
10,000 low density units * \$1,300/year	= \$13,000,000
25,000 medium density units * \$1,100/year	= \$27,500,000
<u>15,000 high density units * 400/year</u>	<u>= \$ 6,000,000</u>
50,000 total units	= \$46,500,000

Slide 18 - Given this analysis, what growth guidelines would you recommend for Billings in the next 20 years?

- Compact or dispersed development pattern?
- High, low or mixed densities?
- Mostly infill, mostly north, or mostly west direction?

Robbin, please send this info slide to all board members.

Candi Millar will be asking this Board to help draft guidelines for the City's growth. The guidelines may be as simple or elaborate as it desires regarding subdivisions, transportation and more.

This Growth Policy will guide the Annexation Policy among other City policies. Since 2004, when we adopted the Annexation Policy, we have been able to manage annexations. It has proved to be very cost effective. The hope is this Growth Policy does the same thing by giving some direction to land use policies and regulations. The east and south are not being considered, why? The infill scenario addresses some of the surrounding properties to the east and south. During the public comment phase, nobody wanted to go south or east.

By April, a draft of the vision statement and policy guidelines should be complete. Candi Millar is also working with the Steering Committee and several other focus groups. . Eventually we will have to come to some consensus on these statements and guidelines.

Wyeth Friday talked about the Suburban Subdivision Regulation Special Committee. The goal is to draft a set of subdivision design standards for suburban style subdivisions. The committee will consist of 3-4 persons from the Planning Board, members of the design community, engineers, a landscape architect, and a developer. The following board members have volunteered to serve, Board member Goodridge, Board member Reed, Board member Boucher and Board member Klugman. This committee will provide the full Board with monthly progress reports and future action plans. Some developers and design professionals have been contacted and have agreed to participate. Candi Millar recently invited the City Council and Commissioners to recommend someone from those bodies to participate.

CITY/COUNTY PLANNING BOARD

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The first meeting will be **Wednesday March 30, 2016 @ 3:30pm**---please notify board members. Dave asked if we need someone from a state legislative perspective. Wyeth Friday stated that he thought the committee would be addressing things that could be addressed locally.

9c. Standing Item. Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects. – Nothing presented.

FUTURE AGENDA ITEMS FOR TUESDAY, MARCH 22, 2016

a. PUBLIC HEARING. MOTION/RECOMMENDATION TO BOCC. Cowboy Country Acres Subdivision 2nd Filing, Amended Lot 15A. County Major Subdivision, Dave Green, Planner II, presenting.

b. PRESENTATION/DISCUSSION. Bicycle Pedestrian Advisory Committee Annual Report. Jeffery Butts, Bicycle and Pedestrian Coordinator, presenting.

ADJOURNMENT: 8:15 p.m.

ATTEST: Approved by a motion on March 22, 2016

