

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

March 8, 2016

Draft-To be approved by a motion on March 22, 2016

1. Call the Meeting to Order

President Darell Tunnickliff 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 Tunnickliff called for introductions of the members of the Planning Board and staff. Attending Planning staff members were: Candi 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

2. Approval of the Agenda

Motion

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

3. February 23, 2016 meeting minutes.

Motion

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

- 4. Public Comment:** President Tunnickliff 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.

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.

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Board Member Dave Goodrich stated that he works for Mr. Lee Myers, the applicant for Cowboy Country Acres Subdivision, and therefore would exclude himself regarding any discussion of 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 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.

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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. Donna Forbes asked if 70th Street West would eventually going through. Wyeth explained that the owner’s variance request was to not have 70th Street West go thru and connect to the existing road in Linlee Lakes Subdivision to the south..

Patrick Klugman asked for clarification as to which variance Donna was referring to. Wyeth stated that it is variance #2. The first variance is regarding the paving of 68th Street West and the second variance is regarding connecting 70th Street West to the south.

Darell asked how connecting the new commercial subdivision to the existing residential subdivision on the south might impact the traffic through the current residential subdivision. He asked if trucks would be driving through the residential streets? Planning staff explained that while no traffic study had been completed, it appeared more likely that there would be residential traffic heading north from the residential subdivision to Neibauer and less likely that very much commercial traffic would travel south on 70th Street West and through the residential subdivision out to 72nd Street West. Darell also asked if there would be a negative impact on the residential area with the connection completed. Planning staff stated there would likely be minimal negative impact to the residential area.

Donna asked if 68th Street West was also going to extend to the south past the subject property? Planning staff explained that it is not intended to go through at this time, but that when Linlee Lake Estates Subdivision was platted it was expected

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that further development might occur to the east of the subdivision and connections would be reviewed at that time.

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 stated the DEQ application was currently in Helena for review and that it was planned that 68th Street West would be paved from Neibauer Road to Cowgirl Way as the developer intended to have a loop road from 68th Street West to 70th Street west in the subdivision. Regarding the variance requests for connecting 70th Street West, Mr. Kelly stated it would be dangerous to the residential neighbors to the south to have 70th Street West connected because it would open a road into a commercial development. The commercial development and traffic would not be a safe environment for kids or pedestrians. Kelly explained that 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, Kelly stated. He said 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. Kelly said that if the variance were granted the section of road in question would be brought up to road specifications, graveled etc. but not paved at this time.

Lisa 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. He said Mr. Meyers has a sand and gravel company on this property now.

Patrick 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.

Patrick 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. Patrick then read the County Legal staff's 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 sub divider to not pave on his own property." Mr. Kelly asked if that meant the paving could not be forced in the future. Patrick confirmed that he understood from the staff comments that to be correct. Mr. Kelly stated his disagreement with that. He further stated that there are public safety issues that could condition the road be paved in a future subdivision. Patrick asked if it wouldn't make sense to pave it now and it be complete. Mr. Kelly voiced his problem with paving a street that goes nowhere. Without upkeep and maintenance the street will deteriorate. Kelly said.

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Jared asked Mr. Kelly about the possibility of a binding agreement for paving in the future should the southeast corner be developed. Candi addressed the issue of a future subdivision being conditioned to pave 68th Street West. She said public health and safety, and impact to local services, are valid reasons for a possible condition. The Board could, at that time, make a recommendation for that condition. However, she cautioned that the County Commission very rarely recommends offsite improvements.

Darell 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. Darell went on to say that the developer has 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 neighbors along Lakeshore Drive in the Linlee Lake Estates Subdivision do not want 70th Street West to connect and be paved. He said they are concerned about commercial trucks using the road.

Patrick asked if all surrounding property owners have been notified. Candi confirmed that adjacent property owners are notified as per the regulations. Patrick then reminded Mr. Meyer’s that those parties can attend the meeting for the public hearing in two weeks for comment.

Darrel questioned what the intention was regarding the subdivision to the south when the stub of 70th Street West was cut in and platted. He asked if it was anticipated at that time that the property to the north would be residential? Staff explained that it was not clear what the development to the north would be at the time of the Linlee Lake Estates Subdivision platting and the area is not zoned.. Staff stated that while it was not known at that time if the adjacent property would be commercial or residential since there is no zoning in the area, the need for connectivity between the large parcels and developments in the area was the main reason the connection was platted. . Darrel asked whether the need for the connection outweighed the public safety issues of commercial traffic in a residential area. Staff said that without a traffic study there is no way to know exactly how much commercial traffic would use the road connection in the residential area. Staff also noted that there are no pedestrian facilities in either the existing or proposed subdivision.

Darrel stated that there is no action required at this meeting and a public hearing for Cowboy Country Acres Subdivision 2nd Filing, Amended Lot 15A would be held at the Planning Board meeting on March 22.

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8b. Presentation/Discussion. Growth Policy Scenarios. Candi Millar, Director, Planning & Community Services Department. President Tunnick 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 staff was unaware they were not notified automatically through CivicSend. She apologized for this oversight and said it would be taken care of. Patrick 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, 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,

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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.
- 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.

Darell mentions that he struggles 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 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. Darell states that he simply disagrees.

Dave’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.

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Darell would like to add aesthetics into the planning not just zoning, a layer of aesthetic value. Candi talked about entryway higher design standards for aesthetics purposes. Darell asked for some middle ground as to what these areas could be called other than industrial. Candi said 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 than heavy industrial. Darell feels what it is called is less important than how it is defined.

Donna Forbes ask if there is a Yellowstone River Association. She refers to Great Falls and their river frontage preservation. Candi replied the Yellowstone River Protection Association 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 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?

Dave 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. Darell would like to see different restrictions for north of the railroad verses south of the railroad.

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

Donna explains that there are other communities that have preserved their treasures and natural resources.

Candi stated that staff will come back with an additional guideline that addresses these issues. Candi 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, 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.**

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Slide 1 - 2016 City of Billings Growth Policy

Yellowstone County Planning Board

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Slide 2 - Scenario Planning Phase

Slide 3 - The Planning Process

Slide 4 - Scenarios Examined

Slide 5 - **Infill and Contiguous Parcels**

- 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

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- 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*
- * 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</u>	<u>* 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?

**The clerk will send this info slide to all board members.

Candi 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 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.

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Wyeth 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, Dave Goodridge, Don Reed, Troy Boucher and Patrick 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 recently invited the City Council and Commissioners to recommend someone from those bodies to participate.

The first meeting will be Wednesday March 30, 2016 @ 3:30pm---please notify the board members. Dave asked if we need someone from a state legislative perspective. Wyeth 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.

ADJOURNMENT: 8:15 p.m.

ATTEST: DRAFT. To be approved by a motion on March 22, 2016

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.