



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

June 28, 2016 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **DELAYED. APPROVAL OF MEETING MINUTES:** June 14, 2016
4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *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's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
 - a. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!

1. **PUBLIC HEARING. MOTION/RECOMMENDATION. LIPP SUBDIVISION, 2ND FILING.** Dave Green, Planner II, presenting.

2. **PUBLIC HEARING. "BILLINGSBEYOND", CITY OF BILLINGS GROWTH POLICY,** Candi Millar, Director, Planning & Community Services, presenting.

8. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. **DISCUSSION. LOCKWOOD AREA ZONING JURISDICTION EXPANSION.** Candi Millar, Planning Director, presenting.

9. **OTHER BUSINESS:**
 - a. (Standing Item) Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects.

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, JULY 12, 2016

- a. **Public Hearing/ Motion and Recommendation. Lockwood Area Zoning Jurisdiction and Zoning Expansion.** Candi Millar, Director, Planning & Community Services

Public Hearing Participation Guidelines

The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: **Address the Planning Board directly. You must state your name and address before commenting.** This is an opportunity to explain how you will be affected by the decision and why that is an important consequence.

1. Be informed of the process and the requirements of the Board. If you are commenting about a subdivision, please limit your comments to the review criteria.

By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). These criteria include:

- Effect on agriculture and agricultural water user facilities
- Effect on local services
- Effect on the natural environment
- Effect on wildlife and wildlife habitat
- Effect on public health and safety

2. Provide specific information about why you are concerned about the pending application, how the decision will impact the review criteria listed above, and provide suggestions on how to minimize or eliminate the impact.
3. Respect the right of others to participate. Wait until the previous speaker has completed their comments before making your own comments. Do not talk over the person commenting or with other people in attendance.
4. The public hearing is not an opportunity to question or accuse the applicant or their agent. If you have questions of the Board, the applicant or the agent, ask the question directly to the Board during the public hearing portion of the meeting. The Board will respond or request the applicant or agent to respond after the public comment portion of the hearing is closed.
5. After the public comment portion of the hearing is closed, no further comments are allowed unless you are addressed directly by a Board member.
6. You should expect the Board to make a balanced recommendation in accordance with its statutory responsibilities. The Board's ability to make reasonable and thoughtful recommendations is dependent on a fair consideration of everyone's interests.

Thank you for participating.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 06/28/2016

Information

Subject

DELAYED. APPROVAL OF MEETING MINUTES: June 14, 2016

Attachments

No file(s) attached.



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 06/28/2016

Information

INTRODUCTION

On May 2, 2016, the Planning Division received an application for preliminary plat approval for the proposed Lipp Subdivision, 2nd Filing. The property is generally located south of Lipp Road and west of South 88th Street West. The applicant is proposing to create 10 lots for commercial use. The proposed lots range in size from 41.875 acres to 1.488 acres. This parcel of land is outside of zoning and is surrounded by various uses that include commercial, residential and farming. The Planning Board is scheduled to conduct a public hearing at this meeting. The Board of County Commissioners will act on the proposal on July 12, 2016.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Lipp Subdivision, 2nd Filing, adopt the Findings of Fact, and approve the variance 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 the effects on the natural environment, prior to final plat approval the applicant will obtain approval from the MDEQ for the proposed cistern and septic system placement. They will also receive approval for the storm water systems from the MDEQ and meet the requirements of Yellowstone County Storm Water Management.
2. To minimize the effects on local services, prior to final plat approval a Rural Special Improvement District (RSID) will be created to provide maintenance of the interior paved roads of this subdivision.
3. To minimize the effects on the local environment, prior to final plat approval the applicant is required to obtain a weed management plan and a property inspection shall be done by the County Weed Department.
4. To ensure equitable use and cost sharing of the existing fire suppression systems in the neighborhood as per Section 4.14 (D) of the Yellowstone County Subdivision Regulations, prior to final plat approval the applicant shall pay a proportional share of the cost of installation of the existing dry hydrant system to the developer of Brey Subdivision that installed the system.

5. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

6. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

The applicant has requested a variance from Section 4.14.C.2. of the Yellowstone County Subdivision Regulations, which outlines the requirement for a 30,000-gallon dry hydrant in a major subdivision.

Staff is recommending approval of the variance request. Further explanation and analysis can be found in Attachment A.

DISCUSSION/STAKEHOLDERS

A brief presentation was provided by staff about the proposed subdivision. After the presentation, Board President Darell Tunncliff opened the discussion to questions from the board. Member Patrick Klugman asked about the variance and if there is any timeline on when the applicant would be required to install a 30,000-gallon dry hydrant system. Staff responded that there is no time limit on when there would be a 30,000-gallon dry hydrant system installed, but it would be triggered by more subdividing of the property. Staff also explained that the Laurel Fire Department is in support of the proposed 10 lots use of the existing 20,000-gallon dry hydrant system in the Brey Subdivision to the north. Staff added that should the current applicant not do any additional filings and sell the remaining property to another individual, the next person to subdivide will be required to install the 30,000-gallon dry hydrant system.

Attachments

Attachment A, Variance
Findings of Fact
Proposed Plat

Attachment A

Staff Analysis and Recommendation

County Planning, County Public Works, and County Legal staffs have reviewed this request for a variance from Section 4.14.C.2 of the Yellowstone County Subdivision Regulations and are recommending approval.

The proposed subdivision is within ½ road mile from an existing 20,000-gallon dry hydrant system in the Brey Subdivision to the north. Major subdivisions are required to install a 30,000-gallon dry hydrant system, the existing tank in Brey Subdivision is a 20,000-gallon system, it does not meet the current size requirement for major subdivisions. This is the reason for the variance. Laurel Fire Department has stated that they will be able to utilize this existing system for the 2nd Filing of Lipp Subdivision. In the future when Lipp continues to develop and proposes it's next filing they will be required to install a 30,000-gallon dry hydrant system within the Lipp Subdivision. In the SIA under **IV Emergency Service** the applicant has included a sentence that states: Future filings of Lipp Subdivision will be subject to the Yellowstone County Subdivision Regulations in Place at that time.

Staff is recommending approval of the proposed variance, and recommends that the Planning Board recommend approval to the Board of County Commissioners.

Yellowstone County Subdivision Regulations:

Section 4.14.C.2 **Major, Commercial, and Subsequent Minor Subdivisions.** The subdivider shall provide a minimum of one of the following mechanisms for fire suppression:

1. A pressurized fire hydrant system meeting the flow requirements of the applicable Fire Code and NFPA 1142.

2. An approved, single, minimum thirty thousand (30,000) gallon underground water storage tank with approved dry hydrant type fittings located not more than one-half (1/2) road mile from the furthest structure in the subdivision. If an approved existing underground water storage tank is located within one-half (1/2) road mile from the furthest structure of the proposed subdivision, it may be used to meet this requirement. In either case, the dry hydrant shall be constructed to the standards set forth by this Section.

Alternative methods shall be reviewed by the fire department having jurisdiction with recommendations for approval made to the Board of County Commissioners.



PRELIMINARY SUBDIVISION VARIANCE APPLICATION

SECTION 11.1 VARIANCE (76-3-506), MCA

PLANNING DIVISION

2825 3RD AVENUE NORTH, 4TH FLOOR
BILLINGS, MONTANA 59101

PHONE: (406)247-8676 FAX: (406) 657-8327

PROJECT#

PROPERTY INFORMATION							
Primary Parcel/Legal Description (C/S, Subdivision, Lot, Block)					Property Tax ID		
S10, T01 S, R24 E, N2NE (95) (80 Acres)					D00081		
General Location	S 88 th St W + LIPP ROAD						
CLASSIFICATION: (CHECK ONE)							
<input type="checkbox"/>	City Major (6 or more lots)	<input type="checkbox"/>	City Minor (5 lots or fewer)	<input type="checkbox"/>	City Subsequent Minor (Reviewed as aa minor)	<input type="checkbox"/>	City Expedited
<input checked="" type="checkbox"/>	County Major (6 or more lots)	<input type="checkbox"/>	County Minor (5 lots or fewer)	<input type="checkbox"/>	County Subsequent Minor (Reviewed as a major)	<input type="checkbox"/>	County Expedited
ATTRIBUTES							
Gross Area (Sq. Ft)	3290,914.44 SF	Gross Area (Acres)	75.549 Acres	Number of Lot(s)	10		
Lot Size Maximum (Square Feet)	1,824,075 SF	Lot Size Minimum (Square Feet)	91,332 SF				
APPLICANT/SURVEYOR INFORMATION							
PROPERTY OWNER Jerry L Brey							
E-mail Address	jerrybreydc@hotmail.com	Mobile Phone	406-460-6983	Home Phone			
Mailing Address	1921 Chickadee Circle						
City	Billings	State Abbreviation	MT	ZIP Code	59105		
AGENT/SURVEYOR BLUELINE ENGINEERING							
E-mail Address	mphil@blueline-eng.com	Mobile Phone	860-4667	Business Phone	294-2294		
Mailing Address	2110 OVERLAND AVE SUITE 119 B						
City	Billings	State Abbreviation	MT	ZIP Code	59102		

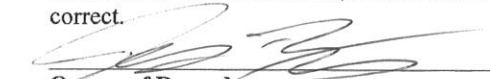
Variance(s) Requested

List and Attach Variance Request application and Variance Request criteria answers per Chapter 11. 1.A.1-5. Each requested variance shall be deemed a separate application, to be process concurrently with the preliminary plat. **A filing fee must accompany all applications for variances.**

Section 4.14, C, 2

Facts of Hardship: Provide a separate written statement describing the facts of hardship upon which the request for variance is based.

I declare that I am the owner of record of the above-described property, and have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, is true and correct.


Owner of Record

6/6/16
Date

Owner Under Contract

Date

June 6, 2016

Planning Division,

We are requesting a variance from the conditions of Section 4.14, C, 2 of the Yellowstone County Subdivision Regulations. The answers below correspond to the five findings in the Variance Application:

1. An existing 20,000-gallon tank is located north in Brey Subdivision within ½ mile road distance to all lots within the subdivision.
2. The shape of this subdivision keeps all parcels within ½ mile road distance. Future filings will build additional storage.
3. The variance will have no tax burden increase that will result, as fire protection tanks currently exist.
4. The conditions in the SIA provide for additional tanks in the future as required in the Yellowstone County Subdivision Regulations.
5. The Laurel Fire Department and the County Attorney have approved this plan.

If you have any questions, please feel free to contact me.

Sincerely,



Marshall Phil



CITY HALL
115 West 1st Street
Public Works: 628-4796
FAX: 628-2241
Water Office: 628-7431

City Of Laurel
P. O. Box 10
Laurel, Montana 59044



June 2, 2016

Mr. Dave Green
Yellowstone County Planning Department.
Billings Mt. 59101

Re: Dry Hydrant

Dear Mr. Dave Green

We are going to allow a variance from the requirement of a 30,000 gallon tank at this time. The 20,000 gallon tank in Brey Subdivision will be adequate for this filing of Lipp Sub.

Further subdivision development of Lipp Sub will require an additional dry hydrant tank that complies with the regulation in place at that time.

Please let me know if you have any questions.

Sincerely,


Jason Showar
Fire Marshal/ Chief Building & Fire Official

City of Laurel is an EEO Employer
Equal Housing Opportunity

PROPOSED YELLOWSTONE COUNTY BOARD OF PLANNING
FINDINGS OF FACT

The City/County Planning Staff has prepared the Findings of Fact for the Lipp Subdivision, 2nd Filing. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA) (Section 3.2(H)(2), YCSR)

1. Effect on agriculture and agricultural water users' facilities

The subject property has been historically used for grazing land and minimal farming. The lands to the south have developed into large parcel residential uses. Lands to the west are used for agricultural production. Lands directly to the north have been developed as a mix of residential and commercial uses. Lands to the east are arid rolling hills with a minimal of grazing on them. This subdivision is creating a total of 10 lots with this filing. The immediate area is not ideally suited to farming large tracts and is generally transitioning out of agricultural use.

Cove Ditch is north of the subject property but passes by the subject property at the north west corner. High Ditch is south of the subject property. Neither ditch crosses anywhere within the boundary of the proposed subdivision.

2. Effect on local services

- a. **Water and Sewer** –Domestic water is proposed to be supplied by using individual cisterns. Each lot will have its own septic system. Both of these will require that the Montana Department of Environmental Quality (MDEQ) review for placement of cisterns and proposed septic system to ensure appropriate separations. This subdivision has received DEQ approval from the previous platting of the 1st Filing. Individual cistern and septic systems will be on each lot with the exception of Lot 2, Block 2 which will have sanitary restrictions. Lots 7 and 8, Block 1 will have a shared septic system. MDEQ approval for the 2nd Filing will be required prior to final plat approval. **(Condition #1)**

- b. **Streets and roads** – Current access to the subject properties is from Lipp Road and 88th Street West, both roads are State Secondary roads. Lipp Road comes off of 88th Street West and continues on to Buffalo Trail Road to the west. All proposed lots in this subdivision will be accessed off of internal streets and not from Lipp Road or 88th Street West. Access points into the subdivision from Lipp Road, 88th Street West and the new proposed 89th Street West will have to obtain access permits from MDT. The new internal roads are proposed to be paved, public roads and the applicant will need to create and RSID-M for the new roads prior to final plat approval. **(Condition #2)**

- c. **Fire and Police services** – The property is within the Laurel Fire Service Area’s jurisdiction and the Laurel Fire Department will provide fire service. It is the subdivider’s responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service’s needs. A 20,000-gallon dry hydrant tank is in the Brey Subdivision to the north across Lipp Road within the ½ mile driving distance required by fire regulations. With this 2nd Filing of Lipp Subdivision, Laurel Fire Department has stated that it will be able to use the existing tank in the Brey Subdivision to the north. Any future filing of Lipp Subdivision will require the installation of the 30,000-gallon dry hydrant system.

Proportional reimbursement for the joint use of the dry hydrant system in Brey Subdivision will be made by this applicant as per Section 4.14 (D) of the Yellowstone County Subdivision Regulations. The dry hydrant in Brey Subdivision is maintained by the Home Owners Association, there is no RSID for maintenance to expand with Lipp Subdivision, 2nd Filing. **(Condition #4)**

The Yellowstone County Sheriff’s Department will provide law enforcement services. The Department did not have any concerns with the proposal.

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- e. **Storm water drainage** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and MDEQ. At Storm water management plan will be submitted and approved before final plat approval. **(Condition #1)**
- f. **School facilities** – The proposed subdivision is for commercial use only and will have minimal effect on area schools.
- g. **Parks and recreation** – A parkland dedication is not required for this subdivision because it is proposed to be commercial uses only. YCSR Section 10.8.C.
- h. **Historic features** – No known historical or cultural assets exist on the site.
- i. **United States Postal Service** – The USPS has responded to staff and requested that the applicant provide a centralized mailbox on the corner of 89th Street West and Lipp Road for the entire subdivision with on street parking to access the mailbox.
- j. **Condominium development** – Lot 1 of Block 2 is proposed to be used for commercial condominium development. Lot 1 of Block 2 is Lipp Subdivision 1st Filing.

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. A weed management plan will be completed and a property inspection done prior to final plat approval. **(Condition #3)**

There are no apparent or known natural hazards on the property.

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property although the area is good deer and antelope habitat. An advisory note to this effect is in the SIA, Conditions that Run with the Land Section.

5. Effects on public health and safety

Plans and designs for the individual cisterns and septic systems will be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision. A 20,000-gallon tank with a dry hydrant system exists in the subdivision to the north, Brey Subdivision, and will be used by this filing for fire suppression purposes. **(Condition #4)**

Effects on public health and safety should be minimized through these measures.

B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-603, MCA) (Chapter 9, YCSR)

An environmental assessment determined there will be no adverse effect on the land as it has been used as grazing land for years and therefore has been disturbed from its natural state and this proposed subdivision does not disturb any natural features or habitat.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the Urban Area Transportation Plan--2009 Update, and the Billings Area Bikeway and Trail Master Plan? (Section 3.2(H)(4), YCSR)

1. Yellowstone County – City of Billings 2008 Growth Policy Update

- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)

This subdivision will create new lots that are for commercial use that is consistent with property to the north.

- Goal: More housing and business choices within each neighborhood. (p. 9)

The proposed subdivision does not create any new lot for housing but it will provide commercial development giving more business choices in the neighborhood.

- Goal: Protection of groundwater, surface water, riparian areas, air quality and productive agricultural land. (p. 9)

The proposed subdivision will maintain the natural drainage areas, although it is removing some agricultural land.

2. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is not within the boundary of the Transportation Plan. The subject property has frontage on Lipp Road and 88th Street West. Both roads are the jurisdiction of Montana Department of Transportation (MDT). The appropriate amount of right-of-way is being preserved for these roads with this plat. Also, no-access strips are identified on the plat to prevent new drive approaches onto Lipp Road and 88th Street West with the exception of MDT approved access into the subdivision. The internal street in this subdivision is proposed to be public streets.

3. West Billings Plan

The subject property is not within the study area of the West Billings Plan.

4. Billings Area Bikeway and Trail Master Plan (BABTMP)

The subject property is not within the jurisdiction of the BABTMP. No bikeway or trail improvements are required or proposed for this subdivision.

D. Does the subdivision conform to the Montana Subdivision and Platting Act (MSPA) and to local subdivision regulations? [76-3-608(3)(b), MCA and Section 3.2(3)(a), YCSR]

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [Section 4.8(C) and 4.9(C), YCSR]

The subdivider must receive approval from the MDEQ for the individual cisterns and the proposed septic facilities prior to final plat approval.

F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2(H)(3)(e), YCSR]

The subdivision is outside zoning therefore it doesn't need to meet any requirements of zoning.

G. Does the subdivision provide for necessary planned utilities? [76-3-608(3)(c), MCA and Section 3.2(H)(3)(b), YCSR]

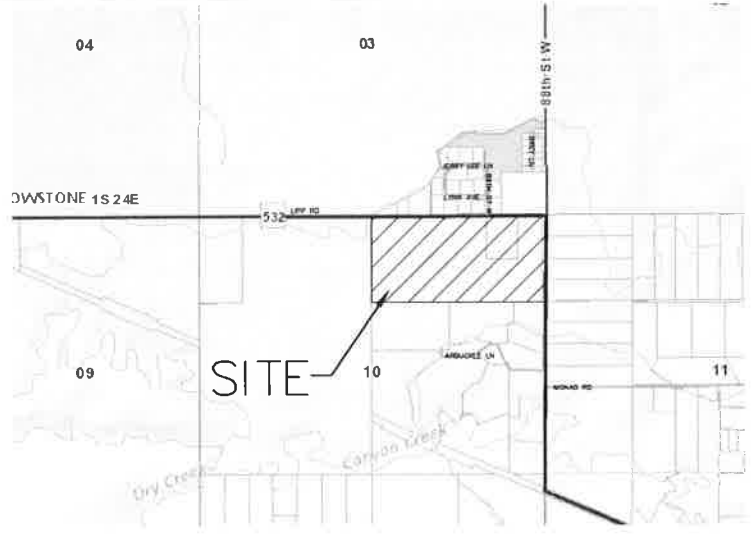
Utilities for the proposed lots will be placed in locations that are requested by the utility companies. The applicant is showing 8-foot utility easements on the plat on the outer edge of the public right of ways.

H. Does the proposed subdivision provide for Legal and Physical Access to all lots? [MCA 76-3-608 (3) (d) and Section 3.2 (H) (3) (c) (d), YCSR]

Legal and physical access will be provided for proposed lots off of the internal streets. Access off of Lipp Road and 88th Street West must be approved by MDT.

CONCLUSIONS OF FINDINGS OF FACT

- Lipp Subdivision 2nd Filing does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal. Impacts identified can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the 2008 Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.



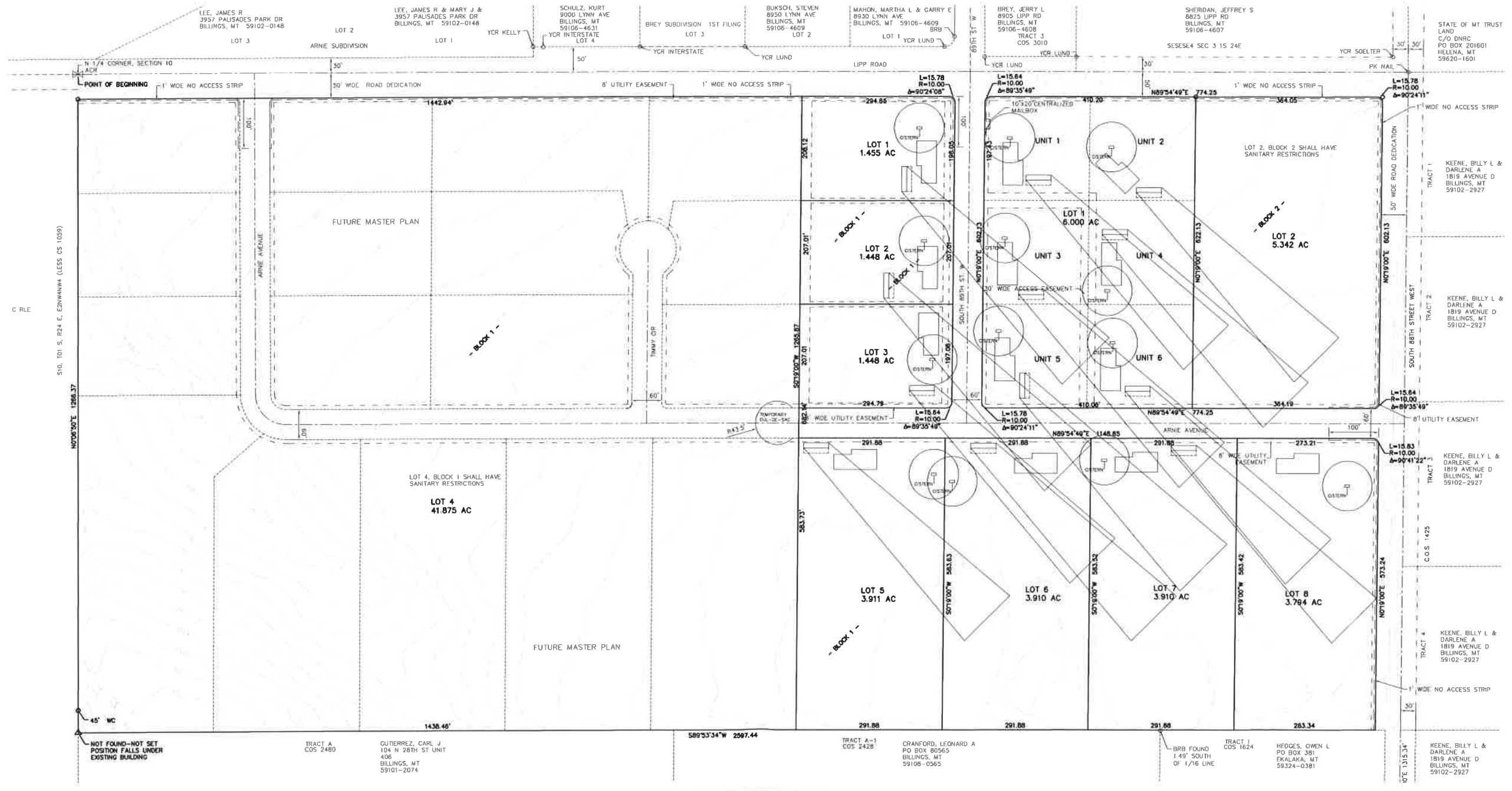
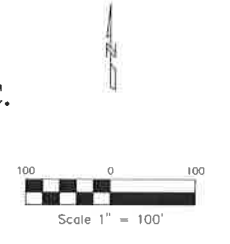
VICINITY MAP
NOT TO SCALE

SUBDIVISION DETAILS:

GROSS AREA	=	75.549 ACRES
NET AREA	=	73.093 ACRES
ROAD AREA	=	2.456 ACRES
NUMBER OF LOTS	=	10
MINIMUM LOT SIZE	=	1.448 ACRES
MAXIMUM LOT SIZE	=	41.875 ACRES
EXISTING ZONING	=	NONE
SURROUNDING ZONING	=	NONE
NORTH	=	NONE
SOUTH	=	NONE
EAST	=	NONE
WEST	=	NONE
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	COMMERCIAL

PRELIMINARY PLAT OF
LIPP SUBDIVISION, 2ND FILLING
 SITUATED IN THE SW 1/4, SW 1/4, SECTION 10, T. 1 N., R. 26 E., P.M.M.
 YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: JERRY L BREY
 SURVEYOR: NORTH STAR LAND SERVICES, P.C.
 ENGINEER: BLUELINE ENGINEERING LLC
 JUNE, 2016
 BILLINGS, MONTANA



NOT FOUND-NOT SET
 POSITION FALLS UNDER
 EXISTING BUILDING

TRACT A
 COS 2480
 GUTERREZ, CARL J
 104 N 28TH ST UNIT
 406
 BILLINGS, MT
 59101-2074

589°33'34"W 2597.44

TRACT A-1
 COS 2428
 CRANFORD, LEONARD A
 PO BOX 80565
 BILLINGS, MT
 59108-0565

TRACT J
 COS 1624
 BRB FOUND
 1 1/2' SOUTH
 OF 1/16 LINE

TRACT I
 COS 1624
 HEDGES, OWEN L
 PO BOX 381
 EKALAKA, MT
 59324-0381

TRACT 4
 KEENE, BILLY L &
 DARLENE A
 1819 AVENUE D
 BILLINGS, MT
 59102-2927



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 06/28/2016

Information

PROBLEM/ISSUE STATEMENT

The Planning Division staff is recommending the Yellowstone County Board of Planning hold a public hearing on the proposed City of Billings Growth Policy and make a recommendation, by resolution, to the City Council for adoption of the Policy. The Growth Policy provides guidance to decision-making bodies of the City of Billings on matters on land use and infrastructure investment. It is not a regulatory document, however, it does provide information on the public preference on how Billings grows and where it grows in the next 20 years.

State law specifies that a jurisdiction should review an existing growth policy at least once every five years and revise the policy if necessary (76-1-601 (3)(f)(iii), MCA). The current policy, which incorporates both the City and County, was adopted in 2008. Updating the 2008 City of Billings/Yellowstone County Growth Policy was identified as a priority in the 2014 City Council Strategic Plan. The City Council recognized at that time that a policy was needed to achieve its goal of “comprehensive, cost-effective, and orderly growth.” Staff was directed to “prepare a comprehensive growth policy focused on existing service gaps in the City growth areas.” This action by City Council both initiated the process of preparing a growth policy for the City of Billings and provided a framework for the purpose of the document. State law also lists required elements that a growth policy must include (76-1-601 (2), MCA). If the Board recommends approval, the City Council will act on the recommendation at its July 11, 2016 regular business meeting.

BACKGROUND

Updating the 2008 City of Billings/Yellowstone County Growth Policy was identified as a priority in the 2014 City Council Strategic Plan. The City Council recognized at that time that a policy was needed to achieve its goal of “comprehensive, cost-effective, and orderly growth.” Staff was directed to “prepare a comprehensive growth policy focused on existing service gaps in the City growth areas.” To achieve this directive, two questions needed to be answered:

1. **How will we grow?** The responses identified what services would be needed to provide a desired growth outcome and where the “*service gaps*” are and will be in the next 20 years.
2. **Where will we grow?** Answers to this question established where the “*City growth areas*” actually are.

These were the questions posed to the public to begin the planning process in October, 2014. More than 1,200 comments were received from 35 public meetings. As the comments were examined, certain core values began to emerge that fell together into seven categories. The aggregated values expressed clear community goals that shared many common associations. The seven goals are: Essential Investments, Place Makers, Community Fabric, Strong Neighborhoods, Home Base, Mobility and Access, and Prosperity.

The public comments were also the basis for three other important elements of this Policy: objectives, toolboxes, and performance measurements. Goal objectives are targeted outcomes that provide definition to what the goal can achieve or how the goal can be achieved. Toolboxes suggest ways, means, and methodologies to accomplish the goal, and performance measurements are recommended metrics for determining if the goal is being achieved.

Referring back to the Council’s Strategic Plan goal of “comprehensive, cost-effective, orderly growth”, the planning process also evaluated seven different growth scenarios to estimate the relative cost and revenue of various growth patterns in three separate growth areas identified through the public input process: North (around the proposed Inner Belt Loop), West (west of Shiloh Road) and Infill (existing parcels within the City limits and adjacent properties). The scenarios were developed to accommodate approximately 50,000 more residents. The costs to provide selected services and facilities the public preferred were calculated for high, low, and mixed residential density (Preferred) scenarios in the North and West growth areas. The residential density used for the infill scenario was based on existing zoning. The revenue estimates were developed by extrapolating the average tax and assessment revenue from existing residential housing developments of comparable densities.

The scenario planning results were looked at three ways:

1. Total cost of selected services and facilities and total revenue from housing unit per scenario
2. Total cost of selected services and facilities/total anticipated annual revenue (Return on Investment)
3. Total anticipated annual revenue from residential development/acre

The chart below shows the order of ranking for the seven scenarios.

Scenario Ranking	North Preferred	North High Density	North Low Density	West Preferred	West High Density	West Low Density	Infill and Adj. Parcels
Total Costs (1 = lowest costs)	3	1	5	6	4	7	2
Return on Investment	6	7	3	4	5	1	2
Total Revenue per Acre	4	7	3	5	6	2	1

The scenario planning data and the values expressed by the public support a general consensus that development of infill parcels and properties adjoining the existing City limits is second lowest in total costs, second highest in return on investment and is the highest in total revenue per acre. Also substantiated by public comment and the scenario planning data is that a mix of residential densities is preferred. There are clear revenue advantages to the low density scenarios in terms of return on investments and total revenue per acre, mostly because the revenue generated by higher valued houses on larger lots is greater than any other scenario. However, the costs for developing the low density scenario are significant. The infill scenario returns the highest total revenue per acre largely because of the concentrated value on smaller lots, provides a mix of housing, and is less costly to develop.

The primary purpose of the planning process is to formulate a *Growth Policy* for the selected time horizon, or 20 years. In the end, the *Policy* is derived from the comments, goals, objectives and data. The Growth Policy stands as a framework to evaluate future public and private development and investment. The *Policy* is further supported by a *Growth Policy Statement* (vision) and suggested *Growth Guidelines* that can be referred to when making decisions for land use applications and infrastructure projects.

FINANCIAL IMPACT

Adoption of the Billings Growth Policy will have no direct financial impact to the City. However, the Policy demonstrates that the Infill and Adjacent Parcels growth pattern is most cost effective. It should be noted that maintenance and replacement costs were not factored into the scenario planning. It stands to reason that infill development will require replacement and repair of existing infrastructure sooner than newer development in the north and west scenarios. This repair and replacement of existing infrastructure will be necessary regardless of the growth area as the majority of the City population still live in areas served by existing infrastructure and rely on this infrastructure. Adoption of the Billings Growth Policy should provide guidance to the City in making financial decisions that are cost effective and efficient in delivering City services.

RECOMMENDATION

The Planning Division staff is recommending the Yellowstone County Board of Planning hold a public hearing on the proposed City of Billings Growth Policy and make a recommendation, by resolution, to the City Council for adoption of the Policy.

Attachments

Resolution

Growth Policy Statement and Guidelines

RESOLUTION 16-02

RESOLUTION RECOMMENDING ADOPTION OF THE 2016 CITY OF BILLINGS GROWTH POLICY – “BILLINGSBEYOND – A GROWTH POLICY FOR BILLINGS” TO THE BILLINGS CITY COUNCIL AT ITS REGULAR BUSINESS MEETING ON JULY 11, 2016.

WHEREAS, the Yellowstone County Board of Planning desires the Billings City Council to adopt the 2016 City of Billings Growth Policy – “BillingsBeyond – A Growth Policy for Billings”; and

WHEREAS, on the 28th day of June, 2016, a public hearing was held by the Yellowstone County Board of Planning for the purpose of receiving public comments on the proposed City of Billings Growth Policy; and

WHEREAS, pursuant to Montana Codes Annotated Section 76-1-601, the Yellowstone County Board of Planning may prepare and propose a Growth Policy for any part of its entire jurisdictional area; and

WHEREAS, pursuant to Montana Codes Annotated Section 76-1-603, the Yellowstone County Board of Planning must recommend, by resolution, the proposed Growth Policy and any proposed ordinances and resolutions for implementing to the governing bodies;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT THE YELLOWSTONE COUNTY BOARD OF PLANNING recommends the Billings City Council adopt the proposed 2016 City of Billings Growth Policy – “BillingsBeyond – A Growth Policy for Billings” at its regular business meeting on July 11, 2016.

DONE BY ORDER of the Yellowstone County Board of Planning this 28th day of June, 2016.

YELLOWSTONE COUNTY BOARD OF PLANNING

Darell Tunnidiff, President

ATTEST:

Candi Millar, Executive Secretary

Chapter 2 – Growth Policy Statement and Guidelines

Chapter . City of Billings Growth Policy Statement and Guidelines

The Growth Policy Statement and Guidelines provide elected officials and other decision-makers an understanding of the public’s vision for future growth and development, and recommendations on how to achieve that vision within the City of Billings in the next 20 years. As stated in state statute, “*a growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law,*” MCA 76-1-605(2)(a). It does, however, provide guidance when developing future regulations, policies, and projects. Most specifically, subdivision and zoning regulations are required to “*be made in accordance with the growth policy,*” MCA 76-1-605(1)(c) and MCA 76-2-304(1)(a). State law also provides for the governing bodies “*to be guided by and give consideration*” to the growth policy on other matters including public infrastructure, utilities, and structures, MCA 76-1-605(1).

The Growth Policy Statement may be a considered a vision of where and how the City will grow in the next 20 years. The Growth Guidelines describe more specifically what people value and desire as outcomes or objectives and these are categorized under seven headings that define general goals.

City of Billings Growth Policy Statement

IN THE NEXT 20 YEARS, BILLINGS WILL MANAGE ITS GROWTH BY ENCOURAGING DEVELOPMENT WITHIN AND ADJACENT TO THE EXISTING CITY LIMITS, BUT PREFERENCE WILL BE GIVEN TO AREAS WHERE CITY INFRASTRUCTURE EXISTS OR CAN BE EXTENDED WITHIN A FISCALLY CONSTRAINED BUDGET AND WITH CONSIDERATION GIVEN TO INCREASED TAX REVENUE FROM DEVELOPMENT. THE CITY WILL PROSPER WITH STRONG NEIGHBORHOODS WITH THEIR OWN UNIQUE CHARACTER THAT ARE CLEAN, SAFE, AND PROVIDE A CHOICE OF HOUSING AND TRANSPORTATION OPTIONS.

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment

- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure is most cost effective
- Accessible, friendly and cost-effective government are important public values
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, and improve our environmental quality far into the future (ie energy efficiency and renewable energy) are desirable.
- It is important to factor in maintenance costs when programming public spaces and infrastructure
- Integrated, long range water planning that better utilizes existing resources and treatment options, and when necessary acquires new ones, is vital. Water conservation can assist in mitigating the need for expansion
- Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- The preservation of prime agricultural farmland through public programs and/or public/private partnerships will help sustain agriculture and locally grown food
- The history and heritage of Billings are cornerstones of our community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods
- Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City
- Improve the aesthetic appearance of the city entryways and streetscapes in order to complement the Yellowstone Valley's natural beauty

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)

- Zoning regulations that allow a mixture of housing types support diverse neighborhoods
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community
- Accessory Dwellings provide an important type of affordable housing options
- Energy efficient housing can reduce energy consumption

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Transit routes to popular destinations and extended route hours are much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Expanded air service ensures that Billings remains a competitive and an accessible destination
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

Prosperity (promoting equal opportunity and economic advancement)

- Equitable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that balance living wages with economic growth benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy
- Continued workforce training benefits the community and helps attract and retain businesses
- Strategically placed industrial parks will encourage a more diverse city economy, reduce carbon pollutants and preserve air quality



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 06/28/2016

Information

PROBLEM/ISSUE STATEMENT

DISCUSSION. LOCKWOOD AREA ZONING JURISDICTION EXPANSION. CANDI MILLAR, PLANNING DIRECTOR.

BACKGROUND

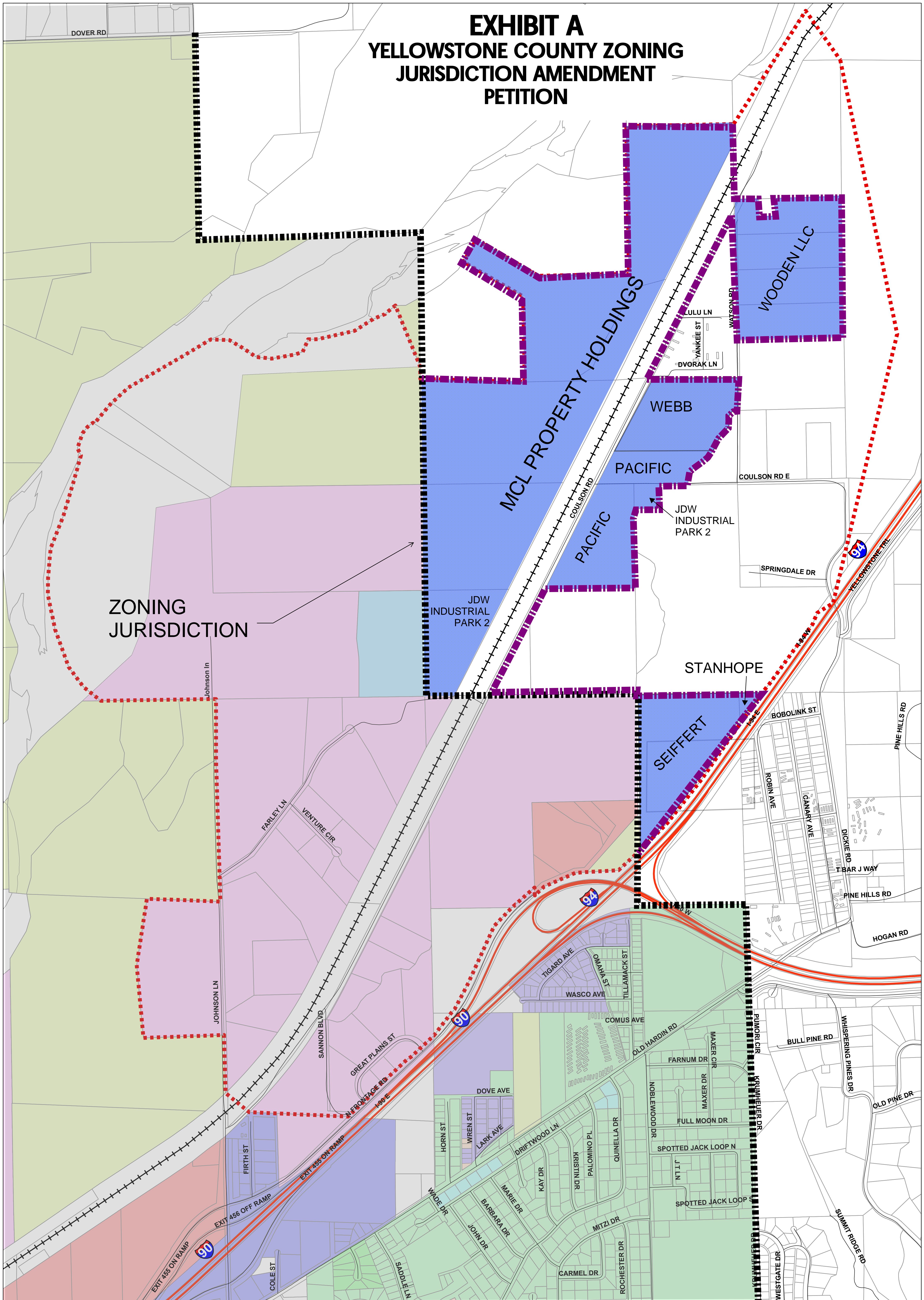
FINANCIAL IMPACT

RECOMMENDATION

Attachments

Lockwood Zoning Jurisdiction Amd

EXHIBIT A YELLOWSTONE COUNTY ZONING JURISDICTION AMENDMENT PETITION



ZONING JURISDICTION

MCL PROPERTY HOLDINGS

WOODEN LLC

WEBB

PACIFIC

PACIFIC

JDW INDUSTRIAL PARK 2

STANHOPE

SEIFFERT