

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

June 28, 2016

Approved by a motion on July 12, 2016

1. Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, June 28, 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, Director, Planning & Community Services Department; Wyeth Friday, Planning Division Manager, Dave Green, Planner II, Tammy Deines, Planning Clerk

Others in attendance: Gordon Bean, Joseph Lafountain, Marshall Phil, Blueline Engineering; Carol Wardell, Jeff Sheridan; Ethan Kanning; Carl Gutierrez; Katy Easton; Dianne Lehm, BSEDA; Terry Seiffert; Nicholas McDowell; Bruce Lackman; Connie Wardell; Anya Fiechtel, High Plains Architects; Mic Smith

- 2. Approval of the June 28, 2016 Agenda:** President Tunncliff called for approval of the agenda.

Motion

Board member Cook made a motion and Board member Klugman seconded the motion to approve the June 28, 2016 agenda. The motion carried with a unanimous voice vote.

- 3. Approval of the June 14, 2016 meeting minutes.** This action is delayed until the July 12, 2016 meeting.

- 4. Public Comment:** President Tunncliff asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There were no public comments.

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. There were no disclosures of Conflict of Interest or Ex Parte Communications.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

7. OLD BUSINESS

7a1. PUBLIC HEARING. Lipp Subdivision, 2nd filing. Dave Green, Planner II, presenting. President Tunnicliff asked Dave Green to open this agenda item. Dave Green opened with a PowerPoint presentation.

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 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 and adopt the Findings of Fact and approve the variance as presented in the staff report.

VARIANCE 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.

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 their 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 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 of the existing fire suppression systems in the neighborhood, prior to final plat approval the applicant will pay their proportional

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

share of cost of installation of the existing dry hydrant system to the developer 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.

Discussion

President Tunncliff called for discussion from the members of the Board. In response to a question by Board member Goodrich, Dave Green explained additional subdividing will trigger the need for installation of 30,000-gallon dry hydrant system. The Laurel Fire Department is in support of the proposed 10 lots use of the existing 20,000-gallon dry hydrant system in the subdivision to the north. This language is included in the SIA.

President Tunncliff asked for presentation by the application.

Marshall Phil, Blueline Engineering, 2110 Overland Ave, Suite 119B, Billings, Montana

Mr. Phil is representing Jerry Brey, applicant. Marshal Phil stood to answer any questions about the proposed subdivision. He was asked a couple of questions by Board members. One question was about the cost of installing a dry hydrant system. Mr. Phil stated he didn't know for certain what the cost is but believed it would be at least 1 dollar per gallon of capacity, or greater. Another question was asked about proposed uses in the commercial condominiums that are planned. Mr. Phil stated the intent was for contractors to store equipment or for 'man caves' should someone just need a space for their personal items.

Public Hearing

President Tunncliff opened the public hearing and asked if there was anyone wanting to speak in favor or against Lipp Subdivision, 2nd Filing.

Carl Gutierrez, 104 N Broadway, Billings, MT

Mr. Gutierrez asked for clarification on the roadways depicted on the plat map and it was given by Dave Green.

President Tunncliff asked if there was anyone else wanting to speak in favor of Lipp Subdivision, 2nd Filing. There was none. President Tunncliff closed the public hearing at 6:16 p.m. and called for a motion.

Motion

Board member Boucher made a motion and Board member Goodrich seconded the motion for the Planning Board to recommend that the Yellowstone County Board of

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

County Commissioners conditionally approve the preliminary plat of Lipp Subdivision, 2nd Filing and adopt the Findings of Fact.

Motion

Board member Goodrich made a motion and it was seconded by Board member Cook to support approval of the requested 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.

Discussion: There was none.

President Tunncliff called for a vote on the original motion.
The motion carried with a unanimous voice vote.

President Tunncliff called for a vote on the requested variance.
The motion carried with a unanimous voice vote.

7a2. PUBLIC HEARING. MOTION/RECOMMENDATION “BILLINGSBEYOND” 2016 GROWTH POLICY. Candi Millar, Director, Planning & Community Services Department, presenting.

President Tunncliff asked Candi Millar to open this agenda item. Ms. Millar explained this public hearing is required by state law. The Planning Board will forward a recommendation by resolution. She continued and reviewed the PowerPoint presentation that was given at the June 14, 2016 Planning Board Meeting.

Discussion

President Tunncliff called for questions and discussion from the members of the Board. Board member Goodrich asked about the projected 50,000 population growth over the next 20 years. Candi Millar said the projections are based on trends of the last 25 years, averaging about 1.5% per year growth rate.

President Tunncliff thanked Ms. Millar for the opportunities for public engagement. Ms. Millar said a copy of the comments received from the different groups will be included in the document. She stated for the most part, there was a lot of consistency in the input given and the consistent trends that emerged. There were 65 public meetings. An acknowledgment will be included in the Growth Policy to recognize the members of the Planning Board and the Steering Committee.

Public Hearing

President Tunncliff opened the public hearing at 6:50 p.m. and asked if there was anyone wishing to speak in favor of the 2016 “BILLINGS BEYOND” Growth Policy.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

A. **Connie Wardell, 514 64th Street West, Billings, MT**

Ms. Wardell is a member of the Growth Policy Steering Committee. She commented that this process has been one of the best in terms of reaching out to the public and getting feedback. The information gathered was compiled by Staff and forwarded to the Steering Committee. Ms. Wardell said Feels this growth policy is the best done in twenty years.

She suggested the following:

- A. She voiced concerns with the potential for the water treatment plant operating over capacity, and stressed the necessity of providing water and dealing with wastewater treatment. She stated the need to deal more with the Public Works Department and said they may not have been aware of this as a Steering Committee.
- B. Ms. Wardell stated Billings is as a population financially conservative but wants the best plan available. She stated the importance of considering deferred maintenance costs when the developer does making presentations of new proposals, as new construction but replacement is done at the City's expense. She commented on the need for a true cost benefit analysis and said we should know when going into a project whether it will be a negative or positive return. Ms. Wardell suggested adding language and a bullet to the section, **Essential Investments** (relating public and private expenditures to public values)”.
- C. Add to the section, “**Prosperity** (promoting equal opportunity and economic advancement)”, add a phrase, Predictable, equitable City taxes and assessments are important to Billings’ taxpayers.
- D. Address the mention of carbon emissions monitoring in the “**Strategic Investments” Performance Indicators**, as carbon is not a major problem.
- E. Page 1-Add a phrase ...future maintenance costs must be presented when the projects are presented.

Candi Millar concurred with Ms. Wardell as to the suggested changes to the guidelines under the Prosperity section, along with a bullet point in maintenance costs, and a notation a cost benefit study is important to make decisions.

Motion

Board member Goodrich made a motion and Board member Boucher seconded the motion to recommend adoption of the 2016 City of Billings “BILLINGS BEYOND” Growth Policy to City Council as presented by staff with the suggested changes forwarded at today’s meeting per Resolution #16-02.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

The motion carried with a unanimous voice vote.

8. NEW BUSINESS

8a. DISCUSSION. LOCKWOOD AREA ZONING JURISDICTION EXPANSION.

Candi Millar, Director, Planning & Community Services Department

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”.

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

YELLOWSTONE COUNTY BOARD OF PLANNING


Darell Tunncliff, President

ATTEST:


Candi Millar, Executive Secretary

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

Ms. Millar stated that Diane Lehm, Director, Community Development, BSEDA, has contracted with Sanderson Stewart to create a comprehensive development plan for a Targeted Economic Development District, (TEDD), for Lockwood. As part of the contract the future boundaries of the TEDD have to be considered and make them conform to the Regulations and Statutes that authorize the development of the TEDD. The properties within the TEDD have to conform to the Lockwood Growth Policy. The properties may be included in the TEDD and zoned with agricultural purposes with the idea of zoning for commercial uses in the future. There are seven properties that have opted to be zoned which are currently outside the zoning jurisdiction. The zoning boundary must be expanded to achieve this. The BOCC created a resolution of intent requesting the Planning Board hold a public hearing to consider expansion of the county zoning jurisdiction. The BOCC will take in comments for the next 30 days and hold their public hearing on August 23, 2016.

Dianne Lehm, BSEDA, 222 North 32nd St. Suite 200. Billings, Montana

Ms. Lehm referred to “Exhibit A”, Yellowstone County Zoning Jurisdiction Amendment Petition, which was included in the packets. She stated there are seven property owners with roughly 23 parcels forwarding this request. This Board will hold a public hearing on July 12, 2016.

Discussion

President Tunncliff called for questions and discussion from the members of the Board. In response to a question by Board member Goodrich, Diane Lehm said the boundary adjustment will only be around the requested properties. In Yellowstone County the property owner must forward the request to the BOCC in order for the Commissioners to consider changing the boundaries. She said there were some concerns from family members that were not ready to make changes with their property at this time. Several properties were involved in a trust with multiple ownerships.

Board member Boucher asked if the property owners in the proposed TEDD but not zoned will be able to participate. An explanation was given that the TEDD boundary will follow the zoned properties, and property owners not participating in this request will have to go through the process as in individual at a future date.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

9. OTHER BUSINESS

Standing Item. Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects. –

Announcement. Public Meeting: Billings Area Bicycle and Pedestrian Master Plan, Thursday, June 30, 2016, Billings Library Community Room.

ADJOURNMENT: 8:30 p.m.

FUTURE AGENDA ITEMS: JULY 12, 2016

PUBLIC HEARING. LOCKWOOD AREA ZONING JURISDICTION

EXPANSION. Candi Millar, Director, Planning & Community Services Department

ATTEST: Approved by a motion on July 12, 2016

