

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

July 12, 2016

Approved by a motion on November 9, 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, Tammy Deines, Planning Clerk

Others in attendance: Ethan Kanning; Katy Easton, BSEDA; Dianne Lehm, BSEDA; Shawn D Green, Linda Green, Terry Seiffert; Bob Riehl; Woody Woods

2. Approval of the July 12, 2016 Agenda: President Tunncliff called for approval of the agenda.

Motion

Board member Cook made a motion and Board member Reed seconded the motion to approve the July 12, 2016 agenda. The motion carried with a unanimous voice vote.

3. Approval of the June 14, 2016 meeting minutes.

Motion

Board member Goodrich made a motion and it was seconded by Board member Cook to approve the June 14, 2016 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Approval of the June 28, 2016 meeting minutes.

Motion

Board member Goodrich made a motion and it was seconded by Board member Cook to approve the June 28, 2016 meeting minutes as submitted. The motion carried with a unanimous voice vote.

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

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

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station. Board member Klugman abstained from Agenda Item 7a1 due to a conflict of interest.

7. OLD BUSINESS

7a1. MOTION/RECOMMENDATION. LOCKWOOD AREA ZONING JURISDICTION EXPANSION. Candi Millar, Director, Planning & Community Services Department

Ms. Millar gave the introduction below for this agenda item.

INTRODUCTION

The BOCC approved a resolution of intent requesting the Planning Board hold a public hearing to consider expansion of the county zoning jurisdiction. The BOCC will hold its public hearing on August 23, 2016, 9:00 a.m. 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 with the 2016 Lockwood Growth Policy. The properties may be included in the TEDD if they are zoned as controlled industrial or heavy industrial, or as agricultural with the idea of zoning for industrial uses in the future if they are included in the TEDD. There are seven property owners that have opted to be zoned which are currently outside the zoning jurisdiction.

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

Ms. Lehm referred to “Exhibit A”, Yellowstone County Zoning Jurisdiction Amendment Petition. She stated there are seven property owners with roughly 23 parcels forwarding this request. She said BSEDA considered areas in Yellowstone County for the TEDD that are appropriate for commercial development for businesses needing land with infrastructure and found this area to meet the criterion. If this request is approved, there will not be an immediate change in use of these properties.

Discussion

President Tunncliff called for questions and discussion from the members of the Board. Dianne Lehm, in response to a question from Board member Goodrich, said the boundary adjustment will only be around the requested properties. 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 Goodrich pointed out the irregularity of the zoning jurisdiction’s boundary line. Candi Millar explained the zoning jurisdiction was changed in 1972 by resolution to be approximately 4.5 miles from the existing City boundary. She stressed that in Yellowstone County, property owners have to initiate zoning requests.

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Per Board member Reed’s request, Candi Millar provided clarification on the process for requests for zoning variances. Board member Reed asked if the zoning boundary/planning jurisdiction can be initiated by the County Commissioners.

Ms. Millar stated the Board of County Commissioners will not expand the boundary or change the zoning without the voluntary request of landowners. Board member Reed commented on the benefits of planning and zoning for the entire area. Ms. Millar noted the adopted Lockwood Growth Policy maps proposed land uses outside the existing zoning area.

Public Hearing

At 6:20 pm, President Tunncliff opened the public hearing and asked if there is anyone present wanting to speak in favor or against the zoning jurisdiction expansion.

Linda Green, 2610 Watson Road, Lockwood, Montana

Ms. Green’s property is adjacent to the proposed zoning area. She requested information on the pros and cons of inclusion in the zoning area. They received an information letter on the TEDD proposal.

Candi Millar explained the importance only comes if the owner wishes to participate in the TEDD. There are general advantages to zoning, including having more confidence in what type of land use will occur in adjacent properties. There is no disadvantage or effects on property values if the property owner does not plan to change the use of the property. Ms. Green asked about fracking within the proposed zoning area and voiced concern with dust issues. Candi Millar said this type of use requires a special review.

At 6:27 pm, President Tunncliff closed the public hearing and called for a motion and discussion.

Motion

Board member Goodrich made a motion and it was seconded by Board member Reed to forward a recommendation to the Board of County Commissioners of approval of the expansion of the zoning jurisdiction as presented by Staff and depicted on “Exhibit A”, Yellowstone County Zoning Jurisdiction Amendment Petition.

Discussion

President Tunncliff voiced concern with Ms. Green’s need for further information regarding the TEDD and the zoning proposal this late in the review process. Dianne Lehm, BSEDA, said there were several public opportunities in this process. The last public meeting for this request was held on May 12, 2016, at Lockwood School; and the consultant team provided an overview. Presentations were given and public hearings were held during the Board of County Commissioners sessions. Personal meetings with interested parties were scheduled and held to help usher this process through as a group

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of property owners. She explained the process for landowners to be included in the zoning area at a later date.

Board member Goodrich noted the 14 property owners located outside of the proposed zoning area expansion and asked if BSEDA made any follow-up with these property owners. Ms. Lehm stated they only provide information and do not try to influence property owners' decisions.

Board member Boucher asked what zoning classification could be applied to the Green's property. Candi Millar suggested it may fall in the designated areas for Heavy Industrial, (HI), Controlled Industrial, (CI) or Agricultural.

Board member Goodrich stated he is in favor of the proposed TEDD, but is concerned with the irregularity of the zoning jurisdiction boundaries. He voiced concern with the subdivision review standards being hamstrung by the current zoning boundaries. He stated an update of the zoning jurisdiction boundaries should be considered as it has not been done since 1970. He said he is disappointed the Greens were not afforded with a personal appointment for a visit and explanation of the TEDD and this request.

Board member Reed stated he is in favor of this request, and it is a good start. He concurred with Board member Goodrich's comments for the need of consideration of formally expanding the zoning jurisdiction boundaries.

Board member Bass stated he would like the Board of County Commissioners to be aware of the Planning Board's desire to have a more aggressive approach to the expansion of the zoning jurisdictional area.

9. OTHER BUSINESS

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

a. **City of Billings Growth Policy, “BillingsBeyond”** Director Millar gave an update on the City of Billings Growth Policy. City Council tabled action on a resolution of intent to adopt the policy. There were some suggested revisions to the guidelines by email prior to the meeting and the Council asked staff for additional review time, and to return to next Monday's work session. The Council will act on a resolution of intent with possible revisions on July 25, 2016.

b. **July 26, 2016 Planning Board meeting:** This meeting is cancelled due to a lack of agenda items. The next meeting will be held on Tuesday, August 9, 2016.

c. **Retirement Recognition Party for Candi Millar, Director, and Planning & Community Services Department:** The Planning Board is invited to share in a time of recognition for Director Candi Millar's years of service to the community on Thursday, July 28, 2016, Billings Public Library Community Room, 1:00 pm-3:00 pm.

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c1. Acknowledgements: President Tunnicliff announced this is the last Planning Board meeting Candi Millar will attend while serving as Director and Planning Board Secretary. He commented he had not received communications related to hiring the new Planning Director. Candi Millar noted that the selection committee should include the Planning Board President and one of the Yellowstone County Commissioners. She said she will forward this request to the City Administrator.

- ❖ President Tunnicliff acknowledged Ms. Millar’s contributions to the community and stated he has great respect for the way she conducted herself on this Board. He said he admires Ms. Millar’s great wisdom and knowledge and it will be difficult to find someone with her feel for the political process. He thanked her for outstanding work as a staff member and as a part of the Planning Board.
- ❖ Board member Goodrich commented he has worked with Ms. Millar as a member of the Community Development Board and the Planning Board. He expressed his sincere appreciation and wished Ms. Millar “Good luck!”
- ❖ Board member Reed expressed his appreciation and said, “Thank you!” from the Community of Lockwood for the many efforts Ms. Millar has made in their regard.
- ❖ The Board concurred and gave Ms. Millar a round of applause.

Ms. Millar reminded the members of the Board of the commonality of professionalism displayed by its members. She said this Board has exceeded all standards of integrity, and has made decisions with respect and careful thinking. She thanked the members for volunteering their time and said the experience and background they bring enriches the community and makes it much better place.

ADJOURNMENT: 8:30 p.m.

FUTURE AGENDA ITEMS: AUGUST 9, 2016

--Update and Presentation/Discussion. Kids in Motion, (KIM) Program; AmeriCorps VISTA Program. Jeffrey Butts, Alternative Modes Coordinator; Tony Chase, AmeriCorps VISTA Volunteer; Sara Chanell, AmeriCorps VISTA Volunteer

ATTEST: Approved by a motion on November 9, 2016

