

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

Board Attendance Roster: Please note: “E” stands for excused absence, “A” stands for un-excused absence, “1” stands for present.

BYLAWS, YELLOWSTONE COUNTY BOARD OF PLANNING, (Amended. May 25, 2004)

Section 4. Absences and Removal

- A. Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence.
- B. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term. Schedule: (** denotes a Wednesday meeting)

	Position	01/12/2016	01/26/2016	02/09/2016	02/23/2016	03/08/2016	03/22/2016	04/12/2016	04/26/2016	05/10/2016	05/24/2016	06/14/2016	6/28/2016	07/12/2016	08/09/2016	08/23/2016	09/13/2016	09/23/2016						
Dave Goodridge	Mayor/Billings Ward I	1		E	1	1	E	E	1	1	1	E	1	1	1	1	-							
Vacant	Mayor/Billings Ward II															-	-							
LaVerne Bass	Mayor/Billings Ward III	-	-	-	-	-	-	-	-	-	-	1	1	1	1	E	-							
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1	E	1	1	1	1	1	-							
Patrick Klugman	Mayor/Billings Ward V	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	-							
Troy Boucher	YC District 1	-	1	1	1	1	1	1	1	E	1	1	1	1	1	E	-							
Dennis Cook	YC District 2	1		1	1	1	1	1	1	E	1	E	1	1	1	1	-							
Lisa Sukut	YC District 3	1	E	1	E	1	1	A	E		E	1	E	E	A	E	-							
Vacant	YC District 4																							
Don Reed	YC District 5	E	E	1	1	E	E	1	1		1	E	E	1	A	1	-							
Vacant	YC District 6																							
Francisco Saldivar	YC District 7	1	1	1	1	E	1	1	1	1	E	1	1	E	1	1	-							
Clint McFarland	Y County Cons. District	1	E	E	E	1	1	A	E	1	A	E	E	E	E	1	-							
Scott Reiter	Ex-Officio S.D. 2 Facilities Director	E	1	E	1	E	E		A	A	E	E	1	A	A	A	-							

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August 23, 2016

To be approved by a motion on September 27, 2016

1. Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, August 23, 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: Wyeth Friday, Interim Director, Planning & Community Services Department; Scott Walker, Transportation Planning Coordinator; Dave Green, Planner II; Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works Department; Tim Miller, Director, Yellowstone County Public Works Department

Others in attendance: Scott Worthington; Jim Wallis; George Wallis; Celeste and Jay Butler; Tom Carroll; Vearl Beck; Mikell O’Donnell; Tim Jackson; Dan Wells

- 2. Approval of the August 9, 2016 Agenda:** President Tunncliff noted a staff request for additional agenda item 8.1 Motion. Amendment to the Metropolitan Planning Organization, (MPO), Boundary and called for approval of the agenda.

Motion

Board member Saldivar made a motion and Board member Klugman seconded the motion to approve the August 23, 2016 agenda with the additional Agenda Item 8a. “Amendment to the MPO Boundary”.

The motion carried with a unanimous voice vote.

- 3. Approval of the August 9, 2016 meeting minutes.**

Motion

Board member Cook made a motion and it was seconded by Board member Klugman to approve the August 9, 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 station. There were no Conflicts of Interest. Staff received a letter dated August 20, 2016 from Jim & Vivian Binando regarding Skycrest Subdivision, and a letter from George Wallis.

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7. OLD BUSINESS: There is no old business.

7a. PUBLIC HEARING. MOTION/RECOMMENDATION TO Board of County Commissioners. SKYCREST SUBDIVISION. DAVE GREEN, PLANNER II

Mr. Green gave the introduction below for this agenda item and followed with a PowerPoint presentation.

INTRODUCTION

On July 1, 2016, In Site Engineering for Regal Land Development, Inc., applied for preliminary major plat approval for Skycrest Subdivision. The proposed plat creates 94 lots for single-family residences on a 64.31-acre parcel of land. The subject property is generally located between South 64th Street West and South 72nd Street West, north of O'Donnell Lane and south of King Avenue West. The property is outside of zoning. The proposal will go to the Board of County Commissioners for action on September 13, 2016.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Skycrest Subdivision and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

No variances have been requested from the Yellowstone County Subdivision Regulations for this proposal.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

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Planning staff recommends the following conditions of approval:

1. To provide for the maintenance of the community water system and minimize effects on local services, prior to final plat approval the applicant will create a Home Owner Association, (HOA), with the requirement in the HOA documents that the residents will contribute to and maintain the community water system for the subdivision. Or the applicant can enter into a contract with a third party to do the maintenance and repair of the public water system.
2. To ensure there is notice to future home owners of their responsibility to maintain the community water system, prior to final plat approval the applicant will add a paragraph in the SIA under Conditions That Run With The Land informing property owners of their obligation to pay into a maintenance fund for the maintenance of the community water system for the subdivision.
3. To mitigate impacts on local services, prior to final plat approval the subdivider shall create a Rural Special Improvement District – Maintenance (RSID-M) for future maintenance of the new internal roads and the dry hydrant system.

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4. To improve traffic safety and reduce traffic conflicts, prior to final plat approval the applicant will place a ‘1 foot no access easement’ on the south side of Skycrest Drive from the northwest corner of Lot 4, Block 4 to South 64th Street West, excluding the dedicated rights-of-way for the six cul-de-sacs off of Skycrest Drive on the south. Also, an opening will be left on the park frontage for access to the park.
5. To improve traffic safety and reduce traffic conflicts, prior to final plat approval the applicant will place a ‘1 foot no access easement’ along the north side of Skycrest Drive from the southeast corner of Lot 34, Block 3 to the southwest corner of Lot 46, Block 3, excluding the dedicated rights-of-way for the four cul-de-sacs off of Skycrest Drive on the north.
6. To minimize the effects on local services, prior to final plat approval a 60-foot wide dedicated road right-of-way shall be shown on the face of the final plat for this subdivision for O’Donnell Lane where it fronts South 72nd Street West. The 60-foot right-of-way shall be either entirely on the subject property or 30 feet may be on the subject property and the other half may use the 30-foot Road Tract 4-B, with the right-of-way centered on the north edge of Road Tract 4-B, if the applicant can show proof of right to use the 30-foot Road Tract 4-B. If the applicant is not able to show proof of right to use Road Tract 4-B, the applicant may petition the portion of Road Tract 4-B needed for access to the proposed subdivision into the County and build it to County paved road standards. Amendments shall be made to the final Subdivision Improvements Agreement to reflect whichever scenario is secured for the dedicated public roadway.
7. To minimize the effects on local services, prior to final plat approval a 60-foot wide dedicated road right-of-way shall be shown on the face of the final plat for this subdivision for South 71st Street West where it fronts O’Donnell Lane and proceeds north to Skycrest Drive. The applicant will need to either gain the right to use the 30-foot road easement on the adjacent property it does not own to the east and provide the additional 30 feet on its property for a total 60-foot road right of way, or the applicant will need to provide the entire 60 foot right of way on its property. Amendments shall be made to the final Subdivision Improvements Agreement to reflect whichever scenario is secured for the dedicated public road right-of-way.
8. To provide for proper fire suppression within this subdivision, prior to final plat approval the applicant will add language in the SIA under Emergency Service defining the phasing of the subdivision and that the 30,000-gallon dry hydrant fire suppression system will not be built in Phase I, but will be required before release of the next phase. The system will be inspected and signed off by BUFGA before any subsequent phases after Phase I can begin development.

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9. To ensure public park land is being used in accordance with County Park Board requirements, prior to final plat approval and before any construction of the dry hydrant system, the applicant will receive permission from the County Park Board to install the 30,000-gallon dry hydrant system in the O’Donnell Park.
10. To mitigate impacts to the parks used in the subdivision and to ensure park land is able to be maintained, prior to final plat approval the applicant will create a Parks Maintenance District to provide for the maintenance of new parks in the subdivision.
11. To minimize the effects on local services, prior to final plat approval the subdivider shall provide written verification that the US Postal Service has approved the mail facilities and locations for this subdivision.
12. To ensure proper documentation for the proposed phasing of Skycrest Subdivision, prior to final plat approval the applicant will include a Declaration of Restriction of Transfers, a Release, and a Certificate for each proposed phase of Skycrest Subdivision.
13. To minimize the effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be approved by the County Weed Department.
14. To ensure proper easement placement for a proposed future trail along the Big Ditch, prior to final plat approval the applicant will move the easement depicted as being a 20-foot trail easement measured from the center of the Big Ditch to be measured 20 feet from the edge of the east bank of the Big Ditch.
15. To provide for the installation of the needed private utilities within the subdivision, prior to final plat approval the applicant will coordinate with private utility companies and provide easements on the plat, if needed, and easement documents for those easements.
16. 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.
17. 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 by the members of the Board. Board member Klugman asked about the timeline for the determination for Conditions of Approval #6

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and #7. Dave Green clarified and said the applicant will need to determine what is needed for the right-of-way and reflect this in the documentation for the final plat submittal. Board member Klugman asked when the County Parks Board will create the district mentioned in Condition of Approval #10. Dave Green answered and said the Park Maintenance District will be used for the parkland and the district will be created prior to final plat. Board member Goodrich recounted the discussion at the last meeting on the County Legal Department’s response on accepting a County right-of-way. Dave Green said that in this situation is a property owner has not filed a deed. The road will be constructed with an easement and after 5 years, the County would have a prescriptive easement over the road tract, making it public. Board member Reed asked if there is a way to get this clarified prior to approval and Wyeth Friday provided further information. He said if the road is built and is prescriptive and the owner claims the parcel at a later date, the County will request the back payment of the taxes due on the County parcel. In response to a question by Board member Goodrich, Dave Green stated the applicant is required to go through DEQ for approval of the engineer’s report and findings for all water and septic systems.

Public Hearing

At 6:36 pm opened the public hearing and asked if there is anyone wishing to speak in favor or against Skycrest Subdivision.

Applicant

President Tunnicliff asked for presentation by the Applicant.

Dan Wells, Wells Built Homes, 1812 66th Street West, Billings, Montana

Mr. Wells stated they have monitored the ground water on this parcel for over a year and submitted the findings to DEQ. They worked with the Department of Natural Resources to determine the water rights. The water testing was conducted earlier in the year and this information will be made available to the public. They have not found anything that will restrict this development. He pointed out a proposed pocket park and a larger area to serve as a well head protection for the community water system that will be about an acre of grassy area. They will front the County parkland and propose buildout of the two smaller parks which will be maintained through the Home Owners’ Association. In time, they would like to see the Home Owners’ Association contribute to the improvements for parkland. Regarding the roadways, they plan to have all of the roads paved. Tract 4B will be built to a County profile for a gravel road. Ownership of the road tract is not clear, and is a "lost piece; a Rural Special Improvement District, (RSID), is probably the best option. Regarding Conditions of Approval 4, and 5, Mr. Wells explained that Skycrest Drive is a residential street and not a collector. They are asking for a controlled permit to build a circular driveway for a controlled access. He said he doesn't feel public safety is the issue and would like to pursue this discussion.

Jim Wallis, 14355 Minnetonka Circle, Reno, Nevada

Mr. Wallis’ father owns the tract to the north of the old Ignatius property. He read aloud the letter submitted by George Wallis, 105 Clark, Billings, Montana who has concerns with this development. He is asking the barb wire fence to be replaced and voiced

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concerns with the need for safety for residents adjacent to the two farmland parcels as there are hunters in the corn fields; hazards presented by the open ditch; and wildlife issues. As a remedy, Mr. Wallis proposes this developer replace the barbwire fence with a 6 foot high security fence and sign-off liability from the lawful farm activities taking place on the farm.

Tim Jackson, 1205 S. 68th Street, Billings, Montana

Mr. Jackson has a well that abuts this parcel. He asked about the separation distance required by the Department of Environmental Quality.

Vearl Beck, 1202 S. 70th Street, Billings, Montana

Mr. Beck said the new survey is located 6" into his fence line. He commented the roadway tends to close in the winter time and needs be open.

Celeste Butler, 7015 O'Donnell Lane, Billings, Montana

Ms. Butler has lived in this area for 11 years. She has concerns with the effects on the wildlife habitat; water levels, and the proximity of the drain fields. She asked where the property line is located. She feels it will be hard to deal with the density

Rebuttal

President Tunncliff called for rebuttal.

Dan Wells, Wells Built Homes, 1812 66th Street West, Billings, Montana

Mr. Wells noted the concerns voiced during the public hearing with walls, fences, hunters, and ditches.

- The Fish Wildlife and Parks Department’s regulations require a separation distance of 500 feet from the nearest residence.
- They will provide access to the ditch in service as it is the right of the farming community to use them.
- The new subdivision residents may not want a security fence. He noted that chain link and barb wire fence are usually precluded as they are not residential in nature.
- A wall would act as a wind shear that would not be in the best interest of the area.
- Waivers Held Harmless- This proposal should be legally reviewed and as they may not have the right to do this.
- Language will be included in the SIA stating the need to respect the neighbors.
- The applicant may refer to the County Sanitarian for the DEQ standards.
- Regarding the issue of the property pins, Mr. Wells said he is unsure of the solution but feels a solution may be found working “neighbor to neighbor”.
- The deer seemed to have adapted to urban life.

In response to questions by Citizen Jay Butler, Mr. Wells said groundwater monitoring is conducted to check levels of ground water and the information is submitted to DEQ. American Drilling is responsible for drilling the test pumps and this information will be available through DNRC. Board member Saldivar asked about the process to register the new wells. Mr. Wells said they are registered to the County as new wells and will not be

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used until the water rights are obtained. Board member McFarland asked if there is an easement across the east end of the development for the ditch.

President Tunncliff asked if there is anyone else wanting to speak in favor or against Skycrest Subdivision. There was none. President Tunncliff closed the public hearing at 7:08 p.m. and called for a motion.

Motion

Board member Saldivar made a motion and Board member Reed seconded the motion to recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Skycrest Subdivision and adopt the Findings of Fact as presented in the staff report.

Discussion

Board member Klugman commented on Conditions of Approval #4 and #5 dealing with access to the parcel and asked if there should be an option for the Board of County Commissioners to conditionally approve the subdivision without them. Interim Director Friday noted County Public Works Director Tim Miller and Darin Swenson are in attendance and available for comments and questions. Wyeth Friday said the SIA Conditions that Run With the Land, “H” addresses awareness of the adjacent agricultural uses. Dave Green clarified for Board member Saldivar and said registered wells in the County have water rights and the County has the ability to shut down newer wells if there is a draw down on the water levels. Director Miller stated this action is handled through the State of Montana.

The motion carries with a unanimous voice vote. This submittal will be heard by the Board of County Commissioners on September 13, 2016.

8b. DISCUSSION. DRAFT 2017 UPWP. SCOTT WALKER, TRANSPORTATION COORDINATOR

President Tunncliff asked Scott Walker to open this agenda item. Scott Walker gave the introduction below and followed with a PowerPoint presentation. He noted this is the second reading for this agenda item.

PROBLEM/ISSUE STATEMENT

The Planning Division is presenting information regarding the Billings Metropolitan Planning Organization’s (MPO) Unified Planning Work Program (UPWP) document. Staff will provide background information regarding the MPO and the importance and need of having the UPWP.

BACKGROUND

The UPWP is primarily for the purpose of programming the federal dollars Billings receives from the Federal Highway Administration (FHWA) for transportation planning. These funds are passed through the Montana Department of Transportation (MDT). However, all planning activities are included in the UPWP so that it represents a comprehensive document of the urban transportation planning program. The UPWP

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corresponds directly with the Planning Division’s annual work plan. The UPWP proposes planning activities for each Federal Fiscal Year which runs from October 1 through September 30.

FINANCIAL IMPACT

The total budget for the 2017 UPWP is from the following sources:

\$216,000	Planning Division Fee Revenue (City of Billings)
\$54,000	Planning Division Fee (Yellowstone County)
\$440,000	Yellowstone County Planning Levy (Mill)
\$1,384,482	Federal Planning (PL) Allocation
\$2,094,482	Total Program (UPWP)

RECOMMENDATION

Staff recommends the Planning forward a recommendation of approval of the Draft 2017 UPWP as presented by staff.

Discussion

President Tunncliff called for questions and discussion by the members of the Board. There was none.

President Tunncliff opened the public hearing and asked if there is anyone wanting to speak in favor or against the Draft 2017 UPWP. There was none. President Tunncliff closed the public hearing and called for a motion.

Motion

Board member Cook made a motion and it was seconded by Board member Klugman to recommend approval of the Draft 2017 UPWP as presented by staff.

Discussion

President Tunncliff called for discussion on the motion. Scott Walker said the 5th Avenue Corridor Feasibility Study was not included in this recommendation as the Policy Coordinating Committee chose to table this study and remove it from the program. President Tunncliff expanded on this point and said City Council and the Board of County Commissioners had forwarded recommendations against this study.

The motion carried with a unanimous voice vote.

8. OTHER BUSINESS

8a. Motion. MPO Boundary amendment-Scott Walker, Transportation Planning Coordinator

Scott Walker presented the board with maps and explained a scrivener's error in the depicted census boundary. He said the Census Bureau dictates the MPO boundary. The boundary line needs to be moved slightly eastward to include the census line. He is asking for Planning Board’s recommendation of approval of this correction in order to bring it forward for approval of the Policy Coordinating Committee. Discussion

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followed and it was pointed out the MPO boundary crosses over Laurel’s census boundary. Board member Reed commented on the need to discuss consideration of the urban designation of the Lockwood area with the Census Bureau.

Motion

Board member Reed made a motion and it was seconded by Board member Cook to recommend approval of the MPO Boundary amendment/correction as presented by staff.

The motion carries with a unanimous voice vote.

b. Suburban Subdivision Design Standards Committee. Wyeth Friday, Interim Planning & Community Services Director

Wyeth Friday updated the Board on the draft Suburban Subdivision Design Standards Committee and said this will be brought forward for community input and then go through the process to formally consider amendments. Board member Goodrich commented this standard is applying an urban standard for County parcels that have not had a development standard.

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

c1. PCC update-5th Street Corridor Feasibility Study-Board discussion.

President Tunncliff opened this discussion and said the Planning Board should consider the wants of stakeholders and the community as development opportunities are created. In the near future, he would like to advocate for a working group to define what the opportunities are and define some projects.

Wyeth Friday offered to have staff show this Board in more detail what has already been done with property owner participation. Board member Cook commented on recent community meetings that have occurred and said the meetings may need to be more in depth instead of being narrowly focused. Board member Klugman suggested the Planning Board approach the “Entryways” group chaired by Steve Arveschough.

President Tunncliff commented on the need for a vision for this part of the community. Board member Cook asked how to create a master plan that will bring the City and County together to determine priorities. Wyeth Friday said potentially there may be a place to revisit existing plans, review the priorities, and discuss what can be done to make some progress. In this case, implementation has stopped even though it has gone through the approval process.

President Tunncliff said Councilman Brewster suggested this Board periodically participate in City Council sessions. Board member Saldivar said the issue with this study is individuals didn't voice concerns prior to approval. President Tunncliff advocated for this Board to participate in monthly or quarterly City Council work sessions to create relationships and be more proactive.

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Board member Klugman offered to bring forward information to the next Planning Board meeting. Board member Cook stressed the need for community awareness when doing projects.

President Tunncliff asked staff to forward a list of pertinent community contacts to the Board.

2. Parks Master Plan Update-Board member Saldivar gave a brief update on the committee meetings for the Parks Master Plan Update. The Parks and Recreation Department will give a presentation during the September 27, 2016 Planning Board meeting.

3. The September 13, 2016 Planning Board meeting is cancelled due to a lack of agenda items.

ADJOURNMENT: 8:34 p.m.

FUTURE AGENDA ITEMS: SEPTEMBER 27, 2016

- A. Presentation/Discussion Parks Master Plan. Mark Jarvis, Parks and Recreation Department

ATTEST: DRAFT. To be approved by a motion on September 27, 2016