



# CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

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**October 12, 2016**

*Draft-To be approved by a motion on November 9, 2016*

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## **1. Call the Meeting to Order**

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, October 12, 2016, in the Miller Building 1<sup>st</sup> Floor conference room, 2825 3<sup>rd</sup> 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; Dave Green, Planner II, Tammy Deines, Planning Clerk

**Others in attendance:** Dennis L. Ulvestad, City Zoning Commission; Daniel Morrell; Jerry Morrell; Robbie Neihart; Scott Aspenlieder, Performance Engineering; Matt Corcoran; Lauren Waterton, Sanderson Stewart; Dianne Lehm, Big Sky EDA; Katy Easton, Big Sky EDA; Darin Swenson, Yellowstone County Public Works Department

- 2. Approval of the September 27, 2016 Agenda:** President Tunncliff called for approval of the agenda. The agenda was approved as submitted.
- 3. Approval of the September 27, 2016 meeting minutes:** Delayed due to a lack of a quorum.
- 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** –There was none.

**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 and no Ex Parte Communications.

**7. OLD BUSINESS:** There is no Old Business.

## **8. NEW BUSINESS**

**8a. Plat Review/Board Discussion. Barr 11 Subdivision. County Major, Dave Green, Planner II, presenting.**

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## **INTRODUCTION**

On September 1, 2016 Performance Engineering and Consulting for Production Consulting, LLC, applied for preliminary major plat approval for Bar 11 Subdivision. The proposed plat creates 162 lots for single-family residences on approximately 206.22-acres of land. The subject property is generally located approximately .25 miles west of Bitterroot Drive, north of Highway 312 approximately .96 miles, north of Billings Heights. The property is zoned Residential 9600. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, October 25, 2016. The proposal will go to the Board of County Commissioners for action on November 15, 2016.

## **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Bar 11 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:

1. To provide for the correct installation of water lines, before final plat approval the applicant will provide a signed letter from the Heights Water District office that they have met all the requirements of the Heights Water District for installation of water lines for the proposed subdivision.
2. To minimize the effects on the natural environment, prior to final plat approval the applicant will obtain approval from the MDEQ for their proposed 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.
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 roads.
4. To provide proper documentation and creation of roads outside the subdivision, before final plat approval the applicant will provide all documents for the required road rights of way for Plateau Road, Bull Park and Hawthorn Lane that extend outside of the subdivision but will provide service to and for the subdivision.
5. To mitigate impact 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.
6. 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 their location for this subdivision.

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7. 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.
8. 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.
9. 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.
10. 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 Tunnicliff called for discussion by the members of the Board. Dave Green gave a brief presentation about the proposed subdivision. After the presentation Board President Tunnicliff opened the discussion to questions from the board. There were questions about the proposed roads outside of the subdivision. Are the rights of way currently in place so the roads can be constructed? Staff responded that they did not know if the rights of way were in place or not but that they will need Bull Park or Hawthorn Lane for their second access. In each case they would need to be dedicated to the public use for roads and utility corridors. An additional question was asked about the water and how a county subdivision would get Heights Water when not in the city. Staff explained that the Heights Water District was in place before the Heights was part of the City of Billings. It is a county entity that provides water to the Heights area and to developments that are in their boundary. This subdivision will have to petition to be included in the Heights Water District boundary. A final question from the board concerning the roads was should the applicant not be able to obtain the needed rights of way would the county use eminent domain to obtain them? Staff responded that the county would not use eminent domain to obtain the rights of way because this is not a county project that has anything to do with an overriding public need.

The applicants' agent, Scott Aspenlieder stood to speak about the application. He stated that they have talked with the affected property owners about the needed roads through their properties and they have Plateau Road and Bull Park resolved and just need to complete the paperwork for them. They are still working on Hawthorn Lane but feel it will be resolved shortly. There were no further questions from the board for Mr. Aspenlieder.

\*\*A public hearing for Barr 11 Subdivision will be held during the October 25, 2016 Planning Board meeting.

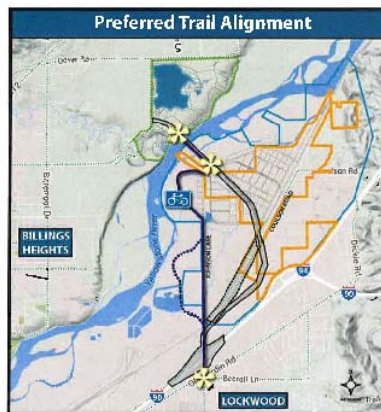
**8b. Presentation/Discussion. Lockwood Targeted Economic Development District, (TEDD), Comprehensive Development Plan, Diane Lehm, Steve Arveschough, Big Sky Economic Development Authority, Lauren Waterson, Sanderson Stewart, presenting.**

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Study Area: 1,850 acres  
 Total Area: 570 acres  
 Gross Development Area: 293 acres  
 Net Development Area: 219 acres



### Next Steps

- County Planning Board recommendation to the Board of County Commissioners
- Presentation of the Comprehensive Development Plan and Strategic Plan to the BOCC
- Public Hearing and Adoption of Ordinance by BOCC
- Ordinance and TEDD Documentation to the Department of Revenue

### Lockwood TEDD Public Meeting Schedule

October 26, 2016, 6:00pm	City/County Planning Board Public Hearing	Miller Building, 1 <sup>st</sup> floor board room 2825 3rd Ave N, Billings
November 8, 2016, 6:00pm	Lockwood School Board Presentation	Lockwood School 1932 Hwy 87 E, Lockwood
November 22, 2016, 9:30am	Yellowstone Board of County Commissioners – First Reading	Yellowstone County Courthouse Rm. 403, 217 N 27th St, Billings
November 29, 2016, 9:30am	Yellowstone Board of County Commissioners – Second Reading	Yellowstone County Courthouse Rm. 403, 217 N 27th St, Billings

### Discussion

Board member Reed thanked BSEDA staff for their community outreach efforts and public involvement with this TEDD process. Dianne Lehm said informational packets were sent to all property owners early in the process, and meetings were held with the individual property owners in the district along with adjoining property owners.

Board member Saldivar asked about the longevity of the TEDD. Dianne Lehm explained the District is established for a 15 year term but may be extended for the life of the project with bonding.

Discussion followed on the TIFF District created for the Transtech Development and Steve Arveschough explained the differences between using a TIFF for a business park development versus a rail industrial park. He said it takes time to develop synergy, and infrastructure has to be planned in order to seize opportunities for developments. This district is a tool to help property owners hone infrastructure and zoning means to develop their property. Board member Reed stated planning is the biggest selling point. Mr. Arveschough some of the contributing factors for choosing this location is the willingness of landowners, proximity to rail,

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the interstate, and the river. He noted that the target industries for this district is broader than industrial uses.

President Tunnicliff asked for an overview of the mitigation to protect wildlife habitat and the river and it was given by Wyeth Friday who noted the master planning of the layout for this area. President Tunnicliff requested sensitivity to the environmental impacts. Lauren Waterton said the property owners are aware of this need and she spoke to the need to provide a pedestrian corridor that is safe and the contemplation for a trail corridor to connect to Dover Road. She said they are looking at the values that are important to the Lockwood Community. Board member Goodrich expressed concern with the potential for conflicts between pedestrians and industry. The need was noted to address the pedestrian safety issues along the Bypass if there is no pedestrian corridor. Wyeth Friday commented on the possibility of have industry and pedestrian corridors together such as the trail located near the water treatment plant. Lauren Waterton said the timing of the design of the Bypass project is an opportunity to identify a plan as a part of the design of the interchange.

Board member Reed sated he is in favor of the TEDD and he would like to work to perpetuate this district.

### .9. OTHER BUSINESS

- a. President Tunnicliff reminded Staff to include the Nominating Committee as a future agenda item.

ADJOURNMENT: 7:50 p.m.

DRAFT-to be approved on November 9, 2016.