

# 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. 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	01/10/2017	01/24/2017	02/14/2017	02/28/2017	03/14/2017	03/28/2017	04/11/2017	04/25/2017	05/09/2017	05/23/2017	06/13/2017	6/27/2017	07/11/2017	7/25/2017	08/08/17	08/22/17	09/12/17	09/26/17	10/10/17	10/24/17	11/14/17	11/28/17	12/12/17
<b>Dave Goodridge</b>	Mayor/Billings Ward I	1																						
<b>Vacant</b>	Mayor/Billings Ward II	-																						
<b>LaVerne Bass</b>	Mayor/Billings Ward III	1																						
<b>Darell Tunncliff</b>	Mayor/Billings Ward IV	1																						
<b>Patrick Klugman</b>	Mayor/Billings Ward V	1																						
<b>Troy Boucher</b>	YC District 1	A																						
<b>Dennis Cook</b>	YC District 2	1																						
<b>Vacant</b>	YC District 3	-																						
<b>Vacant</b>	YC District 4	-																						
<b>Vacant</b>	YC District 5	-																						
<b>Vacant</b>	YC District 6	-																						
<b>Francisco Saldivar</b>	YC District 7	1																						
<b>Clint Peck</b>	Y County Cons. District	1																						
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	E																						

# CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

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January 10, 2017

*Approved by a motion on January 24, 2017*

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## 1. Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, January 10, 2017, 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, Director, Planning & Community Services Department; Dave Green, Planner II, Tammy Deines, Planning Clerk

**Others in Attendance:** Marshall Phil, Blueline Engineering, Mike Black, Yellowstone County Public Works Department;; Lauran M. Gayner; Randal K Poyser; Carolyn J Poyser; Leif Welhaven; Chuck Henrichs Joe Soueidi

**Approval of the December 13, 2017 Agenda:** President Tunncliff called for approval of the agenda. **Board member Klugman made a motion and Board member Bass seconded the motion to reorder the agenda to hear Item 8a, New Business prior to hearing the Old Business. The motion carried with a unanimous voice vote.**

## 2. Approval of Minutes: December 13, 2016

Board member Klugman called for a correction on the motion under Item 7a. Election of Officers, to reflect Board member Goodridge seconding the motion instead of Board member Klugman.

### Motion

**Board member Cook made a motion and it was seconded by Board member Saldivar to approve the December 13, 2106 meeting minutes as corrected. The motion carried with a unanimous voice vote.**

**3. 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 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.

## **CITY/COUNTY PLANNING BOARD**

*"Serving Billings, Broadview and Yellowstone County"*

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### **8. OLD BUSINESS**

#### **8a. Plat Review. Discussion. Put It Here Condominiums. A 1-lot, 97-Unit, County Condominium Storage project. Dave Green, Planner II, presenting.**

Dave Green opened this agenda item with a PowerPoint presentation and the introduction below.

#### **INTRODUCTION**

On December 1, 2016, the Planning Division received an application for review and preliminary approval of an 87-unit condominium subdivision on Tract 3 of Certificate of Survey (COS) 2771. The property is located on the south west corner of the intersection of South 32<sup>nd</sup> Street West and Hesper Road. The property is within the County zoning jurisdiction and is zoned Controlled Industrial (CI), in accordance with Chapter 8 of the County Subdivision Regulations, this condominium development must be reviewed as a Major Subdivision. The Planning Board will conduct a plat review at this meeting and a public hearing on January 24, 2017.

#### **RECOMMENDATION**

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

#### **VARIANCE REQUESTED**

No variances were requested.

#### **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 public health and safety, before final plat approval, the subdivider shall receive approval from the MDEQ the proposed well and storm water management.
2. To ensure proper easements for private utility companies prior to final plat approval, the applicant will coordinate with the utility companies and provide needed easements, show them on the plat, and provide easement documents with the final plat.
3. 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.

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

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4. 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 questions and discussion from the members of the Board. In response to a question by Board member Saldivar, Dave Green stated there is no identifying Ditch Company, and a maintenance plan will be required by DEQ. Board member Bass asked about the unit ownership. Dave Green explained that the storage units may be purchased. Covenants & Restrictions and a Homeowners' Association will be in place to address maintenance. Board Member Clint Peck commented on the access point off of the Ditch and Dave Green said there is an existing culvert in the ditch at the proposed access point off of Hesper Road.

### **Chuck Henricks, Eggart Enterprises, 720 Lohwest Lane, Billings, Montana**

Mr. Henricks stated the plans located the buildings a distance away from the ditch to allow for ditch maintenance. The entire lot will be paved and the storage units will be heated. A small HOA fee will cover expenses for gas, electric, and snow removal. The applicant is trying to provide an economical means to meet the need for storage and off street parking for trailers, campers, and boats. President Tunnicliff inquired about future maintenance costs. Mr. Henricks said a fund will be in place with fees collected by the HOA. He responded to a question by Board Member Bass, and stated they are using direct and indirect marketing to promote this property in the community.

\*\*The public hearing for Put It Here Condominiums will be held during the next Planning Board meeting on Tuesday, January 24, 2017.

### **NEW BUSINESS**

#### **7a. Public Hearing. Motion/Recommendation to BOCC. Sanctuary Canyon Subdivision, 1st Filing. A 20-lot County major subdivision. Dave Green, Planner II**

Dave Green opened this agenda item with a PowerPoint presentation.

### **INTRODUCTION**

On November 1, 2016, the Planning Division received an application for preliminary major plat approval for Sanctuary Canyon Subdivision, 1<sup>st</sup> Filing. The proposed plat creates 20 lots for residential development and 1 large remaining lot for future development from a 77.917-acre parcel of land. The subject property is generally located in Lockwood, on the south side of Trailmaster Drive, east of Hailee Street in the Twin Coulee Subdivision. The property is outside of zoning. The Yellowstone County Board of Planning will conduct a public hearing on at this meeting. The Board of County Commissioners are scheduled to act on the proposal on January 24, 2017.

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Sanctuary Canyon Subdivision, 1<sup>st</sup> Filing, and adopt the Findings of Fact as presented in the staff

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

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report.

### **PROPOSED CONDITIONS OF APPROVAL**

Planning staff recommends the following conditions of approval:

1. To ensure correct location and installation of septic systems in Sanctuary Canyon Subdivision prior to final plat approval, the applicant will submit drawings and obtain approval from MDEQ for their proposed septic systems with the subdivision. Also, all storm drainage must be approved by MDEQ prior to final plat approval and a copy of the approved storm drain plan provided to the Yellowstone County Public Works Department.
2. To minimize effects on local services, prior to final plat approval the applicant will expand existing RSID's on roads that it will connect to in the Twin Coulee Subdivision to the west or create new RSID's for maintenance of roads for this subdivision.
3. To ensure public safety and prevent storm drainage problems prior to final plat approval, the applicant will either increase the '20' wide Park / Trail Easement' on the plat to 45 feet wide, 22.5 feet on each side of the property line, or in the SIA under Conditions that run with the land insert a paragraph requiring that any fences being built must be installed a minimum of 12.5 feet back from the edge of the '20' wide Park / Trail Easement' shown on the plat. Either option would be for Lots 3 and 4 of Block 2, continuing under Sanctuary Canyon Road, then between Lots 6 and 7 of Block 1, and Lots 8 through 11, Block 3, and future lots on the north and south of the drainage in future filings.
4. To minimize the effects on local services, prior to final plat approval the applicant will create a Park Maintenance District for the proposed park land within Sanctuary Canyon Subdivision.
5. To minimize the effects on local service, prior to final plat approval the applicant will coordinate with the USPS for locating and provided the correct amount of space for safely delivering the mail to the residents.
6. To minimize the effects on the local environment, prior to final plat approval the applicant is required to obtain approval of a weed management plan and complete a property inspection by the County Weed Department.
7. 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.

## CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

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8. 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 questions and discussion from the members of the Board. Board member Goodridge noted former Planning Board member Don Reed’s concerns with transportation connections that were voiced during the last Planning Board meeting. Director Friday referred to the posted aerial map and pointed out future connections to Noblewood, Ford Road, and San Marino Drive, along with internal future connections. Board member Goodridge commented the development of several small subdivisions in the area and he asked about the need for a traffic study. Director Friday explained that typically, the trigger for a traffic study is when a proposed subdivision has an anticipated 500 trips per day. Board member Saldivar voiced concern with the fact a study will not be conducted due to the development of small subdivisions. Director Friday commented as developments occur arterials will be built to handle the contributing interior traffic levels. President Tunncliff asked that this discussion be continued by the Board at another time as it goes beyond this subdivision review. He called for presentation by the applicant.

### **Marshal Phil, Blueline Engineering, 2110 Overland Ave, Billings, MT 59102**

Mr. Phil is the agent for this application, representing Superior Builders. He commented on Condition of Approval #3 and the two options to address widening of the trail easements. He said the developer’s thought is to place the fences at the beginning of the bank of the drainage ditch, and they are requesting an amendment to the Condition of Approval. Board member Goodridge stated placing the fencing on the edge may be a safety factor for pedestrians during a storm event. Marshal Phil retorted the amount of drainage is well below the bank elevation and there should be plenty of space for pedestrians if it is placed at the top of the bank.

### **Public Hearing**

At 6:42 p.m., President Tunncliff opened the public hearing and called for anyone wishing to speak in favor or against Sanctuary Canyon Subdivision, 1<sup>st</sup> Filing.

### **Gerald Seymour, 502 Lacey Drive, Billings, Montana**

Mr. Seymour stated they have water pressure issues and they have been told a booster may be added. He voiced concern with the potential effects with the additional proposed 20 homes. He stated Noblewood is not a feasible access point at this time. He stated he

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

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feels the 500 trip per day trigger point should already be met with the existing homes. He also voiced concern with the drainage and runoff as most of the existing homes have experienced flooding and the soil type is not conducive to storm water runoff.

Mr. Seymour stated his property extends beyond where the road is platted and his property pin is located on the opposite site of the planned roadway.

### **Joe Soueidi, 27 N. 27<sup>th</sup> Street, Suite 1900, Billings, Montana**

Mr. Soueidi represents Michael and Michelle Gomez. He reported to the Board there is ongoing litigation concerning the proposed subdivision. Depending on the determination, it could be a matter of public concern if the Lacy Road access is not allowed. He asked the Board to consider a delay until this matter is addressed.

### **Randal K. Poyser, 4356 Trailmaster Drive, Billings, Montana**

Mr. Poyser noted the area south of this parcel has always been deemed as a conservation sanctuary.

### **Rebuttal**

### **Marshal Phil, Blueline Engineering, 2110 Overland Ave, Billings, MT 59102**

Mr. Phil said Lockwood Water can service this subdivision at lease at the minimum standards required by DEQ. There are booster stations located on Noblewood Drive and there have been discussions on adding more. Parcels not meeting the pressure levels will require installation of a cistern. As to the access concerns, the Board of County Commissioners will not approve the subdivision unless there is adequate access. Mr. Phil noted the location of the conservation area as being the adjacent southerly parcel.

President Tunncliff asked if there is anyone else wanting to speak in favor or against the Sanctuary Canyon Subdivision, 1<sup>st</sup> Filing. There was none. President Tunncliff closed the public hearing at 6:57 p.m.

### **Discussion**

President Tunncliff called for questions and discussion from members of the Board and expressed concerns about the Lacey Road litigation. Planner Green explained this is a preliminary plat application and the applicant has 3 years to meet the Conditions of Approval and to work out any issues that go with this proposal. When they meet the conditions and have all details worked out they can then apply for final plat review. If the requirements cannot be met, the final plat cannot be approved and recorded. He asked Dave Green if there are safety concerns with the fence placement and the ditch. Dave Green stated he met with the Yellowstone County Attorney's office who provided

## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

the language for the condition of approval. President Tunncliff asked for further clarification on the subdivision review process in light of the litigation on the access. Director Friday clarified the review process and explained this application and plat will return to the Board of County Commissioners for a determination when the applicant applies for final plat review and recording.

### **Motion**

**Board member Goodridge made a motion and Board member Bass seconded the motion to recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Sanctuary Canyon Subdivision, 1<sup>st</sup> Filing, and adopt the Findings of Fact as presented in the staff report.**

### **Discussion**

President Tunncliff encouraged the Board to schedule an agenda item to take a more global look at the transportation needs in the Lockwood area. Director Friday commented on this Board's initiation of the West End Transportation Study. He suggested inviting Transportation Planning Coordinator Scott Walker to a future meeting to give an overview of the Transportation Plan, and Lockwood Transportation Study. Board member Saldivar commented he can see potential safety issues with the drainage given the topography of this parcel.

**The motion carried with a unanimous voice vote.**

### **Other Business**

- A. Suburban Subdivision Design Committee:** President Tunncliff thanked Board member Goodridge for chairing this committee and presenting to City Council. This will be heard as an agenda item at the January 24, 2017 Planning Board meeting.
- B. Welcome!** to Board member Clint Peck who is the new Planning Board representative for the Yellowstone County Conservation District.

**ADJOURNMENT: 7:06 p.m.**

Approved by a motion on January 24, 2017.

