

# 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		1																				
<b>Vacant</b>	Mayor/Billings Ward II	-	-	-																				
<b>LaVerne Bass</b>	Mayor/Billings Ward III	1	1	1																				
<b>Darell Tunncliff</b>	Mayor/Billings Ward IV	1	1	1																				
<b>Patrick Klugman</b>	Mayor/Billings Ward V	1	1	1																				
<b>Troy Boucher</b>	YC District 1	-	1	E																				
<b>Dennis Cook</b>	YC District 2	-	1	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	1	1																				
<b>Clint Peck</b>	Y County Cons. District	1	E	E																				
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>		E	E																				

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**February 28, 2017**

*DRAFT-To be approved by a motion on March 14, 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, February 28, 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 are: Wyeth Friday, Director, Planning & Community Services Department; Dave Green, Planner II, Tammy Deines, Planning Clerk

**Others in Attendance:** Travis McDowell, Bluewater Design; Robert Neihart, PEC; Joe Stribley; Al & Nancy Merkel ; Craig Dalton, Performance Engineering.

**2. Approval of the February 28, 2017 Agenda:** President Tunncliff called for approval of the agenda. **Board member Cook made a motion and Board member Goodrich seconded the motion to approve the agenda a submitted. The motion carried with a unanimous voice vote.**

3. **Approval of Minutes: February 14, 2017-**The approval of the February 14, 2017 meeting minutes is delayed until March 14, 2017.
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 Outside (Ex Parte) Communication– Board Members and Planning Staff.**

The Ex Parte Communication Binder is available at the Sign-In and Agenda station.

\*\*A letter dated February 28, 2017 from Rodger E. Hageman, 7 Goodwill Court, Newport Beach, CA 92663 in opposition to the Preliminary Plat for Coal Creek Subdivision was received and distributed to the members for review.

There were no Conflicts of Interest and no Ex Parte Communications reported by the Board

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### 7. OLD BUSINESS

**8a. Public Hearing. Motion/Recommendtion to City Council. Lake Hills Subdivision, 35<sup>th</sup> Filing. A 14-Lot City Major Subdivision. Dave Green, Planner II, presenting.**

#### INTRODUCTION

On January 1, 2017, Performance Engineering and Consulting, agent for property owner Trenton Parks, applied for preliminary major plat approval for Lake Hills Subdivision, 35<sup>th</sup> Filing. The proposed subdivision re-plats 8 lots originally platted in the Lake Hills Subdivision, 15<sup>th</sup> and 33<sup>rd</sup> Filings, into 14 lots. The subject property is located on both sides of Gleneagles Boulevard, between Cherry Hills Road and Annandale Road, northwest of the Lake Hills Golf Course in the Heights. The property is zoned Residential-5000 (R-50) and duplex patio homes are proposed. The Yellowstone County Board of Planning will conduct a public hearing at this meeting and make a recommendation to the City Council.

#### RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Lake Hill Subdivision, 35<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

**VARIANCES REQUESTED None.**

#### PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To provide for the installation of private utilities, prior to final plat approval the applicant will coordinate with private utility providers for any needed easements and show them on the final plat as requested by the private utility companies.
2. To minimize impacts on local services, centralized mail delivery site(s) shall be coordinated and identified prior to final plat approval. A letter from USPS shall be provided for verification.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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### **Discussion**

Board President Darrell Tunncliff called for questions and discussion. There was none.

### **Public Hearing**

President Tunncliff opened the public hearing for Lake Hills Subdivision, 35<sup>th</sup> Filing. There were no comments from the public.

At 6:08 p.m. 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 Bass to recommend conditional approval of the preliminary plat of Lake Hill Subdivision, 35<sup>th</sup> Filing to the City Council and adopt the Findings of Fact as presented in the staff report.**

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

**8b. Public Hearing. Motion/Recommendatio to City Council. Coal Creek Subdivision. Dave Green, Planner II, presenting.** Dave Green noted the letter from adjacent property owner, Rodger E. Hageman which was distributed to th Board members. Mr. Hageman is in opposition to this plat. His primary objections are zoning related to potential uses of the property and potential storm water drainage flowing onto his property.

### **INTRODUCTION**

On January 1, 2017, Performance Engineering and Consulting, agent for property owner Trenton Parks, applied for preliminary major plat approval for Lake Hills Subdivision, 35<sup>th</sup> Filing. The proposed subdivision re-plats 8 lots originally platted in the Lake Hills Subdivision, 15<sup>th</sup> and 33<sup>rd</sup> Filings, into 14 lots. The subject property is located on both sides of Gleneagles Boulevard, between Cherry Hills Road and Annandale Road, northwest of the Lake Hills Golf Course in the Heights. The property is zoned Residential-5000 (R-50) and duplex patio homes are proposed. The Yellowstone County Board of Planning will conduct a public hearing at this meeting and make a recommendation to the City Council.

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Coal Creek Subdivision to the City Council, and adopt the Findings of Fact as presented in the staff report.

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### **VARIANCES REQUESTED**

No variances from the City Subdivision Regulations have been requested.

### **PROPOSED CONDITIONS OF APPROVAL**

Planning staff recommends the following conditions of approval:

1. To minimize effects on local services, prior to final plat approval storm drain calculations must be submitted to the City Engineering Division for review and approval. Cost participation into the regional storm drain facility will be determined from the calculations.
2. To ensure the proposed storm drainage system can be used as outlined, prior to final plat approval an agreement with the Birley Drain for storm water discharge must be in place and a copy submitted to the City Engineering Division.
3. To ensure the storm drainage system is properly maintained, prior to final plat approval the applicant will add the following to the storm drain section of the SIA: The storm water retention areas and associated improvements will be privately owned and maintained by the HOA. O&M requirements and HOA responsibilities shall be as outlined within the City of Billing Stormwater Management Manual (SWMM), appendices E and F. Retention areas shall be covered with a blanket easement, allowing access by the City. If the HOA fails to maintain the storm water retention facilities, the City reserves the right to create a maintenance district in the subdivision to maintain the storm water retention facilities.
4. To minimize effects on local services and ensure proper parkland dedication requirements, prior to final plat approval the subdivider will meet with the City Parks Department and determine where parkland will be provided through smaller park areas within the proposed residential lots in the subdivision. These private park parcels shall be dedicated to a legal entity such as a Homeowners Association (HOA) and maintained by that entity.
5. To minimize the effects on local services, prior to final plat approval the subdivider will provide a letter from the United States Postal Service acknowledging its agreement with the placement of mail delivery facilities in the subdivision.
6. To ensure pedestrian/bike connection from this subdivision to the trail along the north side of Cove Ditch, prior to final plat approval the applicant will more specifically identify the location of the proposed ditch crossings and who is paying for their

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installation referred to in the SIA under the heading F. Billings Area Bikeway and Trail Master Plan.

7. To ensure pedestrian/bike connection between residentially zoned land and the commercially zoned land within this subdivision, prior to final plat approval the applicant will include language in the SIA that future development in the subdivision will be encouraged to design interconnectedness for pedestrians and bikes between the residential and commercial areas of the development.

8. To ensure the provision of easements for utilities, prior to final plat approval the subdivider shall provide utility easements on the final plat as requested by the private utility companies.

9. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal 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 City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

### **Discussion**

Board President Tunnickliff opened the floor for board members to ask questions. President Tunnickliff noted the growth of School District with the new middle school and potentially a new elementary school. He pointed out that the logical path for students to walk to schools would involve crossing Rimrock Road. Dave Green said the new roundabout will have crosswalks and it could be designed for a crosswalk signal similar to the roundabout on 38<sup>th</sup> Street West. Currently all of the students in this area are bussed to the new middle school. Wyeth Friday commented that over time, 62nd Street West may be improved, and the Rimrock corridor to 54<sup>th</sup> Street West will be more pedestrian friendly. Board member Klugman asked if the proposed on site storm water detention area is included as a part of the parkland dedication for the subdivision. He asked if there will be enough parkland area for active uses such as a ballpark or playground equipment.

### **Public Hearing.**

AT 6:30 p.m. President Tunnickliff opened the public hearing and called for presentation by the applicant.

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### **Craig Dalton, Performance Engineering, 7100 Commercial Ave., Billings, Montana**

Mr. Craig Dalton from Performance Engineering, representing the applicant, stood to speak for the proposed subdivision. Mr. Dalton said for Phase 1 of this development there will be above ground storm water storage. For subsequent phases, there will be a manhole and underground piping which will avoid an attractive nuisance for children. Mr. Dalton said he did not speak with the applicant directly about active parkland areas but there will be adequate room.

### **Public Hearing**

At 6:30 p.m., President Tunncliff opened the public hearing and asked if there is anyone wishing to speak in favor or against the Coal Creek Subdivision.

### **Al and Nancy Merkel, 3001 62nd Street West, Billings, Montana**

Al Merkel commented there have been three traffic accidents on Rimrock Road recently, and this subdivision will add to the traffic. He feels there is a need for another roundabout at 62nd and Rimrock Road. Nancy Merkel gave some background on storm water flows in this area during large storm events. She said the existing pipes cannot carry the volume and she is concerned with potentially flooding her property. Al and Nancy said this has become more of an issue since Ironwood Subdivision was developed.

### **Rebuttal**

### **Craig Dalton, Performance Engineering, 7100 Commercial Ave., Billings, Montana**

Mr. Dalton explained that the City is planning for future expansion of storm water collection and it should improve as the collection systems are installed. They will build the detention facility across from this subdivision in the future phases of development which will include curb and gutter. This should improve the stormwater flows as the collection systems are installed.

On a side note, Mr. Dalton stated addressing the flood plain in this area is a huge issue as the volumes of water released by Ironwood has increased, and currently there is no way to route it. He said there have been discussions with City Engineering and the residents from Yellowstone County Club Estates.

President Tunncliff asked if there was anyone else wanting to speak in favor or against Coal Creek Subdivision. There was none. President Tunncliff closed the public hearing at 6:30 p.m. and called for motion.

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### **Motion**

**Board member Saldivar made a motion and it was seconded by Board member Klugman to recommend conditional approval of the preliminary plat of Coal Creek Subdivision to the City Council, and adopt the Findings of Fact as presented in the staff report.**

### **Discussion**

Board member Goodrich pointed out State law requires new subdivisions to maintain their stormwater water onsite. Board member Klugman stated he supports this application. He encouraged the developer to market residential areas with green space due to the potential density of the west end. President Tunncliff thanked the attending citizens for their comments.

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

## **8. OTHER BUSINESS**

**a. Standing Item. Long range Strategic Issues and an overview of future City and County issues and projects.**

**Suburban Subdivision Guidelines:** Director Friday stated the Board of County Commissioners passed a Resolution of Intent for Adoption during their meeting today. He noted there was some discussion of the Planning Board's recommendation to change the required sidewalk thickness from 4" to 5" citing concerns with additional costs and constructability. President Tunncliff said he is inclined to support the findings of the Committee as submitted since this Board initiated this project and the Ad Hoc Committee. Board member Goodrich concurred voiced concern with potentially derailing the approval of the guidelines over disagreement on the sidewalk depth. Board member Saldivar commented cost is always a concern. This Board's determination was made to consider the need for long range durability as sidewalks cannot be reinforced. He stated that despite the fact there was an Ad hoc Committee recommendation, the Planning Board should have some input as to the determination. Board member Klug said he didn't feel it was the Planning Board's intent to change the recommendation of the Committee. The Board asked Director Friday to provide more information to the Commissioners, including facts to verify the additional construction costs for the 5" sidewalk depth so they can make their determination.

ADJOURNMENT: 6:55 P.M.

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### **Future Agenda Items for Tuesday March 14, 2017**

- a. Public Hearing. Bike Pedestrian Master Plan Review. Lora Mattox, Transportation Planner, presenting. (The Board will forward a recommendation at the March 28, 2017 meeting).
- b. Public Hearing. Transportation Alternatives Program Grant-Highway 3 Trail. Lora Mattox, Transportation Planner, presenting. (The Board will forward a recommendation at the March 28, 2017 meeting).
- c. Public Hearing. 2017-2021 Transportation Improvement Program, (TIP). Scott Walker, Planning Transportation Coordinator, presenting. (The Board will forward a recommendation at the March 28, 2017 meeting).

ADJOURNMENT: 7:38 pm

**DRAFT: To be approved by a motion on March 14, 2017**