

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
Dave Goodridge	Mayor/Billings Ward I	1		1	1	E	1	1	E	E	-	E	1	-	-	E	1							
Vacant	Mayor/Billings Ward II	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-							
LaVerne Bass	Mayor/Billings Ward III	1	1	1	1	-	1	1	1	E	-	1	1	-	-	1	1							
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1	-	1	1	-	-	1	1							
Patrick Klugman	Mayor/Billings Ward V	1	1	1	1	1	1	1	1	1	-	1	E	-	-	E	1							
Troy Boucher	YC District 1	-	1	E	E	E	E	1	1	1	-	1	1	-	-	E	1							
Dennis Cook	YC District 2	-	1	1	1	1	1	1	1	1	-	1	1	-	-	1	1							
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-							
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-							
Woody Woods	YC District 5	-	-	-	-	-	-	1	1	1	-	1	1	-	-	1	1							
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-							
Francisco Saldivar	YC District 7	1	1	1	1	1	1	1	1	E	-	1	1	-	-	E	E							
Clint Peck	Y County Cons. District	1	E	E	E	1	1	1	1	E	-	1	1	-	-	E	1							
Scott Reiter	Ex-Officio SD2		E	E	E	E	1	E	1	A	-	1	E	-	-	1	E							

CITY/COUNTY PLANNING BOARD

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August 22, 2017

Draft-To be Approved by a motion on September 12, 2017

1. Call the Meeting to Order

President Tunnickliff called the meeting to order at 6:00 p.m. on Tuesday, August 8, 2017, in the Miller Building 1st Floor conference room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

President Tunnickliff called for introductions of the members of the Planning Board and staff.

President Tunnickliff called for a moment in silence in remembrance and recognition of deceased former Planning Board member Don Reed, who will be missed by the community as he was a strong advocate for planning and the Lockwood Community.

Attending Planning staff member: Wyeth Friday, Director, Planning & Community Services; Monica Plecker, Planning Division Manager; Dave Green, Planner II; Scott Walker, Transportation Planning Coordinator; Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works Dept.

Others in Attendance: Thomas Moffet; Sheri Moffet; Nicole Costello; Duane VanArsdale; Sarah VanArsdale; Cheryl Christensen; Alan Christensen; Edward Trout

Approval of the August 8, 2017 Agenda

Motion

Board member Patrick Klugman made a motion and Board member Dennis Cook seconded the motion to approve the August 22, 2017 agenda. The motion carried with a unanimous voice vote.

3. **Approval of Minutes: August 8, 2017.** The approval of the August 8, 2017 meeting minutes is delayed.
4. **Public Comment:** President Tunnickliff 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 reported by the Board.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

7. OLD BUSINESS

7a. Public Hearing. Motion/Recommendation to PCC. 2018 Draft Unified Planning Work Program, (UPWP), Scott Walker, Transportation Coordinator, presenting.

Scott Walker opened this agenda item with a brief overview of the 2018 Work Program. This Board is seated as the Metropolitan Planning Organization, (MPO), and it holds a voting representative on the Policy Coordinating Committee. This UPWP review is an annual process. The degree of participation by each funding agency is based on the proportions which have been determined for each line item. Each agency contributes their share of the total charges made against each line item according to the approved proportions.

Funding sources and amounts contained in the UPWP are as follows:

- | | |
|---|--------------------|
| • Planning Department Fees (City of Billings) | \$230,000 |
| • Planning Department Fees (Yellowstone County) | \$44,000 |
| • Yellowstone County (Mill) | \$470,000 |
| • Federal Funds (PL) | <u>\$1,340,500</u> |
| • TOTAL | \$2,084,500 |

The UPWP is update annually and is current between October 1, 2017 and September 30, 2018. All work elements in the UPWP must be related to Transportation or Transportation Planning in some manner.

- **2017 Priorities:** Update the Bike/Pedestrian Plan; Update the 2014 Transportation Plan; Travel Demand Census; Billings MPO Traffic Model; Finalize the Complete Streets Benchmark Report; Downtown Traffic Flow Study; County Growth Policy Update
- **2018 Priorities:** Complete the Update the 2014 Trans. Plan; Complete Billings MPO Traffic Model; Update MPO's Public Participation Plan; Downtown Traffic Flow Study; County Growth Policy Update
- **Review Schedule:** TAC July 27; Planning Board August 22; County Commission August 29; City Council August 28; PCC September 12; MDT, FHWA, FTA September

Discussion

Board member Goodrich asked if BNSF can be invited to participate in the Downtown Traffic Flow Study. Scott Walker said they will be invited along with downtown property owners and the Downtown Billings Association, among others. Board member

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Klugman asked if it is staff's expectation to fill the Planner I position in the 2018 budget year. Director Friday explained this discussion has been ongoing with each budget cycle along with expanding the Bike/Pedestrian position to full time.

7b. Public Hearing. Motion/Recommendation to BOCC. VanArsdale Subdivision, Dave Green, Planner II, presenting.

Dave Green opened this agenda item with the staff report and a PowerPoint presentation.

INTRODUCTION

On July 3, 2017, the Planning Division received an application for preliminary major plat approval for VanArsdale Subdivision. The proposed plat creates 9 lots for residential development. The subject property is generally located south of Lewis Avenue on the east side of 48th Street West. The property is zoned Residential 15000 (R-150). The Yellowstone County Board of Planning will conduct a public hearing on Tuesday, August 22, 2017. The Board of County Commissioners will act on the proposal on September 12, 2017.

RECOMMENDATION

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

PROPOSED CONDITIONS OF APPROVAL

1. To minimize the effects on the natural environment, prior to final plat approval the applicant will obtain approval from the MDEQ for the proposed wells, septic systems and storm water management, and meet the requirements of Yellowstone County Storm Water Management requirements.
2. To mitigate impacts to local services and ensure maintenance of the private internal road, prior to final plat approval the applicant will provide HOA documents outlining each property owners' responsibility for road maintenance.
3. To ensure correct language is included in the SIA and to mitigate impacts to public health and safety, prior to final plat approval the applicant will add in the SIA under Emergency Services the following paragraph, "In lieu of a 30,000 gallon dry-hydrant system, the public fire hydrant located at the intersection of Grand Avenue and 48th Street West is within ½ road mile and is considered an approved alternative method of water supply by the Billings Fire Department."

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

4. To ensure correct procedure for providing a cash in lieu contribution for park land, prior to final plat approval the applicant will follow the YCSR Section 10.6 to determine the correct amount of the cash contribution to the County in lieu of park land.
5. To minimize the effects on local service, prior to final plat approval the applicant will coordinate with the USPS for locating mail boxes and providing 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 a weed management plan and a property inspection shall be completed by the County Weed Department.
7. To ensure compliance with County zoning regulations, prior to final plat approval the applicant will add a paragraph in the SIA under Conditions That Run With The Land stating that lot owners will obtain a Zoning Compliance Permit prior to any construction on individual lots.
8. To ensure the placement of easements for private utility providers, prior to final plat approval the applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision.
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 Tunncliff asked the Board for questions and discussion.

Dave Green point out the number of lots has been reduced to 8 to accommodate the storm water detention requirements. Cash-in-lieu will be presented to the County Parks Board. He stated sidewalks will be provided throughout the subdivision due to the recent update of the County Subdivision Regulations. The Snow Ditch is an active ditch.

In response to question by Board member Klugman, Dave Green stated the developer will provide cash-in-lieu which will go towards a park that will benefit this subdivision. Board member Bass asked if this subdivision will have water rights. Dave Green stated

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

no water rights will be transferred and the existing water rights will be abandoned to the ditch company. DEQ approval is needed to determine nitrate levels and approve septic systems. Board member Peck asked where the nearest City water/sewer service is located. Dave Green said it is located approximately 1,600 feet from this parcel on Grand Avenue.

Public Hearing

At 6:26 p.m., President Tunnicliff opened the public hearing and asked if there is anyone wishing to speak in favor or against VanArsdale Subdivision. This is none. President Tunnicliff closed the public hearing and called for a motion.

Motion

Board member Cook made a motion and it was seconded by Board member Woods to forward a recommendation to the Yellowstone County Board of County Commissioners to conditionally approve the preliminary plat of Van Arsdale Subdivision and adopt the Findings of Fact as presented in the staff report.

The motion carried with a unanimous voice vote.

7c. Public Hearing. Motion/Recommendation. EcoBuilt Subdivision, Dave Green, Planner II, presenting.

Dave Green opened this agenda item with the staff report and presentation. He explained that the review requirements for condominiums is the same as a major subdivision except there will be a recorded plan instead of a recorded plat. He continued and noted the plat plan with proposed 80 lots with private and common areas. This development will be done in phases. Roads will be built to County standards and fire suppression is addressed with the previous filing. Shared cisterns and shared septic systems are under DEQ approval. The developer is proposing construction of 700-800 square foot homes with attached garages.

INTRODUCTION

On July 3, 2017, the Planning Division received an application for preliminary major plat approval for Eco Built Subdivision, 2nd Filing. The proposed plat is for condominium development with a possibility of 80 residential units on an existing 14-acre parcel. The subject property is generally located east of Emerald Hills Drive on the south side of Old Hardin Road. The property is outside of zoning. The Yellowstone County Board of Planning will conduct a public hearing on Tuesday, August 22, 2017. The Board of County Commissioners will act on the proposal on September 12, 2017.

RECOMMENDATION

Staff recommends, the Planning Board recommend, the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Eco Built

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Subdivision, 2nd Filing, anticipating condominium development, and adopt the Findings of Fact as presented in the staff report.

1. To ensure correct maintenance of septic systems and water cisterns, prior to final plat approval the applicant in the condominium documents and the HOA documents will specifically define which units are using the same septic systems and water cisterns, and the unit owners' obligation to maintain these systems.
2. To ensure proper construction of roads and for public health and safety, prior to final plat approval the applicant in the SIA under III. Transportation, A. Streets, will add language that outlines the internal private roads shall be built to County gravel surface road standards. The roads must be built or financially secured through County Public Works prior to final plat approval.
3. To ensure maintenance of the internal private roads, prior to final plat approval the applicant will specifically outline in the HOA documents each unit owners' responsibility to maintain the roads within this development.
4. To ensure proper road surfacing and to provide public safety for drivers in the area, prior to final plat approval the applicant will provide a Road Evaluation Study for Unpaved Roads as outlined in Section 4.6.C.4 in the YCSR for Old Hardin Road and the associated intersections with Old Hardin Road from the subdivision and provide that report to Yellowstone County Public Works for review and approval. Furthermore, the applicant shall complete any road improvement recommendations the Road Evaluation Study may identify as required by Yellowstone County Public Works.
5. To ensure public safety and prevent septic system, water supply and storm drainage problems, prior to final plat approval the applicant will obtain approval from MDEQ for the proposed septic systems, water supply systems, and storm water management plan and improvements, according to the phasing plan, within the proposed development.
6. To ensure compliance with Yellowstone County Subdivision Regulations and minimize effects on local services, prior to final plat approval the applicant will contact the County Parks Board and obtain its approval in writing of the park land being privately owned and maintained.
7. To minimize the effects on local service, prior to final plat approval the applicant will coordinate with the USPS for locating mail delivery boxes and provided the correct amount of space for safely delivering the mail to the residents.
8. To ensure public safety and the correct installation of infrastructure, prior to final plat approval the applicant will provide an exhibit showing the proposed different phases of the development, add language to the SIA defining the proposed phasing, referencing the

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

exhibit provided, and provide a Declaration of Restriction of Transfers and a Release, and a Certificate for each phase.

9. To minimize the effects on provision of private utilities and to ensure public safety, prior to final plat approval the applicant will coordinate the location of the required easements for private utility companies and provide easement documents for those easements.

10. 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.

11. 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

Board member Peck asked for clarification on the proposed location of the single homes and duplexes on the plat plan. In response to question by Board member Woods, Dave Green explained there is no zoning tied to this parcel; and this plan is almost 6 units per acre. Each phase will have multiple water and cisterns. Multiple septic tanks and cisterns will be installed for each phase of development. The HOA will oversee who is responsible for maintenance with each phase. A question was asked as to whether clarification is needed in the conditions of approval. Dave Green referred to Condition of Approval #1 and said the HOA documents will carry this language. Board member Klugman asked if there are any form of landscaping requirements since this is considered an entryway to the City of Billings, and he noted the Lockwood Growth guidelines. President Tunncliff asked if funding will be in place for ongoing paving and street maintenance. Dave Green replied and said the Homeowners' Association is responsible for the common areas and the agreement language. President Tunncliff suggested the HOA agreement should outline a portion of the association fees to be designated for maintenance. He asked about the need for dust control. Staff said a professional engineer will need to identify issues and mitigation must take place to take care of the roadways. Director Friday pointed out Condition of Approval #3. Board members voiced concern with potential homeowners being unaware of future expenses they will be expected to pay. In response to questions by Board Members Peck and Woods, Dave Green stated this subdivision will have gravel streets with no curbs, gutter, or sidewalks; and no RSID will be in place. Old Hardin Road will be maintained by the County.

CITY/COUNTY PLANNING BOARD

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Public Hearing

President Tunnickliff opened the public hearing and asked if there is anyone wishing to speak in favor or against Ecobuilt Subdivision, 2nd Filing.

Ed Trout, 4563 Coulee Drive, Billings, Montana

Mr. Trout said he chose this property on I-90 as transparent means of promoting this subdivision. The cistern tanks will be serviced by Pioneer Water and metering will be charged per house. The home owners' association may choose to create a maintenance fund. The development phases to meet DEQ requirements and the fire department criterion. He explained his timeline for the development. In response to question by Board Member Bass, Mr. Trout stated the majority of the houses will be stick built homes, and the others will be factory built to comply with the construction codes. Board member Peck asked about the duplex placements. Mr. Trout said the twin homes will cross the property lines and occupy two lots. Board member Klugman asked Mr. Trout regarding the reasoning for no sidewalks. Mr. Trout said the plan includes 1 mile of walking path and 30-ft gravel roads. The intent is to have a driveway for every home with off street parking. Board member Goodridge suggested future planning for this development to include sidewalks along the roads to prevent children playing on the roadways. Mr. Trout pointed out the green spaces in the plan which could easily accommodate walkways. Board member Peck asked about fire suppression. Mr. Trout said the first phase of the subdivision installed a 30,000-gallon fire suppression tank installed with the first phase of the subdivision. Board members stressed the need for this subdivision to be aesthetically pleasing as it is located near a major entry way to the City. Mr. Trout said there are plans for LED lighting on the gate and solar power. He stated the houses will do this subdivision justice. Trees may be difficult to grow due to the availability of the water. Board members stated they would appreciate anything the developer can do to ensure the development is done correctly and is aesthetically pleasing to the community.

President Tunnickliff asked if there is anyone else wanting to speak in favor or against Eco Built Subdivision 2nd Filing. There was none. President Tunnickliff closed the public hearing at 7:06 pm, and called for a motion.

Motion

Board member Klugman made a motion and it was seconded by Board Member Bass to forward a recommendation to the Yellowstone County Board of County Commissioners to conditionally approve the preliminary plat of Eco Built

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Subdivision, 2nd Filing, anticipating condominium development, and adopt the Findings of Fact as presented in the staff report.

Discussion

Board member Goodridge commented there is no entry point for lower priced real-estate at this time. He said he like he likes the originality of the development and the means to accommodate higher density.

The motion carried with a unanimous voice vote.

8. NEW BUSINESS: There is no New Business.

9. OTHER BUSINESS

9a. Staff Update/Planning Board Discussion: City/County Zoning Code Update Status Report. Wyeth Friday, Director, Planning & Community Services.

The first meeting is scheduled for Wednesday, August 30, 2017, 3:30 pm in the Miller Building 1st Floor Conference Room. He said the committee has an excellent membership composition. The mechanical separation of the codes will be finalized in September.

9b. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.

Board members commented that the Lockwood boundary line has not been updated or changed since the 1970's and they asked when this will be considered. Planning Division Manager Monica Plecker said staff intends to update the Yellowstone County Growth Policy and this would be an appropriate discussion during that time.

9c. Announcements:

1. A special Joint Planning Board Meeting with the Parks, Recreation and Public Lands Board will be held on Wednesday, September 6, 11:30 a.m. 390 N 23rd Street.
2. The Planning office will be closed on September 4 in observance of the Labor Day Holiday.
3. The next Planning Board meeting will be held on Tuesday, September 12 2017

ADJOURNMENT: 7:15 p.m.

DRAFT-To be Approved by a motion on September 12, 2017