



# CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

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**JANUARY 9, 2018**

*Approved by a motion on January 23, 2018*

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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 9, 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:** Wyeth Friday, Director, Planning & Community Services; Monica Plecker, Planning Division Manager; Dave Green, Planner II; Tammy Deines, Planning Clerk

**Others in Attendance:** Robbie Neihart; Scott Aspenlieder, Performance Engineering; Kelly Coleman; Tyler M Kerns, EEC; Darren Swenson, Yellowstone County Public Works; Mike Black, Yellowstone County Public Works.

**Approval of the November 28, 2017 Agenda.** Amendment: Item 7b. Presentation. Discussion. 2017 Complete Streets Progress Report will be continued until a February meeting.

**Motion: Board member Saldivar made a motion and it was seconded by Board member Goodrich to approve the January 9, 2018 meeting agenda as amended. The agenda was approved with a unanimous voice vote.**

**Approval of Minutes: November 28, 2017.** The December 12, 2017 and the December 26, 2017 meetings were canceled due to a lack of agenda items.

**Motion Board member Saldivar made a motion and Board member Cook seconded the motion to approve the November 28, 2017 meeting minutes as submitted. 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 reported by the Board.

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

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### 8. NEW BUSINESS

**7b. . Presentation/Discussion. 2017-2021 Transportation Improvement Plan, (TIP), Amendment I.** Scott Walker, Transportation Coordinator, presenting. (Public Hearing on January 23, 2018).

Scott Walker said the amendment process is needed due to changing costs or timing of projects. He continued with the presentation below highlighting the projects and funding sources that have changed.

#### **Interstate Maintenance Funding:**

- West Billings Interchange to Pinehills (Lockwood) Interchange: Moved to June 2018 letting previously in 2021

#### **National Highway System Funding:**

- 27th St. – 1st Ave S. to Airport: Moved to May 2019 letting previously in 2018
- Main St – Billings: Moved to February 2020 letting previously in 2018
- Billings Bypass – Yellowstone River Bridge: Moved to May 2020 letting (Previously outside of 5-year program)

#### **National Highway Freight Program Funding:**

- I-90 Yellowstone River Bridge: New funding source added to the project, \$32.8 million between the years 2021 & 2022

#### **Bridge Program Funding:**

- 2012 Scour Mitigation: Moved to November 2018 letting previously in 2021
- I-90 Yellowstone River Bridges: no change to year; \$10,000,000 moved out of Bridge into Freight Program

#### **Highway Safety Improvement Program Funding:**

- Billings Horizontal Curve Warning: Moved to March 2018 letting previously in 2019
- Roundabout King & 56th: Moved to February 2019 letting previously in 2017

#### **New Safety Projects:**

Frontage Road & Wise Lane Intersection – Installation of ITS intersection warning system on both roads warning vehicles on Frontage Road and vehicles on Wise Lane that a conflicting vehicle is present to mitigate intersection related crashes.

- King Ave. E – Shoulder rumble strips on all curves and replace existing curve signing

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- Yellowstone River Rd – Replace existing chevrons with standard size chevrons
- Lake Elmo Drive – Install standard delineation through curve
- South Frontage Road (West of Sugar Ave) – Replace one directional large arrow with curve warning signs, speed advisory plaques & chevrons
- Garden Ave – Corridor wide signing upgrade
- Nahmis Ave – Install delineation through entire corridor
- Story Road – Replace/relocate curve warning signs with speed advisory plaques

### **Billings District Safety Improvements:**

- Johnson Lane – Install panel delineation through curve at RP 1.2
- Old Highway 312 – Install panel delineation through the entire cluster segment from RP 2.3-3.1
- I-90 W King Ave Lighting – Install roadway lighting from top of the King Ave W Interchange bridge to the east and tie into S. Billings Blvd existing lighting, install panel delineation on the median side between the two interchanges

### **Urban Pavement Preservation Funding:**

**2019 letting at the earliest:** South Frontage Road; Shiloh Road; Blue Creek Road; Billings Boulevard; King Ave E; Hardin Road; Grand – 24th to Zimmerman

### **Review Schedule**

<b>Board/Commission</b>	<b>Action</b>
Planning Board #2	PH/Recommendation - Tuesday, January 23 <sup>rd</sup>
Council Work Session	Presentation – Tuesday, January 16th at 5:30 p.m.
Council Meeting	Action - Monday, February 12th at 6:30 p.m.
County Discussion	Discussion - Monday, February 5th at 2:00 p.m.
Commissioner Meeting	Presentation/Action - Tuesday February 6th at 9:30 a.m. Both meetings held in the County Commissioners Board Room, 4th Floor, County Courthouse
PCC	Final Action – Tuesday, February 20th at 12:00 p.m. - 4th Floor County Courthouse, Commissioner Board

**8b. Plat Review. Discussion. Whitehorse Estates Subdivision, 1<sup>st</sup> Filing**, a 12-lot County Subdivision generally located on Hesper Road. NEXCO LLC, owner; Scott Aspenlieder, Performance Engineering, Agent. Dave Green, Planner II, presenting. Public Hearing on January 23, 2018.

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### INTRODUCTION

On December 1, 2017, the Planning Division received an application for preliminary major plat approval for Whitehorse Estates Subdivision, 1st Filing. The proposed plat creates 12 lots for residential development. The subject property is generally located on the northwest corner of Hesper Road and South 48th Street West. The property is zoned Agriculture Suburban (AS). The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, January 23, 2018. The Board of County Commissioners will act on the proposal on February 13, 2018.

### RECOMMENDATION

**Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Whitehorse Estates Subdivision, 1st Filing, adopt the Findings of Fact as presented in the staff report and deny the variance request.**

### 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 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.
2. To ensure maintenance of the new public road, prior to final plat approval the applicant will create an RSID-M for the maintenance of the road inside the subdivision.
3. To minimize the effects on public health and safety and to ensure proper maintenance, prior to final plat approval the applicant will add language in the SIA under IV. Emergency Service stating the establishment of an RSID-M for the dry hydrant system. The Whitehorse Estates Subdivision shall not receive final plat approval until the proposed dry hydrant has been installed on the Hesper Road frontage. The new tank shall be tested and approved by the BUFSA.
4. To clarify the type of emergency service the BUFSA does provide to this county subdivision, prior to final plat approval the applicant will modify the first sentence in the SIA under Emergency Service to read: "The Billings Urban Fire Service Area (BUFSA) currently provides fire protection for the subdivision."
5. 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 meet the requirements to determine the correct amount of the cash contribution to the County for park land. The estimated land amount will be provided by a third party land appraiser

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Reviewed by Planning Staff

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and that appraisal will be reviewed and approved by the County Parks Board before a cash in lieu contribution is made to the County Parks Department.

6. To minimize the effects on local services, prior to final plat approval the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.

7. 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 done by the County Weed Department.

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. To ensure proper maintenance and to minimize the effects on existing agricultural water user facilities, prior to final plat approval HOA documents shall be submitted to outline the HOA's responsibility for the construction and maintenance of the open lateral ditch running through the subdivision.

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.

**VARIANCE REQUEST:** The applicant is asking for a variance from the requirements of YCSR Section 4.6.B.1 Relation to Undeveloped Areas. This regulation requires that a developer provide road connections to surrounding undeveloped lots for future connections. Specifically, the applicant has not proposed east/west connections for future connection extending from the proposed dead-end street. Staff is recommending that the Planning Board recommend denial of the variance request to the BOCC.

Dave Green gave the reasoning behind the staff recommendation for denial of the variance request:

- In County Subdivision Regulations Section 4.6.B., 1 Relation to Undeveloped Areas, it states; When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land.
- By providing future access it would be beneficial to future home owners safety.

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- The required road would require increasing the cost of the RSID if they are installed, but they are short sections and with additional development and increase in lots the cost would go down. The connections to the east and west could both be dedicated public easement similar to the 60-foot road and utility easement shown on the proposed plat for Hesper. The easement would not take away from overall lot acreage causing them to go below the 1-acre size.
- The purpose of these regulations is to provide for future growth and address connectivity for vehicle and pedestrian access for convenience and safety. By not providing a future connection to the east and west, this development creates an ‘island’ with no connection within neighborhoods that are next to each other.

### **Discussion**

President Tunncliff called for discussion and questions from the members of the Board. Board member Woods asked for clarification on the requirement for an east-west connection to the adjacent parcels and Dave Green stated only one connection each direction is required. Board member Bass asked what will take place if the variance request is denied. Dave Green responded the applicant will have to return with a plat depicting the right-of-way for the connection to be build according to County requirements for residential road standards.

President Tunncliff called for presentation by the applicant.

### **Scott Aspenlieder, Performance Engineering, 7100 Commercial Avenue, Billings, Montana**

Mr. Aspenlieder stated the applicant is happy to provide connectivity to the west for pedestrian access but reluctant to provide vehicular connectivity, especially to the east. There is disagreement with the safety aspect as there is not a lot of reason to add asphalt to the cul-de-sac roads. Their larger concern is Parcel 3 to the east, which is a 20-acre Agricultural-Open parcel. The new owner is building a single-family house and maintaining pasture land. They feel a connection to a property intended for agricultural-open uses will provide no benefit to the community at large.

President Tunncliff commented on the reasoning for an access and the intent of development. Board member Woods asked regarding an easement for a connection to the west. Staff explained that an RSID would have to be considered for improvements. It was noted that by nature, the east parcel differs from the west parcel; and the western parcel is under consideration for denser development. Director Friday explained the mechanism for developing the road. Board member Goodrich suggested creation of an easement similar to a frontage road on the two southern lots. Scott Aspenlieder responded that this may be a consideration from a developer’s standpoint but he would advise against it as it may create traffic issues. Mr. Aspenlieder spoke to the proposed density in the area in the future.

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**8c. Plat Review. Discussion. The Nines Subdivision, an 89-lot County Subdivision, generally located on 64th Street West. PC Coleman LLC, owner, Bryan Alexander, Sanderson Stewart, agent. Dave Green, Planner II, presenting. Public Hearing on January 23, 2018.**

### **INTRODUCTION**

On December 1, 2017, the Planning Division received an application for preliminary major plat approval for The Nines Subdivision. The proposed plat creates 88 lots for residential development. The subject property is generally located at 1245 South 64th Street West, which is north of Hesper Road and the Elder Grove School. The property is outside of zoning. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, January 23, 2018. The Board of County Commissioners will act on the proposal on February 13, 2018.

**VARIANCE REQUEST:** The applicant is asking for a variance from the requirements of YCSR. The applicant is requesting a variance from YCSR Section 4.6 B 8, Street Continuity, also from Section 4.6.B., 15 Street/Road Names and Lot Addresses. These regulations require developers to continue a street name when one of the proposed new streets lines up with an existing street.

### **RECOMMENDATION**

Staff recommends the Planning Board recommend the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of The Nines Subdivision and adopt the Findings of Fact as presented in the staff report. Staff is recommending denial of the requested variance.

### **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 effects on local services, prior to final plat approval the applicant will create new RSID's for maintenance of roads for this subdivision and will provide for the RSID(s) to be expanded with each phase.
2. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will expand the RSID-M for the dry hydrant system in DeWitt Subdivision to include all of Phase I within this subdivision.
3. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will create an RSID-M for the dry hydrant system that will be built in Phase II. This RSID-M will be for both Phase II and III.

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4. To provide for adequate maintenance of privately maintained lands and systems within the subdivision and to minimize the effects on local services, prior to final plat approval the applicant will submit HOA documents that within them specifically outline the homeowners’ responsibility to maintain the community wells, community septic systems, irrigation infrastructure and private parks within the 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 a weed management plan and a property inspection shall be done by the County Weed Department.
7. To provide needed private utility infrastructure, prior to final plat approval the applicant will coordinate with the private utility providers to determine needed utility easements and show them on the final plat.
8. 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.
9. 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.

Dave Green explained the reasoning for the recommendation of denial of the variance request:

- Both the City and County have road-naming standards calling for continuation of road names across subdivisions, staff believes the proposed subdivision “The Nines” should name proposed Crooked Stick Lane the same as the street it aligns with on the west side of S 64th St W, O’Donnell Lane. **Yellowstone County Subdivision Regulations Section 4.6.B., 8 Street Continuity**, states “Streets that are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerlines shall coincide and shall have matching names.
- **County Subdivision Regulations Section 4.6.B., 15 Street/Road Names and Lot Addresses** states “New streets/roads aligned with existing streets/roads shall have the same name as the existing street/road. All new street names and lot addresses shall be approved by the Yellowstone County GIS Department prior to final plat approval in order to avoid duplication and confusion with names of existing roads.

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- **Yellowstone County Road Naming Standards. Section A**, states “To reduce confusion, no two roads shall be given the same primary name, and road names should apply throughout the entire length. When roads extend from one subdivision to the next, existing road names should be extended.”

### **Discussion**

President Tunnickliff called for discussion and questions from the members of the Board. Board member Woods asked if sidewalks will be constructed in this subdivision. Dave Green responded the SIA states sidewalks will be provided on the primary streets on one side or the other of the streets.

President Tunnickliff called for presentation by the applicant.

### **Bryan Alexander, Sanderson Stewart, 1500 N. Transtech Way, Billings, Montana**

Mr. Alexander stated there a total of nine private parks which will include community wastewater systems; and a variety of home sights including patio homes and single family homes. They are working on the process to allow the irrigation infrastructure to use irrigation water from the Big Ditch. However, they may use the proposed domestic water system for irrigation as well. Sidewalks will be provided on the inner loop of roadways to provide east to west pedestrian connectivity. As for the variance request, the applicant would like to avoid through traffic on the private road, O'Donnell Lane.

Board member Woods asked regarding a future connection to the City water system. Mr. Alexander stated they are contemplating a 4" water system as the City Services are quite a distance away. Board member Woods voiced concern with this setup as it the 4" water system will be inadequate and may be costly for future connections to the City's system. Board member Bass asked about the naming of the lower road and Mr. Alexander stated it will be identified as “Amen Corner Lane”. Board member Saldivar asked if a public boulevard walkway will be provided for every lot. Mr. Alexander said they will only be provided through the west core of the subdivision in order to maximize pedestrian connectivity. President Tunnickliff asked how they plan to transport and distribute irrigation water throughout the lots. Mr. Alexander said water would be obtained from the Big Ditch through a closed conduit system and channeled to separate non potable water systems with a booster pump at each lot. A screening and filtering system at the head gate and individual filters at service connection for each lot will mitigate weed issues. Homeowners Association will be formed and will be responsible for maintenance of the water system, community water system, and irrigation system.

**8d. Plat Review/Discussion. Southview Sanctuary Estates Major Subdivision. A 10-lot major subdivision generally located south of Kautzman Road east of 56th Street West. 2K enterprises LLC, owner. EEC, Inc. Engineer/Surveyor. Planning Division Manager Monica Plecker presenting. Public Hearing on January 23, 2018.**

**INTRODUCTION**

On December 1, 2017, the Planning Division received a preliminary plat application for Southview Sanctuary Estates Major Subdivision, being Tract 12B of Amended C/S 974. The proposed plat creates 10 lots for residential development. The subject property is generally located south of Kautzman Rd., east of 56th Street West. A portion of the property is zoned for residential use only as a part of Special Zoning District #20. Access will be provided by the construction of Southview Sanctuary Estates Drive, a paved public road connecting to 56th Street West and Elk River Road. A 30,000-gallon dry hydrant will be constructed and installed as a part of this development. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, January 23, 2018. The Board of County Commissioners will act on the proposal on February 13, 2018.

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Southview Sanctuary Estates, C/S 974, Tract 12 B, and adopt the Findings of Fact as presented in the staff report.

**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 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 from the MDEQ and meet the requirements of Yellowstone County Storm Water Management.
2. To minimize effects on local services prior to final plat approval, the applicant will create new RSID's for maintenance of roads for this subdivision.
3. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will expand the RSID-M for the dry hydrant system in Curly

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Willow Subdivision to include the subdivision in its entirety and pay in full the proportional reimbursement.

4. To provide for maintenance within the private parks and to minimize the effects on local services, prior to final plat approval, the applicant will submit HOA documents that within them specifically outline homeowners’ responsibility to maintain the parks within the 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 provide needed private utility infrastructure prior to final plat approval, the applicant will coordinate with the private utility providers to determine needed utility easements and show them on the final plat.

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.

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 Tunnicliff called for discussion and questions from the members of the Board. In response to question by Board member Woods, Ms. Plecker stated sidewalks will not be provided in this subdivision as it is located in an unzoned area and they are not required.

President Tunnicliff called for presentation by the applicant.

### **Tyler Kerns, EEC, 720 Lohwest Lane, Billings, Montana**

Mr. Kerns concurred with Ms. Plecker’ s statement and pointed out there are no sidewalks on South 56<sup>th</sup> Street West or on Elk River Road. There were no further questions.

## **9. OTHER BUSINESS**

**9a. Resignation. Francisco Saldivar, BOCC Planning Board District 7.** Planning Board President Darell Tunnicliff recognized Board member Saldivar and presented him with a certificate of service in appreciation of his work as a valued member of the

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Planning Board. Francisco has accepted a new position and will be moving out of state. The Commissioner's office will legally advertise this position as open for applications.

### **Nomination Committee Recommendation for 2018 planning Board Officers.**

The Nominating Committee's recommendation is for Darell Tunnicliff to serve another term as Planning Board President and Francisco Saldivar to hold the office of Planning Board Vice President for the 2018 term.

**For the office of President:** The Nomination Committee's recommendation is for Darell Tunnicliff to serve as President for the 2018 term. There were no further nominations from the floor. The nominations are closed.

**Motion was made by Board member Woods and seconded by Board member Cook to elect Darell Tunnicliff to serve as Planning Board President for the 2018 term. The motion carried with a unanimous voice vote.**

**For the office of Vice President:** The Nomination Committee's recommendation is for Francisco Saldivar to serve as Vice President for the 2018 term. **Motion was made by Board member Cook and seconded by Board member Goodrich to nominate Board member Woody Woods to serve as Planning Board President. The motion carried with a unanimous voice vote.** The nominations are closed.

**Motion by Board member Boucher and seconded by Board member Saldivar to elect Board member Woody Woods to serve as Planning Board Vice President for the 2018 term. The motion carried with a unanimous voice vote.**

Director Friday pointed out the Board vacancies in City Ward V, BOCC Planning District 3, BOCC Planning District 4, BOCC Planning District 6 and the Yellowstone County Conservation District. Staff will work on a community outreach and Board members are encouraged to reach out to interested citizens.

## **10. OTHER BUSINESS/ANNOUNCEMENTS**

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

- **Transportation Project Update:** Director Friday said Transportation Staff will present updates to the Board on the "Complete Streets" Progress Report and the results of the "Travel Demand Survey" at the next meeting.

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- **Project Recode:** Ms. Plecker said the four working groups will be meeting on Wednesdays during the month of January. to review the City and County Zoning Regulations. Board member Woods asked about the process to review the jurisdictional boundary and Ms. Plecker stated this topic will be discussed as a part of the Project Recode working group and the County Growth Policy Update.
- **Subdivision Review Process:** Board member Goodrich brought forward concerns expressed by two Engineering firms who have been feeling discouraged with the paperwork process in subdivision review. Director Friday and Division Manager Plecker said they are aware and have worked to strengthen communications and clarify the review process. Director Friday acknowledge a separate area of concern related to noticing of meetings and the notification radius. Staff agreed to an agenda item to present the current subdivision review process to the Planning Board at a future meeting and also consider providing a training session with new engineering firms and developers.

**ADJOURNMENT:** 7:45 p.m.

Approved by a motion on January 23, 2018

