

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

JANUARY 23, 2018

Approved by a motion on February 13, 2018

1. Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, January 23, in the Miller Building 1st Floor conference room, 2825 3rd 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; Scott Walker, Transportation Coordinator, Lora Mattox, Transportation Planner, Dave Green, Planner II; Tammy Deines, Planning Clerk

Others in Attendance: Scott Aspenlieder, Performance Engineering; Bryan Alexander, Sanderson Stewart; Charles and Arlene Schweigert; Gary and Teri Davis; Don and Linda Miller; Giles Zickefoose; Tom and Nancy Stock; Bruce Lackman; Barb Wagner; Tyler M. Kerns; Steve Reiter; Carol Lawson; Dennis P. Soloman; Steve Kuehn, Diana Kuehn, Jamie Anderson Marge Hankel; Kelly Coleman

Approval of the January 24, 2018 Agenda

Motion: Board member Cook made a motion and it was seconded by Board member Goodridge to approve the January 24, 2018 meeting agenda as submitted. The agenda was approved with a unanimous voice vote.

Approval of Minutes: January 9, 2018.

Motion Board member Goodridge made a motion and Board member Cook seconded the motion to approve the January 9, 2018 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:

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7a. Presentation/Discussion. Household Travel Survey. Lora Mattox, Transportation Planner, presenting.

This is a joint project between Billings MPO and MDT, (\$140,000 project total). This survey was conducted as the first step towards developing the Traffic Demand Model. Twenty thousand households were invited to participate, and staff received 1,066 out of the needed 1,100 surveys. Surveys were conducted when school was in session from May 2, 2017 through June 8, 2017, Tuesdays through Thursdays; and completed through a mobile application on participant's cell phones.

Selected Characteristics:

- A typical surveyed household in the region makes 7.9 trips a day and a typical person makes 3.6 trips per day.
 - After applying weights, the average number of household trips rises to 8.0 per day and the average person trip rate falls to 3.43
- The majority of trips made (89.7 percent) in the region are as the driver or passenger of an automobile, van or truck
- Non-motorized trips (by bike or walking) account for 6.9 percent of the total
- Trips made using a private vehicle take 15.6 minutes and covered 5.7 miles on average compared to transit trips which take 23.4 minutes and covered 2.8 miles.
- Work trips take an average of 16 minutes in the region
- The average distance traveled was 5.3 miles
- Work trips account for 13.7 percent of all trips made in the region
- Trips not categorized as work, school, shopping, or recreational account for 22.5 percent of all trips made (these include escorting minors, and non-mandatory errands and maintenance activities).

Ms. Mattox stated the survey is posted online and upon request, she will send the Committee members the hyperlink for reviewing purposes.

<http://www.ci.billings.mt.us/documentcenter/view/35446>

7b. Presentation/Discussion. 2017-2021 Transportation Improvement Plan, (TIP), Amendment I. Scott Walker, Transportation Coordinator, presenting.

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

- 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:

2017-2018 TIP Amendment #1 Highlights

Interstate Maintenance Funding:

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- West Billings Interchange – Pinehills 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
 - PE Amendment has not been processed

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:
 - UPN 9384 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.
 - UPN 9420 Billings Area Safety Improvements – the following are within the MPO Planning boundary:
 - King Ave. E – Shoulder rumble strips on all curves and replace existing curve signing RP 1.7-2.1
 - Yellowstone River Rd – Replace existing chevrons with standard size chevrons at RP 3.6
 - Lake Elmo Drive – Install standard delineation through curve at RP 2.4
 - South Frontage Road (West of Sugar Ave) – Replace one directional large arrow with curve warning signs, speed advisory plaques & chevrons at RP 2.0

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- Garden Ave – Corridor wide signing upgrade RP 0.0-1.4
- Nahmis Ave – Install delineation through entire corridor
- Story Road – Replace/relocate curve warning signs with speed advisory plaques at RP 0.2
- UPN 9423 Billings District Safety Improvements – the following are within the MPO Planning boundary
 - 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
- UPN 9421 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 (RP 445.9-446.4), install panel delineation on the median side between the two interchanges (RP 445.6-447.3)

Urban Pavement Preservation Funding:

- New Projects, 2019 letting at the earliest:
 - UPN 9501 South Frontage Road
 - UPN 9502 Shiloh Road
 - UPN 9503 Blue Creek Road
 - UPN 9504 Billings Boulevard
 - UPN 9505 King Ave E
 - UPN 9506 Hardin Road
 - UPN 9509 Grand – 24th to Zimmerman

*Denotes project with more than one funding source

Review Schedule

Board/Commission	Action
Planning Board #2	PH/Recommendation - Tuesday, January 23 rd
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

Discussion

President Tunnicliff called for questions and discussion from the members of the Board. There were none.

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Public Hearing

President Tunnickliff opened the public hearing at 6:26 p.m. and asked if there is anyone wishing to speak in favor or against the 2017-2021 Transportation Improvement Plan, (TIP), Amendment I. There was none. President Tunnickliff 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 forward a recommendation of approval of the . 2017-2021 Transportation Improvement Plan, (TIP), Amendment I as presented by Staff. The motion carried with a unanimous voice vote.

7c. Public Hearing. Motion/Recommendation to BOCC. Whitehorse Estates Subdivision, 1st Filing, a 12-lot County Subdivision generally located on Hesper Road. NEXCO LLC, owner; Scott Aspenlieder, Performance Engineering, Agent. Dave Green, Planner II, presenting.

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 conduct a public hearing at this meeting, 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 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

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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 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

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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.
- 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.

Dave Green pointed out a plat of the original Whitehorse subdivision as a point of reference. He summarized and stated the proposal for access to this subdivision is off of Hesper Road. A 30,000-gallon dry hydrant system will be installed upon approval of the subdivision. The applicant is requesting a variance from the required future connection from the east and west to the adjacent parcels. He presented alternative proposals with depictions to provide connections to ensure connectivity in the neighborhoods. He suggested the Board consider adding a Condition of Approval be added to require the applicant to provide an easement between lots 3 and 4 and lots 9 and 10.

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Discussion

President Tunncliff called for discussion and questions from the members of the Board. Per Board member Goodridge's request, Dave Green identified the City Limits on the Vicinity Map. Board member Boucher reiterated that the proposed condition for the easement will be 60 feet wide, and constructed according to County Public Works requirements to be paved to the edge of the property.

President Tunncliff called for presentation by the applicant.

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

Mr. Aspenlieder commented the neighbors have voiced concern with the width of the easement of the irrigation ditch to allow for maintenance. The Developer agrees to a 20 foot easement and adding a condition for proper maintenance. He spoke to the concerns with the variance request, stating in this case, a cul-de-sac is preferred as the lots are 1-acre lots under Agricultural Suburban zoning. They disagree with the Health and safety aspect stated by staff. He asked why this is not allowed as it is allowable under the subdivision regulations allow for 1,000-ft cul-de-sacs. He stated the owner is agreeable to building a 10' paved bike and pedestrian trail but vehicular travel does not make sense. He pointed out Lot 3 was sold to individual who intends to have a single home on the parcel. He asked why are we building "roads to nowhere" as there are no plans to further develop the adjacent parcels west or north. Mr. Aspenlieder asked the Board to vote for a favorable consideration of the variance request with the caveat of providing a pedestrian access.

Discussion

President Tunncliff called for questions and discussion from the members of the Board. Board member Bass asked Mr. Aspenlieder if they have considered locating the connection road farther north in the parcel. Mr. Aspenlieder responded they have not but logically connectivity to the east should align with shared lot line between lots 1, 2. President Tunncliff commented on the vicinity of the City limits located at Shiloh Road, 48th Street West & King Avenue. He noted the adjoining land is undeveloped and asked what the impact would be should this be annexed. Mr. Aspenlieder explained higher density is not possible at this time due to high nitrate and ground water levels. He said more density would be possible if this property is annexed. Board member Boucher asked for approximate costs to pave the east and west connection, Mr. Aspenlieder replied it would add about \$70,000-\$100,000 to the project. He explained to Board member Bass that in order to accommodate an east-west connection, the four Ag-Suburban lots have to remain 1-acre or more and the buildable area on the lots would be reduced to provide an easement.

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Public Hearing

At 6:54 p.m., President Tunnickliff opened the public hearing and asked for anyone wishing to speak in favor of Whitehorse Estates Subdivision, 1st Filing.

Steve Kuehn, 4925 Chevelle Drive, Billings, Montana

Mr. Kuehn owns the 21.8 acre to the east. His primary concern with is the effects on irrigation as they have a livestock/agricultural operation. He stated there are no plans to subdivide the 21.8 acres and he feels an east-west connection will invite trespassers to their property.

Gary Davis, 2745 Homer Davis Road, Billings, Montana

Mr. Davis was concerned with the ditch easement width but the developer has agreed to a 20-foot easement width. He shares the concern with the east-west connection inviting trespassers to the property. He commented having an easement may be helpful for the future but not the paved roadway.

Dennis Soloman, 5108 Chevelle Drive, Billings, Montana

Mr. Soloman is also concerned with the ditch maintenance. He asked if there has been thought of maintenance of the utility easement as his property has power poles on the north side of the parcel and there is a right-of-way for above ground power. He inquired if there is existing data on the wells and septic systems on the water aquifer and at what point will the additional homes affect their home?

Jaime Anderson 5000 Chevelle Drive, Billings, Montana

Mr. Anderson owns property to the north if this parcel. He would like assurance the water quality is not adversely affected for existing home owners.

Diana Kuehn, 4925 Chevelle Drive, Billings, Montana

Ms. Kuehn also voiced concern with potentially affecting water quality as all of the homes north of this property are on wells.

Rebuttal

President Tunnickliff called for rebuttal.

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

Mr. Aspenlieder stated there is a platted utility easement and the maintenance of the power poles will be addressed. The Home Owners' Association, (HOA), will address ditch maintenance. He provided statistical information on DEQ requirements for water quality and nitrate levels for septic systems. They have tested wells for the surrounding existing homes and are proposing installation of Evaporation-Transpiration systems with lined drain fields which are at least twice as large as a typical drain field. They have determined they will be a non-contributor to the nitrate issues.

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President Tunnickliff asked if there is anyone else wanting to speak in favor or against Whitehorse Estates Subdivision, 1st Filing. There was none. President Tunnickliff closed the public hearing at 7:05 p.m. and called for a motion on the variance request

Motion

Board member Goodridge made a motion and it was seconded by Board member Bass to support the staff recommendation and deny the applicant’s request 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.

Discussion

Board member Goodridge reasoned he would like to see connectivity but he does not think it needs to be a road, and it should be a bike pedestrian walkway. Director Friday said the Board may craft a recommendation if the Board wishes to meet a portion of the connectivity. President Tunnickliff questioned the Board’s authority to add things outside the scope of the regulations and noted the Planning Board review criterion for Health and Safety and benefitting local services. Clarification was given on the intent of the variance language. If the variance request is denied, the roadways will be required. Board member Boucher stated he will vote against the motion as he does not want the roads.

Board member Goodrich withdrew the motion in favor of a substitute motion.

Motion

Board member Boucher made a motion and it was seconded by Board member Goodridge to forward a recommendation to the BOCC of approval of the variance requested by the applicant.

Discussion

Wyeth Friday commented the potential for significant challenges with connections in the future with development.

Motion carries with a unanimous voice vote.

Motion

Board member Boucher made a motion and Board member Macrow seconded to forward approve recommend 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 with the additional Condition of approval for a 20”foot ditch easement.

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Discussion

Board member Goodridge said he agrees with the need for connectivity in the west end as Billings grows, and connectivity for bicycle and pedestrian use is extremely important as growth moves further towards the County. He proposed amending the motion to include a condition to provide bike and pedestrian connectivity to the east and to the western adjacent parcels between lots 9, 10 and lots 3, 4. President Tunnickliff commented on the difficulty of making good decisions for the future with surrounding undeveloped adjacent lands.

Motion

Motion by Goodridge and seconded by Boucher to amend the original motion to include a condition of approval to require bicycle and pedestrian connectivity to the east and to the west built to County standards to promote connectivity as growth and development takes place in the future and based on the criterion to benefit the effects on local service and health and safety. The location will be agreed upon by the developer and the Board of County Commissioners.

Motion carried with a unanimous voice vote.

President Tunnickliff called for a vote on the original motion.

The original motion carries with a unanimous voice vote.

8c. Public Hearing. Motion/Recommendation to BOCC. 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.

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 conduct a public hearing at this meeting, 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.

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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.
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.

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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.
- **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 Tunncliff called for discussion and questions from the members of the Board. Per request of Board member Goodridge, Dave Green clarified and said an RSID will be created with this subdivision and it will address maintenance of the subdivision roads with the remainder of O'Donnell Road being private.

President Tunncliff called for presentation by the applicant.

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

Mr. Alexander Denser noted the posted map and stated the subdivision core will have a higher density and the lower density lots and individual septic systems will be located on the perimeter of the subdivision. He said the applicants are requesting the variance as they feel naming it differently will eliminate confusion, and extending O'Donnell Lane may inadvertently create additional trips through the private road.

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Public Hearing

President Tunnicliff opened the public hearing and asked for anyone wishing to speak in favor or against The Nines Subdivision.

Tom Stock, 1343 S 64th Street West, Billings, Montana

Mr. Stocked voiced concern with the 88 additional wells affecting

the water aquifer. He asked if the proposed septic system to the east of his property with cause issues.

Giles Zickefoose, 6806 Victoria Lane, Billings, Montana

Mr. Zickefoose stated he has lived in this area for 45-50 years. He has experienced fluctuations in the water table with new developments. He comments with farmers no longer irrigation, there will be a strain on the water system.

At 8:01 p.m., President Tunnicliff asked if there was anyone else wanting to speak in favor or against The Nines Subdivision. There was none. President Tunnicliff called for a motion on the variance request.

Motion

Board member Bass made a motion and it was seconded by Board member Boucher to recommend approval of the request from YCSR Section 4.6 B 8, Street Continuity, also from Section 4.6.B., 15 Street/Road Names and Lot Addresses Variance to provide private name.

Discussion

President Tunnicliff called for discussion on the motion. Board member Goodridge said he will vote against the motion due to the need for continuity with the development of the properties to the east and to eliminate confusion. President Tunnicliff commented it is often confusing when the street names change when crossing Rimrock Road, and pointed out the merit of the regulations. A roll call vote was taken: Bass: abstained. Boucher: favor; Macrow: against; Goodridge: against; Cook: favor; Tunnicliff against.

The request for variance is denied, 3 against, 2 favor-1 abstain.

President Tunnicliff called for a motion on The Nines Subdivision

Motion

Board member Goodridge made a motion and it was seconded by Board member Boucher that the Planning Board recommend the Yellowstone County Board of

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County Commissioners conditionally approve the preliminary plat of The Nines Subdivision and adopt the Findings of Fact as presented in the staff report.

The motion carried with a unanimous voice vote.

7d. Public Hearing. Motion/Recommendation to BOCC. 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.

Ms. Plecker pointed out the preliminary plat description describes “Dan Walt Subdivision” being C/S 974, Tract 12 B, as there is an expedited plat under review and it will be filed in the near future.

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 reviewed the plat on January 9th and will conduct its public hearing at this meeting on Tuesday, January 23rd.

RECOMMENDATION

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

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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 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 Tunncliff called for discussion and questions from the members of the Board. Per his request, Ms. Plecker gave the definition of an expedited plat review. Board member Bass asked if the designated parkland will be for public use and Ms. Plecker said it is private parkland intended for the use of the property owners in the subdivision.

President Tunncliff called for presentation by the applicant.

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

Mr. Kerns explained that the septic design will be with approval and in accordance with DEQ standards, and the water systems will need DNRC's approval.

Public Hearing

President Tunncliff opened the public hearing at 8:16 p.m. and asked if there is anyone wanting to speak in favor or against Southview Sanctuary Estates Subdivision.

Arlene Schweigert, 9401 Rudio Road, Billings, Montana

Mrs. Schweigert and her husband own the 30 acres adjacent to this parcel. She had several questions and voiced concern with potentially raising the nitrate levels and affecting their water and septic system. She asked if the developer has considered fencing to keep out dogs, as they have cattle on their property. She asked how many houses will be constructed in Dan Walt Subdivision, and where the Curley Willow subdivision is located in relation to this subdivision.

Charles Schweigert, 9401 Rudio Road, Billings, Montana

Mr. Schweigert concurred with Arlene Schweigert's comments and said fertilization of lawns builds up nitrate levels which rise and make the water unusable.

Rebuttal: President Tunncliff called for rebuttal.

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

Mr. Kerns said the nitrates will be accounted for. The maximum allowable usage is identified by DNRC in accordance with the size of the development. They have limited the amount of irrigated landscape area in each lot. He noted the floodplain identified in the area. The parkland is private and intended to be a buffer. Fencing has not been identified in the SIA. The residential lots will range from .75 acres to 1 acre in size.

President Tunncliff asked if there is anyone else wanting to speak in favor or against the Southview Sanctuary Estates Subdivision. There was none. President Tunncliff closed the public hearing at 8:24 p.m. and called for a motion.

Motion

Board member Bass made a motion and it was seconded by Board member Macrow that 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. The motion carried with a unanimous voice vote.

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8. OTHER BUSINESS/ANNOUNCEMENT

a. Standing Item. Long Range Strategic Issues and an overview of future City and County issues and projects. There were no items.

b. Announcement: Wyeth Friday announced he has agreed to help provide some support on some projects and duties in the interim while the City sets its plans and schedule for hiring a City Administrator and also finding a permanent Assistant City Administrator. Based on Council discussion on Monday, it appears that things will move along in the next few months and, at least, Bruce McCandless may become the official City Administrator in the short term to work with the Council on the hiring process. If this occurs, he expects his support role will last about 4-5 months.

ADJOURNMENT: 8:35 p.m.

Approved by a motion on February 13, 2018

