

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

JULY 24, 2018

Approved by a motion on August 14, 2018

Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, July 24, 2018, 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: Monica Plecker, Planning Division Manager; Dave Green, Planner II; Scott Walker, Transportation Coordinator; Lora Mattox, Transportation Planner; Tammy Deines, Planning Clerk; Darin Swenson, YC Public Works Department

Others in Attendance: James T Hertz; James Hertz; Tom Sullivan; Sharon Sullivan; Steve Shelton; Roy D. Slate; Eric Boese; Darren Weekes; Becky Weekes; Tom Llewellyn; Darin Swenson, YC Public Works Department; Taylor Kasperick; Mike Ferguson, Billings Gazette; Mike Satterlee; Pamela Ask; Pat Payer; Charles Goddard; Julie Copeman; Chuck Copeman; Thom Maclean; Lora Mattox, Scott Walker, Dave Green; Karl Litton; Todd Krause

Approval of the July 24, 2018 Agenda

Motion:

Board member Woods made a motion and it was seconded by Board member Macrow to approve the July 24, 2018 meeting agenda as submitted. The motion was approved with a unanimous voice vote.

Approval of Minutes: June 26, 2018

Motion

Motion was made by Board member Woods and seconded by Board member Macrow to approve the June 26, 2018 meeting minutes as submitted Motion carried with a unanimous voice vote.

Approval of Minutes: July 10, 2018

Motion

Motion was made by Board member Cook and seconded by Board member Woods to approved the July 10, 2018 meeting minutes as submitted. The motion carried with a unanimous voice vote.

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.

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has received three requests from zoned property owners for inclusion: Glen-Rocky Mountain; CMG, and JDW.

Public Hearing

President Tunnicliff opened the public hearing and asked if there is anyone wishing to speak in favor of the Lockwood Targeted Economic Development District, TEDD, Zoning Jurisdiction Amendment. There is none. President Tunnicliff closed the public hearing. *This item will be continued to the Tuesday, August 14, 2018 Planning Board meeting for action as there is not a quorum of members for this item due to Board member Woods recusal.*

Public Hearing. Motion/Recommendation to BOCC. West Meadows Subdivision, 2nd Filing. 52-lot County Major Subdivision. Wineridge Inc., Applicant. Greg Reid, WWC Engineering, agent. Dave Green, Planner II presenting. (PZ-18-00059)

Staff is forwarding a recommendation of denial of the variance request. He continued and reviewed the staff report and proposed Conditions of Approval below. The Board of County Commissioners are scheduled to review and act on the preliminary plat on August 21, 2018.

INTRODUCTION

On June 1, 2018 WWC Engineering, Greg Reid, agent for Wineridge, Inc, applied for preliminary minor plat approval for West Meadows Subdivision, Amended. The proposed subdivision creates 52 lots. This application will re-plat the single lot created by a previous subdivision that removed existing lots and will include new road alignments. The subject property is generally located east of 80th Street West and south of what will be Central Avenue. The property is outside of zoning. The land is vacant at this time.

RECOMMENDATION

Staff recommends the Planning Board forward a recommendation of conditional approval to the Board of County Commissioners for the preliminary plat of West Meadows Subdivision 2nd Filing, denial of the requested variance, and adoption 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 protect public health and safety, prior to final plat approval the applicant will receive approval from the MDEQ for the proposed water cisterns, community septic system and the proposed storm water management.

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2. To provide for future maintenance of all public roads within West Meadows Subdivision, prior to final plat approval the applicant will either expand an existing RSID-M or create an RSID-M for the public roads.
3. To protect public health and safety, prior to final plat approval, should the variance request be denied, the applicant will add language in the SIA under the heading IV Emergency Service that addresses the installation of a 30,000-gallon dry hydrant system. The language will include the location of the proposed 30,000-gallon dry hydrant system and the system will be shown on the plat, located in a public easement or public right of way. An RSID-M will either be expanded or a new one created for the maintenance of the dry hydrant system. The applicant shall submit for review and approval of the hydrant construction drawings to the Laurel Volunteer Fire Department (LVFD). Additionally, the applicant shall obtain a letter from the LVFD stating the system has been installed correctly and is functioning properly.
4. To minimize the effects on local service, 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.
5. To ensure the proposed irrigation pond system is an allowable use of publicly owned lands, prior to final plat approval the applicant will receive permission from the County Park Board to install an irrigation pond in the public park for irrigation of private yards in the subdivision. This system will be outlined in the SIA under the heading VIII. Irrigation. It will also include an outline of who is responsible for maintenance of the system and how fees will be collected.
6. To ensure proper documentation of the proposed phases of this proposed subdivision prior to final plat approval the applicant will provide all necessary documents and any clarification that may be needed within the SIA.
7. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed 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. 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, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

A variance from Section 4.14(C)(2) of the Yellowstone County Subdivision Regulations (YCSR) has been requested. This requirement is for fire suppression required to be within ½ road mile of the farthest lot in the subdivision. Staff is recommending denial of the variance request.

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Dave Green posted a diagram of the phasing plan and explained that each phase will require a public hearing prior to development. He noted an aerial of the existing pond which was sourced from the Cove Ditch; and slides of the distances from the fire suppression pond, all of which are beyond the .5-mile allowable distance. The Laurel Volunteer Fire Department is opposed to the variance request with the reasoning that due to the difficulty of maintaining water in the detention pond, it is not functional for firefighting uses and does not meet current codes. A dry hydrant tank will be required to meet the specifications.

Discussion

President Tunnick called for discussion and questions from the Board. Board member Goodridge asked for further clarification of the final plat approval process. Dave Green explained that in order for the developer to sell lots in Phase, the infrastructure for the streets must be in place and DEQ must approve the request for septic and water systems. Even if a letter of credit or bonding for roadways, all ten conditions must be met prior to final plat approval and construction. In response to further question by Board member Goodridge, Dave Green said the applicant has to return to the Planning Board for a public hearing process to reset the dates for the phase or begin another phase, and this is followed by consideration by the BOCC.

Tom Llewellyn, 1925 Grand Ave., Suite 24, Billings, Montana

Mr. Llewellyn represents the applicant, Wineridge, Inc.. Mr. Llewellyn explained with the original submittal the lower portion of the subdivision did not receive DEQ approval. He said this parcel was re-platted to offer a workforce housing product and bring the parcel into compliance with the requirement for lot size. Regarding the issue of fire suppression, he stated has been unsuccessful in contacting the Laurel Fire Department after several attempts. The pond design is to allow for irrigation and fire suppression. He said approximately 100,000 gallons of water would be available for fire suppression and the irrigation feature would also act as a fire suppression tool. Whistler Way is under bond and will be built this fall. A firm agreement is not in place with the Cove Ditch Company but there is a possibility of working with the High Ditch Company at a higher cost. The alternative is they would ensure the pond would be full via the Cove Ditch. The proposal is a Home Owners Association, (HOA), will be created for maintenance of the pond. They wish to irrigate and seed the parkland.

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Public Hearing

At 6:38 p.m., President Tunnick opened the public hearing and asked if there is anyone wishing to speak in favor or against the application for West Meadows Subdivision.

Tom Sullivan, 310 Whistler Way, Billings, Montana

Mr. Sullivan read aloud a statement regarding his concerns regarding subject filing and presented a hard copy to the Planning Clerk for the record. He stated there are 48 occupied homes within the completed phases of West Meadows Subdivision. The community roads are not designed to handle the increased traffic from the proposed 52 new homes or the heavy construction equipment. There is only a single community access and will prohibit timely response by emergency vehicles. Mr. Sullivan commented the detention pond has not been maintained. Currently, the gate to the pond is locked to avoid children playing there, and the liner is no longer viable.

Mr. Sullivan provided suggestions for alternative routes:

1. Extend Central Ave from 76th Street W to 80th St W
2. Establish an access road from 72nd St W to 80th St W along the proposed Central Ave corridor
3. Establish an access road from the north end of 80th St W to the eastern edge of the new development along the Central Ave corridor.

Pat Payer, 7409 Monad Road, Billings, Montana

Ms. Payer stated two homes have been destroyed by fire as there is no water for fire suppression. She concurred with Mr. Sullivan's comments regarding the pond and she favors installation of the 30,000-gallon water system.

Julie Copeman, 7408 Monad Road, Billings, Montana

Ms. Copeman voiced concern with children's safety due to the increased traffic and the location of the school bus drop off on Monad Road. She stated children will be at greater risk if the roads are not constructed.

Darleen Durand, 7200 Central Avenue, Billings, Montana

Ms. Durand stated she was told her property would not be impacted by this development; and Homewood Park and Central Avenue would be paved. She said they have not been good neighbors due to unsightly parked semi-trailers and equipment and bright lights beaming during the night. She said roads have been shut down. Ms. Durand

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voiced concern with the effects of the 53 cisterns on the water table and the potential for her property becoming a drainage basin for sewage water.

Eric Boese, 7608 Monad Road, Billings, Montana

Mr. Boese stated he concurs with the statements that additional homes and traffic will decrease safety for his family. He said additional accesses are needed to address the traffic and allow for safe residency.

Rebuttal

Tom Llewellyn, 1925 Grand Ave., Suite 24, Billings, Montana

Mr. Llewellyn stated he was not the developer when West Meadows started development. He agreed that the roads are a major issue. He commented on the rule of "nexus in proportionality", and said they are not required to pave roads they do not have access to. He said an emergency access road was built. He stated he is aware of the issues with the pond, and the engineer will have it dug deep enough to allow for a sufficient amount of water. They are currently in negotiations with the Cove Ditch Company to ensure there is always a sufficient amount of water in the pond. He pointed out the alternative to this application is to not to file the first plat. Even so, Mr. Llewellyn said he feels this is a better proposal. DEQ has tested the effluent and it moves towards the southeast of the parcel. They are aware the 4th phase of the subdivision will have to be monitored. He suggested installing speed bumps to address traffic speeds. He said they will try to be a good neighbor.

Taylor Kasperick, WWC Engineering, 51 North 15th Street, Suite 1, Billings, Montana

Mr. Kasperick said the groundwater gradient flows to the southeast and they will ensure the mixing zones will not conflict. He said the 30,0000 gallon tank alone would not be large enough capacity to serve the subdivision. They are suggesting a new pond in conjunction with the system.

Pat Payer, 7409 Monad Road, Billings, Montana

Pat Payer-said the storage system used for irrigation holds 300,000 gallons and homeowners installed a 4" line to serve 29 homes. She said the line will not be enough for the additional housing.

Steve Shelton, 7417 Monad Road, Billings, Montana

Mr. Shelton stated he has lived in the area for four years. He said the Cove Ditch is only one for 40% of the time and he does not feel it will address this need.

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President Tunncliff reminded the audience this Board will act in an advisory capacity and forward a recommendation to the Board of County Commissioners. He closed the public hearing and encouraged attendees to attend the BOCC meeting as the final determination will be made at that time.

Planning Division Manager Monica Plecker clarified and stated the the variance requested is to use the existing pond . She shared that staff had a conversation with Laurel Fire Marshall Jason Shovar since the last meeting. Mr. Shovar is not supportive of using a pond system as it is not an approved within the subdivision regulations.

President Tunncliff called for a motion on the Variance Request. A variance from Section 4.14(C)(2) of the Yellowstone County Subdivision Regulations (YCSR). This requirement is for fire suppression required to be within ½ road mile of the farthest lot in the subdivision. Staff is recommending denial of the variance request.

Motion

Board member Macrow made a motion and Board Member Goodridge seconded the motion to deny the request for variance from Section 4.14(C)(2) of the Yellowstone County Subdivision Regulations (YCSR). The motion carried with a unanimous voice vote.

President Tunncliff called for a motion on West Meadows Subdivision, 2nd Filing.

Motion

Board member Goodridge made a motion and it was seconded by Board member Macrow to forward a recommendation of conditional approval of West Meadows Subdivision, 2nd filing and adoption the Findings of Fact as presented in the staff report.

Discussion

President Tunncliff called for discussion on the motion. Board member Goodridge commented he made this motion as he wishes for the application to move forward and address the issues.

The motion carried with a unanimous voice vote.

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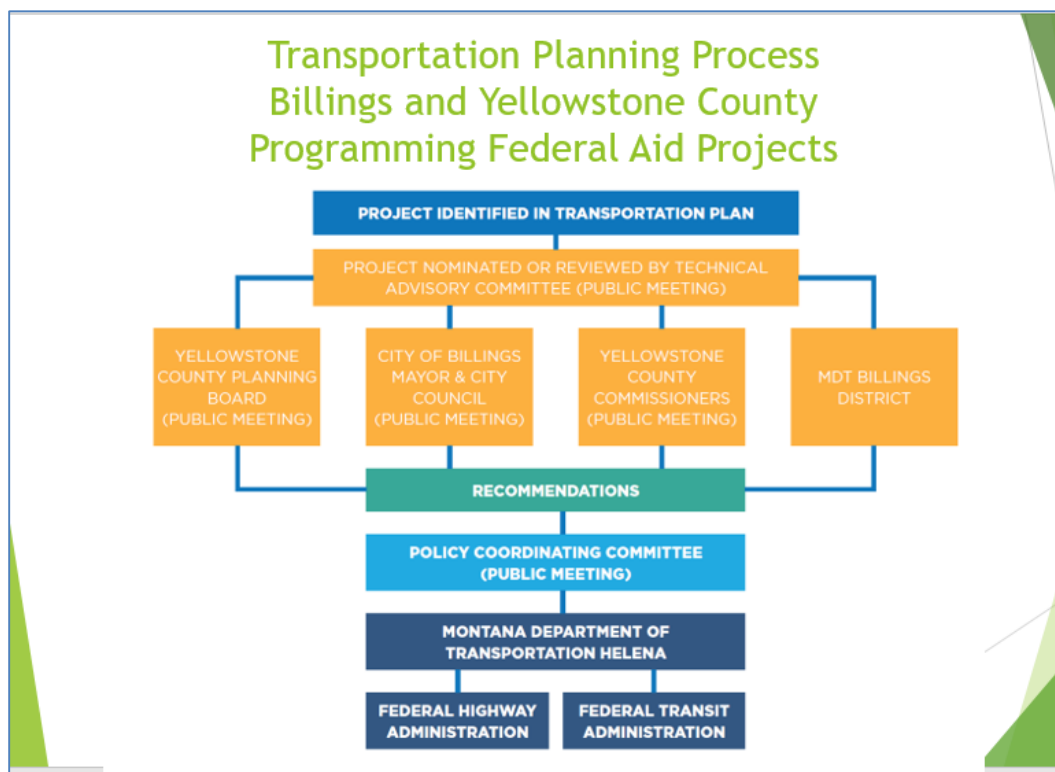
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8. NEW BUSINESS

8a. Presentation/Discussion. Billings MPO Public Participation Plan, (PPP), Lora Mattox, Transportation Planner, presenting.

Transportation Planner Lora Mattox opened this agenda item with a presentation. She stated MPOs are mandated by the Federal Highway Act, (1973), to provide cooperative, comprehensive, and a continuing transportation planning and decision-making process. Currently this falls under the “Fixing America’s Surface Transportation (FAST), Act. A public participation plan, (PPP), is needed for compliance.

The MPO facilitates between FHWA/MDT and local committees and governing bodies. These groups and/or advocates may include but are not limited to: Persons with limited English proficiency; Representatives of the disabled; Representatives of public transportation users; Representatives of pedestrian facility users; Representatives of bicycle facility users; Representatives of low-income communities; Representatives of minority communities; Freight shippers and haulers; Private providers of transportation; and Representatives of affected public agencies.



Strategies and Tools include media; digital and print materials; online and social media, an in-person meetings. The plan encourages creativity in outreach such as “Tag on

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Meetings” held during other events, Exhibits at events; Steering Committees, Focus Groups and Stakeholders; and tours.

Review Schedule

Transportation Advisory Committee, (TAC)	7/19/18
Planning Board #1	7/24/18
Planning Board #2	8/14/18
City Council Work Session	8/20/18
City Council	8/27/18
Commissioners Discussion	8/20/18
Board of County Commissioners	8/28/18
Policy Coordinating Committee, (PCC)	9/11/18

Discussion

President Tunnick called for questions and discussion. Board member Goodridge commented the discussions held during Project Re:Code committee meetings surrounding the need for improvement of the communication factor as a part of the zoning process. He asked if this plan has a framework that could be included in the zoning review process. Ms. Mattox said staff refers to this plan with planning projects and should carry over into daily planning activities. The plan is not prescriptive but provides guidelines for public notification and participation.

**A public hearing for the PPP will be held during the August 14, 2018 Planning Board meeting and a recommendation will be forwarded to the Policy Coordinating Committee.

8b. Presentation/Discussion. 2019 Billings Urban Area Unified Planning Work Program, (UPWP), Scott Walker, Transportation Coordinator, presenting.

Scott Walker stated this document outlines the staff goals and the funding. It is an annual task related to management of local and PL funds. He continued with a presentation. The Work program for the MPO is required to be revised and reviewed by the governing bodies and adopted annually by PCC.

FUNDING SOURCES

The degree of participation by each funding agency is based on the pro-rations 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 pro-rations. Funding sources and amounts contained in the UPWP are as follows:

• Planning Department Fees (City of Billings)	\$230,000
• Planning Department Fees (Yellowstone County)	\$57,000
• Yellowstone County (Mill)	\$492,000
• Federal Funds (PL)	<u>\$2,007,000</u>
• TOTAL	\$2,786,000

SUMMARY:

- The UPWP is updated annually and is current between October 1, 2018 through September 30, 2019.
- All Work Elements in the UPWP must be related to Transportation and/or Transportation Planning.

Scott Walker pointed out the \$2,007,00 listed in Federal PL funds. He explained that due to MDT accounting, a "catch up" provision will allow \$700,000 in 2019 that we would not normally receive to keep up with the current fiscal year in the contingency. These funds will continue in availability from one year to the next. Historically MDT Helena has allocated monies based on the year previous. This year, payment will be made for 2018 and 2019, which is an approximate increase of \$700,000. There are not enough local funds to match but the funds will roll in the contingency line item from one year to the next. He stressed this is an anomaly, and in time the funds will be reduced from project expenditures. He voiced some concern in the case of a potential Federal government recision of funding.

Funding Cost Comparisons: A comparison of project and staffing costs in the 12 work elements in FY 2016 and FY 2017. Costs have remained constant in all work elements. It is typical to carry a contingency in each year.

Funding Percentages FY18: Work elements that are exclusively transportation related are 100% federally funded. The less transportation related activity in the work element, the lower the federal contribution – Zoning and Subdivision Administration for instance.

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Table IV: Staff Months By Work Element Fiscal Year-2018: The Work Program also allocates staff time to the different work elements. Planning staff is shown across the columns at the staff and the amount of time that individual spends in each element, calculated in man months, is shown in the columns below. This staffing array was approved in the FY16 Work Program.

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

Per President Tunncliff’s request Scott Walker explained how priorities are determined by Staff and approved Planning documents and studies such as the Transportation Plan, and Bicycle Pedestrian Plan. Director Plecker pointed out the constraining factor is providing local match. She noted oversight in the types of planning efforts as projects must be transportation related to be a part of the UPWP. Board member Goodridge asked regarding inclusion of Project ReCode related to traffic per area. Scott Walker reiterated that projects must be transportation related.

2019 Priorities: Complete the 2018 Transportation Plan; Complete the Billings MPO Traffic Model; Apply for Major FHWA Grant; Inner Belt Loop Corridor Study; Wayfinding Signage Plan; Update the Bike/Ped. Tour Map + App; Downtown Traffic Flow Study; County Growth Policy Update



A blue rectangular graphic with white text. At the top, it reads "Draft 2019 UPWP Review Schedule". Below this, there is a list of review dates for various entities, separated by a horizontal dashed line. The entities and their dates are: TAC (July 19th), Planning Board (August 14th), County Commission (August 28th), City Council (August 27th), PCC (September 11th), and MDT, FHWA, FTA (September 28th).

Draft 2019 UPWP Review Schedule	
• TAC	July 19 th
• Planning Board	August 14 th
• County Commission	August 28 th
• City Council	August 27 th
• PCC	September 11 th
• MDT, FHWA, FTA	September 28 th

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Discussion

Board member Goodridge and staff discussed the benefits if a community wide idea for a wayfinding signage plan. Scott Walker and Director Frday explained the opportunity to apply for a major FHWA Build Grant-to request funds for completion of the Marathon Loop project and the Inner Belt Loop. Scott Walker discussed the benefits of having studies completed and approved to lay the groundwork for grant seeking. Lora Mattox provided clarification on the MDT adjustment which was made as a part of the transportation bill as there were continuing resolutions for authorization but not allocation. She commented projects have moved forward due to studies such as the West End Traffic Study which was initiated by the Planning Board.

**A public hearing for the 2019 Billings Urban Area Unified Planning Work Program, (UPWP), will be held during the August 14, 2018 Planning Board meeting and a motion and recommendation to PCC will be made at that time.

9. OTHER BUSINESS/ANNOUNCEMENTS

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

--The next Planning Board meeting will be held Tuesday, August 14, 2018, 6:00 p.m.

ADJOURNMENT: 8:15 p.m.

Approved by a motion on August 14, 2018

