

# CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

**Board Attendance Roster:** Please note: “E” stands for excused absence, “A” stands for un-excused absence, “1” stands for present.  
**BYLAWS, YELLOWSTONE COUNTY BOARD OF PLANNING, (Amended. May 25, 2004)**  
**Section 4. Absences and Removal A.** Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term. Schedule: (\*\* denotes a Wednesday meeting)

	Position	01/08/2019	01/22/2019	02/12/2019	02/26/2019	03/12/2019	03/26/2019	04/09/2019	04/23/2019	05/14/2019	** 05/29/2019	06/11/2019	06/25/2019	07/09/2019	07/23/2019	08/13/2019	08/27/2019	09/10/2019	09/29/2019	10/08/2019	10/22/2019	11/12/2019	11/26/2019	12/10/2019
<b>Dave Goodridge</b>	Mayor/Billings Ward I	E																						
<b>Matt Macrow</b>	Mayor/Billings Ward II	1																						
<b>Eric Wallace</b>	Mayor/Billings Ward III	1																						
<b>Darell Tunnickliff</b>	Mayor/Billings Ward IV	1																						
<b>John Thompson</b>	Mayor/Billings Ward V	1																						
<b>Troy Boucher</b>	YC District 1	1																						
<b>Dennis Cook</b>	YC District 2	1																						
<b>Vacant</b>	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Vacant</b>	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Woody Woods</b>	YC District 5	1																						
<b>Vacant</b>	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Jarett Hillius</b>	YC District 7	1																						
<b>Jerry Williams</b>	Y County Cons. District	1																						
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	A																						

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**JANUARY 8, 2019**

*Approved by a motion on January 22, 2019*

### **Call the Meeting to Order**

President Tunnicliff called the meeting to order at 6:00 p.m. on Tuesday, January 8, 2019 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

President Tunnicliff introduced Eric Wallace, Planning Board City Ward III, and thanked him for his willingness to serve in this capacity.

### **Introduction of Planning Board Members and Planning Department Staff**

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

**Attending Planning staff members:** Wyeth Friday, Director, Planning & Community Services Department; Monica Plecker, Planning Division Manager; Dave Green, Planner II; Scott Walker, Transportation Coordinator; Tammy Deines, Planning Clerk

**Others in Attendance:** Darin Swenson, Yellowstone County Public Works Dept; Levi Wanner; Bill Morgan, Sanderson Stewart

### **Approval of the January 8, 2019 Agenda**

#### **Motion:**

**Board member Cook made a motion and it was seconded by Board member Macrow to approve the January 8, 2019 meeting agenda. The motion was approved with a unanimous voice vote.**

### **Approval of Minutes: December 11, 2018**

#### **Motion**

**Motion was made by Board member Woods and seconded by Board member Cook to approve the December 11, 2018 meeting minutes with correction deleting the motion under the discussion item for the TIP update. The motion carried with a unanimous voice vote.**

**Public Comment:** President Tunnicliff 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.

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**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. President Tunnicliff said he met the Board of County Commissioners during a work session to discuss Board appointments and the selection process for new Planning Board members.

### 7. OLD BUSINESS

#### **7a. Motion/Recommendation to PCC 2017-2021 Transportation Improvement Plan, (TIP). Scott Walker, Transportation Coordinator, presenting.**

Scott Walker opened the agenda item with a brief introduction. He stated this is a budgetary document that tracks major fiscal projects put forth in the next two to three years.

#### **Highlights:**

- **West Billings Interchange – Pinehills Interchange:** Engineering zzzz (Re-Surface)
- **Zoo Drive: Signal Upgrades and Striping** – New Project to improve traffic operations and safety along the Zoo Drive corridor in Billings. Work will include intersection improvements, striping modifications, signal upgrades, median work and/or any other operational modifications necessary to improve traffic flows and safety in the area. Anticipated Let Date = December of 2020. Estimate PE Phase End Date = December of 2022.
- **Billings Bypass: Five Mile Road** - Construction Cost Update
- **I-90 Yellowstone River Bridges:** Update Construction Cost
- **Laurel Road Signals: Update Signals and add ADA Ramps** – New Project
- **Lockwood Interchange Study** – New Project. Other (OT) phase study to evaluate interchange improvement options on I-90 at the Lockwood Interchange in Billings. This evaluation will consider traffic patterns (current and future), ramp functionality, operational issues on I-90 (and connecting routes), proposed Interstate modifications (additional lanes, etc.), intersection improvement options, safety considerations, bridge construction options, environmental issues, right-of-way, utilities, geometrics and/or any other factors necessary to determine a preferred improvement alternative at

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this location. The end result of the study will be a project recommendation (outlining the preferred alternative and costs associated with this alternative).

- **South Frontage Road: Pavement Preservation** – New Project (Mullowney Lane to Wise Lane).
- **Blue Creek Road: Pavement Preservation** – New Project. Interstate Bridge to 3-mile section to Robindale Road. Construction letting-Spring of 2019. This project was identified in the Blue Creek Transportation Plan.
- **N. 27<sup>th</sup> Street R.R. Study** – Cost Adjustment. Scott Walker noted the previous placeholder for this study in the original TIP was \$300,000 and the new allocation is for \$1.2 million. It is his understanding that only will the previous studies be considered but this will include some of the newer technologies and innovations. The consultants are HDR, Kittelson, DOWL, Land Design and Etho Science. this study came out of the Statewide Crossing study. The difference is the benefit of being in an OT phase allows engineering details, and should a feasible solution come forward, a lot of the preliminary studies will be done. Scott Walker said the MDT Scope of Services for this project is comprehensive.
- **MET Transit Funds Added to the 5339 Program-** MET was awarded a grant and a transfer of about \$195,000 has to be included into this document for approval.

### **Adoption Schedule**

Planning Board	January 8 <sup>th</sup>
City Council	December 10 <sup>th</sup>
County Commission	December 13 <sup>th</sup>
PCC	January 15 <sup>th</sup>

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### **Discussion**

President Tunncliff called for discussion from the Board members. There were no questions or discussion.

### **Public Hearing**

President Tunncliff opened the public hearing and asked if there is anyone wishing to speak in favor or against the 2017-2021 Transportation Improvement Plan Amendment 2. There were none. President Tunncliff called for a motion.

### **Motion**

**Board member Thompson made a motion and Board member Woods seconded the motion to forward a recommendation of approval of the 2017-2021 Transportation Improvement Plan, (TIP), Amendment 2 as presented by staff.**

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

**7b. Motion/Recommendation to BOCC. Yellowstone County Subdivision Regulation Amendment. Monica Plecker, Planning Division Manager, presenting.** Ms. Plecker stated staff have held discussions on the proposed updates with representatives from YC Public Works, BUFSA, and the YC Legal Department.

### **Background**

Over the course of the last year, Planning Division staff along with County Legal, County Public Works and Billings Urban Fire Service Area (BUFSA) staff have been working to prepare County subdivision regulation amendments. First and foremost, the purpose of amending the regulations is to be in compliance with legislative changes that occurred in the 2017 Legislative Session. Staff also took this opportunity to coordinate with county departments on a handful of other proposed changes to provide more clarification and consistency with already adopted practices and regulations. They are described in the Background section below. The Planning Board is scheduled to discuss these proposed amendments at this meeting and is scheduled to consider the amendments and hold a public hearing before making a recommendation to the Board of County Commissioners on January 8, 2019.

A summary of proposed changes is provided below:

- Defining proportionate reimbursement of hydrants (both dry and pressurized). The proposed regulations now establish a formula for proportional reimbursement for those new developments who utilize an already existing hydrant system within one half

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road mile. Generally speaking, all subdivisions that utilize a hydrant will contribute equally towards the cost of the system. (Page 69)

- Clarify that the use of a secondary emergency access will require a variance request. (Page 45)
- Clarify allowable dwelling units on dead-end roads to meet and be consistent with International Fire Code (IFC). The IFC allows for 30 single family dwellings to be located on a dead-end road or 100 multi-family units. Dead-end roads cannot exceed 1,000 feet per our existing regulations. (Page 43)
- Clarify language for access/site plan requirements for approach permits, including adding language in the Subdivision Improvement Agreement. (Page 145)
- Lowering traffic study threshold changes based on type of subdivision (residential, commercial, industrial) and based on type of access (gravel or paved). (Page 49)
- Clarify how long bonds are in place and when they are required to be updated. (Page 74-75)
- Minor changes, then clean up or clarify but do not have substantive impact on the existing regulations
- Removal of application and fee schedules from regulations. (See appendices)

### **Proposed Process for Adoption**

- December 10th – Board of County Commissioner Discussion
- December 11th – Planning Board Introduction & Discussion
- January 8th – Planning Board Public Hearing
- January 29th – BOCC Hearing and Adoption

### **RECOMMENDATION**

**Staff recommends that the Board of Planning review the proposed changes, provide feedback, and set a public hearing date for January 8, 2019.**

### **Public Hearing**

President Tunnicliff opened the public hearing and asked if there is anyone wishing to speak in favor or against the proposed Yellowstone County Subdivision Regulation Amendments. There was none. At 6:16 p.m., President Tunnicliff closed the public hearing and called for a motion.

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Reviewed by Planning Staff

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### **Motion**

**Board member Woods made a motion and Board member Boucher seconded the motion to forward a recommendation to the Board of County Commissioners of approval of the Yellowstone County Subdivision Regulations Amendments as presented by staff.**

### **Discussion**

President Tunnick called for questions and discussion. Per Board member Boucher's request, Ms. Plecker clarified the threshold change on the traffic study and said cumulative impacts will reach the threshold sooner and allow the County Public Works Department to address the road system.

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

## **8. NEW BUSINESS**

### **8a. Plat Review/Discussion. Founder's Park Subdivision. Dave Green, Planner II, presenting.**

Planner Dave Green opened this agenda items with an overview of the parcel and gave the presentation below.

### **INTRODUCTION**

On December 1, 20108, Sanderson Stewart, agent for Habitat for Humanity, applied for preliminary major plat approval for Founders Park Subdivision. The proposed subdivision creates 22 lots for residential development on a 5-acre parcel of land. The subject property is generally located south of Wicks Lane, approximately 340 feet, and on the east side of Hawthorne Lane in the Billings Heights. The property is zoned Residential-7,000 (R-70). Parkland dedication requirements for this proposed plat is 0.418 acres. The applicants are proposing to do a cash-in-lieu contribution for parkland.

### **RECOMMENDATION**

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

### **VARIANCES REQUESTED**

No variances from the City Subdivision Regulations have been requested.

### **PROPOSED CONDITIONS OF APPROVAL**

Planning staff recommends the following conditions of approval:

1. To provide for the safe delivery of mail to the subdivision prior to final plat approval the applicant will provide a letter from the USPS to show they have coordinated with the USPS provided the correct and safe mail delivery system.

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2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

### **PROCEDURAL HISTORY**

- A pre-application meeting was held on October 4, 2018 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on December 1, 2018.
- A departmental review meeting was conducted on December 20, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on December 27, 2018.
- The Planning Board will review the plat on January 8, 2019.
- The Planning Board will conduct a public hearing on January 23, 2019, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on February 26, 2019.
- The 60 working-day preliminary plat review period ends March 1, 2019.

### **Discussion**

President Tunncliff called for questions and discussion from the members of the Board. Board member Macrow asked regarding area school capacity and Dave Green replied the school district indicated there is capacity in all of the area schools for additional students. Board member Thompson asked for clarification on the parkland dedication denotations in the staff report and on the plat. Bill Morgan, Sanderson Stewart stated he will check into this and clarify during the public hearing. Dave Green commented that an independent assessment is done for parkland cash-in-lieu when the plat is approved.

### **Applicant**

#### **Bill Morgan, Sanderson Stewart, 100 North Transtech Way, Billings, Montana**

Mr. Morgan is the engineer for this project. He introduced Levi Warner, Board member for Habitat for Humanity. Mr. Morgan stated Habitat for Humanity’s critical mission is to provide affordable housing. The geotechnical report has been submitted and this parcel is a clean site. The housing proposed is for slab on grades. He said the Findings of Fact for this project are agreeable to the applicant and he asked the Board for a positive recommendation. In response to question by Board member Woods,

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Mr. Morgan explained that each of the homeowners will construct the sidewalk at the time of construction. Board member Thompson asked about the buildout timeframe. The expectation is to construct three to four houses per year with a four to six-year time frame for the subdivision buildout.

**\*\*A public hearing will be held for Founder's Park Subdivision during the next Planning Board meeting on Tuesday, January 22, 2019.**

### 9. OTHER BUSINESS

#### 9a Election of 2019 Officers.

The Nominating Committee has forwarded a recommendation of nomination of Darell Tunnicliff to serve as Planning Board President for the 2019 term and Woody Woods to serve as Planning Board Vice President for the 2019 term.

President Tunnicliff called for nomination of officers from the floor. There were none. **A motion was made by Board member Boucher and seconded by Board member Macrow to close the Nomination Period.**

**Board member Cook made a motion and it was seconded by Board member Woods to elect Darell Tunnicliff as Planning Board President for the 2019 term. The motion carried with a unanimous voice vote.**

**Board member Boucher made a motion and it was seconded by Board member Thompson to elect Woody Woods as Planning Board Vice President for the 2019 term. The motion carried with a unanimous voice vote.**

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

**→ Appointment and Recommendation Process for City/ County Planning Board members. Wyeth Friday, Director, Planning & Community Service Department** Director Friday said the Commissioners are open to the Board interviewing or meeting applicants prior to appointments. President Tunnicliff noted the significance of having a diversity of members. He also commented on the importance of communicating the time commitment, activities, and responsibilities to interested applicants. The Board is in agreement with prospective applicants meeting with a Planning staff member and a Planning Board member prior to the Board forwarding a recommendation to the BOCC. Director Friday offered to look into the City Council process for appointing board members.

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→ **Subdivision Regulation Amendments.** -Division Manager Plecker said the amended County Subdivision Regulations are moving forward for adoption. A kick-off meeting with City departments will be held in the near future for the Amendments of the City Subdivision Regulations. Director Friday commented the Legislative session has started and the City has a new lobbyist through Crowley-Fleck, based in Helena. Board members are to notify staff if they have interests or concerns.

→ **Project Recode Town Center Concept for Lockwood**-Board member Woods spoke of an article published by the Yellowstone County News regarding land uses and said he will provide staff a copy of the article. He stressed the importance of developing a town center in Lockwood surrounded by compatible uses.

**ANNOUNCEMENTS:** The next Planning Board meeting is scheduled for **Tuesday, January 22, 2019, 6:00 pm in the Miller Building 1<sup>st</sup> Floor Conference Room.**

**ADJOURNMENT**

**APPROVED BY A MOTION ON JANUARY 22, 2019**

