



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



CANCELATION NOTICE

WEDNESDAY, May 29, 2019 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

1. **NOTICE:** Due to a lack of agenda items, the Wednesday May 29, 2019 Planning Board meeting is canceled. The next meeting will be legally announced and advertised on Tuesday, June 11, 2019. Thank you!
2. **DELAYED. MEETING MINUTES:** May 14, 2019

Planning Board Meeting Cancelation Notice

Meeting Date: 05/29/2019

Information

Subject

DELAYED. MEETING MINUTES: May 14, 2019

Attachments

PlnBMinutes_2019_05_14_DRAFT

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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
Dave Goodridge	Mayor/Billings Ward I	E	1	1	1	E	E	E	E	E	-													
Matt Macrow	Mayor/Billings Ward II	1	1	1	1	1	E	1	E	1	-													
Eric Wallace	Mayor/Billings Ward III	1	1	1	E	E	E	1	1	1	-													
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	E	1	1	E	1	1	-													
Jon Thompson	Mayor/Billings Ward V	1	E	1	E	1	1	1	1	E	-													
Troy Boucher	YC District 1	1	E	E	1	1	1	1	1	1	-													
Dennis Cook	YC District 2	1	1	1	1	1	1	1	E	E	-													
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods	YC District 5	1	1	1	1	1	1	1	E	1	-													
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jarett Hillius	YC District 7	1	1	1	1	1	1	1	E	1	-													
Jerry Williams	Y County Cons. District	1	1		1	1	1	1	1	1	-													
Scott Reiter	Ex-Officio SD2	A	A	A	A	A	A	A	A	A	-													

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May 14, 2019

DRAFT- To be approved by a motion on June 11, 2019

Call the Meeting to Order

President Tunnicliff called the meeting to order at 6:00 p.m. on Tuesday, May 14, 2019 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

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, Tammy Deines, Planning Clerk

In Attendance: Darin Swenson, Yellowstone County Public Works; Craig Dalton, Performance Engineering; Citizen Jay Nichols; Citizen Arnie Reiter

Approval of the May 14, 2019 Agenda – A motion was made by Board member Macrow and seconded by Board member Hillius to approved the May 14, 2019 Agenda as submitted. The motion carried with a unanimous voice vote.

Approval of Minutes: April 9, 2019 and April 23, 2019: A motion was made by Board member Woods and seconded by Board member Macrow to approve the minutes of April 9, 2019 and April 23, 2019 as submitted. 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 might 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.

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 declarations of ex parte communications or conflicts of interest.

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7. OLD BUSINESS

7a. Continued Public Hearing. Motion/Recommendation to BOCC. Bar 11 Estates Subdivision, County Major Subdivision, Production Consulting, LLC, owner. Performance Engineering, Agent. Dave Green, Planner II.

Dave Green introduced this agenda item and gave a brief presentation. The Board of County Commissioners is scheduled to act on this preliminary plat on May 21, 2019. He pointed out Conditions of Approval #2 and #9, which were modified by the Commissioners. He said the County Public Works Director is aware of the storm water drainage issues coming from Plateau Road.

INTRODUCTION

On March 1, 2019, the Planning Division received an application for major plat approval for the proposed Bar Eleven Estates Subdivision. The property is generally located on the south side of Plateau Road approximately .25 miles west of Bitterroot Drive. This subdivision would create 7 lots from a 17.55-acre parcel of land. Lots 5 and 6 are proposed to be developed as condominium type development with multiple single family dwelling units on a single lot. All of the proposed lots will be developed as single family residential. The land is currently dryland grass and is zoned Residential 9600 (R-96). This application is back before the board for a vote to make a recommendation to the Board of County Commissioners due to lack of a quorum at the April 23 Planning Board meeting.

RECOMMENDATION

Staff recommends that the Yellowstone County Board of Planning recommend the Board of County Commissioners conditionally approve the preliminary plat of Bar Eleven Estates Subdivision 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 protect public health and safety, prior to final plat approval the applicant will receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To ensure compliance with requirements of subdivision regulations, prior to final plat approval the applicant will add a paragraph in the SIA under the heading Conditions That Run With The Land to notify future homeowners of their responsibility to install sidewalk along their street frontage.
3. To ensure public access to the public park within the subdivision, prior to final plat approval the applicant will provide easement documents that allow the public to drive up the access along the eastern edge of the public park at Lot 7.
4. 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.
5. 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.
6. 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.
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.

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8. 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.

Discussion

President Tunncliff called for questions and discussion from the members of the Board. Board member Woods commented he is glad to see the additional condition of approval for sidewalks as it is part of the suburban review criterion. Dave Green said in the future, this condition would be added on a regular basis during the Planning Board review.

Division Manager Plecker pointed out that DEQ requires a 10-year storm water detention level. Anything beyond a 10-year event will still overtop the area but the subdivision complies with the DEQ requirement. She stated any required revision is beyond the scope of this Board. President Tunncliff stated the Board relies on the professional direction, policies, and procedures of DEQ. Board member Woods asked when DEQ last updated this regulation to a 25-year event.

Applicant

Craig Dalton, Performance Engineering, (no address given)

Mr. Dalton is the agent for applicant/owner, Production Consulting. He stated DEQ updated the storm water manual last year and all designs are reviewed for compliance with storm water regulations. Board member Hillius asked if the cumulative storm water impacts were taken into consideration. Mr. Dalton commented on the historical rates and said per DEQ requirements, any additional water has to be retained and not leave the site any faster than what has historically happened. Board member Woods commented he does not like to see designated parkland contain drain fields, as they become a public health and safety issue when they fail.

Public Hearing

President Tunncliff opened the public hearing and asked if there is anyone wishing to speak in favor or against the Bar 11 Estates Subdivision preliminary application.

Jay Nichols, 4015 Chara Lane, Billings, Montana

Mr. Nichols stated he is concerned with storm water runoff from this subdivision to Plateau Road and to Chara Lane. He said the Bar 11 Subdivision has had difficulties with the existing retention pond. He asked how many dwellings are proposed with this subdivision. He said the new grade on Plateau Road has generated instances of Chara Lana experiencing storm water runoff. He provided photos of depicting the storm water

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runoff issues as the water flows from Bitterroot down Plateau Road into Chara Lane. He voiced concerns with the inability for emergency vehicles to enter and residents to exit during a recent fire event in the Bar 11 Subdivision. Mt. Nichols stated additional density is a concern and the developer should not put the density at the end of the road. The area schools are at capacity and there is a 30-45 minute emergency response time.

Arnie Reiter, 4055 Chara Lane, Billings, Montana

Mr. Reiter said his residence is at the end of Chara Lane. He stated he has had more issues in the last two years. He stated his driveway becomes a river with the storm water runoff. He has had six inches of water inside the garage; and has rented pumps and fans to place under the house to dry it out. He said they changed the crown of the road when Plateau Road was improved. Mr. Reiter stressed that the water abatement is not adequate. This has made a significant change to the hillside and to his home site.

Rebuttal

Craig Dalton, Performance Engineering, (no address given)

Mr. Dalton said after the first meeting, he visited the site along with another engineer. The road was widened to the south and there is an increased impervious area. Chara Lane is a private road not built to County standards. He said he could see the potential issues on Chara Lane as there are no barrow ditches along Chara Lane. He advised working with the County Public Works Department on a means to control and convey the water back towards Bitterroot.

Discussion

Board member Woods asked about the addition 10-feet added to the roadway.

Mr. Dalton replied this was just an extension to the road surface. President Tunnickliff stated the Board has to rely on DEQ for clarification and asked if they had contacted the County Road Department. Mr. Nichols said they have but they were “given the run around”. Per Request of Board member Boucher, staff clarified and said Condition of Approval #2 addresses the RSID and sidewalk construction. Dave Green responded to question by Director Friday, and said staff brought this issue to Yellowstone County Public Works but will pass this information forward. Darin Swenson, YC Public Works, said the RSID covers the original subdivision, (Bar 11 Subdivision).

8. New Business: There is no New Business.

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9. OTHER BUSINESS

- **Project ReCode:** (Division Manager Plecker) The Steering Committee will meet on May 23, 2019. The consultants will be in Billings June 18-20, 2019 and working groups and public meetings will be scheduled.
- **Policy Coordinating Committee:** (Director Friday) Tuesday, May 21, 2019. Transportation Staff will present several project updates.
- **Federal Highway MPO Review:** (Director Friday) Staff received a positive response overall. A report will be provided to staff with recommendations. Staff will bring it forward to the Board during a future meeting.
- **Wayfinding Signage Plan:** Board member Woods asked if the plan will consider the Lockwood and urbanized area. Ms. Plecker stated part of the scope of this plan is to meld with other signage efforts.
- **Announcement:** The Wednesday, May 20, 2019 Planning Board meeting will be canceled due to a lack of agenda items. The next meeting will be held as legally announced and advertised on Tuesday, June 11, 2019.
- **ADJOURNMENT: 6:46 P.M.**

DRAFT-TO BE APPROVED BY A MOTION ON JUNE 11, 2019

—Támara L. Deines, Planning Clerk