

# 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	09/24/2019	10/08/2019	10/22/2019	11/13/2019	11/26/2019	12/10/2019
<b>Dave Goodridge</b>	Mayor/Billings Ward I	E	1	1	1	E	E	E	E	E	-	-	E	-	E	1	-	E	-	1	-	E	-	-
Matt Macrow	Mayor/Billings Ward II	1	1	1	1	1	E	1	E	1	-	-	1	-	E	E	-	1	-	1	-	E	-	-
<b>Eric Wallace</b>	Mayor/Billings Ward III	1	1	1	E	E	E	1	1	1	-	-	E	-	1	1	-	1	-	A	-	1	-	-
<b>Darell Tunnickliff</b>	Mayor/Billings Ward IV	1	1	1	E	1	1	E	1	1	-	-	1	-	1	1	-	1	-	E	-	1	-	-
<b>Jon Thompson</b>	Mayor/Billings Ward V	1	E	1	E	1	1	1	1	E	-	-	1	-	1	E	-	1	-	E	-	1	-	-
<b>Troy Boucher</b>	YC District 1	1	E	E	1	1	1	1	1	1	-	-	E	-	E	A	-	1	-	E	-	1	-	-
<b>Dennis Cook</b>	YC District 2	1	1	1	1	1	1	1	E	E	-	-	1	-	1	1	-	1	-	1	-	1	-	-
<b>Vacant</b>	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Vacant</b>	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Woody Woods</b>	YC District 5	1	1	1	1	1	1	1	E	1	-	-	E	-	1	1	-	1	-	1	-	E	-	-
<b>Vacant</b>	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Jarett Hillius</b>	YC District 7	1	1	1	1	1	1	1	E	1	-	-	1	-	E	E	-	1	-	E	-	1	-	-
<b>Jerry Williams</b>	Y County Cons. District	1	1		1	1	1	1	1	1	-	-	R	-	-	-	-	1	-	-	-	-	-	-
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	A	A	A	A	A	A	A	A	A	-		A	-	A	A	-	1	-	A	-	1		-

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## CITY/COUNTY PLANNING BOARD

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**November 13, 2019**

*Approved by a motion on November 26, 2019*

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

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, November 13, 2019 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

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

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

**Attending Planning staff members:** Wyeth Friday, Director, PCSD; Dave Green, Planner II; Tammy Deines, Planning Clerk

**In Attendance:** Rod Wilson; Jeff Junkert; Darin Swenson, YC Public Works Department; Mac Fogelsong, Sanderson Stewart; Craig Dalton, Performance Engineering; Gary Owen, Sanderson Stewart

**Approval of the November 13, 2019 Agenda** – A motion was made by Board member Boucher and seconded by Board member Cook to approve the November 13, 2019 agenda as submitted. The motion carried with a unanimous voice vote.

### **Approval of Minutes: September 10, 2019; October 8, 2019**

Board member Cook made a motion and Board member Hillius seconded the motion to approve the September 8, 2019 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 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.

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

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## CITY/COUNTY PLANNING BOARD

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### 8. NEW BUSINESS:

**8a.-8b. Preliminary Plat Review. Discussion. Grand Peaks Subdivision, 5<sup>th</sup> Filing, Grand Peaks Subdivision, 6<sup>th</sup> Filing. Dave Green, Planner II, presenting.**

#### **8a. Grand Peaks Subdivision, 5<sup>th</sup> Filing**

##### **Introduction**

On October 1, 2019, Sanderson Stewart, agent for J&S Development Co., applied for preliminary major plat approval for **Grand Peaks Subdivision, 5<sup>th</sup> Filing**. The proposed subdivision creates 37 new lots for development. The subject property is generally located on the east side of 54<sup>th</sup> Street West and north of Grand Avenue. The property is zoned Residential 7000 (R70), Residential 5000 (R50) and Residential Multi-Family Restricted (RMF-R). The proposed lots will be developed in compliance with the zoning as the property is developed.

##### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Grand Peaks Subdivision, 5<sup>th</sup> Filing to the City Council, 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 with increased area traffic, prior to final plat approval, the applicant will submit all necessary information required by the City of Billings Engineering Division for review and approval to finalize Traffic Impact Study information.
2. 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.
3. 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.
4. 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.

## **8b. Grand Peaks Subdivision, 6<sup>th</sup> Filing**

### **INTRODUCTION**

On October 1, 2019, Sanderson Stewart, agent for J&S Development Co., applied for preliminary major plat approval for **Grand Peaks Subdivision, 6<sup>th</sup> Filing**. The proposed subdivision creates 30 new lots for development. The subject property is generally located on the east side of 54<sup>th</sup> Street West and north of Grand Avenue. The property is zoned Residential 7000 (R70). The proposed lots will be developed in compliance with the zoning as the property is developed.

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Grand Peaks Subdivision, 6<sup>th</sup> Filing to the City Council, 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 with increased area traffic, prior to final plat approval, the applicant will submit all necessary information required by City of Billings Engineering Division for review and approval to update to finalize Traffic Impact Study information.
2. 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.
3. 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.
4. 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.

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### **Discussion**

President Tunncliff called for questions and discussion from the members of the Board. Dave Green provided clarification to Board member Thompson on the detachment of the sidewalk and boulevards. Board member Thompson commented this plat offers good accessibility and parkland. He asked if there would be a flat area in the detention area for park improvements. Mac Fogelsong, Sanderson Stewart, stated cash contributions would be given towards Cottonwood Park. There is an acre of the parkland under consideration for a neighborhood park. Board member Hillius asked for an explanation of the stormwater flows. Mac Fogelsong referred to the posted plat map and said that currently the stormwater runs towards Grand Avenue. There is a storage facility in the 5<sup>th</sup> Filing flowing south to another detention area in the 3<sup>rd</sup> Filing. They are working towards a regional stormwater collection facility, and this project will act as a catalyst. Developer Jeff Junkert offered a conceptual drawing of the proposed parkland improvements that will include a play area. President Tunncliff commended him and stated it is nice to see a development that tries to create a neighborhood.

**\*\*The Yellowstone County Board of Planning will conduct a public hearing on November 26, 2019.**

**8c-8e. Preliminary Plat Review. Discussion. Trails West Subdivision, 4<sup>th</sup> Filing, Trails West Subdivision 5<sup>th</sup> Filing, Trails West Subdivision, 6<sup>th</sup> Filing, Dave Green, Planner II, presenting.**

### **8c, Trails West Subdivision, 4<sup>th</sup> Filing**

#### **INTRODUCTION**

On October 1, 2019, Ronald Frank, Douglas Frank, Deborah Frank and Dorn Wilson Development, LLC, applied for preliminary major plat approval for **Trails West Subdivision, 4th Filing**. The proposed subdivision would create 28 lots for single-family residences and one large remaining lot for future development. The first filing of this subdivision and a master plan of the entire development was first submitted and reviewed by the Planning Board in 2009. The subject property is generally located on the north side of Grand Avenue, just east of 56th Street West. The property is zoned Residential-6,000-Restricted (R-60-R) and Residential-9,600 (R-96).

#### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Trails West Subdivision, 4th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

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### **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 with increased area traffic, prior to final plat approval, the applicant will submit all necessary information required by City of Billings Engineering Division to update Traffic Impact Study information for this filing for review and approval.
2. 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.
3. 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.
4. 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.

### **8d. Trails West Subdivision, 5<sup>th</sup> Filing**

#### **INTRODUCTION**

On October 1, 2019, Ronald Frank, Douglas Frank, Deborah Frank and Dorn Wilson Development, LLC, applied for preliminary major plat approval for **Trails West Subdivision, 5th Filing**. The proposed subdivision would create 36 lots for single-family residences and one large remaining lot for future development. The first filing of this subdivision and a master plan of the entire development was first submitted and reviewed by the Planning Board in 2009. The subject property is generally located on the south side of Grand Avenue, just west of 56th Street West. The property is zoned Residential-6,000-Restricted (R-60-R) and Residential-9,600 (R-96).

#### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Trails West Subdivision, 5th Filing, to the City Council, 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.

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1. To protect public health and safety with increased area traffic, prior to final plat approval, the applicant will submit all necessary information required by City of Billings Engineering Division to update Traffic Impact Study information for this filing for review and approval.
2. 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.
3. 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.
4. 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.

### **8e. Trails West Subdivision, 6<sup>th</sup> Filing**

#### **INTRODUCTION**

On October 1, 2019, Ronald Frank, Douglas Frank, Deborah Frank and Dorn Wilson Development, LLC, applied for preliminary major plat approval for **Trails West Subdivision, 6th Filing**. The proposed subdivision would create 30 lots for single-family residences. The first filing of this subdivision and a master plan of the entire development was first submitted and reviewed by the Planning Board in 2009. The subject property is generally located on the south side of Grand Avenue, just west of 56th Street West. The property is zoned Residential-6,000-Restricted (R-60-R) and Residential-9,600 (R-96).

#### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Trails West Subdivision, 6th Filing, to the City Council, 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 with increased area traffic, prior to final plat approval, the applicant will submit all necessary information required by City of Billings Engineering Division to update Traffic Impact Study information for this filing for

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review and approval.

2. 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.

3. 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.

4. 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.

### **Discussion**

Planner Dave Green pointed out the existing detention facility for the subdivision was designed for the entire subdivision through buildout. He continued and pointed out the connection to the trail to the south. President Tunnicliff called for discussion and comments from the Board. Board member Thompson asked what the aggregate parkland is for the three filings. Dave Green responded the dedications are 4<sup>th</sup> Filing: .432 acres 5<sup>th</sup> filing: .597 acres and the 6<sup>th</sup> Filing: .6 acres. Agent Gary Owen, Sanderson Stewart offered to answer further questions. There were no further questions from the Board.

**\*\*The Yellowstone County Board of Planning will conduct a public hearing on November 26, 2019.**

### **8e. Preliminary Plat Review. Discussion. Sundance Subdivision, Dave Green, Planner II, presenting.**

#### **INTRODUCTION**

September 3, 2019, the Planning Division received an application for major plat approval for the proposed Sundance Subdivision. The property is generally located on the northeast corner of the intersection of Central Avenue and 48th Street West. This subdivision would create 127 lots from a 78.809-acre parcel of land. The applicant is proposing to develop residential subdivision, the land is zoned Residential 15,000 (R-150). One lot, Lot 1 of Block 4, the lot on the east side of Sundance Ridge Road off Central Avenue is zoned Neighborhood Commercial (NC). The land is currently farmland. At the October 8, 2019 Planning Board meeting, the applicant requested a 30-day delay. That delay request placed the plat on the November 13 Planning Board for the plat review.

**RECOMMENDATION**

Staff recommends that the Yellowstone County Planning Board recommend the Board of County Commissioners to conditionally approve the preliminary plat of **Sundance 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 public health and safety, prior to final plat approval, the applicant will provide Home Owner Association documents that specifically outline what systems in the subdivision the owners are responsible for and how those fees will be collected.
3. To protect public health and safety and to reduce traffic conflicts, prior to final plat approval, the applicant will show a one foot no access strip on the lots along the western edge of the right of way of Light Stream Lane, with one exception. Lot 14, Block 7 shall remain as depicted on the submitted preliminary plat.
4. To protect public health and safety and keep public roads without obstructions, prior to final plat approval, the applicant will obtain written permission from County Public Works for any type of obstruction in the public right of way. This requirement will be included in the SIA under the heading III Transportation, A. Streets.
5. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will create an RSID for the new public roads within the subdivision with the ability to expand with each new phase.
6. To protect public health and safety and to comply with Yellowstone County Road regulations, prior to final plat approval, the applicant will provide copies of access permits for any access off 48th Street West or Central Avenue or any driveway accesses within the new subdivision.
7. To protect public health and safety and to provide accurate traffic information, prior to final plat approval, the applicant will submit an updated Traffic Impact Study for this subdivision to County Public Works for review and acceptance.
8. To protect public health and safety and provide continuous sidewalks throughout the proposed subdivision, prior to final plat approval, the applicant will add a sentence in section III Transportation A. Streets. It will clarify that the construction of the uncompleted sidewalks shall begin a minimum of one month prior to the two-year mark of the opening of each phase or the applicant will provide a bond that is in force for 2.5 years from the opening of each phase.
9. To protect public health and safety with proper fire suppression, prior to final plat

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approval, the applicant will submit construction drawings for the dry hydrant system to BUFSA for review and approval. Once installed the applicant will request BUFSA test the system to ensure it works correctly and get a final approval from BUFSA.

10. To ensure correct cash in lieu contribution for parkland, prior to final plat approval, the applicant will submit an estimate of land value following Section 10.6 in Yellowstone County Subdivision Regulations (YCSR) to County Parks Board for review and approval.

11. 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.

12. To ensure proper documentation for the proposed phasing of the subdivision, prior to final plat approval, the applicant will include the Exhibit and Declaration of Restriction on Transfer documents for future phases.

13. 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.

14. 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.

15. 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 Tunnickliff called for questions and discussion from the members of the Board. Board member Thompson asked about the sidewalk construction. Dave Green said the sidewalks are to be constructed for each phase within two years of initiation of each phase. A bond will be provided to the County to ensure the sidewalks are completed. Board member Thompson asked regarding the minimum lot requirement for septic systems. Dave Green explained this is determined by DEQ’s review of a report submitted by the applicant’s agent. The separation distance is possible due to the community water system. Board member Thompson pointed out the Findings of Fact state the City Public Works Department will be extending water and sewer services to the property. He noted that the developer does not intend to annex. Board member Thompson asked about the parkland and the intent for Lot 16. Dave Green said Yellowstone County would administer the Park Maintenance District, (PMD). The original homestead is located on Lot 16 and it will remain in place until a future date. Board member Thompson commented that the parkland is tucked back in the corner of the plat and he would like to have it more centrally located for easier access. President

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Tunncliff asked what the cost would be to homeowners should they wish to discontinue using the septic tanks and move forward with City sewer. Dave Green said the only trigger for this consideration is if there is a massive failure of the system. Wyeth Friday explained that the majority of homeowners would have to request through the annexation petition process. He said the City can annex residential properties but has not exercised this option. Board member Thompson voiced concern for this subdivision to contribute to the potential issues identified in the westend water studies. Board member Hillius ask if the wells will be shallow wells similar to others in the west end of Billings.

### **Dan Wells, Regal Land Development, P.O. Box 80445, Billings, MT 59101**

Mr. Wells is the owner/developer of this property. He gave some background on his efforts for development. Regarding annexation, Mr. Wells said he purchased the property about three years ago and was told by the City at the time that this parcel is located outside of the west end plan. Several neighborhood concerns were brought up with the first concept plan during a County Zoning Commission public hearing for a zone change. A redesign of the plat was done to meet the concerns. Mr. Wells explained the proposed community water system model. He said two test wells have been drilled showing they have access to a strong aquifer. He stated there should be no issues with the surrounding properties and pointed out other area subdivisions with similar community water systems. He said lines would be brought out to each end of the subdivision for future connections. Wyeth Friday asked Mr. Wells how long it has been since he has spoken with the City Public Works Department. Mr. Wells they met this spring and discussed the City’s plan to extend service in the next year. He stated at the time he was already three years into the project and he felt he needed to move forward without waiting for the City services. He said the piping in the subdivision would have all of the components needed for a future connection.

**\*\*The Yellowstone County Board of Planning will conduct a public hearing on November 26, 2019.**

## **9. OTHER BUSINESS**

**A. Creation of the Planning Board Nomination Committee for the 2020 Planning Board Officers.** President Tunncliff announced that Board members Cook, Boucher, and Woods will serve on the Planning Board Nomination Committee. They will forward a recommendation for nominations for the 2020 Planning Board President and Planning Board Vice President at the next meeting.

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**B. Planning Board Member Attendance:** President Tunncliff stressed the importance of Board members attending the meetings in order to move projects forward in a timely manner. **The next meeting is scheduled for Tuesday, November 26**, which is the week of the Thanksgiving Holiday. A quorum of members is needed for the public hearings and to forward recommendations to City Council and the Board of County Commissioners.

**C. Inner Belt Loop Corridor Public Meeting, Wednesday, November 6, 2019.**

Wyeth Friday gave a brief update. The Sanderson Stewart consultant team gave a presentation on the study. This study will consider how the corridor will function, area development impacts, and traffic management. A draft will be developed and available in December and it will be circulated through the governing Boards and Commissions.

**D. 2019 Build Grant-** Wyeth Friday said Missoula was selected as the grant recipient. Staff will send out the informational link to the Board and will follow-up with the Federal Department of Transportation for a debriefing. Discussion followed on next year’s proposal for this grant. Board members suggested the 5<sup>th</sup> Avenue project as a feasibility study is in place or the 27<sup>th</sup> Street Crossing. President Tunncliff advocated having a Planning Board member on these teams to provide input.

**E. Community Outreach and Educational Opportunities.** Board member Cook asked staff to consider inviting Rod Nelson, MDT to come to a meeting and give a presentation on project updates.

**ADJOURNMENT: 7:25 PM**

**APPROVED BY A MOTION ON NOVEMBER 26, 2019**

