



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



AGENDA

December 10, 2019 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MOTION. MEETING MINUTES:** NOVEMBER 26, 2019
4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *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's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS:** There is no Old Business.
8. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. Presentation/Discussion. MDT Community Project Updates. Rod Nelson District Administrator, MDT; Mike Taylor, MDT
9. **OTHER BUSINESS:**

- a. Planning Board Nomination Committee: 2020 Planning Board Officer Nominations.
- b. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
- c. ANNOUNCEMENT: The December 24, 2019 Planning Board meeting is canceled due to a lack of agenda items. The Planning & Community Services office will be closed to observe Christmas Day on December 25, 2019 and on January 1, 2020 in observance of New Year's Day.

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, JANUARY 14, 2020

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 12/10/2019

Information

Subject

MOTION. MEETING MINUTES: NOVEMBER 26, 2019

Attachments

PlnBMinutes_2019_11_26_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	09/24/2019	10/08/2019	10/22/2019	11/13/2019	11/26/2019	12/10/2019
Dave Goodridge	Mayor/Billings Ward I	E	1	1	1	E	E	E	E	E	-	-	E	-	E	1	-	E	-	1	-	E	1	-
Matt Macrow	Mayor/Billings Ward II	1	1	1	1	1	E	1	E	1	-	-	1	-	E	E	-	1	-	1	-	E	E	-
Eric Wallace	Mayor/Billings Ward III	1	1	1	E	E	E	1	1	1	-	-	E	-	1	1	-	1	-	A	-	1	1	-
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	E	1	1	E	1	1	-	-	1	-	1	1	-	1	-	E	-	1	1	-
Jon Thompson	Mayor/Billings Ward V	1	E	1	E	1	1	1	1	E	-	-	1	-	1	E	-	1	-	E	-	1	1	-
Troy Boucher	YC District 1	1	E	E	1	1	1	1	1	1	-	-	E	-	E	A	-	1	-	E	-	1	A	-
Dennis Cook	YC District 2	1	1	1	1	1	1	1	E	E	-	-	1	-	1	1	-	1	-	1	-	1	1	-
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods	YC District 5	1	1	1	1	1	1	1	E	1	-	-	E	-	1	1	-	1	-	1	-	E	1	-
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jarett Hillius	YC District 7	1	1	1	1	1	1	1	E	1	-	-	1	-	E	E	-	1	-	E	-	1	E	-
Jerry Williams	Y County Cons. District	1	1		1	1	1	1	1	1	-	-	R	-	-	-	-	1	-	-	-	-	-	-
Scott Reiter	Ex-Officio SD2	A	A	A	A	A	A	A	A	A	-		A	-	A	A	-	1	-	A	-	1	1	-

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November 26, 2019

DRAFT- To be approved by a motion on December 10, 2019

Call the Meeting to Order

President Tunnicliff called the meeting to order at 6:00 p.m. on Tuesday, November 26, 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; Monica Plecker, Planning Division Manager; Dave Green, Planner II, Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works Dept

In Attendance: Craig Dalton, Performance Engineering; Jerry T. Ray; Les Denny; Terri Haun; Brad Hardt; Gary Owen, Sanderson Stewart; Jeff Junkert; Rod Wilson

Approval of the November 26, 2019 Agenda – A motion was made by Board member Cook and seconded by Board member Thompson to approve the November 26, 2019 agenda as submitted. The motion carried with a unanimous voice vote.

Approval of Minutes: November 13, 2019

Board member Cook made a motion and Board member Thompson seconded the motion to approve the November 13, 2019 meeting minutes 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.-7b. Public Hearing. Motion/Recommendation to City Council. Grand Peaks Subdivision, 5th Filing, Grand Peaks Subdivision, 6th Filing. Dave Green, Planner II, presenting.

7a. Grand Peaks Subdivision, 5th Filing

INTRODUCTION

On October 1, 2019, Sanderson Stewart, agent for J&S Development Co., applied for preliminary major plat approval for **Grand Peaks Subdivision, 5th Filing**. The proposed subdivision creates 37 new lots for development. The subject property is generally located on the east side of 54th 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. City Council will hold a public hearing on December 16, 2019.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Grand Peaks 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.

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.

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Discussion

President Tunncliff called for questions and discussion from the members of the Board. There was none.

Public Hearing

President Tunncliff opened the public hearing and called for anyone wishing to speak in favor or against **Grand Peaks Subdivision, 5th Filing**. There was none.

President Tunncliff closed the public hearing and called for a motion.

Motion

Board member Woods made a motion and Thompson seconded the motion to forward a recommend conditional approval of the preliminary plat of Grand Peaks Subdivision, 5th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

The motion carried with a unanimous voice vote.

8b. Grand Peaks Subdivision, 6th Filing

INTRODUCTION

On October 1, 2019, Sanderson Stewart, agent for J&S Development Co., applied for preliminary major plat approval for **Grand Peaks Subdivision, 6th Filing**. The proposed subdivision creates 30 new lots for development. The subject property is generally located on the east side of 54th 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. City Council will hold a public hearing on December 16, 2019.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Grand Peaks 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 for review and approval to update to finalize Traffic Impact Study information.

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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

President Tunncliff called for questions and discussion from the members of the Board. Board member Thompson asked for clarification on the access to Grand Avenue from this subdivision and it was given by Planner Dave Green. Gary Owen, Sanderson Stewart pointed out the turn lane will be off Grand Peaks Avenue.

Public Hearing

President Tunncliff opened the public hearing and called for anyone wishing to speak in favor or against **Grand Peaks Subdivision, 6th Filing**.

Terry Hahn, 5321 Sundance Circle, Billings, Montana

Ms. Hahn asked if there is a utility easement between the existing homes and the proposed homes. Gary Owen, Sanderson Stewart, responded and said there is an 8-foot easement running east to west along the parcel line.

President Tunncliff closed the public hearing and called for a motion.

Motion

Board member Thompson made a motion and Board member Woods seconded the motion to forward a recommend conditional approval of the preliminary plat of Grand Peaks Subdivision, 6th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

The motion carried with a unanimous voice vote.

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7c-7e. Public Hearing. Motion/Recommendation to City Council. Trails West Subdivision, 4th Filing, Trails West Subdivision 5th Filing, Trails West Subdivision, 6th Filing, Dave Green, Planner II, presenting.

8c. Trails West Subdivision, 4th 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 1 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). **City Council will hold a hearing on Monday, December 16, 2019.**

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.

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.

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Discussion

President Tunncliff called for questions and discussion from the members of the Board. There was none.

Public Hearing

President Tunncliff opened the public hearing and called for anyone wishing to speak in favor or against **Trails West Subdivision, 4th Filing**.

Rod Wilson, 422 Shamrock Lane, Billings, Montana

Mr. Wilson is the co-owner and developer. He said they have been working nine years to create a successful sustainable development. He presented a copy of the subdivision master plan and described each filing. He pointed out the two detention ponds and explained how they handle the storm water flows. The primary detention pond serves 300 lots. Mr. Wilson said there are boulevard walks throughout. Board member Thompson asked regarding the trail located along the west side of the development. Rod Wilson stated there is an easement along the Birely drain for the walking trail and the Home Owners' Association pays for the trail maintenance at a rate of \$120 a year per homeowner. President Tunncliff applauded their efforts to include the trail ways throughout the development.

President Tunncliff closed the public hearing and called for a motion.

Motion

Board member Woods made a motion and Board member Goodridge seconded the motion to forward a recommend conditional approval of the preliminary plat of Trails West 4th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

The motion carried with a unanimous voice vote.

7d. Trails West Subdivision, 5th 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 1 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

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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). **City Council will hold a hearing on Monday, December 16, 2019.**

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.

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.

Discussion

President Tunnicliff called for questions and discussion. There was none.

President Tunnicliff opened the public hearing and called for anyone wishing to speak in favor or against **Trails West Subdivision, 5th Filing**. There was none. President Tunnicliff closed the public hearing and called for a motion.

Motion

Board member Thompson made a motion and Board member Woods seconded the motion to forward a recommend conditional approval of the preliminary plat of Trails West 5th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

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The motion carried with a unanimous voice vote.

8e. Trails West Subdivision, 6th 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). **City Council will hold a hearing on Monday, December 16, 2019.**

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 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

President Tunnicliff called for questions and discussion. There was none.

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Public Hearing

President Tunncliff opened the public hearing and called for anyone wishing to speak in favor or against **Trails West Subdivision, 6th Filing**. There was none.

President Tunncliff closed the public hearing and called for a motion.

Motion

Board member Woods made a motion and Board member Cook seconded the motion to forward a recommend conditional approval of the preliminary plat of Trails West 6th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

The motion carried, with a unanimous voice vote.

7e. Public Hearing. Motion/Recommendation to City Council. 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

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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~~ eastern 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 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

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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.

****Planner Dave Green pointed out a correction to Condition of Approval #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~~ eastern edge of the right of way of Light Stream Lane.**

Discussion

President Tunnicliff called for questions and discussion from the members of the Board.

Dave Green pointed out that the Yellowstone County subdivision regulations state “The phasing plan shall be included in the SIA and shall describe which lots are included in each phase, what improvements shall be completed with each phase, and the approximate completion date of each phase. Improvements included in the first phase shall be constructed or guaranteed using one of the acceptable monetary security guarantees prior to final plat approval by the Board of County Commissioners. Lots within subsequent phases shall be restricted from being transferred or developed.” He explained that phasing must provide a date set for opening the phase in the SIA and a public hearing is needed to reset the date. In response to a question by Board member Woods regarding sidewalk construction, Dave Green said the developer would deliver a bond so they will be completed 2 years from the initiation of the phase. Board member Woods asked about the regulations for the minimum square footage requirements for a septic system. Dave Green explained that this is reviewed by DEQ and that the smaller lots are allowed due to the community water system. Board member Thompson asked how Broadwater Avenue ties into the subdivision. Dave Green said Broadwater Avenue eventually would connect to Shiloh Road at the roundabout. The County will determine if the property owners will take part in the absorption of the former dedication.

Craig Dalton, Performance Engineering, 2244 54th St West, Billings, Montana

Mr. Dalton is the agent for developer Dan Wells, Regal Development. He said they are in agreement with the Conditions of Approval with the exception of Condition of Approval #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

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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.”

The applicant is proposing a five-year build out of the sidewalk from the opening of each phase instead of the 2-year mark due to cost implications, and the fact that it is standard practice in the City of Billings to construct the sidewalks when a structure is built on the lot. They feel they can meet the 5-year goal of build out if it is extended. Discussion followed on the requirement. Craig Dalton stated this requirement was made by the Board of County Commissioners per request of Commissioner Ostlund to delineate the time with a bond for the 2-year period. Mr. Dalton said DEQ considers whether the non-degradation requirement can be met instead of lot size. There will be Level 2 individual septic systems with pressure dosed drainfields in this development. In response to question by Board member Thompson, Mr. Dalton stated they would propose the sidewalks be constructed at the time of development of the lot or the builder would have to put in the sidewalks in for the undeveloped lots within the 5-year time period. Board member Goodridge asked what the County Subdivision Regulations state on the progression of sidewalk construction during phasing. Dave Green said the regulations talk about putting in sidewalks for all zoning classifications except for agriculture and AG-Open zoning due to lot sizes. As far as a time limit, it was generally believed the sidewalks would be put in at the time of construction. Regarding the applicant’s request for adjusting the period, the stated the applicant knows how many lots will be sold within a year’s time. For this development of 127 lots there may be only 25% buildout at the the two-year mark. He said the BOCC could consider a Planning Board recommendation for an extended period.

Public Hearing

President Tunncliff opened the public hearing and called for anyone wishing to speak in favor or against **Sundance Subdivision**. There was none.

President Tunncliff closed the public hearing and called for a motion.

Motion

Board member Cook made a motion and Board member Goodridge seconded the motion to forward a recommend conditional approval of the preliminary plat of Sundance Subdivision to the Board of County Commissioners and adopt the Findings of Fact as presented in the staff report.

Discussion

President Tunncliff called for discussion on the motion. Board member Woods said the

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sidewalk was to be installed at the time of development per the County Subdivision regulations. He supports the applicant’s request to amend Condition of Approval #8 for the five-year time period, as the intent is to get the sidewalks constructed. President Tunnicliff commented the size of the subdivision makes a difference. He voiced concern with a non-flexible time without having consideration for the size of the subdivision. The Board noted that the current regulations do not have specific criterion for time of sidewalk construction. The BOCC has established a preference for construction within two years with a bond for each phase of development. Director Friday said the SIA states individual lot owners will be held responsible to build sidewalks at the time house is built and if not the developer will complete them or the County will have them completed with a bond. The idea is was to try not to have the timeframe too long. The City has a 3-year policy where sidewalk construction can be forced to avoid gaps in the sidewalk in the development. Board member Thompson asked how to ensure the sidewalks are constructed at the time of the lot development. Wyeth Friday said tat that point, he SIA would be enforced and the bonding trigger will follow. In response to question by Board member Goodridge, Dave Green said there are 75-80 lots in the first phase of development.

Motion

Board member Goodridge made a motion and it was seconded by Board member Woods to amend the original motion to amend Condition of Approval # 8 to state 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 five-year mark for phase 1 of the proposed subdivision. Phases 2 and 3 will begin sidewalk installation at the two-year mark of the opening of phases 2 and 3. The applicant will provide a security that is in force for 5.5 years for phase 1 and a security that is in force for 2.5 years from the opening of phases 2 and 3.

Discussion

President Tunnicliff reiterated the reasoning for the amendment being a five-year build out seems reasonable for the number of lots in Phase I.

The amended motion carried, with Board member Thompson voting against the motion.

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President Tunnicliff called for a vote on the original motion.

Discussion

Board member Thompson voiced his disappointment that the developer did not take advantage of City services and utilities as offered, as someday, this parcel will be within the City limits. He stated that the parkland is piecemealed and poorly located. He said the parkland should have been centrally located with easier access for the residents. President Tunnicliff commented that the developer’s reasoning at a previous meeting was that he was three years into this development at the time of the City’s offer and could not afford the delay to wait for City services.

The amended motion passes with a unanimous voice vote.

8. NEW BUSINESS: There is no New Business.

9. OTHER BUSINESS

A. Planning Board Nomination Committee for the 2020 Planning Board Officers.

The Nomination Committee members Cook, Boucher, and Woods will forward a recommendation for the 2020 Planning Board officers at the December 10, 2019 Planning Board meeting.

B. Community Outreach and Educational Opportunities.

1. Community Project Update, Rod Nelson, MDT-December 10, 2019 Planning Board meeting.

2. Quorum of members: President Tunnicliff thanked the Board members for their attendance this evening, and emphasized the importance of having a quorum to move forward with agenda items. Board member Thompson stated he may be absent on December 10.

3. Project ReCode: Division Manager Plecker stated the schedule for the County is similar to the City. She anticipates the County Issues Working Group will discuss Planned Neighborhood Developments, (PND), in December and follow with another meeting in January. Staff will have specific hearings for specific topic areas with the Zoning Commissions, as there are so many areas to cover. March 2020 will be a critical meeting month and then staff will follow with presentations to the governing bodies.

ADJOURNMENT: 7:10 PM

DRAFT-TO BE APPROVED BY A MOTION ON DECEMBER 10, 2019

--Támara L. Deines, Planning Clerk