

# 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	01/14/2020	01/28/2020	02/11/2020	02/25/2020	03/10/2020	03/24/2020	04/14/2020	04/28/2020	05/12/2020	** 05/27/2020	06/09/2020	06/23/2020	07/14/2020	07/28/2020	08/11/2020	08/25/2020	09/09/2020	09/22/2020	**10/14/2020	10/27/2020	11/10/2020	11/24/2020	12/08/2020
<b>Dave Goodridge</b>	Mayor/Billings Ward I	1	1	E	1																			
<b>Heidi Jensen-Christison</b>	Mayor/Billings Ward II	-	-	-	1																			
<b>Eric Wallace</b>	Mayor/Billings Ward III	1	1	1	1																			
<b>Darell Tunnickliff</b>	Mayor/Billings Ward IV	1	1	1	E																			
<b>Jon Thompson</b>	Mayor/Billings Ward V	1	E	1	1																			
<b>Troy Boucher</b>	YC District 1	1	E	1	1																			
<b>Dennis Cook</b>	YC District 2	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																			
<b>Vacant</b>	YC District 6	-	-	-	-																			
<b>Jarett Hillius</b>	YC District 7	1	1	1	1																			
<b>Vacant</b>	Y County Cons. District	-	-	-	-																			
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>		1	E	1																			

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## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

**February 25, 2020**

*To be approved by a motion on March 10, 2020*

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

President Woods called the meeting to order at 6:00 p.m. on Tuesday, February 25, 2020 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 Woods called for introductions of the members of the Planning Board and staff. He welcomed Heidi Jensen-Christison as the new Planning Board representative for Mayor/Billings Ward II.

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

**In Attendance:** Terry Odegard, Nathan Anderson, Teresa Anderson, Katie Burkhalter, Gary Owen, Sanderson Stewart; Brandon Hill, Gary Oakland, High Sierra II; Charles Felton; Felton & Associates; Amy Darlinton, Northern Engineering and Associates

**Approval of the February 25, 2020 Agenda** A motion was made by Board member Goodridge and seconded by Board member Hillius to approve the February 11, 2020 meeting agenda as submitted. The motion carried with a unanimous voice vote.

### **Approval of Minutes: February 11, 2020**

#### **Motion**

**Board member Cook made a motion and Board member Goodridge seconded the motion to approve the February 11, 2020 as submitted. The motion carried with a unanimous voice vote.**

**Public Comment:** President Woods 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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## **CITY/COUNTY PLANNING BOARD**

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### **7. OLD BUSINESS**

**(7-a1). Public Hearing. Motion/Recommendation to City Council Emma Jean Heights Subdivision, 4th Filing. Felton Associates, applicant. Dave Green, Planner II, presenting.**

#### **INTRODUCTION**

On January 2, 2020, Northern Engineering and Consulting Inc., agent for Felton Associates, Inc., applied for preliminary major plat approval for Emma Jean Heights Subdivision, 4<sup>th</sup> Filing. The proposed subdivision creates 43 lots for single-family residential development. This proposal is the forth filing of a master planned subdivision that was originally reviewed in 2006. The subject property is generally located on the west side of Bitterroot Drive, south of Wicks Lane in the northeast Billings Heights. The property is zoned Residential-7000 (R-70).

#### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Emma Jean Heights Subdivision, 4<sup>th</sup> Filing 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 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.
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.

#### **Discussion**

President Woods called for questions and discussion from the members of the Board. There was none. President Woods called for presentation by the applicant.

#### **Charles Felton, PO Box 598, Frenchtown, Montana**

Mr. Felton said he feels Planner Green's presentation covered the request. He said he is anxious for the City to install the proposed storm water line per their agreement.

#### **Public Hearing**

At 6:08 p.m., President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against Emma Jean Heights Subdivision, 4<sup>th</sup> Filing. There was none. President

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Woods closed the public hearing and called for a motion.

### **Motion**

**Board member Goodridge made a motion and it was seconded by Board member Cook that the Planning Board recommend conditional approval of the preliminary plat of Emma Jean Heights Subdivision, 4<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.**

**Discussion:** There was no discussion on the motion.

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

**\*\*This application will be heard by City Council on February 24, 2020.**

**(7a2). Public Hearing. Motion/Recommendation to City Council. High Sierra II Subdivision, 10<sup>th</sup> Filing, City Major Subdivision. Gary Oakland, High Sierra II Inc., Owner/Developer; Gary Owen, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**

### **INTRODUCTION**

On January 2, 2020, High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 10<sup>th</sup> Filing. The proposed subdivision creates 37 lots for single-family residences. The subject property is generally located north of Annandale Road and west of Greenbriar Road in the northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 10<sup>th</sup> Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

### **VARIANCES REQUESTED**

No variances have been requested from the City Subdivision Regulations.

### **PROPOSED CONDITIONS OF APPROVAL**

Planning staff recommends the following conditions of approval:

1. To provide for the installation of utilities and mitigate impacts on local services, prior to final plat approval, recordable easement documents shall be provided with the final documents for the temporary turnaround at the end of Chino Circle.
2. To provide for the proper location and installation of a Central Box Unit (CBU), prior to final plat approval, the applicant will coordinate where a CBU would be best for deliveries from the USPS.
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.

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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 Woods called for questions and discussion from the members of the Board. President Woods noted the parkland dedication for this parcel is to be met with the 14th Filing of High Sierra Subdivision and asked what will happen should the 14th Filing remain unbuilt. Planner Green explained the applicant plans to start with development of High Sierra Subdivision 14<sup>th</sup> filing. If needed, the applicant may include a letter of credit for parkland for future parks. President Woods voiced concern with potential for loss of the parkland due to failure of development. He commented a bond would ensure development of the parkland in the future. Board member Thompson asked about the road width for Annandale Road. Dave Green said it will be built initially as this project's contribution as a 30-ft surface large enough to handle two-way traffic. Project Engineer Gary Owen explained the dimensions of a minor arterial being a width of 49-feet back-to-back, and 80-feet of right-of-way with a 5-foot boulevard and a provision for a bike lane.

President Woods called for presentation by the applicant.

### **Gary Oakland, 175 N 27th Street, Suite 900, Billings, Montana**

Mr. Oakland commended Dave Green for his presentation of this application. He said the 10th filing is a component of the High Sierra subdivision Master Plan. In response to question by Board member Hillius, Mr. Oakland said maintenance of the temporary storm water detention ponds are the Homeowners Association's responsibility.

### **Gary Owen, Sanderson Stewart 1300 N Transtech Way, Billings, Montana**

Mr. Owen said the detention ponds are maintained by the Home Owners Association with the intent for the City to build permanent storm water facilities that will be maintained by the Home Owners Association as well.

### **Public Hearing**

President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against High Sierra Subdivision, 10<sup>th</sup> Filing.

### **Terry Odegaard, 2101 Lake Hills Drive, Billings, Montana**

Mr. Odegaard is a retired real estate agent. He voiced concern with the issue of public safety as denoted in the Findings of Fact. Mr. Odegaard feels development should be slowed down until the City can provide sufficient public safety services for this area. He pointed out the high traffic speeds on Lake Hills Drive and that are only two police officers for the area. He stated he is appalled with the lack of services for the rate of development. He stated he would like to meet with the Planning Board Ward II representative. Mr. Odegaard suggested that Mr. Oakland meet with the City Manager to discuss this issue. He said there will continue to be problems and people will be hurt and killed if the City continues to annex and expand without addressing this issue.

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At 6:23 p.m., President Woods closed the public hearing and called for a motion.

### **Motion**

**Board member Goodridge made a motion and it was seconded by Board member Hillius that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 10<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.**

**Discussion:** There was no discussion on the motion.

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

**\*\*This application will be heard by City Council on February 24, 2020.**

**(7a3-7a5). Public Hearings. Motion/Recommendation to City Council. High Sierra II Subdivision, 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup> Filings, Dave Green, Planner II.**

**Dave Green gave the staff presentation below on High Sierra II Subdivision, 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup> Filings.**

**7-(a3). High Sierra II Subdivision, 14th Filing, City Major Subdivision. Gary Oakland, High Sierra II Inc., Owner/Developer; Gary Owen, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**

**INTRODUCTION** On January 1, 2020, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 14<sup>th</sup> Filing. The proposed subdivision creates 90 lots for residential development on a 37.3-acre parcel of land. This proposal is part of a larger approved master plan of High Sierra Subdivision. The subject property is generally located north of west of Gleneagles Boulevard and north of Matador Avenue in the northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 14<sup>th</sup> Filing 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 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

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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.

### **Discussion**

President Woods called for questions and discussion from the member of the Board. In response to question by Board member Thompson, Dave Green explained that the developer would contribute to several intersections. The contribution will be a percentage of the cost of the improvements planned for the intersection. Gary Owen said a Traffic Impact Study identifies the contribution and the City Engineering Division requires funds comparable to a similar intersection with signalization.

President Woods called for presentation by the applicant.

### **Gary Oakland, 175 N 27th Street, Suite 900, Billings, Montana**

There were no further questions for Mr. Oakland. Mr. Oakland asked the Board to forward a unanimous recommendation of conditional approval to City Council.

### **Public Hearing**

President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against High Sierra Subdivision, 14<sup>th</sup> Filing. There was none.

At 6:33 p.m., President Woods closed the public hearing and called for a motion.

### **Motion**

**Board member Goodridge made a motion and it was seconded by Board member Cook that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 14<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.**

**Discussion:** There was no discussion on the motion.

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

**\*\*This application will be heard by City Council on February 24, 2020.**

**(7-a4). Public Hearing. Motion Recommendation to City Council High Sierra II Subdivision, 15th Filing, City Major Subdivision. Gary Oakland, High Sierra II Inc., Owner/Developer; Gary Owen, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**

### **INTRODUCTION**

On January 1, 2020, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 15<sup>th</sup> Filing. The proposed subdivision creates 27 lots for residential development on a 7.058-acre parcel of land. This proposal is part of a larger approved

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master plan of High Sierra Subdivision. The subject property is generally located north of west of Gleneagles Boulevard and north of Matador Avenue in the northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 15<sup>th</sup> Filing 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 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
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.

### **Discussion**

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

### **Public Hearing**

President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against High Sierra Subdivision 15<sup>th</sup> Filing.

### **Nathan Anderson, 1109 Vera Cruz Circle, Billings, Montana**

Mr. Anderson reported water seeping out from the base of the fire hydrant, as a natural spring and a pond are located there. He said he found water seepage when he dug an 18” fencing hole in his backyard and the adjacent parcel is frequently flooded. Mr. Anderson voiced concern with children’s safety and the traffic speeds. He asked about this development’s impact on the fire fighters’ and police officer’s resources. He stated there are no firebreaks from Virginia Road to the north and no nearby fire station. He asked what will be done if the public safety mill levy does not pass and spoke about the developer building homes with no public safety services. He challenged Board members to drive Glen Eagles Boulevard and experience a 15-20 minute wait. Mr. Anderson reiterated his concerns with ground impacts from the natural spring and the deep water at the

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intersection of Matador and Vesca Way; the need for passage of the public safety mill levy; and traffic control to limit speeds and avoid fatalities due to traffic speeds.

### **Rebuttal/Discussion**

#### **Gary Owen, Sanderson Stewart 1300 N Transtech Way, Billings, Montana**

Board member Thompson asked if the water is coming from a known source. Gary Owen stated they are aware of the spring and they are planning to address the issue with the street development. They plan to run storm drain to pick up the spring and funnel the water out of the area. They are also aware of the runoff on Matador and the storm water design will pick up water and move it northward. The projected timeline for development of this filing is 2-3 years.

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

### **Motion**

**Board member Goodridge made a motion and it was seconded by Board member Wallace that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 15<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.**

**Discussion:** There is no discussion on the motion.

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

\*\*This application will be heard by City Council on February 24, 2020.

**(7a-5) Public Hearing. Motion/Recommendation to City Council. High Sierra II Subdivision, 16th Filing, City Major Subdivision. Gary Oakland, High Sierra II Inc., Owner/Developer; Gary Owen, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**

### **INTRODUCTION**

On January 1, 2020, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 16<sup>th</sup> Filing. The proposed subdivision creates 14 lots for residential development on a 2.425-acre parcel of land. This proposal is part of a larger approved master plan of High Sierra Subdivision. The subject property is generally located north of west of Gleneagles Boulevard and north of Matador Avenue in the northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 16<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

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### **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 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.
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.

**Discussion:** There were no questions or discussion from the members of the Board.

President Woods called for presentation by the applicant.

### **Gary Oakland, 175 N 27th Street, Suite 900, Billings, Montana**

Mr. Oakland stated he feels Planner Green has covered this application with the staff presentation and asked the Board to forward a recommendation of approval of this subdivision application.

### **Public Hearing**

At 6:45 pm, President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against High Sierra Subdivision, 16<sup>th</sup> Filing. There was none. President Woods closed the public hearing and called for a motion.

### **Motion**

**Board member Goodridge made a motion and it was seconded by Board member Wallace that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 16<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.**

**Discussion:** There is no discussion on the motion.

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

**\*\*This application will be heard by City Council on February 24, 2020.**

**9. OTHER BUSINESS**

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

**1. Announcement: March 5, 2020 4:30 PM-2nd Public Meeting Inner Belt Loop Corridor Study at the Billings Library Community Room.**

Public comment will be taken to work towards finalizing the document. Planning Board members are encouraged to attend. Staff will email an announcement to Board members prior to this event.

**2. Project Re: Code** Staff is working with the consultant to finalize sections of the zoning code and will provide them to the public. A schedule will be comprised for late February and March for discussion items during Zoning Commission meetings. Final drafts of the sections will be available for public review. Division Manager Monica Plecker spoke to outstanding items within the code that staff is addressing. Staff gave a presentation to the Yellowstone County Tavern Association and explained ways to get involved from this point forward. Attendees voiced concerns with the definition language related to casino and the major concern is devaluation of liquor licenses. Board member Jensen-Christison commented she thinks the license values may change but not go down. Discussion followed on the 2017 legislative session cap on new liquor licenses and the community's perception of additional licenses. Director Friday stated the reality is there are no new licenses but owners are wishing to move the current licenses. Division Manager Plecker commented the Tavern Association forwarded separation distance ideas to ensure there are no encroachment of uses on exiting licensed facilities. Director Friday stated staff has reached out to groups within the community for input on the code including Homeowners Associations and Task Forces.

**3. Status Update. Woody Woods, Lockwood TEDD-Tuesday, February 18, 2020 City Council agenda**

Lockwood Sewer District and BSEDA gave presentations on expansion of the sewer service boundary. The City voiced concern and discussed the need to require waivers. A motion passed 7-4 to include waivers in negotiations. Board member Woods said property owners have requested estimates from the TEDD Advisory Board for a treatment system. There is the possibility of obtaining Lockwood Sewer & Water for water services and installing individual sewage treatment systems. Board member Woods said he does not feel the City Administrator will push hard to get the MOU started knowing the property owners would have to annex in the future. The property owners will have the final say in this matter. Discussion followed by members of the Board on the possibility of future incorporation of Lockwood.

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**4. Planning & Community Services Department Annual Report:** Director Friday stated digital copies are available and have been distributed to the Governing Boards, and the advisory Boards and Commissions. Hard copies were provided to the Board.

**5. Request. Board member Cook:** Board member Cook asked about the standing of a Lake Hills multi-family development under dispute due to the Covenants and Restrictions for the property. Division Manager Plecker said this is related to Canal Vista Subdivision, which has been re-platted and has received preliminary plat approval. She said staff is unaware of civil matters. Board member Cook requested staff e-mail him a copy of the Canal Vista Subdivision preliminary plat.

**ADJOURNMENT: 7:15 PM**

**DRAFT—TO BE APPROVED BY A MOTION ON FEBRUARY 25, 2020**

*--Tamara L. Deines, Planning Clerk*