

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
Dave Goodridge	Mayor/Billings Ward I	1	1	E	1	-	-	-	-	1	1													
Heidi Jensen-Christison	Mayor/Billings Ward II	-	-	-	1	-	-	-	-	1	1													
Eric Wallace	Mayor/Billings Ward III	1	1	1	1	-	-	-	-	E	1													
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	E	-	-	-	-	1	1													
Jon Thompson	Mayor/Billings Ward V	1	E	1	1	-	-	-	-	1	E													
Troy Boucher	YC District 1	1	E	1	1	-	-	-	-	1	-													
Dennis Cook	YC District 2	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													
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-													
Jarett Hillius	YC District 7	1	1	1	1	-	-	-	-	1	1													
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-													
Scott Reiter	Ex-Officio SD2		1	E	1	-	-	-	-	1	-													

CITY/COUNTY PLANNING BOARD

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May 27, 2020

Virtual Video Conference Format

Approved by a motion on June 9, 2020

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES. Due to the COVID-19 health concerns, the format of the Yellowstone County Board of Planning meeting will be held in a virtual videoconferencing environment. The normal hearing room on the 1st Floor at 2825 3rd Ave North (Miller Building) will be closed during the meeting and no one will be attending this hearing in person. Public comment will be taken only during the Public Comment periods as indicated on the agenda, and during the Public Hearings under the Regular agenda. Comments may be sent to Board via email before 1:00 PM on Tuesday, May 12, 2020. All emails received prior to this time will be read into the record for the public

The Public may call in during specific Public Comment periods at (406) 247-8607. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. Live coverage can be viewed: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>

Call the Meeting to Order

President Woods called the meeting to order at 6:00 p.m. on Tuesday, May 27, 2020.

Introduction of Planning Board Members and Planning Department Staff

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

Attending Planning staff members: Wyeth Friday, Director, Planning & Community Services; Monica Plecker, Planning Division Manager; Dave Green, Planner II; Scott Walker, Transportation Coordinator; Robbin Bartley, Administrative Assistant

Participants: Darin Swenson, Yellowstone County Public Works; Rusty Logan, MET Transit; Kolten Knatterud, IMEG; Levi Britton, Developer

Disclosure of Outside (Ex Parte) Communication or Conflicts of Interest– Board Members and Planning Staff. There were no declarations of ex parte communications or conflicts of interest.

Approval of the May 27, 2020 Agenda

A motion was made by Board member Cook and seconded by Board member Tunnicliff to approve the May 27, 2020 meeting agenda with the addition of continuing the zoning boundary discussion. The motion carried with a unanimous voice vote.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Approval of Minutes: May 12, 2020

Motion

Board member Tunncliff made a motion and Board member Hillius seconded the motion to approve the May 12, 2020 meeting minutes as corrected. 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. President Woods announced the public all in phone number: 406-247-8607

Administrative Assistant Robbin Bartley reported no calls with requests for public comment.

7. OLD BUSINESS

(7-a1). Public Hearing. Motion/Recommendation to PCC. 2020-2024 Transportation Improvement Plan, TIP, Scott Walker, Transportation Coordinator, presenting.

BACKGROUND

Federal regulations require that Metropolitan Planning Organizations (MPOs) review and update their Transportation Improvement Program (TIP) periodically. This TIP amendment is required since funding adjustments have been made to several transportation projects listed in the plan. Nevertheless, it is also an opportunity to reformat the document to provide a clearer understanding and flow of the content and align better with other TIPs in Montana per State and Federal requirements.

The Transportation Improvement Program (TIP) is a short-range program of highway and transit projects in the Billings MPO area and is prepared by City-County Planning Division staff in cooperation with the Montana Department of Transportation (MDT) and local agencies. The purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicate regional priorities, and demonstrate a short-range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the urbanized area that are exempt from the TIP approval process, such as projects that do not utilize federal funds.

This TIP is being presented to the Planning Board for review due to cost updates to several projects and transportation planning staff will provide a presentation with a detailed overview of the changes during the meeting. Additionally, a TIP Tracking Sheet with an overview of changes has been attached along with the TIP document. The projects listed in the TIP that have cost updates include The North Bypass, 1st Avenue N., I-90 Yellowstone River Bridges, and MET Bus Operating funds. The format of the entire TIP document also has been revised to make it more accessible to the public and staff, and to provide for a better display of the key funding information included in the document.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Board Member Tunnickliff asked a clarifying question related to scheduling of 2024 construction projects.

Scott Walker handed the presentation over to Rusty Logan with MET Transit. Rusty provided an overview of the funding located within the TIP and how it relates to their local operating budget. In 2020, 11 transit buses will be replaced. Moving forward bus and bus technology improvements related to automated ridership counters. A few programs they are working to develop are implementing and electronic fare system and an increase in security upgrades related to transfer sites. Rusty then provided an overview of 5310 and TransADE as it relates to paratransit service.

Scott Walker reviewed the recommendation and approval table below.

Review Body	Date	Notes/Result
Technical Advisory Committee	Thursday, May 14	Recommendation to Governing Bodies
Planning Board with PH Planning Board MTG/Action	Wednesday, May 27 Tuesday, June 9	Presentation, Public Hearing and Action
City Council	Monday, June 8	Recommendation to PCC
Board of Commissioners Discussion	Monday, June 8	Introduction
Board of Commissioners	Tuesday, June 9	Recommendation to PCC
Policy Coordinating Committee	Tuesday, June 16	Final Action

Recommendation

Staff recommends that the Planning Board approve the FY2020-2024 Billings Urban Area Transportation Improvement Plans presented by staff, and forward a recommendation of approval to the Policy Coordinating Committee.

Presentation

Scott Walker opened this agenda item with the presentation of the TIP document.

TIP Format:

The TIP is now formatted by funding source. Yearly tabs organized previous versions of the document. This allows us to better track the life of a project, particularly when early phases (PE, for example) no longer fall within the period of the TIP. There is an additional tab to track projects with three or more funding sources; this tab shows all phases (PE, RW, IC, and CN) and funding sources. You will still see the project on each individual funding source tab as well.

Understanding the TIP funding tables

The TIP project funding tables consist of multiple components, and are designed to best display integral information regarding the projects within the TIP. The image below identifies and explains each of the various components of the TIP project funding tables, and can be used as a tool to understand the information being presented within the funding tables.

Surface Transportation Program Primary (STPP)

Funding shown in thousands of dollars

Project	Description	Phase	Program Schedule					Funding Source			Total Project Costs	
			Pre-2020	2020	2021	2022	2023	2024	Local	State		Federal
STPP TOTALS			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Project name and project sponsors

Project description and detail

Project phases

Funding programmed in years prior to current TIP

Funding programmed for each year of the current TIP

Funding contributions from associated agencies

Total project costs including costs from previous years

All construction projects included in the TIP will be completed in multiple phases (i.e. PE, RW, IC, and CN). Funding for each construction project is broken down by the costs of each specific phase. The table below provides a description of construction project phases and additional project phases the reader can expect to see within TIP funding tables.

Scott Walker continued and reviewed the items below from the Billings MPO Project List.

NH Funding Tab:

UPN 9022 1st Ave North – Billings (NEW)

- Project Split for 1ST AVENUE NORTH - BILLINGS (UPN 9022). The original project (from Division Street to N. 9th Street) has been split into three segments.
 - SOW remains the same for all segments – major reconstruction to address poor pavement conditions and substandard curb, gutter, and sidewalk.
 - Excess lane widths eliminated from the travel lanes will be used to create additional sidewalk width and/or boulevard width
 - Bulb outs are proposed at numerous intersections to provide traffic calming and shorten the distance pedestrians must navigate to cross 1st Ave.
- Project 9022 has been shortened to the intersection of N. 9th St. to the RR Xing located between N. 22nd and N. 20th.
- \$14 million (all phases)

UPN 9880 1st Ave N – RR xing To Broadway

- Reconstruction Project on 1st Ave. N between the railroad crossing (near N 20th Street) and Broadway.
- \$7.8 million (all phases)

UPN 9881 1st Ave N – Broadway to Division

- Reconstruction Project on 1st Ave N. between Division Street and Broadway.
- \$7.2 million (all phases)

National Highway Freight Program Funding Tab:

Scott Walker mentioned this is a newer line item and noted the total project amount of \$19.8 million UPN 7972 Yellowstone River Bridges

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

- A new funding source added to this project
- \$19.8 million

Railroad Crossing Funding Tab:

UPN 9827 Steffes Rd – Billings

- New project added to program
- Upgrade of existing highway-rail grade crossing signal equipment
- \$225,000

Highway Safety Improvement Program Funding Tab:

UPN 9383 Rimrock & 62nd St W (Roundabout)

- Project transitioned from the OT Study into the PE phase

Bridge Program Funding Tab:

UPN 9720 Shiloh Rd/I-90 Bridge

- New project added to program
- Bridge rehabilitation project for a structure on Shiloh Rd. over Interstate 90. Rehab work is necessary on the deck, superstructure, and substructure
- \$3.0 million

Montana Air Quality Congestion Funding Tab:

UPN 8717 Main Street Billings

- New funding source added to the CN phase of the project
- \$1.1 million

UPN 9198 Mossmain Intch – West Billings Inch (the limits of this project are not all within the MPO Planning Boundary)

- New funding source added to the CN phase of the project
- \$400,000

Discussion

President Woods called for questions and discussion from the members of the Board. Board member Tunnicliff asked what impact other communities would have once they increase in populations of 100,000 in population. Scott Walker replied that a timeframe would be set once the census is completed. Bozeman and Helena/East Helena may very well reach the 50,000 population. The TIP will not largely be impacted by new MPO's being created in Montana. Scott anticipates that funding sources will remain strong. Alternatively, the administrative funds for the work program may have a slight impact, likely the contingency will be lower. This should not be an immediate concern.

Board member Tunnicliff asked when the Johnson Bridge funding would be completed and how that would affect the ability to fund new projects. Scott Walker replied other projects could be funded once all funding is in place, he estimates new projects could be evaluated as early as 2021. TAC will review and make recommendation on those funding recommendations.

Board member Tunnicliff asked if there were matching funds issues related to the City or County. Scott replied no, these are in large part 100 percent federally funded projects.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Public Hearing

No calls were received from the public on the 2020-2024 Transportation Improvement Plan, (TIP). The public hearing is closed. The Planning Board will take action on this agenda item on Tuesday, June 9, 2020.

8. NEW BUSINESS

8a. Public Hearing. Motion/Recommendation. Homestead Acres Subdivision, a 16-lot County major subdivision. Levi and Barbara Britton, applicants. Kolten Knatterud, IMEG, agent. Dave Green, Planner II, presenting.

INTRODUCTION

March 2, 2020, the Planning Division received an application for major plat approval for the proposed Homestead Subdivision. The property is generally approximately 1,500 feet south of the intersection of South 80th Street West and King Avenue West. This subdivision would create 16 lots from a 71.75-acre parcel of land. The applicant is proposing to develop a residential subdivision; the land is outside of zoning. The land is currently farmland.

The applicant requested a 30-day delay due to a need for the city to arrange to develop a way to have public meetings electronically to meet requirements of separation because of the COVID 19 virus.

RECOMMENDATION

Staff recommends that the Yellowstone County Planning Board recommend to the Board of County Commissioners to conditionally approve the preliminary plat of Homestead Subdivision, grant the variance request and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

A variance is being requested for this subdivision. The applicant has requested a variance from Yellowstone County Subdivision Regulations Section 4.6.B.1 Relation to Undeveloped Areas. When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land.

Monica Plecker, Planning Division Manager, provided an overview of activity that has occurred between the applicant, their agent and staff since the plat review meeting. She reiterated that staff strongly feels the intent of the regulations is to not only legally provide access but also construct physical access. Further, staff reiterated given new data related to groundwater and slopes, Planning remains steadfast in its original recommendation of denial of the requested variance. Planner Dave Green provided an overview of Attachment A and staff's findings. The variance application provided by the agent suggested the alternative is that there are many frontages on the 133-acre parcel that they are able to have more than one way in and out should they develop. They also suggested that the same is true for the 20-acre parcel. While this is true at this time, there is no way of knowing how the properties to the south may develop or if they will develop as two large developments or if they will be broken into smaller pieces and sold to multiple developers. The subdivision regulations require

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

connections to undeveloped land to ensure neighborhood connections and not the creation of residential islands. The regulation is looking to the future of possibilities not the immediate condition.

Comments from Yellowstone County Public Works and Yellowstone County Legal departments:

County Public Works: Although we agree, the ditch does run somewhat east and west, it runs a fair bit north and south. We are unable to determine exactly what the hardship is that they are requesting relief from. The ditch appears to be on the other property and they are not being asked to cross-said ditch. It appears that the proposed connection to the south could be situated in an area that the ditch would not be an issue; therefore, we feel that we cannot support this variance.

County Legal: After reviewing the proposed subdivision, we do not think a variance is justified. The ditch only runs parallel to the property line for a short distance. There seems to be ample space to provide an access to a large amount of the adjoining undeveloped land along the southern border without having to deal with the ditch. Further explanation and analysis can be found in Attachment A, *Staff Analysis and Recommendation*.

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 ensure public health and safety, prior to final plat approval, the applicant will receive DEQ approval for the proposed storm water management and for the proposed water and septic systems for each lot.
2. To protect public health and safety, and provide a safe irrigation water delivery system, prior to final plat approval, the applicant will add language in the SIA under the heading VIII Irrigation defining how the irrigation water will be made available to each lot east of the High Ditch.
3. To protect public health and safety and provide for future Dry hydrant maintenance, prior to final plat approval, the applicant will expand the existing RSID for the dry hydrant system in Shop World subdivision for the 14 lots on the east side of High Ditch. They will also expand the Tanglewood RSID for their fire suppression system for the two new lots with frontage of South 84th Street West.
4. 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.
5. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
6. 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.
7. 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

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY

- Planning Board public hearing Wednesday May 27, 2020
- Preliminary plat to Yellowstone County Board of County Commissioners June 16, 2020
- 60 working-day preliminary plat review period ends June 26, 2020

Discussion

President Woods called for questions and discussion from the members of the Board. Board member Jenson-Christison asked if the letter could be explained, as it seemed hard to put in context.

President Woods called for presentation by the applicant.

Kolten Knatterud, IMEG, (No address given)

Mr. Knatterud is the consultant for this project. He presented an overview and project. He clarified and said cisterns are proposed as opposed to individual wells. A meeting related to the variance request was held. The southern property was discussed and whether it was developable. Upon a further look, the groundwater data should be ignored. Mr. Knatterud feels the location of the irrigation ditch and slope create issues and allows for the denial of the variance. The physical barriers are far more significant than the groundwater data that was presented.

Board member Jenson-Christison does not feel a hardship has been demonstrated. She asked for clarification as to what criteria demonstrated the need for the variance. Mr. Knatterud clarified the location of the ditch, and topographical data as Criteria 2 states the physical condition could allow for granting the variance.

Levi Britton, Applicant/Developer (No Address Given)

Mr. Britton stated he feels there is a grey area related to the verbiage of the subdivision regulations. Mr. Britton said he would be willing to give the right-of-way but he is still not in favor of constructing the right-of-way. At this point, he feels the interpretation issue might be dealt with separately.

Public Hearing

At 7:11 p.m., President Woods opened the public hearing, announced the public phone number: and asked if there is anyone wishing to speak in favor or against the Homestead Acres Subdivision. Administrative Assistant Robbin Bartley announced she received no calls from the public. The hearing was closed at 7:12 p.m.

Motion

Board member Tunncliff moved to recommend denial of the variance to the Board of County Commissioners. Board member Jenson-Christison clarified that in order to follow Roberts Rules of Order it needed to be in the affirmative.

The motion died for a lack of a second.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Motion

Board member Jenson-Christison moved to recommend approval of the variance request to the BOCC and it was seconded by Board member Hillius.

Discussion

President Woods asked for discussion. Board member Tunncliff stated he felt there are rules and regulations to drive development, and the vacant land does not offer certainty as to how it could be developed. He said there is a lack of restrictions therefore; he does not support the motion. Board member Jenson-Christison stated that five criterion are required and she does not feel they have been met. President Woods stated he concurs and feels that he cannot support the request. In response to question by Board member Hillius staff stated a box culvert was installed directly to the west to provide connectivity that demonstrates it is possible to develop that land.

The motion failed with a unanimous voice vote. The request for a variance is denied.

Motion

Board member Tunncliff made a motion and Board member Goodridge seconded the motion to that the Yellowstone County Planning Board recommend to the Board of County Commissioners to conditionally approve the preliminary plat of Homestead Subdivision and adopt the Findings of Fact as presented in the staff report.

The motion carried with a unanimous voice vote.

9. OTHER BUSINESS

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

9a1. Jurisdictional Boundary Update. Planning Board.

Board member Woods stated he brought up the possibility of looking at expansion of the boundary during the last meeting. He said he believes it is important the Board collectively let the Commissioners know their concerns as certain areas continue to grow. Zoning has a relation whether it is related to sidewalks, roads, etc. Board member Tunncliff recommended forming a committee. President Woods said he believes a committee is fine but would like to see a discussion with the Board of County Commissioners. Planning Division Manager Plecker shared that she has been going through the County Issues Working Group notes from Project Re:Code. She has found numerous development examples where an issue was tied to the boundary going as far back as January 2018. Board member Tunncliff clarified the intent of his response. He feels this is a timing issue. He believes it is imperative there be staff support when a project is undertaken. Board member Tunncliff state he is in favor of a letter but he would recommend waiting until staff has the capacity to provide support to the committee. He would like to see more data compiled to support this position. Davison Manager Plecker explained her progress on the development of the County's Growth Policy. She is actively working on the land use chapter, which would lend itself nicely to a more formal Planning Board discussion. The group agreed to a discussion on the matter at its second meeting in June.

CITY/COUNTY PLANNING BOARD

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9a2. COVID 19 Update. Director Wyeth Friday

Director Friday said the COVID-19 statewide transition will be would be in Phase 2. Virtual meetings are planned through June. He said the challenge to holding public meetings is related to space in the first floor conference room and accounting for social distancing. Staff is considering ways to coordinate future meetings.

ADJOURNMENT: 7:34 PM

APPROVED BY A MOTION ON JUNE 9, 2020

--Monica Plecker, Planning Division Manager

