

# 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	-	-	-	-	1	1	E	E	1	1	E	-	1	R	R	R	R	R	R
<b>Heidi Jensen-Christison</b>	Mayor/Billings Ward II	-	-	-	1	-	-	-	-	1	1	1	1	1	E	1	-	E	E					
<b>Eric Wallace</b>	Mayor/Billings Ward III	1	1	1	1	-	-	-	-	E	1	1	1	1	1	A	-	1	1					
<b>Darell Tunnick</b>	Mayor/Billings Ward IV	1	1	1	E	-	-	-	-	1	1	1	1	1	1	A	-	1	1					
<b>Jon Thompson</b>	Mayor/Billings Ward V	1	E	1	1	-	-	-	-	1	E	1	1	1	1	1	-	E	1					
<b>Troy Boucher</b>	YC District 1	1	E	1	1	-	-	-	-	1	-	1	E	1		A	-	1	1					
<b>Dennis Cook</b>	YC District 2	1	1	1	1	-	-	-	-	1	1	1	1	1	1	1	-	1	1					
<b>Vacant</b>	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
<b>Vacant</b>	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
<b>Woody Woods</b>	YC District 5	1	1	1	1	-	-	-	-	1	1	1	1	1	1	1	-	1	1					
<b>Vacant</b>	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
<b>Jarett Hillius</b>	YC District 7	1	1	1	1	-	-	-	-	1	1	1	1	1	1	1	-	1	1					
<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>		1	E	1	-	-	-	-	1	-	1	-	E	1	-	-		1					

**September 22, 2020**

**Virtual Video Conference Format**

*Approved by a motion on October 27, 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

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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, September 22, 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) 237-6165. 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, September 22, 2020

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

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

**Participating Planning staff members:** Monica Plecker, Planning Division Manager; Scott Walker, Transportation Coordinator; Tammy Deines, Planning Clerk

**Other Participants:** Bill Morgan, Sanderson Stewart; Western Sky, Billings, LLC

**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 September 22, 2020 Agenda**

**Board member Tunnicliff made a motion and Board member Cook seconded the motion to approve the September 22, 2020 meeting agenda as submitted. The motion carried with a unanimous voice vote.**

**Approval of Minutes:** September 9, 2020. The approval of the September 9, 2020 meeting minutes is delayed.

**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: 406-237-6165.

Planning Clerk Tammy Deines reported no calls with requests for public comment.

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### 7. OLD BUSINESS:

#### **(7-a). Motion/Recommendation to City Council. Western Sky Subdivision, 2<sup>nd</sup> Amended, Lot 5A, Subdivision for Rent or Lease.**

##### Introduction

On August 3, 2020, Sanderson Stewart, agent for Western Sky Billings, LLC, applied for preliminary major plan approval for Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease. The proposed subdivision does not create any additional lots but does require review for creating 155 spaces for mobile homes to be placed on the existing lot. The subject property is generally located south of King Avenue West and east of South 48th Street West. The property is zoned Residential Manufactured Home (RMH). The proposed lot will be developed in compliance with the zoning. The Yellowstone County Board of Planning held a plan review of this application at its September 8 meeting and will conduct a public hearing at its meeting on September 22.

##### Recommendation

Staff recommends that the Planning Board recommend conditional approval of the preliminary plan of Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease, 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 ensure the ability to place private utilities within the development, prior to final plan approval, the applicant will coordinate with private utility companies for placement of easements and provide those easement locations on the final plan.
2. To minimize the effects on local service, prior to final plan 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 plan 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 Board.

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Board member Cook noted this is a Planned Development located within the City with underlying zoning for manufactured homes. Division Manager Plecker said that this particular lot has underlying zoning of RMH. There are other lots within the Western Sky Subdivision with other zoning designations. Board member Cook asked if the land use as it related to the surrounding properties fits with the other parcels. Division Manager Plecker said that when the Planned Development went forward for approval through the City Zoning Commission, the adopted Findings for the zone change must be met. Recently, the boundary for this particular area was amended and approved by City Council. The zone changes requires public hearing with the Zoning Commission along with a public hearing during City Council. Ms. Plecker offered to forward the staff reports with the synopsis of the City Zoning Commission. Board member Cook asked if this project is similar to Golden Meadows. Ms. Plecker stated this project is unique as the proposal is for a mix of housing types. Board member Thompson asked regarding the parkland and noted the development holds a mixture of private and public parkland. It was noted the pedestrian and bike trails along 48<sup>th</sup> Street West and Hogan’s Slough are Public and should be maintained by the City of Billings.

### Public Hearing

President Woods opened the public hearing and announced the public phone number, 406-237-6165. He asked if there is anyone wishing to speak in favor or against the Western Sky Subdivision, 2<sup>nd</sup> Amended, Lot 5A, Subdivision for Rent or Lease.

### **Bill Morgan, Sanderson Stewart, 1300 North Transtech Way, Billings, MT**

Bill Morgan represents Western Sky, Billings, LLC. He said the parkland on the adjoining property is owned by another landowner and is not a part of this development. These parks connect to the trails through the connection of the streets. They will be public linear parks and the Public Works Department or the Parks Department will maintain that portion of the path. The private park will be maintained and operated by the Homeowners’ Association for the development. This development may have more connectivity than Golden Meadows as it showcases trail use.

There were no calls from the public. President Tunncliff closed the public hearing and called for a motion.

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### Motion

**Board member Tunncliff made a motion and Board member Thompson seconded the motion to recommend conditional approval of the preliminary plan of Western Sky Subdivision, Second Amended, Lot 5A, Subdivision for Rent or Lease, to the City Council, and adopt the Findings of Fact as presented in the staff report.**

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

### **8. NEW BUSINESS:**

**8a. Update. Discussion. MDT Project Landscaping. Scott Walker, Transportation Coordinator, presenting.**

Scott Walker stated MDT does not have standards for existing plantings. He wrote an e-mail to MDT, and included Planning Board's comments on planting protection and care maintenance. He read aloud the response from Rod Nelson, MDT, who stated he and his staff would be responsive and work to rectify the cases in question. Mr. Nelson volunteered to come to the Planning Board and talk about these items with the idea of having Planning Board work as a catalyst for change at MDT. Currently MDT does have a plant specialist or arborist on staff. Mr. Nelson stressed working toward resolutions and moving forward instead of addressing generalities. Scott Walker stated MDT's maintenance is balanced with limited work force and equipment. They are willing to address current areas of need but the District is holding to the State standard as far as the state standard.

President Woods asked if the Planning Board would be willing to act as a catalyst. He commented that it may morph into some type of policy at some point. He mentioned the Inner Belt Loop and other projects that are tied to MDT.

Scott Walker said he also asked about litter control along I-90 and other State routes. MDT sends crews along I-90 to clean up litter from sections but this is a systemic community problem. They are looking for answers and help to address these issues. Board member Tunncliff commented on a piece of equipment that could be purchased to specifically clean up litter along interstate. He feels there is a need for public education and there is not enough teeth in the fine for littering. He suggested building a partnership between the County and the State for public service announcements.

President Woods asked staff to schedule the second meeting in October for this discussion. Board member Thompson spoke on the incessant damage to trees due to lack of standards in the project specifications. He said he is surprised there are not specifications in the statewide system. In his experiences, cities provided standards for each project.

Board member Thompson clarified and said the landscape maintenance is generally the responsibility of the City Public Works Department. Scott Walker said he has a call into Public Works on this topic how to standardize landscape maintenance within the City; as it would be helpful to have a staff member who is an arborist or a qualified individual at the table during plan

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and project development. Board member Tunncliff commented that the beautification of Billings is important and he would like to see these things going forward. A suggestion was made to compose a letter from Planning Board offering to act as a catalyst on this issue. Board member Tunncliff asked about getting a coalition of persons together to facilitate working between City, County, and MDT. President Woods spoke on addressing specifics rather than generalities.

Division Manager Plecker said it may be helpful to look at an existing project to use as a launching pad, and President Woods suggested using the Inner Belt Loop Project. Scott Walker said MDT seems to do OK with the installation of landscaping but the struggle is with ongoing maintenance. Monica Plecker stressed that finding a common ground is important.

Discussion continued on the need to address having staff available to watch for these types of issues and if the Parks Department has the ability to be at the table when projects are initiated. Board member Thompson said the expertise and knowledge of urban foresters or arborists would be helpful. He feels they could work together to protect the trees and better the community with a livable urban environment in the future. Monica Plecker said the same letter could be provided to MDT and Public Works suggesting the idea of having an arborist available when projects are initiated. President Woods said landscaping was a big issue as a part of Project ReCode. The County has approved the landscaping standards and the City will consider their plan in the future.

Board member Tunncliff asked regarding the status of the 5th Avenue Corridor project. Scott Walker said the consultant has met with all of the property owners and interested parties and they received a resounding positive response. Montana RailLink's outlook is more positive. The consultant is considering the corridor in several sections for feasibility. They are considering how to make the corridor useable and functional. He feels they will end up with a plan with good ideas and high public buy-in for the project. Tunncliff lend to beatification of the community. Scott Walker said he will bring an update to the Board.

**9. OLD BUSINESS** There is no Old Business.

**9A. Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.**

**9a1. Update Zoning Boundary Extension. Planning Board letter to the Yellowstone County BOCC. Planning staff and Planning Board.**

Monica Plecker gave a brief updated on the presentation of Planning Board's effort to consider the Expansion of Zoning Boundary to the Yellowstone County Zoning Commission. She said one member was outspoken against this effort. The next step is to consider the BOCC discussion agenda dates to bring it forward to the Commissioners. Board member Tunncliff said he thought it was well received and he thanked Board member Boucher for managing the Commission. He said in his opinion, the individual in opposition is not mainstream in the community, and this would be well received by the general population. The point is not to expand the City limits but to expand the zoning area where appropriate. Some of the confusion may have been a part of the presentation. Division Manager Plecker suggested revisiting this agenda item at a future meeting.

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**9a2. Lockwood TEDD update.** President Wood commented on the need for the County and the City to work together. He said within the TEDD, they have agreed to a surcharge for the properties that will be at a higher rate; and tied the water issue in, as they want to limit getting water from the Billings Heights’s Water District. The meeting is scheduled for presentation at the first meeting in October. He said they have backed off the annexation portion for the owners to sign before presenting a service agreement.

**9a3. Project ReCode Update.** Ms. Plecker commented on the Zoning Commission meetings and said she appreciated the Board members and Commissioners attendance. Board member Cook said he observed the concern voiced by Councilman Frank Ewalt about having the ability to go through the Code in order to move it forward. Ms. Plecker pointed out there are significantly more aids and charts than the previous code. Documents have been posted online and staff has tried to encourage digesting the information. Board member Tunnicliff said there has been a tremendous amount of public meetings. Ms. Plecker concurred and said there were many opportunities for those interested to influence verbiage in sections. She said staff has received calls from the public expressing interest and inquiring on the new code and potential projects. Others have posted comments on the website. There has been a lot of engagement. Staff plans to submit portions of the code to the Council during their workshop meetings.

**ADJOURNMENT: 7:15 PM**

**APPROVED BY A MOTION-October 27, 2020**

