

# 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	01/12/2021	01/26/2021	02/09/2021	02/23/2021	03/10/2021	03/24/2021	04/14/2021	04/28/2021	05/12/2021	** 05/27/2021	06/09/2021	06/23/2021	07/14/2021	07/28/2021	08/11/2021	08/25/2021	09/09/2021	09/22/2021	**10/14/2021	10/27/2021	11/10/2021	11/24/2021	12/08/2021
<b>Teresa Larsen</b>	Mayor/Billings Ward I	1	1	1																				
<b>Heidi Jensen-Christison</b>	Mayor/Billings Ward II	1	1	E																				
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1																				
<b>Darell Tunnickliff</b>	Mayor/Billings Ward IV	1	1	1																				
<b>Jon Thompson</b>	Mayor/Billings Ward V	1	E	1																				
<b>Troy Boucher</b>	YC District 1	1	1	1																				
<b>Dennis Cook</b>	YC District 2	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																				
<b>Vacant</b>	YC District 6	-	-	-																				
<b>Jarett Hillius</b>	YC District 7	1	1	1																				
<b>Vacant</b>	Y County Cons. District	-	-	-																				
<b>Scott Reiter</b>	Ex-Officio SD2	-	-	-																				

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**February 9, 2021**

### **Virtural Video Conference Format**

*Approved by a motion on February 23, 2021*

**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, February 9,, 2021. 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, February 9, 2021

### **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; Dave Green, Planner II, Elyse Monat, Active Transportation Planner; Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works

**Other Participants:** Greg Reid, WWC Engineering; Brad McCall, McCall Development; Greg McCall, McCall Development

**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 February 9, 2021 Agenda**

**Board member Cook made a motion and Board member Stephenson seconded the motion to approve the February 9, 2021 meeting agenda as amended. The motion carried with a unanimous voice vote.**

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## CITY/COUNTY PLANNING BOARD

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### **Approval of Minutes: January 26, 2021**

**Board member Tunncliff moved and Board member Cook seconded the motion to approve the January 26, 2021 meeting minutes with a correction on page 6, line 10, and (no-t).**

**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 call in phone number: 406-237-6165.

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

### **7. OLD BUSINESS:**

#### **7a. Public Hearing. Motion/Recommendation. Billings Area Bike and Scooter Share Feasibility Study. Elyse Monat, Active Transportation Planner, presenting.**

Active Transportation Planner Elyse Monat opened this agenda item and gave the background and presentation of the staff report.

### **RECOMMENDATION**

Staff recommends the Yellowstone County Planning Board forward a recommendation of approval of the Billings Area Bike and Scooter Share Feasibility Study to the Billings City Council and the Yellowstone Board of County Commissioners with the intent to forward a positive recommendation to the PCC.

### **BACKGROUND**

The MPO hired Alta Planning + Design through a competitive process to conduct the Billings Area Bike and Scooter Share Feasibility Study. The goal of the Billings Area Bike and Scooter Share Feasibility Study is to define what a successful bike and scooter share program would look like for the Billings area. A bike and/or scooter share system is a network of shared bicycles or scooters available for short-term use, usually 15 to 45-minute trips. A user can check out a bicycle or scooter from locations around the city, ride to their destination, and then leave the bicycle or scooter for someone else to use. Bike share and scooter share programs are designed to be a cost-effective, environmentally-friendly, convenient travel option for shorter trips. In a survey of 245 respondents completed as parts of this study, 53% of people said they are interested in seeing bike and scooter share in Billings, 24% are not interested, and 14% need more information. Of the remaining percentage that selected "other," many respondents reported liking the idea of bike share, but not scooter share. Top concerns related to bike and scooter share include safety, lack of bicycle infrastructure, and vandalism. Most Billings community members want to access downtown, parks,

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## CITY/COUNTY PLANNING BOARD

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and restaurant/coffee shops by bike or scooter share. The study recommends Billings implement a hybrid bike share system where the bike/scooter houses the transaction rather than at a station. Stations, also called hubs, consist of branded racks for parking bike share bikes. Though stations are available, the program does not require that a bike be left at a station and it is permitted to be parked anywhere within the service area. The study also recommends using electric-assist or e-bikes to make trips easier for people of all abilities. For a system governance model, the study recommends implementing a turnkey bike share system or a publicly owned and privately operated system. In a turnkey system, the City would hire an experienced company that owns and operates the system. The City would rent equipment and contract with the company for the full range of operations support, including installation, operations, sponsorship, customer service, and maintenance. Alternatively, Billings could purchase the bikeshare fleet and hub infrastructure and contract with a third party to operate the system. During the system launch, the study suggests launching in an initial service area including downtown and MSU Billings, creating an equity program, and establishing strategic partnerships to ensure the success of the system.

### **Discussion**

President Woods called for questions and discussion. There were no questions or discussion from the members of the Board.

### **Motion**

**Board member Stephenson made a motion and Board member Cook seconded the motion to forward a recommendation of approval of the Billings Area Bike and Scooter Share Feasibility Study to the Billings City Council and the Yellowstone Board of County Commissioners with the intent to forward a positive recommendation to the PCC.**

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

## **8. NEW BUSINESS**

**8a. Plat Review. Discussion Parkland West Subdivision, 7th Filing. Dave Green, Planner II, presenting.**

Dave Green opened this agenda item with the background and presentation of the staff report.

### **BACKGROUND**

On January 4, 2021, WWC Engineering applied for preliminary major plat approval for Parkland West Subdivision, 7th Filing. The proposed subdivision creates 16 lots for residential development. The subject property is generally located on the east side of South 36th Street West between Crater Lake and Rachelle Circle. The property is part of a Planned Unit Development and is zoned Residential 9600 (R96). The PUD allows R96 zoning to have lots with square footage of 6,500.

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## CITY/COUNTY PLANNING BOARD

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The land is currently dryland grass with residential development to the north, west and east, with a church to the south.

### RECOMMENDATION

Staff recommends the Planning Board forward a recommendation of conditional approval of the preliminary plat of ParklandWest Subdivision, 7th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

### PROPOSED CONDITIONS OF APPROVAL

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 question and discussion from the members of the Board. Board member Thompson asked regarding the SIA language for sidewalk construction in the stormwater right-of-way. Dave Green explained this right-of-way was in the previous plat but will not have water. The sidewalk will connect with parkland north of Crater Lake in the future. In response to question by President Woods, Dave Green said the initial plan was for the stormwater to flow into parkland and a lake but neither were developed. The stormwater will be detained on site for this parcel.

\*\* A public hearing for Parkland West Subdivision, 7th Filing will be held during the February 23, 2021 Planning Board meeting.

**8b. Plat Review. Discussion. West Meadows Subdivision, 2nd filing. County Major Subdivision. WWC Engineering. Dave Green, Planner II, presenting.**

Planner Dave green gave the background and presentation of the staff report.

**BACKGROUND**

On January 4, 2021, the Planning Division received an application for major plat approval for the proposed West Meadows Subdivision, 2nd Filing. The subject property is generally located on the east side of Whistlers Way and south of what will be Central Avenue. This subdivision would create 42 lots from a 50-acre parcel of land. The applicant is proposing to develop a residential subdivision, the land is outside of zoning. The land is currently dryland grass and shrub land.

**RECOMMENDATION**

Staff recommends that the Yellowstone County Planning Board recommend to the Board of County Commissioners to conditionally approve the preliminary plat of West Meadows Subdivision, 2nd Filing 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 protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will expand existing RSID's 773 and 796 for the new public roads within the subdivision and providing access to the subdivision.
3. To protect public health and safety and to provide fire suppression facilities, prior to final plat approval, the applicant will provide a letter from the Laurel Volunteer Fire Department stating they approve of the use of a pond for fire suppression purposes.
4. To protect public health and safety, prior to final plat approval, the applicant will create the maintenance district for the water pond being used for fire suppression, and to maintain the piping system used to pump water from the pond. The applicant will provide documents that outline the requirement of the maintenance district the water pond for fire suppression needs as outlined in the SIA. The applicant will provide documents that show the county is supportive of such a maintenance district.
5. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will coordinate required fire pond installation and location with the Laurel Fire Department. The access to the pond will be a public easement built to accommodate fire trucks in all weather conditions. Lockwood Fire Department will review and approve all fire hydrant locations within the subdivision

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## CITY/COUNTY PLANNING BOARD

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- .6. To protect public safety and to ensure future maintenance of the parkland, prior to final plat approval, the applicant will expand the existing RSID for parkland maintenance for this subdivision.
7. 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.
8. 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.
9. 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.
10. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana

### Discussion

President Woods called for question and discussion from the members of the Board. In response to question by President Woods, Dave Green stated Laurel Fire Department will provide fire service. President Woods asked if a dry hydrant should be required. Dave Green stated the Laurel Fire Department has said they will accept a pond that is filled by the Cove Ditch. Board member Tunnicliff said he struggles with the proposed pond for fire suppression as there will be no access to water during the off season. He said he doesn't feel an open pond is a reliable source for fire suppression. President Woods said this is a point well taken as home owners are concerned with the availability of fire protection. Board member Larson asked if the pond was for aesthetics or fire suppression and President Woods said it is intended for fire suppression. Board member Thompson asked regarding the pond location. Greg Reid said Lot 1 in the north corner will be used for the pond. Darin Swenson, Yellowstone County Public Works, said the existing pond does not have water. Greg Reid, WWC explained that the existing pond had a one-time filling agreement with Cove Ditch whereas the proposed ditch will have a longterm filling agreement. Darin Swenson said the current pond does not hold water even with the liner. In response to question by President Woods, Greg Reid said Cove Ditch has enough water available to fill the pond. Jarrett Hillius asked about the water balance statement, and Greg Reid stated the sole agency overseeing this will be Laurel Volunteer Fire Department.

\*\* A public hearing for West Meadows Subdivision, 2nd Filing will be held during the February 23, 2021 Planning Board meeting.

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## CITY/COUNTY PLANNING BOARD

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### **8c. Plat Review. Discussion. Annafeld North Subdivision 1st Filing. Dave Green, Planner II, presenting.**

Planner Dave Green gave the background and presentation of the staff report.

#### **BACKGROUND**

On January 4, 2021, Sanderson Stewart, agent for McCall Development, Inc., applied for preliminary major plat approval for Annafeld North Subdivision, 1st Filing. The proposed subdivision creates 53 new lots for development. The subject property is generally located on the north side of Elysian Road and west of the Hogan Slough. The property has been annexed into the city. The property is zoned Neighborhood Mixed Use (NMU) and the proposed lots will be developed in substantial compliance with this zoning. The Yellowstone County Board of Planning will review the plat at this meeting and conduct public hearing on January 26, 2021.

#### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Annafeld North Subdivision, 1st Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

#### **PROPOSED CONDITIONS OF APPROVAL**

Staff recommends the following conditions of approval:

1. To minimize impacts on storm water detention facilities and ensure proper maintenance of the proposed system, prior to final plat approval, the applicant will provide an HOA Storm Water Facility Maintenance Agreement for review by the City of Billings Engineering Division. This agreement shall outline the maintenance responsibilities of the storm water facilities.
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.

### **8d. Plat Review. Discussion. Annafeld North Subdivision, 2nd Filing. Dave Green, Planner II, presenting.**

Planner Dave Green gave the background and presentation of the staff report.

#### **BACKGROUND**

On January 4, 2021, Sanderson Stewart, agent for McCall Development, Inc., applied for preliminary major plat approval for Annafeld North Subdivision, 2nd Filing. The proposed subdivision creates 50 new lots for development. The subject property is generally located on north side of Elysian Road and east of East Lane. The property has been annexed into the city. The property is zoned Neighborhood Mixed Use (NMU) and the proposed lots will be developed in

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## CITY/COUNTY PLANNING BOARD

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substantial compliance with this zoning. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on January 26, 2021.

### RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Annafeld North Subdivision, 2nd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

### PROPOSED CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval:

1. To minimize impacts on storm water detention facilities and ensure proper maintenance of the proposed system, prior to final plat approval, the applicant will provide an HOA Storm Water Facility Maintenance Agreement for review by City of Billings Engineering Division. This agreement shall outline the maintenance responsibilities of the storm water facilities.
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 questions and discussion from the members of the Board. President Woods noted the existing Neighborhood Commercial zoning and the new Neighborhood Mixed use through project rezone. Dave Green said this was previously was in the county. Brad McCall said he spoke with Zoning Coordinator Nicole Cromwell who suggested this would be a NMU zone. The annexation has been approved in December 2020. Dave Green said he will coordinate with Zoning Coordinator Nicole Cromwell and bring the information back for the next Planning Board meeting. The new code will be administered.

\*\* A public hearing for Annafeld North Subdivision, 1st Filing will be held during the February 23, 2021 Planning Board meeting.

### OTHER BUSINESS:

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

- Division Manager Plecker called attention to the Annual Report and said she hoped the Board has had an opportunity to review it. Hard copies are available upon request.

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## CITY/COUNTY PLANNING BOARD

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- President Woods asked about the zoning jurisdiction boundary amendment. Monica Plecker said the Yellowstone County Growth Policy has to be finished first. She would like to target the second meeting in March for the Board's first review. She said the Board has drafted a letter to the Commissioners, which could be used to start a discussion. President Woods asked for a raise of hands from the members of the Board and all were in favor. Monica Plecker stated she would work with President Woods to get the discussion scheduled.
- Board member Cook asked when the Yellowstone County Cama Detail would be updated to the new zoning code. Monica Plecker said Mike Powell, YC GIS is working on this. Per request of Board member Cook, Division Manager Plecker stated she would provide a summary document for the new zoning code.

### **ADJOURNMENT: 7:00 PM**

#### **Future Agenda Items for February 9, 2021**

- Public Hearing. Motion/Recommendation to City Council. Annafeld North Subdivision 1st Filing. City Major Subdivision. Dave Green, Planner II, presenting. Plat Review. Discussion.
- Public Hearing. Motion/Recommendation to City Council. Annafeld North Subdivision 2nd Filing. City Major Subdivision. Dave Green, Planner II, presenting.
- Public Hearing. Motion/Recommendation to BOCC. West Meadows 2nd Filing, County Major Subdivision. Dave Green, Planner II, presenting
- Public Hearing. Motion/Recommendation to City Council. Parkland West Subdivision, 7th Filing. A 16-lot City residential major subdivision. Greg Reid, WWC Engineering. Dave Green, Planner II

### **APPROVED BY A MOTION- February 23, 2021**

*--Tamara L. Deines, Planning Clerk*