

# 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	1																			
<b>Heidi Jensen-Christison</b>	Mayor/Billings Ward II	1	1	E	1																			
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1																			
<b>Darell Tunnickliff</b>	Mayor/Billings Ward IV	1	1	1	1																			
<b>Jon Thompson</b>	Mayor/Billings Ward V	1	E	1	1																			
<b>Troy Boucher</b>	YC District 1	1	1	1	E																			
<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	E																			
<b>Vacant</b>	Y County Cons. District	-	-	-	-																			
<b>Scott Reiter</b>	Ex-Officio SD2	-	-	-	1																			

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**February 23, 2021**

### **Virtual Video Conference Format**

*DRAFT- To be approved by a motion on March 9, 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 23, 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 23, 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:** Wyeth Friday, Director, Planning & Community Services Department; Dave Green, Planner II, Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works

**Other Participants:** Greg Reid, WWC Engineering; Brad 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 23, 2021 Agenda**

**Board member Cook made a motion and Board member Larsen seconded the motion to approve the February 23, 2021 meeting agenda as amended. The motion carried with a unanimous voice vote.**

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### **Approval of Minutes: February 9, 2021**

**Board member Tunncliff moved and Board member Cook seconded the motion to approve the February 9, 2021 meeting minutes with corrections to the footer date to 2021 and replacing Laurel Fire Department instead of Lockwood Fire Department on page 6.**

**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 phone calls with requests for public comment.

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

**7a1. Public Hearing. Motion/Recommendation to City Council. Parkland West Subdivision. 7th Filing. City Major plat. Greg Reid, WWC Engineering. Dave Green, Planner II, presenting.**

Planner Dave Green opened this agenda item. Three letters were received from citizens voicing concerns that the existing infrastructure will not support the additional sixteen homes in this development. Dave Green presented the Master Plan for the subdivision and noted the lots which are currently under construction. He pointed out the parkland located throughout the subdivision. The requirements for emergency services have been met. A traffic study has been completed for this subdivision. Crater Lake will not go through until further development takes place. The existing infrastructure has been planned to handle the future development of lots. This plat will go before City Council on March 27, 2021. President Woods stated he understands the citizens' concerns but these parcels were all ready master planned.

### **INTRODUCTION**

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

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### RECOMMENDATION

Staff recommends the Planning Board forward a recommendation of conditional approval of the preliminary plat of Parkland West Subdivision, 7th 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. Board member Thompson commented that the Parkland West Subdivision was created in the 1990's along with a park maintainance district. The City Parks Department is responsible for the parkland maintainance. He asked Dave Green regarding the parkland depicted in the 7th filing. Dave Green said he does not think this area has been dedicated for parkland.

### Public Hearing

President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against West Meadows Subdivision, 2nd Filing. There were no public comments.

### Greg Reid, WWC Engineering, Billings, Montana

Greg Reid represents developer Rod Lorenz. He said Parkland West Subdivision was created in 1982. He had no other comments.

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### **Motion**

**Board member Tunncliff moved and Board member Cook seconded the motion that the Planning Board forward a recommendation of conditional approval of the preliminary plat of Parkland West Subdivision, 7th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.**

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

**7a2. Public Hearing. Motion/Recommendation to BOCC. West Meadows Subdivision, 2nd Filing. County Major Subdivision. Greg Reid, WWC Engineering. Dave Green, Planner II, presenting.**

### **INTRODUCTION**

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 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.

**VARIANCES REQUESTED** No variances are requested for this subdivision.

### **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.

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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. Laurel Fire Department will review and approve all fire suppression measures within the subdivision.
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.

The Board of County Commissioners are scheduled to review and act on the preliminary plat on March 16, 2021.

### **Discussion**

President Woods called for discussion and questions from the members of the Board for the applicant's agent.

### **Greg Reid, WWC Engineering, Billings, MT**

Mr. Reid stated that they are working on a draft maintainance district and it is under review by the Laurel Fire Department. Currently there is several feet of water in the Cove Ditch that would be available for the pond. There is an indefinate termed contract with the Cove Ditch Company.

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Mr. Reid spoke in regard to the Board’s inquiry for the need for a water balance statement. He said a water balance statement was not submitted. The pond will be lined and with a projected depth of eleven feet. It is expected there will be four feet of evaporation leaving approximately seven feet of water available in the pond throughout the year.

Board member Tunnicliff asked what type of fencing will be put up and voiced concern with the need for children’s safety with the open water in this residential area. He said it seems this should have a standard similar to a swimming pool. He commented that the Cove Ditch may not be a reliable source of water and asked who will be responsible for filling the pond twice a year.

President Woods concurred with these comments. Darin Swenson, Yellowstone County Public Works, said the decisions regarding the pond will be made by the governing fire department. He said there is a similar development, Tanglewood Lake Estates, which has a series of lakes utilized for fire protection. Board member Stephenson asked if these concerns can be addressed with an added condition. Dave Green stated fire protection and safety will be addressed in the staff report provided to the Board of County Commissioners.

### **Public Hearing**

President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against West Meadows Subdivision, 2<sup>nd</sup> Filing. There were no calls from the public. The public hearing is closed at 6:41 pm

### **Motion**

**Board member Stephenson made a motion and Board member Thompson seconded the motion Yellowstone County Planning Board recommend to the Board of County Commissioners to conditionally approve the preliminary plat of West Meadows Subdivision, 2<sup>nd</sup> Filing and adopt the Findings of Fact as presented in the staff report and include the concerns voiced by the Board during this evening’s Planning Board meeting.**

**The motion carried 6-1, with Board member Tunnicliff voting against the motion citing public safety concerns with an inherent risk to children and the potential for an inadequate water supply.**

**7a3. Public Hearing. Motion/Recommendation to City Council. Annafeld North Subdivision 1st Filing. City Major Subdivision. McCall Development. Sanderson Stewart, agent. Dave Green, Planner II, presenting.**

### **INTRODUCTION**

On January 4, 2021, Sanderson Stewart, agent for McCall Development, Inc., applied for preliminary major plat approval for Annafeld North Subdivision, 1<sup>st</sup> 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

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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, 1<sup>st</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**

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.

City Council is scheduled to review and act on the preliminary plat on March 22, 2021.

### **Discussion**

President Woods called for questions and discussion. Owner/Applicant Brad McCall had no comments. Agent Gary Owen, Sanderson Stewart also had no comments.

Board member Jensen-Christison voiced concern with the additional traffic on Mallowney Lane. Gary Owen, Sanderson Stewart, stated a traffic impact study was conducted and intersections were identified that would be affected by the additional traffic. A cash contribution will be made by the developer for future construction of intersection improvements as necessary. Applicant Brad McCall said they have contributed as the subdivisions were developed. President Woods asked about alternate routes and Brad McCall explained the additional turn lane on Mallowney Lane has helped to address the traffic.

### **Public Hearing**

President Woods opened the public hearing. There were no public comments.

### **Motion**

**Board member Thompson made a motion and Board member Cook seconded the motion that**

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**the Planning Board recommend conditional approval of the preliminary plat of Annafeld North Subdivision, 1<sup>st</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.**

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

**7a4. Public Hearing. Motion/Recommendation to City Council. Annafeld North Subdivision 2nd Filing. City Major Subdivision. McCall Development. Sanderson Stewart, agent. Dave Green, Planner II, presenting.**

### **INTRODUCTION**

On January 4, 2021, Sanderson Stewart, agent for McCall Development, Inc., applied for preliminary major plat approval for Annafeld North Subdivision, 2<sup>nd</sup> Filing. The proposed subdivision creates 50 new lots for development. The subject property is generally located on the 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 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, 2<sup>nd</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

### **VARIANCES REQUESTED**

No variance from the City Subdivision Regulations has been requested.

### **PROPOSED CONDITIONS OF APPROVAL**

Planning 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.

City Council is scheduled to review and act on the preliminary plat on March 22, 2021.

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### Discussion

There was no further discussion.

### Public Comment

President Woods opened the public comment period and asked if there is anyone wishing to speak in favor or against Annafeld North Subdivision, 2<sup>nd</sup> Filing. There are no public comments. President Woods closed the public hearing and called for a motion.

### Motion

**Board member Tunnickliff made a motion and Board member Jensen-Christison seconded the motion that the Planning Board recommend conditional approval of the preliminary plat of Annafeld North Subdivision, 2<sup>nd</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.**

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

### **OTHER BUSINESS:**

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

#### **1. Planning Board By-Laws. Discussion for President and Vice President Nomination process amendments.**

Board members discussed amending the Bylaws language to have the officers begin their terms in January instead of February and to consider longer terms. Board member Tunnickliff stated starting officers' terms in January makes sense in order to give people the maximum opportunity to serve as a Planning Board officer. He is not in favor of two-year terms for officers as it may be too long and discourage service. Board member Thompson said the nomination process could be shortened to culminate in December. In regards to term of office, he feels Article 7, Section 8, stating any officer may serve successive terms is sufficient. Board member Tunnickliff commented that typically a meeting is not held the 4<sup>th</sup> Tuesday in December due to the Christmas holiday season. He suggested voting during the first meeting in December. Board member Larsen and Board member Stephenson are in agreement with being the terms starting in January. Board member Cook stated Article 7 is clear and an extension of time beyond a year would take a vote by the Board. President Woods is in favor of an amendment to the Bylaws in regards to terms. Director Wyeth Friday explained the timing of the current process with the Nomination committee forwarding a recommendation the 2<sup>nd</sup> Tuesday in November, and the Board voting the 2<sup>nd</sup> Tuesday in December with officers starting during the first meeting in January. Wyeth said staff would do a markup on the Bylaws and bring it forward to the Board during the next Planning Board meeting.

**2. Annual Report.** Wyeth Friday said hard copies of the Annual Report are available to those interested by request. President Woods requested a copy.

**3. Project ReCode.** Director Friday stated Project ReCode goes into effect February 25, 2021. This version will be codified and available electronically. A full document will be available on the website

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in the interim. There will be multiple projects happening based on the new code. Staff will give a follow-up report to City Council and the Board of County Commissioners.

4. **State of Montana Legislature.** Director Friday said the Legislature is in full swing and there are several land use bills in process. Discussion followed on challenges in other communities and the implementation of zoning tools.
5. **Zoning Boundary Expansion.** President Woods asked the Board about holding a discussion with the BOCC to forward the Board’s concerns with the need for the boundary expansion of the zoning district. This is proposed for an agenda item during a future Board meeting.
6. **METRA Park Board Presentation.** President Woods commented on several Downtown projects and plans. He asked Board member Tunnicliff if he could arrange for a presentation by the METRA Park Board. Board member Tunnicliff commented the METRA Park Board is in the process on working on what METRA Park will look like going forward, and they will be conducting significant community outreach. Projects will require voter approval. He said he would look into a presentation to the Planning Board. President Woods noted there are several projects in this area including the Lockwood Interchange and Exposition Drive.

**ADJOURNMENT: 7:29 PM**

**DRAFT—TO BE APPROVED BY A MOTION- March 9, 2021**

*--Tamara L. Deines, Planning Clerk*