



**YELLOWSTONE COUNTY BOARD OF  
PLANNING  
CITY OF BILLINGS AND  
YELLOWSTONE COUNTY, MONTANA**



**AGENDA**

**MARCH 9, 2021 MEETING TIME: 6:00 p.m.  
1st Floor Large Conference Room, Miller Building  
2825 3rd Avenue North, Billings, Montana 59101**

**NOTICE TO THE PUBLIC**

**\*\*ATTENTION\*\***

Due to the COVID-19 health concerns, this meeting will be held in a virtual videoconferencing environment. The Yellowstone County Board of Planning members will attend the meeting via a remote location, using a virtual meeting method. The regular meeting rooms will be closed during the meeting. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City/County Planning Division is making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City’s website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook:  
<https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
  - Email: [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov)
- Call in during the Public Comment periods as indicated on the agenda:
  - Citizens may call in during specific Public Comment periods at **406.237.6165**.  
All callers will be placed 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 limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

Please direct questions to Tammy Deines, Planning Clerk at [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov) or 406-247-8610. Thank you!

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA\*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MEETING MINUTES:** February 23, 2021

**Attachments**

PlnBMinutes\_2021\_02\_23\_DRAFT

4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may 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's agenda for discussion.*  
**4a) Comments on items not on agenda and requests to add items to future agendas**  
**4b) Comments on items on the non-public hearing agenda items**

5. **DISCLOSURE OF CONFLICT OF INTEREST:**

6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.

7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).

8. **NEW BUSINESS:** (Agenda items new to this meeting).

- a. Plat Review. Discussion. The Grove Subdivision. County Major Subdivision. Taj Mukadam, owner/applicant. Kolten Knatterud, Territorial Landworks/IMEG, agent. Dave Green, Planner II, presenting.

**Attachments**

Findings of Fact  
Preliminary Plat  
SIA

9. **OTHER BUSINESS:**

- a. Motion. Text Amendment of the Planning Board By-Laws. Planning Staff and Planning Board Members.

**Attachments**

Board By-Laws Amended

- b. Update. Board Discussion. Zoning Boundary Discussion with the BOCC. Monica Plecker, Planning Division Manager.
- c. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.

10. **ADJOURNMENT**

**FUTURE AGENDA ITEMS FOR TUESDAY, MARCH 23, 2021**

- a. Public Hearing. Motion/Recommendation to BOCC. The Grove Subdivision. County Major Subdivision. Taj Mukadam, owner/applicant. Kolten Knatterud, Territorial Landworks/IMEG, agent. Dave Green, Planner II, presenting.

**Planning Board Meeting I (2nd Tuesday)**

**3.**

**Meeting Date:** 03/09/2021

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**Information**

**Subject**

**MEETING MINUTES:** February 23, 2021

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**Attachments**

PlnBMinutes\_2021\_02\_23\_DRAFT

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# 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>	<b>Ex-Officio SD2</b>	-	-	-	1																				

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## CITY/COUNTY PLANNING BOARD

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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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## CITY/COUNTY PLANNING BOARD

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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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## CITY/COUNTY PLANNING BOARD

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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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## CITY/COUNTY PLANNING BOARD

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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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## **CITY/COUNTY PLANNING BOARD**

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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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## **CITY/COUNTY PLANNING BOARD**

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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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## CITY/COUNTY PLANNING BOARD

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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 Tunnickliff if he could arrange for a presentation by the METRA Park Board. Board member Tunnickliff 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*

## Planning Board

**Date:** 03/09/2021  
**Title:** The Grove Subdivision - Preliminary Major Plat  
**Presented by:** David Green  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### Information

#### RECOMMENDATION

On February 1, 2021, the Planning Division received an application for major plat approval for the proposed The Grove Subdivision. The property is generally located on the southwest corner of the intersection of Hesper Road and South 64th Street West. This subdivision would create 26 lots from a 24.523-acre parcel of land. The applicant is proposing to develop a residential subdivision. The land is outside of zoning and is currently farmland.

#### 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 safety and to ensure future understanding of road use and maintenance, prior to final plat approval, the applicant will submit easement documents and a plan demonstrating how the roads will be maintained by the subdivision residents.
3. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings to BUFSA for review and approval. Once installed the applicant will request BUFSA to test the system to ensure it works correctly and get a sign off from BUFSA. The applicant will also create an RSID for maintenance of the dry hydrant system.
4. To protect public safety and to ensure future maintenance of the parkland, prior to final plat approval, the applicant will create and RSID for parkland maintenance for this subdivision.
5. 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.
6. 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.
7. 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.
8. 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.

#### BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On February 1, 2021, the Planning Division received an application for major plat approval for the proposed The Grove Subdivision. The property is generally located on the southwest corner of the intersection of Hesper Road and South 64th Street West. This subdivision would create 26 lots from a 24.523-acre parcel of land. The applicant is proposing to develop residential subdivision. The land is outside of zoning and is currently farmland.

#### VARIANCES REQUESTED

No variances are requested for this subdivision.

#### PROCEDURAL HISTORY

- Pre-application meeting October 8, 2020
- Completeness review submitted January 13, 2021
- Preliminary plat application submitted to Planning Division February 1, 2021
- Departmental review meeting February 18, 2021

- Preliminary plat resubmitted February 25, 2021
- Planning Board plat review March 9, 2021
- Planning Board public hearing March 23, 2021
- Preliminary plat to Yellowstone County Board of County Commissioners April 20, 2021
- 60 working-day preliminary plat review period ends April 27, 2021

**PLAT INFORMATION**

General location: South west corner of the intersection of Hesper Road and South 64th Street West

Legal Description: COS 3753 Tract 1A

Owner/Subdivider: Taj Mukadam

Engineer/Surveyor: IMEG / Territorial Landworks

Existing Zoning: outside zoning

Existing land use: Farmland

Proposed land use: Residential

Gross and Net area: 24.523 acres / 18.6 acres

Proposed number of lots: 26

Max. lot size: 1.13 acres

Min. lot size: 0.5 acres

Parkland requirements: There required parkland dedication is 1.41 acres; the applicant is proposing to dedicate 1.43 acres of parkland.

**STAKEHOLDERS**

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on March 23rd.

**ALTERNATIVES**

One of the purposes of the County’s subdivision review process is to identify potential negative effects of property being subdivided. When negative effects are identified it is the subdivider’s responsibility to mitigate those effects. Various County departments, private service/utility providers and the affected school district(s), have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be some impacts from this proposed subdivision.

In accordance with state law, the Board of County Commissioners has 60 working days to act upon this major preliminary plan. The 60 working day review period for the proposed subdivision ends on April 27, 2021. State and County subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The County may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the Board of County Commissioners is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

**FISCAL EFFECTS**

This plat will have no fiscal impacts on the City/County Planning Division.

Findings of Fact  
Preliminary Plat  
SIA

## **FINDINGS OF FACT**

The City-County Planning Division Staff has prepared the Findings of Fact for The Grove Subdivision. These findings are based on the preliminary plat application and supplemental documents addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

### **A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health and safety (76-3-608 (3) (a) MCA) (Section 3.2 (H) (2) YCSR)**

#### **1. Effect on agriculture and agricultural water users' facilities**

The subject property is used for agricultural purposes. There will be no water shares or rights available to the lots within this subdivision. Irrigation facilities associated with this property will not be altered with the development of the land. It will take 24.5 acres of ag land out of production.

#### **2. Effect on local services**

a. **Water and Septic** – The proposed subdivision is not located within any public water system. It is proposed that each lot will have a well for water. The subdivider will meet requirements of Section 4.9 of Yellowstone County Subdivision Regulations and have the proposed system reviewed and approved by the Montana Department of Environmental Quality (MDEQ) prior to construction. **(Condition #1)**

It is proposed that lots will have a septic system on them within the proposed subdivision. The proposed septic systems will need to be reviewed and installed in accordance with Section 4.8 of the Yellowstone County Subdivision Regulations and will need to have MDEQ approval. The applicant will provide a copy of the MDEQ approval for the septic systems at the time of final plat. **(Condition #1)**

b. **Streets and roads** – There will be new roads within the proposed subdivision. These roads will be private roads and will be built to Yellowstone County Paved road standards within 60-foot-wide rights-of-way. Easement documents will be provided to outline what is allowed on those private roads and who is responsible for maintenance of roads with the final plat documents. **(Condition #2)**

Additional right of way will be provided for both Hesper Road and South 64<sup>th</sup> Street West to meet the county requirements for Principal Arterial Street width.

A TIS is not required for this subdivision as it does not meet the minimum threshold that requires one.

c. **Fire and Police services** – The property is within the BUFSA Service Area. The developer will be installing a 30,000-gallon dry hydrant system as required by Yellowstone County Subdivision Regulations. The location, access and construction drawings for the dry hydrant system are to be reviewed and approved by BUFSA prior to

installation. **(Condition #3)**

The Yellowstone County Sheriff's Department will provide law enforcement services to this subdivision.

d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.

e. **Storm water drainage** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and DEQ. A storm water plan will have to be reviewed and approved by the DEQ to ensure the proposed stormwater management is feasible and will work satisfactorily. **(Condition #1)**

f. **School facilities** – The proposed subdivision is located within Elder Grove School District #8 for kindergarten through 8<sup>th</sup> grade and School District #2 for High School. School District #8 responded to the request for information indicating Elementary and Middle school can handle the student population increase.

g. **Parks and recreation** – This proposed subdivision is required to provide parkland. The applicant in the SIA under the heading VIII. Parks/Open Space has outlined the requirements of parkland. The total required parkland dedication is 1.41 acres. The applicant is proposing to dedicate 1.43 acres with this filing. The applicant will be required to create an RSID for the park maintenance with final plat. **(Condition #4)**

This subdivision is also identified in the Billings Area Bike Trail and Master Plan (BABTMP). A future trail is identified on both South 64<sup>th</sup> Street and Hesper Road. There is no trail identified within the proposed subdivision.

h. **Postal Service** – Mailbox set up will need to be centrally located, the applicant will be required to coordinate with the USPS to ensure they are providing what is needed for a safe and efficient mailbox location. **(Condition #5)**

i. **Historic features** – No known historic or cultural assets exist on the site.

j. **Phasing of Development** - The applicant is not proposing to phase this subdivision.

### **3. Effects on the natural environment**

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. Prior to final plat approval, the applicant will apply for and obtain a weed management plan with the County Weed Department. That plan will be submitted with final plat approval. **(Condition #6)**

There are no apparent or known natural hazards on the property.

### **4. Effects on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. A paragraph in

the 'Conditions that Run with the Land' section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

### **5. Effects on public health and safety**

Plans and designs for the water and septic system will be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from BUFGA and the Yellowstone County Sheriff's department.

### **B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-603 MCA) (Chapter 9, YCSR)**

An environmental assessment was required for this subdivision pursuant Section 9.2 A of the County Subdivision Regulations. Although there is a potential for wildlife in the area this is a parcel that has been used for farming purposes for many years and the natural habitat that may have been on it no longer exists, with the possible exception of small wildlife creatures living the surrounding grassy road edges.

### **C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]**

#### **1. Yellowstone County - 2008 Growth Policy**

The subdivision is consistent with the following goals of the Growth Policy:

- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)

*The subdivision is consistent with the type of residential development in the surrounding area.*

- Goal: New developments that are sensitive and compatible with the character of adjacent County town sites. (p. 6)

*There is residential development directly adjacent to the subject property.*

- Goal: Controlled weed populations. (p. 9)

*The developer shall complete a weed management plan and shall provide a re-vegetation plan for any ground disturbed by development.*

#### **2. 2018 Urban Area Transportation Plan**

The subject property maintains the road the study area of the Transportation Plan. As proposed, there are only neighborhood streets associated with this subdivision.

#### **3. Billings Area Bikeway and Trail Master Plan Update (BBTMP)**

The subject property is within the Billings Area Bikeway and Trail Master Plan Update. There are no trail identified within the subdivision.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act (MSPA) and to local subdivision regulations? [MCA 76-3-608 (3) (b) and Section 3.2 (3) (a) YCSR]**

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

**E. Does the subdivision conform to sanitary requirements? [Section 4.8 (C) and 4.9 (C), YCSR]**

The subdivider must receive approval from the MDEQ prior to final approval. New lots are subject to DEQ review.

**F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2 (H) (3) (e), YCSR]**

The proposed subdivision is within outside of zoning.

**G. Does the subdivision provide for necessary planned utilities? [MCA 76-3-608 (3) (c) and Section 3.2 (H) (3) (b), YCSR]**

Private utilities are to be installed in the private road and utility easements by private utility companies. Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies. Well and septic will be reviewed and approved by MDEQ prior to final plat.

**H. Does the proposed subdivision provide for Legal and Physical Access to all lots? [MCA 76-3-608 (3) (d) and Section 3.2 (H) (3) (c) (d), YCSR]**

Legal and physical access will be provided for the new proposed lots from South 64<sup>th</sup> Street West and Hesper Road. Internal streets will provide access to individual lots.

**CONCLUSIONS OF FINDINGS OF FACT**

- This subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal, and can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

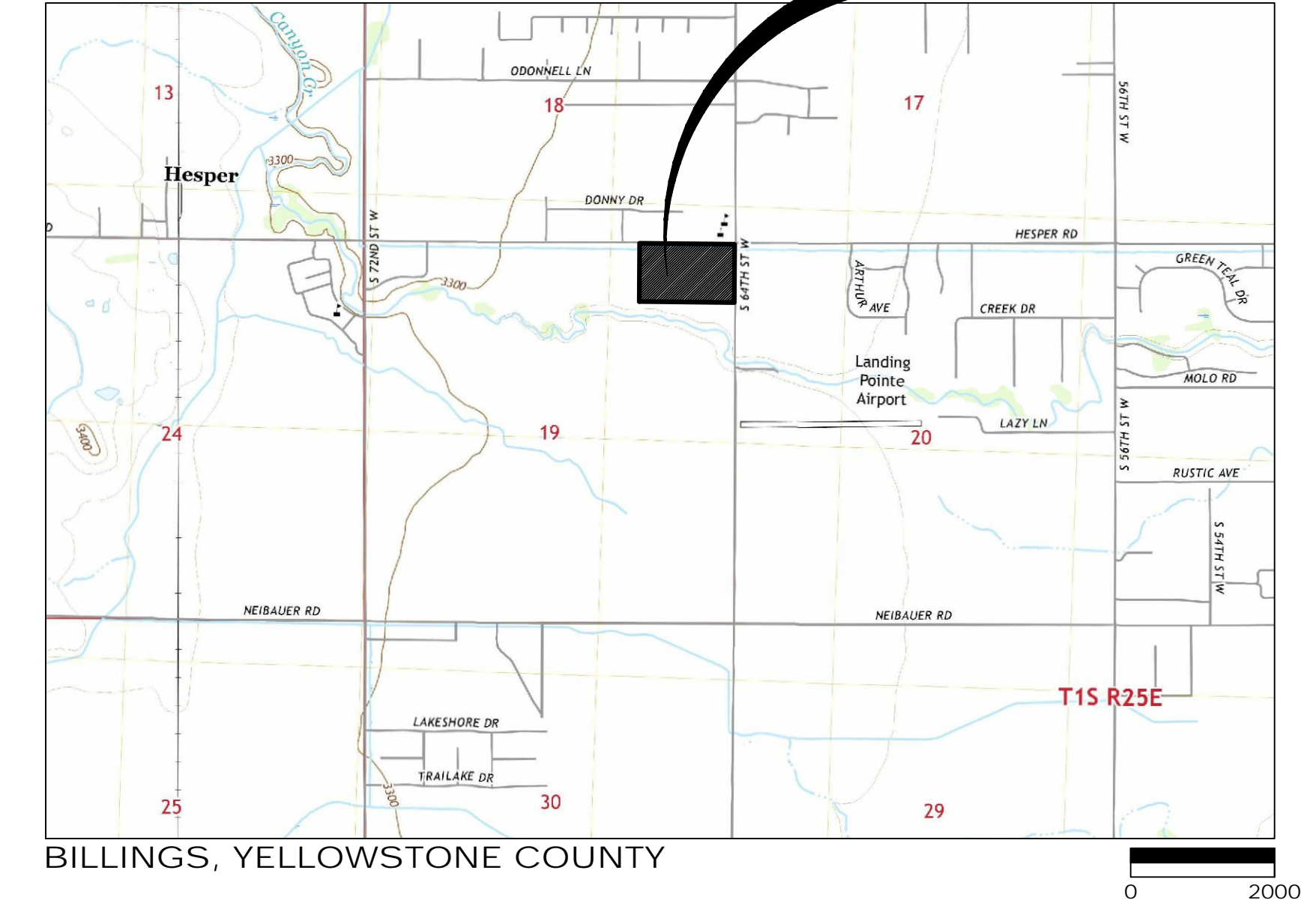
**RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of The Grove Subdivision, to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report, the SIA and Waiver.

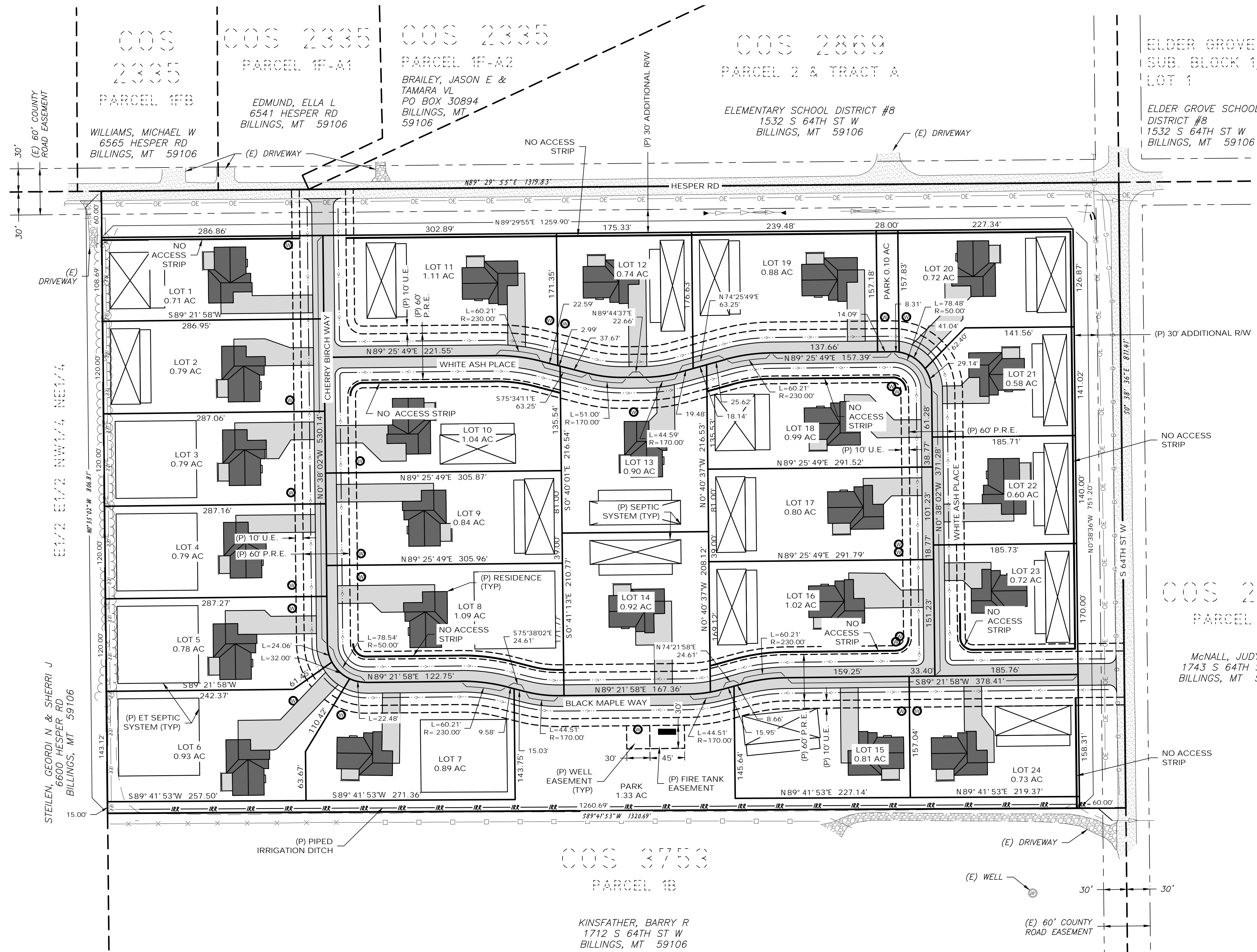
# PRELIMINARY PLAT OF THE GROVE SUBDIVISION

LOCATED IN THE NE1/4 NE1/4 OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 25 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA

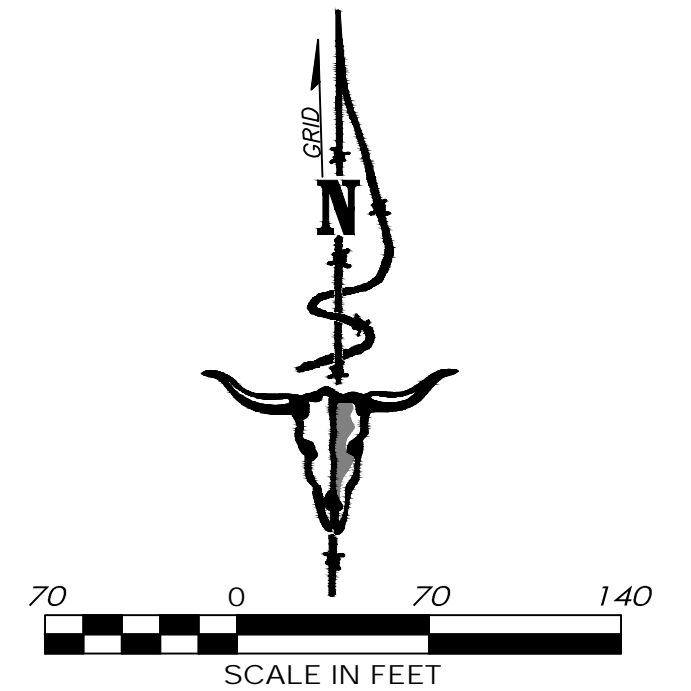
VICINITY MAP



THIS PROJECT



BILLINGS, YELLOWSTONE COUNTY



**BASIS OF BEARING:**  
STATE PLANE MONTANA - ZONE 2500  
GROUND (TRUE) DISTANCES

**RECORD OWNER:**  
TAJ MUKADAM

**SUBDIVIDER:**  
M&J LAND CO. LLC

**DATE:**  
FEBRUARY, 2021

**TOTAL SUBDIVISION AREA:**  
24.52 ACRES (GROSS)  
17.97 ACRES (NET)

COS 2001  
PARCEL A  
McNALL, JUDY C  
1743 S 64TH ST W  
BILLINGS, MT 59106

SITE DATA	
NUMBER OF LOTS	24
MAXIMUM LOT AREA	1.11 AC
MINIMUM LOT AREA	0.58 AC
AREA OF PARKLAND	1.54 AC
LINEAR FEET OF STREETS	5,000 LF
NET ACREAGE	17.94 AC
GROSS ACREAGE	24.52 AC
EXISTING ZONING	N/A
PROPOSED ZONING	N/A
EXISTING LAND USE	AGRICULTURAL
PROPOSED LAND USE	RESIDENTIAL

- LEGEND**
- (E) = EXISTING
  - (P) = PROPOSED
  - COS = CERTIFICATE OF SURVEY
  - R/W OR R.O.W. = RIGHT-OF-WAY
  - P.R.E. = PRIVATE ROAD EASEMENT
  - U.E. = UTILITY EASEMENT
  - ⊙ = WELL
  - ⊠ = DRAINFIELD
  - = NO ACCESS STRIP

**PERIMETER LEGAL DESCRIPTION**  
TRACT 1A OF AMENDED TRACT 1 CERTIFICATE OF SURVEY NO. 3753, FILED AS DOCUMENT NO. 3939118 IN THE OFFICE OF THE YELLOWSTONE COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 25 EAST, PRINCIPAL MERIDIAN MONTANA, YELLOWSTONE COUNTY, MONTANA.

T. R.	SEC.	1/4
1S	25E	19

**SUBDIVISION IMPROVEMENTS AGREEMENT**

***The Grove Subdivision***  
**Yellowstone County**

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**SUBDIVISION IMPROVEMENTS AGREEMENT**

***The Grove Subdivision***

**This agreement** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between **M&J Land Co LLC**, whose address for the purpose of this agreement is **5233 Blue Heron Dr., Billings, MT 59106**, hereinafter referred to as “Subdivider,” and **YELLOWSTONE COUNTY**, Montana, hereinafter referred to as “County.”

WITNESSETH:

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the Board of Planning recommended conditional approval of a preliminary plat of The Grove Subdivision; and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of The Grove Subdivision; and

**WHEREAS**, a Subdivision Improvements Agreement is required by the County prior to the approval of the final plat.

**WHEREAS**, the provisions of this agreement shall be effective and applicable to The Grove Subdivision upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

**I. VARIANCES**

**A.** Subdivider has requested, and the County hereby grants, the following variances by the Board of County Commissioners from the strict interpretation of the County’s Subdivision Regulations (Chapter 11, Yellowstone County Subdivision Regulations):

1. No variances have been requested for The Grove Subdivision.

## **II. CONDITIONS THAT RUN WITH THE LAND**

- A.** Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- B.** Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C.** There are no existing water rights associated with the parcel prior to subdivision. As part of the subdivision, a Groundwater Application for Beneficial Water Use Permit is being obtained from the DNRC. This permit will cover the individual wells on each lot for domestic and irrigation purposes.
- D.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider, and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E.** Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F.** When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G.** Future maintenance of all public (or common) improvements shall be done through one (1) or more HOA(s) or RSID(s) created as part of the SIA for this subdivision.
- H.** The Subdivider will obtain two Access Permits from County Public Works prior to any construction on any lot within the subdivision. The application will include a site plan showing the designed location of the access and show that it meets the requirements outlined by the DEQ stormwater requirements for the subdivision. These two Access Permits will be for the connections of private roads onto Hesper Road and 64<sup>th</sup> Street West.

Future lot owners inside the subdivision will all access their property from the private road network and a County Public Works Access Permit will not be required.

### **III. TRANSPORTATION**

#### **A. Streets**

The following roads exist surrounding the subdivision:

- South 64<sup>th</sup> Street West is an existing road located adjacent to and east of the property within a 60' wide County Road Easement.
- As part of this subdivision, 30' of the County Road Easement and an additional 30' of property along 64<sup>th</sup> Street will be dedicated as right-of-way to the County.
- Hesper Road is an existing road located adjacent to and north of the property within a 60' wide County Road Easement.
- As part of this subdivision, 30' of the County Road Easement and an additional 30' of property along Hesper Road will be dedicated as right-of-way to the County.

The Subdivision proposes the following roads:

- Standard asphalt 24-foot-wide private road maintained by the newly created HOA and to be known as Cherry Birch Lane, located within a 60' Private Road Easement throughout the subdivision as shown on the plat.
- Standard asphalt 24-foot-wide private road maintained by the newly created HOA and to be known as Black Maple Way, located within a 60' Private Road Easement throughout the subdivision as shown on the plat.
- Standard asphalt 24-foot-wide private road maintained by the newly created HOA and to be known as White Ash Place, located within a 60' Private Road Easement throughout the subdivision as shown on the plat.

#### **B. Traffic Control Devices**

- One stop sign will be installed at the intersection of proposed Cherry Birch Lane and Hesper Road and one stop sign will be installed at the intersection of proposed Black Maple Way and South 64<sup>th</sup> Street West.

#### **C. Access**

- All twenty-four (24) of the proposed subdivision lots will access off of the internal subdivision road network.

### **IV. EMERGENCY SERVICE**

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (Fire Suppression Tank) in place to allow for fire suppression requirements. Fire apparatus access roads and water supply requirements shall be provided in accordance with the Fire Protection Requirements as noted in the Yellowstone County Subdivision Regulations.

A 30,000 Gallon Fire Suppression Tank will be provided in the south portion of The Grove Subdivision adjacent to proposed Black Maple Way. The design and construction will be reviewed and approved per BUFSA requirements. A RSID will be created to maintain the fire tank.

## **V. STORM DRAINAGE**

All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by MDEQ, or its designee.

- Stormwater detention facilities are proposed within The Grove Subdivision. Increased stormwater will be mitigated with culverts, roadside ditches, and drainage swales as well as the detention facilities proposed within the development.

## **VI. UTILITIES**

### **A. Water**

In accordance with Section 4.9 Yellowstone County Subdivision Regulations, the following has been proposed:

- Each lot is to be served by an individual water well.
- The Montana Department of Environmental Quality approval letter will be submitted with the final plat.

### **B. Septic System**

In accordance with Section 4.8 Yellowstone County Subdivision Regulations, the following has been proposed:

- Individual subsurface wastewater treatment systems have been proposed for each lot.
- The Montana Department of Environmental Quality approval letter will be submitted with the final plat.

### **C. Power, Telephone, Gas, and Cable Television**

These utilities will be provided within the 60-foot Private Road Easement or the Utility Easements created as part of this subdivision.

## **VII. PARKS/OPEN SPACE**

In accordance with Section 10.2 Yellowstone County Subdivision Regulations, 1.43 acres of parkland has been dedicated as part of The Grove Subdivision which meets the 1.41 acres required by the Yellowstone County Subdivision Regulations. Prior to completion of the subdivision, the parkland areas will need to be planted with grass and have an irrigation system installed and a RSID will need to be created for the park maintenance.

## **VIII. IRRIGATION**

Irrigation for the proposed lots will be provided by the on-site wells to be permitted by the DNRC and DEQ.

The irrigation ditches that exist on and adjacent to this development are for the benefit of other properties. The irrigation ditches shall remain in place and shall not be altered by the Subdivider or subsequent owners without the permission of the irrigation users.

## **IX. WEED MANAGEMENT**

All noxious weeds on the latest Yellowstone County Noxious Weed List shall be controlled on all properties in the subdivision.

The weed plan shall include the following and shall be referenced in this SIA:

- A Weed Management Plan must be filed and updated as needed for approval by the Yellowstone County Weed Department. Said weed management plan shall contain the noxious weeds being addressed and the plan for the control of those weeds. All associated cost for noxious weed control is the responsibility of the owner of record.
- A revegetation plan shall be submitted as part of the management plan. A seeding recommendation can be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

#### **X. SOILS/GEOTECHNICAL STUDY**

A soils/geotechnical study was not required but owners of the lots will be encouraged to perform a site-specific geotechnical investigation that is specific to the type of structure contemplated prior to construction.

#### **XI. PHASING OF IMPROVEMENTS**

The Grove Subdivision proposes that all 24 lots will be developed in a single phase.

#### **XII. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the Planning Board and Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be designed by and constructed under the supervision of a professional engineer competent in civil engineering, licensed in the state of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C. of the Yellowstone County Subdivision Regulations. (In the event that all required improvements are not installed and constructed prior to final plat approval, the Subdivider shall provide a monetary security guarantee in the amount of 125% of the estimated total cost by one (1) of the methods listed in Chapter 5 of the Yellowstone County Subdivision Regulations. If using a security, describe the method in this section)

#### **XIII. LEGAL PROVISIONS**

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

- C.** The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D.** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G.** Subdivider agrees to create any required (or expansion of existing) HOA(s) or RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.



This agreement is hereby approved and accepted by Yellowstone County, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

“COUNTY”

COUNTY OF YELLOWSTONE  
MONTANA

County of Yellowstone  
Board of County Commissioners

By: \_\_\_\_\_

Chairman

\_\_\_\_\_

Commissioner

\_\_\_\_\_

Commissioner

Attest: \_\_\_\_\_

County Clerk and Recorder

STATE OF MONTANA )

: ss

County of Yellowstone )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, known to me to be the Board of County Commissioners and the County Clerk and Recorder, respectively, of Yellowstone County, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of Yellowstone County, Montana.

\_\_\_\_\_  
Notary Public in and for the State of Montana

Printed Name: \_\_\_\_\_

Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_



## **Planning Board**

**Date:** 03/09/2021  
**Title:** Planning Board By-Law Amendment - Election and Seating of Officers  
**Presented by:** Wyeth Friday  
**Department:** Planning & Community Services  
**Presentation:** Yes

---

### **Information**

#### **RECOMMENDATION**

Staff recommends the Yellowstone County Board of Planning amend its by-laws to adjust the schedule for election and seating of officers. The Board will follow Section 5. By-Law Amendments, which states that amendments to the by-laws may be initiated by any member of the board. Such amendments must be submitted, in writing, at a regular meeting and approved by a two-thirds vote of the members present. The proposed amendments are provided in writing attached to this memo to be reviewed and acted upon at this regular meeting of the Board.

#### **BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

Election and seating of Planning Board officers currently involves a three-step process across three Board meetings at the end and beginning of each year. The President of the Board must first appoint a nominating committee made up of three members of the Board. This is done at the first meeting November. The nominating committee then presents its recommendations to the full Board at the first meeting in December. Further nominations may also be made at that meeting. The Board then elects the officers at its first meeting in January and the officers take their seats as of February 1 of each year.

The Board has reviewed this process in the By-Laws and discussed the need to streamline the process to fewer steps at fewer meetings. The Board has directed staff to adjust the process to have the Nominating Committee still be formed in November by the Board President, but the Nominating Committee will make its recommendations at the first meeting in December and the Board will vote on the officers at that meeting. The process is also changed so that the officer terms will begin as of January 1 each year. The attached By-Laws draft has the proposed amendments under Article VII, Section 2 and Article IX, Section 1 B. to the process that the Board agreed to consider. The Board must approve the amendments by a two-thirds vote of the members present.

#### **STAKEHOLDERS**

This amendment to the Board By-Laws does not really affect the public or the public actions the Board takes when reviewing land use applications, transportation plans or other projects or policies. However, the public is able to attend or participate in all Planning Board meetings and may do so for this meeting and agenda item.

#### **ALTERNATIVES**

The Yellowstone County Board of Planning may:

- Approve the amendments to the By-Laws for the process of selection and action on election of Board officers; or,
- Not Approve the amendments to the By-Laws for the process of selection and action on election of Board officers.

#### **FISCAL EFFECTS**

There is no fiscal effect from this By-Laws amendment.

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### **Attachments**

Board By-Laws Amended

**BY-LAWS**

**YELLOWSTONE COUNTY BOARD OF PLANNING**  
**“Serving Yellowstone County, City of Billings, and Town of Broadview”**

**Adopted March 12, 1985**  
Amended September 12, 1989  
Amended: June 8, 1993  
Amended: February 22, 1994  
Amended: February 27, 1996  
Amended: July 24, 2001  
Amended: September 24, 2002  
Amended: May 25, 2004  
Amended: July, 2012  
Amended: March 2021

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## ARTICLE I

### NAME AND LOCATION

#### **Section 1. Name**

The name of this Board shall be the Yellowstone County Board of Planning (hereinafter referred to as the Board).

#### **Section 2. Location**

The Board offices are located on the fourth floor of the Parmly Billings Library, 510 North Broadway (N. 29<sup>th</sup> Street), Billings, Montana.

## ARTICLE II

### DEFINITION OF TERMS

As used in these by-laws.

1. Board: The Yellowstone County Board of Planning
2. City: Billings and Broadview
3. City Council: The governing bodies of Billings and Broadview
4. County: Yellowstone County, Montana
5. County Commissioners: The governing body of Yellowstone County
6. Town: Broadview
7. Town Council: The governing body of Broadview
8. Master Plan: As defined by Section 76-1-601 Montana Codes Annotated
9. Planning Director: That individual so designated by the County Commissioners and City Of Billings
10. Plat: A subdivision of land into lots, streets, and areas marked upon the earth and represented on paper, and includes re-plats and amended plats.

## ARTICLE III

### AUTHORITY, POWERS, AND DUTIES

#### **Section 1. Authority**

The Yellowstone County Board of Planning is authorized under Section 76-1-101 through 76-1-104 and 76-1-111 Montana Codes Annotated and the Yellowstone County Agreement on Planning dated December 10, 1984, and as amended on October 24, 1990, October 1, 1995 and as amended in April of 2002.

#### **Section 2. Powers and Duties**

##### A. Role of the Board:

1. To assure the promotion of public health, safety, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of community development, the planning board shall prepare a Growth Policy master plan and shall serve in an advisory capacity to the local governing bodies establishing the planning board.
2. The Board may also propose policies for:
  - a. Subdivision plats;
  - b. The development of public ways, public places, public structures, and public and private utilities;
  - c. The issuance of improvement location permits on platted and unplatted land;
  - d. The laying out and development of public ways and services and to platted and unplatted lands.
  - e. Long range plans
  - f. Flood plane and floodway area
3. The role of the Board shall be to recommend planning policy to the County, Billings, and Broadview.
4. The Board shall prepare a Growth Policy for the jurisdictional area, as defined in Section 76-1-601 Montana Code Annotated.
5. The Board shall serve as the Metropolitan Planning Organization for the Billings Urban Transportation Area.
6. The Board shall perform other planning related functions as requested by the parties hereto.
  - a. Prescribe uniform rules pertaining and hearings
  - b. Adopt by-laws, which set forth the Board's policies and procedures.
  - c. Recommend an annual work program.
  - d. Keep an accurate and complete record of all proceedings.
7. The Board may, from time to time, comment upon plans and planning related policies subject to review or adoption by Federal or State agencies, and/or may recommend that the County and Cities make appropriate comment on the same.

## ARTICLE IV

### JURISDICTIONAL AREA

#### **Section 1.**

The jurisdictional area of the Board will include all the area in Yellowstone County including the incorporated limits of Billings and Broadview but excluding the incorporated limits of Laurel and the existing jurisdictional area surrounding Laurel.

## ARTICLE V

### OBJECTIVES AND POLICIES

The objectives of the Board as established by State Law, are to enable units of local government within Yellowstone County (except Laurel) to cooperate in promoting the orderly development of those units and their environs by planning for the improvement of the present health, safety, convenience, and welfare of their citizens and the future development of their communities to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with the promotion of the efficient and economical use of public funds.

## ARTICLE VI

### MEMBERSHIP AND TERMS OF APPOINTMENT

#### **Section 1.     Composition**

The Board shall consist of citizen members and may include elected officials.

#### **Section 2.     Membership**

The Board shall consist of fifteen (15) members.

Seven (7) members are to be appointed by the County Commissioners – one (1) from each geographical area determined by the County Commissioners.

Five (5) members are to be appointed by the Mayor of Billings from within the city limits of Billings.

One (1) member to be appointed by the County Commissioners from the governing board of a soil conservation district or a state cooperative grazing district.

Two (2) ex-officio non-voting representatives. One from School District #2 and the County Superintendent of Schools.

**Section 3. Terms**

Members of the Board shall be appointed to 2-year terms pursuant to Section 76-1-203 MCA.

**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.
- B. 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.

**Section 5. Vacancies**

Vacancies occurring on the Board shall be filled by the governing body having appointed them for the unexpired term.

**ARTICLE VII**

**BOARD OFFICER, TERMS, AND DUTIES**

**Section 1. Officers**

The officers of the Board shall consist of a President, Vice President, and Executive Secretary.

**Section 2. Election of Officers**

The President and Vice President shall be elected by a majority of the Board members present and voting at the first regular scheduled meeting in ~~January~~December. The terms of office of the President and Vice President shall commence on ~~February 1~~January 1.

**Section 3. Board President**

The President shall preside over all regular and special meetings of the Board and may vote in the case of a tie or to create a tie. The President shall also sign such documents and communications of behalf of the Board, as the Board may authorize and are of such a nature as to require the signature of the President. The President may in absence delegate such responsibility to the Vice President. The President shall have the authority to appoint in ARTICLE IX Committees. The President shall be an “ex-officio” member of all committees except the nominating committee, and shall retain

voting rights on these committees, and shall be counted as a member for purposes of comprising a quorum.

**Section 4. Board Vice President**

The Vice President, in the absence of the President, shall preside over any regular or special meeting of the Board and at the direction of the President, sign such documents and communications on behalf of the Board, as the Board may have authorized the President to sign.

**Section 5. Office Vacancy**

If the office of the President becomes vacant, then the Vice President shall fill the unexpired term. On assuming this office, the President shall appoint a nominating committee to present their nominations for Vice President.

**Section 6. Officer Absences**

If the President and Vice President are absent from any regular meeting, the Executive Secretary shall call the meeting to order and a quorum of members shall elect a temporary chairperson for the meeting.

**Section 7. Removal of Officers**

If the Board votes no confidence in an office, a motion to remove said officer shall be brought before the Board at its next meeting. Should the motion pass, a new officer shall be elected to serve the remainder of the term of office.

**Section 8. Terms of Office**

All officers shall serve a term of one (1) year. Any officer may serve for successive terms.

**Section 9. The Director of Planning**

The Director of Planning shall function as Executive Secretary (Appendix B), whose duties may include:

- A. Keeping true and correct copies of the minutes of all regular and special board meetings, and the minutes of any committee meetings.
- B. Administering the affairs of the Board in accordance with adopted Board policies and policies of the County.
- C. Recommending policies, ordinances, or resolutions, which may be necessary to accomplish the objectives of the Board and implement the goals of the Growth Policy.
- D. Representing the Board before any other board, commission or committee, or citizen's organization.

- E. Preparing in the name of the Board correspondence, official notices, and agendas.
- F. Signing all plats and affixing the official seal of the board thereon only after such plat has been approved in accordance with the requirements of the Subdivision Regulations, adopted policies and procedures of the Board and only after all requirements have been satisfied.
- G. Reporting at the Board's request the progress and status of any program or project for which the Board has responsibility and changes in State or Federal guidelines, which may affect any of the Board's programs, or status.
- H. Preparing an annual report, this shall include a summary of the Board's activities during the previous year.

## **ARTICLE VIII**

### **MEETINGS, QUORUMS, AND PROCEDURES**

#### **Section 1. Regular Meetings**

Regular meeting of the Board shall be held on the second and fourth Tuesday of each month at 6:00 p.m. in the conference room of the fourth floor of the Parmly Billings Library or in such other place and time as shall be advertised in a conspicuous location in the South lobby of the Parmly Library on the day of the regular meeting. Regular meetings of the Board and its committees are open to the public and testimony or correspondence may be received from any citizen at any public meeting. Regular and special meetings shall be recorded and all records shall be available for public inspection during normal business hours at the Planning Office on the fourth floor of the Parmly Billings Library.

#### **Section 2. Quorums**

- A. A majority of voting members shall constitute a quorum.
- B. No action of the Board is official, however, unless authorized by a majority of voting members in attendance of the Board at a regular or properly called special meeting. Official action can only be conducted when there is a quorum present at any meeting.

#### **Section 3. Special Meetings**

Special meetings of the Board may be called by the President or by any two members upon request to the Executive Secretary three (3) working days prior to the date of the special meeting. The Executive Secretary shall then notify all members of the special meeting and the topic(s) to be considered.

#### **Section 4. Agendas**

The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting. Each agenda shall contain the following standing items:

- 1 **CALL TO ORDER.** Welcome and introduction of new and returning Board Members and staff
- 2 **APPROVAL OF AGENDA,** including any additions or deletions to agenda
- 3 **MEETING MINUTES**
- 4 **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person)
  - a. Comments on items not on agenda and requests to add items to future agendas
  - b. Comments on items on the non-public hearing agenda items
- 5 **DISCLOSURE OF CONFLICT OF INTEREST**
- 6 **DISCLOSURE OF EX PARTE COMMUNICATION**
- 7 **OLD BUSINESS** (items that were not discussed or not completed in a previous meeting or items requiring action)
- 8 **NEW BUSINESS** (items that are new to this meeting)
- 9 **UNSCHEDULED BUSINESS** (items added by the Board)
- 10 **AGENDA ITEMS FOR NEXT BOARD MEETING**
- 11 **ADJOURNMENT**

An agenda item that requires formal action by the Board must first have been discussed at a previous business meeting. On items added to the Agenda by a majority vote of members present, the Board may choose to take action at the same meeting if the item is not of significant interest to the public. To consider an item brought before the Board under Unscheduled Business the item must be placed on the agenda by motion at the beginning of the meeting and approved by a majority vote of the members present. The Board will not take formal action at that meeting but can choose to discuss the item and place it on future agenda for formal action. Agendas and copies of the minutes of all regular meetings shall be distributed to each member of the Board no later than the Friday preceding the meeting date. In addition, all agencies, organizations and individuals that may have an interest in any matter before the Board shall be notified of the upcoming meeting. At the beginning of each meeting the public shall be given the opportunity to address the Board on any item that is not on the current agenda. The Board will not take action on the item at that time, but could choose to add the item to the next regular meeting's agenda for discussion.

#### **Section 5. Public Hearings**

The Board shall cause to be published a Notice of Public Hearing containing the date, time, location, and purpose pursuant to statutory requirements in a newspaper of general circulation for each hearing held by the Board.

##### A. Public Hearings for Subdivisions

1. When a preliminary plat application is set for a public hearing pursuant to a public notice, the matter shall be heard even though no one in favor or in opposition to the application appears at the hearing, unless the Board has received a written request from the subdivider, twenty-four (24) hours prior to the public hearing, to continue such

hearing at a later time due to good and sufficient reason, or to withdraw or to postpone the application for reason approved by the Board.

2. Each person who speaks at the public hearing shall stand and furnish his/her name and address to the Board and shall thereby become a part of the record.
3. Each preliminary plat application shall be heard in the following order:
  - a. A Planning Department staff member shall summarize pertinent data and present or amplify the recommendations of staff and department heads.
  - b. The applicant, or his representative, shall present the application to the Board, and summarize the proposed subdivision and, if applicable, the following criteria of public interests:
    - i. Effects on Agriculture
    - ii. Effects on Local Services.
    - iii. Effects on Natural Environment.
    - iv. Effects on Wildlife Habitat and Wildlife.
    - v. Effects on Public Health and Safety.
    - vi. Effects on Agricultural Users Facilities.
  - c. Persons in favor or opposed to the application shall be heard or written comments received up and until the time of the close of the public hearing.

#### B. Other Public Hearings

1. All other public hearings shall be conducted in accordance with the following procedure unless the Board determines by a majority vote to follow some different procedure:
  - a. The Board shall first hear a report on the subject item from the Planning Department staff, which report may include a recommendation as to the action to be taken by the Board.
  - b. The Board shall then hear and/or receive written or oral statements from the public in the following order:
    - i. Proponents of the proposal.
    - ii. Opponents of the proposal.
    - iii. Members of the public who, being neither proponents nor opponents of the proposal wish to make a general statement or comment regarding the same.
    - iv. The Board shall then hear any brief rebuttal to previous comments, testimony, or statements.
    - v. The Board shall then hear any brief final comments, statements, or recommendations, if any, from the Planning Department staff.
    - vi. Any person wishing to speak a second time may do so only during the proper course of the proceedings, only after all persons wishing to speak

have been heard, and only with the permission of the President or the approval of the majority of the Board members.

2. Prior to hearing and/or receiving oral statements, comments, or testimony from the public, the Board may, by majority vote, impose reasonable and prudent limitations on the time allotted for each person's oral statement, comments, or testimony.
3. The Board or any member thereof, may at any time question any person about his/her statements, comments, or testimony.
4. After hearing any and all statements, comments, and testimony as above provided, the President shall close the public testimony portion of the hearing. After closure, and after such discussion as may be appropriate, the Board may vote upon a recommendation for the item under consideration.
5. Subject to any time constraints imposed by law, the Board may, at any stage of a public hearing or proceeding, continue the same to a later date in order to allow or facilitate full public participation, to obtain additional information, to properly consider or deliberate any matter, or for any other lawful reason. In the case of such continuance, the time and place of all further proceedings in regard thereto shall be immediately fixed and announced to the Planning Department staff and the public, in which case no further legal notice of the hearing need be given.

C. Informal Hearings

The Board, by majority vote, may follow some other procedures for the conduct of hearings.

**Section 6. Quarterly Meetings**

The Board may hold quarterly meetings with the City Administrator, Mayor and City Council, and the Board of County Commissioners. These meetings shall be for bringing all said parties together to discuss planning issues and concerns. Any proposed amendment to the Interlocal Agreement on Planning shall be placed on the agenda for the first available quarterly meeting prior to action by either the City or the County. Quarterly meetings shall be held on the second Tuesday of the first month of each quarter at a time to be mutually agreeable to all of the parties. The responsibility for preparation and distribution of agendas, meeting notices, etc., shall be with the Planning Department.

**Section 7. Interlocal Agreement**

If any party to the Interlocal Agreement on Planning proposes an amendment to said agreement, the Board of Planning shall first be provided a copy of the amendment along with the recommendation(s) for revision. The Board shall request that a joint meeting be held with all of the signatory parties to the Agreement to discuss any proposed amendments, prior to any action by the signatory parties. The Board shall then provide a recommendation to all signatory parties to the agreement. The Board can recommend approval, denial, or modification of any such proposed amendments.

**ARTICLE IX**

## COMMITTEES AND ADVISORY COMMITTEES

### **Section 1. Committees**

The President is responsible for selecting the chairman and individual members of the committee.

#### A. Plat Review Committee

The committee shall consist of the entire Planning Board.

#### B. Nominating Committee

The President shall at the first regular meeting in November appoint three (3) members who will present their recommendations for new officers at the first meeting in December as the first order of business following the approval of the minutes. Nominations from the floor may be made at this time. Election of officers will follow the nominations at first meeting in December (See Article VII, Section 2). The President shall not be a member of the Nominating Committee.

#### C. Special Committees

Special committees for any purpose may be appointed by the President or created by motion of the Board to create and direct the President to appoint its members.

### **Section 2. Advisory Committees**

Citizen Advisory Committees may be established in each of the geographical areas from which a Board member is appointed. The purpose of the committees is to provide advice to the Board on planning related matters of interest to their areas.

### **Section 3. Committee Action**

In no case shall a committee take official action unless a quorum is present.

## **ARTICLE X**

### **LEGAL ASSISTANCE**

The Board shall seek legal assistance from the attorneys for the appropriate governing body.

## ARTICLE XI

### FINANCING

#### **Section 1. Board Financing**

As provided through MCA 76-1-306 the governing body shall assign staff employed by the governing body to assist the planning board in conducting its duties. The planning board may delegate to assigned staff the authority to perform ministerial acts in all cases except when final action of the planning board is necessary. The governing body may make contracts for special or temporary services and any professional service. The following MCA sections also govern the fiscal administration of the Planning Board:

##### **76-1-401. Fiscal Administration.**

- (1) To effectuate the purpose of this chapter, the board shall have the power and duty to:
  - (a) supervise the fiscal affairs and responsibilities of the board;
  - (b) prepare and submit to the governing bodies represented on the board an annual budget in the same manner as other departments of the city and county governments and shall be limited in all expenditures to the provisions made therefore by the governing bodies represented upon the board.
- (2) The planning board shall have authority to expend, under regular city or county procedure as provided by law, all sums appropriated to it for purposes and activities authorized by this chapter.

##### **76-1-402. Funding of board operation.**

- (1) After a city council has by ordinance, a board of county commissioners has by ordinance and resolution, or a city council and board of county commissioners have by ordinance and resolution created a planning board, the governing bodies represented upon such board may appropriate funds to carry out the duties of the planning board.
- 2) When a planning board has been created by agreement of more than one governmental unit, the governing bodies of the governmental units which have created the board shall agree upon the proportion of expenditures to be borne by each such unit and may budget and appropriate the funds necessary for the respective shares thus agreed upon.

#### **Section 2. Financial Summary**

The Planning Director shall provide a financial summary of the Department budget to the Board as requested.

## ARTICLE XII

### PROGRAM DEVELOPMENT

Each year, under direction of the Board, the Planning Department shall prepare a Unified Planning Work Program (UPWP).

The UPWP shall outline all proposed work activities for the year and indicate funding sources for each.

The primary purpose of the UPWP shall be to maintain certification as the Metropolitan Planning Organization (MPO) through the Montana Department of Transportation and the Federal Highway Administration (FHWA). The secondary purpose shall be to provide the Board and administrative guide to monitor yearly work activities of the Planning Department.

## **ARTICLE XIII**

### **MISCELLANEOUS**

#### **Section 1. Conflict of Interest**

Any member(s) having a financial or personal interest in a matter before the Board for discussion or vote shall publicly disclose the nature and extent of such interest and absent himself from the meeting until discussion on the matter has ended and a vote, if any, is taken. In such circumstances, the secretary shall note in the minutes that a conflict of interest was acknowledged and the Board member(s) was absent during the discussion and voting.

#### **Section 2. Travel**

Authorization of travel of any Board member to attend a conference, convention, or other meetings necessary to carry out the affairs of the Board must be approved by the Board and the appropriate governing body represented by the board member. Upon return, the Board member must submit a written summary of the expenditures and activities.

#### **Section 3. Distribution of Planning Studies**

Pertinent studies of interest to certain entities may be distributed to interested parties and local media. Additional copies may be made available to the public at the cost of publication or duplication.

#### **Section 4. Plan Study and Adoption**

The Board shall formally adopt all plans or studies by resolution. Such resolution shall clearly state the authorization for the particular plan or study, the findings of fact, which necessitated its preparation and the recommendation to the respective governing bodies relative to action necessary to implement the objects of the plan or study.

#### **Section 5. By-Law Amendments**

Amendments to the By-Laws of the Yellowstone County Board of Planning may be initiated by any member of the Board. Such amendments must be submitted, in writing, at a regular meeting and approved by a two-thirds vote of the members present.