

# 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	03/09/2021	03/23/2021	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	1	1																	
<b>Heidi Jensen-Christison</b>	Mayor/Billings Ward II	1	1	E	1	1	E																	
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1	1	1																	
<b>Darell Tunnickliff</b>	Mayor/Billings Ward IV	1	1	1	1	1	1																	
<b>Jon Thompson</b>	Mayor/Billings Ward V	1	E	1	1	E	1																	
<b>Troy Boucher</b>	YC District 1	1	1	1	E	1	E																	
<b>Dennis Cook</b>	YC District 2	1	1	1	1	1	1																	
<b>Vacant</b>	YC District 3	-	-	-	-	-	-																	
<b>Vacant</b>	YC District 4	-	-	-	-	-	-																	
<b>Woody Woods</b>	YC District 5	1	1	1	1	1	1																	
<b>Vacant</b>	YC District 6	-	-	-	-	-	-																	
<b>Jarett Hillius</b>	YC District 7	1	1	1	E	1	1																	
<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-																	
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	-	-	-	1	E																		

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**March 23, 2021**

### **Virtural Video Conference Format**

*Approved by a motion on April 13, 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, March 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 March 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; Monica Plecker, Planning Division Manager; Dave Green, Planner II, Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works

**Other Participants:** Kolten Knatterud, Territorial Landworks/IMEG; Taj Mukadam, applicant; Jim Tavelin, SBURA Coordinator

**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 March 23, 2021 Agenda**

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

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

**Board member Tunncliff moved and Board member Hillius seconded the motion to approve the March 9, 2021 meeting minutes. The motion carried with a unanimous voice vote.**

**Public Comment:** President Woods asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public might be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There were no public comments. President Woods announced the public call in phone number: 406-237-6165.

Planning Clerk Tammy Deines reported no calls for public comment.

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

**7a. 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.**

Planner Dave Green opened this agenda item with an overview of the Staff Report. Staff received a letter from Citizen Sherri Steilen, 6600 Hesper Road. Ms. Steilen voiced concern with the location of the power line and requested coordination with Northwestern Energy with the applicant's agent. Planner Dave Green forwarded this request to the NorthWestern Energy representative. This application will be considered by the BOCC on April 20, 2021.

### **INTRODUCTION**

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. The land is currently farmland.

### **RECOMMENDATION**

Staff recommends that the Yellowstone County Planning Board recommend to the Board of County Commissioners to conditionally approve the preliminary plat of The Grove Subdivision 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 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 on how the roads will be

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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 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.

### **Discussion**

President Woods called for questions and discussion. There was none.

### **Public Hearing**

President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against The Grove Subdivision.

### **Kolten Knatterud, IMEG/Territorial Landworks, Billings, MT**

Kolten Knatterud represents owner/applicant Taj Makadam. He said the applicant has had conversations with NorthWestern Energy regarding the location of the power line.

### **Taj Mukadam, Applicant, (no address given)**

Applicant Taj Mukadam said he spoke with NorthWestern Energy, and they have forwarded the request to their land department for investigation. They will contact Sherri Steilen with possible solutions. Currently the power lines service the Steilen's shop/outbuilding. Dave Green said the Board might add an additional condition of approval to address this. Taj Mukadam said he is not aware of an easement for the power line. He said he would like to hear the recommendations and he is willing to work with all parties involved to get a resolution. Discussion followed on the possibility of an easement for the power line. Board member Larsen asked who bears the burden of cost of moving the power line. President Woods commented on the proposed crosswalk. Taj Mukadam said they intend to build an ADA compliant ramp at the corner of Hesper and & 64<sup>th</sup> Street West. They are considering

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constructing east-west pathway for students to access the current crosswalk. Discussion followed on the best location for the trail way. There will be about 45-ft of green scape from the current edge of road to the right-of-way as shown on the plat. Taj Mukadam said the goal is to convey students across Hesper Road safely. The proposal is for a 6-10-foot wide hardscaped walking path that will connect to the intersection. They are requesting the County put in a striped crosswalk that goes north to south on Hesper to accomplish this. President Woods said he would be in favor of this proposal and suggested the applicant work with Yellowstone County Public Works to get this resolved. In response to question by President Woods, Kolten Knatterud explained the workings of the proposed evaporation septic systems. Director Friday said it might be helpful to add a condition of approval that an easement for the powerline be provided prior to final plat approval or address it by a relocation survey.

President Woods asked if there is anyone else wishing to speak in favor or against The Grove Subdivision. There was none. President Woods closed the public hearing and called for a motion.

### **Motion**

Board member Cook made a motion and Board member Hillius seconded the motion for Planning Board to forward a recommendation to the Board of County Commissioners to conditionally approve the preliminary plat of The Grove Subdivision and adopt the Findings of Fact as presented in the staff report. An additional conditional of approval will be added that an agreement will be reached or an easement on the west side of this subdivision to provide location for the power lines prior to final plat approval.

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

## **8. NEW BUSINESS**

**8a. Motion/Recommendation. South Billings Urban Renewal, (SBBURA), District expansion and Plan amendment conformance with the 2016 City of Billings Growth Policy. Director Wyeth Friday, presenting.**

Discussion was held by the Board regarding making a motion and recommendation this evening. It is the consensus of the Board to hear the presentation this evening and forward a motion during the next meeting on April 13, 2021.

Jim Tavelin, SBBURA coordinator, introduced himself. He has been working with Director Friday to bring tonight's presentation.

### **RECOMMENDATION**

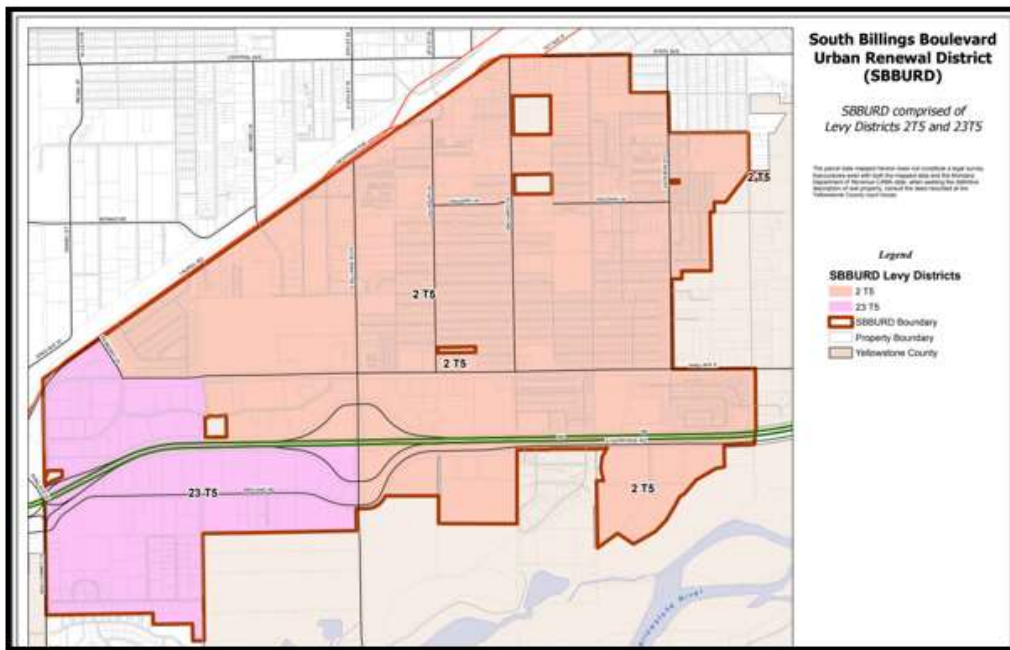
Staff recommends the Yellowstone County Board of Planning review the proposed District expansion and Plan amendment, and make a recommendation to the City Council that the expansion and plan amendment are in conformance with the 2016 City of Billings Growth Policy.

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## BACKGROUND

South Billings Urban Renewal Association Coordinator Jim Tavelin is working with Planning and Community Services Department Director Wyeth Friday for the past 8 months has been in contact with property owners and agents interested in having property included in the South Billings Boulevard Urban Renewal District. Several of these properties face significant hurdles to development with property conditions and cleanups, and public infrastructure needs that align with the goals and purpose of urban renewal efforts in South Billings. City staff also is proposing Riverfront Park be included in the District expansion as the SBBURD Urban Renewal Plan calls for park improvements and amenities, and Riverfront Park has significant infrastructure deficiencies as well as park amenity needs. The proposal to expand the District was brought to the City Council at a Work Session in December 2020 and Council directed staff to move forward with the process to expand the District in 2021. This action by the Planning Board is one of the critical steps to move the process forward to the City Council for action on the expansion.



South Billings Boulevard Urban Renewal District  
Expansion Proposal



## Growth Policy Conformance

Montana's Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43) requires that the urban renewal district conforms to the community's growth policy. This proposed expansion of the SBBURD is consistent with the current Growth Policy:

- **Essential Investments (relating public and private expenditures to public values)**
  - Developed parks that provide recreation and special amenitie
  - Infill development and development near existing City infrastructure
  - Infrastructure investments that stabilize or improve property values, secure future utility costs
- **Community Fabric (attractive, aesthetically pleasing, uniquely Billings)**
  - Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- **Home Base (healthy, safe and diverse housing options)**
  - A mix of housing types that meet the needs of a diverse population is important

**Staff recommends that the Board:**

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- Review the expansion of the South Billings Boulevard Urban Renewal Plan
  
- Affirm for the City Council that the expansion proposal is in conformance with the 2016 City of Billings Growth Policy

**Discussion**

President Woods called for questions and discussion. He asked if the plan is to annex Riverfront Park, a City owned property located within the County. Director Friday said the Atkins property and Driscoll properties are privately owned; and both properties will be annexed. He clarified the summary document provided to the members of the Board. Board member Thompson said the parcel that includes Josephine Park is not included. Director Friday said the property is proposed to be included but the Parks Department is holding discussions with the State, as currently these parcels are leased. The intent is to include all of the parcels around Josephine Lake and Cochran Lake. Coordinator Jim Tavelin said they are trying to be proactive with the intent of providing funding for assets along the river and park areas. Board member Thompson said this is a good move and he is in favor of this process.

Discussion followed on the sunset period of the tax increment district. Director Friday commented that schools are eligible to apply for tax increment financing to fund capital projects. Board member Tunnicliff pointed out this does not pay for teachers’ salaries.

Coordinator Jim Tavelin said the TIFD created a reserve and significant improvements in infrastructure might not have happened without the investment in a renewal district. He stressed this is a direct outreach to improve the quality of life for those that live in the district. He said they started with sewer and road improvements with an investment of over \$20 million and can move forward with community amenities. He said when this district sunsets in 2040, it will be a huge windfall for the City of Billings. The TIFD supports the investment in the schools and other community amenities. Board member Tunnicliff pointed out that the 20-year sunset of the district is a long period, and this affects other entities who rely on tax dollars. He asked about the proposed recreation center and swimming pool project. Jim Tavelin said they are creating a concept plan for a combination of recreation facilities in an area adjacent to Amend Park. He hesitated to divulge further as they are so early in the project. Wyeth Friday said City Council in coordination with SBBURA, has a capital improvement plan project for a recreational facility.

\*\*The Planning Board will forward a recommendation on this agenda item during the April 13, 2021 meeting.

**8b. Presentation. Board Discussion. “Yellowstone County Growth Policy 101”, Planning Division Manager Monica Plecker.**

Ms. Plecker said she plans to bring forward a draft growth policy for consideration this spring. She opened a presentation and followed the outline below.

- **What is a growth policy?** A visioning document. It looks back on historical trends and based on those trends where are you going and how do you get there.
- **Growth Policies are not regulatory documents.** It is a guiding document. It serves the community to provide a rational framework for decision making on the issues and opportunities facing a community:
  - Where resources will be committed
  - How land use related issues can be managed
  - Who will do what and when
- **Why prepare a Growth Policy?**
  - To identify community goals and objectives
  - To set priorities in order to allocate resources efficiently
  - To provide a framework and context for: Land Use Regulations, Community and Economic Development Programs; Capital Improvement Planning
- **Contents:** Community Goals and Objectives based on key findings: research, and public input. Goals should be achievable. *The public wants to see results from a planning effort.*
  - **Existing Characteristics & Trends for the Life of the Growth Policy**
  - **Features: Land Use**
  - **Informational Sources:** Census data, Natural Resources information
  - **Implementation Strategies:** description of policies, regulations and other measures to meet the goals and objectives of the policy. A strategy for development, maintenance, and replacement of public infrastructure. Timetable for implementation
  - **Future Land Use Map:** shows land use types and densities that have been determined to be the most desirable for a particular area. It is meant to guide future development, re-development, and annexation.
- **Updates and Revisions (5-year timeline)** A list of conditions that will lead to a revision of the document. State statutes point back to Growth Policies, such as the language in the Findings of Facts for Subdivision review and Zoning reviews.

*A Public Hearing is required prior to forwarding a recommendation to the Board of County Commissioners for adoption.*

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Division Manager Plecker stated this has been a multi-year process and polling was conducted in the smaller County communities. Some of the takeaways were aging in place, healthcare, education, and schools. She said the public open houses were sparsely attended. She commented on the lack of public demand and political will to strengthen the County growth policy.

### **Discussion**

President Woods called for questions and discussion. In response to his question, Ms. Plecker stated the last approved growth policy is the 2008 Yellowstone County Growth Policy.

### **9. OTHER BUSINESS:**

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

**9a1. Meeting format for future Planning Board meetings.** Director Friday said staff would conduct a test on the updated technology in the City Council chambers and another in the Library Community Room in April. He asked the Board about their interest in attending meetings in person as staff plans to try meeting in the Library Community Room in May. President Woods said in-person meetings might encourage more public input. Board member Thompson voiced concern with the need for social distancing as he is struggling with group interaction since the advent of COVID-19. Board member Tunnicliff stated he likes social interaction and he feels there is value with the in person interaction between board members. Board member Stephenson stated he would like to meet in person, as it is important to maintain examples for the public. Board member Larsen commented on the opportunities for improved conversations with in- person meetings. She noted holding hybrid meetings has advantages with the conveniences of participation online. President Woods concurred as it improves quorum potential for action items.

**9a2. Update. Lockwood Town Center.** Director Friday said he will follow-up with Conrad Strobe. Staff has not received a formal request for a preconcert development meeting or zone change applications.

**ADJOURNMENT: 7:55 PM**

**APPROVED BY A MOTION- April 13, 2021**

***--Tamara L. Deines, Planning Clerk***