

# 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	03/24/2021	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	1																			
<b>Heidi Jensen-Christison</b>	Mayor/Billings Ward II	1	1	E	1	1																			
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1	1																			
<b>Darell Tunnickliff</b>	Mayor/Billings Ward IV	1	1	1	1	1																			
<b>Jon Thompson</b>	Mayor/Billings Ward V	1	E	1	1	E																			
<b>Troy Boucher</b>	YC District 1	1	1	1	E	1																			
<b>Dennis Cook</b>	YC District 2	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																			
<b>Vacant</b>	YC District 6	-	-	-	-	-																			
<b>Jarett Hillius</b>	YC District 7	1	1	1	E	1																			
<b>Vacant</b>	Y County Cons. District	-	-	-	-	1																			
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	-	-	-	1	E																			

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**March 9, 2021**

### **Virtual Video Conference Format**

*DRAFT- To be approved by a motion on March 23, 2021*

**PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** Due to the COVID-19 health concerns, the format of the Yellowstone County Board of Planning meeting will be held in a virtual videoconferencing environment. The normal hearing room on the 1st Floor at 2825 3rd Ave North (Miller Building) will be closed during the meeting and no one will be attending this hearing in person. Public comment will be taken only during the Public Comment periods as indicated on the agenda, and during the Public Hearings under the Regular agenda. Comments may be sent to Board via email before 1:00 PM on Tuesday, March 9, 2021. All emails received prior to this time will be read into the record for the public.

The Public may call in during specific Public Comment periods at (406) 237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. Live coverage can be viewed: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>

### **Call the Meeting to Order**

President Woods called the meeting to order at 6:00 p.m. on Tuesday March 9, 2021.

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

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

**Participating Planning staff members:** Wyeth Friday, Director, Planning & Community Services Department; Dave Green, Planner II, Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works

**Other Participants:** Kolten Knatterud, Territorial Landworks/IMEG; Taj Mukadam, applicant

**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 9, 2021 Agenda**

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

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### **Approval of Minutes: February 23, 2021**

**Board member Tunncliff moved and Board member Hillius seconded the motion to approve the February 23, 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 incoming calls for public comment.

**7. OLD BUSINESS:** There is no Old Business.

### **8. NEW BUSINESS**

**8a. Plat Review. Discussion. 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.

### **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.

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

Kolten Knatterud represents owner/applicant Taj Makadam. Mr. Knatterud thanked the Board for this opportunity. Applicant Taj Mukadam is attending. Mr. Knatterud stated they are moving through the DEQ application approval process for the storm water. He stated the parkland dedication would include a path to the school.

Board member Jensen-Christison asked if the property owners will have ditch water rights and she asked if improvements would be made to address the additional traffic generated by this development. Mr. Knatterud stated the current DNRC application assumes homeowners will irrigate with on-site wells. He pointed out that this subdivision is providing cash in lieu for future right-of-way on Hesper Road.

President Woods noted the Homeowners Association will be responsible for maintenance of the private roads, and asked how assessments will be done for maintenance. He commented on his experience with a Rural Special Improvements District, (RSID), which uses tax assessments to fund maintenance. Dave Green said Condition of Approval #2 states the applicant will submit easement documents and a plan as to how the subdivision residents will maintain the roads.

Mr. Knatterud explained the current DEQ submittal would use widened roadside ditches for storm

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water absorption. President Woods commented the installation of a dry hydrant and a well to provide the water supply is a good choice for fire suppression. Board member Hillius asked if DEQ has concerns with locating septic systems near the Canyon Creek ditch. Mr. Knatterud said the southwest lots are within a ¼ mile of the ditch and they will require an evaporation system. He pointed out the affected lots on the survey. Board member Hillius stressed the importance of ensuring the ditches are constructed to handle use as storm drainage systems. Mr. Knatterud said per the new DEQ requirements, the storm frequency to design has been increased in order to size the ditches accordingly. President Woods comments on circumstances where issues were created when homeowners filled in storm water ditches for their convenience.

\*\*A public hearing for The Grove Subdivision will be held during the next Planning Board meeting on March 23, 2021.

### 9. OTHER BUSINESS:

**9a. Motion. Text Amendment of the Planning Board By-Laws. Election and Seating of Officers.** The text amendments below were submitted for Planning Board approval:

#### **Page 4, ARTICLE VII, BOARD OFFICER, TERMS, AND DUTIES**

##### 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.

#### **Page 10. ARTICLE IX COMMITTEES AND ADVISORY COMMITTEES**

##### **Section 1B Nomination Committee**

###### 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.

##### **Discussion**

President Woods stated he is in favor of this amendment. He pointed out that the Planning Board President holds a seat on the Policy Coordinating Committee, (PCC). PCC seats new officers in January.

##### **Motion**

**Board member Tunnicliff made a motion and Board member Larsen seconded the motion to approve the amendments to the Planning Board Bylaws as submitted by staff.**

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### **Discussion**

The Planning Clerk will provide copies of the 2021 Amended Planning Board Bylaws to the members of the Board.

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

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

**9b1. Update. Zoning Boundary Expansion.** President Woods said he and Division Manager Plecker presented the Yellowstone County Commissioners with a letter expressing the Planning Board's interest in expanding the zoning boundary to address issues with incoming subdivision developments. He said the Board's inclination for expansions on the current east and on the west boundary lines.

**9b2. Update. West Meadows Subdivision 2<sup>nd</sup> Filing.** Dave Green said the Commissioners are aware of the potential issues with subdivisions that rely on the use of a pond for fire suppression. He said the Conditions of Approval for West Meadows Subdivision 2<sup>nd</sup> Filing require proof that the BOCC will approve a Rural Special Improvement District to maintain the pond; and the Commissioners were not in approval. The Commissioners also voiced concern with the need for fencing and required a letter from the Laure Fire Department. Dave Green asked Director Friday if these types of issues could be addressed within the subdivision regulations. Director Friday said the local jurisdictional language should be reviewed to see if this might be addressed.

**9b3. METRA Park Board Presentation.** Board member Tunnicliff stated the METRA Park Board hired a consultant to bring information forward to the community in regards to the upgrades to the facility.

**9b4. Future Agenda Items. March 23, 2021 Planning Board Meeting.**

- **Presentation by Division Manager Plecker, "Yellowstone County Growth Policy 101"**, in anticipation of moving forward with adoption of the Yellowstone County Growth Policy Update.
- **Director Friday. Motion/Recommendation to City Council. South Billings Urban Renewal District Expansion.**

**9b5. Meeting format for future Planning Board meeting.** Board member Cooks asked Director Friday if he has any insight as to what format will be used for future Planning Board meetings. Director Friday said the Miller Building first floor conference room is too small to allow for social distancing. He explained that City Council is considering using a hybrid setup to allow for in-person and online citizen participation. The City Council Chambers and the Library Community Room are undergoing technology upgrades to stream meetings. He said he will apprise the Board during the March 23<sup>rd</sup> meeting. Potentially, some of the Planning Division meetings may be able to use the new format in May.

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**9b6. Miller Building.** President Woods said he noticed the BOCC has expressed interest in purchasing the Miller Building. Director Friday said the Planning and Community Services Department is currently housed in this building. He commented the County is definitely focused on the building as well as City Council.

**ADJOURNMENT: 6:45 PM**

**DRAFT—TO BE APPROVED BY A MOTION- March 23, 2021**

*--Tamara L. Deines, Planning Clerk*