

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	04/13/2021	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
Teresa Larsen	Mayor/Billings Ward I	1	1	1	1	1	1	1																
Heidi Jensen-Christison	Mayor/Billings Ward II	1	1	E	1	1	E	1																
Dennie Stephenson	Mayor/Billings Ward III	1	1	1	1	1	1	1																
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	1	1	1	1																
Jon Thompson	Mayor/Billings Ward V	1	E	1	1	E	1	1																
Troy Boucher	YC District 1	1	1	1	E	1	E	1																
Dennis Cook	YC District 2	1	1	1	1	1	1	1																
Vacant	YC District 3	-	-	-	-	-	-	-																
Vacant	YC District 4	-	-	-	-	-	-	-																
Woody Woods	YC District 5	1	1	1	1	1	1	1																
Vacant	YC District 6	-	-	-	-	-	-	-																
Jarett Hillius	YC District 7	1	1	1	E	1	1	E																
Vacant	Y County Cons. District	-	-	-	-	-	-	-																
Scott Reiter	Ex-Officio SD2	-	-	-	1	E		E																

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April 13, 2021

Virtual Video Conference Format

Approved by a motion on April 27, 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, April 13, 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 April 13, 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

Other Participants: Taylor Kasperick, Performance Engineering; Greg Reid, WWC Engineering, Erin Hettinger, WWC Engineering

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 April 13, 2021 Agenda

Board member Cook made a motion and Board member Tunnicliff seconded the motion to approve the April 13, 2021 meeting agenda as amended. The motion carried with a unanimous voice vote.

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Approval of Minutes: March 23, 2021

Board member Cook moved and Board member Jensen-Christison seconded the motion to approve the March 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 calls for public comment.

7. OLD BUSINESS:

7a. Motion/Recommendation to City Council South Billings Urban Renewal, (SBBURA), District expansion and Plan amendment conformance with the 2016 City of Billings Growth Policy. Director Wyeth Friday, presenting.

RECOMMENDATION

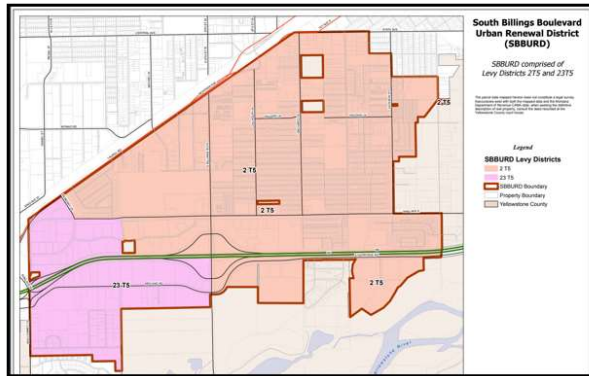
Staff recommends the Yellowstone County Board of Planning review the proposed District expansion and Plan amendment, and make a recommendation to the City Council that the expansion and plan amendment are in conformance with the 2016 City of Billings Growth Policy.

BACKGROUND

South Billings Urban Renewal Association Coordinator Jim Tevlin working with Planning and Community Services Department Director Wyeth Friday in 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 2021 and Council directed staff to move forward with the process to expand the District in 2021. The Planning Board reviewed this item at its March 23 meeting and is scheduled to take action on this item at this meeting. 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.

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South Billings Boulevard Urban Renewal District
Expansion Proposal

The following properties are proposed to be included in the SBBURD expansion:

- Adkins Property - Northeast corner of the intersection of Jackson Street and King Avenue East, about 4 acres, owned by Jason Adkins with an in-holding owned by Robert Ronshaugen.
- Compton Property - 3218 South Frontage Road, about 17 acres, owned by KSKC Properties, LLC (Tim Compton). Property is former Knife River gravel pit that was remediated, annexed into the City and sold to KSKC Properties, LLC in 2015,
- Driscoll Property - 3508 South Frontage Road, about 36 acres, owned by Driscoll Family, LP (sale pending).

- Hogan Property - 3716 South Frontage Road, about 3.6 acres, owned by Evolution HC, LLC. Property was Annexed by the City Council at its meeting on November 23, 2021
- Riverfront Park (City) - East of South Billings Boulevard and north of the Yellowstone River, about 300 acres, owned by the City of Billings, Parks and Recreation.

Wyeth Friday noted that there are some challenges with annexing Riverfront Park, as there is some State inclusion in the area. A summary of the blight findings is compiled along with considerations of condition of the properties and infrastructure needs.

Growth Policy Conformance

The Yellowstone County Board of Planning must review the proposed expansion of the South Billings Boulevard Urban Renewal District and Plan update, and affirm for the City Council that the District expansion conforms to the 2016 City of Billings Growth Policy. Specifically, several Growth Policy Guidelines are addressed by potential development and redevelopment that may occur on properties to be included in the District expansion. Some examples are called out here for the Board's reference:

- **Essential Investments** (relating public and private expenditures to public values) Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community.
- **Walking Paths and Trails** – Construct sidewalks, trails and pathways throughout the District with landscaping to ensure the safety of children and all pedestrians, as well as provide access to neighborhoods and services. The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans. Infill development and development near existing City infrastructure may be the most cost-effective. Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- **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.

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Discussion

President Woods called for questions and discussion. Board member Thompson asked if consideration has been given to annexation of the "Sugar properties" that the City leases as a recreational area. Wyeth Friday said there have been discussions but the property owners are not interested in annexation at this time. It may be considered in the future. In response to question by Board member Tunnicliff, Wyeth Friday said there has been renewed interest in a recreational center and City Council formed a committee to revisit the proposals with the community stakeholders and report the findings to City Council. The committee will also consider the SBBURD bonding capacity and private funding sources.

Board member Tunnicliff asked if the SBBURD would include recreational school type facilities. Director Friday said School District #2 are reevaluation their facilities. They have expressed interest in the proposed recreational facilities, especially for swimming. Board member Tunnicliff stated he is supportive of the proposal for a recreational center as it would be a year-round facility to be used for the neighborhood and the community as a whole.

Board member Tunnicliff voiced concern with the scheduled 32-year sunset period of this district and noted other community entities in need of revenue. Director Friday explained that the law sets the life of the urban renewal district at fifteen years and it can be extended with bonding. The life of the district retires when the bonds are paid off. Across the state, the average period of sun setting is 17-18 years. The challenge with the timeframe with some of the districts is that some districts take a longer period to build financial increments. The South Billings Tax Increment District entertains and supports projects that are school related. Board member Tunnicliff said the course of the remaining period generates 70 million dollars, which is a lot of revenue to be used. He commented the TIFD timeframe seems to be a significant stretch as opposed to the state designation. Wyeth Friday said the EBURD and SBBURA districts were created and bonded, and will retire close to the same time. Board member Tunnicliff said it is difficult to support expansion when we continue to limit the tax base. Board member Jensen-Christison commented the infrastructure may not have been completed in this area if the project had not been bonded. Board member Tunnicliff clarified and stated he is opposed to the length of the term but not the tax increment district itself. President Woods said he is in favor of facilities. He pointed out it is interesting how school districts generally oppose tax increment districts but are looking at putting a football field in this area. Board member Thompson said the benefits derived from the TIFD are projects that would not have been completed without the funding from the district. In the big picture, the school districts have benefitted. He noted there was not a lot of activity in the first years of this district. Wyeth Friday concurred and said this is not uncommon. Board member Tunnicliff said he does not wish to extend this into perpetuity by bonding. Wyeth Friday said there is a cut-off period and it will end when the bonding expires.

Motion

Board member Tunnicliff made a motion and Board member Jensen-Christison seconded the motion for the Planning Board President to execute a letter and forward a recommendation of approval of the South Billings Urban Renewal, (SBURRA), District expansion and Plan amendment in conformance with the 2016 City of Billings Growth Policy.

The motion carried with a unanimous voice vote.

8. NEW BUSINESS

8a. Plat Review. Discussion. Yellowstone Landing Commercial Park. County Major Subdivision. Aviation Properties, LLC Taylor Kasperick, agent. Dave Green, Planner II, presenting.

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

On March 1, 2021, Performance Engineering, agent for Aviation Properties, LLC, applied for preliminary major plat approval for Yellowstone Landing Commercial Park. The proposed subdivision creates 10 lots for commercial development. The subject property is generally located on the north side of Highway 3 and east of A J Way. The property is currently zoned Heavy Commercial (CX). The proposed lots will be developed in compliance with the zoning as the property is developed.

RECOMMENDATION

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of Yellowstone Landing Commercial Park to the City Council and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To 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. To protect public health and safety and to ensure proper documentation for the proposed phasing of the subdivision, prior to final plat approval the applicant will include the Exhibit and Declaration of Restriction on Transfer documents for future phases.
3. 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.
4. 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. Board member Larsen asked about the potential for increased traffic with the subdivision build out and if a traffic plan is in place. Planner Dave Green stated a traffic study is required for commercial subdivision development. Taylor Kasperick, Performance Engineering, stated a Traffic Impact Study, (TIS), has been conducted and submitted to the City Engineering Department and MDT. The preliminary traffic impact study points to the need for a center left turn lane at full buildout of the subdivision. Board member Thompson asked about the storm water management and if storm water will be piped

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under Highway 3 and dumped on the rims. Taylor Kasperick said the current plan is retain the storm water on site on Lot 3 and pump it north to a drainage that makes it way to Alkali Creek. President Woods asked if a temporary turn around on Super Cub Way would be needed to allow for fire protection. Taylor Kasperick said he does not think a turnaround will be required until the second phase of the subdivision.

**A public hearing will be held for Yellowstone Landing Commercial Park on April 27, 2021. City Council Action on May 24, 2021.

8b. Plat Review. Discussion. Lake Hills Subdivision, 39th Filing. Greg Reid, WWC Engineering, agent. Dave Green, Planner II, presenting.

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

On March 1, 2021, WWC Engineering, agent for Ron Hill and John Bruckner, applied for preliminary major plat approval for Lake Hills Subdivision, 39th Filing. The proposed subdivision creates 20 lots from the existing 16 lots for residential development. The subject property is generally located along both sides of Gleneagles Boulevard north of Black Diamond Road. The property is zoned Neighborhood 3 (N3). The proposed lots will be developed in compliance with the zoning as the property is developed.

RECOMMENDATION

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of Lake Hills Subdivision, 39th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with 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 the 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.

* A letter in support of Lake Hills Subdivision, 39th Filing was received by staff from Mike Craighill, 2118 Lake Hills Drive, Billings, MT 59105. He complimented "the many contractors and subcontractors working in and around the Lake Hills Subdivision on their professionalism, care for the area and their contribution to a visually appealing neighborhood".

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Discussion

President Woods called for questions and discussion. There was none. President Woods noted that sidewalks would be installed at the time of the development itself.

**A public hearing will be held for Lake Hills Subdivision 39th Filing on April 27, 2021. City Council will review this application and take action on May 24, 2021.

8c. Plat Review/Discussion. Bitterroot Heights Subdivision, 39th Filing. Rob Neihart, Performance Engineering, and agent. Dave green, Planner II, presenting.

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

On March 1, 2021, PEC Engineering, agent for BCJM Properties, LLC, applied for preliminary major plat approval for Bitterroot Heights Subdivision, 3rd Filing. The proposed subdivision creates 71 lots for residential development. The subject property is generally located on the west side of Bitterroot Drive and north of Mary Street. The property is zoned Neighborhood 2 (N2)**. The proposed lots will be developed in compliance with the zoning as the property is developed.

RECOMMENDATION

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of Bitterroot Heights Subdivision, 3rd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To 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.

**Dave Green noted the zoning denoted in the staff report should be corrected to N3 as the proposed zone change from Ag-(A) to R70-(N2) was denied.

Discussion

President Woods called for questions and discussion. Board member Jensen-Christison asked about the rough terrain and making the lots usable. Taylor Kasperick noted this was previously a gravel pit and there are some areas that will be filled in. President Woods asked where the open area is located on the survey and Taylor Kasperick provided clarification. He said there would be a gravel path along the drainage way that will connect to the subdivision. There is a park plan for the development. The owner will develop the infrastructure to connect to the parkland to the north with

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an internal trail system. The trail way improvements will be maintained through a Parks Maintenance District.

**A public hearing will be held for Bitterroot Heights Subdivision, 3rd Filing on April 27, 2021. City Council will review this application and take action on May 24, 2021.

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 City Council held a work session and a regular business meeting in a hybrid format at the Library Community Room. There were several participants online and in person. Staff plans to work with the City Clerk's office to coordinate a Planning Board meeting at the Library Community Room during the month of May.

ADJOURNMENT: 7:15 PM

APPROVED BY A MOTION- April 27, 2021

--Tamara L. Deines, Planning Clerk