

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

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**April 27, 2021**

### **Virtual Video Conference Format**

*Approved by a motion on May 11, 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 27, 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 27, 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; Applicant Ron Hill

**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 27, 2021 Agenda**

**Board member Cook made a motion and Board member Thompson seconded the motion to approve the April 27, 2021 meeting agenda as submitted. The motion carried with a unanimous voice vote.**

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### **Approval of Minutes: April 13, 2021**

**Board member Tunncliff moved and Board member Cook seconded the motion to approve the April 13, 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 requesting public comment.

President Woods acknowledged the emails from the public. He reminded participants that the Planning Board deals with parcels and subdivision and zoning is outside if the purview of this Board.

### **Emails from the public:**

**Bob & Kristen Engebretson, 2010 Greenbriar Road regarding Lake Hills Subdivision 39<sup>th</sup> Filing.** Emailed to the Board prior to this meeting. Concerns included watershed management and flooding specifically in the area of Sierra Granda Blvd, increased density, and apparent disregard to a common open space in this subdivision.

**Mike Craighill, 2118 Lake Hills Drive regarding Lake Hills Subdivision 39<sup>th</sup> Filing.** Offering support for this project and complimenting contractors working in the area for their professionalism and contribution to a visually appealing neighborhood. This email was acknowledged during the April 13, 2021 meeting

**\*\*Ed & Marci Zink, Residents, 2020 Greenbriar Road-regarding Lake Hills Subdivision, 39<sup>th</sup> Filing.** This email was received after this meeting due to technical difficulties. The letter will be included in materials sent to City Council as a part of the staff report). Ed & Marci Zink, Residents, 2020 Greenbriar Road-Mr. Zink voiced concern with the proposed density, the lack of parkland, and potential impacts to public safety, water and sewer systems, and site lines.

**Richard Waide, 4029 Rifle Creek Trail regarding Yellowstone Landing Commercial Subdivision.** Requesting defeat of the usage change to Heavy Commercial zoning to protect the beauty and sanctity of the area north of the Rims, protect the property values of the residents, and protection of residents and wildlife from escalating traffic problems along the HI way 3 Corridor, including Zimmerman Trail, 27<sup>th</sup> Street, and beyond. This email was included in the Planning Board meeting packet as an attachment.

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**Lindsay Miller, 2614 Bowles Way, Billings, MT regarding Bitterroot Heights Subdivision.** In opposition to zone change to allow for multi-family units and requesting a buffer of single-family units up against existing properties.

### 7. OLD BUSINESS

**7a. Public Hearing. Motion/Recommendation. Yellowstone Landing Commercial Park. City Major Subdivision. Aviation Properties, LLC Taylor Kasperick, agent. Dave Green, Planner II, presenting.**

Planner Dave Green opened this agenda item. He stated a previously conducted Traffic Impact Study required improvements as outlined in the Findings of Fact. The applicant will be required to meet the sidewalk and commercial landscaping required by zoning. City water and sewer will be available and fire hydrant installation will be required. Storm water requirements are for a 50-year event and there will be a detention pond onsite to retain storm water as required. This subdivision will be phased and the applicant will provide the paperwork as part of the conditions of approval.

### 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 protect public health and safety in relation to traffic movement, prior to final plat approval, the applicant will provide City Engineering Department and the Montana Department of Transportation with a Traffic Impact Study, (TIS). Any required improvement identified in the TIS will be installed by the applicant as well as striping AJ Way as outlined in the Findings of Fact.
2. 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.
3. 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.
4. 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.

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5. 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

An email letter from Citizen Richard Wade, 4029 Rifle Creek Trail, was received voicing concerns with traffic.

### **Discussion**

President Woods called for questions and discussion from the Board. There was none.

### **Public Hearing**

President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against Yellowstone Landing Commercial Park Subdivision. There was none. President Woods closed the public hearing and called for a motion.

### **Motion**

**Board member Tunnicliff made a motion and Board member Cook seconded the motion to 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. The motion carried with a unanimous voice vote.**

City Council will hear this application on May 24, 2021.

**7b. Public Hearing. Motion/Recommendation. Lake Hills Subdivision, 39<sup>th</sup> Filing. Greg Reid, WWC Engineering, agent. Dave Green, Planner II, presenting.**

Planner Dave Green opened this agenda item with an overview of the staff report. He explained the applicant does not own the four lots within the filing area that indicate, "NOT PART OF THIS SUBDIVISION" (Lots 1-3, Block 17, Lot 22, Block 11 of 17th Filing). He pointed out areas that will be finished with sidewalk, including Black Diamond Road. The streets will be widened and built with curb, gutter, and boulevard sidewalk. The water line in Glen Eagles Boulevard will be continued along with the existing sanitary sewer connection. There is a Stormwater Master Plan in place for Lake Hills Subdivision, and the applicant will meet the requirements for storm water management. This subdivision will be served by fire and emergency services. Students will attend in School District #2.

### **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.

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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.

Dave Green noted concerns voiced via email from Bob and Kristen Engebretson, 2010 Greenbriar Road, Billings, MT including the potential development of density in this area, traffic, and watershed management. He explained that the storm water system is designed for up to a 50-year storm event and anything beyond this capacity could cause flooding. He asked the applicant's engineer, Greg Reid, WWC, to give further information.

Greg Reid said the City completed a storm improvement project on Morocco Drive to alleviate flooding and help stormwater flows. The City is planning to add inlets on Glen Eagles Boulevard. Regarding future developments, there is a private contract by a developer that will include a large stormwater pond. All parties are aware of the issue and are taking steps to address it.

City Council will hear this application on May 24, 2021.

### **Discussion**

President Woods called for questions and discussion. Board member Thompson asked if there are storm water inlets at Glen Eagles Boulevard and Sierra Grand. Greg Reid, WWC, said there are no inlets at the location at this time but it will be addressed. Board member Thompson noted there is only one small park located on Burning Tree Drive and asked how the parkland was satisfied initially with Lake Hills Subdivision. Dave Green said he has researched this but has not found this information. He said it might have been an agreement that the golf course may have been accepted as parkland. The documents say it was satisfied at that time. Board member Thompson voiced concern, as there are no parks within walking distance of these properties. Board member Stephenson commented that providing a park in the area might address some of the water retention as well. Dave Green responded that the Parks Department does not like to have a detention area within the parkland due to maintenance. Board member Thompson said in the past the storm water detention and parkland were combined which limited recreational use. Board member Stephenson said it seems reasonable to combine them. Board member Thompson said they typically do not function well together.

### **Public Hearing**

President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against Lake Hills Subdivision, 39<sup>th</sup> Filing. Planning Clerk Deines reported no incoming calls. President Woods closed the public hearing and called for a motion.

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### **Motion**

Board member Hillius made a motion and Board member Cook seconded the motion to recommend conditional approval of the preliminary plat of Lake Hills Subdivision 39<sup>th</sup> Filing to the City Council and adopt the Findings of Fact as presented in the staff report. The motion carried with Board member Thompson voting against the motion.

**7c. Public Hearing. Motion/Recommendation to City Council. Bitterroot Heights Subdivision, 3rd Filing. Rob Neihart, Performance Engineering, and agent. Dave green, Planner II, presenting.**

Dave Green clarified and said this property was annexed into the City as Neighborhood 3, (N3), zoning. Traffic will be alleviated with a second exit point through this subdivision. Bolles Way will be contracted to connect with Mary Street with a future filing. Storm water management will be addressed with a previously constructed storm water detention pond. Hawthorne Lane will be improved and widened as buildout occurs. This is served by Fire Station #6 and it is located within School District #2. Sidewalks will be built as the lots are developed.

A letter was received from Citizen Lindsay Miller voicing concerns with traffic, zoning, and density. Planner Dave Green stated the zoning matches the N-3 zoning with the existing homes. Increases in traffic should be addressed with the additional exit point in the subdivision.

### **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.

### **Discussion**

President Woods called for questions and discussion. President Woods commented on the issue of on street parking denoted in the citizen letter.

### **Public Hearing**

President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or

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against Bitterroot Heights Subdivision, third Filing. City Council will hear this application on May 24, 2021.

### Motion

**Board member Tunncliff made a motion and Board member Thompson seconded the motion to recommend conditional approval of the preliminary plat of Bitterroot Heights 39<sup>th</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.**

**8. NEW BUSINESS:** There is no New Business.

### **9. OTHER BUSINESS**

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

- **May 4, 2021 Metra Park Master Plan Design Meeting and Tour Schedule**

Questions about the public engagement sessions can be directed to Tim Goodridge, Assistant General Manager, MetraPark, at 406-256-2414 or to [metrapark@gmail.com](mailto:metrapark@gmail.com).

#### **METRAPARK MASTER PLAN PUBLIC LISTENING SESSIONS**

**Tuesday, April 20, 5:30 p.m.**

Shepherd High School Multipurpose Room  
7842 Shepherd Road, Shepherd, MT 59079

**Tuesday, April 27<sup>th</sup>, 5:30 p.m.**

Lockwood High School Auditorium  
1932 U.S. Hwy 87 E, Billings, MT 59101

**Wednesday, April 28<sup>th</sup>, 5:30 p.m.**

Laurel High School Auditorium  
203 E 8th St, Laurel, MT 59044

**Thursday, April 29<sup>th</sup>, 5:30 p.m.**

Yellowstone Valley Electric Cooperative Community Room  
150 Cooperative Way, Huntley, MT 59037

- **May 11, 2021-Presentation/Discussion. Montana Bureau of Mines and Geology: West Billings Flood Mitigation and Groundwater Recharge Study Updates. Jon Reiten, Senior Hydrogeologist, Montana Bureau of Mines and Geology.**
- **May 25, 2021-Presentation. Discussion. Metra Park Master Plan. Tim Goodridge, Assistant General Manager, Metra Park; Jamie Porter, Grounds & Entertainment, Metra Park.** Board member Tunncliff stated the Metra Park Board desires input and ideas from the community. He said landscaping would be considered as well as structural changes.

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- **May 25, 2021 Planning Board Meeting-** This meeting will be held at the Billings Library Community Room in a hybrid format. Board members may participate in person along with about 15 members of the public. Director Friday said he is unsure of the sustainability of this meeting format as there are many logistical details entailed with this meeting format. The Declaration of Emergency is still in place and legislation was proposed for changes to the public meeting requirements to enable the ability for partial remote/hybrid participation by board members but it did not move forward. When the Declaration is lifted, Boards and Commissions will be required to meet in person and remote participation will not be allowed under the State meeting law requirements. Public participation may be offered remotely. Staff is considering meeting spaces to meet social distancing requirements. *President Woods asked the Board members to contact Wyeth Friday to let him know if they wish to attend in person or virtually.*

**ADJOURNMENT: 7:15 PM**

**APPROVED BY A MOTION- May 11, 2021**

*--Tamara L. Deines, Planning Clerk*