

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	05/11/2021	** 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	E	1														
Heidi Jensen-Christison	Mayor/Billings Ward II	1	1	E	1	1	E	1	E	1														
Dennie Stephenson	Mayor/Billings Ward III	1	1	1	1	1	1	1	1	1														
Darell Tunnicliff	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1														
Jon Thompson	Mayor/Billings Ward V	1	E	1	1	E	1	1	1	E														
Troy Boucher	YC District 1	1	1	1	E	1	E	1	1	A														
Dennis Cook	YC District 2	1	1	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	1	1														
Vacant	YC District 6	-	-	-	-	-	-	-	-	-														
Jarett Hillius	YC District 7	1	1	1	E	1	1	E	1	1														
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-														
Scott Reiter	Ex-Officio SD2	-	-	-	1	E		E	E	A														

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May 11, 2021

Virtual Video Conference Format

Approved by a motion on May 25, 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, May 11, 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 May 11, 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 Dept

Other Participants: Lee Hanson, Jon Reiten, Senior Hydrogeologist, Kevin Chandler, Montana Bureau of Mines and Geology; Scott Aspenlieder, Performance Engineering; Scott Worthington, InSite Engineering, Agent for Regal Land 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 May 11, 2021 Agenda

Board member Tunncliff made a motion and Board member Cook seconded the motion to approve the May 11, 2021 meeting agenda as submitted. The motion carried with a unanimous voice vote.

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Approval of Minutes: April 27, 2021

Board member Tunncliff moved and Board member Stephenson seconded the motion to approve the April 27, 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.

Emails from the public:

- Darren and Julie Miller, owner/operator farm and feedlot, 2007 S 72nd St. West, Billings MT 59106 in opposition to Stone Creek Subdivision.
- Connie Pelican, 5917 Danford Road, Billings, MT in opposition to Stone Creek Subdivision.
- Merton Musser, CAI, Musser Bros. Inc., PO Box 22035, Billings, MT 59104 in opposition to Stone Creek Subdivision.

7. OLD BUSINESS: There is no Old Business

8. NEW BUSINESS

8a. Plat Review. Discussion. Stone Creek Subdivision. County Major Subdivision. Dan Wells, Regal Land Development, applicant. Scott Worthington, InSite Engineering, applicant's agent.

Planner Dave Green opened this agenda item. He noted citizen concerns with traffic and water percolation into the aquifer, "hopscotching", and the lack of contiguous development. As this property land develops, it will be surrounded by farmland and homeowners will need to be aware of potential noise and dust. He commented the County is under discussion about how to handle private infrastructure in public parks.

INTRODUCTION

On April 1, 2021, the Planning Division received an application for major plat approval for the proposed Stone Creek Subdivision. The property is generally located on the northeast corner of the intersection of Neibauer Road and South 64th Street West. This subdivision would create 126 lots from an 80.122-acre parcel of land. The applicant is proposing to develop a 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 Stone Creek Subdivision and adopt the Findings of Fact as presented in the staff report.

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PlnBMinutes_2021_05_11_APPROVED

Reviewed by Planning Staff

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 ensure the subdivision water system works properly, prior to final plat approval, the applicant will provide documentation outlining how the system will be maintained and who will be responsible for ensuring it is maintained.
3. To protect public health and safety and keep public roads without obstructions, prior to final plat approval, the applicant will obtain written permission from County Public Works for any type of obstruction, sign or other item, in the public right of way. This requirement will be included in the SIA under the heading III Transportation A. Streets.
4. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings to Billings Fire Department for review and approval. Once installed, the applicant will request Billings Fire Department to test the system to ensure it works correctly; the applicant will obtain a sign off from Billings Fire Department stating it is functioning correctly. The applicant will also create an RSID for the dry hydrant system.
5. To protect public safety and to ensure future maintenance of the parkland, prior to final plat approval, the applicant follow the requirements of Section 10.6 Yellowstone County Subdivision Regulations to determine the correct amount for the cash in lieu contribution for parkland. The applicant will create and RSID for parkland maintenance for this subdivision. The parkland will also be planted and irrigated to be usable parkland for the residents of the subdivision.
6. 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.
7. 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.
8. 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.
9. 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.

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President Woods commented on subdivisions developed outside of the zoning boundary and the need to consider extend the boundary. He called for presentation by the applicant to provide further information.

Scott Worthington, InSite Engineering, (No address given)

Scott Worthington is representing Dan Wells, Regal Land Development as applicant Dan Wells is unable to attend this evening. Scott said the proposal is to create a neighborhood that is the highest and best use of the land. He pointed to recent Regal Land Developments including Sky Crest Subdivision, which is similar to this proposed development. He said that while this parcel is outside of the zoning district, the lot sizes are consistent with other developments. The lot sizes lend themselves well to community water systems and individual treatment systems. He stated that having the community water system located within the parkland provides a dual use for water for the neighborhood and parkland open space. They have initiated discussions with DEQ and are going through the permitting process to ensure there are no adverse effects. They are working toward obtaining a water right permit from DNRC. Mr. Worthington said these types of neighborhoods become desirable areas. Sidewalks are proposed to provide safety and walkability. Mr. Worthington said this is a well thought out development and they are looking forward to the opportunity to move ahead. Scott Aspenlieder, Performance Engineering is attending.

Discussion

President Woods called for questions and discussion from the Board.

President Woods asked if the irrigation ditch separating the phases on the plat would remain an open ditch and if homeowners will be made aware that there are no ditch rights. Scott Worthington said this will be addressed in the Covenants and Restrictions, and the easement will be depicted on the final plat. The ditch will remain open. At some point a culvert will be installed to cross the ditch.

Board member Tunnicliff asked what purpose parkland serves in a subdivision. Scott Worthington said parks provide a public open space to meet a need that the lots themselves do not meet such as picnic areas, soccer fields, or a tot lot playground. Board member Tunnicliff said he feels the proposed parkland on this plat is not centrally located. It is located at a busy intersection and there could be safety concerns. He said it seems to be designed to fit the need for water wells. He said that often times in developments the parkland is used as filler to provide a benefit to the subdivision and not the residents of the subdivision. He questioned whether this parcel was chosen due to its value in relation to the other lots in the subdivision.

Scott Worthington replied that there is a good separation between the edge of the roads and the useable area of the park. He said having it out front provides an open look and feel to the subdivision. He feels that all of the lots in this development are of equal value. Surface streets are

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provided internally for safety and access control. Board member Tunnicliff said there is only one access point across the ditch. Scott Worthington said another point of connection to the park could be provided on the west side of the parkland. Board member Tunnicliff asked about improvements, and Scott Worthington said the Home Owners' Association would provide maintenance of the park.

Board member Cook asked regarding the traffic and if a traffic study has been conducted.

Scott Aspenlieder, Performance Engineering, said a traffic study was completed to analyze the major intersections. It concluded that these intersections would not see a reduction in levels of service within a mile of the development.

Board member Hillius asked for more detail on the water system as he has concerns with water quality from the shallow wells in this area. Scott Aspenlieder said generally in the west end, wells fail due to nitrate impacts. He stated that this issue is not as significant in this area as there is still a fair amount of irrigation to flush this out. The wells will have a chlorination system and monitored with reports provided to DEQ, which is a significant benefit to the public. Septic systems generally will be an elevated treatment system. Nutrient and nitrate values are relatively low. It will have to comply with State and local regulations. He said that community systems are better than the shared wells. Board member Hillius voiced concern that eventually the chlorination system will not be able to handle potential nitrate issues in the future. He asked if there is any option to connect this community when public water is available. Scott Aspenlieder said one of the benefits of a community water system is it allows for connections and decommissioning of the wells.

Six-inch water lines will be used throughout the development. President Woods said the Home Owners' Association should be kept intact, as a single point of contact will be needed for connection to the City required eight-inch line. Board member Hillius asked about the approval for the various lot sizes, which are ranging from 1/3-acre to 1-acre. President Woods said he lives in an area in which DEQ allowed smaller lots. Scott Worthington explained that lots averaging 1/2 acre lend well to water treatment systems, and 1/3-acre lots allows for primary drain fields. They are proposing Level 2 treatment systems, which are more effective with nutrient removal. Board member Stephenson commented the parkland should be separated in the phases. He asked how parkland cash-in-lieu funds are used. Dave Green said it these funds are dedicated to be used for maintenance or upgrades in parks nearest to the area. Board member Stephenson said he would prefer the parkland be provided. Board member Jensen-Christison said she feels putting the infrastructure in the parkland is a poor location. She asked Dave Green when the County would review and decide whether this can be done in subdivisions. Dave Green said the County has been under discussion and hopes to have information in the next few days.

Public Hearing

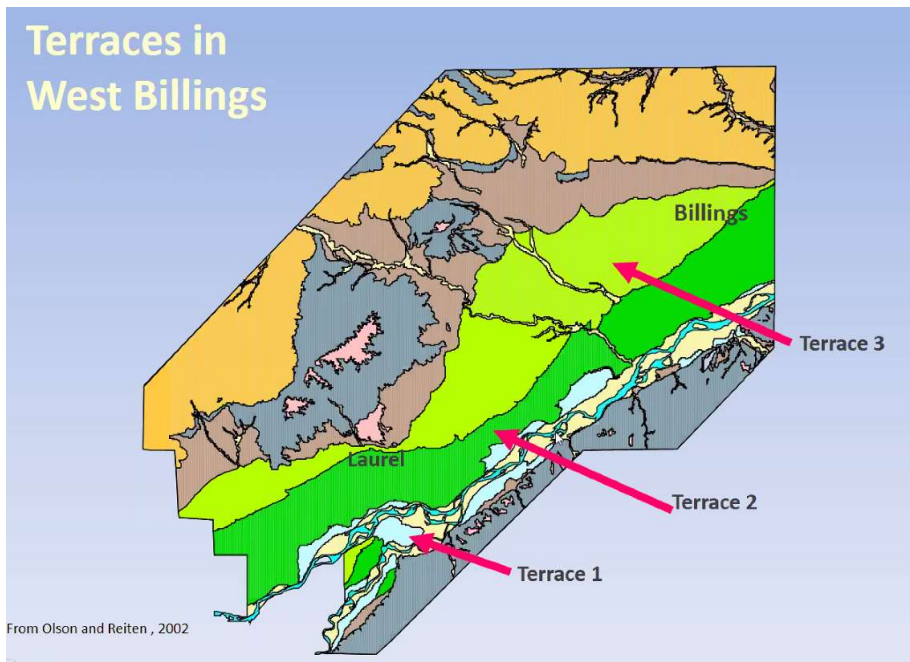
A public hearing for this subdivision will be held during the May 25, 2021 Planning Board meeting.

9. OTHER BUSINESS

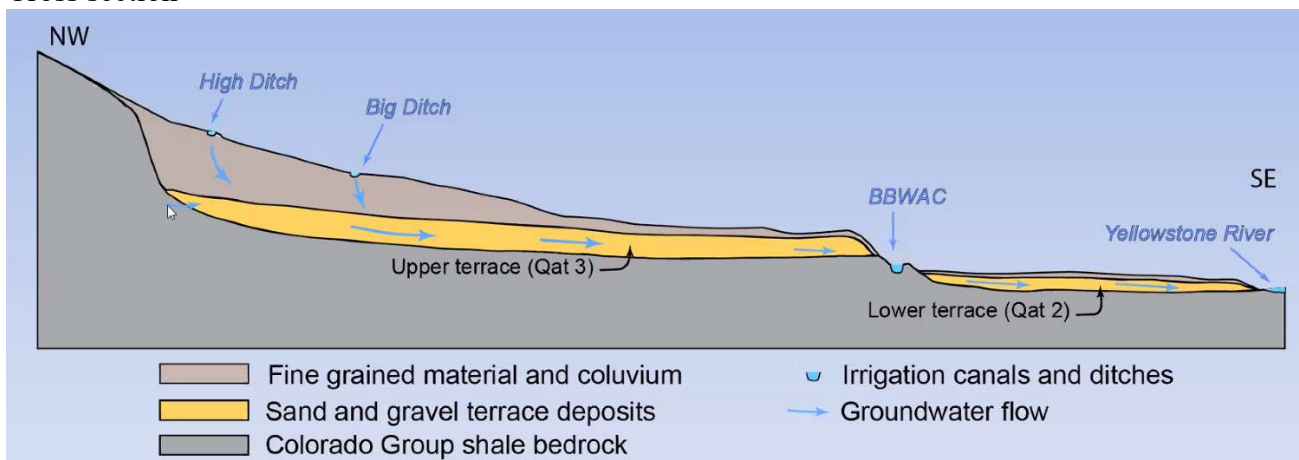
9a. Presentation/Discussion. **Montana Bureau of Mines and Geology: West Billings Flood Mitigation and Groundwater Recharge study Updates.** Jon Reiten, Senior Hydrogeologist, Kevin Chandler, Montana Bureau of Mines and Geology.

Jon Reiten opened this agenda item. He said the City of Billings is interested in submitting a proposal for modeling under legislative funding. They are working with the City and the proposal is due the end of this month. He continued with the presentation.

The groundwater flow models have helped identify increasing nitrate issues in West Billings.

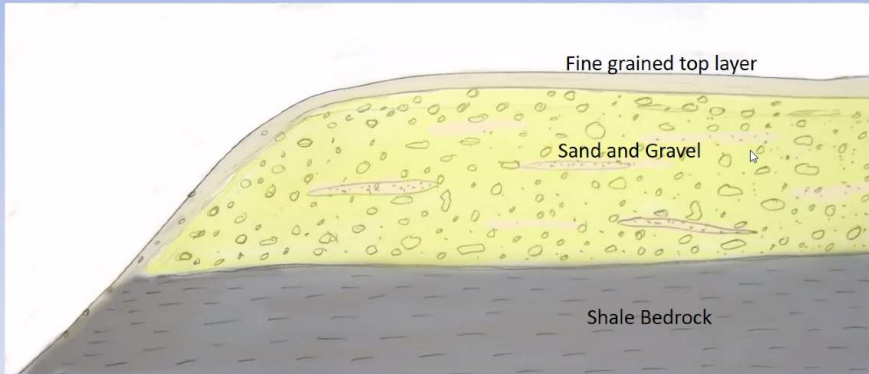


Cross section



The closer the fine-grained top layer is to the terrace edge, the more likely there will be groundwater problems.

Conceptual model of terrace scarp

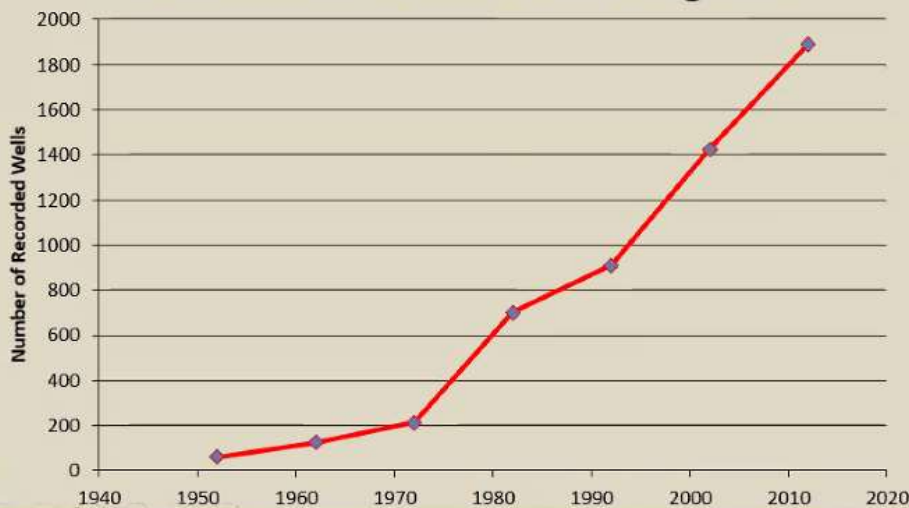


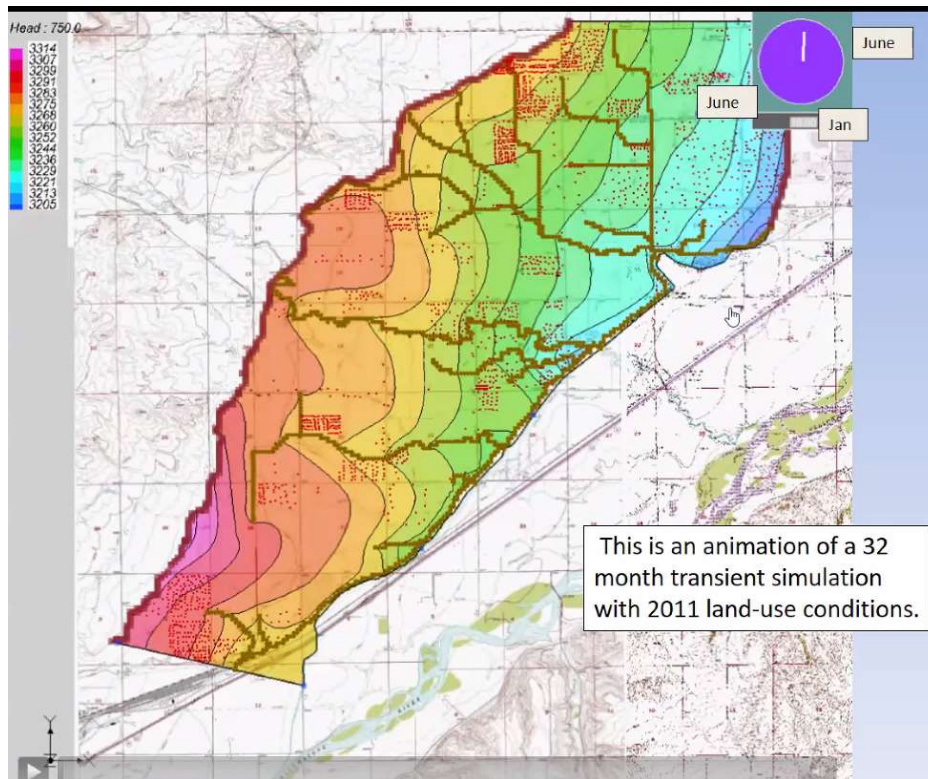
Changes in the West Billings Area

There was a 23% loss of irrigated lands between 1966 and 1999 (Olson and Reiten, 2002).

Analysis of aerial images from 1996 to 2009 showed 2380 acres of irrigated land was lost in the model area at a rate of 180 acres per year.

GWIC Wells in T1S R25E, West Billings Area





Predictive Model Simulations

- A 50 year transient model was programmed to simulate changes from 2008 until 2057
- The recent rate of land-use change for the model area was assumed to remain constant into the future.
- For each model year starting in 2012, approximately 180 acres of irrigated land was developed .
- Wells were added in the developed land to represent lawn irrigation.
- Simulations were run with the ditches on and ditches off to estimate the aquifer response to modeled ditch leakage.

Groundwater Investigation Program (GWIP) Proposal

- Establish a monitoring network to record hourly water-level data.
- Install stream monitoring on surface flows.
- Measure water quality at all sites.
- Expand the groundwater model to a larger area and include particle tracking to answer water quality questions.
- Calibrate to current conditions and evaluate predictions of the 2011 model.
- Simulate current land-use conditions and future development scenarios.

Discussion

Board member Hillius asked what would take place in a scenario in which areas on the west end are developed and there is no flood irrigation to replenish the aquifer. It was explained that the aquifer would have water but if the areas are close to the terrace edge, fresh water may not be available and contaminated water on top of the aquifer will be in the well streams. Board member Hillius said it might be more likely that reverse osmosis will be required.

Kevin Chandler said the City is planning for extension of water services in the area of 72nd Street West. He commented on nitrate issues in Crystal Springs Subdivision related to nearby feedlots. Scott Worthington, InSite Engineering commented that the public water supply for the proposed Stone Creek Subdivision was permitted by DEQ and things such as feedlots were taken into consideration. Question was asked if the west end is comparable to Ballantine. Kevin Chandler said we are at a point where having more information is a good thing. He said that the system in Ballantine is more vulnerable due to the shallow water supply. He pointed out that models are not the actual systems.

Board member Hillius asked if there is anything the Planning Board could do to support the request for modeling. Jon Reiten said eventually a letter of support from the Planning Board would be useful. He said he would like to ensure that the Board's interests are addressed.

President Woods said community water systems are fine but could dry up at some point. He commented that twenty-five years goes by quickly. He said he feels the Board would support the effort and submit a letter of support.

Board member Jensen-Christison asked if it is possible to run different scenarios in the models including scenarios considering global warming. Kevin Chandler said he is able to run models as long as the model locations are known along with the pumping rates. He said one of problems with the West Billings area is that some of the artificial recharge systems may not work. He commented on potential funding sources for modeling.

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Board member Cook asked for thoughts on a future treatment plant. Discussion followed on the rapid rate of development and wells that are not functioning. Board members brought up the need for the City and the County to work together to enact impact fees. Jon Reiten said this could be a good avenue for funding modeling in the future. Director Friday said the City is discussing impact fees for capital expenses for public safety and extensive analysis is needed to move forward. He said the modeling information should be used to our advantage to avoid issues with water in the future. Director Friday asked that Planning Staff and the Planning Board to be kept informed for future engagements.

I9b. Standing Item. Staff Updates. Long Range Strategic Issues and an overview of future City and County issues and projects.

- **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. The technical equipment will be tested on Wednesday. President Woods and Dennis Cook offered to participate as volunteer testers. Early arrival to this meeting is recommended to ensure the devices are connected prior to the meeting for members attending in person. The public hearing for Stone Creek Subdivision will be held on the May 25th agenda along with a METRA Park Master Plan presentation.
→President Woods asked the Board members to contact Planning Clerk Tammy Deines to confirm whether they plan to attend in person or virtually.

ADJOURNMENT: 7:38 PM

APPROVED BY A MOTION- May 25, 2021

--Tamara L. Deines, Planning Clerk