

# 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	06/22/2021	07/13/2021	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	1	E	-	1	1										
<b>Heidi Jensen-Christison</b>	Mayor/Billings Ward II	1	1	E	1	1	E	1	E	1	E	-	E	R										
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1	1	1	1	1	1	1	-	E	1										
<b>Darell Tunnickliff</b>	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1	1	-	1	1										
<b>Jon Thompson</b>	Mayor/Billings Ward V	1	E	1	1	E	1	1	1	E	1	-	1	E										
<b>Troy Boucher</b>	YC District 1	1	1	1	E	1	E	1	1	A	E	-	1	E										
<b>Dennis Cook</b>	YC District 2	1	1	1	1	1	1	1	1	1	1	-	A	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	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	1	1	-	1	E										
<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-										
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	-	-	-	1	E		E	E	A	1	-	E	E										

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**July 13, 2021**

### **Virtual Video Conference Format**

*DRAFT- To be approved by a motion on July 27, 2021*

### **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.**

As legally advertised, The Yellowstone County Board of Planning will meet July 13, 2021 in the Miller Building 1<sup>st</sup> Floor Conference Room.

Citizens are invited to:

→Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>

→View the meeting live online at Facebook: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
  - Email: [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov)
- Call in during the Public Comment periods as indicated on the agenda:
  - Citizens may call in during specific Public Comment periods at **406.237.6165**. All callers will be placed 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 limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

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

President Woods called the meeting to order at 6:00 p.m. on Tuesday July 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.

Prior to this Board member Jensen-Christison submitted a letter of resignation for Planning Board Mayor of Billings/Ward II.

**Participating Planning staff members:** Wyeth Friday, Director, Planning & Community Services Department; Scott Walker, Transportation Coordinator; Dave Green, Planner II; Tammy Deines, Planning Clerk; Rusty Logan, Transit Manager;

**Others in Attendance:** Michael Sanderson, Sanderson Stewart; Rusty Logan, MET Transit Manager

**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.

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### Approval of the July 13, 2021 Agenda

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

### Approval of Minutes: June 22, 2021

Board member Stephenson moved and Board member Larsen seconded the motion to approve the June 22, 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.

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

### **7a. Public Hearing. Motion/Recommendation to PCC. Administrative Update. 2021 Billings Urban Area Unified Planning Work Program, (UPWP), Scott Walker Transportation Coordinator, Rusty Logan, MET Transit Manager**

Scott Walker opened this agenda item and introduced Rusty Logan, MET Transit Manager. He explained that the Work Program identifies funds that can be expended from a budgetary standpoint. This amendment is due to Federal funds coming into the system for transit. Staff presentations were given during the June 22, 2021 Planning Board meeting.

#### INTRODUCTION

- Metropolitan Planning Organization (MPO) must be established in communities over 50,000 in population to do transportation planning and be eligible for federal transportation planning funds. Both the MPO and the local designated transit provider must submit a work program outlining intended activities annually.
- The Work Program and subsequent amendments are reviewed and recommended for approval by the:
  - Technical Advisory Committee (TAC)
  - Planning Board
  - Yellowstone County Commission
  - City Council
  - Policy Coordinating Committee
  - Montana Department of Transportation (MDT)

#### AMENDMENT #1

- MET Transit planning funding is typically received in accordance with 49 USC section 5303, a funding source that is intended for urbanized area transit planning
- MDT has opted to transfer a balance of unused section 5304 funds (typically used for rural area transit planning) to the City of Billings
- Transferred funds will be programmed into the 5303 program via the proposed amendment; as with previously programmed funds, these are subject to a 20% local / 80% federal match.

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- Using these funds, MET Transit will expand on previously programmed activities surrounding development of a Transit Development Plan and a Marketing Strategy Plan. These changes effect plan elements of “Future Service Enhancements” and “Current Service Enhancements.” MET had originally intended development of these plans in house but will solicit proposals from planning and development firms for assistance after the amendment is finalized.
- The total amount of additional federal funding is \$60,000, requiring \$15,000 in local match for a total program change of \$75,000.

TRANSIT FUNDING CHANGES				
ORIGINAL UPWP 21 FUNDING PER ELEMENT				
WORK ELEMENT	FUNDING SOURCES FY 2021			STAFF HOURS
	LOCAL	FTA	EST. COST	
44.21.01 Administration	\$5,743	\$22,973	\$28,716	353.40
44.24.01 Future Service	\$18,906	\$75,623	\$94,529	1026.00
44.24.02 Current Service	\$14,734	\$58,935	\$73,669	950.40
44.25.01 T.I.P.	\$2,034	\$8,138	\$10,172	125.18
44.26.15 ADA Service	\$14,064	\$56,257	\$70,321	907.20
Planning Software	\$3,000	\$12,000	\$15,000	N/A
<b>TOTAL</b>	<b>\$58,481</b>	<b>\$233,926</b>	<b>\$292,407</b>	<b>3362.18</b>

  

AMENDED UPWP 21 FUNDING PER ELEMENT				
WORK ELEMENT	FUNDING SOURCES FY 2021			STAFF HOURS
	LOCAL	FTA	EST. COST	
44.21.01 Administration	\$5,743	\$22,973	\$28,716	353.40
44.24.01 Future Service	\$31,906	\$127,263	\$159,529	1047.60
44.24.02 Current Service	\$16,734	\$66,935	\$83,669	976.18
44.25.01 T.I.P.	\$2,034	\$8,138	\$10,172	125.18
44.26.15 ADA Service	\$14,064	\$56,257	\$70,321	907.20
Planning Software	\$3,000	\$12,000	\$15,000	N/A
<b>TOTAL</b>	<b>\$73,481</b>	<b>\$293,926</b>	<b>\$367,407</b>	<b>3409.56</b>

**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 this agenda item. There was none.

**Motion**

President Woods closed the public hearing called for a motion.

**Board member Cook made a motion and Board member Stephenson seconded the motion to forward a recommendation to the Policy Coordinating Committee of approval of the Administrative Update to the 2021 Billings Urban Area Unified Planning Program, (UPWP), as presented by staff.**

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

**7b. Public Hearing. Staff Presentation. Board Discussion. 5th Avenue North Corridor Feasibility Study. Michael Sanderson, Sanderson Stewart, presenting. Scott Walker, Transportation Coordinator**

Scott Walker opened this agenda item and explained the need for a feasibility study for the 5th Avenue North Corridor. He said this study finds the project to be feasible, and it has been a good

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process from start to finish. The Oversight Committee was committed throughout the process.

## Project Area



## BACKGROUND

The Billings Metropolitan Planning Organization (MPO) is presenting the 5th Avenue North Corridor Feasibility Study to the Planning Board with the intent to have the Planning Board make a positive recommendation to the to the Policy Coordinating Committee (PCC). The MPO hired Sanderson Stewart through a competitive process to develop the 5th Avenue North Corridor Feasibility Study. The goal of the 5th Avenue North Corridor Feasibility Study is to analyze opportunities to develop transportation connections to, from, and within the corridor for non-traditional and non-motorized facilities and identify connectivity opportunities to the existing transportation system in the area. The study was developed with assistance of a Project Oversight Committee (POC). The committee included representatives from Planning, City Engineering, County Public Works, MET Transit, local and state Montana Department of Transportation (MDT) staff, Billings Industrial Revitalization District (BIRD), Schnitzer Steel, East Billings Urban Renewal District (EBURD), Downtown Billings Alliance (DBA), Billings TrailNet, YMCA, and the Federal Highway Administration (FHWA). In addition to regular meetings of the POC, two public meetings and outreach to property owners were held as well as emailed updates to the City Council and Board of County Commissioners. More on stakeholder and public involvement meetings and opportunities are outlined further in this memo.

Scott Walker introduced Project Consultant Michael Sanderson, Sanderson Stewart.

## PRESENTATION

Project consultant Michael Sanderson presented an overview of the 5<sup>th</sup> Ave North Feasibility Study. He stressed that this is a feasibility study. During public outreach meetings, they asked stakeholders and the public to consider opportunity visioning, “What if...” and presented concepts of rail corridor elements in other communities.

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**Project Purpose and Area:** This is a non-traditional non-motorized corridor. The project purpose is to:

- Analyze opportunities to develop transportation connections for multi-modal uses to the existing transportation system.
- Provide broad opportunities for community involvement

**Study Process:** Site Analysis; Stakeholder Meetings; Virtual Open House; Assessment of Feasibility; Vision Development; Project Oversight Committee

**Corridor Conditions:** This is a diverse corridor. The east side is industrial with active rail line and the west end of the corridor holds the Central Business District.

### **Discussion**

In response to question by Board member Larsen, Michael Sanderson said the primary social concern is that a walking path could become a nuisance and a place for homelessness. He said the one of the outreach meetings included representatives from the Downtown Resource Offices, Non-profit social services agencies; St Vincent DePaul; and two homeless citizens who gave input from their perspective. Board member Stephenson asked about a trolley using the existing railroad tracks. Michael Sanderson explained that most trollies do not traverse on heavy rail lines, and in this case, the idea of a train using existing tracks may not be feasible.

**Identified Opportunities:** Create connection to important areas; Diverse corridor with diverse users; Dedicated corridor for bicycles and pedestrians; Build off our railroad history; MRL is open to continuing conversations about reviewing design plans; Connection to private investment of adjacent properties; Create activity with a place making component.

**Identified Concerns:** Safety-traffic and social issues; the 27<sup>th</sup> Street Intersection; Long underused property sections; Activity during winter conditions

**Corridor Goals:** Connect the Community through multi-transportation corridor; Create a transformational and inviting public space; Increase Corridor Visibility; Atmosphere of Safety; Leverage Community Partnerships

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- **Corridor Vision:**
  - **Linear Park-west end of corridor:** Connection to key Billings Downtown institutions. Character Opportunities: Increased green space; Multi-Use Trails; Branded Spaces; Art Display; additional incorporation of and collaboration with private development that complements route
  - **Wye Junction:** rail spur connection to Montana Avenue. Crossroads opportunity in the middle of the corridor. Right-of-way opportunities to create nodes of amenities. Scott Walker commented he likes the offering of connectivity in this area and the potential for what it will accomplish for the corridor itself.
  - **Rail Trail:** significant opportunities for redevelopment of properties. A narrow railroad corridor. Potential for a multi-use path.
  - **Gateway Hub:** this area was called the recycling hub in the EBURD Master Plan. In addition, it interfaces with the Gateway. This is an active industrial area. This area is not conducive to pedestrian activity as long as it continues as an industrial hub. The on-street connection on 13<sup>th</sup> Street is consistent with other City plans to make the METRA Park connection.

**Transportation Opportunities:** multi-use trail as the backbone of the corridor

**Place making Opportunities:** Michael Sanderson stressed the importance of a consistent design and wayfinding theme to the corridor. A “Rail Walk” amenity that draws people to this part of Billings.

## Key Takeaways:

- **Opportunities:** Create connection to important areas; Diverse corridor with diverse users; Dedicated corridor for bicycles and pedestrians; Build off our railroad history; MRL open to continuing conversation/reviewing design plans; connect to private investment of adjacent properties; Create activity.

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- **Concerns:** Safety—traffic and social; 27th Street Intersection; Long underused sections; Activity during winter conditions.

### **Feasibility Criteria:**

- **Railroad Agreement & Support-** qualified support but need to review design
- **Property Owner Agreement & Support-**Stakeholder Meetings
- **Right-of-way Availability-**will require coordination with property owners
- **Public Support-**Virtual Open House and Review of Study
- **Safety-**through development of transportation and placemaking
- **Costs-**\$5-6 Million
- **Phasing-**Coordination with MRL and property owners

**Next Steps Beyond Feasibility:** Assess Feasibility with the Railroad Agreement & Support; Property Owner Agreement & Support; Right-of-Way Availability; Public Support-funding; Safety; Project Costs-(\$5-6 Million estimate with no design in place); Phasing-Coordination with MRL and property owners

### **Discussion**

Board member Tunncliff asked what would be first phase of development. Michael Sanderson said there is no specific plan but the linear park piece through the Central Business District has a placemaking concept opportunity to use the right-of-way and existing railroad to connect a node from the GSA building to the Yellowstone Art Museum. Potential funding sources may include the EBURD Tax Increment Finance District and the Downtown Tax Increment Finance District, public and private entity investments and grants. There has been no discussion of funding with MRL. Scott Walker commented on the positive outlook voiced by property owners toward this study. He said it is worth taking the next step. President Woods asked how many companies use rail service. Michael Sanderson said currently there are many properties that could use the rail service and order cars.

### **Public Hearing**

President Woods opened the public hearing and asked if there was anyone wishing to speak in favor or against this agenda item. There were none. The public hearing is closed. The Planning Board will forward a motion to PCC during the July 27, 2021 Planning Board meeting.

## **8. NEW BUSINESS**

**8a. Plat Review. Discussion. Cherry Island Subdivision. A City major subdivision. Cherry Island LLC, Developer. Sanderson Stewart, agent. Dave Green, Planner II, presenting.**

### **BACKGROUND**

On June 1, 2021, Sanderson Stewart, agent for Cherry Island, LLC, applied for preliminary major plat approval for Cherry Island Subdivision. The proposed subdivision creates 41 lots for residential development. The subject property is generally located between Cherry Creek Loop and east of Bitterroot Drive. The property for the proposed subdivision is going through the annexation process and a zone change. The property is proposed to be zoned Neighborhood Residential (N3), this zoning is for a single family home on each lot. The proposed lots will be developed in compliance



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with zoning through the building permit process. The zone change and petition for annexation are running concurrently with this application.

### **RECOMMENDATION**

Staff recommends the Planning Board recommend conditional approval of the preliminary plat of Cherry Island Subdivision to the City Council and adopt the Findings of Fact as presented in the staff report.

**VARIANCES REQUESTED** The applicant is not requesting a variance from the subdivision regulations.

**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 and to ensure proper storm drainage functioning, prior to final plat approval, the applicant will include language in the SIA under the heading V. Storm Drainage, outlining the HOA responsibility to maintain the system. The language will be coordinated with the City Public Works Department to ensure it is correct and meets requirements of the City.
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. 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 from the Board. President Woods asked if there were any questions from the Board. President Woods asked about the road dedication and Lot 21. Staff stated that lot will have the road in it for public access to the new road; it is also outlined in the SIA. President Woods noted the language in the SIA on page 2 and page three regarding sidewalks, noting there is a conflict of how long the sidewalks have to be installed before the City installs them and creates an SID. Staff noted that would be corrected before final plat. President Woods noted page 5 in the SIA, 3rd bullet-Fire hydrant. It mentions hydrant spacing for commercial and residential. Staff responded that is standard language required by the City Fire Department, there would be no commercial development with this proposed subdivision. Board member Larsen asked if the developer plans to also be the builder. Gary Owen with Sanderson Stewart stated he does not believe the developer will be building homes but he can get confirmation.

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### 9. OTHER BUSINESS

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

**In-Person Planning Board Meetings:** Per state law and open meeting regulations, Board members are required to meet in person. The City of Billings overall is moving toward providing options for citizens to participate without attending, including using Facebook and a public call-in phone number.

**2022 Budget:** The council passed the FY2022 budget on June 28, 2021. This included approval of a Planner I position for the Planning Division and staff is getting prepared to fill it. In addition, approval was given for a Code Enforcement Supervisor, which will allow the Planning Division Zoning Coordinator Nicole Cromwell to relinquish her duties as Code Enforcement Division Manager, and work full time as the Planning Division Zoning Coordinator.

**Annexations:** Five new properties were approved for annexation in the SBURA Tax Increment Finance District. Increments will be used for infrastructure in the district. There are some major commercial developments proposed to occur along with residential development.

**Public Safety Mill Levy:** This will go to the public for balloting in November 2021. Director Friday offered to bring the Board a presentation during a future Planning Board meeting and the Board expressed interest.

**Recreational Marijuana-House Bill 701.** The implementation deadline is January 2022 but the law allows municipalities to re-ask the public to what types of services by ballot. The City Council and Board of County Commissioners are considering forwarding this ballot to the voters in November. Staff will be working on regulations as this will be a land use request. Board members expressed interest in an informational presentation.

**Announcement:** The next Planning Board meeting will be held Tuesday, July 27, 2021 and will be held in person in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Ave N. at 6:00 PM. The meeting will be streamed on "Facebook Live".

**ADJOURNMENT: 7:17 PM**

**DRAFT—TO BE APPROVED BY A MOTION- July 27, 2021**

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