

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	07/27/2021	08/10/2021	08/24/2021	09/14/2021	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	E	-	1	1	E	E	1	1	E					
Heidi Jensen-Christison	Mayor/Billings Ward II	1	1	E	1	1	E	1	E	1	E	-	E	R	-	-	-	-	-					
Dennie Stephenson	Mayor/Billings Ward III	1	1	1	1	1	1	1	1	1	1	-	E	1	1	1	1	1	1					
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1	1	-	1	1	1	E	E		1					
Jon Thompson	Mayor/Billings Ward V	1	E	1	1	E	1	1	1	E	1	-	1	E	1	E	E	1	E					
Troy Boucher	YC District 1	1	1	1	E	1	E	1	1	A	E	-	1	E		1	E	E	1					
Dennis Cook	YC District 2	1	1	1	1	1	1	1	1	1	1	-	A	1	E	1	E	1	1					
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
Woody Woods	YC District 5	1	1	1	1	1	1	1	1	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	1	-	1	E	1	1	1	1	1					
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	E	-	-	-					
Scott Reiter	Ex-Officio SD2	-	-	-	1	E		E	E	A	1	-	E	E	E	1		E						

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September 28, 2021

Approved by a motion on October 12, 2021

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.

As legally advertised, The Yellowstone County Board of Planning met on September 14, 2021 in the Miller Building 1st 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
- 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, September 28, 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: Dave Green, Planner II; Tammy Deines, Planning Clerk

Others in Attendance: Gary Owen, Sanderson Stewart; Gary Oakland, Oakland Companies; Landy Leep, Oakland Companies

Approval of the September 28, 2021 Agenda

Board member Tunncliff made a motion and Board member Hillus seconded the motion to approve the September 28, 2021 meeting agenda. The motion carried with a unanimous voice vote.

Approval of Minutes: August 10, 2021 August 24, 2021, and September 14, 2021 meeting minutes

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August 10, 2021 Correction: Add page 3 Disclosure Conflict of Interest. **Motion by Board member Cook and seconded by Board member Tunnicliff to approve the August 10, 2021 meeting minutes as corrected. The motion carried with a unanimous voice vote.**

August 24, 2021 Motion by Board member Tunnicliff and seconded by Board member Cook to approve the August 24, 2021 meeting minutes as submitted. The motion carried with a unanimous voice vote.

September 14, 2021 Motion by Board member Stephenson and seconded by Board member Hillius to approve the September 14, 2021 meeting minutes as submitted. 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.**

Disclosure of Outside (Ex Parte) Communication or Conflicts of Interest– Board Members and Planning Staff. – There were no disclosures of outside communication or conflict of interest from the members of the Board.

7. OLD BUSINESS:

8a. Public Hearing. Motion/Recommendation to City Council. High Sierra Subdivision, 17th-20th Filings, Dave Green, Planner II

Planner Dave Green opened this agenda item with a staff presentation, High Sierra Subdivision, Filings 17-20, Major Preliminary Plats. He gave an explanation of the Master Site Plan for High Sierra Subdivision and noted the location of Filings 17-20. He continued with the plat information for each of the filings and overview of each of the surveys. Special notation was made of the trail system in the 17th Filing. Connections will be made to each of the filings. All utilities and streets will be constructed according to City standards. Boulevard sidewalks will be constructed along with the homes on these properties. These subdivisions will be served by School District #2 which has some capacity for additional students.

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.

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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

The City Council hearing is scheduled for October 25, 2021.

RECOMMENDATION

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 17th, 18th, 19th, and 20th Filings to the City Council, and adopt the Findings of Fact as presented in the staff report.

Discussion

President Woods called for questions and discussion from the members of the Board. There were none.

Public Hearing

President Woods opened the public hearing portion of the meeting.

Gary Oakland, 175 N 27th Street, Suite 900, Billings, MT

Mr. Oakland said he provided background on the proposed subdivisions during the plat review. He respectfully requested a recommendation of approval to City Council.

President Woods called for motions on each of the filings.

7a1. High Sierra Subdivision, 17th Filing

On August 2, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for **High Sierra Subdivision, 17th Filing**. The proposed subdivision creates 38 lots for residential development. The subject property is generally located north of Matador Avenue, west of Entrada Road in Billings Heights. The property is zoned Suburban Neighborhood (N3). The proposed lots will follow the current zoning for lot frontage.

Motion

Board member Tunncliff made a motion and Board member Stephenson seconded the motion to recommend conditional approval of the preliminary plat of High Sierra Subdivision

17th 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.

7a2. High Sierra Subdivision, 18th Filing

On August 2, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for **High Sierra Subdivision, 18th Filing**. The proposed subdivision creates 26 lots for residential development. The subject property is generally located north of Entrada Road and also west of Entrada Road in Billings Heights. The property is zoned Suburban Neighborhood (N3). The proposed lots will follow the current zoning for lot frontage.

Motion

Board member Stephenson made a motion and Board member Cook seconded the motion to recommend conditional approval of the preliminary plat of High Sierra Subdivision 18th 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.

7a3. High Sierra Subdivision, 19th Filing

On August 2, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for **High Sierra Subdivision, 19th Filing**. The proposed subdivision creates 17 lots for residential development. The subject property is generally located west of Entrada Road and east of Matador Avenue in Billings Heights. The property is zoned Suburban Neighborhood (N3). The proposed lots will follow the current zoning for lot frontage.

Motion

Board member Stephenson made a motion and Board member Hillius seconded the motion to recommend conditional approval of the preliminary plat of High Sierra Subdivision 19th 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.

7a4. High Sierra Subdivision, 20th Filing

On August 2, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for **High Sierra Subdivision, 20th Filing**. The proposed subdivision creates lots for residential development. The subject property is generally located west of Entrada Road and east of Matador Avenue in Billings Heights. The property is zoned Suburban Neighborhood (N3). The proposed lots will follow the current zoning for lot frontage.

Motion

Board member Tunncliff made a motion and Board member Cook seconded the motion to recommend conditional approval of the preliminary plat of High Sierra Subdivision 20th 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.

9. OTHER BUSINESS

- a. Long Range Strategic Issues and an overview of future City and County issues and projects**
- b. Planning & Community Services Remote Meeting Protocols. Memo. Wyeth Friday, Director, PCSD**

Division Manager Plecker explained there has been some requests from Board and Commission members for some means of virtual participation. City administration gave the direction provided in Director Friday’s memo below.

Starting October 1 remote participation for Board members will be available in a limited fashion. The public phone line will be available and meetings will be streamed live on Facebook. The preferred method is in person participation but staff will make consideration as needed to ensure quorums.

**MEMO
DIRECTOR WYETH FRIDAY**

The Planning and Community Services Department supports 11 boards, commissions and committees. Many of these entities have high levels of responsibility to carry out local, state and federally mandated quasi-judicial actions that include public hearings. Others are more advisory and provide important but less formal recommendations to the City Council and Board of County Commissioners.

As the PCSD has navigated the COVID-19 pandemic, the importance of providing the public remote access to our meetings, hearings, and board and commission deliberations per state public meeting law, has been a critical piece of our processes. Also, we have seen the value in allowing board and commission members to participate remotely for health and safety reasons. While the pandemic has not ended, we have brought our boards and commissions back together in person. However, City Administration has directed that providing public access remotely should remain part of our operations. And providing some opportunity for board and commission members to participate remotely under some circumstances is also an objective.

Given these directives, going forward, board and commission members will have limited opportunity to attend meetings remotely via Zoom subject to the following protocols:

- Attendance in person is preferred at all meetings

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- Remote attendance is allowed for special circumstances - i.e. - traveling out of town; unable to attend physically for health reasons but able to participate remotely; scheduling conflict that limits travel time to the meeting place
- Remote attendance must be via Zoom and the member must be visible and audible to participate in official business of the Board, Commission or Committee
- Please use discretion so that we can maintain meeting processes, meet the public meeting requirements and follow the preference that members attend meetings in person. These protocols apply to all board, commission and committee meetings starting October 1, 2021. Staff will monitor the progress and make adjustments as needed.

Discussion

President Woods is in favor of this option. He said he understands the concerns and commented that this opportunity may allow for more meeting quorums. Board member Cook said he feels this memo presents one of the better options to allow persons to protect themselves and the public. Division Manager Plecker said Board members are welcome to wear masks if they feel more comfortable while participating in person. Boardmembers are to contact the Planning Clerk prior to the meeting date when planning to participate remotely.

- c. Montana Association of Planners, (MAP), Conference Update** Division Manager Plecker gave a brief overview of the September conference. Several Planning Division staff were presenters.
- d. Land Use Laws** Division Manager Plecker said during the last legislative session, there were several bills dealing with land use laws. She said a legislative subcommittee was created to review these laws as consideration is needed with existing regulations with some timing delays and overly complicated processes for subdivision review. There is a core working group and three other groups that will forward recommendations for these statutes. Wyeth Friday and Monica Plecker are participating as committee members. Staff will bring updates during a future Planning Board meeting.
- e. Board Discussion. School Representation for subdivision and development reviews** Board members requested a presentation from a school representative on how growth impacts the school district. Board Tunncliff commented he would like input on subdivision development and school capacities. He commented it seems odd that subdivisions are approved when the area schools are at or above capacity. Planner Dave Green explained that the subdivision regulations state subdivisions cannot solely be denied based on the impact to schools. Board members proposed having an annual report from the school district. Division Manager Plecker suggested engaging Scott Reiter, who is an ex-officio member of the Planning Board.
- f. Yellowstone County website updates** President Woods spoke to the need to update the Yellowstone County website to ensure the new zoning code is available and the Boards and Commission member lists are current.

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- g. Project ReCode Update** Monica Plecker updated the Board on Project ReCode and the new zoning classification for Planned Neighborhood Development zoning. Two applications for Planned Neighborhood Developments were submitted and approved by City Council with no public concerns and a unanimous vote of approval.

- h. Announcement** City of Billings Boards And Commissions Volunteer Appreciation Dinner Thursday, October 14, 2021, 6:00 PM, at the Billings Community Center. RSVP to Wynette Maddox by October 8, 2021. maddoxw@billingsmt.gov

- i. Announcement** The next Planning Board meeting will be held Tuesday, October 12, 2021 in person in the Miller Building 1st Floor Conference Room, 2825 3rd Ave N. at 6:00 PM.

ADJOURNMENT 6:49 PM

APPROVED BY A MOTION- October 12, 2021

--Tamara L Deines, Planning Clerk