

# 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	10/12/2021	10/26/2021	11/09/2021	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	E	E	1	1	E	1	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	1	1	1	1	1	1	1	1		
<b>Darell Tunnickliff</b>	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1	1	-	1	1	1	E	E		1	1	1	1		
<b>Jon Thompson</b>	Mayor/Billings Ward V	1	E	1	1	E	1	1	1	E	1	-	1	E	1	E	E	1	E	E	1	-	1	
<b>Troy Boucher</b>	YC District 1	1	1	1	E	1	E	1	1	A	E	-	1	E		1	E	E	1	A	A	1		
<b>Dennis Cook</b>	YC District 2	1	1	1	1	1	1	1	1	1	1	-	A	1	E	1	E	1	1	E	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	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	1	1	1	1	1	E	1	E		
<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	E	-	-	-	-	-	-		
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	-	-	-	1	E		E	E	A	1	-	E	E	E	1		E	E	1	E	1		

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## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

**November 9, 2021**

*Approved by a motion on November 23, 2021*

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

As legally advertised, The Yellowstone County Board of Planning met on November 9, 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, November 9, 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:** Monica Plecker, Planning Division Manager; Scott Walker, Transportation Coordinator; Dave Green, Planner II; Hunter Kelly, Planner I, Tammy Deines, Planning Clerk

**Others in Attendance:** Kurtis Schneiber, MDT Planning District Office; Scott Aspenlieder, Performance Engineering, Dennis Randall, McCall Development, Gary Owen, Sanderson Stewart; Sarah Plath, Sanderson Stewart

### **Approval of the November 9, 2021 Agenda**

**Board member Larsen moved and Board member Cook seconded the motion to approve the November 9, 2021 meeting agenda. The motion carried with a unanimous voice vote.**

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## CITY/COUNTY PLANNING BOARD

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**Approval of Minutes:** October 26, 2021

### **Motion**

**Board member Tunncliff moved and Board member Stephenson seconded the motion to accept the October 26, 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:**

#### **7a. Motion/Recommendation to Policy Coordinating Committee, (PCC), 2020-2024 TIP Amendment 2. Scott Walker, Transportation Coordinator, presenting.**

Transportation Coordinator Scott Walker opened this agenda item with the staff presentation below.

### **BACKGROUND**

Federal regulations require that Metropolitan Planning Organizations (MPOs) review and update their Transportation Improvement Program (TIP) periodically. Given timing and funding adjustments with several transportation projects, the current Billings 2020-24 TIP must be amended to maintain compliance with State and Federal requirements. The TIP is a short-range program of highway and transit projects in the Billings MPO area and is prepared by City-County Planning Division staff in cooperation with state and local agencies. The purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicate regional priorities, and demonstrate a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the urbanized area that are exempt from the TIP approval process, such as projects that do not utilize federal funds. This TIP amendment is being presented to the Council for review due to timing and cost updates to several projects.

### **RECOMMENDATION**

Staff recommends the Planning Board approve the 2020-2024 TIP Amendment 2 and forward the recommendation to PCC through its designee, President Woods. The PCC is scheduled to meet on November 16 for action on this item.

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### **Discussion**

Planning Board President Woody Woods called for questions and discussion. There was no discussion or questions. President Woods called for a motion.

### **Motion**

**Board member Tunncliff made a motion and Board member Stephenson seconded the motion that the Planning Board recommend to the Policy Coordinating Committee approval of the 2020-2024 TIP Amendment 2 as presented by staff. The motion carried with a unanimous voice vote.**

### **7b. Presentation. Discussion. MDT project updates and update on the Exposition & 1st Avenue Intersection project. Kurtis Schneiber, MDT District office, presenting.**

President Woods introduced Kurtis Schneiber from the MDT District Office. Mr. Schneiber distributed a handout to the members of the Board. Points of interest on the Exposition & 1st Avenue project:

- Alternative to add a fourth lane for the north bound movement which will require purchasing right-of-way from MetraPark.
- Stormwater will be addressed with reconstruction of the intersection to handle the stormwater runoff. MDT will partner with the City and the County for design.
- Provide pathway connection to Jim Dutcher Trail.
- Provide transition to sidewalks and bicycle facilities on 3rd Avenue North
- New intersection for a southern approach into MetraPark

### **Discussion**

President Woods called for questions and discussion from the members of the Board.

President Woods asked about a pedestrian crossing. Kurtis Schneiber said a pedestrian actuated light may be installed at the intersection to 1<sup>st</sup> Avenue North. President Woods asked how the light at the new access point will function. Mr. Schneiber replied that it will be more of an event type signal and the timing will be set by MDT's traffic engineer. Board member Larsen asked where the connection will be for the bike path as it moves towards Jim Dutcher Trail. Scott Walker said there will be a bike route from 6<sup>th</sup> Avenue North and an underpass under Main Street that may provide connectivity.

Mr. Schneider provided a handout with other current projects. Board member Thompson asked about landscaping and who will be responsible for maintenance. Board member Tunncliff stated Sanderson Stewart has completed a landscaping plan and the majority of landscaping will be located and maintained by Metra Park. A pedestrian sky bridge across Main Street is contemplated. The landscaping within the boundaries of Metra Park will be addressed as a part of the Metra Park Master Plan. Mr. Schneiber pointed out they are in the early stages of design but the plan denotes greenway. Construction for the Exposition & 1<sup>st</sup> Avenue Intersection project is projected for June 2024. President Woods commented on the coordination that will take place to complete the projects from Lockwood to 1<sup>st</sup> Avenue North. Mr. Schneiber said there will be a lot of construction taking place in this area in the next five to ten years.

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President Woods thanked Mr. Schneiber for his presentation.

### 8. NEW BUSINESS

#### **8a. Plat Review. Discussion. Ridgeline Subdivision. City Major. Scott Aspenlieder, PEC Engineering, agent. Dave Green, Planner II, presenting.**

Planner Dave Green opened this agenda item with the background and the staff report. The general location is on the northeast corner of the intersection of King Avenue west and South 48<sup>th</sup> Street West.

#### **BACKGROUND**

On October 1, 2021, Performance Engineering, applied for preliminary major plat approval for Ridgeline Subdivision. The proposed subdivision creates 11 lots for residential and commercial development. The subject property is generally located on the north east corner of the intersection of King Avenue West and South 48th Street West. The property is zoned PND, and builders will follow the PND when developing the lots. This property is part of an already approved Planned Neighborhood Development and phased annexation plan. The Development Agreement between the City and Developer outlines the timeline for approval of the phasing. This preliminary plat is for the property in its entirety. As such, the City will be the approving body and the Board of County Commissioners will also acknowledge the plat and terms of development. The phased nature of the annexation is why both the City Council and Board of County Commissioners are involved in the review and approval of this plat.

#### **RECOMMENDATION**

Staff proposes the Planning Board recommend to City Council and Board of County Commissioners that the preliminary plat of Ridgeline Subdivision be conditionally approved 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, prior to final plat approval, the applicant will submit all drawings and specifications for water systems, sewer systems and storm water systems to the City of Billings Engineering Department for review and approval prior to installation.
2. To protect public health and safety, prior to final plat approval, the applicant will submit all drawings and specifications for fire hydrants and their locations to the City of Billings Fire Department for review and approval prior to installation.
3. 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.
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.

### **Discussion**

President Woods called for questions and discussion. He asked for clarification on the phases that will be annexed into the City and the roadways and it was given by Dave Green. Monica Plecker said this development is the first phased Planned Neighborhood Development and Annexation project since the adoption of project ReCode. To initiate the northern portion phase of the project, the property owner has to notice staff. She explained that staff has learned from this application and that tweaks may be made so process may look different in the future.

Board member Thompson asked if the Parks Department reviewed the parkland. He pointed out there are several small parks platted that could be consolidated into one larger park. Monica Plecker said this was determined in the zoning Planned Neighborhood Concept meeting. She said neither the zoning code nor the subdivision regulations require public parkland. It will be developed as open space and will act as a corridor to move pedestrians on the trail way to the Conservation District. Dave Green stated access to the private parkland is up to the developer and an easement would need to be provided.

Scott Aspenlieder said the intent of the private roads was development of a Master Site Plan for building purposes. He said he can bring this discussion forward to the developer. Monica Plecker stated that the open space is clearly delineated in the zoning ordinance and the Parks Department was a part of this decision. She pointed out that it is not contrary to the subdivision regulations in any way and said the developer is tied to the layout once the zoning ordinance is approved by City Council. President Woods said part of the reasoning for the language of the PND is to provide open space. Board member Tunnicliff said this is a property rights issue as it is private land. He said he disagrees with Board member Thompson that all parkland needs to be public parks. He feels that the PND process will work well. Board member Thompson said the intent of the state law is to make parkland available to the public.

In response to question by Board member Stephenson, Scott Aspenlieder said the lot configuration will be developed as townhomes with common ownership. Monica Plecker said this will be reviewed under Master Site Plan review.

In response to question by Board member Stephenson, Monica Plecker the individual with the single county parcel wishes for it to remain in the County.

President Woods called for presentation by the Applicant.

\*\*A public hearing will be held during the November 3, 2021 BOCC meeting as an acknowledgement of the City and County properties, and on November 23, 2021 Planning Board meeting. Planning Board will forward a recommendation to City Council for Ridgeline Subdivision.

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City Council action will be taken on December 20, 2021 and the Board of County Commissioners on December 21, 2021 for consideration of preliminary approval.

**8b. Plat Review. Discussion. Annafeld Subdivision, 4<sup>th</sup> Filing. McCall Development, Owner/Developer. Gary Owen, Sanderson Stewart, agent.**

Planner Dave Green opened this agenda item with the background statement and a brief introduction and staff report.

### **BACKGROUND**

On October 1, 2021, Sanderson Stewart for McCall Development, Inc., applied for preliminary major plat approval for Annafeld Subdivision, 4th Filing. The proposed subdivision creates 127 lots for residential development in the City of Billings. The subject property is generally located south of Elysian Road and west of Annafeld Subdivision, 3rd Filing. The property is zoned PD, and builders will follow the Planned Development when developing the lots. The entire project area is not currently within the City Limits, however, a petition for annexation has been submitted and the City Council will consider the annexation at the same business meeting as the preliminary plat.

### **RECOMMENDATION**

Staff proposes the Planning Board recommend to City Council that the preliminary plat of Annafeld Subdivision, 4th Filing be conditionally approved 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, prior to final plat approval, the applicant will submit all drawings and specifications for water systems, sewer systems and storm water systems to the City of Billings Engineering Department for review and approval prior to installation.
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. There was none.

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\*\*A public hearing will be held during the November 23, 2021 Planning Board meeting. Planning Board will forward a recommendation to City Council for Annafeld Subdivision, 4<sup>th</sup> Filing. City Council will take action on December 20, 2021 for consideration of preliminary plat approval.

### 9. OTHER BUSINESS

**9a. Planning Board Nomination Committee, 2022 Planning Board Officers. Woody Woods, Planning Board President.** President Woods announced that the Nomination Committee will consist of Planning Board members Tunnicliff, Stephenson, and Thompson. Members wishing to serve as Planning Board officers are to contact the committee members. The Nomination Committee will forward a recommendation during the December 14, 2021 Planning Board meeting. Officers will take their seats during the first meeting of January 2022.

#### Staff updates:

- The City's Capital Improvement Plan should be posted on the City website for review. The Planning Division has programmed a few trail segments. There will be public comment. Staff will forward an email with more information to the Planning Board.
- City of Billings Public Safety Mill Levy: The public safety mill levy passed. City Administration is working on a plan on how these changes will occur.
- City Council passed a second reading of the marijuana zoning regulations and there will be a third hearing. The BOCC passed interim zoning regulations.

**9b.** The next Planning Board meeting will be held **Tuesday, November 23, 2021**, in person in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Ave N. at 6:00 PM.

**ADJOURNMENT 7:10 PM**

**APPROVED BY A MOTION- November 23, 2021**

*--Tamara L Deines, Planning Clerk*