

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
Teresa Larsen	Mayor/Billings Ward I	1	1	1	1	1	1	1	E	1	E	-	1	1	E	E	1	1	E	1	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	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	1	1	1	1	E
Jon Thompson	Mayor/Billings Ward V	1	E	1	1	E	1	1	1	E	1	-	1	E	1	E	E	1	E	E	1	-	1	E
Troy Boucher	YC District 1	1	1	1	E	1	E	1	1	A	E	-	1	E		1	E	E	1	A	A	1	1	
Dennis Cook	YC District 2	1	1	1	1	1	1	1	1	1	1	-	A	1	E	1	E	1	1	E	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	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	E	1	E	1	
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	E	-	-	-	-	-	-	-	
Scott Reiter	Ex-Officio SD2	-	-	-	1	E		E	E	A	1	-	E	E	E	1		E	E	1	E	1	E	

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November 23, 2021

Approved by a motion on December 14, 2021

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.

As legally advertised, The Yellowstone County Board of Planning met on November 23, 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 e-mails 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, November 23, 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; Tammy Deines, Planning Clerk

Others in Attendance: Gary Armstrong, Citizen; Craig Dalton, Performance Engineering; Dennis Randall, McCall Development; Gary Owen, Sanderson Stewart; Sharon Wetsch, Citizen

Approval of the November 23, 2021 Agenda

Board member Cook moved and Board member Tunncliff seconded the motion to approve the November 23, 2021 meeting agenda. The motion carried with a unanimous voice vote.

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Approval of Minutes: November 9, 2021

Motion

Board member Tunncliff moved and Board member Stephenson seconded the motion to accept the November 9, 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. Public Hearing. Motion/Recommendation to City Council and the Board of County Commissioners. Ridgeline Subdivision. City Major. Craig Dalton, PEC Engineering, agent. Monica Plecker, Planning Division Manager, presenting.

Planning Division Manager Plecker 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 48th 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.

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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.
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 from the members of the Board. There were none.

Public Hearing

President Woods opened the public hearing called for anyone wishing to speak in favor or against Ridgeline Subdivision.

Sharon Wetsch, 4625 King Avenue West, Billings, Montana

Ms. Wetsch owns the wholly surrounded County parcel adjacent to the proposed subdivision. Ms. Wetsch stated she does not intend to be on City services regardless of what takes place with the subdivision. She pointed out an access road to her property on the posted survey map and said it has been in existence for 40 years. She stressed the importance of this access remaining unchanged. She stated she needs to be able to enter her property with her semi-truck and trailer and it is the only entrance to the garage. Ms. Wetsch asked what will happen on the north side of her property, and Craig Dalton said it will be open space.

Ms. Wetsch stated that there is no reason to construct dense housing and apartments on the east side or the north side of her property as “it will box her in.” She voiced concern with the potential for the apartment buildings affecting her solar services for her home. Ms. Wetsch is a master gardener and wishes to purchase a portion of the parcel for a community garden. She said the birds and geese

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are plentiful and this layout will eliminate the geese. She has safety concerns with the additional traffic and asked if the traffic can be mitigated. Other concerns include light and noise pollution and the need for additional police protection to address increased crime. Ms. Wetsch reiterated that she severely objects to being "hemmed in with nothing but apartments" and that her expectation for this development was for housing similar to those located on Central Avenue and 48th St. West.

Craig Dalton, Performance Engineering, 608 North 29th Street, Billings, MT

Mr. Dalton is the agent for applicant Kelly Coleman. He said they have been in contact with Ms. Wetsch since the preliminary stages of development. He explained the zoning code requires NX zoning along arterial roadways. This parcel is zoned as NX-2 and as of now more townhome style homes are proposed. Mr. Dalton said they tried accommodate Ms. Wetsch's concerns with the layout and provide buffering with the park space. The access easement will remain unchanged and they intend to work around it. A traffic study was conducted and they are working with MDT and the Public Works Department to address the issues. At minimum, a traffic signal will be installed at the intersection of 48th Street West and King Avenue West. The developer is participating in the intersection improvements but a dollar amount has not been set at this time. Future traffic along King Avenue and 48th Street West will be addressed according to current traffic volumes. A roundabout is proposed for this intersection in the future. Board member Stephen asked what will be constructed in front of Ms. Wetsch's property. Mr. Dalton said the NX2 zoning will allow a height maximum of a two-story building. The current proposal is to construct four-unit townhomes which will not affect Ms. Wetsch's solar services. In response to question by Board member Hillius, Mr. Dalton said the access easement is paved and the corridor will remain to maintain the paved access. In response to Board member Tunnickliff, Mr. Dalton said this is a private easement. Board member Tunnickliff pointed out that this conversation has been primarily related to zoning and said it is not within the scope of the Planning Board review or consideration.

Rebuttal

President Woods called for rebuttal. Ms. Wetsch asked what is planned for the south side of the house between King Avenue and the access. Mr. Dalton said the plan is for townhomes as 3-4-unit buildings with a maximum height of two stories.

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

Motion

Board member Tunnickliff made a motion and Board member Stephenson seconded the motion that 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. The motion carried with a unanimous voice vote.

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

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7b. Public Hearing. Motion/Recommendation to City Council. Discussion. Annafeld Subdivision, 4th Filing. McCall Development, Owner/Developer. Gary Owen, Sanderson Stewart, agent. Planning Division Manager Plecker, presenting.

Planning Division Manager Monica Plecker 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.

Public Hearing

President Woods opened the public hearing called for anyone wishing to speak in favor or against

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Annafeld Subdivision, 4th Filing. There was none. President Woods closed the public hearing and called for a motion.

Motion

Board member Tunncliff made a motion and Board member Hillius seconded the motion the Planning Board forward a recommendation 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. The motion carried with a unanimous voice vote.

City Council will take action on December 20, 2021 for consideration of preliminary plat approval.

8. NEW BUSINESS: There is no New Business.

9. OTHER BUSINESS

9a. Planning Board Nomination Committee, 2022 Planning Board Officers. Woody Woods, Planning Board President. The Nomination Committee members are Board members Tunncliff, Stephenson, and Thompson. The Committee will forward a recommendation during the December 14, 2021 Planning Board meeting. Officers will take their seats during the January 11, 2022 meeting.

9b. Board Discussion. Update on Community Wastewater systems in Public Parks. Planning Board members and Planning Staff.

Planning Division Manager Plecker opened this agenda item and gave some background information. She explained that the Linlee Lakes Subdivision is located in the vicinity of 72nd Street West and Niebauer Road. The lots in the subdivision are served by individual groundwater wells and a community on-site wastewater system located in the public park. The landowners were notified that the third-party provider AquaNet intends to discontinue maintenance services for the Linlee Lakes Subdivision community on-site wastewater system on January 1, 2022. Planning Staff, the Yellowstone County Board of County Commissioners, the Yellowstone County Legal Department, and RiverStone Health are considering the issues brought forward by the landowners and Homeowners' Association. The SIA is under consideration along with the need to continue maintenance of the on-site wastewater system as a matter of public interest. Ms. Plecker said this instance illustrates the worse case scenario and she stressed the importance of the Planning Board considering these types of issues when hearing applications with similar utility systems. In this case, the County granted an easement for maintenance within the private parkland. The third party provider AquaNet has been invited by the Commissioners to provide an explanation. If there is transition in providers, the County wishes to ensure the maintenance takes place. She disclosed that Board member Hillius is a resident of Linlee Lakes Subdivision. Ms. Plecker said per the regulations, subsurface facilities in public parks are not allowed but are allowed in private parks maintained by the Homeowners' Association. She commented that there are large issues at play that should be considered when it is time to update the subdivision regulations. President Woods said it is not clear where the responsibility of the homeowners lie in this matter. He voiced concern that as subdivisions are developed and homeowner turnover takes place, the initial knowledge of the language isn't always passed along to new homeowners. Board member Tunncliff said he reviewed the statute on parkland and the words *public* and *private* are not contained in the legislative writings.

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Ms. Plecker concurred and said it is not specifically stated in the statute. Board member Tunnicliff asked what needs to change. Ms. Plecker said past practice is installation of subsurface communal utility facilities are acceptable with DEQ approval. She said it is apparent the maintenance is not happening as subdivisions age. She suggested including clear language in the subdivision Findings of Fact, amending Conditions of Approval, and giving consideration for more stringent guidelines for the installation of subsurface facilities. Board member Tunnicliff spoke to the need for public safety recommendations and avoiding burdening homeowners with unexpected bills for future maintenance. President Woods commented on obtaining buy-in from DEQ to forgo permitting for installation of facilities in parks. He suggested inviting a DEQ representative to a future Planning Board meeting for a discussion agenda item. Board member Tunnicliff said he intends to routinely vote against projects with these issues due to public safety reasons. Board member Hillius pointed out that similar issues could present themselves with water facilities along with wastewater issues. He said there are other issues with community systems including contamination due to treatment issues.

Board member Tunnicliff suggested scheduling a follow-up presentation on the westend aquifer with a DEQ representative present. Board members commented there are two houses on a well in Linlee Lakes subdivision which could have been done differently. Board member Stephenson stated the Planning Board’s job is to ensure this is done in a safe manner. Ms. Plecker agreed and said in this case there is a Condition of Approval for documentation of maintenance with the HOA. She said the reality is there are several issues that were not considered previously and there is awareness now for more specific language to address the *what-ifs*. Board member Hillius stressed the importance of having language to notify future homeowners of the HOA and Bylaws. Board member Boucher asked if a managing district should be created for oversight. Ms. Plecker said AquaNet is a third party vendor under contract for maintenance. Board member Cook asked if it would be feasible to use bonding to build funds for future vendors. Ms. Plecker said she will continue to report to the Board as more is learned on this issue and also try to facilitate a DEQ response to the Board.

9c. Announcement. Planning Board Bicycle Pedestrian Advisory Committee, (BPAC), Representative Ed Guilick’s resignation.

Planning Division Manager Monica Plecker. Ms. Plecker announced that due to Ed Guilick’s election to City Council, he will no longer be serving as the Planning Board representative for BPAC. The position has been legally advertised and applications will be brought before Planning Board for a recommendation.

9d. Planning Board openings: The following positions have been advertised: City Ward II; BOCC District 3; and BOCC District 4, Yellowstone County Conservation District. Board members Woody Woods, BOCC District 5; Jarrett Hillius, BOCC District 7 have reapplied.

9e. (Standing Item). Long Range Strategic Issues and an overview of future City and County issues and projects.

1. Board Discussion with School District 2. Brenda Koch, K-12 Executive Director, Billings Public Schools; and Greg Upham, Superintendent, Billings Public Schools Tuesday, December 14, 2021 Planning Board meeting.

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9b. The next Planning Board meeting will be held **Tuesday, December 14, 2021**, in person in the Miller Building 1st Floor Conference Room, 2825 3rd Ave N. at 6:00 PM. The December 28 Planning Board meeting will be canceled due to the Christmas Holiday.

ADJOURNMENT 7:12 PM

APPROVED BY A MOTION- December 14, 2021

--Tamara L Deines, Planning Clerk