



**YELLOWSTONE COUNTY BOARD OF  
PLANNING  
CITY OF BILLINGS AND  
YELLOWSTONE COUNTY, MONTANA**



**CANCELATION NOTICE**

**DECEMBER 28, 2021 MEETING TIME: 6:00 p.m.  
1st Floor Large Conference Room, Miller Building  
2825 3rd Avenue North, Billings, Montana 59101**

1. **NOTICE: The Tuesday, December 28, 2021 Planning Board meeting is canceled due to a lack of agenda items.**

**The Planning Division office will be closed Friday, December 24, 2021 to observe the Christmas Day holiday and Friday, December 31, 2021 to observe the New Year's Day holiday.**

**The next Planning Board meeting will be held as legally announced and advertised on Tuesday, January 11, 2022 at 6:00 PM in the Miller Building 1st Floor Conference Room.**

**Thank you!**

2. **DELAYED. APPROVAL OF MEETING MINUTES: DECEMBER 14, 2021**

**Planning Board Meeting 2 Cancellation Notice**

**Meeting Date:** 12/28/2021

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**Information**

**Subject**

**DELAYED. APPROVAL OF MEETING MINUTES: DECEMBER 14, 2021**

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**Attachments**

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# 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	12/14/2021
<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	E	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	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	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	-	V	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	1	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	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	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	1	1
<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	E	-	-	-	-	-	-	-	1
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	-	-	-	1	E		E	E	A	1	-	E	E	E	1		E	E	1	E	1	E	E

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## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview and Yellowstone County"*

**December 14, 2021**

*DRAFT- To be approved by a motion on January 11, 2021*

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

As legally advertised, The Yellowstone County Board of Planning met on December 14, 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 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](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, December 14, 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; Dave Green, Planner II; Tammy Deines, Planning Clerk

**Others in Attendance:** Brenda Koch, K-12 Executive Director, School District #2; Greg Upham, Superintendent, School District #2; Randy Russell, Executive Director Leadership Support, Billings Public Schools; Sarah Plath, Sanderson Stewart; Gary Owen, Sanderson Stewart; Landy Leep, High Sierra II, Inc. Jason Leep, Williams Homes Inc.

#### **Approval of the December 14, 2021 Agenda**

**Board member Stephenson moved and Board member Thompson seconded the motion to approve the December 14, 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:** November 23, 2021

### **Motion**

Board member Boucher moved and Board member Stephenson seconded the motion to accept the November 23, 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:** There is no Old Business.

**8. NEW BUSINESS:**

**8a. Discussion. Planning Board, Planning Staff, and SD #2. Brenda Koch, K-12, Executive Director, Billings Public Schools; Greg Upham, Superintendent, Billings Public Schools; Randy Russell, Executive Director Leadership Support, Billings, Public Schools**

**Planning Board members provided the questions below.**

- Board Member Hillius:

**Subdivisions, specifically on the west end, continue to be planned and built with the note with the Planning Department's review indicating that the schools, typically West High School, are known to be overcrowded, how is the School district planning for the growth?**

Superintendent Upham and Brenda Koch spoke on the process that took place to restructure the school district boundaries when the two new middle schools were built. The Board voted on the final district boundaries in 2017 with the understanding the projections showed need for consideration again within five years. Currently Ben Steele Middle School, West High, Boulder Elementary, Meadowlark Elementary and Arrowhead Elementary are over capacity. Superintendent Upham said overall capacities will have to be considered due to exponential growth on the west end of Billings. As more growth takes place, more pressure is placed on the school district.

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- **Is there a 5 to 10 year facilities plan that estimates enrollments and facility improvements, or new schools being planned? How many of SD2 schools are overcrowded? How does SD2 define overcrowding? What are the consequences to SD2 to have high student to teacher ratios?**

Superintendent Upham said no schools are planned to be built at this time as a bond will be needed along with enrollment growth. He explained that the District is not in the position to build another elementary, middle school or high school as they do not have the operational growth to do so. There hasn't been an overall increase in the elementary population but they have seen an increase in the high school. There is enrollment in areas that is maxing out the schools. Brenda Koch pointed out the need to look at capacity as there are more specialized programs than the buildings were originally built for which creates space issues. Superintendent Upham said the district is locked-in to the student-teacher ratios according to accreditation standards. President Woods asked if the new Lockwood High School helped Skyview High School's enrollment capacity. Superintendent Upham explained the balancing of the budget and said it gratuitously worked out between the two schools.

- **Can SD2 assign a representative to take part in the City - County Planning Board Meetings?** Currently Scott Reiter, Facilities Coordinator, School District 2 is the ex-officio Planning Board member and he will continue serving in this capacity. President Woods explained that new subdivisions cannot be denied on the basis of school enrollment or capacity but it is certainly discussed during Planning Board subdivision plat reviews and public hearings.

- **Is there a point when development in certain areas of the town that feed into already overcrowded Middle or High Schools would need to be looked at differently? How would a new High School be funded?** Superintendent Upham reiterated that the district cannot build new buildings for at least ten years, depending on more enrollment. He said currently there is pressure on the district to pull enrollment to the middle as seats are open so the growth in the west end of Billings can be addressed. Brenda Koch and Superintendent Upham expressed their need for current Census data or bench marks related to populations moving into new subdivisions. Director Wyeth Friday said he will follow up with staff regarding the Census data.

### **Board member Tunncliff**

- **Overcrowding of schools as rapid growth in the County occurs. Will school district 2 be able to provide assistance to county schools?** Brenda Koch said the school district has agreements with Independent School and Blue Creek School to take in middle school students, and the majority of the County schools feed into the School District #2 high schools. The District will entertain future agreements. Superintendent Upham said they are planning forward as he feels the growth in Montana will continue. The challenge is that the state budget authority is given according to enrollment. He asked staff about the statistic that 2 of 10 households contain school age children.

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Director Friday responded he will follow-up on this information. Board member Stephenson asked if a scenario is possible that the school district would get too large and another district would be created. Superintendent Upham said he feels this is doubtful. The panel members commented on school district properties that will be available for future school developments.

- **How does increased real estate values impact assessed values and school funding?**

Superintendent Upham explained that property taxes support schools, and there is less burden on the tax payer if there is more property. President Woods said the recent raise to the tax base to the average new home of \$500,000 should help. (Mill levies are based on the taxable of a house). Director Friday said the median used for the recent City mill levy is \$217, 00-\$219,000.

- **What are the trend lines for public education, private education and homeschooling?**

Superintendent Upham said School District 2’s enrollment has been fairly stable, although there was some student movement to homebound services during the pandemic. They haven’t seen a significant drop in enrollment. He reiterated that the challenge will be balancing the west end growth with the open student seats available. Board member Thompson asked if the legislative funding for private schooling will highlight homebound education more. Superintendent Upham said time will tell”; the District has been approached with a tax credit for their foundation and it will be interesting to see how it will unfold.

### **Board member Larsen**

- **Discuss the School District’s thoughts on a year-round school model and the reasoning why kids in K-3rd grade get out of school earlier than kids in 4th-12th grade.**

Brenda Koch explained K-3 students do not need to attend schools as many hours to meet accreditation standards. Transportation comes into play. Keith Adams has been hired as the new Transportation Director and they are under discussion as to ways to improve transport services.

Superintendent Upham said the K-12 educational system was designed for a different family structure. Current trends point to students coming into school not as prepared as they need to be. He pointed out there are students needing more than the required 180 days to secure their education. He feels the 180 day requirement is an arbitrary number and society needs to consider what they want the education system to do. He said the district is working towards the goal of getting the highest percentage of students at grade level when they are supposed to be. The system is trying to acclimate to a totally different family structure. He asked what we are doing for the percentage of students that are not on grade level in reading and math and said the timeframe needs to be more flexible. Board member Thompson asked about the percentage not meeting the criteria. Superintendent Upham said early intervention is the key as it becomes very difficult for students in middle school if they are unable to read and do math at grade level. The district is seeing significant

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student behaviors they haven't seen in the past. He stressed that it is time to reevaluate and look at how to do things better. The district is having conversations as to what a balanced calendar would look like and consider what the school system needs to do to address these issues.

- **How can City County Planning assist education?** Superintendent Upham said Scott Reiter will be the Planning Board representative. Brenda Koch said during the pandemic, over 80% of students in remote learning failed. The district served these students with six weeks of intense instruction to bring them to grade level. She commented the City has been instrumental in the promotion of student safety going to and from schools with the installation of sidewalks through subdivision review. President Woods said the Planning Board discusses the need for inclusion of sidewalks and safe parks as developments come forward. He said there are issues with the requirements for sidewalks within developments located outside the jurisdictional zoning boundary. Director Friday said it is an ongoing effort, and it is critical to have City and County in these types of conversations with the school district in order to come up with a solution

President Woods thanked the school district panel members for their discussion and said the Planning Board looks forward to working with the school district.

**8b. Plat Review. Board Discussion. Copper Ridge Subdivision, 9<sup>th</sup> Filing. Gary Oakland, Applicant/Developer; Gary Owen, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**

Dave Green made a correction to the staff report introduction below, as Mr. Oakland sold this filing to WHC, LLC (Williams Homes Incorporated). WHC Representative Jason Leep is in attendance this evening.

A public hearing will be held for Copper Ridge Subdivision, 9<sup>th</sup> Filing during the January 11, 2022 Planning Board meeting. City Council will act on this request on February 14, 2022.

### **INTRODUCTION**

On November 1, 2021, Sanderson Stewart, agent for Gary Oakland, applied for preliminary major plat approval for Copper Ridge Subdivision, 9<sup>th</sup> Filing. The proposed subdivision creates 48 new lots for residential development. The subject property is generally located on the north side of Rimrock Road, west of 70<sup>th</sup> Street West, and west of the existing Copper Ridge Subdivision. The property is zoned Suburban Neighborhood (N3).

### **RECOMMENDATION**

Staff proposes the Planning Board recommend to City Council that the preliminary plat of Copper Ridge Subdivision 9<sup>th</sup> Filing be conditionally approved and adopt the Findings of Fact as presented in the staff report.

### **VARIANCES REQUESTED**

No variances from the City Subdivision Regulations have been requested.

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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 provide for emergency vehicles being able to turn around on dead end streets created with this filing, prior to final plat approval, the applicant will provide easement documents for the temporary cul-de-sac at the northwest end of Street 1 (temporary name).
2. To ensure correct parkland development and to provide maintenance for the proposed public park with this filing of Copper Ridge Subdivision, prior to final plat approval, the applicant will add paragraphs 3 through 5 from the findings of fact, from the heading 2. Effect on local services f, to the SIA. This will be added under the heading VII Parks/Open Space. They will also create a Parks Maintenance District (PMD), or expand an existing one, in coordination with City Parks Department. This PMD will be able to expand with all future filings of Copper Ridge Subdivision.
3. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide 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. President Woods noted the temporary drainage easement located in the parkland. Gary Owen, Sanderson Stewart said this is an overflow easement from Shiny Penny Way to get water from the street to the storm water detention pond. It will remain as a swale to convey water.

### **Jason Leep, Williams Homes Incorporation, jleep@williamshomes.com**

Mr. Leep introduced himself to the Board. He said they are new builders in Billings and will be consulting and working closely with Oakland Companies for this project.

### **9c. Plat Review. Board Discussion. High Sierra Subdivision, 21<sup>st</sup> Filing. Gary Owen, agent, Sanderson Stewart. Dave Green, Planner II, presenting.**

A public hearing for High Sierra Subdivision will be held during the January 11, 2022 Planning Board meeting and considered by City Council on February 14, 2022.

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## CITY/COUNTY PLANNING BOARD

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### **INTRODUCTION**

On November 1, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 21<sup>st</sup> Filing. The proposed subdivision creates 49 lots for residential development. The subject property is generally located north of Annandale Road in Billings Heights. The property is zoned Suburban Neighborhood (N3). The proposed lots will follow the current zoning for lot frontage.

### **RECOMMENDATION**

Staff proposes the Planning Board recommend to City Council that the preliminary plat of High Sierra Subdivision 21<sup>st</sup> Filing be conditionally approved 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 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.

### **Discussion**

President Woods called for questions and discussion from the members of the Board. In response to question by Board member Thompson, Gary Owen said that Sally Anne Park is located on Lake Heights Drive. The walkway will be constructed as part of the storm drain installed underneath the sidewalk and function as an extra pedestrian access.

## **9. OTHER BUSINESS**

**a. Planning Board Nomination Committee Report. 2022 Planning Board Nominations and Elections of Officers.** The Nomination Committee forwarded a recommendation and nominations for Board member Dennis Cook to serve as Planning Board President for the 2022 term, and Board member Theresa Larsen to serve as Planning Board Vice President for the 2022 term.

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## CITY/COUNTY PLANNING BOARD

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### **Motions**

**A motion was made and seconded for Board member Dennis Cook to serve as Planning Board President for the 2022 term. The motion carried with a unanimous voice vote.**

**A motion was made and seconded for Board member Teresa Larsen to serve as Planning Board Vice President for the 2022 term. The motion carried with a unanimous voice vote.**

Officers will assume their roles during the Tuesday, January 11, 2022 Planning Board meeting. Board members thanked Woody Woods for his service as Planning Board President these past few years as the Board has worked through a lot of development activity and the completion of Project ReCode.

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

Director Friday shared with the Board that the City Council is moving forward to change its weekly meeting day from Monday nights to Tuesday nights. This means that it will directly conflict with Planning Board meetings on Tuesday evenings. Staff is looking at options for different days, the schedule logistics for applications and other Board and Commission meetings we have on Tuesdays and will bring some options and information back to the Board in January. The soonest this change would occur for the Council meetings is March 2022, but changing the Planning Board meeting is also significant and will require Board action on the By-Laws.

**9b.** The next Planning Board meeting will be held **Tuesday, January 11, 2022**, 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 December 28, 2021 Planning Board meeting will be canceled due to the Christmas Holiday.

**ADJOURNMENT 7:12 PM**

**DRAFT—TO BE APPROVED BY A MOTION- January 11, 2022**

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