

# 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	01/11/2022	01/25/2022	02/08/2022	02/22/2022	03/08/2022	03/22/2022	04/12/2022	04/26/2022	05/10/2022	05/24/2022	06/14/2022	06/28/2022	07/12/2022	07/26/2022	08/09/2022	08/23/2022	09/13/2022	10/27/2022	10/25/2022	10/26/2022	11/08/2022	11/22/2022	12/13/2022
<b>Teresa Larsen</b>	Mayor/Billings Ward I	1																						
<b>Roger Gravgaard</b>	Mayor/Billings Ward II	1																						
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1																						
<b>Darell Tunicliff</b>	Mayor/Billings Ward IV	1																						
<b>Jon Thompson</b>	Mayor/Billings Ward V	1																						
<b>Troy Boucher</b>	YC District 1	E																						
<b>Dennis Cook</b>	YC District 2	1																						
<b>Vacant</b>	YC District 3	-																						
<b>Vacant</b>	YC District 4	-																						
<b>Woody Woods</b>	YC District 5	1																						
<b>Vacant</b>	YC District 6	-																						
<b>Jarett Hillius</b>	YC District 7	1																						
<b>Vacant</b>	Y County Cons. District	-																						
<b>Scott Reiter</b>	Ex-Officio SD2	1																						

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## CITY/COUNTY PLANNING BOARD

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**JANUARY 11, 2022**

*Approved by a motion on January 25, 2022*

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

As legally advertised, The Yellowstone County Board of Planning met on January 11, 2022 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 Cook called the meeting to order at 6:00 p.m. on Tuesday, January 11, 2022.

Introduction of the 2022 Planning Board Officers: Dennis Cook, President; Theresa Larsen, Vice President. Welcome! to Roger Gravgaard, Planning Board Representative, City Ward 2.

### **Introduction of Planning Board Members and Planning Department Staff**

President Cook called for introductions of the members of the Planning Board and staff.

**Participating Planning staff members:** Monica Plecker, Planning Division Manager; Dave Green, Planner II; Tammy Deines, Planning Clerk

**Others in Attendance:** Kolten Knatterud, IMEG; Ali Mitchell, David Mitchel, Sarah Plath, Sanderson Stewart; Gary Oakland, Gary Owen, Sandrson Stewart

### **Approval of the January 11, 2022 Agenda**

**Board member Tunncliff moved and Board member Woods seconded the motion to approve the January 11, 2022 meeting agenda. The motion carried with a unanimous voice vote.**

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**Approval of Minutes:** December 14, 2022

### **Motion**

**Board member Tunncliff moved and Board member Woods seconded the motion to accept the December 14, 2022 meeting minutes as submitted with a review of the attendance roster. The motion carried with a unanimous voice vote.**

**Public Comment:** President Cook 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. –Board member Tunncliff recused himself from Agenda Item 8c. Teresa Larson disclosed she has had conversations with the property owners of The Timbers Subdivision.**

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

**8. NEW BUSINESS:**

**8a. Public Hearing. Motion/Recommendation to City Council. Copper Ridge Subdivision, 9<sup>th</sup> Filing. Gary Oakland, Applicant/Developer; Gary Owen, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**

The Yellowstone County Planning Board only met once in December, which subsequently resulted in the completion of the preliminary plat review process for Copper Ridge Subdivision, 9th Filing extending beyond the allowable working days deadline. Based on this timeline, the Planning Board approved an extension in allowable working days to allow the City Council to act on the preliminary plat for Copper Ridge Subdivision 9th Filing at the February 14th, 2022, City Council meeting.

Dave Green opened with the staff report and gave an overview of this survey with several photographs. He explained the language for the Park Maintenance District language in Condition of Approval #2.

### **INTRODUCTION**

On November 1, 2021, Sanderson Stewart, agent for WH Copper Ridge 54, LLC, applied for preliminary major plat approval for Copper Ridge Subdivision, 9th 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 70th Street West, and west of the existing Copper Ridge Subdivision. The property is zoned Suburban Neighborhood (N3).

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### **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.

### **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 Cook called for questions and discussion from the members of the Board. President Cook called for questions and discussion from the members of the Board. The applicant and the applicant's agent are in attendance. There was no Board discussion.

### **Public Hearing**

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against Copper Ridge Subdivision 9<sup>th</sup> Filing. There was none.

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President Cook announced the public phone number and asked if there are any calls. There were none. President Cook closed the public hearing and called for a motion.

### Motion

**Board member Tunncliff made a motion and Board member Woods seconded the motion 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.**

### Discussion

There was no discussion from the Board on the motion.

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

### **8b. Public Hearing. Motion/Recommendation to City Council. High Sierra Subdivision, 21<sup>st</sup> Filing. Gary Owen, agent, Sanderson Stewart. Dave Green, Planner II, presenting.**

The Yellowstone County Planning Board met only once in December, which subsequently resulted in the completion of the preliminary plat review process for High Sierra Subdivision, 21st Filing extending beyond the allowable working days deadline. Based on this timeline, the Planning Board approved an extension in allowable working days to allow the City Council to act on the preliminary plat for High Sierra Subdivision 21st Filing at the February 14th, 2022, City Council meeting.

Planner Dave Green opened this agenda item with a presentation of the staff report and an explanation of the survey. Several photographs were provided in the presentation. Connections will be provided to the north as required. Boulevard sidewalks will be installed by the individual homeowners. He pointed out the interconnecting trail ways within the subdivision Services will be provided by the City of Billings.

### INTRODUCTION

On November 1, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 21st 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. The affected school districts are Independent SD and SD #2 for Castle Rock Middle School and Skyview High School.

### 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.

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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 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 Cook called for questions and discussion from the members of the Board. The applicant and the applicant's agent are in attendance. There was none.

### **Public Hearing**

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against Copper Ridge Subdivision 9<sup>th</sup> Filing.

### **Gary Oakland, Developer, High Sierra Subdivision, 175 N 27<sup>th</sup> Street, Suite 900, Billings, MT**

Mr. Oakland pointed out this subdivision is a portion of the overall master plan for High Sierra Subdivision.

President Cook announced the public phone number and asked if there are any calls. There were none. President Cook closed the public hearing and called for a motion.

### **Motion**

**Board member Stephenson made a motion and Board member Hillius seconded the motion 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.**

### **Discussion**

There was no discussion from the Board on the motion.

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

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### **8c. Plat Review. Board Discussion. The Timbers Subdivision, 1st Filing. Ali and David Mitchell, applicant. Kolten Knatterud, IMEG, agent. Dave Green, Planner II, presenting.**

Planner Dave Green opened this agenda item with the presentation of the staff report and a location map for the subject property. He pointed out the 100-year flood plain, the wetlands and the slopes within the topography. The developed trail will be located within the parkland. The City of Billings will provide services. He pointed out the areas that will capture the stormwater. The applicant is working with the Army Core of Engineers to address the wetlands. Streets will be built to City standards. An explanation was given for the subdivision variance request. Affected schools are in School District #2. A Master Site Plan depicting the roadway connections was provided as a part of the presentation.

### **RECOMMENDATION**

Staff proposes the Planning Board recommend to City Council that the preliminary plat of The Timbers Subdivision, 1<sup>st</sup> Filing be conditionally approved, the Findings of Fact adopted and approval of the variance as presented in the staff report.

### **BACKGROUND**

On December 1, 2021, IMEG for Ali and David Mitchell, applied for preliminary major plat approval for The Timbers Subdivision, 1st Filing. The proposed subdivision creates 93 lots for residential development. The subject property is generally located south of Alkali Creek Road and west of Foothill Drive. The property will be zoned Planned Neighborhood Development, builders will follow the City of Billings Zoning Code when developing the lots.

### **VARIANCES REQUESTED**

The applicant is requesting a variance from Section 23-406, Streets and Roads, B. Streets and Roads Design and Improvement Standards requiring paved surfacing. Specifically the applicant is asking to construct a gravel road to be in use for up to two years at which point the developer will then hard surface the road according to city standards.

### **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 stormwater systems to the City of Billings Engineering Department for review and approval prior to installation. Any additional information required by City of Billings Engineering will be provided by the applicant and additional language in the SIA will be added as required by Engineering.
2. To protect public health and safety, prior to final plat approval, the applicant will submit all drawings and specifications for fire hydrant locations and installation the City of Billings Fire Department and City Engineering Department for review and approval prior to installation. Any

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additional information required by City of Billings Fire Department or Engineering Department will be provided by the applicant and additional language in the SIA will be added as required by the Fire or Engineering Departments.

3. To protect public health and safety, prior to final plat approval, the applicant will coordinate with City Parks Department and City Engineering concerning proposed discharge methods of detention ponds next to City Park land. Any proposal must be reviewed and approved by City Parks Department and City Engineering prior to installation.

4. To protect public health and safety, prior to final plat approval, the applicant will include language in the SIA under the heading III Transportation B. Sidewalks that the applicant will be responsible for the installation of accessible ramps at the intersections.

5. To protect public health and safety and provide for access to proposed lots, prior to final plat approval, the applicant will provide easement documents for the driveway to lots 18 and 19.

6. To protect public health and safety, prior to final plat approval, the applicant will provide all needed information requested by City of Billings Engineering in their TIS. All recommendations shown in the TIS will be reviewed by Engineering and the required information will be added to the SIA.

7. To protect public health and safety, prior to final plat approval, the applicant will include language in the SIA under the heading II Property Conditions and Information for Lot Purchasers, lot owners will be advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of the public park within The Timbers Subdivision.

8. To protect public health and safety and to ensure parks are developed to City of Billings standards, prior to final approval, the applicant will include the following language in the SIA under the heading VII Parks/Open Space: The parks and trail within the park(s) will be constructed or bonded for by the Developer prior to final plat filing in accordance with the Parks and Recreation Department Master Plan Policy and as approved by the Department. A park master plan for the public parkland within the Timbers Subdivision will be funded by the Subdivider in Consultation with the Parks and Recreation Department by a registered Landscape Architect. This plan will provide for adequate public input and meet the requirements and specifications of the Parks and Recreation Department. The plan will be presented to the Parks, Recreation and Cemetery Board for their recommendation to City Council. The City Council will review and adopt the Master Plan by resolution prior to any construction. The timing of when the master plan is completed can be specified by the applicant. If they intend to do a master plan with a future filing or it can be complete with the final filing.

9. 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.

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10. To protect public health and safety and to meet the requirements for trails within City of Billings Parks, prior to final plat approval, under the heading III Transportation, E., the applicant will add language about installation of a trail within the City Park: The final location of the trail within the City of Billings Park will be determined in consultation with Parks Department and the Active Transportation Planner. The trail shall be built to City of Billings trail standards. The trail will continue a connection to the property to the south east, along Sugar Pine Road.

11. 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.

12. 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 Cook called for discussion and questions from the members of the Board. Ms. Plecker said this property went to City Council for annexation and Planned Development zoning which were approved. She explained that Condition #10 may be revised as the City Council instructed language be provided for the parkland. She qualified the language for the variance and said the intent is this be temporary. Staff feels there is a financial guarantee in place within the language of the SID. In response to question by Board member Woods, staff said the secondary access is for emergency services. Board member Woods asked about the reasoning for the Georgia Pine gravel cul-de-sac when the other cul-de-sacs are paved.

President Cook called for presentation by the applicant.

### **Kolten Knatterud, IMEG, 175 N 27<sup>th</sup> Street, Suite 1312, Billings, MT**

Mr. Knatterud is the agent for applicants, Ali and David Mitchell, who are also present this evening.

Kolten Knatterud, IMEG, said the road master plan has this extended in future filings and it was to remain gravel until that time. He thanked Dave Green for his presentation. He explained the design of the filing boundaries. He pointed out that the road may have to be shifted due to the Army Core of Engineers review of the wetland areas. The stormwater is complex and there will be two separate stormwater systems on this development. The connection to the adjacent Morledge property was agreed upon by the Morledges prior to the subdivision application. Condition #10 will be updated and it is his understanding Engineering would like to see a connection to the bridge. He will obtain clarification from the City Engineering Division. The timeline for Core of Engineers is a minimum of 250 days. The final plat is not projected to be filed until mid to late summer. Monica Plecker said part of the 2-year timeline as well as the SID is the agreement for City of Billings agencies. Board member Woods asked for clarification on the stormwater pond on Lot #10. Kolten Knatterud referred to the survey and SIA this is an example of the two different stormwater systems. He pointed out the conveyance ditch for the off-site flow. Next to this there is a constructed detention pond to handle the on-site stormwater. There will be infrastructure for both systems. The HOA will be responsible for the stormwater infrastructure but City Public Works reserves the right to access

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the system. Board member Woods asked that the language in Condition of Approval be clarified in the SIA for lot owner notifications that they will be required to constructed the segment of sidewalk against their property.

\*\*A public hearing for The Timbers Subdivision will be held during the Planning Board meeting on January 25, 2022. Board member Larsen said she will announce a conflict of interest during the Timbers public hearing.

### **9. OTHER BUSINESS**

#### **a. Update. Board Discussion. City Council meeting schedule. Planning Board meeting and Bylaws. Wyeth Friday, Director, Planning & Community Services Department**

Director Friday shared with the Board that the City Council acted to change its weekly meeting from Mondays to Tuesdays. Prior to this meeting, Staff sent a survey to poll Planning Board members to consider options for meeting times. Ms. Plecker explained the reasoning for the limited window of times and said pushing the meeting to Wednesdays or later shortens the timeline to get applications to City Council, Overwhelmingly the choices were either Monday or Tuesday at 4:00 PM... Staff preference is Monday at 4:00 PM to avoid conflict with Staff attendance for City Council meetings. Board member asked what will happen if Monday is a holiday. Ms. Plecker responded that in that instance the meeting will be held on a Tuesday. Board member Woods and Board member Hillius stated the 4:00 PM meeting time may be difficult with their schedules. Board member Stephenson said he feels a later meeting time may be better to ensure members are not excluded. Board member Woods said he is concerned the earlier time frame may limit public attendance. Director Friday explained that this will require a Bylaw amendment and staff can bring the proposal forward during the February 8<sup>th</sup> meeting and a formal vote will be needed. The new meeting schedule would be implemented for the March meetings.

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

- **Project Recode Staff Update January 18, 2022 during the City Council work session.** The presentation will be led by Zoning Coordinator Nicole Cromwell. Moncia Plecker said staff has considered 4-5 Planned Development zoning projects. City Council members have forwarded favorable responses.
- President Cook encouraged Board members to forward ideas to him for future discussions. Board member stressed the importance of working with the Board of County Commissioner regarding the planning district boundarie. President Cook asked members to bring ideas to the next meeting in order to create a list.

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### **9f. Announcements**

The Planning office will be closed on Monday, January 17<sup>th</sup> to observe Martin Luther King Day.

The next Planning Board meeting will be held **Tuesday, January 25, 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.

**ADJOURNMENT 7:25 PM**

**APPROVED BY A MOTION- January 25, 2022**

*--Tamara L Deines, Planning Clerk*