

# 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	1																					
<b>Roger Gravgaard</b>	Mayor/Billings Ward II	1	1																					
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1																					
<b>Darell Tunicliff</b>	Mayor/Billings Ward IV	1	1																					
<b>Jon Thompson</b>	Mayor/Billings Ward V	1	E																					
<b>Troy Boucher</b>	YC District 1	1	1																					
<b>Dennis Cook</b>	YC District 2	1	1																					
<b>Vacant</b>	YC District 3	-	-																					
<b>Vacant</b>	YC District 4	-	-																					
<b>Woody Woods</b>	YC District 5	1	1																					
<b>Vacant</b>	YC District 6	-	-																					
<b>Jarett Hillius</b>	YC District 7	1	E																					
<b>Vacant</b>	Y County Cons. District	-	-																					
<b>Scott Reiter</b>	Ex-Officio SD2	1	E																					

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**JANUARY 25, 2022**

*DRAFT- To be approved by a motion on March 22, 2022*

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

As legally advertised, The Yellowstone County Board of Planning met on January 25, 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 25, 2022.

#### **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; Applicant David Mitchel; Patrick Chapel, A&E Design; Citizen Marilyn Kohles; Citizen Jim Kohles

#### **Approval of the January 25, 2022 Agenda**

No Changes were made to the January 25, 2002 agenda.

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**Approval of Minutes:** January 11, 2022

### **Motion**

**Board member Gravgaard moved and Board member Boucher seconded the motion to accept the January 11, 2022 meeting minutes as submitted. 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.** There were no disclosures of outside communication or conflicts of interest.

### **7. OLD BUSINESS:**

**7a. Public Hearing. Motion/Recommendation to City Council. 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. This property is generally located south of Alkali Creek Road and west of Foothill Drive. He pointed out that the parkland will be private and the Conditions of Approval have been updated to reflect this change. He said the public trail has been moved to be located in the right-of-way along Alkali Creek Road. A connection is platted to the property southeast of this parcel. School services will be provided by School District #2. Roads will be built to City standards. He explained the variance request submitted by this applicant. The roadway through the wetlands must be approved through the Army Core of Engineers. The applicant is requesting to construct a graveled road that serves as secondary access to the subdivision. The intent is that the gravel surface will be only temporary. City Council will take action on this preliminary plat on February 28, 2022.

### **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

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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.

### AMENDED CONDITIONS OF APPROVAL

The Developer has requested to change the parkland to private, therefore, conditions of approval have been amended to reflect this request. Staff is now recommending 10 Conditions of Approval.

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. 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 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 Engineering concerning proposed discharge methods of detention ponds next to Private Park land. Any proposal must be reviewed and approved by ~~the 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 that the *private parkland will be maintained by The Timbers HOA.*
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~~

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- 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.
  10. To protect public health and safety and to meet the requirements for multi-use trails within the City of Billings, prior to final plat approval, under the heading III Transportation, E., the applicant will add language about installation of a trail along Alkali Creek: The final location of the trail will be determined in consultation with Parks Department and the Active Transportation Planner. Additionally, language shall be added stating that the trail shall be built to City of Billings trail standards within the first filing. The portion of the trail that is located outside of phase 1 shall be constructed to city standard but maybe finished with gravel. The gravel will be temporary until the development of Phase 2. At this time the graveled portion of the trail will be improved with the all-weather surfacing and meet all City of Billings Standards.
  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. Division Manager Plecker pointed out that it is atypical for staff to bring forward changes to the Board between plat review and the public hearing. This project has a Planned Neighborhood Development and an Annexation agreement which set things in motion as this project moves through the review process. City Council added a Condition of Approval regarding the public trailway and the new placement of the trail in the right-of-way is in conformance with the City's policy for a shared use path along an arterial. Board member Woods asked if there is language to give a provision that the applicant may continue to work with the Core of Engineers should the Core go beyond the 3-year time frame for approval. Ms. Plecker said the language reads that the phases will be annexed into the City per the Development Agreement and Resolution on January 10, 2025. The assurances of the City having the ability to create an SID is held through the raw land policy. The conditions of approval will be active following City Council approval and the developer has three years to meet the conditions of approval and apply for final plat review.

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### **Public Hearing**

President Cook opened the public hearing and asked for anyone wishing to speak in favor or against The Timbers Subdivision.

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

Mr. Knatterud is the agent for applicant David Mitchell, who are also present this evening. He stated the primary reason for the trail relocation is due to the condition set by City Council. They have been told by the Army Core of Engineers getting the road crossings will not be an issue. Their request for a wetland permit is to remove some of the wetlands in the parcel for potential lot sites will need approval.

### **David Mitchell, 1655 Valley Heights Road, Billings, MT**

Mr. Mitchell is the project applicant. He currently resides approximately ¼ mile from this parcel. They have lived in the valley since 2012. He asked for Board support and offered to answer questions. Regarding Board member Larsen's question on lighting, the decision has not been made but they will be downward facing.

### **Jim Kohles, 18 Stafford Court, Billings, MT**

Mr. Kohles said he is aware that City services will be extended to this subdivision and the ending point is currently at Strawberry Lane. He asked how this extension will be financed.

President Cook asked if there is anyone else wishing to speak in favor or against The Timbers Subdivision. The Clerk reported that the phone call received was made in error and there are no calls from the public for this public hearing. President Cook closed the public hearing and called for rebuttal.

### **Rebuttal**

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

Mr. Knatterud explained that the City approved the extension in the fiscal budget in June. Division Manager Plecker said once the services are extended to the property, it is the developer's responsibility to fund the services within the subdivision. Mr. Kohles said they own the adjacent property and previously the City was reluctant to extend services to their parcel. Ms. Plecker said the City feels that anchoring both ends of the Inner Belt Loop Project is important to protect the investment and avoid creation of a road in the County without development potential if it does not have utilities.

### **Discussion**

President Cook asked the Board for questions and discussion. Question was asked by Board member Stephenson regarding flooding of the area in recent years. Board member Stephenson noted that the development will increase the amount of impervious surfaces. Applicant Mitchell stated he is unaware of flooding issues since they have been working on the project and a geotechnical report was done. Kolten Knatterud explained the hatching on the posted survey designating the existing floodplain. He said the SIA states that no construction can take place in the floodplain. As part of the Storm water Management manual, the post development run-off rate must

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be the same as it was prior to development. He pointed out the platted “pond lots” are to slow the discharge from the site and limit the flow to the floodplain to avoid causing issues downstream. This is part of the final plan to be approved by the Army Core of Engineers. In response to question by Board member Woods, Mr. Knatterud explained that the SIA sets minimum elevations for every foundation within the subdivision.

### **Motion**

**Board member Stephenson made a motion and Board member Woods seconded the motion to forward a recommendation to City Council that the preliminary plat of The Timbers Subdivision, 1st Filing be conditionally approved with the amended conditions of approval, the Findings of Fact adopted and approval of the variance as presented in the staff report. In addition Condition of Approval #3 will be corrected with *the City Parks Department* stricken from the condition.**

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

### **9. OTHER BUSINESS**

#### **a. Update. Board Discussion. City Council meeting schedule. Planning Board meeting and Bylaws. Monica Plecker, Planning Division Manager**

Division Manager Plecker said City Council was contemplating changing their meeting days from Monday to Tuesday. The second reading of the ordinance was tabled indefinitely. The City Council meetings will remain on Mondays and no changes will be made to the Planning Board meeting schedule at this time. This may come forward again to City Council in May and staff will update the Board.

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

**b1. Project ReCode update:** Staff brought a “housekeeping” Project ReCode report to City Council during the last work session. The City Zoning Commission will consider these amendments in March or April and City Council consideration will follow. She said there was some Council feedback provided regarding rear-loading garages but no red flags on the code itself. She reported there is a lot of activity as more building reports were issued than before, and 987 lots were proposed in the City of Billings, which is more than twice the average in the last three years. Board member Woods commented that the code is working as intended as it is providing more avenues for development.

President Cook and the Board discussed the need for changes related to conflicting parts of the City code. Ms. Plecker said staff plans to revise the subdivision regulations this year. Discussion followed on the legislature’s requirement for a future land use map as a part of a Growth Policy. Ms. Plecker stated it is staff’s goal to bring this forward to the BOCC within the next month and hold spring public hearings for the County Growth Policy. Board member Woods offered to help as needed. President Cook commented on the West End plan and the benefits of engaging the neighborhoods. Ms. Plecker said the Planning Division was able to do some capacity building which will allow staff to plan how to address the multiple existing neighborhood plans.

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### **9c. Announcements**

Due to a lack of agenda items, the February 8, 2022 and February 22, 2022 Planning Board meetings will be canceled. The next meeting will be March 8, 2022 and held as legally announced and advertised.

**ADJOURNMENT 7:15 PM**

**DRAFT—TO BE APPROVED BY A MOTION- March 22, 2022**

*--Tamara L Deines, Planning Clerk*