

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
Teresa Larsen	Mayor/Billings Ward I	1	1	-	-	-	1	E																
Roger Gravggaard	Mayor/Billings Ward II	1	1	-	-	-	1	1																
Dennie Stephenson	Mayor/Billings Ward III	1	1	-	-	-	1	1																
Vacant	Mayor/Billings Ward IV	1	1	-	-	-	-	-																
Jon Thompson	Mayor/Billings Ward V	1	E	-	-	-	E	1																
Troy Boucher	YC District 1	1	1	-	-	-	E	A																
Dennis Cook	YC District 2	1	1	-	-	-	1	1																
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods	YC District 5	1	1	-	-	-	1	1																
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jarett Hillius	YC District 7	1	E	-	-	-	1	1																
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Scott Reiter	Ex-Officio SD2	1	E	-	-	-	1	A																

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APRIL 12, 2022

DRAFT- To be approved by a motion on April 26, 2022

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.

As legally advertised, The Yellowstone County Board of Planning met on April 12, 2022 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 Cook called the meeting to order at 6:00 p.m. on Tuesday, April 12, 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: Wyeth Friday, Director, PCSD; Dave Green, Planner II; Hunter Kelly, Planner I; Tammy Deines, Planning Clerk

Others in Attendance: John Turcotte, Charles Swarm, Myles M. Egan, Laura Boyer

Approval of the April 12, 2022 Agenda

Board member Hillius moved and Board member Woods seconded to approve the agenda as submitted. The motion carried unanimously.

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Approval of Minutes: March 22, 2022

Motion

Board member Woods moved and Board member Stephenson seconded the motion to approve the March 22, 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.

8. NEW BUSINESS

8a. Plat Review. Board Discussion. Southern Sky Estates Subdivision, County Major Subdivision. Bryce Kirschenmann, Applicant. Rob Neihart, PE, Performance Engineering, agent. Hunter Kelly, Planner I, presenting.

RECOMMENDATION

Staff recommends the Planning Board recommend the Board of County Commissioners conditionally approve the preliminary plat of Southern Sky Estates Subdivision and adopt the Findings of Fact as presented in the staff report.

BACKGROUND

On March 1, 2022, Performance Engineering submitted to the Planning Division an application for Southern Sky Estates Subdivision, Preliminary Major Plat. The purpose of this subdivision is to create 29 lots with a mix of commercial and residential uses. Lots 13 through 29 of the Subdivision are intended to be developed with commercial condominiums. Only these lots shall be able to be developed as individual buildings with separate units to be leased or sold. Should Lots 1 through 12 within the Subdivision be developed with commercial condominiums, they shall be done so in accordance with the Yellowstone County Subdivision Regulation's procedures for platting. The property is generally located south of Danford Road and east of South 60th Street West. The land is outside the zoning jurisdictional boundary.

VARIANCES REQUESTED

The subdivider has not requested a variance from Yellowstone County 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 protect public health and safety, prior to final plat approval, the applicant will receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To protect public health and safety and provide for future dry hydrant maintenance, prior to final plat approval, the applicant will provide installation and tank specifications to Laurel Fire Department, prior to installation, for review and approval. The subdivision shall install a 30,000-gallon water storage tank with dry hydrant according to the specification of the Laurel Fire Department. The 30,000-gallon water storage tank with a dry hydrant shall be constructed by the Developer on Park 1 as shown on the preliminary plat. When installed the applicant will have the system tested and signed off by the Laurel Fire Department. The applicant will create an RSID for the new dry hydrant system for the subdivision.
3. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will create an RSID for the new public roads within the subdivision. All temporary street names will have permanent names determined and identified on the Final Plat
4. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS for preferred mail delivery box type. The applicant will coordinate the locations and provide the correct amount of space for safely delivering the mail to the residents.
5. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
6. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
7. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

Discussion

President Cook called for questions and discussion. Board member Woods asked for clarification on the language on regarding the condominiums. Planner Hunter Kelly explained that any intent of building condominiums must be declared at this point of the review. Board member Hillius asked if any information has been presented on the wells. Taylor Kasperick, Performance Engineering, stated that two wells were drilled on the parcel which led to the determination of which lots would need cisterns and that others may have wells. Board member Hillius voiced concern with the lack of availability of water on the west end of Billings. Taylor Kasperick pointed out the proposed well locations on the southern lots. Board member Woods concurred with Board member Hillius' comments. Board member Thompson asked about the parkland area. Taylor Kasperick point out the dividing point between the gasoline easement and the parkland. He said there is a provision for

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building condominiums.

**A public hearing for Southern Sky Estates Subdivision will be held during the Planning Board meeting on Tuesday, April 26, 2022.

8b. Plat Review. Board Discussion. Lipp Sub, 2nd Filing, County Major Subdivision. Jerry Lee Brey, Applicant. Marshall Phil, Blueline Engineering, Agent. Dave Green, Planner II, presenting.

RECOMMENDATION

Staff proposes the Planning Board recommend to the Board of County Commissioners the preliminary plat of Lipp Subdivision, 2nd Filing be conditionally approval, the Findings of Fact as presented in the staff report be adopted and the variance request be denied.

BACKGROUND

On March 1, 2022, Blueline Engineering, agent for Jerry Brey, applied for preliminary major plat approval for Lipp Subdivision, 2nd Filing. The proposed subdivision creates 13 lots for Commercial development. The subject property is generally located on the southwest corner of 88th Street West and Lipp Road. This parcel of land is outside of zoning and is surrounded by various uses that include commercial, residential and farming. The Planning Board will review the plat at this meeting and a conduct a public hearing on April 26, 2022.

VARIANCES REQUESTED

The applicant has requested a variance from Section 4.14.C.2. of the Yellowstone County Subdivision Regulations, which outlines the requirement for a 30,000-gallon dry hydrant in a major subdivision. The specific request is to use an existing nearby hydrant in the Brey Subdivision rather than installing one for this development. Staff is recommending denial of the variance request. Further explanation and analysis can be found in Attachment A. If the variance is denied, the Subdivision Improvement Agreement will be required to update Section I. Variances.

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 receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management. Further, to ensure future lot owners are aware of the water and sanitary restrictions on some lots, the SIA, under Conditions That Run With the Land shall include language to inform lot purchasers of these restrictions.
2. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will obtain access permits from MDT. They will create an RSID for the new public roads within the subdivision with the ability to expand with each new phase.

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3. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings of the dry hydrant system to Laurel Fire Department for review and approval. Once installed the applicant will request Laurel Fire Department to test the system to ensure it works correctly and get a sign off from Laurel Fire Department. The applicant will also create an RSID for the dry hydrant system that is expandable with each new phase.
4. 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.
5. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
6. 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.
7. 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 by the members of the Board. Board member Woods asked regarding the dry hydrant in Brey Subdivision. He stated that this hydrant is intended to serve the Brey Subdivision at full buildout and is within the Molt Fire Department District. He stated he is not in favor of the variance request.

**A public hearing for Lipp Subdivision, 2nd Filing will be held during the Planning Board meeting on Tuesday, April 26, 2022.

8c. Plat review. Board Discussion Creekside Estates 2nd Filing, County Major Subdivision, John Poukish, Applicant. Kolten Knatterud, IMEG, Agent. Dave Green, Planner II, presenting.

RECOMMENDATION

Staff recommends the Board of County Commissioners conditionally approve the preliminary plat of Creekside Estates Subdivision, adopt the Findings of Fact as presented in the staff report and approve the requested variance.

BACKGROUND

The Planning Division received an application for major preliminary plat approval for the proposed Creekside Estates Subdivision, 2nd Filing. The property is generally located on the northeast corner of the intersection of Grand Avenue and 62nd Street West. This subdivision would create 8 lots from a 17.55-acre parcel of land. The applicant is proposing to develop a residential subdivision, the land is zoned Rural Residential 1 (RR1). The land was historically used as farmland.

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VARIANCES REQUESTED

A variance is being requested for this subdivision. The applicant has requested a variance from Yellowstone County Subdivision Regulations Section 4.14.C. 2, Major, Commercial, and Subsequent Minor Subdivision. The regulations require that the subdivider shall provide an approved, single, minimum thirty thousand (30,000) gallon underground water storage tank for fire suppression. Per the regulations, developers are able to use tanks located within 1/2 road mile. When a County subdivision is within one half (1/2) road mile of a pressurized municipal hydrant the developer shall pay a fee in lieu of hydrant installation to the Fire Department serving the proposed subdivision. This development is further than 1/2 road mile, it is .58 road miles, therefore the variance is requesting that the distance of 1/2 road mile be waived to allow use of the pressurized hydrant .58 miles away. If the variance is approved the required fee to the Billings Fire Department shall be paid. Staff is recommending approval of the variance requests.

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 receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management. Further, to ensure future lot owners are aware of the water and sanitary restrictions on lots 7 & 8, the SIA, under Conditions That Run With the Land shall include language to inform lot purchasers of these restrictions.
2. To protect public health and safety and meet County Public Works requirements for driveway separations, prior to final plat approval, the applicant will show they can meet those requirements for accesses from the cul-de-sac off of Grand Avenue.
3. To ensure the correct users on the private driveways proposed in this subdivision, prior to final plat approval, the applicant will provide easement documents listing the two lots that have use of those easements.
4. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings to Billings Fire Department for review and approval, this includes the area for the fire departments to access the tank and the tank construction. Once installed the applicant will request Billings Fire Department test the system to ensure it works correctly and get a sign off from Billings Fire Department. The applicant will also create a public easement where the tank is installed and an RSID for the dry hydrant system.
5. To protect public health and safety and to meet Yellowstone County Resolution No. 19-53, prior to final plat approval, should the variance request be granted, the applicant will provide a reimbursement to the county for the use of a municipal pressurized fire hydrant.
6. 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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7. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
8. To ensure future home construction on the lots meets the requirements of County Zoning, prior to final plat approval the applicant will add language in the SIA under Conditions That Run With The Land that informs lot purchasers of the requirement to obtain a zoning compliance permit before construction begins on the lot.
9. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
10. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

Discussion

President Cook called for discussion and question by the members of the Board. Board member Woods asked for explanation of the proposed septic systems. Kolten Knatterud explained that DEQ required extension ground water monitoring, and larger systems are needed due to proximity of the Birely Drain. Board member Thompson asked if it is acceptable to use the swale as parkland. Kolten Knatterud said there is an easement for the Birely Drain that may be used for development of a walking trail. Board member Thompson voiced concern as there won't be any ability to walk on the easement on the southern end. He said this proposal is using land that is unusable and doesn't meet the intent of the law. Board member Hillius asked if the developer has given consideration to the City utilities located just east of this parcel. Kolten Knatterud said consideration was made but it did not make financial sense for this property to connect to City services. He said Lots 7 and 8 were created in anticipation of annexation due to septic constraints. Board member Hillius voiced is disappointment that an agreement could not be made as it exacerbates the existing water issues.

**A public hearing for Creekside Estates, 2nd Filing will be held during the Planning Board meeting on Tuesday, April 26, 2022.

9. OTHER BUSINESS

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

b. Darell Tunnicliff Memorial Tree. Director Friday is coordinating with the Parks and Recreation Department for the memorial tree and plaque. The Parks Department provided options for the type of tree and available parks for planting. Suggested tree species are elm, maple, and oak, as they will provide shade as they grow. Suggested available parks on the west end of Billings are Centennial Park, Rimrock West, Burlington Park, and Trails End Park. Director Friday will be reaching out to Robin Tunnicliff, and he is hoping to schedule the planting sometime in May. Board member Woods thanked Wyeth for providing the wording for the plaque and said that it was well written. He said he would like to see the tree planted in a well maintained park.

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c. Growth Policy Expansion of Zoning District Board member Cook said he attended the meeting. He feels that the meeting was productive as the attendees were working together for common goals beneficial to the City.

d. Billings Community Safety Plan (CTSP) Open House- Board members reported that the public open house on March 23 at the Billings Community and Senior Center went well.

e. Planned Neighborhood Developments-Wyeth Friday said the Planned Neighborhood Development (PND, applications presented to City Council have been approved. Planning staff will provide sessions to City Council on the land development process during the next few months in an educational effort.

A general discussion took place with President Cook commenting that future infrastructure expansion such as that in Trails West Subdivision, may help to address the high water levels and high nitrate levels exhibited in the west end of Billings. Wyeth spoke regarding the Utility Master Plan and said he will check in terms of the next update. He said that the City is in the process in embarking in a study of the West End water and nitrate conditions, and he will check on the potential for a future Planning Board presentation.

The next Planning Board meeting is scheduled for Tuesday, April 26, 2022.

ADJOURNMENT 7:04 PM

DRAFT—TO BE APPROVED BY A MOTION- April 26, 2022

--Tamara L Deines, Planning Clerk