

# 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, “Z” stands for Zoom participation. **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	-	-	-	1	E	E	x	x	1	1	E	1	E	E							
<b>Roger Gravgard</b>	Mayor/Billings Ward II	1	1	-	-	-	1	1		x	x	1	1	1	1	Z	1							
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	-	-	-	1	1	1	x	x	E	1	1	1	1	1							
<b>Vacant</b>	Mayor/Billings Ward IV	1	1	-	-	-	-	-	-	x	x	x	x		-	-	1							
<b>Jon Thompson</b>	Mayor/Billings Ward V	1	E	-	-	-	E	1	1	x	x	E	1	E	1	E	1							
<b>Troy Boucher</b>	YC District 1	1	1	-	-	-	E	A		x	x	A	A	E	1	E	E							
<b>Dennis Cook</b>	YC District 2	1	1	-	-	-	1	1	1	x	x	1	1	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	x	x		1	1	1	1	1							
<b>Vacant</b>	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Jarett Hillius</b>	YC District 7	1	E	-	-	-	1	1	1	x	x	1	1	1	E	1	-	-	-	-	-	-	-	-
<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Scott Reiter</b>	Ex-Officio SD2	1	E	-	-	-	1	A		x	x	E	-	E	A	A	1							

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## CITY/COUNTY PLANNING BOARD

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**August 23, 2022**

*Approved by a motion on September 13, 2022*

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

As legally advertised, The Yellowstone County Board of Planning met on August 23, 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.

**1. Call the Meeting to Order:** President Cook called the meeting to order at 6:00 p.m. on Tuesday, August 23, 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; Hunter Kelly, Planner I; Scott Walker, Transportation Planning Coordinator; Tammy Deines, Planning Clerk

**Others in Attendance:** Scott Aspenlieder, Performance Engineering; Luke Lackman, Valerie Maie, Rick Leuthold, Sanderson Stewart; John Halvorson, Sanderson Stewart.

**Scott Reiter, SD #2, and Darin Swenson, Yellowstone, County Public Works via Zoom.**

#### **2. Approval of Agenda**

##### **Motion**

**Board member Stephenson made a motion and Board member Thompson seconded the motion to approve the meeting agenda as submitted. The motion carried with a unanimous voice vote.**

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### **3. Approval of Minutes: July 12, 2022; July 26, 2022, August 9, 2022**

**July 12, 2022 – Motion by Board member Gravgaard and seconded by Board member Woods to approve the July 12, 2022 minutes as submitted. The motion carried with a unanimous voice vote.**

**July 26, 2022- Motion by Board member Woods and seconded by Board member Stephenson to approve the July 26, 2022 minutes as submitted. The motion carried with a unanimous voice vote.**

**August 9, 2022 - Motion by Board member Stephenson and seconded by Board member Gravgaard to approve the August 9, 2022 minutes as submitted. The motion carried with a unanimous voice vote.**

**4. 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.

**5- 6. 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 - NO OLD BUSINESS**

**7a. PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!

### **8. NEW BUSINESS**

**1. Motion/Recommendation to PCC. Staff Presentation. Board Discussion. 2023 Unified Planning Work Program, (UPWP). Scott Walker, Transportation Coordinator, presenting.**

Scott Walker open this agenda item with a presentation and gave a brief introduction.

### **RECOMMENDATION**

Staff recommends the Planning Board review the Draft 2023 UPWP and take action at this meeting. The Board reviewed the UPWP and conducted a public hearing at its meeting on August 9 and is scheduled to take action on the 2023 UPWP at this meeting and instruct PCC Designee President

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Cook to give a positive recommendation to PCC for final local approval.

### **BACKGROUND**

The City-County Planning Division is presenting the 2023 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization (MPO) for Planning Board review and recommendation to the Billings Policy Coordinating Committee (PCC). At this meeting, the Board is scheduled to review the document and take action on the UPWP. At the August 9 Planning Board meeting, the Board reviewed the UPWP and conducted a public hearing. It is scheduled to forward a recommendation to the PCC at this meeting. The UPWP is primarily for the purpose of programming the federal dollars that Billings receives from the Federal Highway Administration (FHWA) for transportation planning and the Federal Transit Administration (FTA) for transit (MET) planning. These funds are passed through the Montana Department of Transportation (MDT). All transportation planning activities are included in the UPWP so that it represents a comprehensive document for the urban transportation planning program. This UPWP proposes planning activities for Federal Fiscal Year 2023, which runs from October 1, 2022, through September 30, 2023. This UPWP corresponds directly with the Planning Division's annual work plan. The significant changes in this year's program include completion of the 2023 Long Range Transportation Plan, Phase II of the Safe Routes to School Plan, beginning the update to the Bikeway and Pedestrian Master Plan, and transportation specific analysis and updates to two neighborhood plans. The Transit section is Chapter II of the UPWP. The document is consistent with past programs in its content and format.

### **Transit Section 2023**

- Public Transit Agency Safety Plan – significantly increased focus on training and safety assurance; training course and lot
- Transit Development Plan – development of more in-depth process to foster communication between City departments in the overall planning landscape as well as guide transit related routing decisions in regards to development and community feedback/demand. Hope to create a more holistic approach to transit design as well as provide an increased level of input regarding overall city development
- Master Marketing Plan – assessing new means of marketing, further integration with online and social media, explore outside of traditional avenues, increase community engagement
- Fixed-route overhaul and designated stop assessment; new vehicles to support this – pushing for high enough frequency during peaks that customers will not need to check the schedule
- Continue service expansion; started exploratory assessments of Lockwood area and it's cost effectiveness, need further evaluation of existing infrastructure and ability to actually operate a vehicle in that area
- Continue Developing Partnerships – Alliance, State of Montana, Montana State University

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### **DRAFT 2023 UPWP REVIEW SCHEDULE**

TAC	July 28nd
Planning Board	August 23rd
County Commission	August 23rd
City Council	August 22nd
PCC	August 30th
MDT, FHWA, FTA	September 30th

#### **Discussion**

President Cook called for discussion. Board member Thompson asked about internalization of bench signs. Scott Walker explained that MET will do the majority of the marketing internally instead of using a private contractor.

#### **Motion**

**Board member Woods made a motion and Board member Thompson seconded the motion to forward a recommendation of approval of the 2023 Unified Planning Work Program, (UPWP), as presented by staff. The motion carried with a unanimous voice vote.** There was no further discussion on the motion.

#### **2. Public Hearing. Motion/Recommendation to City Council. St Vincent Healthcare Subdivision, 2<sup>nd</sup> Filing. Hunter Kelly, Planner I, presenting.**

Mr. Kelly said there have been no significant developments with this project since the preliminary plat review meeting during the last Planning Board meeting. The Preliminary Plat presentation will be heard by City Council: September 12, 2022.

#### **RECOMMENDATION**

Staff proposes the Planning Board recommend to City Council that the preliminary plat of St. Vincent Healthcare Subdivision, 2nd Filing be conditionally approved and the Findings of Fact adopted as presented in the staff report.

#### **BACKGROUND**

On July 1, 2022, Sanderson Stewart, on behalf of SCL Health - Montana, applied for preliminary subsequent Major plat approval for St. Vincent Healthcare Subdivision, 2nd Filing. The proposed subdivision creates 27 lots for development. The subject property is generally located at the northwest corner of the intersection of King Avenue West and Shiloh Road. The property is zoned PUD - Planned Unit Development. The land is currently vacant.

**VARIANCES:** No variances are requested.

#### **PROPOSED CONDITIONS OF APPROVAL**

1. 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 lots.

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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 by the Board. There were no questions or discussion.

### **Public Hearing**

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against St. Vincent Healthcare Subdivision, 2<sup>nd</sup> Filing.

### **Rick Leuthold, Sanderson Stewart, (no address given)**

Mr. Leuthold stated approval of this survey will bring the project to current trends with future buyers. He said they are submitting for a zone change and plan to update the Planned Development Agreement. He pointed out the carrot-shaped public/private parkland in the center of the survey. He respectfully requested a recommendation of approval.

President Cook asked if there is anyone else wishing to speak in favor or against St. Vincent Healthcare Subdivision, 2<sup>nd</sup> Filing. There were none. At 6:30 pm President Cook closed the public hearing and called for a motion.

### **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 St. Vincent Healthcare Subdivision, 2nd Filing be conditionally approved and the Findings of Fact adopted as presented in the staff report**

### **Discussion**

In response to question by Board member Woods, Mr. Leuthold explained that there are three smaller parklets that will make up the total required parkland dedication. Board member Thompson asked regarding the oval area near the college depicted on the plat map. Rick Leuthold said he was unsure and will follow-up. Director Friday commented this may be related to future plans for walking paths and open space adjacent to the parkland.

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

3. **Public Hearing. Motion/Recommendation to PCC. The Waters Subdivision (AKA Shanks Subdivision). County Major Subdivision. Mason and Jami Shanks, property owner. Taylor Kasperick, Performance Engineering, agent. Dave Green, Planner II, presenting.**

Planner Dave Green opened this agenda item with a staff presentation.

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### **RECOMMENDATION**

Staff proposes the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of The Waters Subdivision, adopt the Findings of Fact as presented in the staff report and approve of the variances requested.

### **BACKGROUND**

On July 1, 2022, PEC Engineering, agent for Mason and Jami Shanks, applied for preliminary major plat approval for The Waters Subdivision. The proposed subdivision creates 15 lots for residential development. The subject property is generally located on the south side of Central Avenue and east of South 52nd Street West. This parcel is zoned N4 -- Large Lot Neighborhood. Planning Board will review the plat at this meeting and a conduct a public hearing on August 23rd, 2022. This project will be heard by the Board of County Commissioners on September 13, 2022.

### **VARIANCES REQUESTED**

The applicant has requested a variance from Section 4.6.A.6 of the Yellowstone County Subdivision Regulations, which requires a second means of ingress and egress for major subdivisions. Staff is recommending approval of the variance request.

The applicant has requested a variance from Section 4.6.B.1 of the Yellowstone County Subdivision Regulations, which outlines the requirement for a connection to adjacent undeveloped land. Staff is recommending approval of the variance request.

### **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 to clearly outline those allowed to use the proposed driveway, prior to final plat approval, the applicant will add language outlining only lots 6 and 7 are allowed to use the shared drive at the end of the dead-end cul-de-sac.
3. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will include language in the SIA under the heading III Transportation A Streets, clearly outlining the private street will be maintained by the Home Owner Association (HOA).
4. To protect public health and safety and outline maintenance of proposed pedestrian/bicycle trails to the east and west in the subdivision, prior to final plat approval, should the variance request be approved to not have vehicle connections, the applicant will build 10-foot-wide hard surface trail within the 20-foot-wide easement for both proposed connections. The applicant will add language in the SIA under the heading III Transportation B Sidewalks, The HOA will be responsible for the maintenance of the two trails to the east and west.
5. 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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6. 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.
7. 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.
8. 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 Board. In response to a question by President Cook, Dave Green further clarified the variances requested. The applicant is proposing to develop a subdivision that is a single dead-end cul-de-sac private road that is a maximum of 1,000 feet long. This is allowed in Yellowstone County subdivision regulations. This regulation does allow subdivisions to have dead end cul-de-sacs that are a maximum of 1,000 feet long within a larger development. There can be areas where a cul-de-sac is the only feasible option when taking topography, water and other obstacles into consideration that may not allow standard street layout. This developer is proposing to have a single road, dead end cul-de-sac, as the only road for this major subdivision. The land is currently used for farming and is generally flat. There is a 60-foot private access on the east border of the proposed subdivision.

The applicant is asking for a variance from the requirement of providing future connections to undeveloped land adjacent to this proposed subdivision. Staff has reviewed the proposed subdivision and the variance request for no connection to adjoining undeveloped land. As an alternative the applicant has proposed to provide walking paths to undeveloped adjacent land. Staff feels this is a workable option although not the best option.

Dave Green explained that this parcel lies within the BUFSA service area. The Billings Fire Department is in agreement with the proposed variance as it allows for a dead-end street with up to 30 single family lots and this project will have 15 lots.

President Cook asked for more information on the irrigation ditch and water shares. Board member Woods asked if an agreement should be obtained to use the easement. Dave Green said it is recommended to fence the easement until the adjacent parcels are developed. City services will not be extended due to cost. The driveway easement serves the two lots and not considered a roadway.

### **Public Hearing**

At 6:53 pm President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against The Waters Subdivision.

### **Scott Aspenlieder, Performance Engineering, 609 N 29<sup>th</sup>, Billings, MT**

Mr. Aspenlieder said this is a difficult parcel to develop and there is no other option for this parcel other than the variance for one access point. The private road is intended to be gated. They are open to discussion as to how to improve the interconnectivity under the subdivision regulations. Board member Gravgaard asked regarding the potential easement on the east side. Mr. Aspenlieder said the developers had conversations with the property owners but they had no interest in an easement agreement.

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### **Luke Lackman, 1105 Back Bay Drive, Billings, MT**

Mr. Lackman said they own the ground surrounding this property. They would encourage using the option to fence the easement until further development occurs. He voiced concern with groundwater issues and stressed the need for basements shallow. He said the design for the storm water retention uses roadside ditches which do not provide a place for storm water overflows to go and it can return into basements. Board member Thompson asked about liability issues. Mr. Lackman said generally speaking, the hydrologist findings is that it is a regional issue and not related to localized irrigation. He said piping the ditch may mitigate some overflows.

President Cook asked if there is anyone else wishing to speak in favor or against The Waters Subdivision. There were none. President Cook closed the public hearing and called for a motion.

### **Motion**

**Board member Gravgaard made a motion and Board member Stephenson seconded the motion to forward a recommendation to the Board of County Commissioners of conditional approval of the preliminary plat of The Waters Subdivision, and adopt the Findings of Fact as presented in the staff report and approve of the variances requested:**

- **A variance from Section 4.6.A.6 of the Yellowstone County Subdivision Regulations, which requires a second means of ingress and egress for major subdivisions.**
- **A variance from Section 4.6.B.1 of the Yellowstone County Subdivision Regulations, which outlines the requirement for a connection to adjacent undeveloped land.**

### **Discussion**

In response to question by President Cook, the lots will be served by individual Level 2 Septic Systems for advanced nitrate removal. Has there been discussion with DEQ. Scott Aspenlieder said their highest concern is to maintain proper separation for groundwater. They have conducted groundwater tests and are confident this parcel will be approved.

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

## **9. OTHER BUSINESS:**

- **Montana Association of Planners Conference September 27-29, 2022 DoubleTree Hotel, Billings. Planning Board registrations Wyeth Friday, Director, PCSD**
  - There is a one-day registration option. The Planning Division will fund registrations for Planning Board members. Agendas will be forwarded to Planning Board members. There will be several sessions including a session on the westend ground water study work and a presentation by John Halverson on the westend development and schools.
- **Planning Board Vacancies:** Board members are encouraged to reach out to interested applicants.

## **10. ADJOURNMENT**

### **Motion**

**Motion to adjourn by Board member Woods and seconded by Board member Cook. Motion carried with a unanimous voice vote.**

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**ADJOURNMENT 7:27 PM**

**APPROVED BY A MOTION September 13, 2022**

*Tammy Deines, Planning Clerk*