

# 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	09/27/2022	10/27/2022	10/25/2022	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	1	E	-	-			
<b>Roger Gravgard</b>	Mayor/Billings Ward II	1	1	-	-	-	1	1		x	x	1	1	1	1	A	1	1	1	-	-			
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	-	-	-	1	1	1	x	x	E	1	1	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	E	E	-	-			
<b>Troy Boucher</b>	YC District 1	1	1	-	-	-	E	A		x	x	A	A	E	1	E	E		1	-	-			
<b>Dennis Cook</b>	YC District 2	1	1	-	-	-	1	1	1	x	x	1	1	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		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	-	-	-	-	-	-	-	-



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### 2. Approval of Agenda

#### Motion

Board member Gravgaard made a motion and Board member Woods seconded the motion to approve the September 27, 2022 meeting agenda as submitted. The motion carried with a unanimous voice vote.

### 3. Approval of Minutes: September 13, 2022.

Motion by Board member Woods and seconded by Board member Gravgaard to approve the September 13, 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. There was none.

### 7. OLD BUSINESS –Public Hearings

**Public Hearing. Motion/Recommendation to City Council. Buffalo Crossing Subdivision. An 84-lot City Residential Major Subdivision. Doug Wild, Buffalo Crossing, LLC. WWC Engineering, agent. Dave Green, Planner II presenting.**

Planner Dave Green opened this agenda items with an overview of the staff report.



Buffalo Crossing  
Sub Public Hearing !

### RECOMMENDATION

Staff proposes the Planning Board recommend the City Council conditionally approve the preliminary plat of Buffalo Crossing Subdivision and adopt the Findings of Fact as presented in the staff report. City Council is scheduled to hear this application on October 24, 2022.

### BACKGROUND

On August 1, 2022, WWC Engineering, applied for preliminary minor plat approval for Buffalo Crossing Subdivision. The proposed subdivision creates 80 lots for residential development. The subject property is generally located south side of Grand Avenue and west of Trails West Subdivision. The property is a Planned Neighborhood Development (PND) with zonings of, N3 - Suburban Neighborhood, P1 -- Parks and Open Space, NX2 -- Mixed Residential 2, 2 to 8 Units, N2- Mid-Century Neighborhood.

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## **CITY/COUNTY PLANNING BOARD**

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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 protect public health and safety and ensure a correct turn around, prior to final plat approval, should the applicant determine to build the subdivision using phases, the applicant will provide a temporary cul-de-sac where phase one roads end. This information will be included in the SIA and shown on the plat.
2. 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.
3. To protect public health and safety and ensure correct platting of a phased subdivision, prior to final plat, should the applicant determine they will pursue a phased development they will be required to submit the correct documents for a phased subdivision.
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, 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.

### **Greg Reid, WWC Engineering, Billings, MT**

Mr. Reid is the applicant's agent reminded the Board of the presentation 2 weeks ago. This is a standard residential development and a single phase is preferable. We are in discussion with Trails West but as yet do not have a documented agreement.

### **Public Hearing opened at 6:25PM**

President Cook opened the public hearing and called for anyone wishing to speak in favor or against Buffalo Crossing Subdivision.

### **George Jurovich, 3647 Donna Drive**

He is concerned about pedestrian traffic along his exclusive easement. He does not believe there is enough room for his drive and a pedestrian walkway.

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### **Rebuttal**

Greg Reid of WWC Engineering explained the Bierle Drain borders the other side. An agreement is in draft. Part of this agreement requires 25 feet from the Bierle Drain to the pathway in question plus an 8 foot hard surface pathway.

President Cook asked if there is anyone else wishing to speak in favor or against Buffalo Crossing Subdivision. There were none. The public comment closed at 6:34PM. President Cook called for a motion from the members of the Board.

### **Motion**

**Board member Boucher made a motion and Board member Stephenson seconded the motion the Planning Board recommend the City Council conditionally approve the preliminary plat of Buffalo Crossing Subdivision and adopt the Findings of Fact as presented in the staff report.**

### **Discussion**

Board member Woods asked about moving the easement to increase pedestrian visibility. Wyeth Friday explained the connectivity to Trails West affects this easement.

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

**Shop World 3 – Public Hearing. Motion/Recommendation to the YC BOCC. Shop World 3, County Major Subdivision. Anna Vickers, IMEG, agent. Dave Green, Planner II, presenting.** Planner Dave Green opened this agenda item with an overview of the staff report.



Shop World 3  
Public Hearing 9-27

## **RECOMMENDATION**

Staff proposes the Planning Board recommend to the Board of County Commissioners the preliminary plat of Shop World 3 Subdivision, be conditionally approval, adopt the Findings of Fact as presented in the staff report and deny the variances requested.

## **BACKGROUND**

On August 1, 2022, IMEG applied for preliminary major plat approval for Shop World 3. The proposed subdivision creates 1 lot for Commercial condominium development. The subject property is generally located on the south side of Still Water Drive and west of South 80th Street West. This parcel of land is outside of zoning and is use for farming purposes. There are also large lots with houses on them to the north, south and west. There is residential development to the east on smaller lots. Shop World 1 is west and south of this proposed development. Planning Board will review the plat at this meeting and a conduct a public hearing on September 27, 2022.

## **VARIANCES:**

- A. 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.

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*Staff is recommending denial of the variance request.*

- B. The applicant has requested a variance from Section 4.6.B.5 of the Yellowstone County Subdivision Regulations, which requires a variance request for an Emergency Access Road rather than a full access road.

*Staff is recommending denial of the variance request.*

The applicant is proposing to develop a commercial condominium dry storage subdivision with only one full access from Stillwater Drive into and out of the subdivision. Yellowstone County subdivision regulations require two ways in and out of a major subdivision, the applicant is not proposing another full ingress / egress for the subdivision. In a separate variance request they are asking for an Emergency Access Road. The email provided by the applicant addressing only the topic of an emergency access to King Avenue West. MDT does not want a full access because of concerns for access points not having enough separation from existing access points already on King Avenue West in this area. Should the applicant move the access to King Avenue West farther west to get the correct separation from existing access points, MDT would allow a full access.

### **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 and to ensure a portion of Rosebud Drive is vacated, prior to final plat, the applicant will go through the process of vacating the portion of Rosebud Drive cul-de-sac that will be part of the single lot for this proposed subdivision.
2. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings to Laurel Fire Department for review and approval for the dry hydrant system. 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.
3. To ensure public health and safety and to meet the requirements of 2 ways in and out of a major subdivision, prior to final plat approval, should the variance request from Section 4.6.A.6 be denied, the applicant will provide a second full access from these two options, build Rosebud Drive out to South 80th Street West or meet the requirement set out by MDT for a full access from King Avenue West. This will be shown on the final plat along with an RSID for maintenance of Rosebud Drive. Should the option for a second full access as defined by MDT be used an RSID shall be created for that road or if it is to be private it shall be gated, and maintenance provided by the subdivision tenants.
4. To protect public health and safety, prior to final plat approval, the applicant will receive approval from the MDEQ for the proposed storm water management.
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 Yellowstone County 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.

### **Kolten Knatterud, IMEG, (no address given), Billings, Montana**

Mr. Knatterud is the agent for applicant Levi Britton. He wishes to reiterate this project is different than the other Shopp World projects. It will look like a storage unit type of development, not individual shop buildings. The owner has identified a wish to own storage units rather than just rent them. Therefore, a subdivision review is required instead of a permitting process alone. We would not like to develop Rosebud Drive because the location is in an agricultural area that is flood irrigated. The field would be taken out of production.

### **Levi Britton, Owner/Developer, 49660 Hammerdam Rd, Ronan, MT**

Mr. Britton said he is in attendance to listen to neighbors concerns so they can be addressed in the Covenants and Restrictions filed with this subdivision.

### **Public Hearing opened at 7:03PM**

President Cook opened the public hearing and called for anyone wishing to speak in favor or against Shopp World III.

### **Adria Henderson, 8060 Canyon Drive, Billings, MT**

Ms. Henderson wants to know why this will be a commercial area rather than residential. She states the project is already started and they are not selling. Rosebud Drive is not an option. Has a Traffic Impact Study been done?

### **Derek Bogan, 438 Pike Court, Billings, MT**

Mr. Bogan said there are safety issues related to the bus stops. He is concerned about fire entry.

### **Lenore Swenson, 8207 King Ave West, Billings, MT**

Ms. Swenson lives directly west. She has concerns about ditch run off. They purchased this property 30 years ago. The wildlife will be displaced.

### **Miranda Bogan, 438 Pike Court, Billings, MT**

Ms. Bogan is worried about the children walking to the bus stop.

### **Steve Walton, 428 Pike Court, Billings, MT**

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Mr. Walton said this development will increase traffic. At Stillwater there is a bus stop. Make the entrance at King Ave West. Stillwater is a gravel road, pave the road. This will be 232 units, there are fire hazards for homeowners. How will fire access the 24 homes?

### **Tom Eddy, 448 S. 82<sup>nd</sup>, Billings MT**

Mr. Eddy said this is too many units, and he does not want Stillwater used.

### **Beth Schultz, (No address given)**

Ms. Schultz agrees with everything said. She asked what will the entrance hours be and will there be a keypad? She said this will create lighting and noise pollution.

### **Raymond Varley (No address given)**

Mr. Varley wants the entrance moved to King Ave or Rosebud Drive. He will be looking at the side of a metal building. He requests the owner not make the homeowners miserable with noise, traffic and creating child safety issues. Please reject the variances.

### **Lynn Sandnetzky, 441 Pike Court Billings, MT**

Ms. Sandnetzky agrees with what her neighbors' comments. She said Mr. Britton "jumped the gun" and started with out the subdivision approval. Access should be off King Ave. There are life and safety issues.

### **Rebuttal**

#### **Kolten Knatterud, IMEG, (no address given), Billings, Montana**

Some of the concerns are genuine, some are exaggerated. We have a legal approach. We will pave Stillwater or develop Rosebud Drive, not both. Regarding a TIS, storage units have no traffic for months. There will not be access 11pm to 5am. This is dry storage, no people and no barking dogs. These are pumped restrooms. It is not uncommon for units to be listed before completion. The TIS is not required because of the low count. 82<sup>nd</sup> street is not an option due to wetlands. We hope to have solutions to these concerns. If we were to build rentals we would not be here. The sale of condos is the issue.

### **Discussion**

President Cook asked if there is anyone else wishing to speak in favor or against Shop World III subdivision. There were none. President Cook called closed the public hearing at 7:41 PM and called for a motion.

### **Motion**

Board member Boucher made a motion and Board member Gravgaard seconded the motion the Planning Board recommend to the Board of County Commissioners the preliminary plat of Shop World 3 Subdivision, be conditionally approved, adopt the Findings of Fact as presented in the staff report.

### **Motion**

**Board member Gravgaard made a motion, Board member Woods seconded to deny both variances. This motion passed unanimously.**

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### VARIANCES:

- A. 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.
- B. The applicant has requested a variance from Section 4.6.B.5 of the Yellowstone County Subdivision Regulations, which requires a variance request for an Emergency Access Road rather than a full access road.

### Discussion

President Cook called for discussion on the motions.

Wyeth Friday pointed out this is an unzoned area. It is neither commercial or residential. Yellowstone County Public Works would be involved regarding 80<sup>th</sup> Street West. Dry hydrants are required and construction is at the risk of the developer.

**The motion carries with 3-1 voice vote, Board member Dennie Stephenson in opposition.**

### 9. OTHER BUSINESS:

- **Reminder. Montana Association of Planners Conference September 27-29, 2022 DoubleTree Hotel, Billings**
- **Planning Board Vacancies:** Board members are encouraged to reach out to interested applicants.
- **Announcement:** Due to a lack of agenda items the October 11, 2022 and the October 25, 2022 meetings will be cancelled.
- **SAVE THE DATE!** Planning Board members are invited to attend the City of Billings Board and Commissions Volunteer Appreciation Dinner on October 25, 2022 6:00 PM. Invitations will follow in the mail the week of October 3, 2022.
- **Board member Teresa Larsen** is resigning effective 12/31/22. There will be nominations in November and voting in December for Board positions.

**ADJOURNMENT 8:21 PM**

**APPROVED BY A MOTION November 9, 2022**

***Robbin Bartley, Administrative Assistant***