

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

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"Serving Billings, Broadview, and Yellowstone County"

September 13, 2022

DRAFT- To be approved by a motion on September 27, 2022

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.

As legally advertised, The Yellowstone County Board of Planning met on September 13, 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.

1. Call the Meeting to Order: President Cook called the meeting to order at 6:00 p.m. on Tuesday, September 13, 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: Scott Reiter, SD #2, and Darin Swenson, Yellowstone, County Public Works via Zoom. Kolten Knatterud, IMEG, Anna Vickers, IMEG; Greg Reid, WWC Engineering; Doug Wild, Buffalo Crossing LLC; Levi Britton, Yellowstone Contractors

2. Approval of Agenda

Motion

Board member Woods made a motion and Board member Stephenson 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: August 24, 2022. Motion by Board member Stephenson and seconded by Board member Woods to approve the August 24, 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 was 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 – There is No Old Business.

8. NEW BUSINESS

1. Plat Review. 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. He referred to the plat map and pointed out the remaining Certificate of Survey that is not a part of the subdivision proposal. The developer is working with the adjacent property owner to provide and easement for secondary access to Stockman to build the entire subdivision road network. Should this not be feasible the subdivision will be submitted in phases for review with temporary cul-de-sacs for emergency fire access. (Conditions of Approval #1, 3)

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

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.

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.

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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. Board member Larsen asked regarding the pedestrian trail and Dave Green provided clarification on the location. It was noted that Lot 13 is designated for parkland that runs along Birely Drain.

President Cook called for presentation by the applicant's agent.

Greg Reid, WWC Engineering, Billings, MT

In response to question by Board member Woods, Mr. Reid said that the storm water control area will be a detention pond flowing back to Birely Drain. Monica Plecker asked about the alignment of Stockman Avenue. Greg Reid explained the notation of the need for Stockman Avenue to go southward per the functional classification map. He said the owner has made a request to purchase Tract 4B to create an easement. Conversations are undergoing regarding the Birely Drain agreement and access easements. The pedestrian trail will be an 8-ft width.

President Cook asked SD 2 Facilities Coordinator Scott Reiter how the influx of new students to Ben Steele Middle School will be handled within the school district. Scott Reiter said the boundary markers are under discussion for west end schools which may move students closer to Will James Middle School where there is room for additional students.

**A public hearing for Buffalo Crossing Subdivision will be held during the September 27, 2022 Planning Board meeting and recommendation forwarded to City Council for consideration on October 24, 2022.

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8b. Shop World 3 - Preliminary Major Plat Review. Discussion. 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. He explained this application is being reviewed as a County major subdivision due to the number of condominium units proposed. The applicant has finished the process of road abandonment for Rosebud Drive. He pointed out that there will be private roads maintained by a HOA. He noted the originally platted 82nd Street is unconstructed and is located in wetlands. No septic or water will be available. The fire suppression system will be located off of Stillwater Drive. A plat of the original Pike Subdivision was provided and Dave Green provided explanation of the reconfiguration.

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.

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

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Dave Green stated the County Legal Department provided an opinion that there are other options to exit the subdivision and two accesses are needed for a major subdivision. He read aloud the opinion provided by County Attorney Mark English.

Discussion

President Cook called for questions and discussion by the Board. Board member Woods asked about the dead-end reconfiguration of Rosebud Road’s and if it is wide enough to accommodate the Fire Department’s required turnaround. Dave Green explained the two options for a dead-end road are a cul-de-sac or a hammerhead. The remaining Rosebud Road cul-de-sac will serve as a hammerhead similar to one located in the northward development and will have a diameter of approximately 270-feet. Further clarification was given on the access points. Board member Woods said Rosebud Road could serve as a second access point.

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.
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.

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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.

President Cook called for presentation by the applicant’s agent.

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

Mr. Knatterud said this Shop World Subdivision application differs from the previous Shop World filings as this project is intended to resemble a storage unit facility. The owner intends to sell the units, which triggers the major subdivision review for the townhome-condo review process. He said the primary advantage to having a one-way in and out access point to the subdivision is for security purposes. Mr. Knatterud said they contacted MDT as they understood they needed to have two access points due to the subdivision process. They worked with MDT on the King Avenue approach location but due to an issue with the spacing to the adjacent residential approach, they were only granted an emergency access permit. This was discussed during the pre-application meeting. They reached out to the Laurel Fire Department who are in approval of the emergency access. Mr. Knatterud said they understand that Rosebud Drive is existing to the east. He pointed out that the east half of the parcel is the agricultural field which is flood irrigated and under production. Should Rosebud be built it would essentially build a road the subdivision does not want to utilize and it would cut off the agricultural field. They feel the emergency access would be sufficient due to the use of the subdivision. He asked for the Board’s input on the two variance requests so they may consider adjustments prior to the next meeting.

Levi Britton, Owner/Developer. (No address given)

Mr. Britton said the field on the east side has a well-developed piping system and the gravity flow goes north and south. Constructing Rosebud Drive running east and west will cut the field in half. The current owner of the green space wishes the green space to remain. Mr. Britton stated it seems that this is forcing of an easement when there is another way out for the Fire Department. The people in this storage facility would prefer a second access not be there and the facility will be tightly fenced. These units will be owned rather than rented and be used for dry storage spaces that are large enough for motorhomes. He said the variance request is submitted so the field is not ruined. He is asking for an exception because of the type of use. There is a lot of room for a turnaround with the hammerhead cul-de-sac.

Division Manager Plecker cautioned the Board stressed that a public hearing has not be held. Board members may discuss the variance as requested by Mr. Knatterud but must not indicate intentions for their votes.

Discussion

Board member Woods asked if there is an RSID to maintain the dry hydrant. Dave Green stated this is addressed within Condition of Approval #2. Board member Gravgaard asked regarding the “dusk to dawn” gate and Levi Britton explained that after construction the gate will be locked full-time and be

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the main entrance. Kolten Knatterud explained that the roadways are treated as parking similar to a driveway coming into the facility. Board member Larsen asked if there are other storage unit facilities with only one access point and Levi Britton gave several examples located in Laurel and Billings. In response to question by Board member Stephenson Mr. Britton said there will be no water or sewer but electrical and natural gas will be provided for heating purposes. Board member Stephenson asked if the units could potentially use as shops. Mr. Britton said the Covenants and Restrictions will dictate that this will be a storage facility. Division Manager Plecker asked for clarification in the SIA language stating that the intention of Shop World Condos is for condominiums and due to this all units are intended to develop as individual buildings with separate units to be leased or sold. Kolten Knatterud said the intention is that each of the separate units within a building may be sold. Ms. Plecker noted the underlying subdivision with the platting of Rosebud Drive and the lots created in the 1970’s. She asked if Mr. Britton has always owned these lots as ten-to-twelve one-two acre lots had to be parsed together to get this area to develop this subdivision in this way. She asked what sort of due diligence has been taken when it comes to access with knowing about the platted area, and the wetlands along King Avenue. Levi Britton said these things are discussed during pre-application and preliminary plat meetings and did not know there were concerns until “quite a ways downstream” and contrary to the first two meetings, this came up as an issue. Mr. Britton said the system was put in place to guard against that so the perimeters are set but the system is broken. He said the original plan was to have an entrance on Stillwater and an emergency entrance on King Avenue. Kolten Knatterud added they obtained a response from MDT prior to coming to the pre-application meeting and they know about the emergency access.

Discussion

President Cook called for questions and discussion by the Board. Per President Cook’s request Division Manager Plecker explained a discussion may be held regarding the requested variances but Board members are unable to give indication of their votes. Kolten Knatterud said this request is to obtain input in order to consider adjustments if needed. Board member Larsen clarified and said two full sized access required per the County and asked if the purpose would be fulfilled by constructing the access to the south. Board member Woods said the options have been laid out by the County Attorney’s office. The Board may either go with the Staff recommendation of denial or add language to allow for the plan as submitted. Denial of the variances will require construction of Rosebud Drive.

**A public hearing for Shop World III Subdivision will be held during the September 27, 2022 Planning Board meeting and a recommendation will be forwarded to the Yellowstone County Board of Commissioners for consideration on October 18, 2022.

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.

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- **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.

10. ADJOURNMENT

Motion

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

ADJOURNMENT 7:27 PM

DRAFT—TO BE APPROVED BY A MOTION September 13, 2022

Tammy Deines, Planning Clerk



YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

SEPTEMBER 13, 2022 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

NOTICE TO THE PUBLIC

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://tinyurl.com/yckr478k>
 - 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 emails 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.
- **In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.**
- Please direct questions to Tammy Deines, Planning Clerk at deinest@billingsmt.gov or 406-247-8610. Thank you!

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MOTION. MEETING MINUTES: AUGUST 23, 2022**
Attachments
2022_08_24_PLNB_Minutes_DRAFT.pdf
4. **PUBLIC COMMENT PERIOD** -- As required (3 minute maximum per person). *Any member of the public may 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's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
 - a. **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:** (Agenda items new to this meeting).
 - a. **Plat Review. Buffalo Crossing Subdivision.** An 84-lot City Residential Major Subdivision. Doug Wild,

<i>Printed Name</i>	<i>Address/email</i>
Greg Reid	greid@wwcengineering.com
Doug Wilis	Doug.wilis@CDHMontana.com
Kotten Knatterud	kotten.l.knatterud@imegcorp.com
Levi Britton	yellowstonecontractors@yahoo.com
Anna Vickers	anna.m.vickers@imegcorp.com