



YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

WEDNESDAY, NOVEMBER 9, 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. **MEETING MINUTES:** September 27, 2022. (The October 11, 2022 and October 25, 2022 meetings were canceled due to a lack of agenda items).
Attachments
2022_09_27_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** There is no Old Business.
 - 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. **Public Hearing. Staff Presentation. City of Billings MET Transit - 5 Year Transit Development Plan.** Scott Walker, Transportation Coordinator. Rusty Logan, MET Transit Manager. SRF Consulting, presenting.
 - b. **Staff Presentation. Discussion. Yellowstone County Zoning Jurisdictional Boundary Expansion.** Monica Plecker, Planning Division Manager, presenting.

9. **OTHER BUSINESS:**

- a. **Motion. Appointment of the Planning Board Nominating Committee for the 2023 Planning Board Officers.** Nominating Committee: The President shall at the first regular meeting in November appoint three (3) members who will present their recommendations for new officers at the first meeting in December as the first order of business following the approval of the minutes. Nominations from the floor maybe made at this time. Election of officers will follow the nominations at first meeting in December (See Article VII, Section 2). The President shall not be a member of the Nominating Committee.
- b. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, NOVEMBER 22, 2022

- a. Motion/Recommendation to PCC. Staff Presentation. City of Billings MET Transit - 5 Year Transit Development Plan. Scott Walker, Transportation Coordinator. Rusty Logan, MET Transit Manager. SRF Consulting, presenting.
- b. Motion. Planning Board Representative for the Bicycle Pedestrian Advisory Committee, (BPAC).
- c. **Planning Board Nomination Committee Recommendations and Nominations for Planning Board 2023 Officers. Planning Board.**
Planning Board Bylaws Section 2. Election of Officers. The President and Vice President shall be elected by a majority of the Board members present and voting at the first regular scheduled meeting in December. The terms of office of the President and Vice President shall commence on January 1.

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.

1. Be informed of the process and the requirements of the Board. If you are commenting about a subdivision, please limit your comments to the review criteria.

By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). These criteria include:

-Effect on agriculture and agricultural water user facilities

-Effect on local services

-Effect on the natural environment

-Effect on wildlife and wildlife habitat

-Effect on public health and safety

2. Provide specific information about why you are concerned about the pending application, how the decision will impact the review criteria listed above, and provide suggestions on how to minimize or eliminate the impact.
3. Respect the right of others to participate. Wait until the previous speaker has completed their comments before making your own comments. Do not talk over the person commenting or with other people in attendance.
4. The public hearing is not an opportunity to question or accuse the applicant or their agent. If you have questions of the Board, the applicant or the agent, ask the question directly to the Board during the public hearing portion of the meeting. The Board will respond or request the applicant or agent to respond after the public comment portion of the hearing is closed.
5. After the public comment portion of the hearing is closed, no further comments are allowed unless you are addressed directly by a Board member.
6. You should expect the Board to make a balanced recommendation in accordance with its statutory responsibilities. The Board's ability to make reasonable and thoughtful recommendations is dependent on a fair consideration of everyone's interests.

Thank you for participating.

Planning Board Meeting I (2nd Tuesday)

3.

Meeting Date: 11/09/2022

Information

Subject

MEETING MINUTES: September 27, 2022. (The October 11, 2022 and October 25, 2022 meetings were canceled due to a lack of agenda items).

Attachments

2022_09_27_PLNB_Minutes_DRAFT.pdf

CITY/COUNTY PLANNING BOARD

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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
Teresa Larsen	Mayor/Billings Ward I	1	1	-	-	-	1	E	E	x	x	1	1	E	1	E	E	1	E	-	-			
Roger Gravgard	Mayor/Billings Ward II	1	1	-	-	-	1	1		x	x	1	1	1	1	A	1	1	1	-	-			
Dennie Stephenson	Mayor/Billings Ward III	1	1	-	-	-	1	1	1	x	x	E	1	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	E	-	-			
Troy Boucher	YC District 1	1	1	-	-	-	E	A		x	x	A	A	E	1	E	E		1	-	-			
Dennis Cook	YC District 2	1	1	-	-	-	1	1	1	x	x	1	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		1					
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jarett Hillius	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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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. 82nd, 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. 82nd 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

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

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 80th 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

DRAFT—TO BE APPROVED BY A MOTION November 9, 2022

Robbin Bartley, Administrative Assistant