

# 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	01/10/2023	01/24/2023	02/14/2023	02/28/2023	03/14/2023	03/28/2023	04/11/2023	04/25/2023	05/09/2023	05/23/2023	06/13/2023	06/27/2023	07/11/2023	07/25/2023	08/08/2023	08/22/2023	09/12/2023	09/26/2023	10/10/2023	10/24/2023	11/14/2023	11/28/2023	12/12/2023
<b>Jim Ronquillo</b>	Mayor/Billings Ward I	1	1	1	1	1	1																	
<b>Roger Gravgaard</b>	Mayor/Billings Ward II	1	1	1	1	1	1																	
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1	1	1																	
<b>John Staley</b>	Mayor/Billings Ward IV	1	1	1	1	1	1																	
<b>David Nordel</b>	Mayor/Billings Ward V	1	E	E	1	1	1																	
<b>Troy Boucher</b>	YC District 1	A	A	A	A	A	1																	
<b>Dennis Cook</b>	YC District 2	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	1																	
<b>Vacant</b>	YC District 6	-	-	-	-	-	-																	
<b>Vacant</b>	YC District 7	-	-	-	-	-	-																	
<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-																	
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	E	E	E	E	A	1																	

**MARCH 28, 2023**

*DRAFT- To be approved by a motion on April 11, 2023*

**PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES**

As legally advertised, The Yellowstone County Board of Planning met on March 28, 2023 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, March 28, 2023.

**Introduction of Planning Board Members and Planning Department Staff**

President Cook called for introductions of the members of the Planning Board and staff.

**Participating Planning staff members:** Wyeth Friday, Director, Planning & Community Services Department; Monica Plecker, Planning Division Manager; Walker, Transportation Coordinator, Dave Green, Planner II, Tammy Deines, Planning Clerk; Rusty Logan, MET

**Others in Attendance:** Gary Owen, Sanderson Stewart; Sumner Anacker, Sanderson Stewart; Rick Leuthold, Sanderson Stewart; Joey Staszczuk, Sanderson Stewart; Vencil Trusty, Citizen; Heather Trusty, Citizen; Mike Hines, Citizen; Gabriel Johnson, Citizen; Tricia Mae, Citizen; Bryan Kovash; Greg McCall; applicant; Taner Sorge, Citizen; Gary Armstorng, Citizen; Polly Kovash, Citizen; Luke Knaff, Citizen;

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Greg Reid, WWC Engineering Aaron Redland, WWC Engineering; Sam Peila, applicant

**Virtual Attendance** – Mike Black, Yellowstone County Public Works, Scott Reiter, Planning Board Representative School District 2; Roger Gravgaard, Planning Board Representative Ward II; Troy Boucher, Planning Board Representative BOCC 1

**2. Approval of Agenda – Board member Staley made a motion and it was seconded by Board member Ronquillo to approve the agenda as submitted. The motion carried with a unanimous voice vote.**

### **3. Approval of Minutes: March 14, 2023**

**Motion by Board member Ronquillo and seconded by Board member Staley to approve the March 14, 2023 meeting 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 is no public comment.

**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:**

**7a. Motion/Recommendation to PCC. 2020-2024 TIP Amendment #4. Scott Walker, Transportation Coordinator, Rusty Logan, MET Transit Manager, presenting.**

Scott Walker opened this agenda item and gave a brief introduction and review of the background below. He explained that the TIP tracks spending on projects within the MPO. Amendments are often needed due to project scope or projects costs. A detailed summary sheet handout was provided to the members of the Board in the agenda packet.

**RECOMMENDATION**

Planning staff recommends the Planning Board receive a staff presentation and then hold a public hearing at this meeting. No action following the hearing is required at this meeting as the Planning Board will have any final discussion and take formal action at its meeting on March 28th.

**BACKGROUND**

Federal regulations require that Metropolitan Planning Organizations (MPOs) review and update their Transportation Improvement Program (TIP) periodically. Given timing and funding adjustments with several transportation projects, the current Billings 2020-24 TIP must be amended to maintain compliance with State and Federal requirements. The TIP is a short-range program of highway and transit projects in the Billings MPO area and is prepared by City-County Planning Division staff in cooperation with state and local agencies. The purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicate regional priorities, and demonstrate a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the urbanized area that are exempt from the TIP approval process, such as projects that do not utilize federal funds. This TIP amendment is being presented to the Planning Board for review due to timing and cost updates to several MDT projects supported by Federal funding. Staff has included and attached to this staff report a quick reference sheet indicating what project updates are included in this amendment. This item was presented to the Planning Board initially on March 14th and a public hearing was held. Staff presented the item and no public comment was received. The Board will need to act on the item and provide a recommendation to the Policy Coordinating Committee.

**2020-2024 TIP AMENDMENT IV REVIEW SCHEDULE**

<b>Review Body</b>	<b>Date</b>	<b>Notes/Result</b>
Technical Advisory Committee	February 23	Recommendation to Governing Bodies
Planning Board Discussion	March 14	Presentation, Public Hearing
Planning Board Action	March 28	Recommendation to PCC
City Council Work Session - Confirmed	April 3	Presentation
City Council Meeting	April 10	Recommendation to PCC
Commissioner Action	April 4	Presentation/Recommendation to PCC

**Discussion**

President Cook called for questions and discussion. In response to question by Board member Staley, this document addresses project cost increases.

President Cook called for a motion.

**Motion**

**Board member Woods made a motion and Board member Ronquillo seconded the motion to forward a recommendation of approval of the 2020-2024 TIP Amendment 4 to the PCC through its designee, President Cook. PCC is scheduled to meet on April 18, 2023 for action on this item.**

**There was no further discussion on the motion. The motion carried with a unanimous voice vote.**

**7b PUBLIC HEARINGS**

**7b1. Annafeld Subdivision, 5<sup>th</sup> Filing. City Major Subdivision. McCall Development, applicant. Gary Owen, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**

Dave Green opened this agenda with a brief staff presentation.

**RECOMMENDATION**

City Staff recommends the Planning Board forward to the City Council a recommendation to conditionally approve the preliminary plat of Annafeld Subdivision, 5th Filing, and adopt the Findings of Fact as presented in the staff report.

**BACKGROUND**

On February 1, 2023, Sanderson Stewart for McCall Development, Inc., applied for preliminary major plat approval for Annafeld Subdivision, 5th Filing. The proposed subdivision creates 123 lots for residential development. The subject property is generally located south of Elysian Road and west of Annafeld Subdivision, 4th Filing. The property is zoned PD, builders will follow the PD zoning requirements when developing the lots.

**VARIANCES REQUESTED** 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, prior to final plat approval, the applicant will submit all drawings and specifications for water systems, sewer systems and storm water systems to the City of Billings Engineering Department for review and approval prior to installation.
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 from the members of the Board. Board member Woods asked if this parcel is located within the Elysian School District and the other districts that are trying to bond together. Greg McCall said this is correct.

**Public Hearing**

President Cook opened the public hearing and called for those in favor or against Annafeld Subdivision 5<sup>th</sup> Filing. There was none.

President Cook closed the public hearing and called for a motion.

**Motion**

**Board member Staley made a motion and Board member Ronquillo seconded the motion to recommends the Planning Board forward to the City Council a recommendation to conditionally approve the preliminary plat of Annafeld Subdivision, 5th Filing, and adopt the Findings of Fact as presented in the staff report.**

**Discussion**

Board member Ronquillo commended developer Greg McCall for their progress with this development.

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

*City Council will take action on April 24, 2023.*

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**7b2. Public Hearing. Motion/Recommendation to City Council. Golden Meadows II Expansion Tract 2A-1 & Tract 3A-1 C/S 1349. City Major Subdivision. (Subdivision for Rent or Lease), Jay Van Tassell, applicant. Sumner Anacker, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**

Dave Green opened this agenda item with a staff presentation.

### **RECOMMENDATION**

City Staff recommends the Planning Board forward to the City Council a recommendation to conditionally approve the preliminary plat of Golden Meadows Subdivision Expansion, and adopt the Findings of Fact as presented in the staff report.

### **BACKGROUND**

On February 1, 2023, Sanderson Stewart applied for preliminary major approval for Golden Meadows II Subdivision for Rent of Lease. The proposed subdivision is an expansion of the existing Golden Meadows Mobile Home Park and creates 276 spaces for rent or lease. The subject property is generally located west of 32nd Street West, south of King Avenue West. The property is zoned Residential Manufactured Home, (RMH) The developer will follow zoning requirements with the layout of the proposed expansion of the mobile home park.

**VARIANCES REQUESTED** 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, prior to final plat approval, the applicant will submit all drawings and specifications for water systems, sewer systems and storm water systems to the City of Billings Engineering Department for review and approval prior to installation.
2. 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.
3. To provide needed private utility services to the future residents of the subdivision, prior to final plan approval, the applicant will work with private utility providers to provided needed easements for their utility installation
4. Minor changes may be made in the SIA and final documents, as requested by the

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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, 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. President Cook asked about sidewalks within the subdivision and along King Avenue. Dave Green said there will be sidewalks along the interior of the subdivision. To the north there is another mobile home park and there are existing sidewalks on King Avenue. President Cook related that there were concerns voiced during the last meeting related to traffic. Dave Green said that the traffic study has provided the information required for this subdivision. He deferred this question to the applicant's agent. Board member Woods asked for further clarification on the sidewalks. Dave Green said sidewalk exists on King Avenue, and on South 32nd Street West. The existing mobile home park was developed prior to the requirement for sidewalks and so they will not have them. This is the same with the mobile home development to the east of this parcel.

### **Public Hearing**

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against Golden Meadows II Expansion Tract 2A-1 & Tract 3A-1 C/S 1349.

### **Sumner Anacker, Sanderson Stewart, 1300 Transtech Way, Billings, MT**

Ms. Anacker is the agent for applicant Jay Van Tassell. She pointed out that the vicinity map on the initial version preliminary plat has since been corrected. Board member Ronquillo asked if the mail delivery will be placed in two sections. Ms. Anacker said the mail delivery will be located on Willowbend South and mailboxes will be placed on the north and south side of the street. In response to question by Board member Stephenson, Ms. Anacker said there are no plans for a community center at this time. President Cook asked about the bus route and locations for student drop-offs. Ms. Anacker said this will be addressed by the school districts. Board member Scott Reiter said this would be handled by the school district Transportation Committee.

### **Joey Staszczuk, Community Transportation Studio, Sanderson Stewart, 1300 Transtech Way, Billings, MT**

Mr. Staszczuk said a comprehensive traffic impact study was conducted for this development. Mr. Staszczuk said traffic and existing pedestrian data was collected at all

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intersections within a half-mile radius of this property, and the traffic counts were taken at the access points for this development. They considered a five-year span of crash history data. There are high crash rates for this area and several items were discussed in the study to mitigate these measures. Everything existing is Level of Service “C” or higher along King Ave and S 32<sup>nd</sup> Street West. Mr. Staszczuk provided an explanation of the trip generation statistics for this development being a projection of about a 7% increase in daily traffic on S 32<sup>nd</sup> Street West. They are considering a two-year build out for this subdivision. There is about a 5% growth rate in this end of town. Warrants and mitigation options are related to safety and crash history at the intersections.

Recommendations were made for signal timing upgrades at S 32<sup>nd</sup> Street West and King Avenue, and removing the permissive left turning lights. The Gabel Roads intersection should undergo monitoring. Per City requirements, financial contributions will be required for intersections meeting the volume thresholds.

Board member Staley voiced concern that the S 32<sup>nd</sup> Street West access from the original development will be also be used for this development. He is concerned with the visibility issues for traffic traveling north over the blind hill and the potential for traffic stacking while waiting for vehicles attempting a turn to access the court.

Mr. Staszczuk added that the two approaches have been considered and no crashes were noted on either of the intersections for the last five years. He said they do not expect more than a vehicle at a time queued to make the turn. The dual south bound lane is to push more cars through. In response to question by Board member Nordel, Mr. Staszczuk gave the traffic study statistics and said there is a day total approximately 2,000 daily trips counting entering and exiting. He said there are an average 7.1 trips a day per unit throughout the day but not showing as spiking during the peak hours using existing home and national data. The study recommendations are for signal timing, changing signal phasing, and monitoring the signal on Gabel Road for timing, which falls into the City’s responsibility for achieving this within their system.

### **Rick Leuthold, Sanderson Stewart, 1300 Transtech Way, Billings MT**

Mr. Leuthold said he spoke with underlying property owner Greg MacDonald, who pointed out a correction needed on the vicinity map as it was based on older GIS data. He provided copies of a letter from the previous owner, Gregory C. MacDonald, who is in full support of this project and has been working with the developer. Mr. MacDonald intends to turn the pond into an aesthetic amenity but currently the pond is considered an “attractive nuisance”. Under the Memorandum of Agreement with the new owner, they have agreed to fence the pond and provide signage in consideration of health and safety,

especially for children. This language will be addressed within the Subdivision Improvement Agreement for this development. Board member Ronquillo asked about the fencing. Mr. Leuthold said per the MOU, there will be 6-foot chain link fence with opaque slating and a top wire. With regard to the community center, Mr. Leuthold said there is a facility that can be used as a community center by the center park within the main facility. He pointed out that this development is to be an expansion of the existing mobile home park. Rick Leuthold answered Wyeth Friday’s question and said the parkland along the west will have chain link fencing and have a significant level of landscaping. According to the MOU, the perimeter fence will be built immediately.

There was no one wishing to speak in favor or against Golden Meadow Subdivision Expansion. President Cook closed the public hearing and called for a motion.

**Motion**

**Board member Stephenson made a motion and Board member Ronquillo seconded the motion to forward to the City Council a recommendation to conditionally approve the preliminary plat of Golden Meadows II Subdivision Expansion, and adopt the Findings of Fact as presented in the staff report.**

Board member Woods commented that he understands the inability to fix older existing developments but he is concerned when subdivisions are developed and sidewalks are not provided. He worries with children’s safety when interacting with the pond area. Board member Nordel feels this this area will be revisited as more development pressure is put on this space, especially with the new Costco being built. He said modifications will be needed for infrastructure.

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

*City Council will take action on April 24, 2023.*

**7b3. Public Hearing. Motion/Recommendation to BOCC. Peila Subdivision Tract 1-2-A of C/S 3443. Matt Peila, Sam Peila, Prairie Builders, applicants. Aaron Redland, WWC Engineering, agent. Dave Green, Planner II, presenting.**

Dave Green opened this agenda item with the Staff presentation.

**RECOMMENDATION**

Staff recommends the Planning Board forward to the Board of County Commissioners a recommendation to conditionally approve the preliminary plat of Peila Subdivision, and adopt the Findings of Fact as presented in the staff report.

**BACKGROUND**

On February 1, 2023, WWC Engineering, agent for Matt and Sam Peila, applied for preliminary major plat approval of Peila Subdivision. The subject property is generally located on the south of Yeoman Road and west of Twelve Mile Road. This parcel of land is outside of zoning. It is surrounded by residential uses and wildland grass acreage.

**VARIANCES REQUESTED** 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, prior to final plat approval, the applicant will receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will create an RSID for the new public roads within the subdivision.
3. To protect the existing private easement and also to provide for the requirement of two means of ingress and egress from a major subdivision, prior to final plat approval, the applicant will either need to show documentation they are allowed to use the private road easement of Molly Drive West which connects to Yeoman Road. Or, they will need to dedicate it to the public, build the road to a county standard and include it in the RSID they are creating for the other public roads with in this subdivision.
4. To protect the safety of drivers in the area of this newly proposed subdivision and manage the increased traffic this subdivision may cause, prior to final plat approval, the applicant will provide to County Public Works a Traffic Impact Study (TIS) for their review and comment.
5. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings to Shepherd Volunteer Fire Department for review and approval of the dry hydrant system. Once installed the applicant will request Shepherd Volunteer Fire Department to test the system to ensure it works correctly and get a sign off from Shepherd Fire Department. The applicant will also create an RSID for the dry hydrant system that is expandable with each new phase.
6. To minimize the effects on local service, prior to final plat approval, the applicant will

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coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.

7. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.

8. 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.

9. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, regulations, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

### **Discussion**

President Cook called for questions and discussion. Per request of Board member Nordel, Dave Green explained the improvements needed for the gravel roads and requirements for the Fire Department to access the dry hydrant. He said the applicant has worked with the Fire Department and submitted drawings to locate the dry hydrant.

### **Public Hearing**

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against the Peila Subdivision.

### **(PHONE): Michelle Campbell, 3460 Yeoman Road, Billings, MT**

Ms. Campbell owns a residence located off of Yeoman Road and bordering the Molly West Subdivision where the road is going to be built. She said initially this was a dead end road. She is aware of the Peila's private easement for access to this proposed subdivision. Ms. Campbell said the residents are hoping that there will be some concessions as far as dust control and speed limit signs. She said a major concern is the intersection to access 12-Mile Road as there is a blind spot when attempting a right turn to travel south. She said the Commissioner told them that the hill has already been shaved down and they can do nothing more. Ms. Campbell voiced concern with funneling more traffic towards this intersection and running risk of more deaths. She asked about dust control during the construction phase. She said the residents will be terribly inconvenienced and she asked what concessions will be made so they can enjoy their lifestyle as they have in the past.

**Tanner Sorge, 3805 Yeoman Road, Billings, MT**

Mr. Sorge is concerned with an uptick of traffic on Yeoman Road and the dust that will be created by the additional cistern trucks. He asked for consideration of the wear and tear on the road gravel road. He said there are no paved roads or sidewalks and there are children and pedestrian walking. The dust creates visibility issues. He said although the road is posted, vehicles travel at high traffic speeds and there is limited patrolling by the County Sherriff’s Office. He concurred that the intersection at 12-Mile Road is dangerous as there is no visibility at the hill and there are higher incoming traffic speeds.

**Tricia Mae, 3565 Yeoman Road, Billings, MT**

Ms. Mae said there is a blind hill at the intersection of Yeoman and 12-Mile Road, especially during the daytime. She lives on the west side of Horseman Way which has a small blind hill when approaching Yeoman Road. She said has witnessed conflicts between resident drivers and children walking on the road, and incidents of vehicle conflicts with school bus drivers. Ms. Mae feels the safety hazards will increase with this development. She spoke of issues with dust with current residents using Yeoman Road and animals. Said there was only one application of dust control last year and has not received a response from Yellowstone County Public Works after contacting this office. “Increased traffic, increased risk”. Ms. Mae said as a Safety and Environmental Project Manager, she knows there can only be so many near misses before having an incident. She asked the Board to consider the residents on Yeoman Road. She has no objections to the subdivision but is asking for road maintenance and consideration for health and safety.

**Mike Black, County Engineer, YC Public Works**

Mr. Black clarified the classifications for public roads and easements, and said that there are really not “County roads” as the County does not own roads. Instead they maintain roads and oversee RSIDS. In this instance the maintenance is done by a private contract that is put out to public bid with monies from RSID funds. The County is aware of some of these situations in this area and by process the County can add additional maintain acne to roads they maintain. Since 1995, the Commissioners made a determination that any new subdivision has to have private roads with maintenance addressed internally or public roads with maintenance provided in perpetuity through the RSID process. Wyeth Friday asked about the County’s maintenance activity on Yeoman Road which is not a part of this subdivision. Mike Black said they have historical maintenance on Yeoman Road and should it need additional maintenance or repair, they would consider increasing frequency of maintenance or dust control measures. Board member Woods,

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asked about Road Maintenance Districts. Mike Black said Lockwood has a Road Maintenance District. Some districts have melded the dry hydrant and road maintenance together. For funding purposes the preference is to have separate RSIDs for the dry hydrant, road maintenance, and park districts.

### **Gabriel Johnson, 3830 Molly Drive, Billings, MT**

Mr. Johnson's property border's this subdivision and it is the last house on Molly Drive before Mr. Peila's property starts. He stated he is in favor of the subdivision. He said he understands the safety concerns that have been brought forward regarding the intersection at Yeoman Road and suggested installation of a stop sign for vehicles going south prior to reaching the hill. He said measures should be taken to make Molly Drive and Yeoman Drive as dust free as possible and keep the vehicle speeds down. He said if nothing is done with the intersection, residents will exit to the subdivision to the south to avoid the intersection. He feels his property values will improve and the parkland will be a benefit for children. He suggested paving Molly Drive and Yeoman Road. There is a County employee that grades the road and plows the road regularly up to the property. The dangerous intersection is the primary concern along with the dust issues.

### **Heather Trusty, 7105 Molly Drive West, Billings, MT**

Ms. Trusty said their property has the existing easement to connect the roads. She asked what will happen if they do not sign the RSID and how it will be maintained. She shares concerns with the dust and the Yeoman intersection. She also asked about the effects on BBWA irrigation ditch and their land with the creation of the road on the existing easement.

### **Rebuttal**

President Cook closed the public hearing called for rebuttal by the applicant.

### **Aaron Redland, WWC Engineering, 550 S 24<sup>th</sup> St West, Billings, MT**

Ms. Redland is the agent for applicants Matt Peila and Sam Peila. She asked Mike Black, YC Public Works, to elaborate what is on the docket for maintenance of Yeoman Road. Mike Black explained that maintenance is increased per residents' requests and safety concerns and issues; and this would apply to Yeoman Road. He commented that it is likely the maintenance frequently will need to be increased along with the materials used to maintain it. Ms. Redland pointed out the Condition of Approval for a traffic impact study which will take in account the new lots. The traffic engineers are processing the study but they have not received it yet. The applicant will address issues that come up from the study. Ms. Redland asked Mike Black what will

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happen to Molly Drive West if the easement document is not signed. Mike Black responded that this could be petitioned in but it would be subject to an amended plat or getting a dedication for a public easement from the two parcels. Ms. Redland said there letter stating how incidents of damage to the irrigation lines would be addressed.

### **Discussion**

Board member Staley asked Mike Black what conditions would require a paved road under the County Subdivision Regulations. Mike Black responded that this subdivision cannot trigger pavement. Division Monica Plecker said the regulations state that if the parcel connects to a paved road, the level of service must be continued. In this case, there isn't a regulation to require service at a high level. Board member Nordel asked who is responsible for maintaining the road when constructed to the criterion. Mike Black said internal roads would be addressed by the RSID and paid for by the landowners. Yellowstone County would maintain collector roads. Board member Nordel asked if that case, public health and safety is the landowners' responsibility. Division Manager Monica Plecker said this is utilizing a public mechanism as the County Finance Department collects the fees with the tax bill. It is the County's opinion that there is an advantage to having public roads within a subdivision and using the RSID mechanism as it guarantees availability of funds. Often times there is dysfunction with private roads under an HOA. Mike Black said the County reviews the RSID's on annual basis.

President Cook closed the public hearing and called for a motion. No motion was forwarded by the Board.

Division Manager Plecker advised the Board to use the review criterion and to state reasons for a decision for the record. Failure to make a recommendation is not an option as clear direction must be provided to the Board of County Commissioners.

### **Discussion**

Board member Ronquillo said he understands the residents' concern with health and welfare issues with the need for dust control and the healthy and the need for a stop sign at the dangerous intersection at Yeoman Road. Board member Nordel said the lack of availability of a Traffic Study is a "show stopper" for him as it is a key piece of data. Board member Staley concurred and said there is not enough information to make a decision. He said even though this meets the County regulations, there are significant issues. Dust control is needed, and there are no sidewalks due to the lot sizes, placing children on the gravel roads. He stated public safety has to be addressed. He would like to see the traffic study. President Cook asked staff about the potential of a 30-day delay

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in order to obtain more information. Director Friday said depending on the review timeframe, there is a potential for delay if more information is needed. He reminded the Board to review the proposed Conditions of Approval and noted the condition requiring a traffic study and mitigation of impacts. This Board can provide information to the Board of County Commissioners regarding the safety issues at the intersection of Yeoman Road and 12-Mile Road as a separate item. Board member Staley reiterated the need for the traffic study information to make a good decision. Board member Woods said if a recommendation is forwarded to the Board of County Commissioners for conditional approval, the Planning Board will not see this again. He feels that a delay may be the way to go in order to forward the information forward. Board member Nordel said it is difficult to listen to public concerns of the property owners that have to live with this. He stressed the need for data to make a legitimate decision based on the health and safety of individuals and said that the studies lend to integrity. Division Manager Plecker said it is important to understand proportionate share of responsibility and there is not any way to hinge every improvement specifically on this one particular subdivision and subdividor. Board member Staley said these will be public roads maintained by RSIDs. His issue is the addition of more people to a road that is already unsafe. He wants to ensure that he isn't putting children in jeopardy with his recommendation. Board member Gravgaard said he believes this discussion should take place following a motion.

### **Motion**

**Board member Gravgaard made a motion and it was seconded by Board member Woods to forward to the Board of County Commissioners a recommendation to conditionally approve the preliminary plat of Peila Subdivision, and adopt the Findings of Fact as presented in the staff report.**

### **Discussion**

Board member Gravgaard said the Board does not have control over the County's contracted maintenance of the public roads. He believes the County should be in the business of maintaining public safety. If this means doing what needs to be done to alleviate dust issues, it should be considered by all parties involved. It doesn't sound as if any more shaving can be done to the road and the blind hill. He encouraged citizens to have as many as possible attend the Board of County Commissioners' meeting and voice their concerns. Board member Nordel spoke to the Board's responsibility to consider this and he is not in favor of a vote of approval without a traffic study. Division Plecker gave direction on the motion process per the Roberts Rules of Order.

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Board member Woods asked President Cook to ask the applicant's agent if the applicant would consider a 30-day delay to allow time for the Traffic Control Study.

### **Aaron Redland, WWC Engineering, 550 S 24<sup>th</sup> St West, Billings, MT**

Ms. Redland said the traffic study is in process with a rough timeline for completion in Mid-April. Director Friday said April 27, 2023 is the end of the review period and that's when it has to go before the Commissioners for action. He added that the expectation is that the study is submitted and considered by Public Works which may push it into May. Division Plecker said applicant has to be agreeable to the delay.

### **Sam Peila, 4076 Chicago Road, Billings, MT**

Mr. Peila said they would like to work with the delay. He commented this intersection has always been an issue. He feels paving or putting millings on the road is not the solution as it increases vehicle speeds. He said there needs to be a flashing light at the top of the hill and request more patrol of the area from the County Sheriff's office. His concern with the delay is the expansion of the timeline. He is agreeable to 30 days if this review can be kept on track. Division Manager said this can be accommodated with a proposal with this agenda item returning to the Planning Board on May 9, 2023.

### **Motion**

**Board member Woods made a substitute motion and it was seconded by Board member Stephenson to delay action on Peila Subdivision to the May 9, 2023 Planning Board meeting to allow consideration of the traffic study prior to forwarding a recommendation.**

### **Discussion**

Board members and staff discussed options for addressing the issues Yeoman Road and 12-Mile Road intersection. Board member Nordel said it is difficult to do this work without a traffic study and he recommended all future applicants come forward with completed studies. Board members thanked Mr. Peila for his cooperation.

President Cook acknowledged a citizen in the audience.

### **Tanner Sorge, 3805 Yeoman Road, Billings, MT**

Mr. Sorge asked if County Public Works has considered working with the homeowners for the expenses for the improvements on Yeoman Road.

*\*\*This agenda item is delayed and will be heard by the Planning Board on May 9, 2023.*

**7b4. Public Hearing. Motion/Recommendation to BOCC Sanctuary Canyon Estates Subdivision, 2nd Filing. County Major Subdivision. Chris Vlahos, Superior construction, Inc. applicant. Aaron Redland, WWC Engineering, agent. Dave Green, Planner II, presenting.**

Dave Green opened this agenda item with the staff presentation.

**RECOMMENDATION**

Staff recommends the Planning Board forward to the Board of County Commissioners a recommendation to conditionally approve the preliminary plat of Sanctuary Canyon Estates Subdivision, 2nd Filing, and adopt the Findings of Fact as presented in the staff report.

**BACKGROUND**

On February 1, 2023, WWC Engineering, agent for Chris Vlahos, applied for preliminary major plat approval of Sanctuary Canyon Estates Subdivision, 2nd Filing. The subject property is generally located on the south of Trail Master Drive and east of Sanctuary Canyon Road. This parcel of land is outside of zoning. It is surrounded by residential uses and wildland grass acreage.

**VARIANCES REQUESTED**

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, 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 with proper fire suppression, prior to final plat approval, the applicant will submit drawings to Lockwood Fire Department for review and approval of the proposed locations of new fire hydrants within the subdivision expansion.
3. 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

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safely delivering the mail to the residents.

4. 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.

5. 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.

6. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, regulations, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

### **Discussion**

President Cook called for questions and discussion. Per Board member Woods' request, Dave Green confirmed that this is the revised plat. Board member Stephen asked regarding access to parkland. Dave Green responded access was provided with the first filing of the subdivision with a public access easement. The topography of the parkland is hilly.

### **Public Hearing.**

President Cook opened the public hearing and called for anyone wishing to speak in favor or against Sanctuary Canyon Estates Subdivision, 2<sup>nd</sup> Filing.

### **Aaron Redland, WWC Engineering, Billings, MT**

Ms. Redland is the agent for applicant Chris Vlahos. She offered to answer questions.

President Cook closed the public hearing and called for a motion.

### **Motion**

**Board member Ronquillo made a motion and it was seconded by Board member Stephenson to forward to the Board of County Commissioners a recommendation to conditionally approve the preliminary plat of Sanctuary Canyon Estates Subdivision, 2nd Filing, and adopt the Findings of Fact as presented in the staff report. There was no discussion on the motion. The motion carried with a unanimous voice vote.**

## **9. OTHER BUSINESS**

**9a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects. Director Wyeth Friday**

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**9a1. Announcement: City of Billings & Yellowstone County Board and Commission Training** Wednesday, March 29, 2023. 5:00 pm – 6:30 pm. Billings Community and Senior Center, 360 North 23<sup>rd</sup> Street. Speaker Dan Clark, Local Government Center, Bozeman, MT.

**Billings Urban Area Long-Range Transportation Plan-Second Open House.** Wednesday, April 5, 2023. 5:00 PM – 6:30 PM. Billings Library Community Room, 510 N Broadway. The event will be open house format.

- Review and comment on identified projects and their current prioritization
- Learn about the LRTP process and why it matters

**Zoning Code Amendments:** Staff is bringing these forward to the City Council, April 3, 2023.

**9a2. Announcement:** The April 11 meeting will be held as legally announced and advertised. Plat Review and discussion items will include City Major Subdivision, Lake Hills, 40<sup>th</sup> Filing, and County Major Subdivision 54 West Subdivision. Lisa Gray, HDR Inc., will give a presentation on the I-90 Yellowstone River Project.

**ADJOURNMENT: 8:41 PM**

**DRAFT—TO BE APPROVED BY A MOTION April 11, 2023**

Tamara L. Deines, Planning Clerk