

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
Jim Ronquillo	Mayor/Billings Ward I	1	1	1	1	1	1	E																
Roger Gravgaard	Mayor/Billings Ward II	1	1	1	1	1	1	1																
Dennie Stephenson	Mayor/Billings Ward III	1	1	1	1	1	1	1																
John Staley	Mayor/Billings Ward IV	1	1	1	1	1	1	1																
David Nordel	Mayor/Billings Ward V	1	E	E	1	1	1	1																
Troy Boucher	YC District 1	A	A	A	A	A	1	A																
Dennis Cook	YC District 2	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	1	1																
Vacant	YC District 6	-	-	-	-	-	-	-																
Vacant	YC District 7	-	-	-	-	-	-	-																
Vacant	Y County Cons. District	-	-	-	-	-	-	-																
Scott Reiter	Ex-Officio SD2	E	E	E	E	A	1	E																

APRIL 11, 2023

DRAFT- To be approved by a motion on April 25, 2023

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES

As legally advertised, The Yellowstone County Board of Planning met on April 11, 2023 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, April 11, 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; Hunter Kelly, Planner II, Tammy Deines, Planning Clerk; Lora Mattox, Transportation Planner; Mike Black, Yellowstone County Public Works Department

Others in Attendance: John Bruckner, WWC Engineering; Travis Copper, KLJ, Lisa Gray, HDR Inc.; Michael Christensen, applicant; Maya Burton, Floberg Realty

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

3. Approval of Minutes: March 28, 2023

Motion by Board member Stephenson and seconded by Board member Nordel to approve the March 28, 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 There is no Old Business

8. NEW BUSINESS

8a. Presentation. Discussion. I-90 Yellowstone River Project. Lisa Gray HDR Inc., presenting. Ms. Gray thanked the Board for this opportunity to present this evening and followed with a PowerPoint presentation on the I90 Yellowstone River Project. Shane Johnson, Construction

Project Overview: The Montana Department of Transportation (MDT) is reconstructing Interstate 90 (I-90) in Billings between the 27th Street and Lockwood interchanges including reconstructing the Yellowstone River bridges, Talen Energy Railroad (RR) structures, and roadway- on time, on budget, and safely.

Bridge Construction Elements: Construct Temporary Work Facilities; Erect Bridge Girder; Dismantle and Remove the Old Bridge; Construct Bridge Deck and Overlay Polymer; Construct Bridge Substructure

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Construction Elements through November 2023: Coordinate Construction Traffic; Abate Dust; Install Barrier; Install Storm Drain System; Mill Pavement; Pave Roadway; Remove Pavement and Prepare Base Materials; Roll Roadway

Drivers Should Expect: Traffic shifts; Temporary Ramp Closures; Width Restrictions; Extended Construction Work Hours; Reduced Speed Limits; New Traffic Patterns

Construction Schedule:

- **2023:** Construction of new eastbound structures over the Yellowstone River and over the Talen Energy railroad spur line. Reconstruction of the eastbound road.
- **2024:** Cleanup, final signing and striping, pavement sealing, bridge deck overlay, and some roadway construction near the interchanges.

Adjacent Projects:

- Lockwood Interchange Reconstruction
Website: www.mdt.mt.gov/pubinvolve/i90lockwood
- Billings Bypass Project
Website: <http://www.mdt.mt.gov/pubinvolve/billingsbypass>
- I90 East Laurel-West Billings Improvements
Website: www.mdt.mt.gov/pubinvolve/eastlaurel
- I90 Yellowstone River Project Billings
Website: <http://www.mdt.mt.gov/pubinvolve/i90yellowstone>

Stay Informed

- Email: I90yellowstone@hdrinc.com
- Phone: 888-926-5827
- Text: i90Yellowstone to 844-799-0212*
- Project Website: www.mdt.mt.gov/pubinvolve/i90yellowstone

Discussion

President Cook called for questions and discussion from the members of the Board. Discussion followed by the members of the Board on the drivability of the diverging

diamond interchange design proposed for the Lockwood Johnson Lane Interchange.

8b. Plat Review. Discussion. Lake Hills Subdivision, 40th Filing. City Major Subdivision. Ron Hill, applicant. John Bruckner, WWC Engineering, agent. Hunter Kelly, Planner I, presenting.

Hunter Kelly opened this agenda item with the staff presentation.

RECOMMENDATION

Staff proposes the Planning Board recommend to City Council that the preliminary plat of Lake Hills Subdivision, 40th Filing be conditionally approved and the Findings of Fact adopted as presented in the staff report.

BACKGROUND

On March 1, 2023, WWC Engineering, on behalf of Ron S. Hill, applied for preliminary subsequent Major plat approval for Lake Hills Subdivision, 40th Filing. The proposed subdivision creates 13 lots for development. The subject property is generally located South of Greenbriar Road and East of Clubhouse Way. The property is zoned N3 – Suburban Neighborhood Residential. The land is currently vacant.

VARIANCES No variances are requested.

PROPOSED CONDITIONS OF APPROVAL

1. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
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.

President Cook called for presentation by the Applicant.

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John Bruckner, WWC Engineering, 550 S 24th Street West, Billings, MT

Mr. Bruckner is the agent for applicant/developer Ron Hill. He offered to answer questions. There were no questions from the Board for Mr. Bruckner.

Discussion

President Cook called for questions and discussion from the members of the Board. Board member Staley asked regarding the adjacent lot sizes. Hunter Kelly said these lots will range from a minimum of 9,600 square feet to about 13,000 square feet for the single-family housing lots. Board member Woods pointed out this type of reconfiguration of lots has happened in previous filings.

*** A motion and recommendation will be forwarded by Planning Board to City Council and A public hearing and for Lake Hills Subdivision will be held during the April 25, 2023 Planning Board meeting.*

8c. Plat Review. Board Discussion. 54 West Subdivision. City Major.

Mike Christensen, applicant. Ryan Welsh, KLJ Engineering. Travis Copper, KLJ Engineering, agents. Hunter Kelly, Planner I, presenting.

Planner Hunter Kelly opened this agenda item with a staff presentation.

RECOMMENDATION

Staff proposes the Planning Board recommend to City Council that the preliminary plat of Fifty Four West Subdivision be conditionally approved and the Findings of Fact adopted as presented in the staff report.

BACKGROUND (On March 1, 2023, KLJ Engineering, on behalf of Michael Christensen , applied for preliminary subsequent Major plat approval for Fifty Four West Subdivision. The Proposed subdivision creates 66 lots for residential development. The subject property is generally located North of Rimrock Road and East of 54th Street West. The property is currently zoned N3. Per the zoning code, the property will need to be rezoned to a Planned Neighborhood Development. Additionally, in order for this land to develop in the City, annexation is required. Both an annexation and zone change are being reviewed by staff and will be considered concurrently with this application. The land is currently vacant.

VARIANCES No variances are requested.

PROPOSED CONDITIONS OF APPROVAL

1. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
2. To minimize the effect on local services, to be compliant with Planned Neighborhood Development zoning regulations, and because of the location in proximity to Cottonwood Park, the subdivider shall provide a combination of 2% (.33 acres) developed park and 9% (1.46 acres) cash-in-lieu. The dollar value shall be determined based on methods outlined in Section 23-1007 of the City of Billings Subdivision Regulations. The payment shall be made prior to final plat approval.
3. In order to protect public health and safety and provide for future park maintenance, all required parkland shall be privately owned and maintained. Prior to final plat approval, the subdivider shall submit for review and comment, documents outlining how the maintenance will occur.
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, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.
- 6. (CPTED Recommendation)** In order to protect public health and safety and adhere to Crime Prevention Through Environmental Design (CPTED) principles; fences within the rear yard setback of Lots 1-7, Block 8, and Lot 9, Block 7 and side yard fences adjacent to the 30' wide ROW for the shared used path shall be limited to 4 feet in height. The Covenants, Codes, and Restrictions (CC&Rs) filed with the final plat shall include this language. In addition, the following language shall be placed into the Subdivision Improvements Agreement under Section II. Titled Property Conditions and Information for Lot Purchasers F. rear yard fences of Lots 1-7, Block 8, and Lot 9, Block 7 and side yard fences adjacent to the 30' wide ROW for the shared used path shall be limited to 4 feet in height. The aforementioned fences may be constructed up to the maximum height allowable by zoning, if the fence is constructed of materials that are permitted by the zoning code and allows for transparency.
- 7. (CPTED Recommendation)** In order to protect public health and safety and adhere to Crime Prevention Through Environmental Design (CPTED) principles and per the

City of Billings Subdivision Regulations Section 23-406 A. 3. The subdivider shall install a plantings within the open space area and future easements (Condition 8) adjacent to the shared use path. The landscaping shall include at least 1 tree and 6 shrubs or ornamental grasses every 40’. The trees should be of a variety included in the City’s preferred tree planting list.

8. **(CPTED Recommendation)** In order to minimize the impacts on local services and protect public health and safety, the 30’ wide private open space lots on the perimeter of the development shall be changed to easements as opposed to standalone lots. The Final Plat shall depict these areas as being part of individual lots and depict the easement. The easement along Lot 7, Block 8 and Lot 9, Block 7 shall include the required landscaping/planting strip as referenced in Condition #7.

Planner Kelly pointed out the addition of Conditions of Approval #6-8 are due to the recently adopted City Council guidelines for Crime Prevention through Environmental Design, (CPTED), principals. He referred to the posted site plan and explained the CPTED guideline that pertains to this plat. In this survey, Block 8 borders a publically used multi-use trail. Per CPTED principals, the application of the reduction in fence height is to allow more visibility on the multi-use path, reduce instances of crime, and create a natural barrier corridor with plantings.

Discussion

President Cook called for questions and discussion.

Board member Staley asked for further clarifications. Director Friday said these conditions of approval are City Council is moving forward with integration of CPTED principals in a variety of processes. Staff is trying to be proactive and are proposing solutions within the Conditions of Approval to concur with the CPTED principals prior to the application moving forward to City Council. CPTED is being integrated into Planning and Parks development review processes.

Board member Nordel asked about the rationale behind these principals and which application types constitute the need for shrubs and the height of fences. Director Friday explained that the thought is that public corridors with 6-foot fencing along trail ways limit the visibility to trails. Hunter Kelly clarified and said the 4-foot fence is generally the maximum fence height allowed within the City for the front yard. Board member Nordel said that while he applauds the effort, but these conditions may potentially lower the salability of the homes on the affected lots as it seems counterintuitive to have a fence in the rear yards that can be seen through. President Cook commented that this is a

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proactive approach and it seems the language is still open to discussion. Director Friday said Staff is trying to work with applications to address CPTED principals and recommendations prior to the City Council hearing. In response to question by Board member Gravgaard, Hunter Kelly said this will affect Lots 1-7 of Block 8 along Rimrock Road due to the adjacent walking path and trail. Board member Gravgaard asked Staff if a presentation could be brought to the Planning Board on the CPTED guidelines. Board member Staley asked about the location of the proposed parkland on this survey and asked why it is acceptable to have children cross 54th Street West to access Cottonwood Park. Wyeth Friday said 54th Street West is a signalized intersection and there are multi-use paths on the west side going to Cottonwood Park. The cash-in-lieu funds from this development will go to development of Cottonwood Park which will be master planned this year to identify initial phases of improvement for the park. Hunter Kelly pointed out that the Parks & Recreation Staff member that made the recommendation no longer works with the City. Board member Woods asked who will maintain the landscaping in the common spaces and if the trees and shrubs are in addition to the landscaping requirements. Director Wyeth Friday said there is language in the subdivision code for screening and plantings along these types of park strips. Maintenance of the established open space will be done through a homeowners association. Board member Woods asked if the detention pond will be fenced.

President Cook called for presentation by the applicant.

Travis Copper, KLJ Engineering, 2611 Gabel Road, Billings, MT

Mr. Copper represents applicant, Michael Christensen. He noted the posted plat and said the City Parks Department is not in agreement with using storm water detention areas for parkland. Mr. Copper said they they have agreed to pay cash-in-lieu and they feel if accepted by the Parks Department, the proposed area will make a good park. There is no proposal to fence the detention pond which overflows into the Cove Ditch. Board member Nordel asked regarding the cash-in-lieu dedication. Director Friday said the subdivision regulation language states the cash-in-lieu funds have to benefit a park in this area. Board member Staley voiced concern that kids will be forced to cross a busy street as there is no park in this subdivision. Board member Woods commented it would make sense to fence the Cove Ditch to reduce access to the ditch. Hunter Kelly explained the development review process and said the annexation petition, the application for a planned development agreement for zoning, and the subdivision preliminary plat hearing will be held during the same City Council meeting. Travis Copper said fencing will depend on the depth of the ponds and the area available.

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He asked staff regarding the safety requirements and the applicability of the CPTED principles with a trail located along an arterial road. Hunter Kelly said more there will be more discussion with Staff and Parks prior to the public hearing. Board member Nordel stressed the importance of understanding the CPTED principles and how they apply to developments, as it seems counterintuitive to him. Discussion followed by the Board regarding the condition language for location of the 4-foot fence in an easement line on this property.

Mike Christensen, 3936 Avenue B, Billings, MT

Mr. Christensen is the applicant/developer. Mr. Christensen said the vision for this development is family neighborhood with big lots with a greater sense of arrival. He said whether the area becomes parkland or not, the detention area will be manicured and kept up by the Homeowners Association. Mr. Christensen feels the CPTED requirement for 4-foot back yard fencing will make the lots along Rimrock Road a “tough sell” due to the privacy factor for homeowners. Board member Gravgaard asked if the private open space along Lloyd Mangrum is an option for parkland.

Mr. Christensen said it doesn’t meet the Parks and Recreation Department’s expectations. He said that the open space will include benches and set the feel for the subdivision. Director Friday said part of the location of the private open space is to address storm water flows. Board member Nordel asked if this site plan can return to the Parks Department for reconsideration. Director Friday said Staff will convey this information to the Parks Department and clarification can brought to the Board during the public hearing.

*** A motion and recommendation will be forwarded by Planning Board to City Council and A public hearing and for 54 West Subdivision will be held during the April 25, 2023 Planning Board meeting.*

9. OTHER BUSINESS

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

9a1. Zoning Code Amendments: Staff is moving three bundles of zoning code amendments through the review process. The City Council initiated requests for amendments will address language for garage entries, NX zoning, changes for multi-tenant buildings and signing, fence materials, PND requirements for open space, rebuilding residential and community mixed zones, building set back requirements in multi-family developments, and landscape plan language. Staff will send the Planning Board a summary of the amendments.

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9a2. **Follow-up on Peila Subdivision.** Director Friday said staff will invite the Yellowstone County Public Works Director to speak to the Planning Board regarding maintenance of County roadways and Traffic Impact Studies. Studies.

9a3. Announcement: The April 25, 2023 meeting will be held as legally announced and advertised. Public Hearings will be held for City Major Subdivision, Lake Hills, 40th Filing, and City Major Subdivision 54 West Subdivision.

ADJOURNMENT: 7:42 PM

DRAFT—TO BE APPROVED BY A MOTION April 25, 2023

Tamara L. Deines, Planning Clerk