



YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

MAY 23, 2023 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

NOTICE TO THE PUBLIC

***In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.

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.

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. **APPROVAL OF MEETING MINUTES: MAY 23, 2023**
 4. **PUBLIC COMMENT PERIOD --** As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
 5. **DISCLOSURE OF CONFLICT OF INTEREST:**
 6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
 7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
 - a. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!
 1. **Public Hearing. Motion/Recommendation to BOCC. Amended Highlands Ranch Subdivision, Lots 4-5, (PZX-23-00006) County Major Subdivision, Tom and Kim Troop, Applicants. Aaron Redland, WWC, Agent. Dave Green, Planner II, presenting.**
8. **NEW BUSINESS:** (Agenda items new to this meeting).

CITY/COUNTY PLANNING BOARD
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101



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.

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

CITY/COUNTY PLANNING BOARD

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MAY 23, 2023

Approved by a motion on June 13, 2023

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES

As legally advertised, The Yellowstone County Board of Planning met on May 23, 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>

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1. Call the Meeting to Order: President Cook called the meeting to order at 6:00 p.m. on Tuesday, May 23, 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: Monica Plecker, Planning Division Manager; Dave Green Planner II, Tammy Deines, Planning Clerk; Mike Black, Yellowstone County Public Works Department; Ronni Tallerico, Subdivision Coordinator, Yellowstone County Public Works

Others in Attendance: Greg Reid, WWC Engineering, Aaron Redland, WWC Engineering; Steve Cellmer, citizen

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

3. Approval of Minutes: May 9, 2023

Motion by Board member Nordel and seconded by Board member Stephens to approve the May 9, 2023 meeting minutes as amended with a correction to the attendance roster, adding Board member Dave Nordel. 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.

Mike Black, Yellowstone County Public Works, introduced Ronni Tallerico, who has been promoted to the position of Yellowstone County Public Works Subdivision/Floodplain Coordinator.

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. Public Hearing. Motion/Recommendation to BOCC. Discussion. Amended Highlands Ranch Subdivision, 2nd Filing. (PZX-23-00006)

Planner Dave Green opened this agenda item with a staff presentation. He pointed out the language added to the SIA to notify future property owners the Molt Volunteer Fire Department is not rated for structure fires. The County Parks Board has requested a cash-in-lieu contribution and the applicant will meet with them tomorrow for discussion. Additional language changes will be made in the Condition of Approval #2 stating the applicant will meet with the County Parks Board for a determination of cash-in-lieu or parkland dedication. This will be addressed prior to final plat approval.

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RECOMMENDATION

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

BACKGROUND

On April 3, 2023, WWC Engineering, Tom and Kim Troop /Highlands Ranch LLC., applied for preliminary major plat approval of Highlands Ranch Subdivision, 2nd Filing. The subject property is generally located on the South of Highlands Ranch Road, southeast of Shorey Road and east of Molt Road. This parcel of land is outside of zoning. The land is currently dryland grass and shrub land.

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 add language in the SIA under the heading "Conditions that run with the land" to alert future lot owners that they must receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To provide for the correct cash in lieu contribution, prior to final plat approval, the applicant will follow Section 10.6 determining Cash Contributions for Parkland, for the correct amount to be paid to Yellowstone County Parks Department.
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 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.
7. To protect public health and safety, and minimize the effect on local services, prior to Final Plat approval, the applicant shall complete the necessary paperwork with Yellowstone County Public Works and Yellowstone County Finance Departments to expand and include the newly platted lots within the existing RSID which maintains the 30,000 gallon dry hydrant.

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Discussion

President Cook called for questions and discussion from the members of the Board. Division Manager Plecker asked for clarification of Condition of Approval #2 and asked what indicates the condition needs to be amended if the parkland has already been determined. Dave Green explained that per regulations, either cash-in lieu will be provided or parkland.

Public Hearing

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against Highlands Ranch Subdivision, 2nd Filing.

Greg Reid, WWC Engineering, greid@wwcengineering.com

Mr. Reid represents the applicants Tom and Kim Troop, Highlands Ranch LLC. Board member Woods asked if there is any reason for the applicant to dedicate parkland. Greg Reid said he is unsure that the trail easement would satisfy parkland requirements. In the future the owner would like to consider continuing the trail to loop it around to another parcel, and discuss construction and maintenance of the proposed trail. The lineal parkland with a trail easement is approximately 23-feet. Division Manager Plecker said regardless of the discussion, the subdivision regulations have to be met for the parkland.

Mike Black, Yellowstone County Public Works, (no address given)

Mike Black said a Parkland RSID will be needed if a park is approved, and the monument has to be moved as it is in the right-of-way. The storm drains need to be accessible by public roads.

President Cook asked if there is anyone else wishing to speak in favor or against Highland Ranch Subdivision, 2nd Filing. There was none. At 6:24 pm, President Cook closed the public hearing and called for a motion.

Motion

Board member Stephenson made a motion and Board member Gravgaard seconded the motion to forward to the Board of County Commissioners a recommendation to conditionally approve the preliminary plat of Highlands Ranch Subdivision, 2nd Filing, and adopt the Findings of Fact as presented in the staff report. The motion carried with a unanimous voice vote. This will be heard by the YC Commissioners on June 13, 2023.

Discussion

President Cook called for discussion on the motion. There was no discussion.
The motion carried with a unanimous voice vote.

8. NEW BUSINESS

8A. Motion. Application for Planning Board Representative for BOCC District 7. Planning Board.

Discussion

Board member Gravgaard gave a positive recommendation for Morgan based on her interactions within the community.

Motion

Motion by Board member Gravgaard and seconded by Board member Ronquillo to forward a recommendation of approval of Morgan Tuss as representative for Planning Board BOCC District 7. The motion carried with a unanimous vote.

9a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects. Monica Plecker, Planning Division Manager

1. Zoning Text Amendments- City Council approved the changes to the Neighborhood Residential zones for build-to elements, roof pitches, minimum percent of the façade in the build-to range and front-facing garage entry doors allowed with conditions in the NX1 and NX2 zones. In addition, they approved the fence material change to allow metal panel fencing with non-reflective coating and framed for fencing.

2. Legislative Changes: Land use or subdivision legislative bills. The most significant Senate Bill 382 replaces the current Montana Subdivision and Platting Act and applies to the largest cities in Montana. A period of three years will be given to update the Growth Policy. Staff has requested additional funds to support a consultant to conduct the updates. This is an opt out for Yellowstone County. Board member Woods spoke regarding the need to move the jurisdictional boundary and President Cook commented on the Billings west end water and septic issues.

3. Crime Prevention Through Environmental Design, (CPTED) is “a multidisciplinary approach to deterring criminal behavior that focuses on changing how places are laid out, and how they look and feel”. Staff training throughout the City will be held and Planning Staff will return with more information for the Planning Board at a future date.

3. Announcement: The June 13, 2023 meeting will be held as legally announced and advertised.

ADJOURNMENT: 6:46 PM

DRAFT—TO BE APPROVED BY A MOTION June 13, 2023

Tamara L. Deines, Planning Clerk

