

# 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	E	1	1														
<b>Roger Gravgaard</b>	Mayor/Billings Ward II	1	1	1	1	1	1	1	1	1														
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1	1	1	1	1	1														
<b>John Staley</b>	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1														
<b>David Nordel</b>	Mayor/Billings Ward V	1	E	E	1	1	1	1	1															
<b>Troy Boucher</b>	YC District 1	A	A	A	A	A	1	A	1	1														
<b>Dennis Cook</b>	YC District 2	1	1	1	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	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	E		E														

**MAY 9, 2023**

*DRAFT- To be approved by a motion on May 23, 2023*

## **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES**

As legally advertised, The Yellowstone County Board of Planning met on May 9, 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, May 9, 2023.

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

President Cook called for introductions of the members of the Planning Board and staff. Board member Staley is participating virtually this evening.

**Participating Planning staff members:** Wyeth Friday, Director, Planning & Community Services Department; Dave Green Planner II, Tammy Deines, Planning Clerk; Tim Miller, Director, Yellowstone County Public Works Department

**Others in Attendance:** Greg Reid, WWC Engineering, Aaron Redland, WWC Engineering; Sam Peila, applicant; Matt Peila, applicant

**2. Approval of Agenda – Board member Stephenson 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: April 25, 2023**

**Motion by Board member Stephenson and seconded by Board member Nordel to approve the April 25, 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. (Continued from March 28, 2023) Motion/Recommendation to BOCC. Peila Subdivision Tract 1-2-A of C/S 3443. Matt Peila, Sam Peila, Prairie Builders, applicants. Dave Green, Planner II, presenting. (PZX-22-00159)**

Dave Green opened this agenda item with the staff presentation. He reviewed the project Background information below.

**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 wild land grass acreage. On March 28, 2023 at the public hearing for this subdivision there were concerns and questions from the public and Board about traffic impacts in the area. A traffic study was not available at the time of the public hearing but was required to be submitted, reviewed and approved by the County Public Works Department before final plat. The Planning Board requested a traffic study be available for its review to know if

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neighborhood concerns were being addressed by the traffic study and what recommendations were being made by the traffic study. The board asked for a delay before proceeding with a recommendation to the Board of County Commissioners giving it time to see recommendations of the study. The applicants' agent believed the TIS would be available by the May 9 Planning Board meeting. Staff determined after the public hearing that there was also a TIS done for the intersection of 12 Mile and Yeoman Road for Yellowstone County in October 2022 with recommendations for the County. Both traffic studies are attached to this staff report for review. Below is the conclusion of the TIS completed for Peila Subdivision. These conclusions and recommendations are also on page 17 of the Peila TIS, attached to this staff report. The conclusion of the TIS specific to the 12 Mile and Yeoman Road intersection that was completed for Yellowstone County is on Page 15, attached to this staff report. The findings are not significant, in that the study found that immediate work is not required for the intersection.

### **CONCLUSIONS & RECOMMENDATIONS**

The Peila Subdivision development would not substantially impact the safety and efficiency of any of the study roads and intersections. However, site traffic would incrementally increase exposure to crash potential at the intersection of 12 Mile Road and Yeoman Road. This impact would need to be mitigated to some degree. Since the safety concern involves vehicles exceeding the existing 55 mph speed limit, efforts should be directed at reducing travel speeds through the intersection area. The following recommendations are made in an effort to mitigate the sight distance and speed related concerns at the 12 Mile Road and Yeoman Road intersection:

1. Add sign-mounted intelligent transportation systems using lights that could be radar activated to flash only when traffic is exceeding the advisory speeds. These signs would require periodic enforcement of the speed limit so that daily travelers would not become complacent over time.
2. Add transverse rumble strips to 12 Mile Road, especially on the 12 Mile Road southbound approach.
3. Prune the tree limbs south of the intersection to improve visibility and cut grass and weeds along the shoulders of the roadway.

**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

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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 its review and approval. Any mitigation of the traffic impacts identified in the TIS will be assessed by County Public Works to be included in the SIA for installation prior to final plat approval.

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 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.

The Board of County Commissioners are scheduled to review and act on the preliminary plat on May 23, 2023.

### **Discussion**

President Cook called for questions and discussion from the members of the Board. Board member Woods asked if they are still working on the easement agreement on Holly. Dave Green said the easement agreement is required to be completed by final plat approval.

### **Tim Miller, Director, Yellowstone County Public Works**

Director Tim Miller said per the traffic study recommendations, the Yellowstone County Public Works Department has increased signage, lowered the speed limit, and pruned the trees to improve visibility. They confirmed the traffic report statistics with five accidents at this location in the last ten years with the majority taking place with south-north bound traffic. Director Miller said in his opinion if driven appropriately, the intersection is reasonably serviceable for the time being.

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### **Sam Peila, 4076 Chicago Road, prairebuildersmt@gmail.com**

Mr. Peila said the RSID collects funds for dust control on the north side of Yeoman Road and the citizens who spoke during the last meeting reside on the south side of the road. Tim Miller explained that only the residents residing on the north half of Yeoman Road were included in the RSID, and they have had not requests from the residents on the south side of the roadway participate in the RSID. The County made an agreement with these residents to pay for the magnesium chloride for the dust control and the County pays for the maintenance. Mr. Peila said he spoke with the Yellowstone County Sheriff's Department who said they will patrol the road if contacted regarding speeding traffic. Board member Nordel commented on the traffic study recommendations for additional traffic safety measures in this area to address increased traffic with the increase population of the development. Director Friday explained that the way the current condition of approval is written is that prior to final plat approval, the new traffic study will be considered along with the need for the developer to provide mitigations. Public Works Director Tim Miller concurred and said this is a new traffic study and the recommendations will be considered. Board member Woods commented it may be difficult to get residents on the south side of Yeoman Road to participate in the RSID. Sam Peila said respectfully there will be a lag in improvements with the new development coming on as it takes revenue. Director Friday reiterated that the condition as written specifies that per the TIS and the conditions of approval, the County can require the developer to make the improvements.

### **Motion**

**Board member Boucher made a motion and Board member Woods seconded the motion 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**

President Cook called for discussion the motion. Board member Nordel doesn't feel this motion represents the requests of the neighbors who attended the public hearing especially with future development. He feels the motion falls short of the traffic study.

**The motion carried with a voice vote with Board member Nordel and Board member Staley voting against the motion. (5-2)**

**7b. Plat Review. Discussion. Amended Highlands Ranch Subdivision, Lots 4-5. (PZX-23-00006)**

Planner Dave Green opened this agenda item with a staff presentation. :

**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

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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.

### **Discussion**

President Cook called for questions and discussion from the members of the Board. In response to question by Board member Staley, Dave Green said the proposed parkland is a 23-ft wide strip and the YC Parks Department feels it would be a roadside maintenance issue. The County Parks Board prefers cash-in-lieu dedication as the subdivision is not providing a public amenity. Board member Staley said there isn't a park nearby. Dave Green pointed out that the smallest lot is 4-acres.

Board member Staley stated the Molt Volunteer Fire Department is not a structured rated fire department. The 30,000 dry hydrant meets the requirement and would be used by the Billings or Laurel Fire Department if called. Dave Green said should the Billings or Laurel Fire Departments be called for aid, it would provide a 30,000 gallon tank for them to pull from. Board member Woods commented the Yellowstone County Park Board didn't like the location of the proposed parkland and asked for cash-in-lieu instead of asking the developer for a different location. Dave Green said the need for parkland in this scenario is limited due to the large lot sizes. President Cook asked if the SIA addresses the limitations for fire service. Dave Green said the website for the Molt Fire Department states they do not do structures and Billings would be called. President Cook asked if the SIA addresses fire service awareness for potential buyers. Board member Staley commented that when this is not disclosed, buyers do not realize the insurance premium has to be purchased at a 10-rating which could make a significant difference in a buyer's purchasing decision. Wyeth Friday suggested adding language to the condition of approval #7. Dave Green read aloud Section IVA. Emergency Service/Fire Protection Facilities and suggested language pointing to the Molt Fire Department website. Board member Staley said this is not strong enough and suggested inserting the phrase, “Molt Fire Department does not provide structure protection” to protect future residents. President Cook concurred and said a safeguard is needed for homeowners when purchasing property and homeowners insurance. In response to question by Board member Nordel, staff said the lots are so large and the placement of the homes is unknown so property owners submit their preferred location for wells and septic tanks to DEQ for approvals.

President Cook called for presentation by the applicant.

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**Greg Reid, WWC Engineering, greid@wwcengineering.com**

In regards to the parkland, it is his understanding that there are two options. The applicant can provide cash in lieu funds or move forward with the parkland dedication, constructing the trail and a providing funding mechanism for maintenance as a potential long term amenity. He said the second option is the developer’s preference and he needs to clarify with the Parks Board before the next meeting. Tim Miller said the Parks Board felt this is a “trail to nowhere” and not the best use of the land.

A public hearing will be held for the Amended Highlands Ranch Subdivision, Lots 4-5 during the May 23, 2023 Planning Board meeting.

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

**1. Zoning Text Amendments-**Planning Staff will bring and update to City Council on May 22, 2023.

**2. Legislative Changes:** There have been fairly significant changes in land use and language for the Growth Policy. Staff will bring an update of the Legislative changes to the Board at a future meeting. .

**3. Announcement:** The May 23, 2023 meeting will be held as legally announced and advertised.

**ADJOURNMENT: 7:15 PM**

**DRAFT—TO BE APPROVED BY A MOTION May 23, 2023**

Tamara L. Deines, Planning Clerk