



YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

OCTOBER 24, 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: bernsb@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 Brenda Berns, Planning Clerk at bernsb@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. **MOTION. APPROVAL OF MEETING MINUTES: AUGUST 22, 2023**
 - a. Minutes of August 22, 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!

8. **NEW BUSINESS:**
 - a. **West End Groundwater Study Update - Elizabeth Meredith, Hydrogeologist, Montana Bureau of Mines and Geology, Montana Technological University**
 - b. **DEQ Subdivision Review Process - Shawn Rowland, Montana DEQ**

10. **OTHER BUSINESS:**
 - a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.

11. **ADJOURNMENT**
FUTURE AGENDA ITEMS:
 - a. **MPO Boundary Amendment**
 - b. **Establish Board Nominating Committee for the Board Leadership on the first November meeting per Board By Laws for 2024**

Public Hearing Participation Guidelines

The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: **Address the Planning Board directly. You must state your name and address before commenting.** This is an opportunity to explain how you will be affected by the decision and why that is an important consequence.

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

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

-Effect on agriculture and agricultural water user facilities

-Effect on local services

-Effect on the natural environment

-Effect on wildlife and wildlife habitat

-Effect on public health and safety

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

Thank you for participating.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 10/24/2023

Information

Subject

Minutes of August 22, 2023

Attachments

PLNB Minutes of August 22, 2023

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

1 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	1	A	1	1	1	1								
Roger Gravgaard	Mayor/Billings Ward II	1	1	1	1	1	1	1	1	1	1	V	1	V	V	1	1								
Dennie Stephenson	Mayor/Billings Ward III	1	1	1	1	1	1	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	V	V	1	1	1	1								
David Nordel	Mayor/Billings Ward V	1	E	E	1	1	1	1	1	1	1	1	1	1	1	1	1								
Troy Boucher	YC District 1	A	A	A	A	A	1	A	1	1	E	A	A	A	A	A	A								
Dennis Cook	YC District 2	1	1	1	1	1	1	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	1	1	1	1	1	1								
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
Morgan Tuss	YC District 7	-	-	-	-	-	-	-	-	-	-	V	1	E	A	1	1								

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Virtual Participation: Scott Reiter, Billings Public Schools; Mike Black, Yellowstone County Public Works.

Others in Attendance: Travis West, Engineering West; Greg Reid, WWC Engineering; Myron Gross, Park City MT.

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

3. Approval of Minutes: August 8, 2023

Motion by Board member John Staley and seconded by Board member David Nordel to approve the August 8, 2023 meeting minutes as submitted. The motion carried with a unanimous voice vote.

4. Public Comment: President Dennis Cook asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public might be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time but could choose to add an item to the next meeting agenda for discussion. There were no questions from the public.

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.

7. OLD BUSINESS:

7a. Public Hearing/Motion Recommendation to BOCC. Gresham Subdivision – Preliminary County Major Subd. Greg Reid, WWC Engineering, agent for Heath Olson, applicant. Hunter Kelly, Planner, presenting.

RECOMMENDATION

Staff proposes the Planning Board recommend to the Board of County Commissioners conditional approval for the preliminary plat of Gresham Subdivision, and adoption of the Findings of Fact as presented in the staff report.

BACKGROUND

On July 3, 2023, WWC Engineering, agent for Heath Olson, applied for preliminary major plat approval of Gresham Subdivision. The subject property is generally located north of Hesper Road and east of South 64th Street West. This parcel of land is outside of zoning. There is residential development to the north and south, farmland to the east of the subject property and to the west, farmland, and Elder Grove Middle School.

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VARIANCES REQUESTED

No variance has been requested from the County Subdivision Regulations.

PROPOSED CONDITIONS OF APPROVAL

1. 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:
2. 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.
3. 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.
4. To protect public health and safety and the impact to local services, prior to final plat approval, the applicant may be required by Public Works to include mitigation measures based on the approved Traffic Impact Study. Required mitigation measures shall be adequately addressed in the Subdivision Improvement Agreement.
5. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will expand the existing RSID #810M created to maintain the 30,000-gallon dry hydrant system in Hesper Meadows Subdivision. This information is outlined in the SIA under the heading IV. Emergency Service.
6. To provide for the correct cash-in-lieu contribution for parkland, 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. The applicant will also create an RSID for parkland maintenance of any public parkland.
7. 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.
8. 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.
9. 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.
10. 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 asked the Board members for any questions or discussion.

Planner Hunter Kelly, clarified from last session, a Traffic Impact Study was received and included mitigation measures for traffic.

Board member Woods asked about the park access and if permission would be required from the property to the west (Miller Subdivision) to access Eldergrove School.

Planner Hunter Kelly affirmed permission would be needed.

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PUBLIC HEARING

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

Greg Reid, WWC Engineering

Mr. Reid represents the applicant, Heath Olson. He clarified a bike pathway is planned for the Hesper Road right-of-way adjacent to the Gresham Subdivision and would be the responsibility of the developer. The pathway would fall one lot short of access to the school, essentially 300-feet wide. There is parkland dedicated in lot 6, however currently attempting to save it for a future storm water dedicated area. DEQ approval is required, however should it not be needed for storm water, there are two adjacent residential lots available. The Traffic Impact Study was turned in for comments, noted improvements on King & 64th, with recommendations for a 4-way all stop.

President Cook asked if any members of the public had questions. There were no questions.

President Cook closed the public hearing.

MOTION

Board member Dennie Stephenson made a motion and Board member John Staley seconded the motion that Planning Board recommend to BOCC that the preliminary plat of Gresham Subdivision be conditionally approved, and the Findings of Fact adopted as presented in the staff report.

DISCUSSION

President Cook called for any discussion by the Board members. There was no discussion.

The motion carries with a unanimous voice vote. This project will be recommended to BOCC for consideration on September 19, 2023.

7a. Public Hearing. Motion/Recommendation to BOCC. Onyx Pointe Subdivision – Preliminary County Major Subd. Forrest Mandeville, Land Dev. Solutions, agent for Myron and Nancy Gross, applicants. Dave Green Planner II, presenting.

INTRODUCTION

The property is west of S 64th St W and south of Hesper Road currently used as farmland and zoned Residential with 36 lots proposed. Nearby property belongs to the Boys and Girls ranch. Some lots will not have a septic system due to a nearby waterway and will be considered for utility lots. All roads are to be according to County standards and will be within the BUFSA firefighting area. Regarding Parkland dedication, we are proposing .2 acres. Yellowstone County prefers a larger park area or the cash-in-lieu option. The cash-in-lieu funds targeted to the District, will be used for parklands within that District.

RECOMMENDATION

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

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BACKGROUND

On July 3, 2023, Land Development Solutions, LLC, agent for Myron and Nancy Gross, applied for preliminary major plat approval of Onyx Pointe Subdivision. The subject property is generally located west of South 64th Street West and south of Hesper Road. This parcel of land is outside of zoning. It is surrounded by residential uses and farmland.

VARIANCES REQUESTED

The applicant is not requesting a variance.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To protect public health and safety and ensure maintenance of the proposed community septic system for some of the lots within this subdivision, prior to final plat approval, the applicant will create RSID's for the maintenance of the community septic systems and define which lots are part of which RSID.
2. 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.
3. 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 maintenance of the new public roads within the subdivision.
4. To protect public health and safety, prior to final plat approval, any information in the TIS that needs to be included in the SIA will be added to the final SIA for the subdivision. Any recommendations County Public Works and the Board of County Commissioners determine need to be built will also be included in the final SIA.
5. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings of the dry hydrant system to Billings Fire Department for review and approval. Once installed the applicant will request Billings Fire Department to test the system to ensure it works correctly and get a sign off from Billings Fire Department. The applicant will also create an RSID for the dry hydrant system maintenance and create a public easement for where the fire tank is located.
6. To provide for the correct cash-in-lieu contribution for parkland, 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. The applicant will also change language in the SIA under the heading VII. Parks/Open Space stating they will be providing a cash-in-lieu of parkland for the subdivision.
7. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.

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8. 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.
9. 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.
10. 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 asked the Board Members for questions and discussion.

Board member John Staley clarified there will not be a park due to the small area available.

Board member Woody Woods confirmed the location of the utility easements.

Board member Dennie Stephenson clarified the utility lots designated for access.

PUBLIC HEARING

President cook opened the public hearing and asked if there is anyone present wishing to speak in favor or against Onyx Pointe Subdivision.

Travis West, West Engineering

Mr. West, agent for applicants, Myron and Nancy Gross. Travis explained in the previous plat they had planned for use of utility lots with easements. A revision was made, at the request of the Yellowstone County Public Works department, for 2 community systems, with RSIDs for maintenance and repairs. In compliance, there are now 4 utility lots, with two being along 64th for stormwater drainage and retention ponds. There is a proposed .2-acre lot for part of the parkland requirement and balance from the cash-in-lieu option.

Public Works recommended two RSIDs. Utility lots 1 & 2 to be used as stormwater ponds owned by the HOA. Utility lots 3 & 4 are designated community drain field areas. There is a low flowing creek. Drain fields are outside of ¼ mile per MDEQ. The wells are to be located on 3 lots with an easement to the west with grass.

President Cook asked if any Board members had questions.

Monica Plecker, Planning Manager asked who was responsible for maintenance on the two lots, 3 & 4 community drain fields and if there will be fencing. Travis said there is proposed grass and will be maintained by the HOA.

President Cook asked about any proposed fencing for the utility lots. Travis said there was none at this time.

President Cook asked if any Board members had questions. There were no questions.

The Public Hearing was closed.

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MOTION

Board member Dennie Stephenson made a motion and Board member John Staley seconded the motion that Planning Board recommend to BOCC that the preliminary plat of Onyx Pointe Subdivision be conditionally approved, and the Findings of Fact adopted as presented in the staff report.

DISCUSSION

President Cook called for questions and discussion from the members of the Board. Board member John Staley commends developer for putting in a park.

The motion carries with a unanimous voice vote. This project will be recommended to BOCC for consideration on September 19, 2023.

8. NEW BUSINESS: There was no new business.

9. OTHER BUSINESS:

President Cook asked if there was any other business.

Monica Plecker, Planning Manager said the West Billings Plan RFP is out and published, and request for proposals are due September 1, 2023. The Heights Neighborhood Plan will be released the first part of December 2023. The Zoning Commission is still working through amendments for City Council's consideration for the zoning codes.

President Cook stated growth in the Heights has reached approximately 35-45,000 residents and asked if the Heights Neighborhood Plan had a master plan that interacts with the entire City. Monica Plecker, Planning Manager affirmed both the Heights and West Billings plans are considered multi-jurisdictional, the City Council and County Commissioners will consider adoption of those two plans. The City of Billings must update their Growth Policy in accordance with Senate Bill 382 by May 2026. There is not a current master growth plan for the Heights, however the scope of work is written in a manner that must consider requirements of Bill 382.

President Cook asked about the Inter-Belt-Loop project. Monica said the Billings Bypass will be a part of the Transportation Analysis for the Heights Neighborhood Plan, but the Inter-Belt-Loop will have its own Land Use Plan funded by the City.

Board member David Nordel asked about the UPWP, Complete Streets program and what comments have been made by the County Commissioners. Monica said the County does not have a Complete Streets policy and that is reflected in the document, but noted there is still opportunity to look at individual components of active transportation, but it is not Complete Streets.

Board member Woods asked about the Growth Policy and if both the City and County need growth plans. Monica said the City of Billings needs to update its Growth Policy because of SB 382, but the County is not subject to Senate Bill 382.

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Board member Woods asked about areas with no zoning and if the BOCC has had additional discussions about expanding the Zoning Jurisdiction. Monica said the County Commissioners had the opportunity to extend the Part 2 Zoning Jurisdiction in an area where citizens were petitioning for a Part 1 Special Zoning District, but chose not to do that, otherwise she is unaware of any additional discussions related to boundary expansion.

9a. Long Range Strategic Issues and an overview of future City and County issues and projects.

ADJOURNMENT 6:45PM

DRAFT—TO BE APPROVED BY A MOTION October 24, 2023

Brenda J Berns, Planning Clerk