

# 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
<b>Jim Ronquillo</b>	Mayor/Billings Ward I	1	1	1	1	1	1	E	1	1	1	1	A	1	1	1	1	C	C	C	1			
<b>Roger Gravgaard</b>	Mayor/Billings Ward II	1	1	1	1	1	1	1	1	1	1	V	1	V	V	1	1	C	C	C	1			
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	C	C	C	1			
<b>John Staley</b>	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1	E	V	V	1	1	1	1	C	C	C	V			
<b>David Nordel</b>	Mayor/Billings Ward V	1	E	E	1	1	1	1	1	1	1	1	1	1	1	1	1	C	C	C	1			
<b>Troy Boucher</b>	YC District 1	A	A	A	A	A	1	A	1	1	E	A	A	A	A	A	A	C	C	C	V			
<b>Dennis Cook</b>	YC District 2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	C	C	C	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	1	1	1	1	1	1	1	C	C	C	1			
<b>Vacant</b>	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
<b>Morgan Tuss</b>	YC District 7	-	-	-	-	-	-	-	-	-	-	V	1	E	A	1	1	C	C	C	A			
<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			



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

### **3. Approval of Minutes: August 22, 2023**

**Motion made by Board Member Ronquillo and it was seconded by Board member Woods to approve the August 22, 2023 meeting minutes as submitted. The motion was 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:** There was no old business

### **8. NEW BUSINESS**

**8a. West End Ground Study Update – Elizabeth Meredith, Hydrogeologist, Montana Bureau of Mines and Geology, Montana Technological University.**

Ms. Meredith opened with a brief overview of the Groundwater Investigation of the Billings Aquifer. The project was originally nominated by the City of Billings through Boris Krizek of the Billings Public Works Environmental Affairs and was ultimately approved by the State. The objective of the study is to evaluate the ground water conditions in west Billings and develop a conceptual groundwater model and identify the extent and source of nitrates. The BBWA is the largest canal in the area. Some City of Billings properties are already invested in wells, mostly used for lawn watering, but the area outside the City in west Billings is highly invested in the groundwater for domestic use. The downtown area has the oldest neighborhoods, progressing westwardly and outside of City water. Future growth outside the City not on municipal services, is highly dependent on the groundwater. Billings is considered a two Terrace system in terms of the location of groundwater. Terrace 2 is downtown/southside, Terrace 3 is midtown/west end. How they interact will determine how the aquifers work, they are independent but inter-linked.

The Billings area has experienced sustained, consistent growth and urbanization for the last 60 years. The number of housing units west of the core downtown area has grown from 11,000 in 1960 to 30,000 in 2020; a rate of over 300 residences per year. Most new developments are in areas beyond City services and depend on wells for drinking water and septic tanks for wastewater treatment.

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To forecast the need for future City services (water, sewer, and storm), and understand what ongoing permitting of development on wells and septic systems will result in, if groundwater availability keeps decreasing. We must understand the replenishment of water to the local aquifer contributed by agricultural irrigation and canal seepage, in addition to how land use changes will affect the shallow aquifer.

**President Cook asked if any Board members or Planning Staff had any additional questions.**

### **Discussion**

**Monica Plecker, Planning Manager** stated, Yellowstone County is not involved in any process related to permitting of wells and septic systems through local subdivision regulations. As far as actual water rights, Yellowstone County leaves that authority to the DNRC. As it pertains to water quality, that is the DEQ permitting process and responsibility. However, the City and County have this knowledge that there is the potential for water recharge concerns over time. What can the Bureau do to make sure these other agencies know this data is available, and how they can be using it. How do we make sure the appropriate people get this information in their hands, so that they’re making informed decisions.

Board member Dave Nordel asked when developers need to prove they have adequate water and how they are going to mitigate it. Subdivision developers must show they have adequate water for their project. Board member Woods stated that we are seeing subdivisions with 300-400 lots, not 20-30 and we need to extend those utility services all at once.

Boris Krizek stated, I knew the Bureau of Mines have been working on a model since the 1990’s, but we did not have a good understanding of what was happening from Shiloh and further west. I wanted to get the Bureau of Mines ramped up to go to the DNRC and DEQ with the proper tools to present this model. There has been talk regarding ditches, where maintenance is difficult, and that some sections may be abandoned. The long-term impact is unknown. The other part, specifically related to the City’s new west end reservoir, may have impact on Terrace 1 & 2. I wanted investigations and measurements done before the reservoir is completed.

Board member Woods stated that the Bureau of Mines has made presentations previously regarding the west end development and ground water depletion. Boris said we’re getting gravel pits established on the west end, which may impact subdivisions, and may also impact city utilities to the west. Monica stated there is an opportunity for updated info, and assumptions may be in more real time and more accurate.

**President Cook asked if any Board members or Staff had any additional questions.** There were none.

### **8b. DEQ Subdivision Review Process – Shawn Rowland, Montana DEQ**

Shawn Rowland presenting. Subdivision supervisor for DEQ. Shawn explained that the presentation he is making is very basic, as it pertains to subdivision review. Our mission is to champion a healthy environment for a thriving Montana. We review the minor subdivisions, family transfers, and boundary line adjustments. When those projects are larger, like public or municipal systems, they are moved to professional engineers. There has been a lot of data generated, we want to capture the data and put

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plans in place. For the DEQ, Statutory Authority comes from the Water Supply Act. We look at impacts to ground and surface water. For residential & commercial projects, we review the water, wastewater, stormwater, and solid waste. For water from individual and shared wells, we review water quality, quantity, and availability. For water quality, we test for bacteria and nitrates in measurable quantities. Public water and multiple user systems (3 or more) receive more extensive reviews from DEQ. The wells are checked for local contamination issues, which may arise from the well’s physical construction.

### **Staff Discussion**

**Mr. Rowland asked if there were questions from Board members or Planning Staff.** There were none.

**Mr. Rowland continued with the Wastewater review.** DEQ reviews Site evaluations for soil, slope, setbacks, and depth to limiting layers. Regarding non-degradation, they look at the impacts of nitrogen levels in drain fields. Subdivisions would be halted due to lack of water availability, but cisterns could be proposed as an alternative. We also review municipal wastewater systems and treatment plants. Stormwater review is trickier, we review a gamut of projects, such as family transfers where conditions are not known, such as road requirements. These projects may require landscaping and culvert sizing, but we do not have authority to enforce the stormwater plans. Solid waste facilities nearby may require review and we are making sure there are facilities close to the project and available.

When an application is submitted to DEQ, the applicant must provide a Preliminary Plat and Findings of Fact. If a site has an issue with standing water, comments need to go to DEQ for discussion and may be forwarded to local jurisdictions. The DEQ contracts with the local public health departments for minor subdivisions, family transfers, and boundary line adjustments. The DEQ prefers the local public health department be involved as they are more familiar with local conditions. The DEQ is not a planning tool, but rather an agency that makes sure the Sanitation Act is followed, and that a plan for water and sanitation is in place.

### **Discussion**

**Mr. Rowland asked if there were questions from Board members or Planning Staff questions.**

**Board member Nordel** stated that the Board may approve a project with pending DEQ certification of septic systems. Is there a way to have DEQ review information available in advance. Shawn said DEQ is not statutorily set up to provide approval before Board review. The developer must do the preliminary work so that you can make those decisions regarding water and sanitation.

Monica asked if the DEQ is using any of their own data to aid their decisions when understanding water, quantity, and availability in the decision-making process, or are their decisions based on the well logs. Shawn said they are using their own data, but they also rely on the Bureau of Mines studies. The data is being shared, but the DEQ wants more dialogue with Bureau of Mines and resources like GIS. Monica asked if the DEQ has their own water quality model used to make their decisions. Shawn said no, we use software models along with pump test data. The Billings aquifer is the “accidental” aquifer, as it wouldn’t be there if not for the irrigation system. Western Montana does not have the same type of aquifers.

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President Cook asked if in the future, the Bureau of Mines and DEQ might have software that would share all the data, as a more collaborative effort.

Shawn responded that perhaps in the future, they will be working on it.

**President Cook asked if the Board members or Staff had any more questions.** There were none.

### **9. OTHER BUSINESS:**

**President Cook asked if there was any other business.**

**Wyeth Friday, Planning and Community Services Director** stated that we are seeing a significant drop in subdivision applications, we will watch this trend. We are currently in contract negotiations for the West Billings Neighborhood Plan Update, and the Heights Neighborhood Plan Update kick off early next year.

**President Cook** asked when the inter-belt loop would be completed. Wyeth said the project is in the process of base gravel work being done and crews will come back in spring to complete the paving process. This project will be completed in 2024. The Skyline trail is close to being completed, along Highway 3 the trail is paved, with some work left to do. This project will also wrap up in Spring 2024. As a reminder, we will have the City of Billings Boards and Commissions Volunteer Appreciate Dinner on Thursday, October 26, 2023, at 6:00pm.

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

### **10. FUTURE AGENDA ITEMS:**

#### **10a. MPO Boundary Amendment**

**Wyeth stated,** said that our Metropolitan Planning Organization is working through an update to our urban planning boundary since the last census was completed. We are working with MDT and Federal Highways regarding adjustments proposed based on population. This went to our Technical Advisory Committee last week and will be coming before this Board as well in November.

#### **10b. Establish Board Nominating Committee for the Board Leadership on the first November meeting per Board By Laws for 2024.**

**Wyeth Friday** said at the first meeting in November, the Planning Board will appoint the 3 members that will represent the Nominating Committee.

### **11. ADJOURNMENT 7:48PM**

**The next Planning Board meeting will be held Tuesday, November 14, 2023 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Ave N at 6:00pm**

**DRAFT—TO BE APPROVED BY A MOTION AT THE NEXT SCHEDULED MEETING**

*-Brenda J Berns, Planning Clerk*