

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

Tuesday, February 13, 2024 at 6:00pm

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	01/09/2024	01/23/2024	02/13/2024	02/27/2024	03/12/2024	03/26/2024	04/09/2024	04/23/2024	05/14/2024	05/28/2024	06/11/2024	06/25/2024	07/09/2024	07/23/2024	08/13/2024	08/27/2024	09/10/2024	09/24/2024	10/08/2024	10/22/2024	11/12/2024	11/26/2024	12/10/2024
Jim Ronquillo	Mayor/Billings Ward I	A	1	A																				
Roger Gravgaard	Mayor/Billings Ward II	1	V	1																				
Dennie Stephenson	Mayor/Billings Ward III	1	1	1																				
John Staley	Mayor/Billings Ward IV	1	1	A																				
David Nordel	Mayor/Billings Ward V	A	1	1																				
Troy Boucher	YC District 1	V	V	A																				
Dennis Cook	YC District 2	A	1	1																				
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods	YC District 5	1	1	1																				
Alexis Bonogofsky	YC District 6	1	V	V																				
Morgan Tuss	YC District 7	1	A	A																				

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Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Scott Reiter	Ex-Officio SD2	A	V	V																		

Call the Meeting to Order: President Woods called the meeting to order at 6:00 p.m. on Tuesday, February 13, 2024.

Introduction of Planning Board Members and Planning Department Staff

President Woods called for introductions of the members of the Planning Board and staff.

Participating Planning staff members: Wyeth Friday, Planning & Community Services Director; Lora Mattox, Transportation Planning Coordinator; Brenda Berns, Planning Clerk.

Virtual Participation: Board member Scott Reiter; Board member Alexis Bonogofsky

Others in Attendance: There were none

2. Approval of Agenda: Motion by Board member Stephenson, seconded by Board member Cook to approve the agenda as submitted. The motion was carried with a unanimous vote.

3. Approval of Minutes: January 23, 2024

Motion by Board member Gravgard, seconded by Board member Stephenson to approve the January 23, 2024 minutes as submitted. The motion was carried with a unanimous vote.

4. Public Comment: As required (3 minute maximum per person). 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 comments 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 is No Old Business

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8. New Business

8a. 2024-2028 Transportation Improvement Program (TIP). Presentation. Public Hearing. Presented by Lora Mattox, Transportation Planning Coordinator.

Lora Mattox gave an overview of the Transportation Improvement Program for the next 5 years, comprised of Federal funds received annually.

The STPU represents the Urban funding, which over the last few years was used for Shiloh Road, Airport Road, and Bench Blvd. The largest project we have been paying on for the last 5-6 years is the Billings Bypass. Planning has been building up the Urban dollars, therefore, we are looking forward to the next big project, which will be Grand Ave, Shiloh Road to 62nd, an arterial road with a center turn lane with 2 lanes each direction, sidewalk on one side with multi-use path on the other.

TA represents the non-motorized projects, with one of them being the Lockwood Sidewalk program on Old Hardin Road.

Estimated Revenue

Amounts shown in thousands of dollars

Federal	STP/S*/X*														
Fiscal Year	CMAQ**	STPU*	IM*	NH*	NHFP*	SFCN	STPP*	RRS	HSIP*	BR*	UPP*	MACI*	TA*	FWP	SUBTOTAL
Carryover	7,164.8	12,767.4											5,945.0		25,877.2
FFY 2024	1,435.8	2,489.8	2,297.5	19,858.5	0.0	0.0	0.0	0.0	-851.2	1,781.3	500.0	932.6	790.0	375.0	29,609.3
FFY 2025	1,435.8	2,489.8	18,708.7	34,409.7	14,357.7	0.0	0.0	0.0	1,000.0	12.4	500.0	750.0	790.0	125.0	74,579.1
FFY 2026	1,435.8	2,489.8	2,268.7	17,414.9	0.0	80.8	0.0	0.0	747.4	2,858.3	500.0	750.0	790.0	125.0	29,460.6
FFY 2027	1,435.8	2,489.8	8,439.0	11,370.9	0.0	0.0	0.0	0.0	500.0	0.0	500.0	750.0	790.0	125.0	26,400.4
FFY 2028	1,435.8	2,489.8	45,512.5	13,438.3	0.0	0.0	0.0	0.0	500.0	0.0	500.0	750.0	790.0	125.0	65,541.3
TOTAL	14,343.6	25,216.2	77,226.5	96,492.3	14,357.7	80.8	0.0	0.0	1,896.2	4,652.0	2,500.0	3,932.6	9,894.8	875.0	251,467.8

Federal	FTA 5307		FTA 5339		DISCRETIONARY 5339		FTA 5310		GAS TAX			
Fiscal Year	Federal	Local	Federal	Local	Federal	Local	Federal	Local	CITY	COUNTY	THER**	TOTAL
Carryover	5,107.7		1,011.2		8,397.9							40,394.0
FFY 2024	2,500.0	3,290.6	480.0	325.9	0.0	1,409.6	162.4	28.7	1,739.8	313.8	998.6	40,858.5
FFY 2025	2,500.0	1,648.8	480.0	115.0	0.0	0.0	180.8	45.2	1,739.8	313.8	1,830.6	83,433.0
FFY 2026	2,500.0	1,648.8	480.0	27.0	0.0	0.0	180.8	45.2	1,726.8	324.8	998.6	37,392.5
FFY 2027	2,500.0	1,648.8	480.0	99.9	0.0	0.0	180.8	45.2	1,779.9	299.1	998.6	34,432.6
FFY 2028	2,500.0	1,648.8	480.0	60.0	0.0	0.0	180.8	45.2	1,726.8	324.8	998.6	73,506.1
TOTAL	17,607.7	9,885.6	3,411.2	627.7	8,397.9	1,409.6	885.6	209.5	8,713.1	1,576.2	5,824.9	310,016.8

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions. Federal program funding availability may impact the scheduling of projects. Funding beyond 2024 will be subject to the obligation limitation set by the annual appropriations process.

NOTES:

These estimates are based on historical data and projections.

*STPU, IM, NH, NHFP, STPX, STPP, HSIP, BR, UPP, MACI, and TA funds include match.

**Reflective of federal share only.

***Operations and Maintenance funds (average of Fiscal Years 2020-2022), TRANSIDE, and CMAQ (match) makes up OTHER.

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Table 3 shows total revenue from all sources expected over the next 5 years. 2024 includes carry-over at \$81 million, with all sources totaling \$310 million.

**2024-2028 Transportation Improvement Program
Table 3 – Total Revenue
All Sources**

2024 Includes Carryover	\$81,252,500
2025	\$83,433,000
2026	\$37,392,500
2027	\$34,432,600
2028	\$73,506,100
Total	\$310,016,800

Some of the projects include; the Billings Bypass, with multiple funding sources with an estimated total project at \$185 million. The I-90 Yellowstone River Bridge costs update totaling \$91 million. Also, the Exposition Drive & 1st Ave N project to begin construction in 2025, and the Airport & Main St project beginning in 2027.

There are other notable projects scheduled out 2-4 years.

- **1st Avenue North – North 9th to RR Crossing – Reconstruction of roadway - scheduled in 2028**
- **1st Avenue North – RR Crossing to Broadway – Reconstruction of roadway – scheduled in 2026**
- **1st Avenue North – Broadway to Division – Reconstruction of roadway – scheduled**
- **Zoo Drive/Intersection Improvements – Construction in 2025**
- **Roundabout at King/56th Street West – Active project**
- **Rimrock Road/62nd Street Roundabout – Active project**
- **Transportation Alternative Projects**
 - **Stagecoach Trail – Programmed for Construction FY26**
 - **Lockwood Sidewalks – Programmed for Construct FY26**

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MET Transit Updates for FTA Administrative Sections 5307 & 5339

MET Transit

FEDERAL TRANSIT ADMINISTRATION SECTION 5307

- Now includes Safety and Security Related Projects; updated apportionment numbers in years 22 – 24 based on BIL funding.

FEDERAL TRANSIT ADMINISTRATION SECTION 5339

- Updated with actual allocations for 2021 – 24
- Updated Bus Facilities/Passenger Amenities programming
- Updated with technology procurement for replacement CAD/AVL system.
- Bus Purchases updated for 2024 to support diesel and electric price escalations.

TIP 24-28 Schedule, no action will be taken until the next Planning Board meeting on Tuesday, February 27, 2024.

2024-28 TIP Schedule

- | | |
|---------------------------------|-------------|
| ■ Technical Advisory Committee | February 8 |
| ■ Planning Board Discussion | February 13 |
| ■ Planning Board Action | February 27 |
| ■ City Council Work Session | March 4 |
| ■ City Council Action | March 11 |
| ■ Commission Discussion | March 4 |
| ■ Commission Action | March 12 |
| ■ Policy Coordinating Committee | March 19 |

Discussion

There was discussion regarding the potential for congestion over the next five years as these projects move forward, including the Lockwood Interchange, which is part of the beautification project.

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Public Hearing: Chairman Woods asked if anyone wished to speak on behalf of the Transportation Improvement Plan (TIP). There was none. Chairman Woods closed the Public Hearing.

Discussion

There was discussion regarding changes in projects and funding that may occur during the next 5 years, it was noted to expect multiple changes as projects are set in motion.

9. Other Business

9a. Formation of City Planning Commission to Comply with 2023 MT Land Use Planning Act.

Discussion. Presented by Wyeth Friday, Planning & Community Services Direction.

Wyeth presented an informational overview regarding the MT Land Use Planning Act (SB 382) which was passed in 2023 after several years of work. This new bill calls for the creation of a City Planning Commission. There will be more information as we work through this action.

Why the MT Land Use Planning Act is Law

- Montana's land use and planning statutes are outdated, inconsistent with each other and duplicative in some areas
- Cities, staff, developers, consultants, and public have been frustrated with elements of the process
- Lack of alignment between growth policy elements, zoning criteria, or subdivision criteria – repetitive review processes
- Administrative review and other more streamline processes were prohibited under current statutes
- No ability to rely on previous planning – zoning, master plans, etc.
- Housing crisis in MT and nationally pushed the issue of better regulatory processes to the forefront in the last few years

There are frustrations over the old statutes, and some had not been reviewed for decades. Legislators were dealing with parts of statutes, but they were not comprehensive. Therefore, projects with an annexation, zone change, and/or were subdivision, involve multiple steps. We are looking at reducing some of those steps.

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This law applies to Municipalities with populations of 5k or greater, in a county with a population of 70k or greater. Under this Act, we will have City Regulations and then separate County Regulations. By May of 2026, the framework needs to be completed. Implementation follows SB 382 as described in each Section.

Who Does It Apply To

➤ WHO does it apply to? (Section 5) Municipality with population => 5,000 in a county with a population => 70,000

- Belgrade
- Billings
- Bozeman
- Columbia Falls
- Great Falls
- Helena
- Kalispell
- Laurel
- Missoula
- Whitefish

All other jurisdictions may OPT IN – Yellowstone County not opting in at this time

➤ Must adopt land use plan, zoning, and subdivision regulations that meet the new framework within 3 years from effective date of the Act – May 2026 (Section 5)

The growth policy process is similar to what is included in the Land Use Plan. We will use it to inform and decide how we’re going to develop our future Land Use Map. Some of the elements that are there, were previously required but now will be much more detailed. The Zoning and Subdivision Regulations must align with SB 382.

What Does Implementation Look Like?

- Form Planning Commission (Section 4, SB 382)
- Adopt Public Participation Plan (Section 6)
- Develop Land Use Plan (Sections 9-16)
 - Housing (Big Deal)
 - Local Services and Facilities
 - Economic Development
 - Natural Resources and Hazards
 - Future Land Use Map
- Implementation (Section 17)
- Zoning and Subdivision Regulation Alignment

The Planning Commission has significant responsibility and encompasses the Zoning Commission and Board of Adjustment issues. Public participation will be at the front-end and will take away the need to have a public hearing at each project submission. Every project ties back to the Land Use Plan and Future Land Use Map, where public participation occurred. This is new to Montana but not to other states.

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What Implementation Looks Like

- Broad Implementation Outcomes
 - Planning Commission has significant responsibility
 - Public participation must be woven through process
 - Public participation is “up front”
 - Not at future zone change application
 - Not at future subdivision application
 - Future Zoning and Subdivision processes are administrative
 - Everything ties back to Land Use Plan and Future Land Use Map
 - where public participation occurred
 - This is new to Montana, but not new to other states
 - We do similar processes with our LRTP, CIP, City Budget

The City boards and commissions will be consolidated into the newly created Planning Commission and the new commission will be responsible for recommendations on all legislative land use and planning decisions. The new commission would hear appeals from administrative decisions and decisions appealed to City Council.

Planning Commission Formation

- Consolidates City boards and commissions
- Responsible for recommendations on all legislative land use and planning decisions:
 - Land Use Plan and Future Land Use Map
 - Zoning regulations and map
 - Subdivision regulations
 - Any other legislative land use planning document the local governing body designates
- Hears appeals from administrative decisions
- Planning Commission decisions appealed to City Council

The Planning Commission will initially run parallel to the current Yellowstone County Planning Board, City Zoning Commission, and City Board of Adjustment. Eventually, they would operate under the new law and all City land use activity would fall under the Planning Commission.

- Staff modified Federally required PPP for our MPO to meet requirements of SB 382 for public participation – 1 PPP
- Public Participation Plan (*Section 6*) - Used throughout the framework. Must identify how Billings will provide:
 - Dissemination of documents
 - Opportunity for comments
 - Public meetings
 - Electronic communication and access
 - Analysis of and response to public comments
 - Emphasize public comment will narrow as the process moves to site-specific development

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The Housing Analysis is much more substantial. The new law dictates that population projections look out 20 years and have a very specific criteria that must be met.

Housing Analysis and Criteria to Meet

- Population projections for 20 years
- Number of housing units needed for that population
- Develop an inventory of sites for housing development, analyzing constraints such as zoning, development standards, and infrastructure needs
- Complete a regulatory audit to ensure zoning regulations can accommodate the identified housing types
- Propose a list of recommendations to be implemented by the governing body in order to accommodate the projected housing needs

There is currently a lawsuit in the Bozeman courts that has implications. A lawsuit was filed by a group of property owners across Montana targeting legislation, including multiple Senate Bills; SB 323, SB 528, and SB 245. There was concern that these bills were done without enough public input and would have a negative impact on residential neighborhoods. A judge has placed an injunction on SB 323 and SB 528. Currently, there is no timeline on the lawsuit, however it will be continually monitored and updates provided.

Lawsuit Update and Implications

- Currently in Bozeman Court
- Injunction is for:
 - SB 323 – duplex units in all residential districts
 - SB 528 – Removing local control of ADUs
- SB 245 and SB 382 not halted but still in lawsuit
- Billings can and should proceed with SB 382 implementation
- Billings retains its local zoning authority – it can adopt new zoning regulations; if injunction lifted, it must at a minimum meet SB 323 and SB 528 requirements

The City of Billings retains local zoning authority and can adopt new zoning regulations. If the injunction is lifted, those zoning regulations must meet SB 323 and SB 528 requirements.

Discussion

There was discussion regarding current neighborhoods and wanting to protect property rights and the homeowner’s property value. Should SB 323 pass, it would allow multi-unit structures to be built in residential neighborhoods. It was asked which neighborhoods would have available land for multi-unit

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structures or duplexes. It was provided that the majority of neighborhoods with vacant lots, would primarily be in newer subdivisions. Existing homes in established neighborhoods would remain as they are, whether the bill passes or not.

The Planning Commission Formation resolution and Public Participation Plan adoption for the new law will be brought to the Billings City Council and they will take action.

Next Steps

- Bring Planning Commission Formation Resolution to Council
- Bring Public Participation Plan Adoption to Council
- Launch RFP for Consultant Services for new Law
- West Billings and Heights neighborhood plan scopes designed to inform elements of new process
- Monitor lawsuit
- Continue Interim Legislative Engagement

Discussion

There was discussion as to whether Helena was currently following the 2-family zoning, it was affirmed that they have been for several years. Bozeman has already made some changes as well and seen more public participation.

A question arose about the composition of the new Planning Commission, Wyeth clarified that it would start with the five City Wards and bring expertise from the other boards. In addition to the Planning Commission, there would be a steering committee or something similar to provide additional direction.

The City and County have been working together for some time now and concerns were expressed as to the potential separation between the two. Wyeth stated there is County engagement on the West Billings Plan and Heights Neighborhood plan, which is encouraging as we look forward to continued growth toward the County.

Subdivision Regulations Update – Wyeth stated there was an informational session with the development community to address the changes that will be brought to the Planning Board. Wyeth made clarification regarding Laurel’s jurisdictional boundaries and stated regarding Grand Avenue, it would extend to 72nd.

It was expressed by the Board of the necessity to have the City and County working together for cohesive decision-making.

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9b. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.

ADJOURNMENT 7:28pm

10. Future Agenda Items

The next Planning Board meeting will be held Tuesday, March 12, 2024 in the Miller Building 1st Floor Conference Room, 2825 3rd Ave N at 6:00pm

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

-Brenda J Berns, Planning Clerk