

# CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

**Tuesday, March 26, 2024, 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
<b>Jim Ronquillo</b>	Mayor/Billings Ward I	A	1	A	1	A	1																	
<b>Roger Gravgaard</b>	Mayor/Billings Ward II	1	V	1	V	1	1																	
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1	1	1																	
<b>John Staley</b>	Mayor/Billings Ward IV	1	1	A	1	V	1																	
<b>David Nordel</b>	Mayor/Billings Ward V	A	1	1	1	V	V																	
<b>Troy Boucher</b>	YC District 1	V	V	A	A	V	A																	
<b>Dennis Cook</b>	YC District 2	A	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																	
<b>Alexis Bonogofsky</b>	YC District 6	1	V	V	V	A	V																	
<b>Morgan Tuss</b>	YC District 7	1	A	A	A	A	A																	

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**Tuesday, March 26, 2024, 2024 at 6:00pm**

<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	A	V	A	A	A	V														

**Call the Meeting to Order:** President Woods called the meeting to order at 6:00 p.m. on Tuesday, March 12, 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:** Dave Green, Planner II; Lora Mattox, Transportation Planning Coordinator; Elyse Monat, Active Transportation Planner; Brenda Berns, Planning Clerk

**Virtual Participation:** Board member Alexis Bonogofsky; Board member Dave Nordel; Scott Reiter, Ex-Officio SD2

**Others in Attendance:** Mac Fogelsong, Engineering; Mike Pigg, Parks & Rec Director; Steve Simonsen, Board of Realtors; Henry Jagodzinski; Kelsey Murray, IMEG; Anna Vickers, IMEG.

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

**3. Approval of Minutes:** March 12, 2024

Motion by Board member Staley, seconded by Board member Cook to approve the March 12, 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. Board member Cook advised he has knowledge of communications regarding item 7c. Subdivision Regulations. Dave Green, Planner stated he did not believe it was a conflict.

**Tuesday, March 26, 2024, 2024 at 6:00pm**

**7. Old Business**

**7a. Motion. Staff recommends that the Planning Board forward a recommendation of approval of the Safe Routes to School Plan Update, Phase II. Elyse Monat, Active Transportation Planner.**

Elyse Monat stated that Sanderson Stewart, the consultant on the plan gave a presentation at the previous meeting, therefore staff is requesting a recommendation of approval to forward to the Policy Coordinating Committee (PCC).

**Discussion**

There was none.

**Motion**

Board member Staley made a Motion, seconded by Board member Cook to forward staff recommendations for approval of the Safe Routes to School Plan Update Phase 2 to the Policy Coordinating Committee.

**7b. Public Hearing/Public Hearing Participation Guidelines. President Woods read the guidelines for public input.**

**7c. Subdivision Regulation Updates 2024. Public Hearing. Motion. David Green, Planner II.**

Staff recommends the Planning Board forward a recommendation of approval of the Subdivision Regulation Updates for Billings & Yellowstone County. Dave Green, Planner gave an overview of the regulation updates for the Board and members of the public. Dave stated there were legislative and policy changes requested by City and County departments. The City references items as 'Chapters', the County references 'Sections'.

**Section / Chapter 1: General Provisions:** There were no changes to this section.

**Section / Chapter 2: Definitions:** There were updates to some of the definitions to add more information and clarity. Definitions have been updated to reflect the new terms for the various subdivision types. The most significant addition was to Multi-Modal trail types.

**Section / Chapter 3: Subdivision Review Procedures:**

There was cleanup done to remove reference through much of this section / chapter regarding paper copies. All subdivision paperwork is submitted electronically.

There was clarification regarding Expedited subdivisions, Abbreviated Review, and Minor subdivisions qualifying for Administrative Review.

***Tuesday, March 26, 2024, 2024 at 6:00pm***

**Section / Chapter 4: Development Requirements:** It is being proposed that the requirements in zoning for size, orientation, and block length be moved to this section / chapter.

There was discussion regarding originally proposed Street Lighting and alternate options.

**Dead-End Streets and Cul-de-Sacs:** Dave mentioned that Cul-de-sacs could lead to parking problems, potentially obstructing fire and emergency personnel. An alternative proposal suggests that a permanent cul-de-sac street should not exceed 25% of the total roadway miles in a subdivision unless approved through a variance.

Further discussions revolved around additional county regulations:

All community drain fields or water systems will be on public land with a Rural Special Improvement District (RSID) created for maintenance.

- All private roads shall be gated with electronic opening gates.
- All subdivisions creating 4 or more lots are required to install a 30,000-gallon dry hydrant tank.
- All dry hydrants must be on a public road, cannot be on an arterial street.

**Chapter 5; Guarantee of Public Improvements:** HB0211 Phased Development & Expedited.

All phases included within the phasing plan, if completed within 5 years of final plat approval, are not required to go through the public hearing process; otherwise, there must be a public hearing to open a phase.

**Section / Chapter 6: Developments Providing Multiple Spaces for Rent or Lease for Recreational Vehicles, Mobile Homes, and Manufactured Homes.**

This chapter has edits to clarify existing requirements and updated references to the fire code.

**Section / Chapter 7: Cluster Developments and Planned Neighborhood Developments:**

Some minor edits for clarity in cluster developments. The planned neighborhood developments section is proposed to be removed since it is covered in the new zoning.

**Section / Chapter 8: Condominiums and Townhomes:** No Changes to this section.

**Chapter 9; Environmental Assessment:** There are no changes to the City section. The County section has some new language in what is required.

**Tuesday, March 26, 2024, 2024 at 6:00pm**

**Section / Chapter 10: Dedication of Parks, Trails, and Open Space:**

Yellowstone County will no longer accept private park land toward the required park land dedication.

Current Park Land Street Frontage Opening definition:

*Street frontage requirements for parks is 200 continuous, linear, feet for each park of one acre, and 30 feet of frontage for every acre after that. The 30-foot segments are not required to be continuous with the original 200 feet.*

Alternative wording provided to allow more street frontage for parks.

**Chapter 11; Administrative Provisions:**

A family transfer is now allowed within a platted subdivision, so long as the subdivider meets the requirements of zoning, if any exists. SB0158 Gift or sale exempt in subdivision.

**Discussion**

**Tim Miller, YCPW Director.** Tim highlighted the concern regarding the need for a Traffic Impact Study (TIS). He explained that although individual subdivisions on arterial roads might not individually trigger the requirement for a TIS, the cumulative effect of multiple developments could result in significant vehicle traffic and other impacts. Consequently, the County now prefers to require a TIS for all developments. Developers have the option to formally request approval from the County without a TIS, but they will receive a written decision in response to their proposal.

**Mac Fogelson, City Engineering.** Mac discussed the issue of street lighting, emphasizing the balance between safety and cost, which falls outside the purview of the Public Works department. Nonetheless, he offered several considerations. It was suggested that there should be standardization for street lights across different types of streets such as residential, collector, arterial, and at intersections. Three key points were proposed for street lighting: 1) utilizing full cut-off fixtures to prevent light from spilling into residential yards, 2) opting for LED lights for their cost-effectiveness, and 3) setting a maximum height for street light poles while allowing for design flexibility. Mac also delved into the cost aspect. He provided examples from past city projects, where the cost ranged around \$80 per lineal foot, although these lights were slightly more intense than those typically used in residential neighborhoods. The primary concern lies in determining the appropriate lighting for residential streets, with the possibility of upscale poles costing up to \$1.43 per square foot of lot area. Once the City Council establishes a street light policy, Public Works will consider up to four different types of lighting to mitigate maintenance costs, with the average estimated cost ranging from \$0.70 to \$1.40 per square foot of lot area.

***Tuesday, March 26, 2024, 2024 at 6:00pm***

**Mike Pigg, Billings Parks and Recreation Director.** Mike presented an overview of how city parks' street frontage impacts their usage, emphasizing that parks with greater street frontage tend to foster a safer environment, as evidenced by measurements taken across town. The city's initiative to increase street frontage serves two purposes: improving public utilization of parks and facilitating city maintenance. Moreover, there's a safety concern regarding small trail openings to parks, where law enforcement lacks visual oversight, potentially making residents feel unsafe in park areas.

To address these concerns, the requirement for a continuous 200 feet of street frontage and multiple 30-foot access points to enter the park benefits the entire community. Mike supported his arguments to the Board with photographs illustrating both successful and unsuccessful parks in reducing crime and providing adequate street frontage access within the city.

Mike emphasized that the Parks and Recreation Department aims to have the criteria for street frontage clearly defined in regulations, streamlining the process and avoiding negotiation for every project. The department seeks to collaborate with developers to ensure that park land dedications are usable and do not pose maintenance challenges, such as swamps or ditches. It's crucial that stormwater recedes within 48 hours. Mike underscored that parks are essential amenities for children and families, highlighting their positive impact on communities.

### **Public Hearing**

**Steve Simonsen, Association of Realtors.** Steve pointed out that Billings is facing an affordability challenge concerning starter homes, potentially contributing to a trend of increased renting nationwide. The Home Builders and Realtors, the groups most affected by real estate pricing, have not been consulted in the decision-making process. The Billings Association of Realtors is requesting a postponement in the implementation of the regulations until they have had the chance to thoroughly examine the new regulations.

**Hank Jagodzinski, Billings Central High School Student.** Hank expressed gratitude for the comments made thus far but wished to ensure that the board was not led astray. He emphasized that adhering to the 25% cul-de-sac standard would not promote housing affordability, as connectivity is essential. Hank urged the Board to discontinue the use of cul-de-sacs, emphasizing their lack of purpose and advocating for city development that prioritizes connectivity. He stressed the importance of constructing neighborhoods with longevity in mind, incorporating amenities such as street lights, sidewalks, and parks into subdivisions. Hank encouraged the Board to vote in favor of adopting the proposed regulation updates.

***Tuesday, March 26, 2024, 2024 at 6:00pm***

**Dan Brooks, The Billings Chamber of Commerce.** Dan expressed support for lighting installations for Crime Prevention Through Environmental Design (CPTED) purposes. They emphasized the longstanding understanding that insufficient lighting and unclear pathways contribute to crime. They noted that those who implement lighting changes typically experience positive results and see the most effective improvements in property security.

Dan expressed a desire to see CPTED principles applied, though he did not necessarily advocate for their inclusion in the regulations. He appreciated the three stipulations regarding lighting: the avoidance of glare, the use of LED lights, and a maximum height restriction of 30 feet.

Mr. Brooks expressed openness to a delay to allow for further discussion but favored the adoption of the regulation updates.

**Anna Vickers IMEG.** Ms. Vickers expressed her support for integrating Crime Prevention Through Environmental Design (CPTED) principles into the standard for lighting in subdivisions and suggested that the Planning Board recommend this as an alternative approach. She also advocated for further clarification regarding undeveloped or unsubdivided land. Additionally, Ms. Vickers acknowledged that cul-de-sacs can be suitable for certain design concepts, particularly when there is adjacent undeveloped land.

Regarding parks, she believed that the 200-foot linear frontage standard represents a positive step forward and thanked Tim Miller from YCPW for clarifying the necessity of a Traffic Impact Study for all County subdivisions.

**Public Hearing closed.**

### **Discussion**

There was discussion regarding the specific timeframe for postponing the approval of the subdivision regulations. Dave Green clarified that there is no formal deadline, and the Board could motion to delay pending further consideration by the Planning Board.

Further deliberation ensued regarding the importance of street lights, parklands, and the necessity for developers to integrate them at the initial phase of subdivision development. The Board addressed concerns about potentially higher costs incurred from delaying the addition of sidewalks and street lights until later years, which could impose a significant burden on homeowners through a Special Improvement District (SID).

Board member Cook emphasized the need for additional discussion regarding sidewalks and street lights and proposed a 60-day delay.

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***Tuesday, March 26, 2024, 2024 at 6:00pm***

**Motion**

A motion was proposed by Board member Cook to delay the recommendation for approval of the Subdivision Regulation Updates by 60 days, and it was seconded by Board member Staley. The motion passed unanimously.

**8. New Business.** There was no discussion on this topic.

**9. Other Business.** There was no discussion on this topic.

**9a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.** There was no discussion on this topic.

**ADJOURNMENT 7:38PM**

**10. Future Agenda Items.** There was no discussion on this topic.

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

*-Brenda J Berns, Planning Clerk*