

# CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

**Wednesday, May 29, 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	05/29/2024	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	C	C	C	1													
<b>Roger Gravgaard</b>	Mayor/Billings Ward II	1	V	1	V	1	1	C	C	C	1													
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1	1	1	C	C	C	1													
<b>John Staley</b>	Mayor/Billings Ward IV	1	1	A	1	V	1	C	C	C	1													
<b>David Nordel</b>	Mayor/Billings Ward V	A	1	1	1	V	V	C	C	C	1													
<b>Troy Boucher</b>	YC District 1	V	V	A	A	V	A	C	C	C	A													
<b>Dennis Cook</b>	YC District 2	A	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	C	C	C	1													
<b>Alexis Bonogofsky</b>	YC District 6	1	V	V	V	A	V	C	C	C	1													
<b>Morgan Tuss</b>	YC District 7	1	A	A	A	A	A	C	C	C	A													

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

**Call the Meeting to Order:** President Woods called the meeting to order at 6:00 p.m. on Tuesday, May 29, 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; Brenda Berns, Planning Clerk

**Virtual Participation:** None

**1. Others in Attendance:** Mac Fogelsong, City Engineering PW; Dan Brooks, Billings Chamber; Steve Simonson, Billings Association of Realtors; Tim Miller, Director YCPW, Ronni Tallerico YCPW.

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

**3. Approval of Minutes:** March 26, 2024

Motion by Board member Ronquillo, seconded by Board member Gravgaard to approve the March 26, 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:** There was none.

**7. Old Business**

**Wednesday, May 29, 2024 at 6:00pm**

**7a. Board Discussion. Recommendation. Subdivision Regulation Updates 2024 for Billings and Yellowstone County. Presented by Dave Green, Planner II**

Dave gave an overview of the regulation updates and discussed some concerns previously expressed. The three basic updates to the subdivision regulations:

- *regulations requested by other City and County Departments. Changes required by State Statues*
- *Moving regulations from Zoning Code to Subdivision Code*
- *Changes to the subdivision*

Section / Chapter 1: General Provisions: There were no changes to this part of the sub regs.

Section / Chapter 2: Definitions: There are updates to some of the definitions, new definitions to new legislature and new definitions to add more information about some items.

The most significant addition was to clearly define Multi-Modal trail types.

Park Land: There is a short list of park land amenities

Definitions have been updated to reflect the new terms for different ways of processing subdivisions.

Section / Chapter 3: Subdivision Review Procedures: There was cleanup done to remove the reference through much of this section/chapter about how many paper copies to submit. All subdivision paperwork is submitted electronically.

Expedited review for certain subdivisions: Any number of lots qualify, 35 total working days to process, but they are to meet certain criteria and do all up-front meetings before submitting the subdivision for the 35-working day review. *HB0211 Phased Development and Expedited.*

Minor Subdivisions qualifying or administrative review: Same process as a minor subdivision but the final decision to approve, conditionally approve or deny is determined by staff. Once a decision is made, planning staff sends out a letter to property owners whose property is immediately adjoining the land included in the preliminary plat. *SB0170 Administrative for minor sub.*

Section / Chapter 4: Development Requirements: It is proposed that the requirements in zoning for size and orientation, block length be moved to this section/chapter. A public hearing was held on March 26, 2024, at which time the Planning Board delayed the subdivision regulation updates for 60 days. Since that time the Planning Department, Engineering, Parks, and County Public Works have had two other public meetings to further discuss the proposed updates and additions to the subdivision regulations. Those meetings took place on April 23, 2024 and May 7, 2024. Both meetings were attended by members of the public. The two main topics of discussion were lighting requirements in residential subdivisions and electric gates across private streets in the county. The argument was that those two items will be at an extra cost to the purchasers of land in the subdivision. It was felt that neither one should be required.

Section / Chapter 5 Guarantee of Public Improvements: *HB0211 Phased Development and Expedited:*

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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. After 5 years from final plat, you must go to 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 update references to 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

Section / Chapter 9: Environmental Assessment: There are no changes to the city section. The county section has some new language for what is required.

Section / Chapter 1: Dedication of Parks, Trails, and Open Space: Yellowstone County will no longer accept private parkland toward the required parkland dedication. 76-3-621 MCA Park dedication requirements; a subdivider shall dedicate to the governing body a cash or land donation. This section/chapter was modified to give more clarity to what is acceptable and not acceptable as parkland. There is also, in the definitions, a short list of suggested amenities.

Street frontage requirements were discussed, and we have arrived at the language below for required street frontage for parkland.

*Street frontage requirements for parks are 200 continuous, linear, feet for each park of one acre, and 30 feet of frontage for every acre after that. The 30 feet segments are not required to be continuous with the original 200 feet. Example: 5-acre park requires 200 linear feet for the first acre and 4 x 30 = 120 for the others for a total of 320 linear feet. The developer shall coordinate park street frontage openings with the City of Billings / Yellowstone County Parks Department before the preliminary plat is completed. The minimum width for access into parkland shall be 30 feet.*

Section / Chapter 11: Administrative Provisions: There was one edit in the city sub regs to remove reference to the county.

Appendices: Because all subdivision forms and templates are online, the appendices are proposed to be removed. The exception to that is the reference to the subdivision Evasion Criteria.

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.

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### **Discussion**

- Approved designs for 4-6 pole configurations.
- Discussed regulations regarding cul-de-sacs.
- Addressed street frontage requirements for parks; recommended that a minimum linear frontage of 60 feet be proportionate to park size, with other frontages falling within 200 feet.
- Agreed that electronic gates can be decided by the developer but must include an access box for fire and emergency services.

#### Private Roads Issue:

- Private roads are not maintained by the county, and county regulations mandate the installation of gates.
- Effectiveness of signage: Signs tend to go unnoticed by drivers.
- County stance: Strong opposition against private roads.
- Feasibility of prohibition: Consideration of a complete ban on private roads.
- Cost implications: Installing gates can pose significant financial burdens.

Tim Miller, County PW stated that people use them that don't live there, and a gate is a means to keep the general public out.

### **Public Comment**

Dan Brooks, Chamber – Supports the lighting proposal based on CEPTD. Emphasizes public safety and housing supply as top priorities for citizens and the City.

Steve Simonsen, Billings Association of Realtors – Expresses primary objections to the mandated lighting district, citing a projected cost of \$12,000 per household plus monthly maintenance fees. Raises concerns about affordability within Billings, projecting total costs over 30 years to exceed \$30,000 per household for a streetlight in front of their homes. Encourages the Board to explore alternatives and proposes that HOAs or residents decide on the necessity of streetlights.

Mac Fogelsong, City Engineering – Discusses the cost versus safety considerations:

1. Explains the city's standard requirement for streetlights on roads.
2. Highlights efforts to minimize glare and restrict pole heights to under 30 feet.
3. Disputes the \$12,000 per household cost, presenting different cost scenarios:
  - Private contractor installation costs \$3,750 upfront with \$12 monthly maintenance.
  - Northwestern Energy option involves a flat monthly rate based on a 7-year repayment plan for basic fixtures.
  - Developer-installed lights in subdivisions like Annafeld can vary, with high-end fixtures costing up to \$6,700.

These options reflect varying cost structures and types of fixtures available for streetlight installations.

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### **Discussion**

Topic: Street Lighting Discussion

Key Points Discussed:

- Inquiry into city responsibilities for maintenance and repairs within the light district.
- Clarification on the spacing of lights, with a distance of 150 feet on one side of the street.
- Proposal for a fourth option to balance crime prevention benefits against costs, suggesting inclusion of impact fees upfront.

Board member Staley: Expresses concerns about the current approach, highlighting the city's funding of fire hydrants versus the expectation for developers to install streetlights with residents bearing the cost. Raises apprehensions regarding Northwestern Energy's financial impacts and recent rate hikes.

Chairman Woods: Addresses the issue of infrastructure potentially going unused if installed solely by developers. Stresses the importance of addressing lighting concerns promptly, emphasizing that delaying installation could result in higher costs in the future. Advocates for moving forward with streetlights, especially considering safety for children.

Board member Nordel: Supports the installation of streetlights and discusses the establishment of a light district. Acknowledges that upfront costs may be higher for developers but asserts that once the infrastructure is in place, ongoing maintenance costs become more manageable.

These discussions reflect considerations regarding the responsibility for installation, funding mechanisms, and long-term cost implications associated with streetlight infrastructure.

### **Motion**

Board member Stephenson made a motion, seconded by Board member Ronquillo to forward staff recommendations for approval of the Subdivision Regulations Update 2024. The motion was carried with a unanimous vote.

### **Board Comment**

Board member Cook stated previously Northwestern power, residence could request a light for their property and have the costs added to their monthly bill. This was an efficient way of providing light at a nominal cost to the consumer.

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**8. New Business.**

**8a. Conservation Easement Presented to the Planning Board.** Submitted by Dave Green, Planner II

Dave gave a presentation on the Conservation Easement, being heard by Carbon County and Yellowstone County. The property is 1,644 acres, located approximately 3 miles east of Rockvale and 6 miles south of Laurel. Existing land use is Farmland, with proposed use to be Conservation Area. There is a house currently on the property, but it may not be replaced if removed. It cannot be subdivided, must remain as is. The state requires Planning Boards to review Conservation Easements.

**Discussion**

Discussion ensued regarding the taxation obligations of the landowner. Board member Bonogofsky clarified that while the landowner will still be responsible for property taxes, they will receive incentives for placing an easement, resulting in reduced taxes. The easement will lower the land's value since it cannot be developed further. Agricultural landowners may choose to implement an easement to preserve open spaces, which will remain in effect for their lifetime. This not only provides financial benefits to the landowner but also serves the public interest by preserving natural landscapes and supporting local ranching and farming industries, crucial for the regional food supply.

**Recommendation**

The Planning Board may choose to provide comments on the proposed easement, or alternatively, may opt not to provide comments on the proposed easement.

**9. Other Business.** June 6, 2024 Opening of the Inner-Belt Loop and ribbon cutting event.

**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 6:49pm**

**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*