

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

Wednesday, November 13, 2024 at 6:00pm

1 Board Attendance Roster: Please note: "A" stands for excused absence, "1" stands for present, "V" 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.

	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	11/13/2024	11/26/2024	12/10/2024
Jim Ronquillo	Mayor/Billings Ward I	A	1	A	1	A	1	C	C	C	1	C	C	C	1	1	1	C	C	C	C	1		
Roger Gravgaard Co-Chair	Mayor/Billings Ward II	1	V	1	V	1	1	C	C	C	1	C	C	C	1	1	1	C	C	C	C	1		
Dennie Stephenson	Mayor/Billings Ward III	1	1	1	1	1	1	C	C	C	1	C	C	C	1	1	1	C	C	C	C	1		
John Staley	Mayor/Billings Ward IV	1	1	A	1	V	1	C	C	C	1	C	C	C	1	1	1	C	C	C	C	1		
David Nordel	Mayor/Billings Ward V	A	1	1	1	V	V	C	C	C	1	C	C	C	1	V	1	C	C	C	C	1		
Troy Boucher	YC District 1	V	V	A	A	V	A	C	C	C	A	C	C	C	V	V	A	C	C	C	C	V		
Dennis Cook	YC District 2	A	1	1	1	1	1	C	C	C	1	C	C	C	V	1	A	C	C	C	C	1		
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods, President	YC District 5	1	1	1	1	1	1	C	C	C	1	C	C	C	1	1	1	C	C	C	C	1		
Alexis Bonogofsky	YC District 6	1	V	V	V	A	V	C	C	C	1	C	C	C	1	1	1	C	C	C	C	1		
Morgan Tuss	YC District 7	1	A	A	A	A	A	C	C	C	A	C	C	C	A	A	A	C	C	C	C	A		

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

Wednesday, November 13, 2024 at 6:00pm

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

Call the Meeting to Order: President Woods called the meeting to order at 6:00 p.m. on Wednesday, November 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; Anna Vickers, Planning Division Manager; Dave Green, Planner; Hunter Kelly, Planner; Brenda Berns, Planning Clerk

Virtual Participation:

1. Others in Attendance: Kolten Knatterud, IMEG; Siobhan Coop, IMEG; Ronnie Tallerico, YCPW

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

3. Approval of Minutes: August 27, 2024

Motion by Board member Ronquillo, seconded by Board member Nordel to approve the August 27, 2024 minutes as submitted. The motion was carried with a unanimous vote.

4. Public Comment: As required (3 minutes 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: None were disclosed.

Wednesday, November 13, 2024 at 6:00pm

7. Old Business

8. New Business

8a. Board Discussion. Collier Ridge Subdivision – Preliminary County Major.

Hunter Kelly, Planner gave an overview of the project.

The proposed subdivision creates 51 lots for development. The subject property is generally located East of Collier Road and North of Secret Valley Drive. The property is zoned RR3 – Rural Residential 3 and partially unzoned. The land is currently used as Vacant Land, intended for residential development. The developer is requesting 7 phase development. The agent is requesting a variance from Section 4.6.B.1 of the Yellowstone County Subdivision Regulations. Section 4.6.B.1 requires the subdivider to provide road connections to undeveloped land adjacent to the proposed subdivision. The maximum distance between connections to the undeveloped lands shall not exceed 600 feet. In particular, the variance is waived from the requirement for a connection on the eastern portion of the subdivision, to Parcel 1A of Amended Certificate of Survey 2156. The applicant is requesting this variance due to topographical concerns with the surrounding land.

Staff is recommending an Approval of this variance. The topographical constraints present at the site would prevent adequate connections at the areas required by the regulations. The proposed subdivision and adjacent property face mutual geographic constraints that prevent connections between the properties.

Staff is recommending conditional approval subject to Ten (10) conditions of approval.

A Public Hearing will be held at the next Planning Board meeting on November 24, 2024.

The Board of County Commissioners are scheduled to review and act on the preliminary plat on December 17, 2024.

Questions

Board member Staley asked if the connection would result in a one-way in and one-way out situation. Hunter confirmed that due to grading restrictions, a connection could not be made from the opposite side. Anna Vickers added that the northwest corner would be a cul-de-sac.

Board member Ronquillo inquired if the road would be extended once Phase 5 is fully developed. Hunter responded that this is not the developer’s intention.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

Wednesday, November 13, 2024 at 6:00pm

Dave Green pointed out that the maximum grade for a county road is 12%, but the current grade is 60%, requiring significant fill dirt to meet standards.

There was also a discussion about road maintenance, with Hunter confirming that the County will handle it.

Board member Staley asked if a request could be made to prohibit parking in the cul-de-sac, noting that a fire truck would not be able to turn around unless the road is widened beyond the county's specifications. Anna clarified that the Board could make such a recommendation to the Board of County Commissioners (BOCC).

President Woods inquired which agency would respond to fires in the area. Anna explained that the Blue Creek District handles woodland fires, but not structure fires. There is a gap in coverage, and an agreement needs to be made with Blue Creek for structure fire responses. Hunter added that Planning staff have reached out to the Blue Creek Volunteer Fire Department but has yet to receive a response.

Board member Staley asked the agent to address the absence of a park in the development plan.

Applicant's Agent: Kolten Knatterud, IMEG;

Mr. Knatterud explained that the decision to offer cash-in-lieu for parkland was due to the presence of slopes exceeding 30% grade, which made it difficult to find an area that met the minimum requirements. While the west side of the property could potentially accommodate a park, it would still not meet the necessary slope criteria.

Wyeth Friday, PCSD Director, noted that while there is a smaller subdivision in the area with larger lots, this development is one of the largest recent projects with similarly large lots. The topography, however, presents challenges that limit development, including the need for wells and cisterns. He pointed out that significant development in the area is unlikely due to its location within the Blue Creek fire district. Wyeth suggested that DES and Blue Creek review their boundaries and consider closing the gaps by submitting a petition to the BOCC for a decision on including these areas.

Board member Staley clarified that the commissioners cannot make a decision on this matter, as the fire agencies operate under their own voting boards.

Mr. Knatterud explained that while comments are made on these types of developments, they did not want to bring the variance forward without the subdivision being considered. He assured that when the Planning Board reconvenes for the public hearing, they will obtain a letter confirming that there are no issues from the relevant parties.

Board member Bonogofsky, a Blue Creek resident, expressed concerns about the area's suitability for such a large subdivision. She cited dangerous traffic conditions, limited capacity at Blue Creek

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

Wednesday, November 13, 2024 at 6:00pm

schools to handle an influx of students, and the fact that Blue Creek only has one entry/exit point. Additionally, she mentioned that the area is primarily ranch land, and each homeowner would rely on cisterns. She also pointed out that traffic would be backed up every weekend due to the single water distribution center in the area.

Mr. Knatterud responded that a traffic study had been conducted covering all intersections, which was reviewed by the county. The schools were also contacted regarding potential student increases, and they reported having the capacity to accommodate additional students. Ms. Bonogofsky requested to see the results of the study and reiterated her concerns about the safety of the road to Blue Creek.

Board member Staley inquired about the impact of delaying the issue until the next Planning Board meeting. Anna Vickers clarified that a delay would not affect the 60-day review deadline, which ends on February 3, 2025. She noted that conversations with school staff and additional research have been conducted to ensure the schools can handle the expected increase in students.

Board member Bonogofsky requested that the Duck Creek bridge closure, which will be closed for about a year, be included in the Traffic Impact Study (TIS).

Board member Staley indicated he wanted to speak with Chief Cortez to discuss the potential impact of the subdivision, as well as his opinion on the placement of the two 30kg tanks.

Mr. Friday confirmed that Planning staff would follow up with the fire departments as part of the normal process and continue gathering relevant information. He also welcomed board members to contact the departments directly if they wished.

Board member Bonogofsky asked if the traffic study would account for the trips required to fill an average cistern, noting that in her case, it takes about four round trips.

Mr. Knatterud clarified that a pre-application meeting with the County had been held regarding the traffic study, which is based on typical travel patterns and the average number of round trips per day. He also noted that he understood the concerns raised by Planning staff and assured that, under the new regulations, future subdivisions would not be presented without a Traffic Impact Study (TIS).

9. Other Business.

9a. Discussion. Appointment of the Planning Board Nominating Committee for the 2025 Planning Board Officers.

President Woods stated he wished to invite board member's Jim Ronquillo, Alexis Bonogofsky, and Dennis Cook to serve on the committee. The vote will take place at the first Planning Board meeting in December 2024. The new Officers will assume their new position at the first meeting in January 2025.

Wednesday, November 13, 2024 at 6:00pm

9b. Presentation and Discussion on Planning Commission and Future Land Use Plan

Wyeth Friday gave an overview regarding the new information and background of Billings implementation of the MT Land Use Planning Act.

MT Land Use Planning Act Made Law ‘23

- 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
- Some 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

Who law applies to/compliance deadline

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

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

All other jurisdictions may OPT IN

- Lewistown Opted In
- Yellowstone County not opting in [at this time](#)

➤ Must adopt land use plan, zoning, and subdivision regulations that meet the new framework by May 2026 (Section 5)

Wednesday, November 13, 2024 at 6:00pm

Implementation

- ✓ Form (Interim) 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 (Big Deal)
- Implementation (Section 17)
- Zoning and Subdivision Regulation Alignment

Implementation

- 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 will be keeping the other boards of adjustment and zoning which will remain in place until the Planning Commission is permanent and acting at full capacity.

Wednesday, November 13, 2024 at 6:00pm

Planning Commission Formation

Interim Planning Commission 1st Step

- Consolidates City Board of Adjustment and Zoning Commission
- 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

Interim Planning Commission Formation

- Must consist of an odd number (no fewer than 3) Interim Commission is 9 members initially
- 55 City Wards from Planning Board
- Zoning Commission Chair
- Board of Adjustment Chair
- HBA and BAR designated representatives
- Must meet at least every 6 months
- Council formed commission by resolution – includes requirements of commission members and operations.

Interim Planning Commission Formation

- Interim Commission parallel to YC Planning Board, City Zoning Commission and City Board of Adjustment
- Ultimately, operate under new law and all City land use activity will fall under Planning Commission
- Will maintain County Planning Board and must address MPO operations – reorganize PCC
- Ultimately – Permanent Planning Commission formed in 2026

Wednesday, November 13, 2024 at 6:00pm

Public Participation Plan Adopted by Council

- 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. Identifies 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

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

Next Steps

- Verify interim Planning Commission Members, County Commissioners appointments if needed, Commission begins meeting
- Complete RFP consultant services selection
- Begin Land Use Plan and Future Land Use Map development
- Ongoing West Billings and Heights neighborhood plans designed to inform Land Use Plan and Future Land Use Map
- Monitor lawsuit
- Continue 2025 Legislative Engagement

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

Wednesday, November 13, 2024 at 6:00pm

Mr. Friday mentioned that further updates will be provided as we continue through the process. Mayor Cole has contacted board members about appointing women to the commission, with representatives being designated by HBA and the BAR.

There was also a discussion regarding membership on the Planning Board and/or Planning Commission. Members are allowed to serve on both boards concurrently for an interim period of one year. The City and County have different regulations, but efforts are underway to align them.

Mr. Friday addressed the previous lawsuit filed by several counties, noting that the current laws remain in effect even during the lawsuit, though the outcome is still uncertain.

Ms. Vickers clarified that the Senate Bills apply only to the City. While single-family zoning still exists in the County, these laws and the court case no longer allow it within the city.

Further discussion focused on the Planning Commission’s capacity, with details on the Commission’s administrative process to be explained later.

Board member Staley inquired whether development in the county would still fall under the Planning Commission's purview in 2026. Wyeth confirmed that it would.

Board member Staley then asked what would prevent the City from deciding that the Planning Commission would only review complaints. Wyeth responded that the process is structured so that staff initially reviews a project and makes a recommendation. If there are public objections, the project then goes to the Planning Commission, which makes a recommendation to the City Council, and ultimately may go to court. There is an appeal process in place, and if appeals become frequent, it may need to be addressed. In some communities, this is a significant issue.

Board member Bonogofsky asked who would approve a variance, and Wyeth replied that it would depend on the regulations, which will clarify whether variances are handled administratively or by the Planning Commission.

Anna stated that, in theory, a variance would not apply.

President Woods questioned whether public participation could be eliminated, and if the Land Use Plan could be reviewed and amended. Wyeth confirmed that there are processes for reviewing and amending the Land Use Plan and emphasized that public participation is critical at the beginning stages, not only when it reaches the City Council.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

Wednesday, November 13, 2024 at 6:00pm

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

ADJOURNMENT: 7:34pm

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