

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

Wednesday, November 26, 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	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	A	
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	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	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	A	
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	A	
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	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	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	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	A	

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

Wednesday, November 26, 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	A

Call the Meeting to Order: President Woods called the meeting to order at 6:00 p.m. on Tuesday, November 26, 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; Brenda Berns, Planning Clerk

Virtual Participation: Board member Boucher; Monica Plecker, YCPW Assistant Director

1. Others in Attendance: Kolten Kanterud, IMEG; Cathi Rude, Blue Creek School; Neal Shelton; Don Vanica; Kathy Shaffer; Michele Johnson;

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: November 13, 2024

Motion by Board member Staley, seconded by Board member Ronquillo to approve the November 13, 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: There was Ex Parte communication received and entered into the record from Jon Groff.

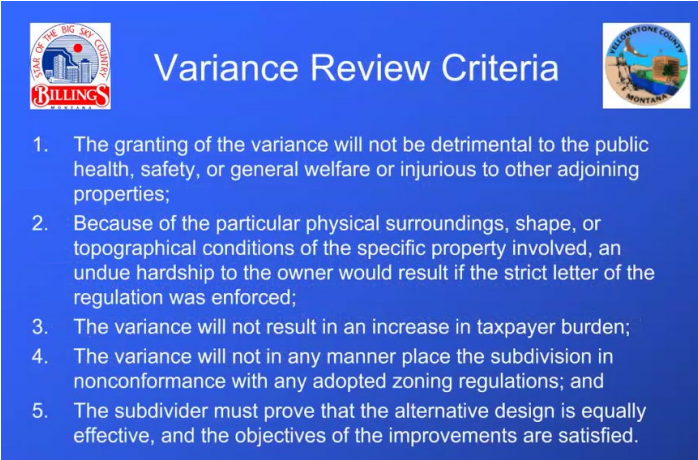
Wednesday, November 26, 2024 at 6:00pm

7. Old Business

8. Public Hearing

a. Public Hearing. Motion. Collier Ridge Subdivision – Preliminary County Major.

Dave Green, 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 a 7 phased 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.

A blue rectangular graphic with white text and logos. On the left is the City of Billings logo, and on the right is the Yellowstone County logo. The title "Variance Review Criteria" is centered at the top. Below the title is a numbered list of five criteria.

Variance Review Criteria

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
3. The variance will not result in an increase in taxpayer burden;
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations; and
5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied.



A system of stormwater retention ponds for each lot, as well as regional stormwater retention ponds for road runoff, will be approved by MDEQ prior to filing the final plat.

Legislature requires opening a phase within 5 years of final plat does not require a public hearing, after 5 years would require the public hearing.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

Wednesday, November 26, 2024 at 6:00pm



Variance Review Criteria

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
3. The variance will not result in an increase in taxpayer burden;
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations; and
5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied.

Mr. Green stated that Cathi Rude of Blue Creek School affirmed they have space for additional children to meet the demands of the new development.

The County has regulations a developer must meet to be considered park land. Previously, developers included land not suitable for parks that included, steep slopes, coulees, swamp land, stormwater ponds, or parkways.

Staff recommends conditional approval subject to Ten (10) conditions of approval. These are abbreviated with the exception of Condition 7, which the County PW Department has requested the Traffic Impact Study (TIS) should be updated to acknowledge that sight distance could still be lacking for one or both approach locations, based on the elevations of those approaches with respect to Collier Road.

Questions

Board member Ronquillo stated he is unsure if the traffic impact study included the number of cars travelling, as well as whether the temporary closure of Duck Creek bridge will have an effect. Mr. Green stated that a traffic impact study measures trips per day, by household. The study does not take into account, possible road closures or redirected traffic, as those are unknown. Road closures may extend from one day to a month or more depending on the project.

Monica Plecker, YCPW; Monica stated the Duck Creek bridge is a temporary closure and may be closed for several months. The two intersections that are required to be studied as a part of this subdivision development, are operating at a level of ease and do not pose concerns regarding significant interruptions.

Board member Bonogofsky stated she understands the TIS only looked at a couple of intersections, but there is only one entrance to this intersection. The Blue Creek and Jellison intersections will be heavily impacted. Ms. Plecker stated that additional trips do not necessarily impact traffic negatively. Blue creek is a principle arterial and there should be anticipated traffic.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

Wednesday, November 26, 2024 at 6:00pm

Board member Staley stated he supports the county not putting parks on 60% grades, referenced Pioneer Park. He’s walked several areas of development and believes there are areas that would be appropriate for a park. Not in favor of the cash-in-lieu option and believes all housing developments should have a completed park for children and families.

Board member Staley continued that regarding item 5, he would like to see no parking on the cul-de-sacs. Ms. Plecker said that at present there are no restricted parking on county roads, and that the County would face enforcement problems if that were to occur.

Board member Staley addressed the issue of the Blue Creek fire department providing residential structure fire service, they are already annexed for wildfires. Anna Vickers clarified that state law can require a fire department to provide structure protection in Yellowstone County by Commissioner approval.

President Woods asked for clarification on where cash-in-lieu of parkland funds are held. Ms. Plecker stated the benefit of the money stays in the district for which the development is a part of.

Board member Bonogofsky stated that in the findings, the subdivision met the 2008 growth policy and was consistent for meeting the neighborhood patterns and land use characteristics. She believes it’s subjective, as the south hills are and have been mainly ranch land. The 50-unit subdivision is significantly different than what’s been built in Blue Creek previously. Ms. Bonogofsky is concerned that multiple developments will follow suit and further complicate the areas’ safety and quality of life.

President Woods stated the Planning Board could add a condition to the ten, regarding no parking in a cul-de-sac. Mr. Friday confirmed that the board could propose a solution regarding parking; however, in a rural subdivision with lots ranging from 3 to 9 acres, residents typically park on their own property rather than on the streets, unlike in urban areas. This has not been a significant issue due to the size of the lots. Regarding parks, and in light of the new County Park policy, it’s important to note that large lots like these can accommodate parks where everyone can enjoy the space. However, there are concerns about the County’s ability to maintain these parks adequately.

Applicant’s Agent:

Kolten Knatterud, IMEG; Mr. Knatterud stated he reached out to EMS and Blue Creek Fire to ensure they would not be reluctant to provide fire protection services for structures, he was not aware of anything. Mr. Knatterud was in agreement to add another amendment to the conditions of approval, but that they did not need to apply for annexation, rather annexation needed to occur, which would alleviate concern for structure fire protection. Annexation would occur prior to final plat being submitted. The several drainage basins, per DEQ rules, are sized to accommodate the increased run-off. President Woods clarified retention is stored on site, detention is the runoff site that must be no greater than predevelopment.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

Wednesday, November 26, 2024 at 6:00pm

Discussion

Mr. Knatterud stated the County Public Works expressed some concerns about water site dispense locations and therefore, made some changes to those approach locations.

Public Hearing:

Neal Shelton 3519 Basin Creek Rd – Mr. Shelton asked about specific parcel for a park. Mr. Knatterud stated the slope was in excess of allowable percentages.

Michelle Johnson 2705 Blue Creek Rd – Ms. Johnson expressed that wildlife collisions along the road have occurred but have not been reported. She mentioned that the traffic study does not appear to be properly followed, and the issues on the road are substantial. She noted that MDT conducted a speed study, resulting in a reduction of the speed limit from 60mph to 50mph, but no additional actions have been taken. She believes that the information is not being properly considered.

Kathy Shaffer 3590 Basin Creek Road – Ms. Shaffer mentioned that her property is situated near two areas where water drains. She explained that the creek bed needs to be cleared after each rainstorm to prevent flooding, and additional drainage could negatively impact her property. Ms. Shaffer expressed concern that her property's value could decrease due to these issues. She also requested the installation of no parking signs in the cul-de-sacs and voiced her support for parks for children.

Don Vanica 2225 N Echo Dr. – Mr. Vanica is concerned that minor improvements will not be enough to minimize the impact of this subdivision.

Public Hearing was closed.

Board Discussion

Board member Ronquillo stated he has concerns regarding the single water station and line of vehicles to get water and believes the situation will worsen with more development.

President Woods stated the board could make a motion to approve the subdivision as submitted with the variances and conditions of approval.

Mr. Knatterud agreed they could work with the Parks Department and Public Works Department to add a park.

Mr. Friday stated that this issue is problematic, as the County has already expressed a preference for the cash-in-lieu option. He suggested that this is more of a concern with the County's Park Policy, which would be better addressed in a separate discussion.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

Wednesday, November 26, 2024 at 6:00pm

President Woods advised the board there is another option the board can choose and allow the developer to work on the items identified by the board. Mr. Friday affirmed there is time to do that.

President Woods reiterated the three (3) conditions identified by the board and asked Mr. Knatterud if would be able to address those concerns by the next identified meeting.

Ms. Plecker stated that the board could make the motion recommending the park in lieu option, however a delay would not benefit the situation. If the board is confident to make that recommendation, it may be put before the County Commissioners to make the final decision.

Board member Cook inquired whether buses could be required to pull off the roadway before stopping to pick up students. Ms. Plecker responded that it would be challenging, as it would require an "off-site" modification and would not be a responsibility for the developers. She stated that she would contact MDT for further information and provide a follow-up to the board.

Cathi Rude, Superintendent at Blue Creek School stated they do not have School District 3 buses running in the area, all the buses on Blue Creek Road are School District 2, picking up middle school and high school students.

Board member Cook clarified that the majority of the properties will be on a cistern. Mr. Knatterud affirmed and advised they have reached out to ensure local water companies may be able to service the residents.

President Woods called for a motion.

Motion:

Board member Boucher made a motion to forward the recommendation of approval with the Five (5) Variance Review Criteria and Ten (10) Conditions of Approval to the County Commissioners. The motion was seconded by Board member Ronquillo.

Rescinding of Motion:

The motion was subsequently rescinded by Board member Ronquillo.

Amended Motion:

Board member Ronquillo then made an amended motion to include the original motion and add the Board's recommended recommendations:

1. Park-in-lieu of cash
2. Annexation of Blue Creek Fire Department
3. Condition of no parking in cul-de-sacs

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

Wednesday, November 26, 2024 at 6:00pm

The motion was seconded by Board member Boucher.

Motion carries with the amended recommendations; 5 In Favor and 1 Against.

8. New Business

President Woods requested clarification regarding the overlap of the Planning Commission and the other boards
The Planning board

9. Other Business

a. The West Billings Neighborhood Plan Update.

Wyeth Friday advised that there was a meeting in November with the West End Task Force to discuss goals, then had a meeting with Ben Steele Middle School for the public to hear the goals and updates. City Council will be reviewing the overall progress on the plan on December 2, 2024.

b. Water Study Update.

Anna Vickers announced the West End Water Study, Bureau of Mines will be coming in for a presentation in the first quarter of 2025.

Anna advised the board there will not be a meeting on December 24, 2024.

ADJOURNMENT: 7:36PM

10. Future Agenda Items. – December nominations for President and Vice President of Planning Board.

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

-Brenda J Berns, Planning Clerk