

# CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview, and Yellowstone County”*

**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	01/10/2023	01/24/2023	02/14/2023	02/28/2023	03/14/2023	03/28/2023	04/11/2023	04/25/2023	05/09/2023	05/23/2023	06/13/2023	06/27/2023	07/11/2023	07/25/2023	08/08/2023	08/22/2023	09/12/2023	09/26/2023	10/10/2023	10/24/2023	11/14/2023	11/28/2023	12/12/2023
<b>Jim Ronquillo</b>	Mayor/Billings Ward I	1	1	1	1	1	1	E	1	1	1	1	A	1	1	1								
<b>Roger Gravgaard</b>	Mayor/Billings Ward II	1	1	1	1	1	1	1	1	1	1	V	1	V	V	1								
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1								
<b>John Staley</b>	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1	E	V	V	1	1	1								
<b>David Nordel</b>	Mayor/Billings Ward V	1	E	E	1	1	1	1	1	1	1	1	1	1	1	1								
<b>Troy Boucher</b>	YC District 1	A	A	A	A	A	1	A	1	1	E	A	A	A	A	A								
<b>Dennis Cook</b>	YC District 2	1	1	1	1	1	1	1	1	1	1	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	1	1	1	1	1	1	1	1	1								
<b>Vacant</b>	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
<b>Morgan Tuss</b>	YC District 7	-	-	-	-	-	-	-	-	-	-	V	1	E	A	1								
<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								



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**2. Approval of Agenda – Board member Ronquillo made a motion and it was seconded by Board member Dennie Stephens to approve the agenda as submitted. The motion carried with a unanimous voice vote.**

### **3. Approval of Minutes: July 25, 2023**

**Motion by Board member John Staley and seconded by Board member Jim Ronquillo to approve the July 25, 2023 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

**4. Public Comment:** President Dennis Cook asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated 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 questions 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**

**7a. Motion/Recommendation to City and County Governing Bodies and PCC. Billings Urban Area Unified Planning Work Program, (UPWP), 2024-Highway and Transit DRAFT. Scott Walker, Transportation Coordinator, Rusty Logan, Transit Manager, presenting.**

### **RECOMMENDATION**

Staff recommends the Planning Board complete its review of the Draft 2024 UPWP and take action at this meeting. The Board reviewed the UPWP and conducted a public hearing at its meeting on August 8th and is scheduled to take action on the 2024 UPWP at this meeting and instruct PCC Designee President Cook to give a positive recommendation to PCC for final local approval.

### **BACKGROUND**

The City-County Planning Division is presenting the 2024 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization (MPO) for Planning Board review and recommendation to the Billings Policy Coordinating Committee (PCC). At this meeting, the Board is scheduled to review the document and take action on the UPWP. At the July 25th Planning Board meeting, the Board reviewed the UPWP and conducted a public hearing. The Board is scheduled to forward a recommendation to the PCC at this meeting.

The UPWP is primarily for the purpose of programming the federal dollars that Billings receives from the Federal Highway Administration (FHWA) for transportation planning and the Federal Transit Administration (FTA) for transit (MET) planning. These funds are passed through the

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Montana Department of Transportation (MDT). All transportation planning activities are included in the UPWP so that it represents a comprehensive document for the urban transportation planning program. This UPWP proposes planning activities for Federal Fiscal Year 2024 which runs from October 1, 2023, through September 30, 2024. This UPWP corresponds directly with the Planning Division's annual work plan. The significant changes in this year's program include completion of the 2024 Bike and Pedestrian Plan, the 21st Street Underpass Feasibility Study, and comprehensive transportation specific analysis and updates to two neighborhood plans - the West Billings Plan and the Heights Neighborhood Plan. The Transit section is Chapter II of the UPWP. The document is consistent with past programs in its content and format.

### **DISCUSSION**

Scott stated the County Commissioners would like to remove the reference to ‘Complete Streets’. The City has a Complete Streets policy, the County does not. The Federal Government requires 2.5% of PL funds must be set aside for Complete Streets planning.

Commissioner Ostlund made it clear they would like all reference to Complete Streets taken out of this document.

Scott identified the County does not want to participate in this and in the past, this has sufficed. We are asking for your recommendation to PCC.

Wyeth Friday, Director Planning & Community Services, said we’ve talked about obtaining more information from Federal Highways and MDT, in terms of language for the Federal Government.

Scott Walker said he thought it could be resolved with some minor changes to the language.

Board member Staley asked how the changes being requested by the County Commissioners, effects the document.

Scott said the County Commissioners approved the document without the Complete Streets language. There are two Work Program elements where it’s reflected, Zoning and Transportation System.

Board member Woods asked if Yellowstone County receives any of the 2.5% funding.

Scott affirmed, stating indirectly.

Board member Woods asked if adding wording, “within the City of Billings” would be acceptable.

Scott indicated it would not.

Wyeth Friday understood the concern and commented it is being looked into with the Federal Highways and MDT to see what might be done. The issue is that this Work Program is for the urban area and the urban area isn’t just the City. That is part of what needs to be explored, whether it can be parsed or not. In the past, we have spent more funds in the urban City area.

Board member Woods is concerned about the removal of the Complete Streets language and the potential loss of funds.

Scott Walker said he knows that as a MPO, this is for both the City and County, and it was not set up to be divided. The County Commissioners is one branch of our government and they do not want Complete Streets language. It is creating a situation that will need to be delved in further. At this time, the document may be voted on and moved forward to PCC for discussion and a vote.

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### **8. NEW BUSINESS:**

**8a. Plat Review. Board Discussion. Gresham Subdivision – Heath Olson, Applicant. Aaron Redland, WWC Eng, Agent. Greg Reid, WWC Eng, Agent. Hunter Kelly, Planner presenting.**

### **INTRODUCTION**

On July 3, 2023, WWC Engineering, agent for Heath Olson, applied for preliminary major plat approval of Gresham Subdivision. The subject property is generally located north of Hesper Road and east of South 64th Street West. This parcel of land is outside of zoning. There is residential development to the north and south, farmland to the east of the subject property and to the west, farmland, and Elder Grove Middle School.

### **RECOMMENDATION**

Staff proposes the Planning Board recommend to the Board of County Commissioners conditional approval for the preliminary plat of Gresham Subdivision, and adoption of the Findings of Fact as presented in the staff report.

### **VARIANCES REQUESTED**

No variance has been requested from the County Subdivision Regulations.

### **PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact:

1. To protect public health and safety, prior to final plat approval, the applicant will receive approval from the MDEQ for the proposed water systems, septic systems, and the proposed storm water management.
2. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will create an RSID for the new public roads within the subdivision.
3. To protect public health and safety and the impact to local services, prior to final plat approval, the applicant may be required by Public Works to include mitigation measures based on the approved Traffic Impact Study. Required mitigation measures shall be adequately addressed in the Subdivision Improvement Agreement.
4. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will expand the existing RSID #810M created to maintain the 30,000-gallon dry hydrant system in Hesper Meadows Subdivision. This information is outlined in the SIA under the heading IV Emergency Service.
5. To provide for the correct cash-in-lieu contribution for parkland, prior to final plat approval, the applicant will follow Section 10.6 Determining Cash Contributions for Parkland, for the correct amount to be paid to Yellowstone County parks department. The applicant will also create and RSID for parkland maintenance of any public parkland.
6. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.

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7. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
8. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal, or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
9. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, regulations, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

### **DISCUSSION**

#### **President Cook asked the Board Members for questions and discussion.**

Hunter Kelly clarified that the current Traffic Impact Study is actively being reviewed by the Public Works Department.

Board member Woods asked what entity will provide maintenance for the 10' paved access to the trail. Hunter Kelly said the Parks department will maintain it.

Board member Nordel asked when the Traffic Impact Study will be complete. Hunter advised they have an initial response from the engineers; however, an exact timeline is not known. Board member Nordel said it was imperative for them to have the information to vote.

Board member Staley asked where the dry hydrant will be located. Hunter advised the neighboring subdivision.

### **APPLICANT PRESENTATION**

#### **Greg Reid, WWC Engineering / Aaron Redland, WWC Engineering.**

Greg Reid, representing the applicant, pointed out the trail across the southern edge, which the requirements was to build a trail and put a RSID in place to maintain it, so that it was not Parks responsibility. Pertaining to the trail, it is gaffed by one lot to get to the school. There's one remaining lot that would be there. It is anticipated that the trail would eventually end up crossing the remaining lot. Greg responded to question on the fire suppression. The dry hydrant is located south, across street at Hesper Road and is less than a half mile. DQ application has been put in for water sanitation and is in process. The one large lot owner has also made DQ application for water sanitation.

Board member Woods asked if there are any large public parks to the east or west for children and families. Greg indicated there is the school to the west.

Board President Cook asked if the Traffic Impact Study might be completed in the next couple weeks. Greg stated the comments were straightforward and would be addressed timely.

**Planning Board President Cook asked if there were any additional questions.** There were no questions.

**A public hearing will be held for Gresham - Heath Olson Subdivision August 22, 2023**

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### **8b. Plat Review. Board Discussion. Onyx Pointe Subdivision - Myron and Nancy Gross, Applicants. Forest Mandeville, Agent. Dave Green, Planner presenting.**

#### **INTRODUCTION**

On July 3, 2023, Land Development Solutions, LLC, agent for Myron and Nancy Gross, applied for preliminary major plat approval of Onyx Pointe Subdivision. The subject property is generally located west of South 64th Street West and south of Hesper Road. This parcel of land is outside of zoning. It is surrounded by residential uses and farmland.

#### **RECOMMENDATION**

Staff recommends the Planning Board forward to the Board of County Commissioners a recommendation to conditionally approve the preliminary plat of Onyx Pointe Subdivision and adopt the Findings of Fact as presented in the staff report.

#### **VARIANCES REQUESTED**

The applicant is not requesting a variance.

#### **PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To protect public health and safety and ensure maintenance of the proposed community septic system for some of the lots within this subdivision, prior to final plat approval, the applicant will create RSID's for the maintenance of the community septic systems and define which lots are part of which RSID.
2. To protect public health and safety, prior to final plat approval, the applicant will receive approval from the MDEQ for the proposed water systems, septic systems, and the proposed storm water management.
3. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will create an RSID for the maintenance of the new public roads within the subdivision.
4. To protect public health and safety, prior to final plat approval, any information in the TIS that needs to be included in the SIA will be added to the final SIA for the subdivision. Any recommendations County Public Works and the Board of County Commissioners determine need to be built will also be included in the final SIA.
5. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings of the dry hydrant system to Billings Fire Department for review and approval. Once installed the applicant will request Billings Fire Department to test the system to ensure it works correctly and get a sign off from Billings Fire Department. The applicant will also create an RSID for the dry hydrant system maintenance and create a public easement for where the fire tank is located.
6. To provide for the correct cash-in-lieu contribution for parkland, prior to final plat approval, the applicant will follow Section 10.6 Determining Cash Contributions for Parkland, for the correct amount to be paid to Yellowstone County parks department. The applicant will also create and RSID-M for parkland maintenance of any public parkland.

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Reviewed by Planning Staff

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7. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
8. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
9. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
10. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, regulations, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

### **DISCUSSION**

President Cook asked the Board Members for questions and discussion.

Board member Staley commented there appears to be a cash provision in lieu of building a park in the subdivisions. They deserve parks for the kids and families, and there doesn't appear to be parks nearby.

Board member Woods asked if the two parks shown on each side of the subdivision are no longer parks, and if they are going to be retention ponds. Dave Green, said it is still undetermined as to the stormwater, but the agent indicated the majority would be held by the retention pond.

**Planning Board President asked if there were any questions.** There were no questions.

### **APPLICANT**

**Forest Mandeville, Land Development Solutions.**

**Kate Stout, Red Lodge Surveying.**

**A public hearing will be held for Onyx Pointe Subdivision August 22, 2023.**

### **9. OTHER BUSINESS:**

#### **9a. Long Range Strategic Issues and an overview of future City and County issues and projects.**

Wyeth Friday, Planning & Community Services Director gave a brief overview. State Community Block grants and funds were received to help match local funds to update neighborhood plans. Initial neighborhoods slated to receive funds are the Westend and Heights. The West Billings plan application went through the County for CBD funding, so the County will be managing the grant. The applicants will also be the manager for those funds. A FRP has been developed for the West Billings plan that has gone through City review and County review, and that will get posted in the next day or two. We will solicit responses until September 1, 2023. City and County are looking at future annexation areas. The County is looking at making permanent, some interim marijuana regulations that have been in place for the last year. They will do a study & analysis, and put something in place permanently for the zoned area of the County. We are finalizing the schedule for getting it to the Commissioners as we go into September and October.

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President Cook asked for clarification on the City’s annexation policy.

Wyeth said we have some proposed amendments to the annexation map, which is reviewed every year. It is driven by what the City is planning and its capital recruitment program, and also if we have requests from property owners within or on the edge of the annexation area to have a map change to include properties within that area. We are going back to City Council with recommendations to map amendments that were private property request driven. There are already several areas for potential petition for annexation.

Planning President Cook asked about a Rate Study and if there is one in the works.

Wyeth said we are doing a Cost-of-Service Study currently in the beginning stages with a consultant to look at the cost of delivering City services to all areas, including fire, police, public safety, and other programs to existing City areas.

Planning President Cook asked for information regarding the new property tax assessment and the impact on the City.

Wyeth said the City is just now compiling information regarding the impact.

**ADJOURNMENT 7:00PM**

**DRAFT—TO BE APPROVED BY A MOTION August 22, 2023**

Brenda Berns, Planning Clerk