



**YELLOWSTONE COUNTY BOARD OF PLANNING**  
**CITY OF BILLINGS AND**  
**YELLOWSTONE COUNTY, MONTANA**



**AGENDA**

**Wednesday, October 12, 2016** MEETING TIME: 6:00 p.m.

1st Floor Large Conference Room, Miller Building  
2825 3rd Avenue North, Billings, Montana 59101

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA\*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MOTION. APPROVAL OF MEETING MINUTES:** SEPTEMBER 27, 2016

**Attachments**

PlnBMinutes\_16\_09\_27\_Draft

PlnMinutes\_16\_07\_12\_draft

PlnBMinutes\_2016\_08\_23\_DRAFT

4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may 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's agenda for discussion.*
  - 4a) **Comments on items not on agenda and requests to add items to future agendas**
  - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS: There is no old business.**
8. **NEW BUSINESS:** (Agenda items new to this meeting).

- a. **Plat Review/Board Discussion. Barr 11 Subdivision, County Major, Dave Green, Planner II, presenting.**

**Attachments**

Findings of Fact

Preliminary Plat

- b. **Presentation/Discussion. Lockwood Targeted Economic Development District, (TEDD), Comprehensive Development Plan, Diane Lehm, Big Sky Economic Development Authority, presenting.**

**Attachments**

Comprehensive Development Plan

9. **OTHER BUSINESS:**

- a. (Standing Item) Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects.

10. **ADJOURNMENT**

**FUTURE AGENDA ITEMS FOR TUESDAY, OCTOBER 25, 2016**

- a. **Public Hearing/Motion & Recommendation to BOCC;** Bar 11 Subdivision, County Major Subdivision, Dave Green, Planner II, presenting
- b. Public Hearing Motion/Recommendation to BOCC. Lockwood Targeted Economic Development District, (TEDD), Comprehensive Development Plan, Diane Lehm, Big Sky Economic Development Authority, presenting.
- c. Presentation/Discussion. Billings Community Transportation Safety Plan. Lora Mattox, Transportation Planner, presenting.

**Planning Board Meeting I (Wednesday)**

**3.**

**Meeting Date:** 10/12/2016

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**Information**

**Subject**

**MOTION. APPROVAL OF MEETING MINUTES: SEPTEMBER 27, 2016**

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**Attachments**

PlnBMinutes\_16\_09\_27\_Draft

PlnMinutes\_16\_07\_12\_draft

PlnBMinutes\_2016\_08\_23\_DRAFT

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# CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

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**September 27, 2016**

*Draft-To be approved by a motion on October 12, 2016*

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## **1. Call the Meeting to Order**

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, September 27, 2016, in the Miller Building 1<sup>st</sup> Floor conference room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

\*\*No action by the Board will be taken this evening due to a lack of a quorum of attending members

## **Introduction of Planning Board Members and Planning Department Staff**

President Tunncliff called for introductions of the members of the Planning Board and staff. Attending Planning staff members were: Wyeth Friday, Interim Director, Planning & Community Services Department

**Others in attendance:** Mac Fogelsong, Sanderson Stewart; Jolene Rieck, Peaks to Plains Design; Mike Whittaker, Director, PPRL; Mark Jarvis, PPRL, Planner; Mike Svez, PROS Consulting; Clair Oakley, RiverStone Health; Auzzie Blevins; Bill Cole, Cole Law Firm

**2. Approval of the September 27, 2016 Agenda:** President Tunncliff called for approval of the agenda. The agenda was approved as submitted.

**3. Approval of the July 12, 2016 and August 23, 2016 meeting minutes:** The approval of the July 12 2016 and the August 23, 2016 meeting minutes is delayed until the next meeting.

**4. Public Comment:** President Tunncliff asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may 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 public comments.**

## **5-6. Disclosure of Conflict of Interest – Board members and Planning Staff**

**Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff.** The Ex Parte Communication Binder is available at the Sign-In and Agenda station. **There were no Conflicts of Interest and no Ex Parte Communications.**

**7. OLD BUSINESS: There is no Old Business.**

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## 8. NEW BUSINESS:


**8a. Presentation/Discussion. Billings Parks and Recreation Department City-Wide Master Plan. Mike Svetz, PROS Consulting; Mark Jarvis, Park Planner, City of Billings PRPL Department.**

### INTRODUCTION


Planner Mike Whittaker introduced Mike Svetz ,PROS consulting. Mike Svetz opened this agenda item with a PowerPoint presentation and recognized Board member Saldivar who had requested the Planning Board be a part of the process overview. The team will return in mid-winter with recommendations and late spring or early summer for the final draft plan. Mr. Svetz continued with some background on PROS Consulting, which is a Parks and Recreation focused firm. The goal is to have an implementable plan when the process is completed. The consultant team includes ETC and Peaks to Plains Design as well.

- **The Master Plan has 6 Desired Outcomes:**

### Desired Outcomes



- **Engage the community, leadership and stakeholders** through innovative public input
- **Utilize a wide variety of data sources and best practices**, including a statistically-valid survey, **to predict trends and patterns of use and how to address unmet needs in the City of Billings.**
- **Determine unique Level of Service Standards** to develop appropriate actions regarding parks, recreation, facilities, and trails
- **Shape financial and operational preparedness through innovative and “next” practices** to achieve the strategic objectives
- **Develop a dynamic and realistic strategic action plan** that creates a road map to ensure **long-term success and financial sustainability**
- **Align the Master Plan with the City’s Growth Policy Update**



- **Community Values Model is applied –**

Community Need, Standards, Levels of Service, Financial, Partnerships, Governance and Organization

- **A statistically valid survey will be completed as part of the process**
- **Focus areas** – Recreation, Parks, Trails, Facilities
- **Assessment and Inventory of all park properties** – It is very important to get an idea of how well the City-Wide Parks Maintenance District is working, and to consider the lifecycles of equipment and infrastructure, now and in 10

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years. Equity Mapping will be applied to determine service areas and how people are served. Larger dense population means smaller area served by each park.

- **Level of Service Analysis will be conducted** – what City has now, what it needs, and what will be needed in 10-15 years.
- **Priority Investments**
- **Program and Services Assessment** – program analysis and data review. Programs have lifecycles, too. Do space needs match program needs? Priority Investment Ranking will go with programs as well.
- **Cost Benefit Scoring** will be done to place items in the Capital Improvement Plan, Short Term, (1-5 years), and Long Term, (6-10 years). A Three Tiered Plan will be used: Taking care of what exists; Upgrading of what exists; and New Projects including land acquisitions
- **Funding strategies will be developed for each facility**

## Funding and Revenue Strategy Options

- Funding strategies will be developed for the facility:
  - Sponsorships
  - Partnerships with public/public partners, public/not-for-profit partners and public/private partnerships
  - Dedicated funding sources to support capital improvements
  - Development agreements
  - Facility leases
  - Grant opportunities and resources



- **Next Steps:**

## Next Steps

- Community Input
- Community Survey
- Facility and Park Inventory and Assessment
- Program Assessment
- Initial Strategic Recommendations
- Capital Improvement Plan
- Funding Strategies
- Strategic Action Plan



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### **Discussion**

At 6:28pm, President Tunnickliff called for discussion by the members of the Board.

Q: Board member Goodrich – What kind of examples do you have of City our size that are turning from rural town to actual Urban City?

A: Mike Svetz – They have submitted a draft plan to Great Falls for that community. Smaller communities are less dynamic but have their own issues and components.

Q: President Tunnickliff – First third done in Jan./Feb. When will the plan be entirely done?

A: Mike Svetz: The plan will be entirely done in June/July 2017. They want to take it to the PRPL Board and Planning Board for a recommendation and then to City Council to for adoption.

Q: President Tunnickliff: Does the City Council implement the Plan?

A: Mike Svetz. Yes, PRPL staff, City Administration staff and City Council coordinate together to implement the adopted plan. They will need to consider the limitations of funding sources that will work in Billings. They are making efforts to engage City Council and provide information to understand the process and outcome. City Council must support the plan if it is going to be implemented. PRPL is not a silo and there is competition for funding in the General Fund. Currently, PRPL gets 3% of the General Fund budget. Per best practices, PRPL should be getting 7% to 10% of GF budget as Priorities are the most important focus to implement the Plan.

Q: President Tunnickliff – Based on historical communities similar in size to Billings. what are other funding sources – mil levy versus bonding? What is a typical bond or revenue increase?

A: Mike Svetz – Maybe it’s a GO Bond for a specific project or for land acquisition. The conducted survey will ask not just what Parks needs but what are people willing to pay for.

Q: President Tunnickliff – A GO Bond might build the park and then need sustainable maintenance.

A: Mike Svetz– There is a for understanding of the total cost of ownership understanding and maintenance funding has to be available to handle long term support.

Q: President Tunnickliff – There are challenges in serving neighborhoods versus the entire City. Will this plan look at whether neighborhoods should pay for their parks or the community pay for the park in each neighborhood?

A: Mike Svetz – Equity is needed in park services, along with coordination in park development and improvements. We will work to have a survey that is balanced across the City in all areas and then use demographics to evaluate park needs in the various areas. An aging area may have different needs than an area of the community with young families.

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Q: President Tunncliff – Is a high level view taken with this plan?

A: Mike Svetz--There are no site-specific master plans or feasibility studies from this Master Plan but some of those should follow this Master Plan.

A: Jolene Rieck, Peaks to Plains Design—The Planning Board might be interested in Policies and Development Design Regulations. They are looking at other communities in Montana and what they are asking new development to do in regard to Parks.

Q: Board member Goodrich – How long is this plan good for?

A: Mike Svetz – I recommend updating the Master Plan every 7-10 years. A lot can change in 10 years and so updates are needed.

Q: Board member Goodrich – How much does County get involved in this if 10 years from now some of County is in City?

A: Mike Svetz– Policy development is key in City/County situations to dictate annexation of parks that come from the County to the City. Policy must inform how the plan works as City grows.

Q: Board member Goodrich – County Parks is not involved in this process?

A: Mike Svetz – No, not at this time.

Q: County Resident Auzzie Blevins – Wouldn't you take in whole urbanized area outside City as County residents are using City facilities? The County is not contributing to City Parks but use facilities. I think next time this plan should take into account the urban area outside the City as well. Could you provide a more comprehensive plan if you took some of County area into consideration?

A: Mike Svetz –Having an inventory of resources is important and school inventory should be considered as well for resources. Similarly, the County should be looked at for resources to avoid duplication of services and so the County impact on City Parks is known. A discussion like this also brings in consideration of a regional approach. What is the entire service area? We will look a little outside the City for inventory and population demographics.

\*\*This item ended at 6:53 pm.

### **9. OTHER BUSINESS**

**Standing Item. Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects.**

- a. President Tunncliff gave brief update on the search to fill the Planning & Community Services Director position.
- b. President Tunncliff will be absent for the October 25 meeting.
- c. Reminder was given to include the Nominating Committee as a future agenda item.

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**ADJOURNMENT: 7:00 p.m.**

**FUTURE AGENDA ITEMS: October 12, 2016**

- A. Plat Review. Bar 11 Preliminary Major Subdivision. Dave Green, Planner II, presenting.**



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**July 12, 2016**

*To be approved by a motion on August 9, 2016*

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## **1. Call the Meeting to Order**

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, June 28, 2016, in the Miller Building 1<sup>st</sup> Floor conference room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

## **Introduction of Planning Board Members and Planning Department Staff**

President Tunncliff called for introductions of the members of the Planning Board and staff. Attending Planning staff members were: Candi Millar, Director, Planning & Community Services Department; Wyeth Friday, Planning Division Manager, Tammy Deines, Planning Clerk

**Others in attendance:** Ethan Kanning; Katy Easton, BSEDA; Dianne Lehm, BSEDA; Shawn D Green, Linda Green, Terry Seiffert; Bob Riehl; Woody Woods

## **2. Approval of the July 12, 2016 Agenda:** President Tunncliff called for approval of the agenda.

### **Motion**

**Board member Cook made a motion and Board member Reed seconded the motion to approve the July 12, 2016 agenda. The motion carried with a unanimous voice vote.**

## **3. Approval of the June 14, 2016 meeting minutes.**

### **Motion**

**Board member Goodrich made a motion and it was seconded by Board member Cook to approve the June 14, 2016 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

## **Approval of the June 28, 2016 meeting minutes.**

### **Motion**

**Board member Goodrich made a motion and it was seconded by Board member Cook to approve the June 28, 2016 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

## **4. Public Comment:** President Tunncliff asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may 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 public comments.

## **5-6. Disclosure of Conflict of Interest – Board members and Planning Staff**

**Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff.** The Ex Parte Communication Binder is available at the Sign-In and Agenda

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station. Board member Klugman abstained from Agenda Item 7a1 due to a conflict of interest.

### **7. OLD BUSINESS**

#### **7a1. MOTION/RECOMMENDATION. LOCKWOOD AREA ZONING JURISDICTION EXPANSION. Candi Millar, Director, Planning & Community Services Department**

Ms. Millar gave the introduction below for this agenda item.

#### **INTRODUCTION**

The BOCC approved a resolution of intent requesting the Planning Board hold a public hearing to consider expansion of the county zoning jurisdiction. The BOCC will hold its public hearing on August 23, 2016, 9:00 a.m. Diane Lehm, Director, Community Development, BSEDA, has contracted with Sanderson Stewart to create a comprehensive development plan for a Targeted Economic Development District, (TEDD), for Lockwood. As part of the contract the future boundaries of the TEDD have to be considered and make them conform to the regulations and statutes that authorize the development of the TEDD. The properties within the TEDD have to conform with the 2016 Lockwood Growth Policy. The properties may be included in the TEDD if they are zoned as controlled industrial or heavy industrial, or as agricultural with the idea of zoning for industrial uses in the future if they are included in the TEDD. There are seven property owners that have opted to be zoned which are currently outside the zoning jurisdiction.

#### **Dianne Lehm, BSEDA, 222 North 32nd St. Suite 200. Billings, Montana**

Ms. Lehm referred to “Exhibit A”, Yellowstone County Zoning Jurisdiction Amendment Petition. She stated there are seven property owners with roughly 23 parcels forwarding this request. She said BSEDA considered areas in Yellowstone County for the TEDD that are appropriate for commercial development for businesses needing land with infrastructure and found this area to meet the criterion. If this request is approved, there will not be an immediate change in use of these properties.

#### **Discussion**

President Tunncliff called for questions and discussion from the members of the Board. Dianne Lehm, in response to a question from Board member Goodrich, said the boundary adjustment will only be around the requested properties. She said there were some concerns from family members that were not ready to make changes with their property at this time. Several properties were involved in a trust with multiple ownerships.

Board member Goodrich pointed out the irregularity of the zoning jurisdiction’s boundary line. Candi Millar explained the zoning jurisdiction was changed in 1972 by resolution to be approximately 4.5 miles from the existing City boundary. She stressed that in Yellowstone County, property owners have to initiate zoning requests.

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Per Board member Reed’s request, Candi Millar provided clarification on the process for requests for zoning variances. Board member Reed asked if the zoning boundary/planning jurisdiction can be initiated by the County Commissioners.

Ms. Millar stated the Board of County Commissioners will not expand the boundary or change the zoning without the voluntary request of landowners. Board member Reed commented on the benefits of planning and zoning for the entire area. Ms. Millar noted the adopted Lockwood Growth Policy maps proposed land uses outside the existing zoning area.

### **Public Hearing**

At 6:20 pm, President Tunncliff opened the public hearing and asked if there is anyone present wanting to speak in favor or against the zoning jurisdiction expansion.

### **Linda Green, 2610 Watson Road, Lockwood, Montana**

Ms. Green’s property is adjacent to the proposed zoning area. She requested information on the pros and cons of inclusion in the zoning area. They received an information letter on the TEDD proposal.

Candi Millar explained the importance only comes if the owner wishes to participate in the TEDD. There are general advantages to zoning, including having more confidence in what type of land use will occur in adjacent properties. There is no disadvantage or effects on property values if the property owner does not plan to change the use of the property. Ms. Green asked about fracking within the proposed zoning area and voiced concern with dust issues. Candi Millar said this type of use requires a special review.

At 6:27 pm, President Tunncliff closed the public hearing and called for a motion and discussion.

### **Motion**

**Board member Goodrich made a motion and it was seconded by Board member Reed to forward a recommendation to the Board of County Commissioners of approval of the expansion of the zoning jurisdiction as presented by Staff and depicted on “Exhibit A”, Yellowstone County Zoning Jurisdiction Amendment Petition.**

### **Discussion**

President Tunncliff voiced concern with Ms. Green’s need for further information regarding the TEDD and the zoning proposal this late in the review process. Dianne Lehm, BSEDA, said there were several public opportunities in this process. The last public meeting for this request was held on May 12, 2016, at Lockwood School; and the consultant team provided an overview. Presentations were given and public hearings were held during the Board of County Commissioners sessions. Personal meetings with interested parties were scheduled and held to help usher this process through as a group

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of property owners. She explained the process for landowners to be included in the zoning area at a later date.

Board member Goodrich noted the 14 property owners located outside of the proposed zoning area expansion and asked if BSEDA made any follow-up with these property owners. Ms. Lehm stated they only provide information and do not try to influence property owners' decisions.

Board member Boucher asked what zoning classification could be applied to the Green's property. Candi Millar suggested it may fall in the designated areas for Heavy Industrial, (HI), Controlled Industrial, (CI) or Agricultural.

Board member Goodrich stated he is in favor of the proposed TEDD, but is concerned with the irregularity of the zoning jurisdiction boundaries. He voiced concern with the subdivision review standards being hamstrung by the current zoning boundaries. He stated an update of the zoning jurisdiction boundaries should be considered as it has not been done since 1970. He said he is disappointed the Greens were not afforded with a personal appointment for a visit and explanation of the TEDD and this request.

Board member Reed stated he is in favor of this request, and it is a good start. He concurred with Board member Goodrich's comments for the need of consideration of formally expanding the zoning jurisdiction boundaries.

Board member Bass stated he would like the Board of County Commissioners to be aware of the Planning Board's desire to have a more aggressive approach to the expansion of the zoning jurisdictional area.

### **9. OTHER BUSINESS**

**Standing Item. Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects. –**

a. **City of Billings Growth Policy, “BillingsBeyond”** Director Millar gave an update on the City of Billings Growth Policy. City Council tabled action on a resolution of intent to adopt the policy. There were some suggested revisions to the guidelines by email prior to the meeting and the Council asked staff for additional review time, and to return to next Monday's work session. The Council will act on a resolution of intent with possible revisions on July 25, 2016.

b. **July 26, 2016 Planning Board meeting:** This meeting is cancelled due to a lack of agenda items. The next meeting will be held on Tuesday, August 9, 2016.

c. **Retirement Recognition Party for Candi Millar, Director, and Planning & Community Services Department:** The Planning Board is invited to share in a time of recognition for Director Candi Millar's years of service to the community on Thursday, July 28, 2016, Billings Public Library Community Room, 1:00 pm-3:00 pm.

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**c1. Acknowledgements:** President Tunnicliff announced this is the last Planning Board meeting Candi Millar will attend while serving as Director and Planning Board Secretary. He commented he had not received communications related to hiring the new Planning Director. Candi Millar noted that the selection committee should include the Planning Board President and one of the Yellowstone County Commissioners. She said she will forward this request to the City Administrator.

- ❖ President Tunnicliff acknowledged Ms. Millar’s contributions to the community and stated he has great respect for the way she conducted herself on this Board. He said he admires Ms. Millar’s great wisdom and knowledge and it will be difficult to find someone with her feel for the political process. He thanked her for outstanding work as a staff member and as a part of the Planning Board.
- ❖ Board member Goodrich commented he has worked with Ms. Millar as a member of the Community Development Board and the Planning Board. He expressed his sincere appreciation and wished Ms. Millar “Good luck!”
- ❖ Board member Reed expressed his appreciation and said, “Thank you!” from the Community of Lockwood for the many efforts Ms. Millar has made in their regard.
- ❖ The Board concurred and gave Ms. Millar a round of applause.

Ms. Millar reminded the members of the Board of the commonality of professionalism displayed by its members. She said this Board has exceeded all standards of integrity, and has made decisions with respect and careful thinking. She thanked the members for volunteering their time and said the experience and background they bring enriches the community and makes it much better place.

**ADJOURNMENT: 8:30 p.m.**

**FUTURE AGENDA ITEMS: AUGUST 9, 2016**

--Update and Presentation/Discussion. Kids in Motion, (KIM) Program; AmeriCorps VISTA Program. Jeffrey Butts, Alternative Modes Coordinator; Tony Chase, AmeriCorps VISTA Volunteer; Sara Chanell, AmeriCorps VISTA Volunteer

**ATTEST: DRAFT. To Be approved by a motion on August 9, 2016**



# CITY/COUNTY PLANNING BOARD

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**August 23, 2016**

*To be approved by a motion on September 27, 2016*

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## **1. Call the Meeting to Order**

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, August 23, 2016, in the Miller Building 1<sup>st</sup> Floor conference room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

## **Introduction of Planning Board Members and Planning Department Staff**

President Tunncliff called for introductions of the members of the Planning Board and staff. Attending Planning staff members were: Wyeth Friday, Interim Director, Planning & Community Services Department; Scott Walker, Transportation Planning Coordinator; Dave Green, Planner II; Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works Department; Tim Miller, Director, Yellowstone County Public Works Department

**Others in attendance:** Scott Worthington; Jim Wallis; George Wallis; Celeste and Jay Butler; Tom Carroll; Vearl Beck; Mikell O’Donnell; Tim Jackson; Dan Wells

- 2. Approval of the August 9, 2016 Agenda:** President Tunncliff noted a staff request for additional agenda item 8.1 Motion. Amendment to the Metropolitan Planning Organization, (MPO), Boundary and called for approval of the agenda.

### **Motion**

**Board member Saldivar made a motion and Board member Klugman seconded the motion to approve the August 23, 2016 agenda with the additional Agenda Item 8a. “Amendment to the MPO Boundary”.**

**The motion carried with a unanimous voice vote.**

- 3. Approval of the August 9, 2016 meeting minutes.**

### **Motion**

**Board member Cook made a motion and it was seconded by Board member Klugman to approve the August 9, 2016 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

- 4. Public Comment:** President Tunncliff asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may 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 public comments.**

## **5-6. Disclosure of Conflict of Interest – Board members and Planning Staff**

**Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff.** The Ex Parte Communication Binder is available at the Sign-In and Agenda station. There were no Conflicts of Interest. Staff received a letter dated August 20, 2016 from Jim & Vivian Binando regarding Skycrest Subdivision, and a letter from George Wallis.

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### **7. OLD BUSINESS: There is no old business.**

#### **7a. PUBLIC HEARING. MOTION/RECOMMENDATION TO Board of County Commissioners. SKYCREST SUBDIVISION. DAVE GREEN, PLANNER II**

Mr. Green gave the introduction below for this agenda item and followed with a PowerPoint presentation.

#### **INTRODUCTION**

On July 1, 2016, In Site Engineering for Regal Land Development, Inc., applied for preliminary major plat approval for Skycrest Subdivision. The proposed plat creates 94 lots for single-family residences on a 64.31-acre parcel of land. The subject property is generally located between South 64<sup>th</sup> Street West and South 72<sup>nd</sup> Street West, north of O'Donnell Lane and south of King Avenue West. The property is outside of zoning. The proposal will go to the Board of County Commissioners for action on September 13, 2016.

#### **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Skycrest Subdivision and adopt the Findings of Fact as presented in the staff report.

#### **VARIANCES REQUESTED**

No variances have been requested from the Yellowstone County Subdivision Regulations for this proposal.

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

Planning staff recommends the following conditions of approval:

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

Planning staff recommends the following conditions of approval:

1. To provide for the maintenance of the community water system and minimize effects on local services, prior to final plat approval the applicant will create a Home Owner Association, (HOA), with the requirement in the HOA documents that the residents will contribute to and maintain the community water system for the subdivision. Or the applicant can enter into a contract with a third party to do the maintenance and repair of the public water system.
2. To ensure there is notice to future home owners of their responsibility to maintain the community water system, prior to final plat approval the applicant will add a paragraph in the SIA under Conditions That Run With The Land informing property owners of their obligation to pay into a maintenance fund for the maintenance of the community water system for the subdivision.
3. To mitigate impacts on local services, prior to final plat approval the subdivider shall create a Rural Special Improvement District – Maintenance (RSID-M) for future maintenance of the new internal roads and the dry hydrant system.

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4. To improve traffic safety and reduce traffic conflicts, prior to final plat approval the applicant will place a ‘1 foot no access easement’ on the south side of Skycrest Drive from the northwest corner of Lot 4, Block 4 to South 64<sup>th</sup> Street West, excluding the dedicated rights-of-way for the six cul-de-sacs off of Skycrest Drive on the south. Also, an opening will be left on the park frontage for access to the park.
5. To improve traffic safety and reduce traffic conflicts, prior to final plat approval the applicant will place a ‘1 foot no access easement’ along the north side of Skycrest Drive from the southeast corner of Lot 34, Block 3 to the southwest corner of Lot 46, Block 3, excluding the dedicated rights-of-way for the four cul-de-sacs off of Skycrest Drive on the north.
6. To minimize the effects on local services, prior to final plat approval a 60-foot wide dedicated road right-of-way shall be shown on the face of the final plat for this subdivision for O’Donnell Lane where it fronts South 72<sup>nd</sup> Street West. The 60-foot right-of-way shall be either entirely on the subject property or 30 feet may be on the subject property and the other half may use the 30-foot Road Tract 4-B, with the right-of-way centered on the north edge of Road Tract 4-B, if the applicant can show proof of right to use the 30-foot Road Tract 4-B. If the applicant is not able to show proof of right to use Road Tract 4-B, the applicant may petition the portion of Road Tract 4-B needed for access to the proposed subdivision into the County and build it to County paved road standards. Amendments shall be made to the final Subdivision Improvements Agreement to reflect whichever scenario is secured for the dedicated public roadway.
7. To minimize the effects on local services, prior to final plat approval a 60-foot wide dedicated road right-of-way shall be shown on the face of the final plat for this subdivision for South 71<sup>st</sup> Street West where it fronts O’Donnell Lane and proceeds north to Skycrest Drive. The applicant will need to either gain the right to use the 30-foot road easement on the adjacent property it does not own to the east and provide the additional 30 feet on its property for a total 60-foot road right of way, or the applicant will need to provide the entire 60 foot right of way on its property. Amendments shall be made to the final Subdivision Improvements Agreement to reflect whichever scenario is secured for the dedicated public road right-of-way.
8. To provide for proper fire suppression within this subdivision, prior to final plat approval the applicant will add language in the SIA under Emergency Service defining the phasing of the subdivision and that the 30,000-gallon dry hydrant fire suppression system will not be built in Phase I, but will be required before release of the next phase. The system will be inspected and signed off by BUFGA before any subsequent phases after Phase I can begin development.

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9. To ensure public park land is being used in accordance with County Park Board requirements, prior to final plat approval and before any construction of the dry hydrant system, the applicant will receive permission from the County Park Board to install the 30,000-gallon dry hydrant system in the O’Donnell Park.
10. To mitigate impacts to the parks used in the subdivision and to ensure park land is able to be maintained, prior to final plat approval the applicant will create a Parks Maintenance District to provide for the maintenance of new parks in the subdivision.
11. To minimize the effects on local services, prior to final plat approval the subdivider shall provide written verification that the US Postal Service has approved the mail facilities and locations for this subdivision.
12. To ensure proper documentation for the proposed phasing of Skycrest Subdivision, prior to final plat approval the applicant will include a Declaration of Restriction of Transfers, a Release, and a Certificate for each proposed phase of Skycrest Subdivision.
13. To minimize the effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be approved by the County Weed Department.
14. To ensure proper easement placement for a proposed future trail along the Big Ditch, prior to final plat approval the applicant will move the easement depicted as being a 20-foot trail easement measured from the center of the Big Ditch to be measured 20 feet from the edge of the east bank of the Big Ditch.
15. To provide for the installation of the needed private utilities within the subdivision, prior to final plat approval the applicant will coordinate with private utility companies and provide easements on the plat, if needed, and easement documents for those easements.
16. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
17. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

### **Discussion**

President Tunncliff called for discussion by the members of the Board. Board member Klugman asked about the timeline for the determination for Conditions of Approval #6

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and #7. Dave Green clarified and said the applicant will need to determine what is needed for the right-of-way and reflect this in the documentation for the final plat submittal. Board member Klugman asked when the County Parks Board will create the district mentioned in Condition of Approval #10. Dave Green answered and said the Park Maintenance District will be used for the parkland and the district will be created prior to final plat. Board member Goodrich recounted the discussion at the last meeting on the County Legal Department’s response on accepting a County right-of-way. Dave Green said that in this situation is a property owner has not filed a deed. The road will be constructed with an easement and after 5 years, the County would have a prescriptive easement over the road tract, making it public. Board member Reed asked if there is a way to get this clarified prior to approval and Wyeth Friday provided further information. He said if the road is built and is prescriptive and the owner claims the parcel at a later date, the County will request the back payment of the taxes due on the County parcel. In response to a question by Board member Goodrich, Dave Green stated the applicant is required to go through DEQ for approval of the engineer’s report and findings for all water and septic systems.

### **Public Hearing**

At 6:36 pm opened the public hearing and asked if there is anyone wishing to speak in favor or against Skycrest Subdivision.

### **Applicant**

President Tunnick asked for presentation by the Applicant.

### **Dan Wells, Wells Built Homes, 1812 66<sup>th</sup> Street West, Billings, Montana**

Mr. Wells stated they have monitored the ground water on this parcel for over a year and submitted the findings to DEQ. They worked with the Department of Natural Resources to determine the water rights. The water testing was conducted earlier in the year and this information will be made available to the public. They have not found anything that will restrict this development. He pointed out a proposed pocket park and a larger area to serve as a well head protection for the community water system that will be about an acre of grassy area. They will front the County parkland and propose buildout of the two smaller parks which will be maintained through the Home Owners’ Association. In time, they would like to see the Home Owners’ Association contribute to the improvements for parkland. Regarding the roadways, they plan to have all of the roads paved. Tract 4B will be built to a County profile for a gravel road. Ownership of the road tract is not clear, and is a "lost piece; a Rural Special Improvement District, (RSID), is probably the best option. Regarding Conditions of Approval 4, and 5, Mr. Wells explained that Skycrest Drive is a residential street and not a collector. They are asking for a controlled permit to build a circular driveway for a controlled access. He said he doesn't feel public safety is the issue and would like to pursue this discussion.

### **Jim Wallis, 14355 Minnetonka Circle, Reno, Nevada**

Mr. Wallis’ father owns the tract to the north of the old Ignatius property. He read aloud the letter submitted by George Wallis, 105 Clark, Billings, Montana who has concerns with this development. He is asking the barb wire fence to be replaced and voiced

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concerns with the need for safety for residents adjacent to the two farmland parcels as there are hunters in the corn fields; hazards presented by the open ditch; and wildlife issues. As a remedy, Mr. Wallis proposes this developer replace the barbwire fence with a 6 foot high security fence and sign-off liability from the lawful farm activities taking place on the farm.

### **Tim Jackson, 1205 S. 68th Street, Billings, Montana**

Mr. Jackson has a well that abuts this parcel. He asked about the separation distance required by the Department of Environmental Quality.

### **Vearl Beck, 1202 S. 70th Street, Billings, Montana**

Mr. Beck said the new survey is located 6" into his fence line. He commented the roadway tends to close in the winter time and needs be open.

### **Celeste Butler, 7015 O'Donnell Lane, Billings, Montana**

Ms. Butler has lived in this area for 11 years. She has concerns with the effects on the wildlife habitat; water levels, and the proximity of the drain fields. She asked where the property line is located. She feels it will be hard to deal with the density

### **Rebuttal**

President Tunncliff called for rebuttal.

### **Dan Wells, Wells Built Homes, 1812 66<sup>th</sup> Street West, Billings, Montana**

Mr. Wells noted the concerns voiced during the public hearing with walls, fences, hunters, and ditches.

- The Fish Wildlife and Parks Department’s regulations require a separation distance of 500 feet from the nearest residence.
- They will provide access to the ditch in service as it is the right of the farming community to use them.
- The new subdivision residents may not want a security fence. He noted that chain link and barb wire fence are usually precluded as they are not residential in nature.
- A wall would act as a wind shear that would not be in the best interest of the area.
- Waivers Held Harmless- This proposal should be legally reviewed and as they may not have the right to do this.
- Language will be included in the SIA stating the need to respect the neighbors.
- The applicant may refer to the County Sanitarian for the DEQ standards.
- Regarding the issue of the property pins, Mr. Wells said he is unsure of the solution but feels a solution may be found working “neighbor to neighbor”.
- The deer seemed to have adapted to urban life.

In response to questions by Citizen Jay Butler, Mr. Wells said groundwater monitoring is conducted to check levels of ground water and the information is submitted to DEQ. American Drilling is responsible for drilling the test pumps and this information will be available through DNRC. Board member Saldivar asked about the process to register the new wells. Mr. Wells said they are registered to the County as new wells and will not be

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used until the water rights are obtained. Board member McFarland asked if there is an easement across the east end of the development for the ditch.

President Tunncliff asked if there is anyone else wanting to speak in favor or against Skycrest Subdivision. There was none. President Tunncliff closed the public hearing at 7:08 p.m. and called for a motion.

### **Motion**

**Board member Saldivar made a motion and Board member Reed seconded the motion to recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Skycrest Subdivision and adopt the Findings of Fact as presented in the staff report.**

### **Discussion**

Board member Klugman commented on Conditions of Approval #4 and #5 dealing with access to the parcel and asked if there should be an option for the Board of County Commissioners to conditionally approve the subdivision without them. Interim Director Friday noted County Public Works Director Tim Miller and Darin Swenson are in attendance and available for comments and questions. Wyeth Friday said the SIA Conditions that Run With the Land, “H” addresses awareness of the adjacent agricultural uses. Dave Green clarified for Board member Saldivar and said registered wells in the County have water rights and the County has the ability to shut down newer wells if there is a draw down on the water levels. Director Miller stated this action is handled through the State of Montana.

**The motion carries with a unanimous voice vote. This submittal will be heard by the Board of County Commissioners on September 13, 2016.**

### **8b. DISCUSSION. DRAFT 2017 UPWP. SCOTT WALKER, TRANSPORTATION COORDINATOR**

President Tunncliff asked Scott Walker to open this agenda item. Scott Walker gave the introduction below and followed with a PowerPoint presentation. He noted this is the second reading for this agenda item.

### **PROBLEM/ISSUE STATEMENT**

The Planning Division is presenting information regarding the Billings Metropolitan Planning Organization’s (MPO) Unified Planning Work Program (UPWP) document. Staff will provide background information regarding the MPO and the importance and need of having the UPWP.

### **BACKGROUND**

The UPWP is primarily for the purpose of programming the federal dollars Billings receives from the Federal Highway Administration (FHWA) for transportation planning. These funds are passed through the Montana Department of Transportation (MDT). However, all planning activities are included in the UPWP so that it represents a comprehensive document of the urban transportation planning program. The UPWP

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corresponds directly with the Planning Division’s annual work plan. The UPWP proposes planning activities for each Federal Fiscal Year which runs from October 1 through September 30.

### **FINANCIAL IMPACT**

The total budget for the 2017 UPWP is from the following sources:

\$216,000	Planning Division Fee Revenue (City of Billings)
\$54,000	Planning Division Fee (Yellowstone County)
\$440,000	Yellowstone County Planning Levy (Mill)
\$1,384,482	Federal Planning (PL) Allocation
\$2,094,482	Total Program (UPWP)

### **RECOMMENDATION**

Staff recommends the Planning forward a recommendation of approval of the Draft 2017 UPWP as presented by staff.

### **Discussion**

President Tunncliff called for questions and discussion by the members of the Board. There was none.

President Tunncliff opened the public hearing and asked if there is anyone wanting to speak in favor or against the Draft 2017 UPWP. There was none. President Tunncliff closed the public hearing and called for a motion.

### **Motion**

**Board member Cook made a motion and it was seconded by Board member Klugman to recommend approval of the Draft 2017 UPWP as presented by staff.**

### **Discussion**

President Tunncliff called for discussion on the motion. Scott Walker said the 5<sup>th</sup> Avenue Corridor Feasibility Study was not included in this recommendation as the Policy Coordinating Committee chose to table this study and remove it from the program. President Tunncliff expanded on this point and said City Council and the Board of County Commissioners had forwarded recommendations against this study.

**The motion carried with a unanimous voice vote.**

## **8. OTHER BUSINESS**

### **8a. Motion. MPO Boundary amendment-Scott Walker, Transportation Planning Coordinator**

Scott Walker presented the board with maps and explained a scrivener's error in the depicted census boundary. He said the Census Bureau dictates the MPO boundary. The boundary line needs to be moved slightly eastward to include the census line. He is asking for Planning Board’s recommendation of approval of this correction in order to bring it forward for approval of the Policy Coordinating Committee. Discussion

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followed and it was pointed out the MPO boundary crosses over Laurel’s census boundary. Board member Reed commented on the need to discuss consideration of the urban designation of the Lockwood area with the Census Bureau.

### **Motion**

**Board member Reed made a motion and it was seconded by Board member Cook to recommend approval of the MPO Boundary amendment/correction as presented by staff.**

**The motion carries with a unanimous voice vote.**

### **b. Suburban Subdivision Design Standards Committee. Wyeth Friday, Interim Planning & Community Services Director**

Wyeth Friday updated the Board on the draft Suburban Subdivision Design Standards Committee and said this will be brought forward for community input and then go through the process to formally consider amendments. Board member Goodrich commented this standard is applying an urban standard for County parcels that have not had a development standard.

### **c. Standing Item. Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects**

#### **c1. PCC update-5th Street Corridor Feasibility Study-Board discussion.**

President Tunncliff opened this discussion and said the Planning Board should consider the wants of stakeholders and the community as development opportunities are created. In the near future, he would like to advocate for a working group to define what the opportunities are and define some projects.

Wyeth Friday offered to have staff show this Board in more detail what has already been done with property owner participation. Board member Cook commented on recent community meetings that have occurred and said the meetings may need to be more in depth instead of being narrowly focused. Board member Klugman suggested the Planning Board approach the “Entryways” group chaired by Steve Arveschough.

President Tunncliff commented on the need for a vision for this part of the community. Board member Cook asked how to create a master plan that will bring the City and County together to determine priorities. Wyeth Friday said potentially there may be a place to revisit existing plans, review the priorities, and discuss what can be done to make some progress. In this case, implementation has stopped even though it has gone through the approval process.

President Tunncliff said Councilman Brewster suggested this Board periodically participate in City Council sessions. Board member Saldivar said the issue with this study is individuals didn't voice concerns prior to approval. President Tunncliff advocated for this Board to participate in monthly or quarterly City Council work sessions to create relationships and be more proactive.

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Board member Klugman offered to bring forward information to the next Planning Board meeting. Board member Cook stressed the need for community awareness when doing projects.

President Tunncliff asked staff to forward a list of pertinent community contacts to the Board.

**2. Parks Master Plan Update-**Board member Saldivar gave a brief update on the committee meetings for the Parks Master Plan Update. The Parks and Recreation Department will give a presentation during the September 27, 2016 Planning Board meeting.

**3. The September 13, 2016 Planning Board meeting is cancelled due to a lack of agenda items.**

**ADJOURNMENT: 8:34 p.m.**

### **FUTURE AGENDA ITEMS: SEPTEMBER 27, 2016**

- A. Presentation/Discussion Parks Master Plan. Mark Jarvis, Parks and Recreation Department

**ATTEST: DRAFT. To be approved by a motion on September 27, 2016**



**YELLOWSTONE COUNTY BOARD OF PLANNING**  
CITY OF BILLINGS AND  
YELLOWSTONE COUNTY, MONTANA



**Planning Board Meeting I (Wednesday)**

**8. a.**

**Meeting Date:** 10/12/2016

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**Information**

**INTRODUCTION**

On September 1, 2016 Performance Engineering and Consulting on behalf of property owner Production Consulting, LLC, applied for preliminary major plat approval for Bar 11 Subdivision. The proposed plat creates 162 lots for single-family residences on approximately 206.22-acres of land. The subject property is generally located approximately 0.25 miles west of Bitterroot Drive, about one mile north of Highway 312, and north of Billings Heights. The property is zoned Residential 9600. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, October 25, 2016. The proposal will go to the Board of County Commissioners for action on November 15, 2016.

**RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Bar 11 Subdivision and adopt the Findings of Fact as presented in the staff report.

**PROPOSED CONDITIONS OF APPROVAL**

Planning staff recommends the following conditions of approval:

1. To provide for the correct installation of water lines, prior to final plat approval the applicant will provide a signed letter from the Heights Water District that the applicant has met all the requirements of the Heights Water District for installation of water lines for the proposed subdivision.
2. To minimize the effects on the natural environment, prior to final plat approval the applicant will obtain approval from the MDEQ for the proposed septic system placement. They will also receive approval for the storm water systems from the MDEQ and meet the requirements of Yellowstone County for Storm Water Management.
3. To mitigate impacts on local services, prior to final plat approval the subdivider shall create a Rural Special Improvement District – Maintenance (RSID-M) for future maintenance of the new public roads serving the subdivision.
4. To provide proper documentation for creation of roads outside the subdivision, prior to final plat approval the applicant will provide all documents for the required road rights of way for Plateau Road, Bull Park and Hawthorn Lane that extend outside of the subdivision but will provide access and utility services to the subdivision.
5. To mitigate impact to the parks used in the subdivision and to ensure park land is able to be maintained, prior to final plat approval the applicant will create a Parks Maintenance District to provide for the maintenance of new parks in the subdivision.

6. To minimize the effects on local services, prior to final plat approval the subdivider shall provide written verification that the US Postal Service has approved the mail facilities and their location for this subdivision.
7. To minimize the effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be approved by the County Weed Department.
8. To provide for the installation of the needed private utilities within the subdivision, prior to final plat approval the applicant will coordinate with private utility companies and provide easements on the plat, if needed, and easement documents for those easements.
9. Minor changes may be made in the SIA and final documents, as requested by the Planning and/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 County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

## **VARIANCES REQUESTED**

None

## **PROCEDURAL HISTORY**

- A pre-application meeting was held on July 7, 2016 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on September 1, 2016.
- A departmental review meeting was conducted on September 15, 2016.
- The preliminary plat was resubmitted with revisions based on department reviews on September 22, 2016.
- The Planning Board will review the plat on Wednesday, October 12, 2016.
- The Planning Board will conduct a public hearing on October 25, 2016, and forward a recommendation to the Board of County Commissioners.
- The Board of County Commission will consider the preliminary plat on November 15, 2016.
- The 60 working-day preliminary plat review period ends December 1, 2016.

## **PLAT INFORMATION**

General location: Generally located approximately .25 miles west of Bitterroot Drive, north of Highway

312 approximately .96 miles, north of Billings Heights

Legal Description: Tracts 1-A, 2-A, 3-A, 4-A, 5-A-1, 6-A, 7-A, 8-A, 9, 10-A, 10-B, 11 and 12-B of C.O.S 1420 and the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4, Section 2, Township 1N, Range 26E.

Subdivider: Production Consulting, LLC

Owner: Production Consulting, LLC

Engineer and Surveyor: Performance Engineering and Consulting

Existing Zoning: Residential 9600

Existing land use: Vacant / Dry land grazing

Proposed land use: Single-family residences

Gross area: Approximately 206.22 acres

Net area: Approximately 158.22 acres

Proposed number of lots: 162

Lot size: Max: 4.22 acres / Min: .49 acres

Parkland requirements: Parkland dedication requirement: 17.4 acres, they are providing 18.22 acres.

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## **Attachments**

Findings of Fact

Preliminary Plat

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## **FINDINGS OF FACT**

The City/County Planning staff has prepared the Findings of Fact for the Bar 11 Subdivision. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

### **A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA) (Section 3.2(H)(2), YCSR)**

#### **1. Effect on agriculture and agricultural water users' facilities**

The subject property has been historically used for some grazing land but generally has been open grass land. The properties directly south are also mostly dryland grass properties with some houses on very large parcels. Farther east on Bitterroot Drive there is some housing. North and west is more dryland grass areas. This area has not developed for residential use as much as the areas closer to Highway 312.

There are no ditches running through these properties.

#### **2. Effect on local services**

- a. **Water and Sewer** – This subdivision is proposing to obtain service from the Height Water District. They are proposing to install a 12 inch mainline from the existing Heights Water Districts tank that is south of the subject subdivision. The applicant is proposing to install the infrastructure with pipes and a pump booster station to get water to the subdivision from the Heights Water District. There will be water lines installed throughout the subdivision that will include fire hydrants for fire suppression purposes. Installation of the water lines and pump will be required to meet all specifications of Heights Water District (**Condition #1**).

Individual septic systems are proposed for sanitary sewer needs. These systems and their location will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ) prior to final plat approval (**Condition #2**).

- b. **Streets and roads** – The proposed subdivision at this time is accessible from Plateau Road that connects to Bitterroot Drive. Because of the size of this subdivision they are required to have 2 ways into and out of the subdivision. They are proposing to connect to Plateau Road from the northeast corner of the proposed subdivision. The proposed second way in and out will be by connecting Poison Park Drive to Windy Point Way to Bull Park to Hawthorne Lane from the south and east edge of the subdivision. Hawthorne Lane connects to Rawhide Strip, Rawhide Strip intersects with Bitterroot Drive from the west. In Phase 1, this southern connection will be a gravel surface road built to County standards. All proposed lots shall be accessed from new internal roads dedicated to the public. The new roads in the subdivision will be built to County residential paved

road standards, in two phases, within a 60-foot right of way. An RSID-M for maintenance of the new roads will need to be established (**Condition #3**).

There are two proposed roads for this subdivision that are outside the applicants' property, Hawthorne Lane and Bull Park. These two roads are on other people's property and provide a second way in and out of the proposed Bar 11 Subdivision. Hawthorne Lane right of way is required to be able to install a water line since Heights Water District requires that all of its water lines are within road rights of way. Hawthorne Lane itself could be built at a later date, if the properties it goes through are developed in the future. Bull Park is the road that the applicant is using to provide a second way into and out of the subdivision. This road is proposed to be another main road into the subdivision, which is required by Yellowstone County Subdivision Regulations and the BUFSA. This road also runs through other people's property, but is a benefit to this applicant and is required for the development. Before final plat approval of Bar 11 Subdivision, the applicant will be required to dedicate or provide via public easement to the public (Yellowstone County) rights of way for Bull Park and Hawthorne Lane (**Condition #4**).

The Traffic Impact Study (TIS) that was submitted with this proposed subdivision used existing traffic conditions on Bitterroot Drive and Rawhide Strip to Hawthorne Lane. All traffic would come off of Bitterroot Drive from Highway 312. At full build out, residents of Bar 11 subdivision would be able to get to the subdivision by either using access from Bitterroot Drive onto Rawhide Strip or from Bitterroot Drive onto Plateau Road.

In the summary of the Traffic Impact Study it states; 'The development of Bar 11 Subdivision would have no impacts on the surrounding roadway system.' The findings state that the impact of this subdivision on the road system in the area would cause the system to remain operating at an acceptable level of service of B or better.

c. **Fire and Police Services** – The property is within the Billings Urban Fire Service Area (BUFSA) jurisdiction and the BUFSA will provide fire service. It is the subdivider's responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service needs. This subdivision proposes to have Height Water District service throughout and will provide fire hydrants as required by BUFSA throughout the subdivision. This proposed subdivision is being done in two phases. With the construction of Phase 1, the applicant will be providing an access to provide a second way into the subdivision. The second access will be a gravel road from the intersection of Windy Point Way and Poison Park Drive out through Bull Park to the existing Hawthorn Lane. This road will meet the requirements of BUFSA and Yellowstone County Subdivision Regulations for a secondary access into the subdivision. This road will be paved with the completion of Phase 2.

The Yellowstone County Sheriff's Department will provide law enforcement services.

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- e. **Storm water drainage** – All storm water drainage shall satisfy storm water management requirements and specifications of MDEQ. The water is proposed to be absorbed on-site in the ditches along the paved road within the public right-of-way (**Condition #2**).
- f. **School facilities** – The proposed subdivision is located in School District #52 for Elementary, Independent School, and School District #2 for Middle School, Medicine Crow, and High School, Skyview. Independent Elementary School responded that they have additional capacity for more students. The proposed subdivision is not on an existing bus route and they will not be establishing one. Staff received comments from Skyview High School stating they have additional capacity for students. They also do not have a bus route in the area and will not be establishing one. Staff did not receive comment from Medicine Crow Middle School at the time this staff report was written.
- g. **Parks and recreation** – This proposed subdivision is required to provide park land for the subdivision based on the size of the lots. Pursuant to Section 10.2, YCSR and 76-3-621, MCA the amount of park land required is a total of 17.4 acres, the applicant is proposing to dedicate 18.22 acres. They are proposing a large park on the west edge of the subdivision and a smaller one on the east edge of the subdivision. The applicant will need to create a County Park Maintenance District for maintenance of the new parks in the subdivision (**Condition #5**).
- h. **Historic features** – No known historical or cultural assets exist on the site. The land has been dry land grass acreage for many years.
- i. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested the installation of centralized mailbox units (CBUs). The developer will work with the USPS to identify appropriate locations of CBUs prior to final plat approval (**Condition #6**).
- j. **Phasing** – The subdivider is planning to develop this property in two phases. Phase one includes Lots 1-10, Block 1; Lots 1-18, Block 2; Lots 1-11, Block 3; Lots 1-18, Block 4; Lots 1-19, Block 5; Lots 1 & 12, Block 6; Lots 1 & 12, Block 7 and Lots 1-4, Block 9. Internal road that will be built in Phase 1 include Plateau Road from Bitterroot Drive to Lot 2, Block 6; Muckle Trail from the intersection of Poison Park Drive to Lot 11, Block 6; all of Terror Creek Street; Poison Park

Drive from the intersection of Plateau road to Lot 11, Block 7 and all of Derby Avenue. Also included in Phase 1 the applicant will be buildings a gravel road, built to County standards, from the intersection of Windy Point Way and Poison Park Drive out through Bull Park to the existing Hawthorn Lane. This road will meet the requirements of BUFSA and Yellowstone County Subdivision Regulations for a secondary access into the subdivision. This road will be paved with the completion of Phase 2.

Phase two includes Lots 11-20, Block 1; Lots 2-11, Block 6; Lots 2-11, Block 7; Lots 1-6, Block 8; Lots 5-17, Block 9; Lots 1-25, Block 10 and Lots 1-4, Block 11. Phase 2 will complete the paving of the remaining roads in the subdivision including Bull Park and complete a paved connection to Hawthorne Lane.

See attached map for the proposed phases. The subdivider will be providing all the needed paperwork for the phased development of this subdivision prior to final plat approval.

### **3. Effects on the natural environment**

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed. A weed management plan will be completed and a property inspection done prior to final plat approval (**Condition #7**).

There are no apparent or known natural hazards on the property.

### **4. Effects on wildlife and wildlife habitat**

There are no known endangered species on the property. Montana Fish, Wildlife, and Parks (FWP) responded to a request for review and comment on the proposed subdivision. It stated that there are deer and antelope in the area and homeowners should be made aware that unless they take steps to deter animals such as fencing their yards they may experience damage problems. A paragraph to this effect is found within the SIA to help inform future landowners.

### **5. Effects on public health and safety**

Plans and designs for use of the proposed septic systems will be reviewed and approved by MDEQ prior to final plat approval. Fire and emergency services are provided for this proposed subdivision.

### **B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-616, MCA) (Chapter 9, YCSR)**

An Environmental Assessment (EA) was not required for this subdivision pursuant to Section 9.2 C 3. It is within a zoned area of the county and in an area where a growth policy has been adopted.

### **C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2014 Billings Urban Area Long Range Transportation**

**Plan, and the Billings Area Bikeway and Trail Master Plan? (Section 3.2 (H)(4), YCSR)**

**1. Yellowstone County – City of Billings 2008 Growth Policy Update**

- **Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)**

*This subdivision will create 162 lots of approximately .5 acres to just over 4 acres for single family residences, consistent with the immediately surrounding neighborhood.*

- **Goal: New developments that are sensitive and compatible with the character of adjacent County townsites. (p. 6)**

*There are similarly sized lots containing single-family homes to the east of the proposed subdivision.*

- **Goal: More housing and business choices within each neighborhood. (p. 6)**

*The proposed subdivision will create 162 additional lots in this area.*

**2. 2014 Billings Urban Area Long-Range Transportation Plan**

The subject property is within the study area of the Transportation Plan. The subdivision itself is not identified on the Transportation Plan Map. Bitterroot Drive is identified as a minor arterial in the area. All streets in the subdivision will be local residential streets and not part of the hierarchy of streets identified by the Long-Range Transportation Plan.

**3. Billings Area Bikeway and Trail Master Plan (BABTMP)**

The subject property is outside the study area for the Billings Area Bikeway and Trail Master Plan. The applicant is not proposing any bike trails in the subdivision. The applicant is providing a 20-foot-wide easement for future connection to the south. This easement will allow future trail connection to the south and could provide a trail to students going to Independent School south of this subdivision.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [76-3-608(3)(b), MCA and Section 3.2(3)(a), YCSR]**

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

**E. Does the subdivision conform to sanitary requirements? [Section 4.8(C) and 4.9 (C), YCSR]**

The subdivider must receive approval from MDEQ for the proposal to make use of the proposed community water system and septic systems for the new lots, prior to final plat approval.

**F. Does the proposed subdivision meet any applicable Zoning Requirements?  
[Section 3.2(H)(3)(e), YCSR]**

The subdivision is in the County's zoning jurisdiction and is zoned Residential 9600, this zoning has requirements for structure setbacks from property lines, lot coverage and maximum heights. There is a paragraph in the SIA that alerts future home owners of the need for a zoning compliance permit.

**G. Does the subdivision provide for necessary planned utilities? [76-3-608(3)(c), MCA and Section 3.2 (H)(3)(b), YCSR]**

Utility easements shall appear on the face of the final plat as requested by utility companies providing private utilities to the subdivision and be accompanied by easement documents (**Condition # 8**).

**H. Does the proposed subdivision provide for legal and physical access to all lots?  
[76-3-608 (3)(d), MCA and Section 3.2 (H)(3)(c)(d), YCSR]**

Legal and physical access will be provided for the proposed lots from the new public internal streets, which originate off of Bitterroot Drive.

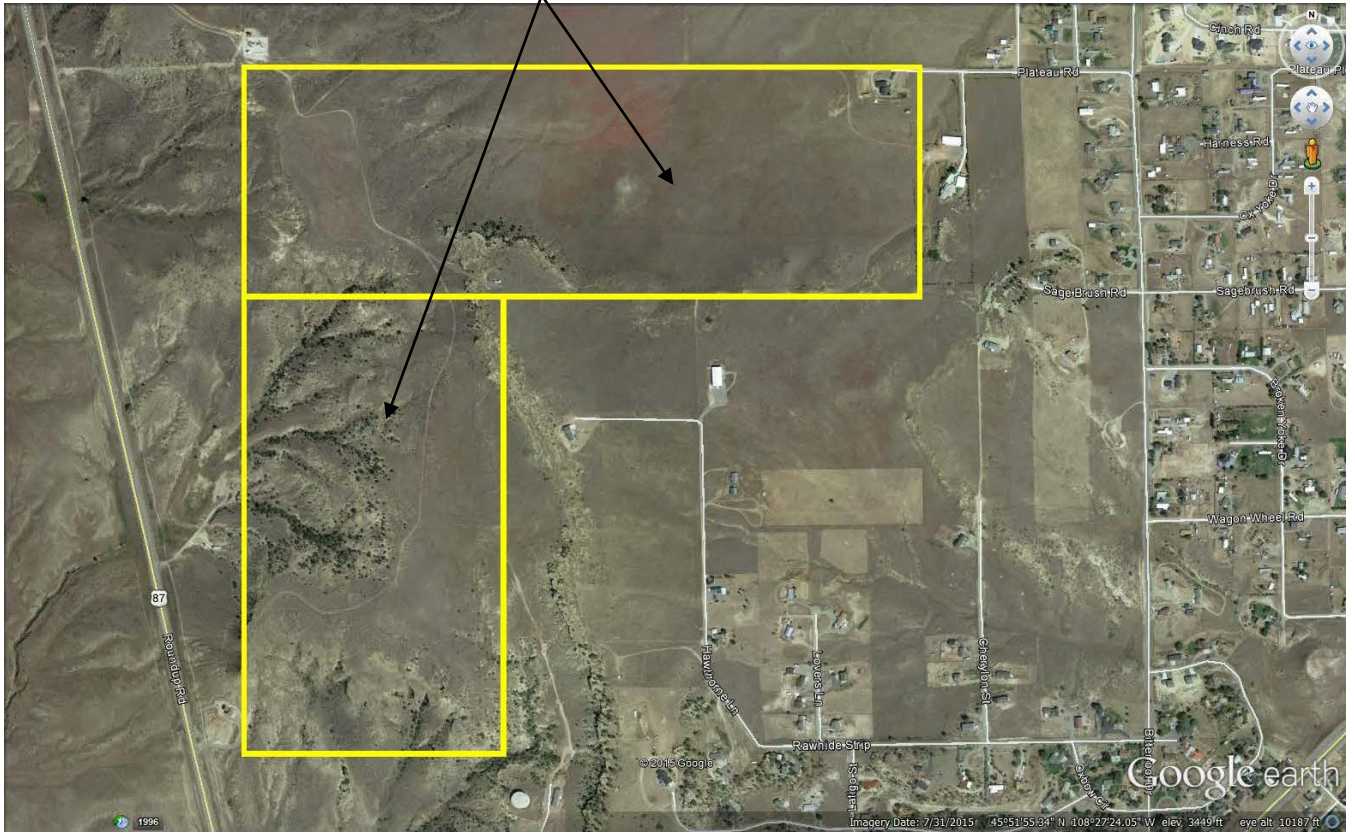
**CONCLUSIONS OF FINDINGS OF FACT**

- The Bar 11 Subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal. Impacts identified can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the 2008 Growth Policy, the 2014 Transportation Plan and the BABTMP.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

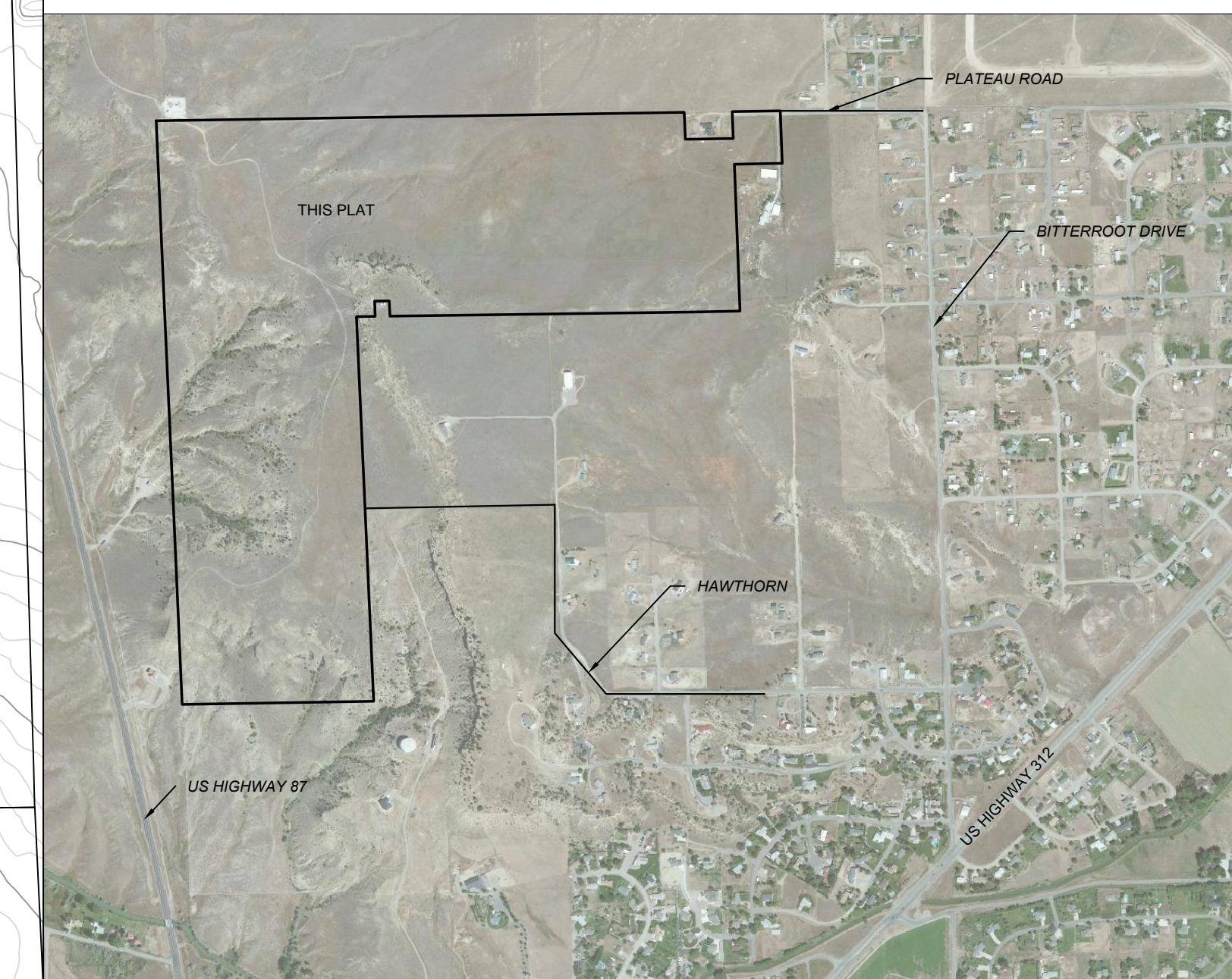
**RECOMMENDATION**

Staff recommends that the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Bar 11 Subdivision and adoption of the Findings of Fact as presented in the staff report.

Subject Property



PRELIMINARY PLAT OF  
**BAR 11 SUBDIVISION**  
 BEING TRACTS 1A, 2A, 3A, 4A, 5A1, 6A, 7A, 8A, 9, 10A, 10B, 11, 12B OF  
 CERTIFICATE OF SURVEY 1420 AND THE SW 1/4 OF THE NW 1/4 AND THE NW 1/4  
 OF THE SW 1/4 LOCATED IN SECTION 02, T 01 N, R 26 E, P.M.M.,  
 YELLOWSTONE COUNTY, MONTANA



VICINITY MAP  
 NOT TO SCALE

SITE DATA	
# OF OPEN SPACE LOTS	2
# OF RESIDENTIAL LOTS	162
MAX. LOT AREA	4.22 AC
MIN. LOT AREA	0.49 AC
LINEAL FEET OF STREET	20312

AREA DATA	
OPEN SPACE	± 18.19 AC
ROADWAY	± 27.98 AC
GROSS LOTS	± 158.22 AC
TOTAL	± 206.22 AC

EXISTING LAND USE: N/A  
 EXISTING ZONING: RESIDENTIAL 9,600  
 PROPOSED LAND USE: RESIDENTIAL  
 PROPOSED ZONING: RESIDENTIAL 9,600

PROPERTY OWNER:  
 PRODUCTION CONSULTING, LLC

PRELIMINARY PLAT DATE: July 20, 2016

NOTE: SANITARY SEWER SERVICES ARE TO BE SEPTIC TANKS WITH DRAINFIELD AND REPLACEMENT AREA. SEPTIC TANKS, DRAINFIELD SIZES, AND LOCATIONS WILL BE DETERMINED ON INDIVIDUAL LOT BASIS.

NOTE: STORMWATER DETENTION AND DRAINAGE WILL OCCUR IN ROADSIDE DITCHES ALONG ALL ROADS IN THE PROPOSED SUBDIVISION.

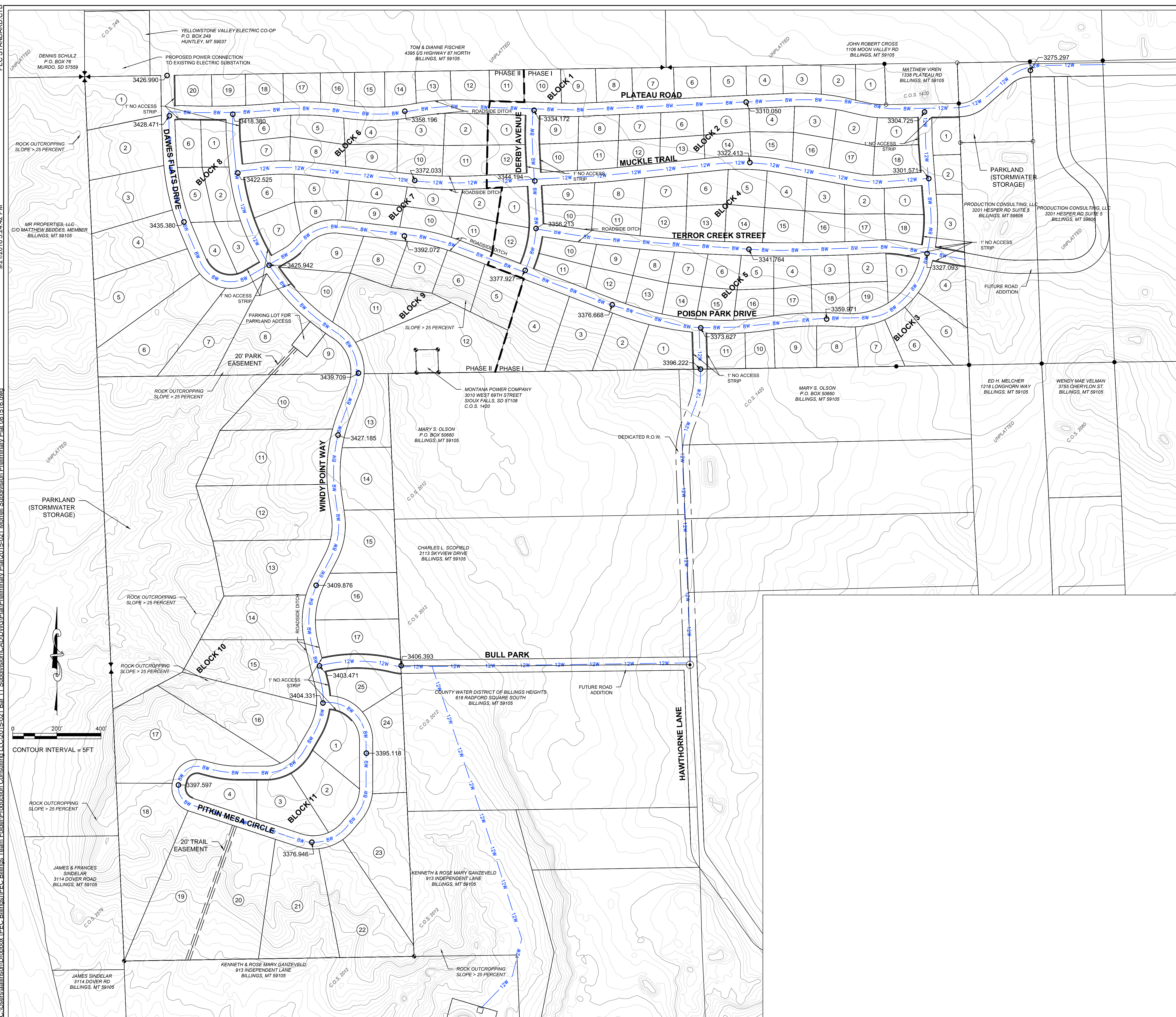
PROJECT TITLE: **BAR 11 SUBDIVISION**

REVISIONS	7100 COMMERCIAL AVE., STE. 4 OFFICE - 406-384-0080	SHEET
DATE	BILLINGS, MT 59101 www.performance-ec.com	
	COPYRIGHT 2016 ©	

PERFORMANCE ENGINEERING & CONSULTING

2015-021 DRAWN BY: RDN CHECKED BY: CPD DATE: 7/19/16

1 OF 2



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 C:\Users\jballinson\Desktop\PEC Billings Team Folder\Production Consulting\LC2015-021 Bar 11 Subdivision\CADD\DWG\Plat\2015-021\_Morrill Subdivision Preliminary Plat 081516.dwg

**Planning Board Meeting I (Wednesday)**

**8. b.**

**Meeting Date:** 10/12/2016

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**Information**

**Subject**

**Presentation/Discussion. Lockwood Targeted Economic Development District, (TEDD), Comprehensive Development Plan, Diane Lehm, Big Sky Economic Development Authority, presenting.**

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**Attachments**

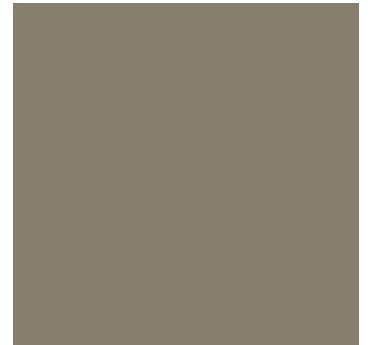
Comprehensive Development Plan

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# LOCKWOOD TARGETED ECONOMIC DEVELOPMENT DISTRICT

Comprehensive Development Plan



October 2016

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# 1. INTRODUCTION

## Overview

Yellowstone County, in conjunction with the Big Sky Economic Development (BSED), is seeking to enhance and expand economic activities through the development of planned, ready-to-go industrial space that supports secondary, value adding industries. This effort would be enriched through the creation of a Targeted Economic Development District (TEDD) on 570 acres of land in the Lockwood area. Yellowstone County intends to use tax increment financing as part of its overall strategy to provide infrastructure in support of value-adding industry.

The purpose of the Lockwood TEDD is to provide planned industrial space in order to attract and retain industrial and manufacturing businesses in Yellowstone County. In accordance with MCA 7-15-4279, the Lockwood TEDD will host a diversified tenant base of multiple, independent tenants. This Comprehensive Development Plan lays the framework to guide the development of the TEDD. The *Lockwood TEDD Strategic Plan* contains information regarding market analysis, targeted industries, development and implementation strategies.

## Purpose

When creating the state statutes for the provision for a TEDD, the Montana Legislature noted that the lack of infrastructure is an impediment to development of value-adding economic development and that local governments often times lack the financial resources to expand infrastructure that would serve such development. In response to those two issues, the legislature authorized the creation of districts that would support value adding industries and determined that tax increment financing can be used to pay for needed infrastructure.

According to MCA 7-15-4279(3)(b), secondary value-adding industry means “a business that produces secondary value-added products or commodities or a business or organization that is engaged in technology based operations within Montana that, through the employment of knowledge or labor, adds value to a product, process, or export service resulting in the creation of new wealth.” These industries will be the primary targeted industries within the Lockwood TEDD.

The *Yellowstone County Industrial Park Feasibility Study*, completed in 2014, noted that demand for industrial space is strong and will continue to grow through 2030. It is expected to outpace supply, particularly for space associated with value-added commodities. The study also noted that realtors, developers and business owners interviewed for the study, felt that Yellowstone County had missed opportunities for business development because space with infrastructure in place was not readily available.

In response to the needs of the community and recommendations of the *Feasibility Study*, BSEDA has undertaken the task of identifying a site for planned industrial space that can accommodate the demand for industrial space. In an effort to develop a strategy for funding of needed infrastructure improvements, the area is designated as the Lockwood TEDD, with the intent to use tax increment financing as one option for such funding.

## Lockwood Community

Lockwood is an unincorporated community, located directly east of the City of Billings. The population of Lockwood, as reported in the American Community Survey in 2014 as the Lockwood Census Designated Place, is 6,943. This includes the area of the proposed TEDD. Between 2000 and 2014, Lockwood saw a 61.2-percent increase in population, outpacing the growth in the rest of Yellowstone County, which grew by approximately 17-percent.

The American Community Survey also reported that approximately 55-percent of all workers who live in Lockwood travel to work between 15 to 24 minutes, with the mean travel time of 20 minutes. This pattern suggests that Lockwood residents travel to Billings and other parts of Yellowstone County for work. Increasing job opportunities within the Lockwood TEDD would allow a greater percentage of Lockwood residents the opportunity for employment within their community.

Employment of Lockwood residents is spread over multiple industries throughout Yellowstone County. As shown below, “education, health care & social assistance” sector employs the most people, followed by the “retail trade” sector. Manufacturing, transportation, warehousing and utilities, the primary targeted industries of the Lockwood TEDD, make up approximately 15-percent of current employment.

### LOCKWOOD EMPLOYMENT BY INDUSTRY

Source: American Community Survey, 2014

	Number	Percentage
<b>Civilian employed population &gt; 16 years</b>	<b>3,771</b>	
Ag, forestry, fishing & hunting, mining	199	5.3%
Construction	363	9.6%
Manufacturing	268	7.1%
Wholesale trade	184	4.9%
Retail trade	659	17.5%
Transportation, warehousing, and utilities	292	7.7%
Information	30	0.8%
Finance and insurance, and real estate	222	5.9%
Prof, scientific, mgmt., admin, & waste mgmt.	231	6.1%
Education, health care, & social assistance	677	18.0%
Arts, entertain., rec., accommodation, & food	321	8.5%
Other services, except public administration	237	6.3%
Public administration	88	2.3%

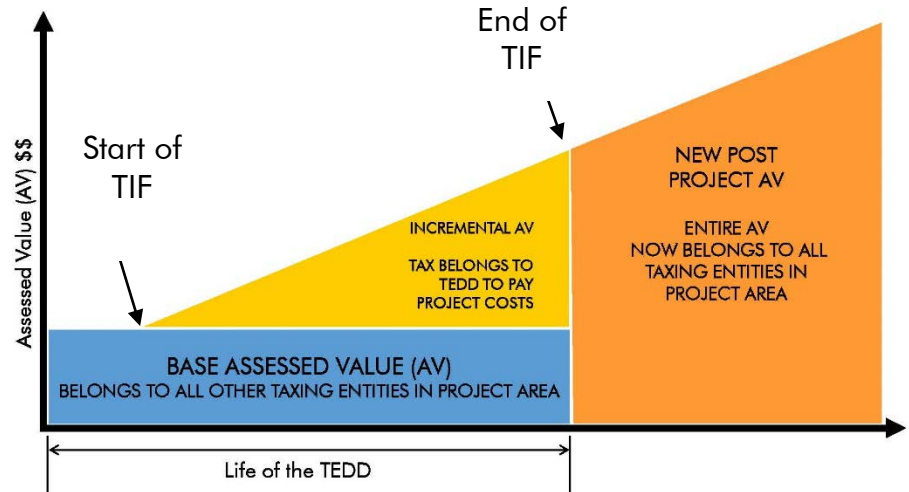
## Tax Increment Financing

Yellowstone County intends to use tax increment financing within the Lockwood TEDD, which encompasses an area of approximately 570 acres. For the purposes of measuring any incremental value, the base year is 2016, with values as of, January 1, 2016.

Tax increment financing (TIF) is a public financing method that promotes economic development by allowing cities and counties to use new property tax revenues from investment in the TEDD to

invest in public infrastructure. In 2013, the Montana Legislature authorized the use of TIF within targeted economic development districts.

TIF uses future increases in property values to pay for improvements within the district, thus improving and enhancing the district. This allows taxes from the district to be invested in the infrastructure that supports the business development and investment in that area.



Taxes that are derived from the base assessed value within the TEDD continue to be distributed to those taxing entities that levy mills within the district. TIF can be used to support these taxing entities through the funding of infrastructure that is required to connect to services that are located outside of the district. For example, it will be necessary to install water and sewer mains outside of the district boundary that will connect to the Lockwood Water and Sewer District system and enable service to be provided to the district.

Additionally, TIF generated within the district can help fund public services and facilities in proportion to services they provide within the district.

## 2. SITE ANALYSIS

### Site Description

The Lockwood TEDD is located in an area of primarily agricultural use with some industrial sites. The area is approximately 570 acres and is located north of Interstate 90 and 94 and south of the Yellowstone River. The BNSF railroad bisects the area and has a rail spur with access to the Pacific Recycling facility, located within the TEDD boundary.

Access to the area is provided by local roads, including Johnson Lane, Coulson Road and the Frontage Road. The Interstate 90 interchange at Johnson Lane connects the TEDD to the greater transportation network.

The Montana Department of Transportation is currently in the planning and design phase for the Billings Bypass project. This project will provide a 5-mile long, two lane limited access roadway connection across the Yellowstone River between Interstate 90 and Old Highway 312. There are several roadway improvements within Lockwood that are associated with this project. The Interstate 90 interchange at Johnson Lane will be reconstructed to accommodate the new bypass. Alternative alignments are still under consideration. Additionally, a new intersection with the bypass and

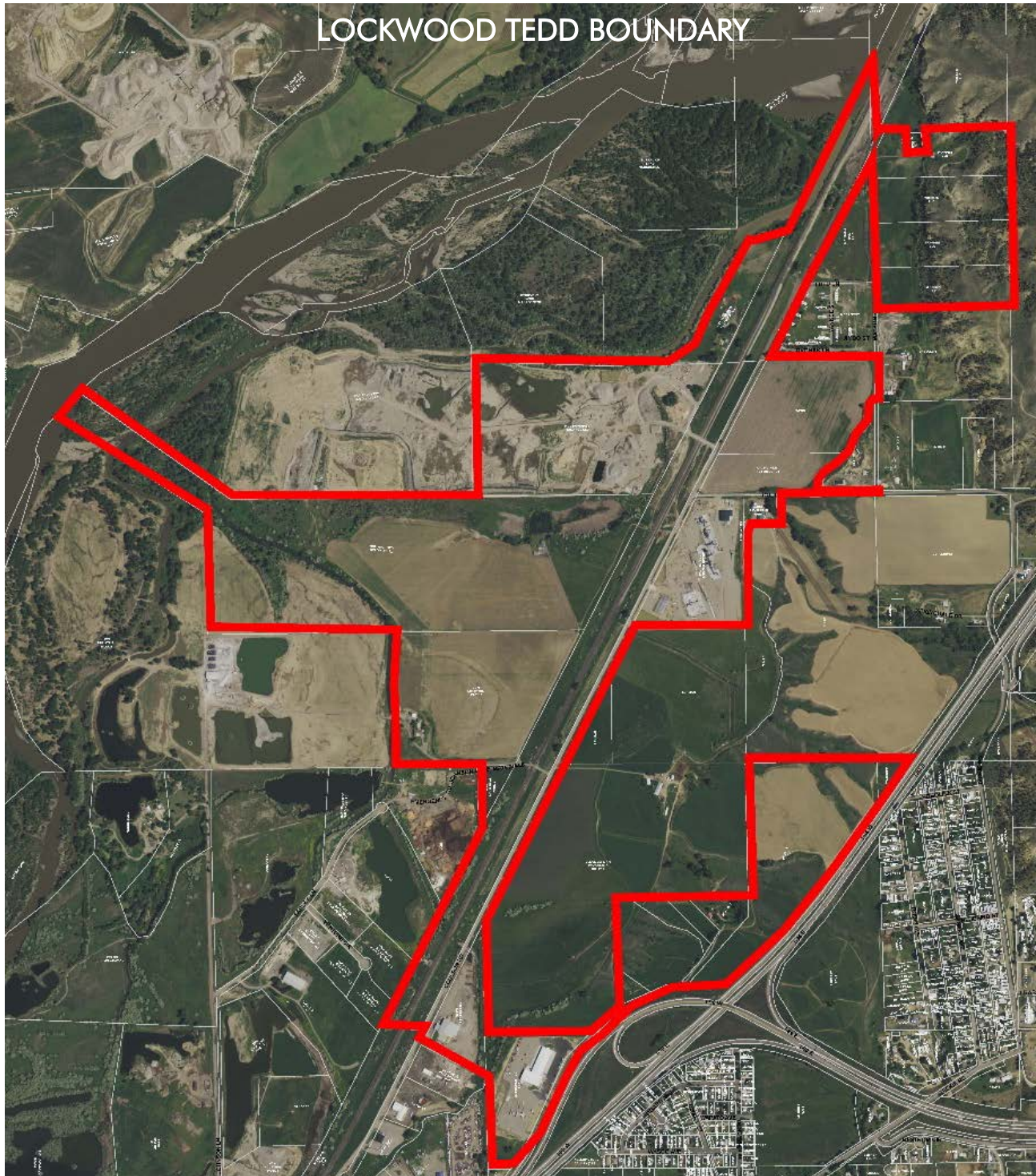


Figure 1: Lockwood TEDD Boundary

Coulson Road will be constructed, which will create direct access to the southern portion of the Lockwood TEDD. An additional access point to the bypass from the TEDD area will be considered as design of the bypass progresses.

## Legal Description

The legal description of the Lockwood TEDD is as follows:

A tract of land situated in Sections 7, 8, 17, 18, 19 and 20, Township 1 North, Range 27 East, P.M.M., Yellowstone County, Montana; more particularly described as follows:

Beginning at the northeast corner of Tract 4A2, Certificate of Survey No. 1225; thence southerly along the east boundary line of Certificate of Survey No. 1225 to the southeast corner of Tract 3B, Certificate of Survey No. 1225; thence westerly to the centerline of the Watson Road right of way; thence northerly along the centerline of the Watson Road right of way to a point which is the intersection of the Watson Road right of way and the east boundary line of Tract 3A, Certificate of Survey No. 2807; thence southwesterly along the east boundary line of Tract 3A to the northwest corner of Tract 1, Certificate of Survey No. 3540; thence easterly along the north boundary line of Tract 1 to the northeast corner of Tract 1; thence southerly, westerly and southwesterly along the east boundary lines of Certificate of Survey No. 3540 to the southeast corner of Tract 2, Certificate of Survey No. 3540; thence easterly along the south boundary line of Tract 1, Certificate of Survey No. 3092 to the southeast corner of Tract 1; thence southerly to the northeast corner of Certificate of Survey No. 632; thence westerly along the north boundary line of Certificate of Survey No. 632 to the northwest corner of Certificate of Survey No. 632; thence southerly along the east boundary line of Tract 1, Certificate of Survey No. 2009; thence westerly along the south boundary line of Tract 1 to the northeast corner of the Lockwood Irrigation District Parcel lying west of ditch between Certificate of Survey No. 632 and Certificate of Survey No. 2009; thence southwesterly to the intersection of Lockwood Irrigation District Parcel and Tract 2, Certificate of Survey No. 2009; thence westerly along the south boundary line of Tract 2 to the southwest corner of Tract 2; thence westerly to a point which is the intersection of the south boundary line of Tract 2 and the centerline of the Coulson Road right of way; thence southeasterly along the centerline of the Coulson Road right of way to a point which is the intersection of the Coulson Road right of way and the east boundary line of Lot 1, Block 1, Great Plains Subdivision; thence southerly to the northwest corner of Tract 1, Certificate of Survey No. 3376; thence northeasterly to the southwest corner of Lot 5, Seiffert Industrial Subdivision; thence northerly along the west boundary line of Seiffert Industrial Subdivision to the northwest corner of Lot 4, Seiffert Industrial Subdivision; thence easterly along the north boundary line of Seiffert Industrial Subdivision to the northeast corner of Lot 1, Seiffert Industrial Subdivision; thence northerly to the northwest corner of Tract 1, Certificate of Survey No. 1734; thence easterly to the northeast corner of Tract 1, Certificate of Survey No. 1734; thence southwesterly to the southeast corner of Tract 1, Certificate of Survey No. 1734; thence westerly to the southwest corner of Tract 1, Certificate of Survey No. 1734; thence westerly to a point which is the intersection of the south line of Tract 1, Certificate of Survey No. 1734 and the centerline of the North Frontage Road right of way; thence southwesterly along the centerline of the North Frontage Road right of way to a point which is the intersection of the North Frontage Road right of way and the south boundary line of Tract 1, Certificate of Survey No. 3376; thence westerly to the southwest

corner of Tract 1; thence northerly along the west boundary line of Tract 1 to the southeast corner of Lot 1, Block 1, Great Plains Subdivision; thence northwesterly to the southwest corner of Lot 1; thence northeasterly to a point which is the intersection of the west boundary line of Lot 1 and the south boundary line of Section 18; thence westerly along south boundary line of Section 18 to a point which is the intersection of the south boundary line of Section 18 and the east boundary line of Lot 2C, Johnson Lane Materials Subdivision; thence northeasterly to the southeast corner of Lot 5, Johnson Lane Materials Subdivision; thence northerly to the northeast corner of Lot 5; thence westerly to the southwest corner of Lot 1, Block 1, Weaver Flats Subdivision; thence north to the northwest corner of Lot 1; thence westerly to the southwest corner of Tract 2, Certificate of Survey No. 3477; thence northerly to the northeast corner of Lot 2, Block 1, Weaver Flats Subdivision; thence northeasterly to the northwest corner of Lot 2; thence northwesterly to the northwest corner of Lot 2; thence northeasterly to the northeast corner of Tract 1, Certificate of Survey No. 3477; thence southeasterly to the southwest corner of Tract 1; thence easterly to the southeast corner of Tract 1; thence northerly to the southwest corner of Government Lot 9; thence easterly to the southwest corner of Tract 1B, Certificate of Survey No. 2807; thence northeasterly to the northwest corner of Tract 1B; thence northeasterly to the northeast corner of Tract 1B; thence northeasterly along the east boundary line of Tract 1A, Certificate of Survey No. 2807 to the southwest corner of the tract of land described as survey overlap of Certificate of Survey No. 1225 and Certificate of Survey No. 2868; thence southerly to a point which is the intersection of the west line of the tract of land described as survey overlap of Certificate of Survey No. 1225 and the west right of way line of the Montana Rail Link right of way; thence northeasterly to the southwest corner of Tract 5, Certificate of Survey No. 1225; thence easterly to the northwest corner of Tract 4A1, Certificate of Survey No. 1225; thence southerly to the southwest corner of Tract 4A1; thence easterly to the southeast corner of Tract 4A1; thence northerly to the northeast corner of Tract 4A1; thence easterly to the Point of Beginning; parcels containing 570.83 acres, more or less, subject to any existing easements and/or rights of way, whether of record or apparent on the ground.

## Parcels

Land owners and property descriptions are listed below.

Owner Last Name	Legal Description	Geocode	Tax ID	Property Address	Mailing Address	City State ZIP	Zoning
BKPN Properties LLC	GREAT PLAINS SUBD, S19, T01 N, R27 E, BK 1, Lot 1	03103419101160000	C11082	1655 Coulson Rd	1655 Coulson Rd	Billings, MT 59101	Heavy Industrial
G2 Properties LLC	S20, T01 N, R27 E, C.O.S. 3376, PARCEL 1	03103420211040000	D06449	3255 N Frontage Rd	455 Highway 195, Suite A	Georgetown, TX 78633	Controlled Industrial
JDW Industrial Park 2 LLC	S17, T01 N, R27 E, C.O.S. 2009, PARCEL 1	03103417101200000	D06407	2150 Coulson Rd E	PO Box 22745	Billings, MT 59104	Heavy Industrial
JDW Industrial Park 2 LLC	WEAVER FLATS SUB (14), S17, T01 N, R27 E, BK 1, Lot 1	03103417201010000	D06415	3306 Coulson Rd	PO Box 22745	Billings, MT 59104	Heavy Industrial

JDW Industrial Park 2 LLC	S17, T01 N, R27 E, FRACTION NWSW LYING N & W OF RR	03103417360010000	D06415A	Coulson Rd	PO Box 22745	Billings, MT 59104	Heavy Industrial
Lockwood Irrigation District	S17, T01 N, R27 E, PORTION OF SWNWNWNE LYING WEST OF DITCH BETWEEN COS 632 2ND	03103417201100000	D13115	Coulson Rd	PO Box 3292	Billings, MT 59103	Heavy Industrial
MCL Properties LLC	S08, T01 N, R27 E, S2SW WEST OF RAILROAD	03103408301010000	D06329	3530 Coulson Rd	6513 Trade Center Ave	Billings, MT 59101	Heavy Industrial
MCL Properties LLC	S08, T01 N, R27 E, C.O.S. 2807, PARCEL 1B	03103408101010000	D06331	3553 Coulson Rd	6513 Trade Center Ave	Billings, MT 59101	Heavy Industrial
MCL Properties LLC	S18, T01 N, R27 E, C.O.S. 3477, PARCEL 2	03103418101010000	D06416	Coulson Rd	6513 Trade Center Ave	Billings, MT 59101	Heavy Industrial
Montana Rail Link	S19, T01 N, R27 E	03103419350010000	D13145J	Coulson Rd	PO Box 16624	Missoula, MT 59808	Rail ROW
Pacific Hide And Fur Depot	S08, T01 N, R27 E, C.O.S. 3540, PARCEL 2	03103408320010000	D06329B	Coulson Rd	PO Box 1549	Great Falls, MT 59403	Heavy Industrial
Pacific Hide And Fur Depot	S17, T01 N, R27 E, C.O.S. 2009, PARCEL 2	03103417201040000	D06408	3385 Coulson Rd	PO Box 1549	Great Falls, MT 59403	Heavy Industrial
Seiffert Trust	S17, T01 N, R27 E, C.O.S. 1734, PARCEL 1, AMND	03103417418150000	D06413	N Frontage Rd	PO Box 31181	Billings, MT 59107	Controlled Industrial
Terry L. Seiffert	S17, T01 N, R27 E, C.O.S. 1734, PARCEL 2, AMND	03103417301100000	D06414	3333 N Frontage Rd	PO Box 31181	Billings, MT 59107	Controlled Industrial
Roger and Peggy Webb	S08, T01 N, R27 E, C.O.S. 3540, PARCEL 1	03103408401010000	D06329A	Coulson Rd	1132 Ginger Way	Billings, MT 59105	Heavy Industrial
Town And Country Supply Association	S08, T01 N, R27 E, C.O.S. 1225, PARCEL 3A	03103408403110000	D06336	Watson Rd	PO Box 367	Laurel, MT 59044	Heavy Industrial
Town And Country Supply Association	S08, T01 N, R27 E, 1225, PARCEL 3B	03103408403090000	D06337	Watson Rd	PO Box 367	Laurel, MT 59044	Heavy Industrial
Town And Country Supply Association	S08, T01 N, R27 E, C.O.S. 1225, PARCEL 4A2, AMD TR 4A	03103408403170000	D06338	Watson Rd	PO Box 367	Laurel, MT 59044	Heavy Industrial

Town And Country Supply Association	S08, T01 N, R27 E, C.O.S. 1225, PARCEL 4B, AMND	03103408403140000	D06339	Watson Rd	PO Box 367	Laurel, MT 59044	Heavy Industrial
Michael Stanhope	PINE HILL SUB, S17, T01N, R27 E, BLOCK 1, LOTS 12-15	03-1034-17-4-18-01-0000	C04920	Bobolink Rd	PO Box 819	Choteau, MT 59422	Agricultural

## Compliance with Growth Policy

As required by 7-15-4279 MCA, the TEDD must be zoned in accordance with the area growth policy. The Lockwood Growth Policy was adopted by the Yellowstone County Commission on May 17, 2016. In creating the growth policy, the Lockwood community contemplated the development of the Lockwood TEDD. Of the 11 growth guidelines identified in the document, one specifically addresses the TEDD:

A Targeted Economic Development District (TEDD) may be used to foster secondary, value adding economic development. Properties within the general area of the TEDD may be initially zoned as agriculture with the intent to rezone to an industrial zoning district when and if the TEDD is implemented.

*--Lockwood Growth Policy, 2016*

In accordance with the Lockwood Growth Policy, the properties within the Lockwood TEDD are zoned Agricultural, Controlled Industrial, or Heavy Industrial.

Additionally, the 2016 Billings and Yellowstone County Growth Policy has several policy statements and growth guidelines that relate to creating economic development. These include:

- A diversity of available jobs can ensure a strong Billings' economy
  - Successful businesses that provide local jobs benefit the community
  - Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
  - Retaining and supporting existing businesses helps sustain a healthy economy
  - Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes
- City of Billings/Yellowstone County Growth Policy, 2016*

Supporting a diversified economy that includes industrial development and manufacturing is important to the economy of Yellowstone County. Planning for industrial development can pave the way for business development and expansion and provide predictability for business and property owners.

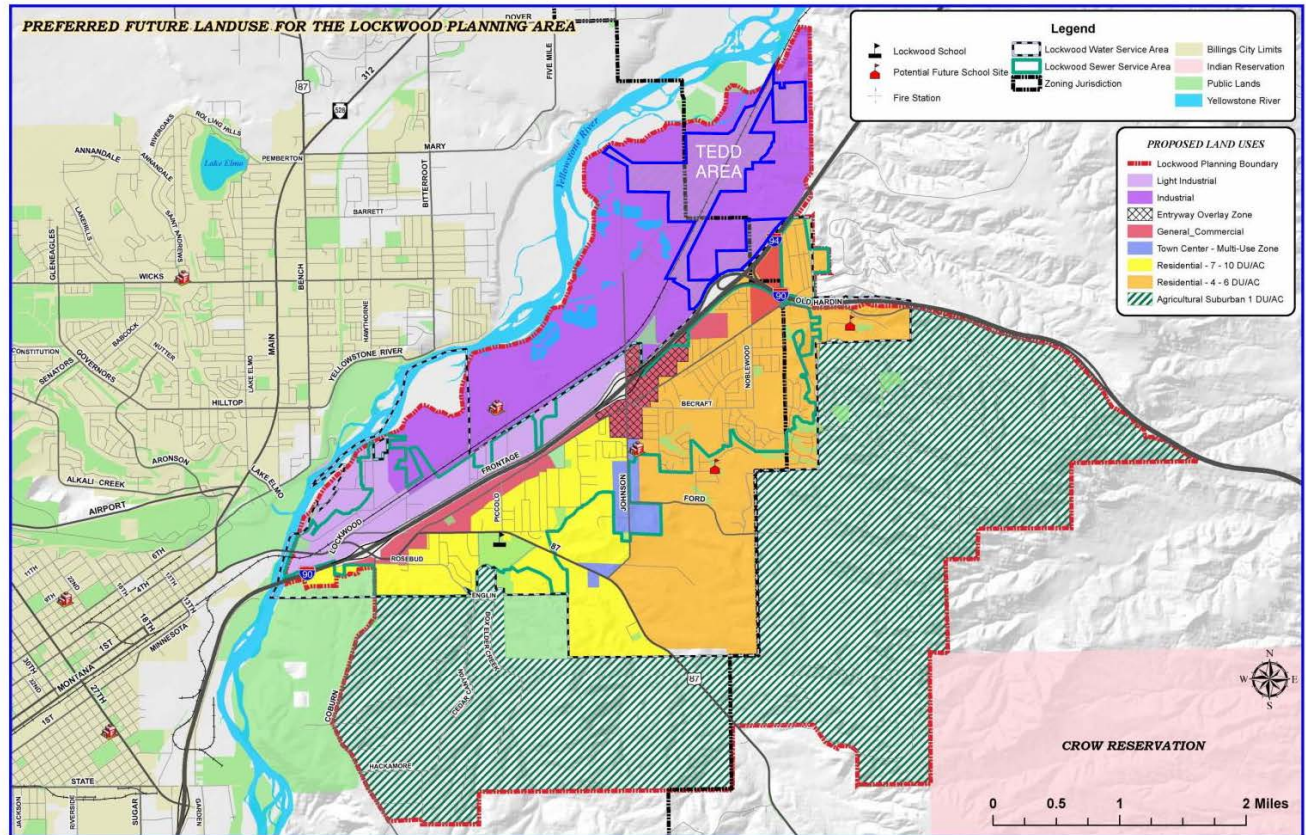


Figure 2: Lockwood Growth Policy Future Land Use Map

# Compliance with Zoning

The area of the Lockwood TEDD is zoned Heavy Industrial, Controlled Industrial and Agricultural. Based on the Guideline Statement in the Growth Policy, this area is zoned in accordance with the growth policy.

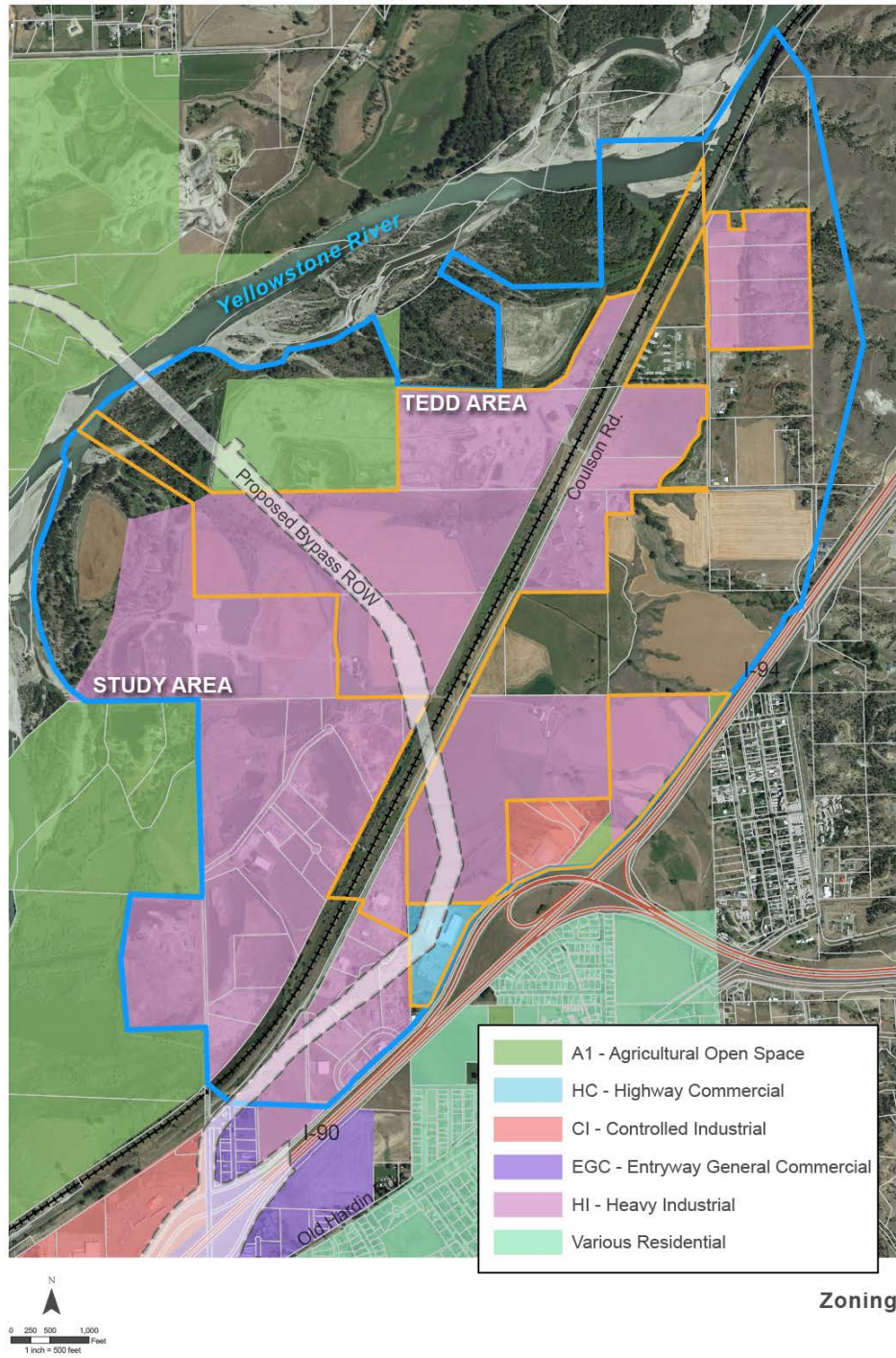


Figure 3: Area Zoning

### 3. GOALS OF THE LOCKWOOD TEDD

The goals of Yellowstone County in creating the Lockwood TEDD are as follows:

- Support the expansion of existing industry, and the recruitment of new industry, within Yellowstone County by facilitating the provision and development of planned, ready-to-go industrial space.
- Provide a locally-driven funding tool that can be used to partner with private industry and developers to fund the construction and maintenance of key infrastructure investments that are needed to foster the growth of value-added industry.
- Foster economic and employment opportunities within Yellowstone County and the Lockwood community through the development of secondary value-adding industries.
- Create a planned industrial area in Lockwood that attracts industry and leads to additional private investment in the Lockwood area.
- Implement a development plan centered around the growth of industrial businesses, while supporting non-motorized transportation facilities with the Billings Bypass.

### 4. INFRASTRUCTURE ANALYSIS

In order for a local government to create a TEDD, a Resolution of Necessity must be adopted. According to 7-15-4280 MCA, this resolution must find that:

1. One or more infrastructure-deficient areas existing in the local government; and
2. The infrastructure improvements of the area are necessary for the welfare of the residents of the local government.

April 21, 2015, the Yellowstone County Board of County Commissioners adopted the Resolution of Necessity declaring an infrastructure deficient area known as the Lockwood Concept Area. The following infrastructure deficient conditions in the Lockwood Concept Study Area were identified:

- **Water System:** a public water system is not available in the area, and will require expansion of the Lockwood Water and Sewer District, main extensions, and increased filtering capacity.

The Lockwood Water and Sewer District serves the community of Lockwood. However, the service area does not include the Lockwood TEDD area. The closest water service line is located at the intersection of Johnson Lane and the North Frontage Road. New service lines, modifications to the treatment facility and potentially new water rights as demand increases will be necessary to service the Lockwood TEDD area. Preliminary estimates indicate that water service to the Lockwood TEDD, not include treatment facility upgrades or water rights acquisition, will likely be over \$4,000,000.

- **Sewer System:** a public sewer system is not available in the area. Main extensions, upgrades of existing a lift station and expansion of the Lockwood Water and Sewer District may be required. Renegotiation of the agreement with the City of Billings for additional treatment capacity would be required in conjunction with District expansion.

The Lockwood Water and Sewer District transmits wastewater from Lockwood to the City of Billings’ treatment plant. This agreement between the District and the City limits the amount that can be transmitted to the plant. Expansion of the District to include the Lockwood TEDD area would require installation of new service lines, upgrades to an existing lift station at Johnson Lane and potentially an additional lift station within the TEDD area. Preliminary cost estimates for the sewer main extensions and lift station improvements will likely be over \$5,000,000.

- **Transportation:** both on- and off-site transportation upgrades, including rights-of-way, will be required for traffic circulation, safety and access. Rail trans-loading facilities and multi-modal opportunities are not available.

Roads to and within the TEDD area will require improvement to the minimum standards for a Commercial Collector road, as specified by Yellowstone County Subdivision Regulations. Specifically, Coulson Road will initially provide primary access to the TEDD area and will need to be improved to a County standard road. Road improvements to service the TEDD area will like be over \$4,000,000.

Montana Department of Transportation (MDT) is currently working on design plans for the Billings Bypass, a project that will connect Interstate 90 at Johnson Lane with Highway 312, north of Billings. The proposed bypass will cross the Yellowstone River adjacent to the Lockwood TEDD. The final design will have to consider access points to serve the area and the future industrial development. Such access points will need to be funded in conjunction with MDT.

Non-motorized transportation has been identified as a key issue in Lockwood. There are no sidewalks or multi-use trails within the Lockwood TEDD area. Providing multi-modal access in conjunction with the Billings Bypass – particularly with the bridge over the Yellowstone – has been identified as an important element in the development of a plan for the Lockwood TEDD.

- **Utilities:** electric and gas service for ordinary industrial users is available with right-of-way and line expansions. Heavy load industrial users would require supply, transmission line and substation expansions and redundancy.

Electric power is provided by Yellowstone Valley Electric Company. As noted in the Statement of Infrastructure Deficiency, service for future industrial users would require substantial upgrades to the transmission lines within the Lockwood TEDD area. Industrial

users typically have high electrical demands. Additional transmission lines to create redundancy and possibly a new substation would be required to adequately serve the area with new industrial users. Costs for additional transmission lines, not including a new substation are approximately \$400,000.

Natural gas is available in the vicinity. However, main lines would need to be extended to serve the Lockwood TEDD area.

- **Broadband Connectivity:** the area has limited access to broadband service and upgrades would probably require a new line from downtown Billings. Critical information infrastructure would have to incorporate redundancy to assure reliable service.

Broadband service would need to be extended from Johnson Lane to serve the Lockwood TEDD area.

- **General improvements:** additional infrastructure and public service deficiencies will be identified over time. As the TEDD area is developed, improvements and provisions for lighting, storm water drainage systems, and emergency services will need to be addressed.

## 5. TARGETED ECONOMIC DEVELOPMENT ACTIVITIES

### Targeted Industries

A local government may create a TEDD in support of value-adding economic development project, by development of infrastructure within the district that would encourage the location and retention of value-adding projects. The Lockwood TEDD will target businesses that produce products defined in MCA 7-15-4279 (a):

"secondary value-added products or commodities" means products or commodities that are manufactured, processed, produced, or created by changing the form of raw materials or intermediate products into more valuable products or commodities that are capable of being sold or traded in interstate commerce.

Additionally, the Lockwood TEDD will also support secondary value-adding industry, defined in MCA 7-15-4279 (b):

"secondary value-adding industry" means a business that produces secondary value-added products or commodities or a business or organization that is engaged in technology-based operations within Montana that, through the employment of knowledge or labor, adds value to a product, process, or export service resulting in the creation of new wealth.

Targeted Industry Study completed in 2011 identified the industries that should be prioritized for recruitment and retention in the Yellowstone County region. The following industry sectors

identified in that study that are produce secondary value-added products or are a value-adding industry, and therefore appropriate for the Lockwood TEDD are as follows:

<b>Upstream and Midstream Oil and Gas</b>	oil and gas exploration and production field services pipeline companies refineries petroleum marketing companies
<b>Health Care Services and Supply Chain</b>	laboratories medical supply wholesaling and distribution medical equipment manufacturing
<b>Manufacturing</b>	value added food products machinery and equipment chemicals, and guns
<b>Warehousing and Distribution</b>	distribution hubs to serve the region shipping and logistics companies distribution and warehousing

## Capital Improvements Plan

A capital improvements plan to identify the specific infrastructure needs for the development of the Lockwood TEDD will be required. This will include infrastructure improvements, costs associated with the improvements and timing of the improvements. Infrastructure design and development could include water and sewer service main extensions, treatment plant upgrades, road improvements, utilities, multi-modal transportation, and communication infrastructure such as cell towers and broadband fiber.

## Recruitment

Once the Lockwood TEDD is established, efforts to recruit secondary, value-adding industries will be necessary. A recruitment work plan will be developed in partnership with Yellowstone County, Big Sky Economic Development, business and property owners, developers and industry representatives. These key partners will work to implement the goals of this plan by identifying opportunities to expand local businesses and to assist with new business formation. BSED has a number of small business assistance programs available throughout the County. Meeting with industry representatives and commercial real estate brokers on a regular basis to understand current prospects and to represent the opportunities within the Lockwood TEDD should also be developed.

## Financing

The infrastructure improvements needed to support the recruitment and expansion of value-adding industries in the Lockwood TEDD will require a variety of available financing mechanisms.

Construction of public infrastructure may be financed using proceeds from tax increment financing, private developer payments, and/or grant and loan programs.

### Tax Increment Financing

Yellowstone County could use tax increment financing to fund some or all of the public infrastructure needed to support the value-adding industry development within the Lockwood TEDD. The private industrial development that will generate the property taxes needed to finance the infrastructure, will also need that infrastructure to develop. Therefore, initial investment by private entities for public infrastructure will be necessary to start development within the TEDD. Once property taxes have increased enough to generate revenue for the TEDD, there are several mechanisms that Yellowstone County can use to pay for expansion of needed infrastructure.

- Tax Increment Bonds – Revenues from the tax increment would be pledged to pay bond principal and interest annually. The terms of the bond would be dependent on tax increment revenues available. The amount of tax increment realized each year must exceed the amount of the bond payment to be made each year, by as much as two times and the County must maintain an adequate reserve account.

Tax increment districts are authorized by Montana law for a period of 15 years. However, the time period may be extended up to 25 years to coincide with the term of a tax increment bond.

- Annual Tax Increment Appropriations – Smaller projects may be financed by annual tax increment receipts by appropriation. Funds would be determined each year based on the amount of the annual increment minus prior commitments, including debt service administrative costs.
- Revolving Loan Funds – The Montana statutes allow for loan programs that use TIF funds. Such funds may be loaned for the construction of private infrastructure or other activities in support of the goals of the TIF district. As principal and interest payments are made, the funds may be loaned again.
- Conventional Financing – Yellowstone County may borrow funds from commercial lending institutions in order to finance public infrastructure improvements. Annual tax increment revenues will pay principal and interest on the loan. A conventional loan agreement will not, however, extend the authorized 15-year time period for a TEDD.
- Developer Reimbursement Agreements – Because the initial investment for the improvements and extensions of public improvements will likely be funded by private entities, Yellowstone County could enter into reimbursement agreements with private

entities for eligible expenses. Such expenses would include public utility and road improvements that serve the TEDD District to support value adding industries.

## **Federal and State Grants**

Yellowstone County may pursue other funding sources in conjunction with the TIF program. Federal and state grants are available to assist local governments in financing capital improvements.

Potential sources include the following:

- Treasure State Endowment Program (TSEP) is a state funded program to assist local governments finance capital improvements to sewer and water facilities. Grants can be requested up to \$500,000 and a match from the local government is usually required. The match may be in the form of another grant.
- The Montana Intercap Program (INTERCAP) is a loan program to assist with costs associated with infrastructure, and the acquisition and installation of equipment or personal and real property.
- Community Development Block Grant (CDBG) is a federally funded program to that provided assistance to communities for things such as public facilities, economic development and planning grants.
- Transportation Alternatives Program (TA Program) is a federal program to assist local government develop transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects that improves access to public transportations, recreational trail improvements, and safe routes to school projects.
- The Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant program is a federal program that funds the building and repairing of critical pieces of road, rail, transit and port facilities.

## Unused Tax Increment

In accordance with MCA 7-15-4291, Yellowstone County “may enter into agreements with the other affected taxing bodies to remit to such taxing bodies any portion of the annual tax increment not currently required for the payment of the costs listed in 7-15-4288 MCA or pledged to the payment of the principal of premiums, if any, and interest on bonds to in 7-15-4289.”

## 6. PROGRAM ADMINISTRATION

The Lockwood TEDD program will be managed by an advisory board, which may include representatives from the community, property owners within the TEDD, and/or taxing entities, and will report to the Yellowstone County Commission. Decisions concerning annual work plans and budgets, programs, recruiting and other actions will be made directly by the Yellowstone County Commission. The Lockwood TEDD Advisory Board will prepare an annual work plan and budget, including anticipated revenues, project priorities and financing strategies. Once the work plan and budget have been reviewed and set by the Yellowstone County Commission, it will be the responsibility of the Advisory Board to implement the work plan and oversee/manage the budget.

Each annual work plan will include the following elements:

- Anticipated increment revenue
- Financing strategies anticipated, including:
  - Tax increment
  - Debt financing
  - Additional funding sources
- Project priorities and associated costs
- Administrative budget, including staff and consulting services
- The Yellowstone County Board of Commissioners will review the work plan and determine whether any changes are necessary before setting the budget. Once the budget is set, the TEDD Advisory Board, in conjunction with the County, will be responsible for:
- Developing financing strategies
- Working with the County, property owners, and developers to identify public infrastructure projects for the future
- Reviewing proposed infrastructure development projects for the future
- Following all local government procurement rules with respect to:
  - Preparing bid and proposal requests
  - Reviewing proposals from engineers, contractors, and other vendors
  - Making recommendations to the BOCC regarding contractor selection
- Monitoring projects
- Conducting market analysis, engineering studies, and project feasibility analyses

## TEDD Program Criteria

Yellowstone County can use tax increment financing in conjunction with other funding mechanisms to support the development of secondary value-adding industry within the Lockwood TEDD. Infrastructure projects identified for funding will need to meet criteria that have been established based on the goals of this plan. The following criteria may be used to evaluate requests for improvement projects using tax increment financing. Future criteria may be added as District needs warrant.

- Project Location. The project must meet one of the following criteria:
  - Be located within the Lockwood TEDD area, or
  - May be outside of the TEDD area but provide vital and necessary connection from public infrastructure to the TEDD area
- Job Creation. Projects that demonstrate an increase in the number of jobs within the area.
- Taxable Valuation. Projects that demonstrate an increase in the valuation of the property, which will increase the tax base.
- Value-Adding. Projects must be engaged in value-adding industries as defined in MCA 7-15-4279 (a) and (b).

## 7. PLAN AMENDMENTS

While this plan provides flexibility to accommodate different approaches and variances in development, changes may be necessary. Amendments to this plan, including changes to the District boundary, may be made by resolution by the Yellowstone County Board of County Commissioners.