



COUNTY OF YELLOWSTONE ZONING COMMISSION

AGENDA-Monday, December 11, 2017

4:00 PM

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

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

Call the meeting to order.

Introduction of the Yellowstone County Zoning Commission Members and Planning Department Staff.

Public Comment

Motion. Approval of Minutes: November 13, 2017

Disclosure of any Conflict of Interest-Members of the Commission and Staff

**Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a. The Exparté Communication Binder is available at the Sign-In and Agenda Station.**

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **County Zone Change #684:**The applicant is requesting a zone change request from Agriculture-Open Space (A-1) to Agriculture Suburban (A-S) on Lots 1 and 2 of Whitehorse Subdivision, 1st Filing and from A-1 to Community Commercial (CC) on Lot 4 of Whitehorse Subdivision, 1st Filing. Lots 1 and 2 equal a 36.7-acre parcel of land and Lot 4 is an 11.8-acre parcel of land. Lot 3 of Whitehorse Subdivision, 1st Filing, a 21.8-acre parcel of land, will remain in the A-1 zoning district. Lot 3 was originally included in the proposed zone change. A pre-application neighborhood meeting was held on September 22, 2017, at 7100 Commercial Avenue – Performance Engineering offices. Presented by: Karen Husman, Planner I

- b. **County Zone Change #686:** A zone change request from Agriculture Open-Space (A-1) to Public (P) zoning on Parcel 2, C/S 3329, a 3.017-acre parcel of land generally located at 1525 South Shiloh Road. A pre-application neighborhood meeting was held on October 23, 2017, at the Yellowstone Christian College Chapel. Presented by: Karen Husman, Planner I.

- c. **County Zone Change #685** - 1730 48th Street West – Canyon Creek Nursery Planned Development – A zone change request from Agriculture-Open Space (A-1) to Planned Development with underlying zoning of Neighborhood Commercial (NC) with allowances for nurseries, lawn and garden supply stores, professional offices, a microbrewery, and rental event space. The legal descriptions is the **eastern 8.78 acres** of S1/2 NE1/4NE1/4, Section 21, Township 1S, Range 25E. A pre-application meeting was conducted on September 21, 2017, at 1670 S 48th Street West. A Preliminary Review meeting was held on October 27, 2017, at the Planning Office, 2825 3^d Ave North, 1st Floor Conference Room at 11:00 am. Presented by: Nicole Cromwell, Zoning Coordinator

Other Business/Announcements

Adjournment

Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The Board of County Commissioners public hearing will be held on Tuesday, January 2, 2018, at 9:45 a.m. in Room 403A, 4th Floor of the Yellowstone County Courthouse. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone change.

Information on the preceding item may be obtained at the Yellowstone County Planning Department, 2825 3rd Avenue North, 4th Floor or phone 657-8246. Anyone wishing to be heard on this matter may appear at this hearing. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@ci.billings.mt.us

County Zoning Commission

Meeting Date: 12/11/2017

Information

Subject

Motion. Approval of Minutes: November 13, 2017

Attachments

YZC_2017_11_13_DRAFT



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 13, 2017

The County Zoning Commission met on Monday, November 13, 2017 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North at 4:00 p.m. The County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The Board of County Commissioners public hearing will be held on Tuesday, November 28, 2017, at 9:45 a.m. in Room 403A, 4th Floor of the Yellowstone County Courthouse.

At 4:00 p.m., Chairman Ryan Wittman opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner II, Tammy Deines, Planning Clerk.

Commissioners and Staff		01-11-2016	02-08-2016	02-12-2016	03-14-2016	04-11-2016	05-09-2016	06-13-2016	09-12-2016	01-09-2016	02-13-2017	03-13-2017	05-08-2017	06-12-2017	09-11-2017	10-10-2017	11-13-2017
Jerry T. Ray	Commissioner	-	1	1	-	1	1	E	1	-	1	-	E	1	1	-	E
Troy Boucher	Commissioner Vice Chairman	-	1	1	-	1	1	1	1	-	1	-	1	1	1	-	1
Ryan Wittman	Commissioner Chairman		1	1	-	1	1	1	1	-	1	-	1	1	1	-	1
Tyler Bush	Commissioner	-	-	-	-	-	-	-	-	-	1	-	1	1	1	-	1
Vacancy										-		-			-	-	

Attending: Scott Aspenlieder, Performance Engineering

Public Comment

Chairman Wittman asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public can be heard on any subject is not on the agenda; the Yellowstone County Zoning Commission 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 was none.

Disclosure of Conflict of Interest or Exparte Communication: There was none.

Disclosure of Outside Communication. There was none.

Approval of Minutes: September 11, 2017

Motion

Commissioner Wittman made a motion and it was seconded by Commissioner Boucher to approve the September 11, 2017 meeting minutes as submitted. The motion carried with a unanimous voice vote.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, November 13, 2017**

Public Hearings:

Item #1: County Zone Change #685 - 1730 48th Street West – Canyon Creek Nursery Planned Development – A zone change request from Agriculture-Open Space (A-1) to Planned Development with underlying zoning of Neighborhood Commercial (NC) with an allowances for nurseries, lawn and garden supply stores, professional offices, a microbrewery, and rental event space. The legal descriptions is the **eastern 8.78 acres** of S1/2 NE1/4NE1/4, Section 21, Township 1S, Range 25E. A pre-application meeting was conducted on September 21, 2107, at 1670 S 48th Street West. A Preliminary Review meeting was held on October 27, 2017, at the Planning Office, 2825 3rd Ave North, 1st Floor Conference Room at 11:00 am. Tax ID: D00769A.

RECOMMENDATION

The Planning Division recommends approval request for a 30-day delay submitted by the applicant's agent Robert Neihart, Performance Engineering on October 19, 2017.



7100 Commercial Ave., Suite 4 • Billings, MT 59101 • 406-384-0080

To: Karen Husman, Planner I
From: Robert Neihart P.E., Project Manager
Date: October 19, 2017
Subject: County Zone Change 684

On behalf of NEXCO, LLC (Owner), Performance Engineering & Consulting, PLLC (PEC), is respectfully requesting a 30-day delay of County Zone Change 684. This request is due to the owner needing to revise the zone change map. Lots 1 and 2 of the Whitehorse Subdivision are proposed to be Agricultural Suburban, Lot 4 of the Whitehorse Subdivision is proposed to be Community Commercial, and Lot 3 of the Whitehorse Subdivision will remain as Agricultural Open. Attached to this memo is the revised zone change map and Final Plat of the Whitehorse Subdivision that was filed on October 17th, 2017.

Feel free to contact PEC Project Manager Robert Neihart with any questions or concerns at (406) 384-0080 or rob@performance-ec.com. Thank you for your consideration and coordination in our project.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 13, 2017

Karen Husman opened this agenda item and stated the applicant is requesting a 30-day delay of hearing of this zone change request. Nicole Cromwell noted the concurrent minor subdivision was approved prior to this public hearing. The reasoning for the request for delay is the new property owner of Lot 3 does not wish to be part of the proposed zone change and the legal description must be revised to reflect the change.

Discussion

Chairman Wittman called for questions and discussion from the Commissioners. There was none.

Public Hearing

At 4:02 p.m., Chairman Wittman opened the public hearing at and called for proponents or opponents of Yellowstone County Zone Change #684.

Proponents

Scott Aspenlieder, Performance Engineering, 7100 Commercial Ave. Ste #4, Billings, Montana

Ms. Aspenlieder is the agent for the applicant, NEXCO, LLC. He stated the intent was for the three large parcels to be zoned Agricultural-Suburban but due to the owner's desire to leave Lot 3 zoned as Agricultural-Open, they are requesting consideration of the 30-day extension for the hearing.

Opponents:

At 4:05 p.m., Chairman Wittman asked if there was anyone else wanting to speak in favor or against Yellowstone County Zone Change #684. There was none. At 4:07 p.m., Chairman Wittman closed the public hearing and called for a motion.

Motion

Commissioner Boucher made a motion and it was seconded by Commissioner Bush to approve the request for a 30-day extension for the hearing for Zone Change #684.

Chairman Wittman called for a vote on the motion.

Name	Favor	Against	Abstain	Absent
Chairman Wittman	X			
Commissioner Boucher	X			
Commissioner Ray				X
Commissioner Bush	X			

The motion carries, 3-0.

The 30-day request for extension is granted. The public hearing will be heard at the next Yellowstone County Zoning Commission hearing on Monday, December 11, 2017.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, November 13, 2017**

Other Business/Announcements

- A.** The next meeting will be held as legally advertised on December 11, 2017. Staff expects three public hearing. “

Adjournment: The meeting adjourned at 4:09 p.m.

DRAFT-TO APPROVED BY A MOTION DECEMBER 11, 2017



County Zoning Commission

Meeting Date: 12/11/2017

SUBJECT: Zone Change #684- Whitehorse Subdivision

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

County Zone Change #684: The applicant is requesting a zone change request from Agriculture-Open Space (A-1) to Agriculture Suburban (A-S) on Lots 1 and 2 of Whitehorse Subdivision, 1st Filing and from A-1 to Community Commercial (CC) on Lot 4 of Whitehorse Subdivision, 1st Filing. Lots 1 and 2 equal a 36.7-acre parcel of land and Lot 4 is an 11.8-acre parcel of land. Lot 3 of Whitehorse Subdivision, 1st Filing, a 21.8-acre parcel of land, will remain in the A-1 zoning district. Lot 3 was originally included in the proposed zone change. A pre-application neighborhood meeting was held on September 22, 2017, at 7100 Commercial Avenue – Performance Engineering offices. Presented by: Karen Husman, Planner I

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 11 criteria for Zone Change 684.

APPLICATION DATA

OWNER: Nexco, LLC
AGENT: Scott Aspenlieder
LEGAL DESCRIPTION: Whitehorse Subdivision - except for Lot 3
ADDRESS: NW Corner of Hesper Rd. & 48th St. W
SIZE OF PARCEL: 70.23 acres
EXISTING LAND USE: Agricultural
PROPOSED LAND USE: Residential and Commercial
EXISTING ZONING: A-1
PROPOSED ZONING: A-S and CC

CONCURRENT APPLICATIONS

Whitehorse Subdivision (approved and recorded); Whitehorse Subdivision, 2nd Filing (pending and under review)

APPLICABLE ZONING HISTORY

Subject Property – None

Surrounding Property - The County has approved a number of zone change requests in the immediate area. Most of those request were to change from A-1 to Agriculture Suburban (A-S) zoning to facilitate development of large lot residential subdivisions. The property at 4745 Hesper Road - the northeast corner of S 48th Street West and Hesper Road - applied for a zone change to CC in 1997 but was denied. A subsequent zone change for CC zoning was approved for this property in 2013. A pending zone change, Zone Change 685 to change from A-1 zoning to a Planned Development zone with underlying Neighborhood Commercial (PD-NC) zoning, will also be heard by the

Zoning Commission at this hearing, December 11, 2017.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-150 & A-S
Land Use: Residential
SOUTH: Zoning: A-1 & A-S
Land Use: Residential/Agricultural
EAST: Zoning: A-1 & CC
Land Use: Residential/Agricultural/Commercial
WEST: Zoning: A-1
Land Use: Agricultural

BACKGROUND

The subject property is located on the northwest corner of the intersection of Hesper Road and S 48th Street West. Both streets are considered principal arterial streets. The city limits are to the north at the intersection of King Avenue West and 48th Street West. The property is ½ mile south of the city limits and is outside the Long Range Urban Planning Area for the City of Billings. The current zoning, A-1, was in effect since 1973 when the County adopted jurisdictional zoning around the City of Billings. A pre-application neighborhood meeting was held on September 22, 2017, at 7100 Commercial Avenue – Performance Engineering offices. Three residents attended the meeting, their concerns were;

1. How will traffic concerns be addressed?

Traffic will be addressed during the subdivision process. This will reveal if any traffic mitigation measures are needed from the development.

2. Will there be a height restriction to 1-story for the Community Commercial zoned area?

The developer will comply with the Yellowstone County Zoning Regulations for height restrictions on the CC zone area.

3. How will light pollution be addressed in the CC zone?

The developer will comply with the Yellowstone County Zoning Regulations for light pollution for the CC zone area.

SUMMARY

The City and County adopted the West Billings Neighborhood Plan for this area in 2001. The preferred land use for this area was for residential development. Many of the arterial street intersections were preferred for small to medium sized commercial developments that would serve the surrounding residential areas. South 48th Street West and Hesper Road was not identified as one of those commercial nodes, however the area is near existing city limits and may serve as a commercial node in the future. In 2013 a zone change was approved for the northeast corner of the intersection, changing the parcel from A-1 to CC, and has since been developed into mini-storage units. There are significant gravel resources in the area along with agricultural lands. The existing gravel mine to the east is complete and may develop for other commercial or residential uses in the future.

Potential uses on the subject property in the proposed CC zone include mini-storage, retail, commercial office space, restaurants (with or without alcohol service), and multi-family uses. Most of these uses would require annexation for provision of public utilities. The current zoning allows single family dwellings and agricultural uses.

RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of approval for the proposed zone change based on the 11 criteria for zone changes. The property is adjacent to low density residential uses and one commercial use. It is in line with the existing growth in this area and would be compatible with adjacent uses. The proposed zoning would bring predictable land use so the surrounding neighbors will be assured of compatible new developments in the future.

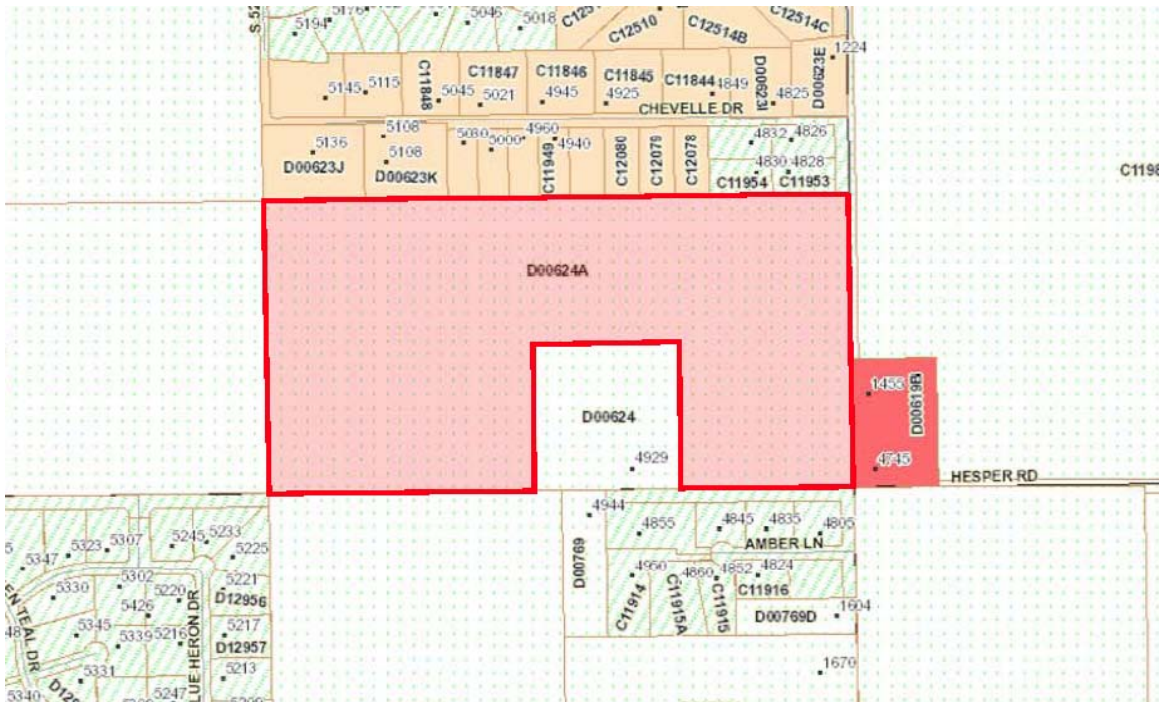
Attachments

Zoning Map & Site Photos

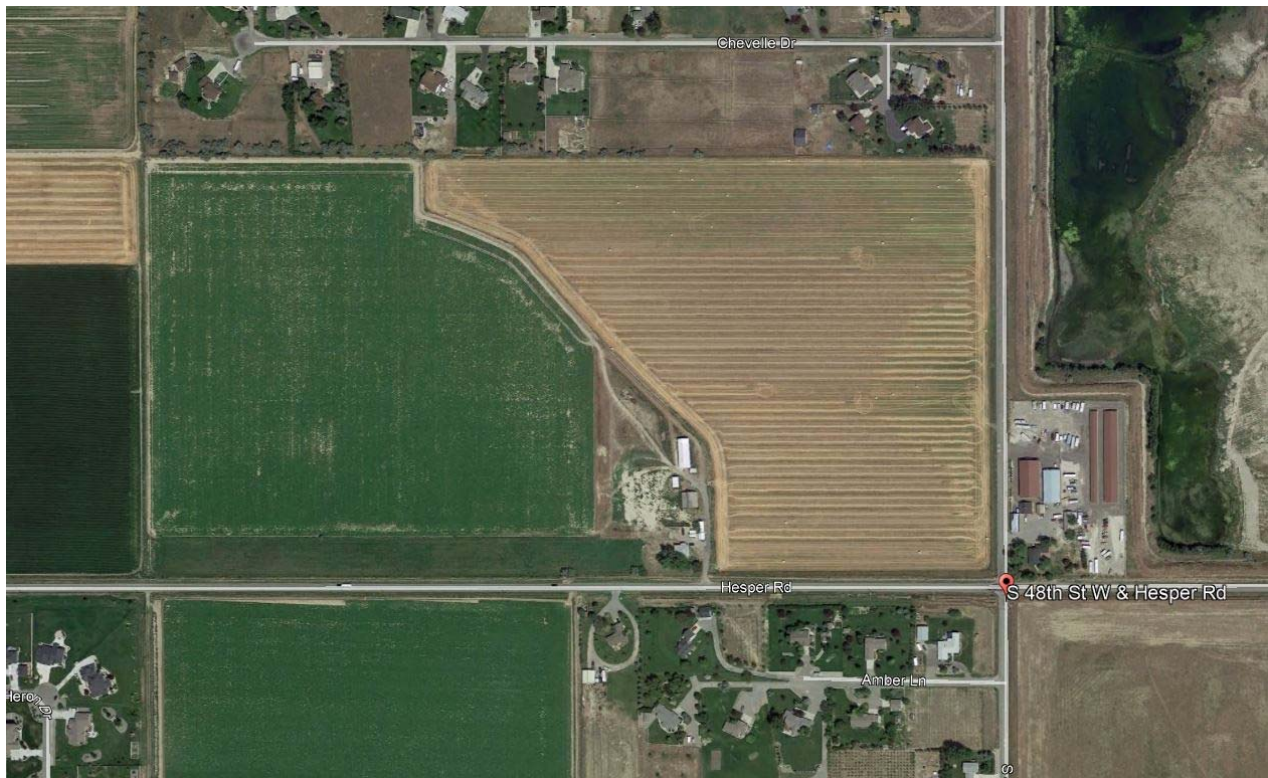
Review Criteria

Applicant Letter & Pre_Application Minutes

Zoning Map



Site Photos





Subject Property



Looking South West toward the subject property from 48th St. W



Looking North



Looking South



West



East across 48th St. Mini-Storage

PROPOSED ZONING COMMISSION DETERMINATIONS
County Zone Change #684

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. Is the new zoning designed in accordance with the Yellowstone County 2008 Growth Policy?

The proposed zoning does comply with the following goals of the Yellowstone County 2008 Growth Policy and area plans:

- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.
This zone change would allow for additional area for commercial uses at the intersection of two principal arterial streets. This is consistent with the West Billings Neighborhood Plan and the neighborhood character.
- Goal: New developments that sensitive to and compatible with the character of adjacent development.
This property is adjacent (across 48th Street West) to commercial uses. The intended uses are compatible with some of the surrounding uses.

2. Is the new zoning designed to secure from fire and other danger?

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The nearest fire station is located on at 54th Street West and Grand Avenue (Station #7) about 3.7 miles north and west of the subject property. In addition to the 30,000-gallon dry hydrant required during subdivision review, depending on the specific uses, the Fire Marshal may require additional on-site water supply for fire protection.

3. Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: Development under the new zoning will increase traffic on 48th Street West and Hesper Road. The level of traffic increase will be dependent on the development of the proposed CC zoned parcel.

Water and Sewerage: The property will be served by septic systems and on-site water (cisterns or wells) City of Billings' public utilities are not available and are not intended to be extended to this area for more than 5 years.

Schools and Parks: The proposed zoning would impact two schools as it develops, Elder Grove Elementary and Middle school and West High School.

Fire and Police: The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

4. Will the new zoning promote health and general welfare?

The new zoning will allow development of property that is adjacent to an existing commercial use and at the intersection of two arterial streets in the County. There is planned to be commercial and residential development on the property, which is not expected to have a negative impact on the surrounding uses. The zoning is not expected to have a negative effect on the health and general welfare of the area.

5. Will the new zoning provide adequate light and air?
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. Maximum height in the CC zoning district is 45 feet. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. Will the new zoning effect motorized and non-motorized transportation?
The proposed zoning itself will not generate more traffic on any of the adjacent streets. Pedestrian traffic in the area is limited due to high speed arterials, no pedestrian facilities, and large-lot residential development. The 2017 Bikeway and Trail Master Plan Update indicates 48th Street West and Hesper Road should provide separated shared use paths and/or on-street bike lanes when they are reconstructed or modified in the future.
7. Will the new zoning be compatible with urban growth in the vicinity?
The proposed zoning is compatible with nearby urban zoning and development. However, lack of water and sewer infrastructure is likely to limit the types of development that may be supported on the property in the CC zoning district. The proposed zoning and development is consistent with the area.
8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?
The subject property is in an area that is primarily agricultural with a few small residential subdivisions and a mini-storage on the adjacent property. The property is suitable for CC uses at the intersection of two arterial streets. It is likely the character of the area will change to commercial uses at this node, which follow the goals and policies of the Growth Policy for Yellowstone County.
9. Will the new zoning conserve the value of buildings?
The new zoning will allow the development of new commercial and residential uses adjacent to agricultural, residential and commercial uses. The new residential and commercial uses should have a limited effect on the surrounding properties.
9. Will the new zoning encourage the most appropriate use of land in Yellowstone County?
The property is suitable for some of the uses allowed in the CC zoning district. Without access to public utilities, many of the higher intensity uses could not be developed including multi-family apartments and restaurants. The CC zoning at the corner of the two arterials is an appropriate use for the land. Certain uses that generate high traffic such as restaurants and retail uses are not possible at this location without annexation and the provision of public water and sewer. The property is suitable for the proposed residential development. This area has been zoned agricultural and residential since 1973. This is an appropriate use of land in this area of the County and will encourage similar development to what is already in this part of the County.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is close to the City of Billings and is compatible with the typical urban development at arterial intersection.

Application

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 684 - Project # P2-17-w169

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: Agricultural Open

Proposed Zoning: Agricultural Suburban and Community Commercial 58.48 ac 11.75 ac

Tax ID # D00624A COUNTY COMMISSIONER DISTRICT #1

Legal Description of Property: Section 16, T 01 S, R 25 E, C.O.S. 3641, Parcel 2, (17)

Address or General Location (If unknown, contact County Public Works): Located on the northwest corner of the intersection of Hesper Road and 48th Street West in Billings, MT.

Size of Parcel (Area & Dimensions): 70.23 acres

Present Land-Use: Agricultural

Proposed Land-Use: Residential and Commercial

Covenants or Deed Restriction on Property: Yes _____ No X

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application

Owner(s): NEXCO, LLC

(Recorded Owner)

2680 Overland Ave., Ste. F, Billings, MT 59102

(Address)

(406) 697-5900

(Phone Number)

david@dornrealestate.com

(Email)

Agent(s): Scott Aspenlieder

(Recorded Owner)

7100 Commercial Ave., Ste. 4, Billings, MT 59101

(Address)

(406) 384-0080

(Phone Number)

scott@performance-ec.com

(Email)



I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 9/26/17
(Recorded Owner)

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

The tracts of land of interest are currently zoned A-1, Agricultural Open Space. The land surrounding the property is Agricultural Open Space, R-15,000, Agricultural Suburban, and Community Commercial. The Growth Policy has several goals that would be met by changing the zoning of the property from A-1 to Agricultural Suburban. The issues that will be addressed are described below.

The first issue addressed is neighborhoods experiencing pressures from new development and land use changes. The surrounding land is zoned R-15,000, Community Commercial, Agricultural Suburban, and Agricultural Open Space. The land to the north and south have already been subdivided and new homes have been built. The goal is to have predictable land use decisions that are consistent with neighborhood character and preferred land use patterns. Having the land being Agricultural Suburban will accomplish these goals.

Another issue is that the current zoning ordinances and subdivision regulations do not always prevent incompatible uses in and adjacent to existing City neighborhoods and County townsites. This issue is resolved by having a similar zone as the surrounding areas. The property will be subdivided and new homes will be built. New homes will increase the attractiveness of the area and increase the quality of life.

Aesthetic concerns could be that there are areas in the City and County that are unattractive and present a poor image of the community. Creating a subdivision will create an area with landscaped yards. The landscaped yards will create an attractive community.

A natural resource issue is that water is an important resource and it is becoming more scarce. The property is proposing to utilize irrigation water for landscaping purposes. This will reduce the amount of water that would otherwise be drawn from groundwater wells for landscaping purposes. This will also give future projects the opportunity to receive a sufficient, clean supply of water without impacting local groundwater.

Due in part to the arid nature of our environment and the remoteness of some developments, there is an increased risk to human life and property from wildfires. The property will have the ability to water their lawns with irrigation water. The water will create green grass areas which will reduce the risk to human life and property from wildfires.

Weeds detract from the beauty of an area, pose a fire danger, and reduce the productivity of agricultural land. By landscaping and maintaining lawns, the weeds in the area will be minimized. This will reduce the spread of weeds throughout the community and to adjacent lands. Fewer weeds will reduce the fire danger and increase the productivity of agricultural land.

2. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The proposed subdivision plan is to subdivide the property and create at a minimum 1-acre lots in the proposed Agricultural Suburban zoning and commercial development in the proposed Community Commercial zoning. Agricultural Open Space will not allow the property to be subdivided. The Agricultural Suburban zone will allow the property to be subdivided into attractive and appropriately sized lots that fit within the local community. The land surrounding the property is zoned R-15,000, Community Commercial, Agricultural Open, and Agricultural Suburban. The proposed Community Commercial zone area is directly adjacent to another parcel that is zoned Community Commercial across 48th Street West. There are multiple subdivisions located within the vicinity of the proposed development. These subdivisions align with the same development feel of the proposed subdivision.

Pre-Application Minutes



7100 Commercial Ave., Ste. 4 • Billings, MT 59101 • 406-384-0080

September 22, 2017

The meeting began at 5:30 pm on September 22, 2017 at 7100 Commercial Ave., Ste. 4, Billings, MT 59101. Those in attendance were Scott Aspenlieder (Performance Engineering).

Three people from the public attended the meeting (list of those attending is included with the Zone Change Application). Questions from the three individuals and subsequent responses are shown below:

- **How will traffic concerns be addressed?**

Traffic will be addressed during the subdivision process. This process will reveal if any traffic mitigation measures are needed from the development.

- **Will there be a height restriction to 1-story for the Community Commercial zoned area?**

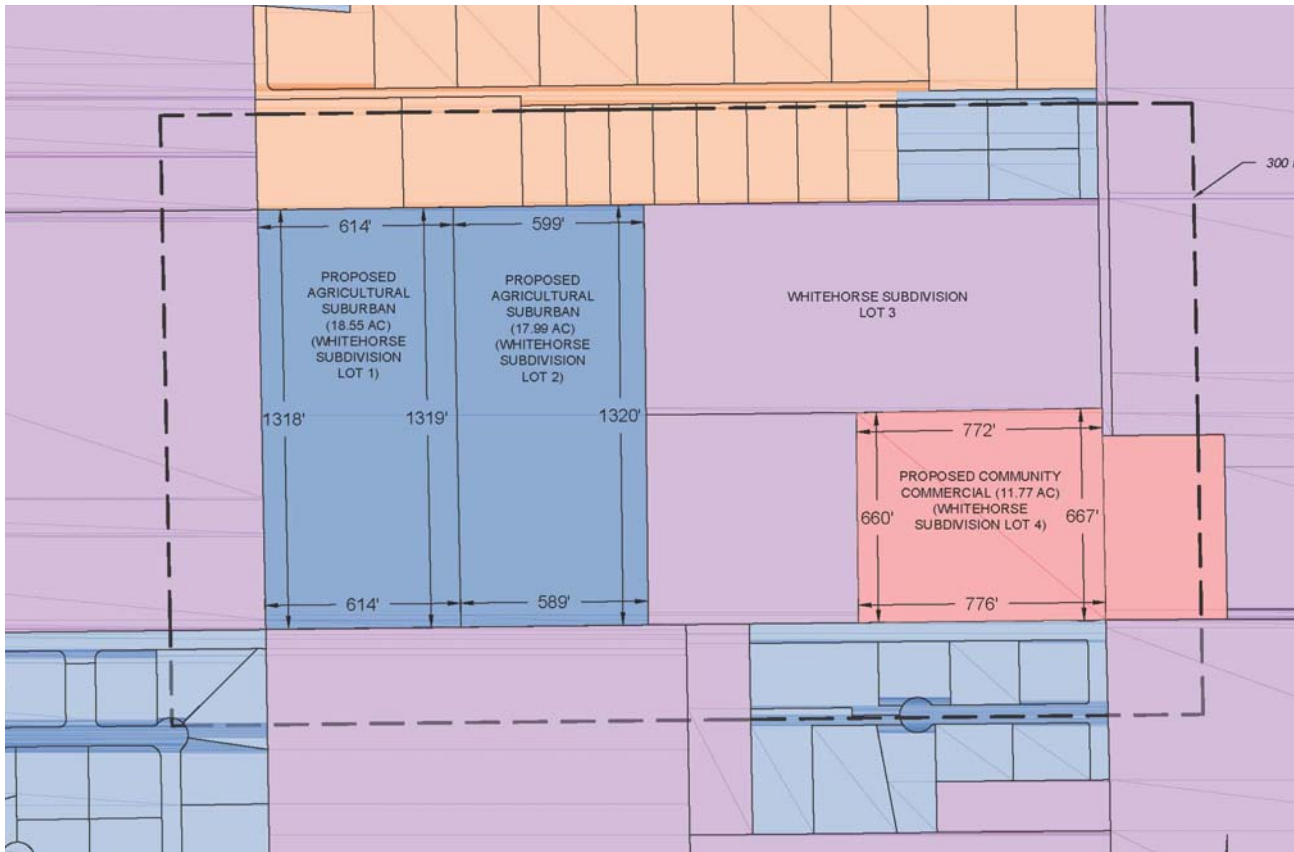
The developer will comply with the Yellowstone County Zoning Regulations for height restrictions on the Community Commercial zone area.

- **How will light pollution be addressed for the Community Commercial zoned area?**

The developer will comply with the Yellowstone County Zoning Regulations for light pollution for the Community Commercial zone area.

The meeting ended at 5:45 pm.

Proposed Zoning





County Zoning Commission

Meeting Date: 12/11/2017

SUBJECT: Zone Change #686- 1525 South Shiloh Road

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

County Zone Change #686: A zone change request from Agriculture Open-Space (A-1) to Public (P) zoning on Parcel 2, C/S 3329, a 3.017-acre parcel of land generally located at 1525 South Shiloh Road. A pre-application neighborhood meeting was held on October 23, 2017, at the Yellowstone Christian College Chapel. Presented by: Karen Husman, Planner I.

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 11 criteria for Zone Change 686.

APPLICATION DATA

OWNER:	Yellowstone Christian College
AGENT:	Greg Reid, WWC Engineering
LEGAL DESCRIPTION:	C/S 3329, Parcel 2
ADDRESS:	1525 South Shiloh Road
SIZE OF PARCEL:	3.017 acres
EXISTING LAND USE:	Vacant
PROPOSED LAND USE:	College expansion
EXISTING ZONING:	A-1
PROPOSED ZONING:	Public

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

Subject Property – None

Surrounding Property- The Christian College property to the north had a first zone change in 1976 from A-1 to R-150. This allowed the Temple Place residential subdivision to develop. A subsequent zone change in 1998 from R-150 to Public zoning was approved for the Christian College Campus. This allowed the existing development to be conforming with zoning.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Public
Land Use: School
SOUTH: Zoning: A-1
Land Use: Residential/Agricultural
EAST: Zoning: A-1 & CI
Land Use: Commercial, FedEx Regional Facility
WEST: Zoning: A-1
Land Use: Knife River Gravel Mining Facilities

BACKGROUND

The subject property is located on the northeast corner of the intersection of Hesper Road and South Shiloh Road. Both streets are considered principal arterial streets. The city limits are to the north at the intersection of Shiloh Crossing Blvd. and South. Shiloh Rd. and to the east of the property aligning with the BBWA Canal. The property is within the Long Range Urban Planning Area on the City's Limits of Annexation Map and the property owners are in the process of asking the City to consider including it in the City Annexation Petition Area for future annexation. The current zoning, A-1, has been in effect since 1973 when the County adopted jurisdictional zoning around the City of Billings. A pre-application neighborhood meeting was held on October 23, 2017, at the Yellowstone Christian College Chapel. There were five residents in attendance and their concerns were;

- Are any traffic improvements required that will affect the residents? There are no road improvements anticipated that would impact nearby residents.
- Does the College need to discuss their future plans for the parcel? As a Master Plan has not been prepared to date, future expansion of the college is the most accurate information available.
- Are the residential properties being rezoned as part of this? No, only the college's southern lot is included in this application.

SUMMARY

The City and County adopted the West Billings Neighborhood Plan for this area in 2001. The preferred future land use for this area was included in the large regional center designation for property on the east side of Shiloh Road from King Avenue West south to the interstate. Public zoning is an appropriate zone to include for a regional center since it allows not only the college expansion but other regional civic land uses and public recreation. Many of the arterial street intersections were preferred for small to medium sized commercial developments that would serve the surrounding residential areas. The existing college campus, adjacent to the north of this parcel, was established in 1955, prior to zoning. The property was sold in 1973 and developed as the Yellowstone Baptist College. The County adopted zoning in 1973 and the subject property was zoned A-1. A zone change was approved in 1998 to change the college campus parcel from R-150 to Public. The approval of the proposed zone change request would allow future expansion of the college campus in a consistent Public zoning district.

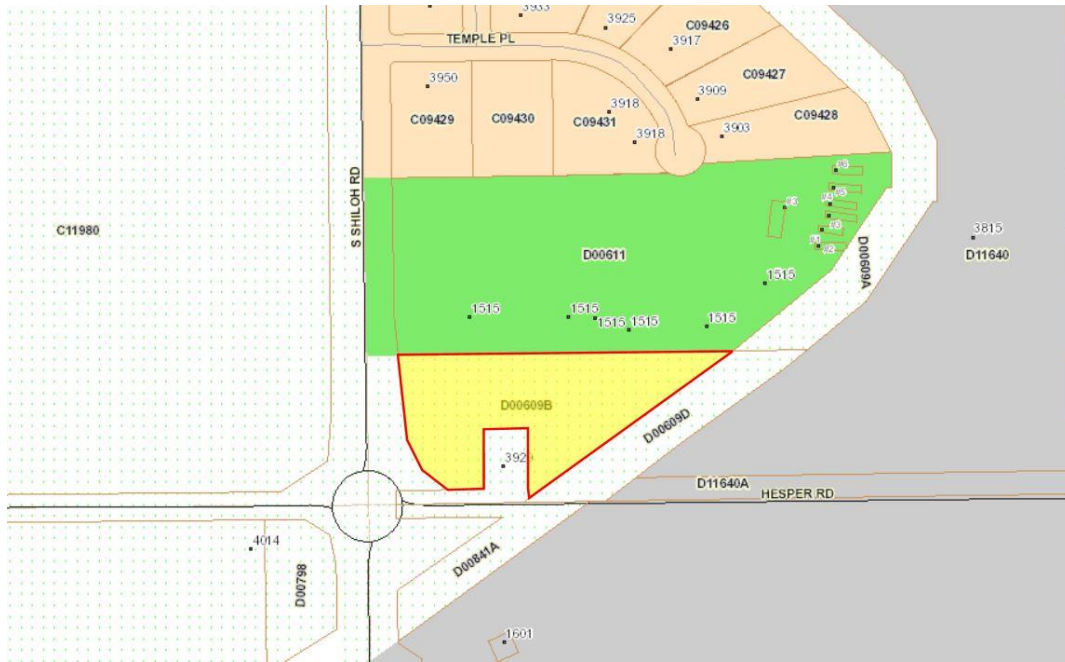
RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of approval for Zone Change 686 based on the 11 criteria for zone changes. The property is adjacent to the existing Yellowstone Christian College, and low density residential uses and agricultural uses. It is in line with the existing growth in this area and would be compatible. The proposed zoning is a predictable land use and will fit in with the surrounding property.

Attachments

Zoning Map and Photos
Applicant Letter & Pre-App Minutes
Proposed Review Criteria Findings

Zoning Map



Site Photos





Subject Property



South on 40th.



Looking North



East



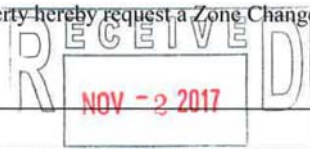
West

Application

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 686 - Project # P2-17-60188

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Unified Zoning Regulations.



Present Zoning: Agricultural open

Proposed Zoning: Public

Tax ID # D00609B COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S14, T01S, R25E, C.O.S. 3329, Parcel 2, Less Parcel 12 of State of Montana Dept. of Transportation Shiloh Rd Corridor-Billings R/W.

Address or General Location (If unknown, contact County Public Works): 1525 South Shiloh Road, Billings, MT 59106

Size of Parcel (Area & Dimensions): 3.017 acres (irregular shape).

Present Land-Use: Vacant lot.

Proposed Land-Use: Future Expansion of Yellowstone Christian College. A Master Plan has not been prepared at this time.

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Yellowstone Christian College
(Recorded Owner) 1515 South Shiloh Road, Billings, MT 59106
(Address) 406-656-9950 Tom BERRY 698-3940 tom@tomberry.mt.com
(Phone Number) (email)

Agent(s): Greg Reid, WWC Engineering
(Name) 51 North 15th Street, Suite 1, Billings, MT 59101
(Address) 406-894-2210 greid@wwcengineering.com
(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] E.O.D. Date: 1/1/17
(Recorded Owner)

Pre-Application Minutes

Pre-Application Neighborhood Meeting Minutes

The following was read to the meeting attendees at the beginning of the meeting.

The Yellowstone Christian College intends to conduct a zone change of Tract 2 of COS 3329 located at the northeast corner of Shiloh Road and Hesper Road Intersection. The following are the essential details of this zone change:

- Currently Ag – Open zoning
- Proposed zoning: Public
- Purpose – Future expansion of the college
- This zone change is being requested to allow future growth of the college onto their southern lot.
- A master plan for development of the college has not been prepared at this time.

The definition of public zoning per the Unified Zoning Regulations is: Public zoning is intended to reserve land exclusively for public or semi-public uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare. (City Zoning Code Definition)

Questions and Answers about COS 3329 Tract 2 Zone Change

Question #1: Are any traffic improvements required that will affect the residents nearby?

Answer: Several approaches exist to access the current college and the vacant southern lot. Road improvements impacting nearby residents are not anticipated at this time.

Question #2: Does the college need discuss their future plans for the parcel?

Answer: As a Master Plan has not been prepared to date, future expansion of the college is the most accurate information available.

Question #3: Are the residential properties being re-zoned as part of this?

Answer: No, only the college's southern lot is included in this application.

PROPOSED ZONING COMMISSION DETERMINATIONS
County Zone Change #686

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. Is the new zoning designed in accordance with the Yellowstone County 2008 Growth Policy?

The proposed zoning does comply with the following goals of the Yellowstone County 2008 Growth Policy and area plans:

- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.
The new zoning will retain and allow expansion of the existing college campus in the future. This is consistent with the West Billings Neighborhood Plan and the neighborhood character.
- Goal: New developments that sensitive to and compatible with the character of adjacent development
The new zoning will promote orderly and rational land use during the various stages of economic growth cycles. The intended uses are compatible with the surrounding uses.

2. Is the new zoning designed to secure from fire and other danger?

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The nearest fire station is located on South 24th Street (Station #5) about 3.2 miles north and west of the subject property.

3. Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: No significant impacts on traffic are anticipated. This zone change should not cause traffic congestion on either street. An aesthetically pleasing design will be included in the proposed expansion of the college.

Water and Sewerage: The existing college facility to the north has an individual onsite wastewater system and is served by a well. Future expansion of the college is currently limited by the capacity of the septic drainfield. The approval of this zone change and possibility of future annexation will allow both parcels the potential benefit of city water and sewer services.

Schools and Parks: There are no accesses to park land that would be restricted from the proposed expansion of the college. Other than the college, no schools would be affected by this zone change.

Fire and Police: The subject property is serviced by the Billings Fire Department through BUFSA and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

4. Will the new zoning promote health and general welfare?

The new zoning will allow development of property that is adjacent to an existing college, but should not have a negative impact on the surrounding uses. If the property is annexed in the future, city services including but not limited to water, sewer, police, and fire would be available to the property. The new zoning will promote the health and general welfare of the area.

5. Will the new zoning provide adequate light and air?
The proposed zoning would require development restrictions to building setbacks and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. Will the new zoning effect motorized and non-motorized transportation?
The proposed zoning itself will not generate more traffic on any of the adjacent streets. Pedestrian traffic in the area is limited due to high speed arterials, no pedestrian facilities, and little residential development.
7. Will the new zoning be compatible with urban growth in the vicinity?
The proposed zoning is compatible with nearby urban development. The proposed zoning and development is consistent with the area.
8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?
The subject property is in an area that is primarily agricultural with a few small residential subdivisions and the existing college to the north. The property is suitable for public uses and is at the intersection of 2 arterial streets. It is likely the character of the area will change to commercial uses at this node which follow the goals and policies of the Growth Policy for Yellowstone County.
9. Will the new zoning conserve the value of buildings?
The new zoning will allow the possibility for future development to benefit the college to the north. The new public uses should not have an effect on the surrounding properties.
10. Will the new zoning encourage the most appropriate use of land in Yellowstone County? The property is suitable for uses allowed in the public zoning district. Without access to public utilities many of the higher intensity uses could not be developed. This area has been zoned agricultural and residential since 1973. This is an appropriate use of land in this area of the County and will encourage similar development to what is already in this part of the County.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is close to the City of Billings and is compatible with the typical urban development at arterial intersections.



County Zoning Commission

Meeting Date: 12/11/2017

SUBJECT: Zone Change 685 - Canyon Creek Nursery - Planned Development

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change #685 - 1730 48th Street West – Canyon Creek Nursery Planned Development – A zone change request from Agriculture-Open Space (A-1) to Planned Development with underlying zoning of Neighborhood Commercial (NC) with allowances for nurseries, lawn and garden supply stores, professional offices, a microbrewery, and rental event space. The legal descriptions is the **eastern 8.78 acres** of S1/2 NE1/4NE1/4, Section 21, Township 1S, Range 25E. A pre-application meeting was conducted on September 21, 2017, at 1670 S 48th Street West. A Preliminary Review meeting was held on October 27, 2017, at the Planning Office, 2825 3rd Ave North, 1st Floor Conference Room at 11:00 am. Presented by: Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

Planning staff is recommending approval of the zone change request and adoption of the findings of the 11 criteria for Zone Change 685.

APPLICATION DATA

OWNER: CCN, LLC

AGENT: Stacey Robinson, Land Design, Inc.

LEGAL DESCRIPTION: **Eastern 8.78 acres** of S1/2 NE1/4NE1/4, Section 21, Township 1S, Range 25E

ADDRESS: 1730 S. 48th St West

CURRENT ZONING: A-1

EXISTING LAND USE: Canyon Creek Nursery, Land Design offices, parking lots, storage areas, greenhouses, and nursery production areas

PROPOSED USE: Same with added uses including 1 microbrewery, an event rental space and uses commonly allowed in NC zones

SIZE OF PARCEL: 8.78 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Subject Property - None.

Surrounding Property - The County has processed several zone changes in the surrounding area over the past 30 years. Some have been approved and others denied. Most zone changes approved were to change the A-1 zone to the Agriculture-Suburban (A-S) zone for low density residential development. These small rural neighborhoods of 1 to 3 acre parcels are located throughout the area and include Rebecca, Close and Bridle Creek Subdivisions to the north. Whispering Meadows, McCall, Saunders Point, and Spring Meadows Subdivisions are located to the south and Greensleeves Estates is to the west. In 1997, the County denied a zone change from A-1 to Community Commercial (CC) for the property on the northeast corner of Hesper Road and S 48th St West. An identical request

submitted in 2013 was approved by the BOCC. The property has since developed for personal storage warehousing but still maintains a residence on the parcel. The County has approved similar requests from A-1 to CC on King Ave West (5200 & 5300 blocks) to accommodate personal storage warehousing.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: A-1 and A-S Land Use: Low density single family homes (Rebecca Subdivision)
SOUTH:	Zoning: A-S Land Use: Low density single family homes (Whispering Meadows & McCall Subdivision)
EAST:	Zoning: A-1 Land Use: Agricultural - Pasture and Feed Lot
WEST:	Zoning: A-1 Land Use: Agricultural - Canyon Creek Nursery

BACKGROUND

This is a zone change request to allow a change from A-1 zoning to a Planned Development zone with underlying zoning of Neighborhood Commercial (PD-NC). The applicant, Canyon Creek Nursery (CCN, LLC) is represented by Stacey Robinson, one of the principle owners. CCN purchased the former A-1 Nursery and Landscaping property approximately 2.5 years ago when the previous owners, Dale and Janine Hudiburgh, retired from the business. Mr. Robinson and his partners own Land Design, Inc. a landscape design firm. Land Design was incorporated in 2002. After purchasing the property from Mr. Hudiburgh, Canyon Creek Nursery and Land Design began to re-develop the property to include greenhouses, storage and staging areas for plant materials scheduled for major installations, clean up some of the debris storage areas and to design and build new offices for Land Design, Inc. The new office building at 1670 S 48th St West is connected to the recently constructed greenhouses. All of these changes and uses are allowed uses in the A-1 zoning district. The uses are agriculturally connected and oriented to the long-term preservation of this productive agricultural land.

The application for the zone change is intended to allow one microbrewery and additional ancillary use of the new buildings and greenhouse space along S 48th Street West. A microbrewery is not an allowed use in the A-1 zone. Microbreweries (manufacturing less than 1,500, 31-gallon barrels per year) are only allowed by right in the Community Commercial (CC), Highway Commercial (HC), Central Business District (CBD), Controlled Industrial (CI), Heavy Industrial (HI) and South 27th Street Corridor zones. Microbreweries manufacturing more than 1,500, 31-gallon barrels per day require special review approval in the CC, HC, CBD and S 27th Street Corridor zones. Microbreweries and other alcoholic beverage makers are regulated by the Montana Department of Revenue Liquor Licensing Division. State law allows microbreweries to have a "tap room" or sample room where patrons may consume up to 48 ounces of the brewer's product during limited serving hours (MCA Title 16, Chapter 3). There are 8 listed craft brewers in Billings and 3 distilleries. Montana is listed 3rd in the nation for number of craft brewers per capita according to the Brewers Association, a U.S. trade group.

The applicant determined a standard zone change to a CC zoning would not be acceptable at this location due to the wide range of intense commercial uses also allowed in the CC zoning district. The applicant developed a proposal for a Planned Development (PD) zone to allow the single microbrewery and a few other ancillary uses. The PD was presented to the surrounding property owners at a pre-application meeting on September 21, 2017. The application was received by the Planning Division in October and a preliminary review meeting with the applicant, the surrounding property owners, and other County staff was held on October 25, 2017. Meeting notes from the pre-application meeting and the attendance sheet from the preliminary review meeting are included as attachments.

Several surrounding property owners, as well as property owners in the general vicinity, have expressed concerns with the proposed PD. The primary concern appears to focus on the potential to generate peak hour and after hours traffic. Some concern has also been noted about impaired drivers, noisy tap room patrons, trash & litter from tap room patrons, noise from any outdoor music or events, and concerns about the effect of having a commercial-type land use adjacent to high value homes in low density suburban neighborhoods. The letters of comment from surrounding owners are included as an attachment. Letters of support for the proposed zone change are also

included as attachments.

In response to the concerns expressed at the preliminary review meeting and through emails, the applicant revised the draft PD document to include limitations on other NC uses, limiting the number of microbreweries to one only, inserting language concerning a visual barrier and landscaped berm along the north property line, setting hours for any special event hosted on the property, and similar protective regulations. The final draft PD is included as an attachment.

South 48th Street West is a principal arterial street. About 800 feet north of the subject property is the intersection of Hesper Road and S 48th Street West. Hesper Road is also a principal arterial street. Arterial street intersections have been identified in the County's growth policies, including the West Billings Neighborhood Plan (2001), as nodes where commercial uses and neighborhood services may be located. The plans and policies also point out the need to limit the "stripping" of commercial zones out along arterial corridors as this creates traffic congestion and conflicts. The West Billings Neighborhood Plan stated any new commercial areas should be within 1,500 feet of an arterial street intersection. The subject property is within 800 feet of the arterial intersection. The intersection is currently controlled by a stop sign for traffic on S 48th Street West. Hesper Road traffic has the right of way. Posted speed limits at this intersection for Hesper Road are 50 mph and 45 mph for S 48th Street West. Average daily traffic on Hesper Road is about 2,600 vehicle trips per day, while S 48th Street West carries about 1,000 vehicles per day. These traffic volumes are low for principal arterial streets.

In 2016, the City and County conducted a West Billings Multi-Modal Planning study to determine where existing traffic flow and safety is deficient and where improvements may be necessary in the future. The intersection of Neibauer Road and S 48th Street West was determined to have an existing safety concern with the number and severity of vehicle crashes. This intersection is about 1 mile south of the subject property. The study also concluded most of the major streets in West Billings are not conducive to use by pedestrians or bicyclists due to narrow shoulders, no separated pedestrian or bicycle paths, and high travel speeds. The report did not find the need for intersection improvements at S 48th Street West and Hesper Road in any of its modeling for current or future traffic volumes. The 2016 study analyzed crash data in the area from 2010 through 2015. The study predicted current and future traffic patterns based on steady or aggressive growth and land use patterns. The executive summary of this plan is included as an attachment.

The subject property is not within the limits of annexation as currently adopted by the City of Billings. Property to the east is in the Long-Range Urban Planning Area or within the City Annexation Petition Area. This includes the land currently owned and operated by the Knife River Corporation for sand and gravel extraction and for an asphalt plant. Any development of the property under any zoning designation will be limited by the need to provide on-site water and waste water disposal. Many of the more recent residential subdivisions in the area have found higher than normal background nitrate levels in ground water. This is likely due to past and current agricultural practices as well as the increasing number of on-site septic system without enhanced treatment systems. New septic systems for residential subdivisions need to show "no degradation" to the ground water quality through engineering studies and implementation of enhanced treatment systems. In addition, use of the ground water for drinking water supply will require treatment to remove the nitrates to an acceptable standard. Developers have chosen a variety of solutions for these local conditions including community water or waste water disposal systems.

The Planning staff has reviewed the proposed final draft of the PD zone change and is recommending approval based on the 11 criteria for zone changes. Staff finds the proposed zone change is compatible and conforming to the County's adopted growth policy, including the 2001 West Billings Neighborhood Plan. The proposed limitations in the PD will allow the proposed and potential uses of the property to fit in with the existing and future land uses in the area. The A-1 zoning district allows a variety of "commercial" uses that are ancillary and necessary for agricultural businesses, including veterinary clinics for large animals, commercial stables, commercial kennels, blacksmiths & ferrriers, as well as raising livestock, crops, forestry, nurseries and ancillary uses.

Limitations imposed in the PD-NC zone include no general retail stores, auto dealers or gas stations, hotels, rooming houses or multi-family dwellings of any kind. The PD proposes operational restrictions so the microbrewery could not suddenly become a restaurant that serves beer & wine and has a gambling area, restrictions on the use of the outdoor patio, lighting restrictions for any parking lot, and outdoor entertainment restrictions to

minimize any noise from an event or from the outdoor patio. The number of potential patrons on a daily basis to the microbrewery is an unknown at this point in time, however, state law limits how much beer can be sold or given away at any microbrewery sampling room. This limitation is meant to prevent sampling rooms from becoming a "bar", and would necessarily limit the number of patrons at the sampling room on a daily basis. Brewers may only serve what is produced on site or at an affiliated brewer's facility. Traffic volume on S 48th Street West is low, so additional traffic of any amount may be more noticeable to area residents but may not have any significant negative impact. Since there is the unpredictability of traffic generation and volume, a special agreement has been added to the PD to protect the area in case traffic conditions drop below optimum levels.

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 11 criteria for Zone Change 685.

Attachments

Zoning Map and Site Photos
Applicant Letter and Pre-application notes
Proposed Review Criteria Findings
MT DOR Brewery FAQs
Final Draft PD Agreement
Attendance at Preliminary Review Oct 27
Comments in opposition as of Dec. 1
Comments in favor as of Dec. 1
West End Multi Modal Traffic Study Executive Summary
Property Value Assessment from Applicant's Experts

Zoning Map and Site Photos – Zone Change 685



Subject Property
Existing Zoning = A-1
Proposed Zoning = PD-NC
(8.78 acres)

ZC 684
Existing Zoning = A-1
Proposed Zoning
CC (11.8 acres) A-S (36.7 acres)

Subject Property
Existing Zoning = A-1
Proposed Zoning = PD-NC
(8.78 acres)



Subject property from S 48th Street West – Greenhouse & Office building



View south along S 48th St West



View east across S 48th St West



View north along S 48th St West



North entrance road



Nursery main entrance further south on S 48th St West

ZONE CHANGE EXPLANATION

A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

Land Use:

Subject property is currently home to a commercial/retail plant nursery, which has been in operation on the property since 1984 (formerly A-1 Nursery). Nursery operations have grown over time with the construction of new building/greenhouses, infrastructure and landscape/pond. The zone change will formalize current operations under a more specific "CANYON CREEK NURSERY" Planned Development Agreement with an underlying zone of Neighborhood Commercial with use restrictions. It will also allow for additional compatible commercial uses. Property frontage along South 48th Street West, which is classified as a principal arterial, is compatible with commercial uses allowed in the proposed "CANYON CREEK NURSERY" Planned Development Zone. Please see included planned development agreement for specific language.

Economic Development:

The "CANYON CREEK NURSERY" Planned Development Zone which has an underlying zoning of Neighborhood Commercial, with use restrictions will allow continued growth of our existing and proposed commercial operations on the property, providing more opportunity, jobs and services to our Community.

Aesthetics:

See attached photos. Our primary commercial business (Canyon Creek Nursery) demands the highest aesthetic character. Any new commercial uses allowed by the Planned Development Zone Change will be integrated into the current property and will maintain the same high aesthetic. The purpose of the "CANYON CREEK NURSERY" Planned Development Zone is to create a harmonious development for the property, which is consistent with the vision of creating a scenic and pastoral marketplace with an agricultural foundation.

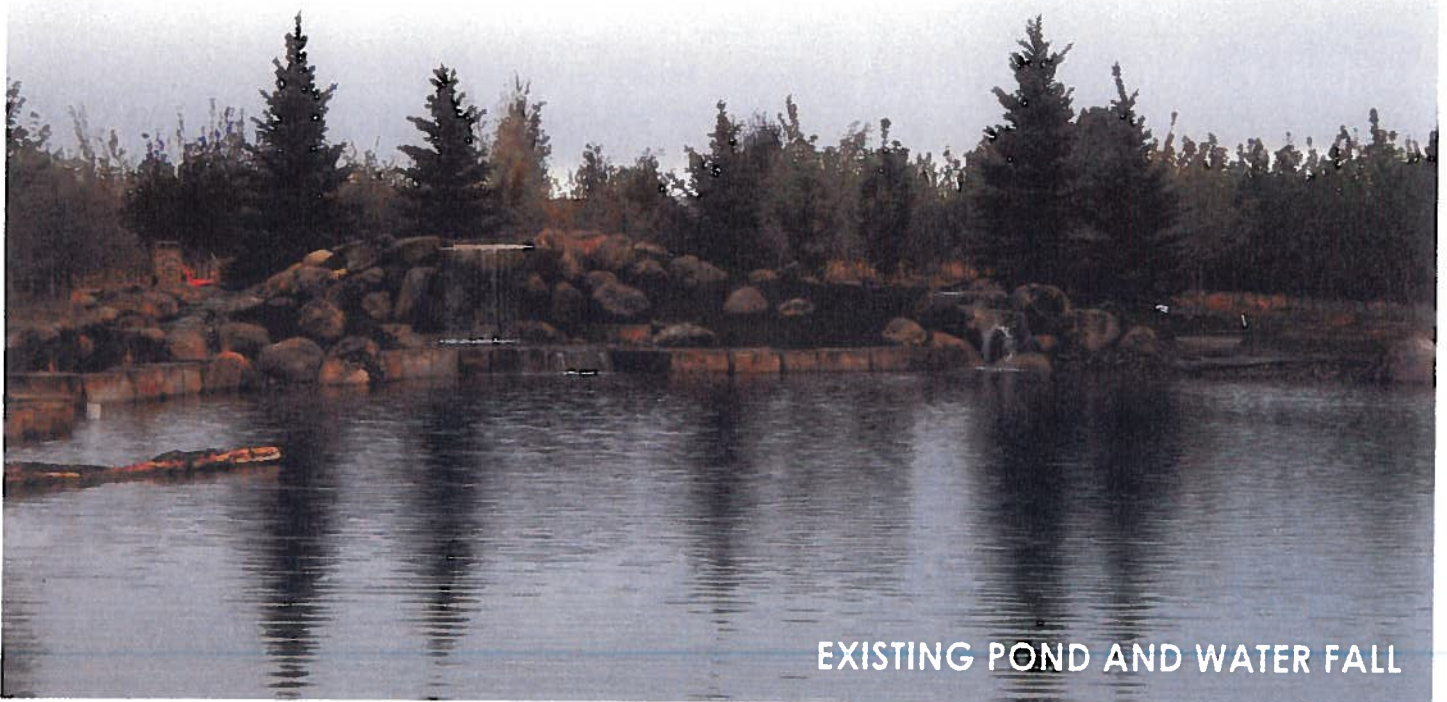
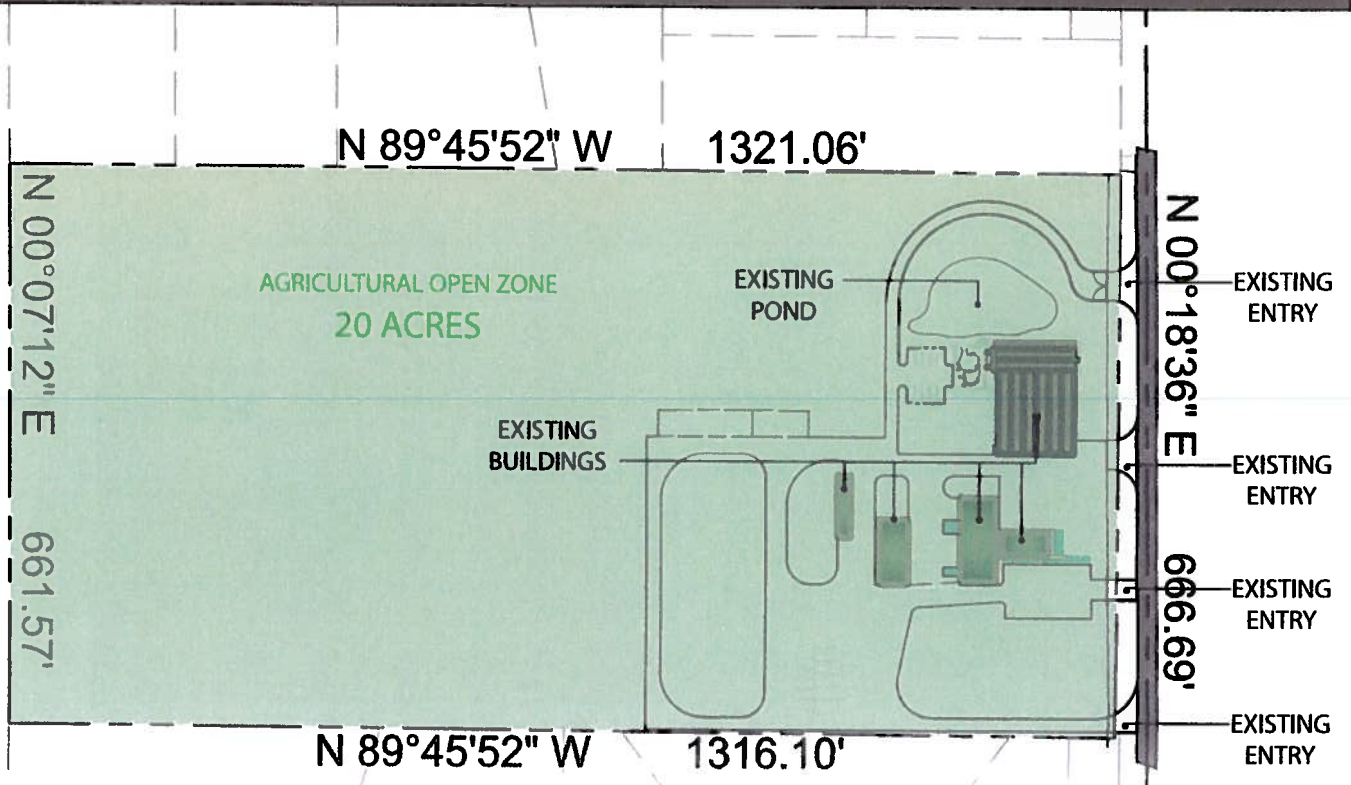
Natural Resources:

The Planned Development Zone Change will allow for continued growth of current commercial activity on an existing commercial land parcel, providing greater usage density on an already developed property.

B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

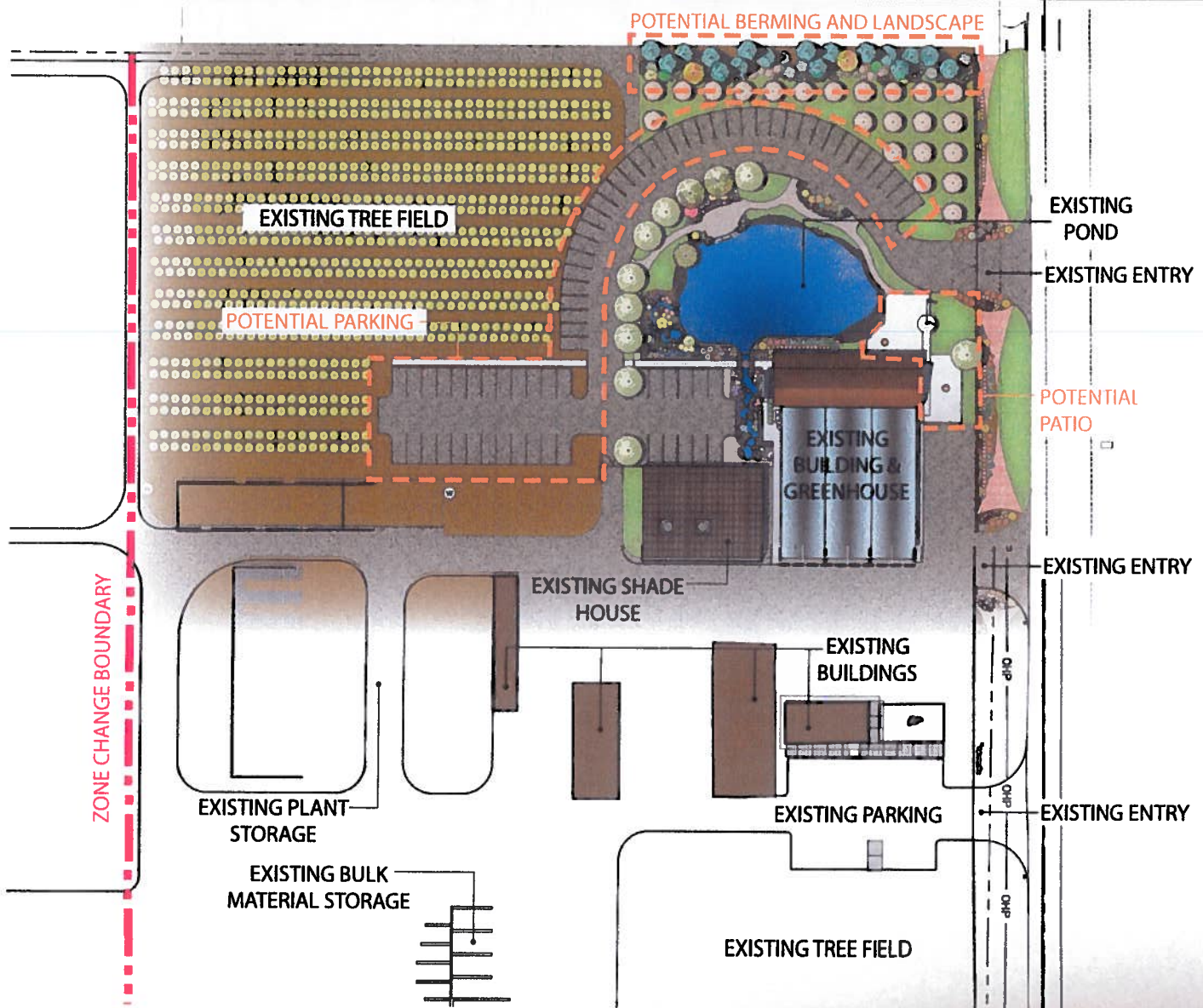
The subject property is currently a commercial/retail nursery serving Eastern Montana and Northern Wyoming. The zone change will formalize current operations under a more specific Planned Development Agreement, and allow for additional compatible uses to better serve our patrons. Potential new commercial uses anticipated with the zone change include a Micro Brewery and Rental Event Space, and Miscellaneous Personal Services. The "CANYON CREEK NURSERY" Planned Development Zone which has an underlying zoning of Neighborhood Commercial with use restrictions, is consistent with the property location along an arterial roadway. As the least intense commercial designation, it will also be sympathetic to the surrounding property zoning which is: Agricultural Open and Agricultural Suburban. Proposed with the zone change implementation are site improvements including, landscape buffering, way finding, and site planning to mitigate any adverse effects to the nearest properties.

EXISTING CONDITIONS

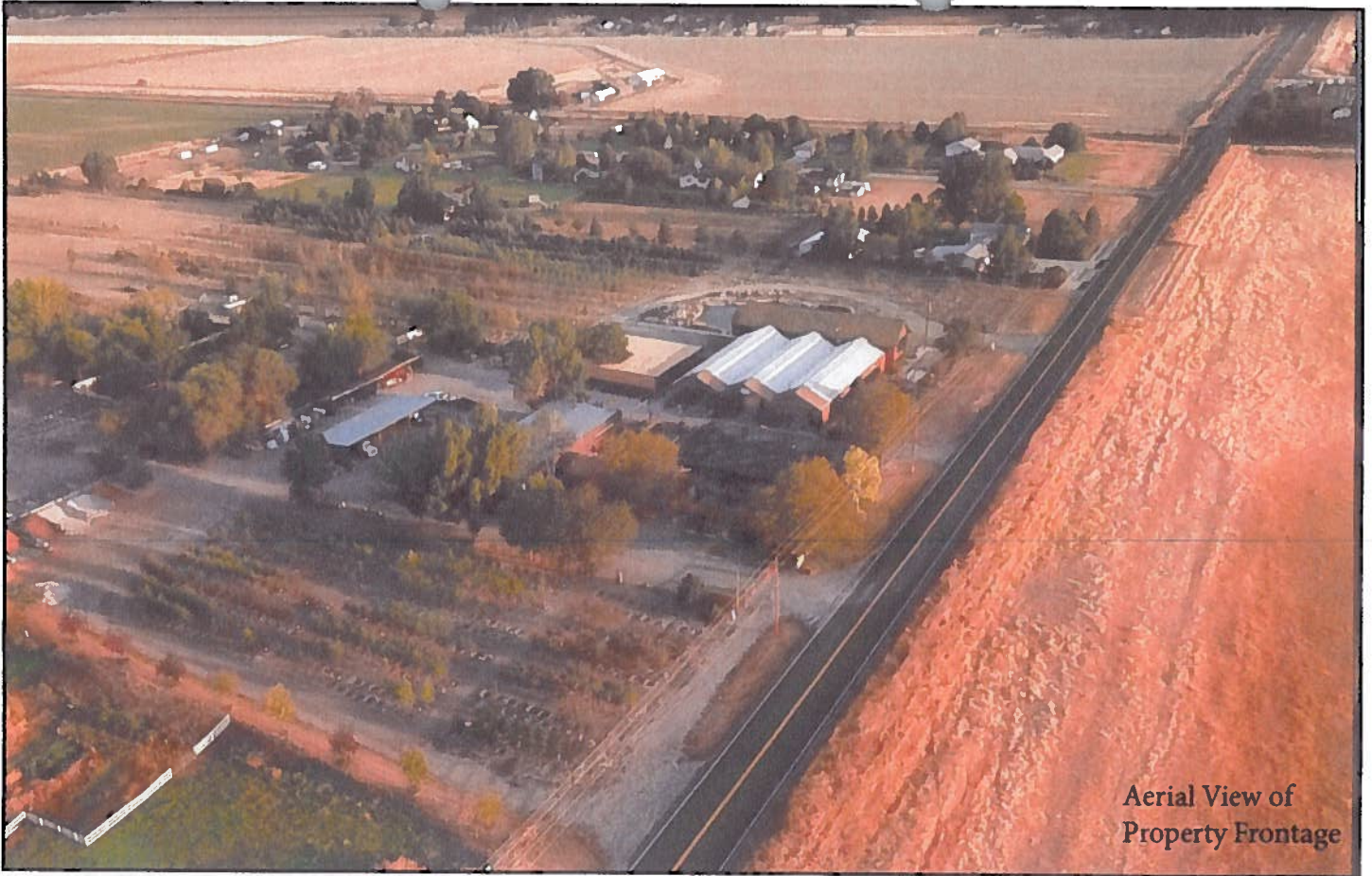


EXISTING POND AND WATER FALL

ZONE CHANGE IMPROVEMENTS



EXISTING ENTRY, BUILDING, POND AND SHADEHOUSE



Aerial View of
Property Frontage



Aerial View of
Property Frontage

Photo of Current Facility



Photo of Current Facility



Photo of Current Facility



Photo of Current Facility



PRE APPLICATION MEETING SYNOPSIS

Pre application meeting was held on: September 21, 2017 on-site in our Conference room located at 1670 South 48th Street West.

Six of the nine neighbors/property owners receiving invitations were in attendance at the meeting. Additional meetings were held with one of the property Owners who could not attend the meeting and the husband of another owner who could not attend. A series of displays (included in this submission) were presented to the neighbors in an effort to clearly define our intent with this proposed Zone Change. These displays included:

- Existing Zoning Conditions- Agricultural Open on all 20-Acres
- Proposed Zone Change- Agricultural Open to Neighborhood Commercial on 8.78-Acres of the 20-Acre parcel
- Context Map- showing surrounding zoning and growth
- Key Zoning Change Points
- Zone Change Improvements- On-site improvements if zone change is approved.

The presentation included an explanation of why we intended to proceed with a NC (Neighborhood Commercial) Designation with a Planned Development to allow our existing operations, a micro-brewery under 1500 barrels per year and rental event space while restricting unwanted uses. The presentation also attempted to convey that we share many of the neighbors' concerns as we are not just landlords but we also have our offices on-site and live off 48th street about a ¼ mile from this property.

The proposed zone change was met with opposition by many of the neighbors to the north and with support from the neighbors to the south. Concerns included parking, traffic, noise, groundwater issues, negative effects on property values, increased property taxes, crowds and crowd control and brewery occupancy numbers.

Positive comments received included the quality of development we have completed on the property since its purchase, our commitment to do what we say we are going to do and our openness to discuss our proposed plans and wiliness to work with our neighbors.

Our neighbor to the north off 48th street was very opposed to our proposed zone change. Mr. Armstrong expressed his concern with traffic and noise. We recognize that he and his wife will be the most affected by our proposed plans and are committed to mitigating to the extent possible their concerns. We discussed the building of a large berm, which we have already started, in addition to significant plantings to screen and buffer his property both visually and for sound.

Reception to the proposal was split with a majority of neighbors appearing to be opposed.

PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change 685

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County 2008 Growth Policy?*

The proposed zoning does comply in part with the following goals of the Yellowstone County 2008 Growth Policy and area plans:

- Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in the growth policy. (Land Use Element, page 6).

This zone change would allow for an overall zoning plan that is consistent and should remain consistent with the adjacent neighborhood character. The existing A-1 and A-S zoning districts are intended to preserve agricultural land uses and allow low density residential land uses. The areas directly north and south are low-density residential subdivisions in A-S zoning districts. The subject property has been an active agricultural land use since at 1984 when A-1 Landscaping and Nursery was established. The current owner purchased the business and property in late 2015 with the intent to continue and expand the landscaping and nursery business to include design services. These are allowed uses in the A-1 zone. The proposed zoning will allow additional uses on the property that take advantage of the existing development and its connection to agricultural uses.

In 2001, and then again in 2006, the City and County engaged in area planning for Billings West End. Both plans, the West Billings Neighborhood Plan and the Northwest Shiloh Area Plan, emphasize the need to contain intense commercial development around existing and proposed arterial street intersections or "nodes". The 2001 West Billings Plan preferred a maximum distance of 1,500 feet from an arterial intersection for commercial uses. The proposed zone change is within 800 feet of the arterial street intersection. Additional services from this zone change include special event rentals for weddings, family celebrations and similar, as well as the addition of 1 microbrewery in the existing building. An outdoor patio will be constructed on the north east corner of the existing greenhouse/office building. The proposed PD is explicit in the types of uses that will be prohibited, making this zoning predictable. .

- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).
This property is directly west of about 268 acres of A-1 zoning. This large acreage is owned in part by the Knife River Corporation and until recently had an active gravel mining operation. The property is undergoing reclamation. To the north is a neighborhood of single family dwellings (A-S) with lots ranging from 1 to 3 acres. To the south is also a neighborhood of single family dwellings (A-S)

with lots ranging from 1.5 to 4.5 acres. To the west is about 71 acres of A-1 zoning and agricultural uses. The proposed 8.78 acres for the Planned Development zone encompasses the eastern 575 feet of the 20-acre parcel. The proposed land use restrictions, operational requirements and development will be sensitive to and compatible with the character of the adjacent developments.

2. *Is the new zoning designed to secure from fire and other danger?*

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The service charges are based on the square footage on buildings on the property plus a base fee. The nearest fire station is located at 24th St West, Station #5, about 4.4 driving miles to the east. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies. All commercial buildings outside the city limits require review and approval by the State of Montana Building Code Bureau as well as compliance with State-adopted fire codes.

3. *Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?*

Transportation: The new zoning may increase traffic on the adjacent county road. It is not known at this point the level of increase. The existing business has delivery trucks loading and unloading every day during the growing season. Landscaping installation crews leave and return to the site on a daily basis. Design service customers as well as retail plant purchasers are a daily traffic feature already at this location. The proposed zoning will not modify the existing traffic unless new development occurs. There is a provision in the PD agreement to trigger a traffic review if the arterial street level of service at the intersection drops below a "C". This is a measure of good traffic flow at the intersection. A rating of less than "C" is below average.

Water and Sewerage: The subject property is served by domestic & irrigation water wells and septic systems. Riverstone Health and the Montana DEQ will determine what new water or wastewater facilities may be required for new developments such as a microbrewery or event center.

Schools and Parks: The proposed zoning should have no impact on area schools. The proposed zoning does not eliminate residential uses but it is not a likely use of the property in the near future.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. This property can be served by these agencies now and in the future.

4. *Will the new zoning promote health and general welfare?*

The new zoning will allow development of property that is adjacent to existing low-density residential uses, and agricultural uses. New development tends to increase

property value for adjacent property. For example, the new 2-story building with attached greenhouses added in 2016, increase the annual taxes on this property by 50%. Adjacent properties to the south and north also experienced value increases from 2016 to 2017, although the properties closest to Canyon Creek Nursery had higher increases than properties further away. The intended expansion of related agricultural uses and a limited number and type of commercial uses may promote the health and general welfare.

5. Will the new zoning provide adequate light and air?
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. Will the new zoning effect motorized and non-motorized transportation?
The proposed zoning itself will not generate more traffic on any of the adjacent County roads. Development of the property for micro-brewery and event rental space should allow the surrounding road network to absorb the additional vehicle traffic. The proposed PD requirements include a “trigger” that will require additional traffic analysis.
7. Will the new zoning be compatible with urban growth in the vicinity?
The proposed zoning is compatible with the adjacent zoning and developments. As the proposed zoning is compatible with the urban zoning to the north and east and it should be compatible with urban development.
8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?
The subject property is in an area that is primarily rural and agricultural land uses. It is expected that agricultural uses will continue on the west 11.22 acres of the subject property. The property is suitable for the particular uses allowed within the proposed PD zoning district. Uses normally allowed in a NC zone are specifically not allowed in this PD. For example, no multi-family dwellings, automobile services of any kind, or convenience store would be allowed.
9. Will the new zoning conserve the value of buildings?
The existing buildings on the property will be preserved in value. The existing buildings meet the required setbacks, heights and other limitations in the proposed zoning.
10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?
The property is suitable for the uses allowed in the proposed PD-NC zone. The property is near an arterial street intersection and has direct access to a busy arterial street, S 48th St West.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The property is not adjacent to any City zoning districts.



LIQUOR CONTROL DIVISION

Frequently Asked Questions

Brewery Licensees

Types of Breweries

Domestic Nano Breweries are very small brewery operations, located in Montana, producing less than 100 barrels.

Domestic Small Breweries or “Microbreweries” are breweries, located in Montana, that produce over 100 but less than 10,000 barrels.

Domestic Breweries are breweries, located in Montana, that produce over 10,000 barrels.

Foreign Breweries are breweries located outside the State of Montana.

Production Levels, by barrels, will determine what you are permitted to do as a licensee:

Less than 100	100 – 10,000	10,001 or more	60, 000
Provide samples without charge between 8 a.m. and 2 a.m. No limit.	Provide samples with or without charge between 10 a.m. and 8 p.m. No more than 48 oz.	Provide samples without charge between 8 a.m. and 2 a.m. No limit.	May not provide samples.
Sell for off-premises consumption between the hours of 8 a.m. and 2 a.m.	Sell for off-premises consumption between the hours of 8 a.m. and 2 a.m.	Sell for off-premises consumption between the hours of 8 a.m. and 2 a.m.	May not sell for off-premises consumption.
Sell and deliver beer to wholesalers, licensed retailers (using own trucks, equipment, employees), or the public.	Sell and deliver beer to wholesalers, licensed retailers (using own trucks, equipment, employees), or the public.	Sell and deliver beer to wholesalers, licensed retailers (using own trucks/equipment/ employees), or the public.	Must sell and deliver only to a licensed beer wholesaler.
May not use a common carrier for delivery to the public or retailers.	May not use a common carrier for delivery to the public or retailers.	May not use a common carrier for delivery to the public or retailers.	May not use a common carrier.

Sample Room, Hours of Operation and Off-Premises Sales

Q. *Where can a brewery provide samples?*

A. A brewery can provide product samples only in the sample room as shown on the floor plan which has been submitted and approved by the department.

Q. Are there restrictions on when a brewery may provide samples?

A. Yes and No. There is a restriction for a “small brewery” that may only provide samples with or without charge between 10 a.m. and 8 p.m. Patrons may consume their samples until 9 p.m.(16-3-213, MCA) All other domestic breweries must adhere to the statutory requirements of only providing alcohol between the hours of 8 a.m. and 2 a.m.

Q. Are there limits on how much beer can be sold or served in a sample room for on-premises consumption?

A. Yes. A “small brewery” is limited to no more than 48 ounces to each individual customer during a business day (16-3-213, MCA). All breweries must be aware of the laws and rules relating to service of alcohol to intoxicated persons.

Q. Can a brewery add a deck or patio to their sample room?

A. Yes, as long as the deck or patio is immediately adjacent to the brewery sample room and can only be accessed from the sample room. The deck or patio must be enclosed in such a manner as to restrict its access and view from the general public on the street or sidewalk.

Q. Can a brewery sell beer it produces for off-premises consumption in their sample room?

A. Yes. A brewery may sell beer in produces in the original packages to the public for off-premises consumption. This could include 6-packs, individual servings, growlers, kegs. (16-3-214, MCA)

Q. What is a growler?

A. A growler is any refillable, resealable container that a brewer fills on the brewery premises for off-premises consumption.

Q. What hours can a brewery sell for off-premises consumption?

A. A brewery must adhere to the statutory requirement that all establishments licensed to sell alcohol be closed between the hours of 2 a.m. and 8 a.m.

Q. Can a brewery utilize self-service open shelving or reach-in coolers for off-premises sales?

A. Yes, if they have a separate off-premises sales area that is contiguous with the sample room, but is physically separated with walls.

Donations, Special Events and Tastings

Q. [What is the difference between a tasting and a sampling?](#)

A. A tasting is an event where products are sold or given away to the public by a licensed manufacturer or retailer. A sampling is an event where products are provided by the manufacturer of the products to a licensed wholesaler or retailer solely for the purpose of soliciting sales of the product.

Q. [Can a brewery hold a beer tasting at a licensed retail location or catered event?](#)

A. Yes. However, the brewery must sell the product to the retail licensee and only the retail licensee or the licensee's employees are authorized to sell and serve the alcoholic beverages on their premises. (ARM 42.12.128 & 42.12.313)

Q. [Can a brewer donate product to a public non-profit event?](#)

A. Yes. If the non-profit organization has a Special Permit issued by the Department of Revenue.

Q. [How can a special permittee obtain product from a brewery for a special event?](#)

A. The brewer can deliver directly to the event or they can pick up the product directly at the brewery by producing a copy of the Special Permit.

Q. [Can a brewer donate or give away product to the public?](#)

A. Yes.

Q. [Can a Beer Wholesaler donate a brewer's product to a non-profit event?](#)

A. Yes and No. The wholesaler may not sell the product to the special permittee for less than what the brewer charges the wholesaler and the wholesaler must SELL the product to the special permittee for some consideration. This could be for \$1. If agreed upon, the brewer can reimburse or credit the wholesaler for the product already in inventory.

Trade Events and Industry Samples

Q. [What is the difference between a tasting and a sampling?](#)

A. A tasting is an event where products are sold or given away to the public by a licensed manufacturer or retailer. A sampling is an event where products are provided by the manufacturer of the products to a licensed wholesaler or retailer solely for the purpose of soliciting sales of the product.

Q. [Can a brewer host a trade event?](#)

A. Yes. Brewers are allowed to host trade events where they pour and serve beer

samples to licensed retailers and their employees only. These events must be held either at a licensed on-premises retail location or at a location not otherwise licensed that is catered by an on-premises retail licensee. The brewer is allowed to provide all products for this event from their inventory if the product falls into the category of a sample (not purchased by the retailer within the last 12 months, in limited quantities: 3 gallons of beer). However, all product samples must be removed from the retail premises at the conclusion of the event. If the brewer wishes to have samples of products available at the event that do not fall into the category of a sample (products that are regularly available at that retail establishment), they must purchase the product from the retailer at the ordinary retail price.

Q. [Can a brewer provide licensed retailers with beer samples for no consideration?](#)

A. Yes. Brewers may provide licensed retailers with beer samples for no consideration if the product has not been purchased by the retailer within the last 12 months, in limited quantities: 3 gallons of beer. These samples are intended for business purposes only between industry members and may not be sold. Business purposes include negotiating a sale, promoting the product and determining the quality and character of the product.

Q. [Can brewers pour and serve samples at a retail location for the purpose of promoting beverages?](#)

A. Yes and No. Brewers may pour and serve in de minimis quantities samples of beer to on-premises retail licensees and their employees for the purpose of promoting the beverages. Brewers may not pour and serve samples at an off-premises licensed premises.

Labeling

Q. [Are brewers required to obtain label approval before selling beer?](#)

A. Yes unless it is not required under TTB. A brewery is required to provide labels for each brand to the department for approval prior to selling or distributing within the state. All label changes must be preapproved for both in-state and out-of-state brewers or importers. (ARM 42.13.203)

Q. [How can brewers provide labels to the department for approval?](#)

A. Brewers can request approval for labels by registering for Taxpayer Access Point (TAP). Once registered for TAP, brewers can manage their existing labels, request approval for new labels, file and pay taxes, as well as file and pay their annual renewal.

Q. [When are label approvals not required?](#)

A. When the products are not involved in interstate commerce or when a brewer or importer of malt beverages is not subject to the labeling provisions in the regulations of the Tobacco Tax and Trade Bureau (TTB), United States Department of Treasury as

set forth in 27 CFR, as revised on April 1, 2009.

Production Threshold and Taxes

Q. [Is the 10,000 barrel limit calculated on a calendar or fiscal year?](#)

A. The 10,000 barrel limit is calculated on the state's fiscal year, July 1 through June 30.

Q. [Who tracks the production threshold for each brewery in the state?](#)

A. The Department of Revenue tracks production thresholds through information provided by the brewers, either through tax returns, renewal applications or written notification. Ultimately the brewer is responsible for notifying the department and its wholesalers in writing by the end of the month in which it exceeds a production threshold. (ARM 42.13.701)

Q. [What if a "small brewery" exceeds 10,000 barrels in nationwide production?](#)

A. If a "small brewery" exceeds 10,000 barrels in nationwide production, they are no longer allowed to charge for samples of beer in a sample room. (16-3-214, MCA)

Q. [If production either drops below 100 barrels or goes over 10,000 barrels, at what point would the brewery have to stop charging for samples?](#)

A. The brewer must stop charging for samples by the end of the month in which the production threshold changed.

Q. [Who pays the tax on products distributed in the State of Montana?](#)

A. Any licensed Montana beer wholesaler or licensed brewery who delivers products to licensed retailers or sells to the public is required to pay the tax on such products.

Delivery and Distribution

Q. [Can a brewery sell to retailers?](#)

A. Yes. A brewery may sell and deliver beer produced by the brewery from its storage depot or brewery to licensed retailers if the brewery uses its own equipment, trucks and employees to deliver the beer and the beer does not exceed 8 barrels to each retailer a day and total amount per year delivered to retailers does not exceed 10,000 barrels. (16-3-214, MCA)

Q. [Can a brewery use a common carrier to deliver beer to the public or to licensed retailers?](#)

A. No. (16-3-214, MCA)

Q. Can a brewery use a licensed beer wholesaler to deliver beer to a licensed retailer?

A. Yes. The brewery and beer wholesaler must have a written agreement of which complies with 16-3-222, MCA on file with the department prior to shipment.

Q. Can a brewer conduct a dock sale at their licensed premises to a wholesaler or a retailer?

A. No. A brewer must sell and deliver to the wholesaler and retailer using their own equipment, trucks and employees.

Q. Could you please clarify the wording in 16-3-214, MCA in regard to selling to "(iii) the public"?

A. This means the brewer, under the sample room exception, can sell products they manufacture to the public for on-premises consumption at the brewery. The brewer can also sell and deliver to the public for the purchaser to consume at the purchaser's location, a place which is not under control of the brewer or the brewer is not in charge of the event. (ie. their home, wedding, etc.)

Brew-On Premises

Q. Can a brewery operate a brew-on-premises business?

A. Yes. All beer produced at a brew-on-premises business located at a qualified brewery premises is taxable, must be labeled with all information required by 27 CFR part 25, including the government warning and is subject to record keeping and other requirements.

Miscellaneous Questions

Q. Can a brewery sell its product label and recipe to another brewery and the purchasing brewery pay the selling brewery a royalty based on sales?

A. Yes. If the purchasing brewer actually produces the beer, bottles and retails the product under their brewery, counting towards the purchasing brewers 10,000 barrel limit.

Q. Can a brewery bring beer they manufacture to a "Brew Fest" off the licensed premises and serve and sell samples?

A. Yes. A brewery may sell and deliver beer to the public. (16-3-214, MCA)

Q. Can a brewery contract with another brewery to brew their products?

A. Yes, however, the contracting brewery may not serve those products manufactured at another facility in their sample room.

Q. In a contract brewing situation, can the contracted brewer offer those products in their sample room and distribute those products?

A. Yes.

Q. Can a brewer bottle or can another brewer's product for them?

A. Yes.

PLANNED DEVELOPMENT AGREEMENT

East 8.78 Acres of the South Half of the North East Quarter of the North East Quarter of Section 21, Township 01 South, Range 25 East in Yellowstone County Montana

THIS AGREEMENT is made and entered into this _____ day of _____, 2018, by and between **CCN, LLC** whose address for the purpose of this agreement is P.O. Box 81316, Billings, MT 59108, hereinafter referred to as “Owner” and **Yellowstone County**, Montana, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, the subject property is an existing commercial business.

WHEREAS, the Owner is seeking a lessee for available commercial space within the property.

WHEREAS, the Owner desires a harmonious development with surrounding properties.

WHEREAS, the Owner and County desire to place use restrictions on the above-described property, as provided in this agreement.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

1. PERSONS BOUND BY THE PLANNED DEVELOPMENT AGREEMENT

All persons, corporations, or other entities, who shall hereafter acquire any interest in and to the above described property, in whole, or in part, shall be taken and held to agree, to conform to, and observe the following land uses, restrictions, and other stipulations as to the use thereof, and as the construction of improvements thereon.

2. LAND USE RESTRICTIONS AND ALLOWANCES

Unless expressly designated below, all other standards or requirements of the Yellowstone County’s Zoning Ordinance shall be followed for the type of zoning described herein.

A. “CANYON CREEK NURSERY”: (underlying zone: Neighborhood Commercial) as described above and per attached Exhibit A.

All allowed land uses within the Neighborhood Commercial Zone as outlined within the Yellowstone County Zoning Regulations shall apply with the following exceptions and inclusions.

Exceptions (not allowed) within the “CANYON CREEK NURSERY” Planned Development Zone

- Paint, glass and wallpaper; hardware stores (SIC 5231 & 5251)
- General Merchandise Stores (SIC 53)
- Convenience store with gas pump islands (SIC 5411)
- Automotive dealers and Gasoline Service Stations (SIC 55 – all)
- Convenience store (SIC 5411 & 554)
- Apparel and Accessory Stores (SIC 56)
- Home Furniture, Furnishing and Equipment Stores (SIC 57)
- Miscellaneous Retail (SIC 59) – inclusions in this category listed below
- Hotels, Rooming Houses, Camps and Other Lodging Places (SIC 70)
- Personal Services (SIC 72) – inclusions in this category listed below
- Business Services (SIC 73) – inclusions in this category listed below
- Automotive Repair, Services and Parking (SIC 75) except parking lots provided for on-site businesses are not excluded
- Social services (SIC 83)
- Public Administration (SIC 91, 92, 93, 94, 95, 96, 97)
- Multi-family dwellings

Inclusions (allowed) within the “CANYON CREEK NURSERY” Planned Development Zone

- Nurseries, Lawn and Garden Supply Stores (SIC 5261)
- Professional Offices
- One (1) Alcoholic Beverage manufacturer of 1,500 31-gallon barrels per year or less (SIC 2082, 2083, 2084 & 2085) – a tap room and outdoor seating will be allowed with restrictions (see below)
- Gift, Novelty and Souvenir Shops (SIC 5947)
- Florists (SIC 5992)
- Photographic Studios (SIC 7221)
- Beauty & Barber Shops (SIC 7231 & 7241)
- Event Space Rental (Indoor and Outdoor) (SIC 7299) – with restrictions (see below)
- Commercial Photography (SIC 7335)
- Commercial Art and Graphic Design (SIC 7336)
- Drafting Services (SIC 7389)
- Physical Fitness Facilities and Instruction including Yoga (SIC 7991 and 7999)

3. OPERATIONAL RESTRICTIONS – Alcoholic Beverage Manufacturing and Event Space Rental

The Owner and County recognize the sensitive location of the Canyon Creek Nursery Planned Development Zone and the need to include specific operational restrictions and site development requirements not normally required for the uses listed above.

The Owner agrees to the following conditions of operations:

1. The Planned Development Zone is allowed only one (1) alcoholic beverage manufacturer.
2. Any seating area outside of any enclosed building for use by the patrons of the alcoholic beverage manufacturer shall have a fence installed at least 42 inches in height enclosing the outdoor area. There shall be no entry to the outdoor seating area for patrons except through the tap room.
3. Any music or entertainment, including any permanent or temporary speakers, outside of an enclosed building shall only be located along the eastern elevation of the greenhouse and office/brewery structures.
4. All outdoor activities associated with an event space rental shall cease by 9 pm. Indoor activities associated with an event space rental shall cease by 11 pm.
5. The owner shall install a 6-foot high earthen berm along the north property line adjacent to the boundary of Lot 2B, C/S 2224 (1604 S 48th St West). The berm shall extend from the 48th Street West road right of way (existing fence line) to the west 225 feet (obscuring all existing buildings on Lot 2B, C/S 2224). Evergreens and shrubs shall be planted along the top and sides of the berm to eliminate any unobstructed view from the residential property to the Canyon Creek Nursery property along the length of the berming. This installation shall be inspected and approved by the Planning Division before the alcoholic beverage manufacturer opens the tap room for patrons for the first time or before the first event space rental occurs.
6. All new parking lot lighting shall consist of pole standards no taller than 15 feet above grade with fully shield light fixtures so no part of the lens or fixture extends below the shielding. All outdoor parking lot lights shall be turned off at 10 pm unless an event space rental is scheduled. In this case, all parking lot lighting shall be turned off at midnight.

4. OTHER SPECIAL AGREEMENTS

The Owner and County agree the existing four (4) drive approaches off 48th Street West may need to be modified in the future depending on specific traffic conditions on 48th Street West. Current studies indicate the intersection of 48th St West and Hesper Road will have good operations of a Level of Service (LOS) of C or better until 2035. These projections are based on current land use designations and development potential of property. If traffic flow conditions

do not follow these current projections, modifications to the four (4) access points may be required.

5. PLANNED DEVELOPMENT AGREEMENT OR CHANGES

Any modification of the approved development plan requested by the Owner shall be processed using the same procedures for a new application, as set forth in Yellowstone County Zoning Regulations. However, minor modifications may be approved by the zoning coordinator if he/she makes the following findings:

- (1) No change in the overall character of the development;
- (2) No increase in the number of residential units greater than two (2) percent;
- (3) No additional allowed uses;
- (4) No reduction in open space greater than two (2) percent; and
- (5) No change in the approved minimum setbacks, maximum lot coverage or maximum allowed height.

6. EFFECT OF THIS AGREEMENT

The provision of the Planned Development Agreement shall remain in full force and effect as to Owner and any and all persons becoming an owner of all or any portion of the property and all of such Owner’s heirs, personal representatives, successors and assigns.

7. RIGHT TO ENFORCE

The provisions of the Planned Development shall be enforced as provided for in the Yellowstone County Zoning Regulations in effect at the time of enforcement.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“OWNER”

CCN, LLC

By: _____

Its: _____

ATTEST:

STATE OF MONTANA)

: ss

County of Yellowstone)

On this ____ day of _____, 2018, before me a Notary Public for the State of Montana, personally appeared _____ known to me to be the _____ of CCN, LLC who executed the foregoing instrument and acknowledged to me that he/she executed the same.

Notary Public for the State of Montana

Printed Name: _____

Residing at: _____

My commission expires: _____

This agreement is hereby approved and accepted by Yellowstone County, this _____ day of _____, 2018.

“COUNTY”

COUNTY OF YELLOWSTONE, MONTANA

County of Yellowstone
Board of County Commissioners

BY: _____
Chairman

BY: _____
Member

BY: _____
Member

Attest: _____
County Clerk and Recorder

STATE OF MONTANA)

: ss

County of Yellowstone)

On this ____ day of _____, 2018, before me a Notary Public for the State of Montana, personally appeared _____, _____, _____ known to me

to be the Board of County Commissioners, and County Clerk and Recorder, respectively, of Yellowstone County, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of Yellowstone County, Montana.

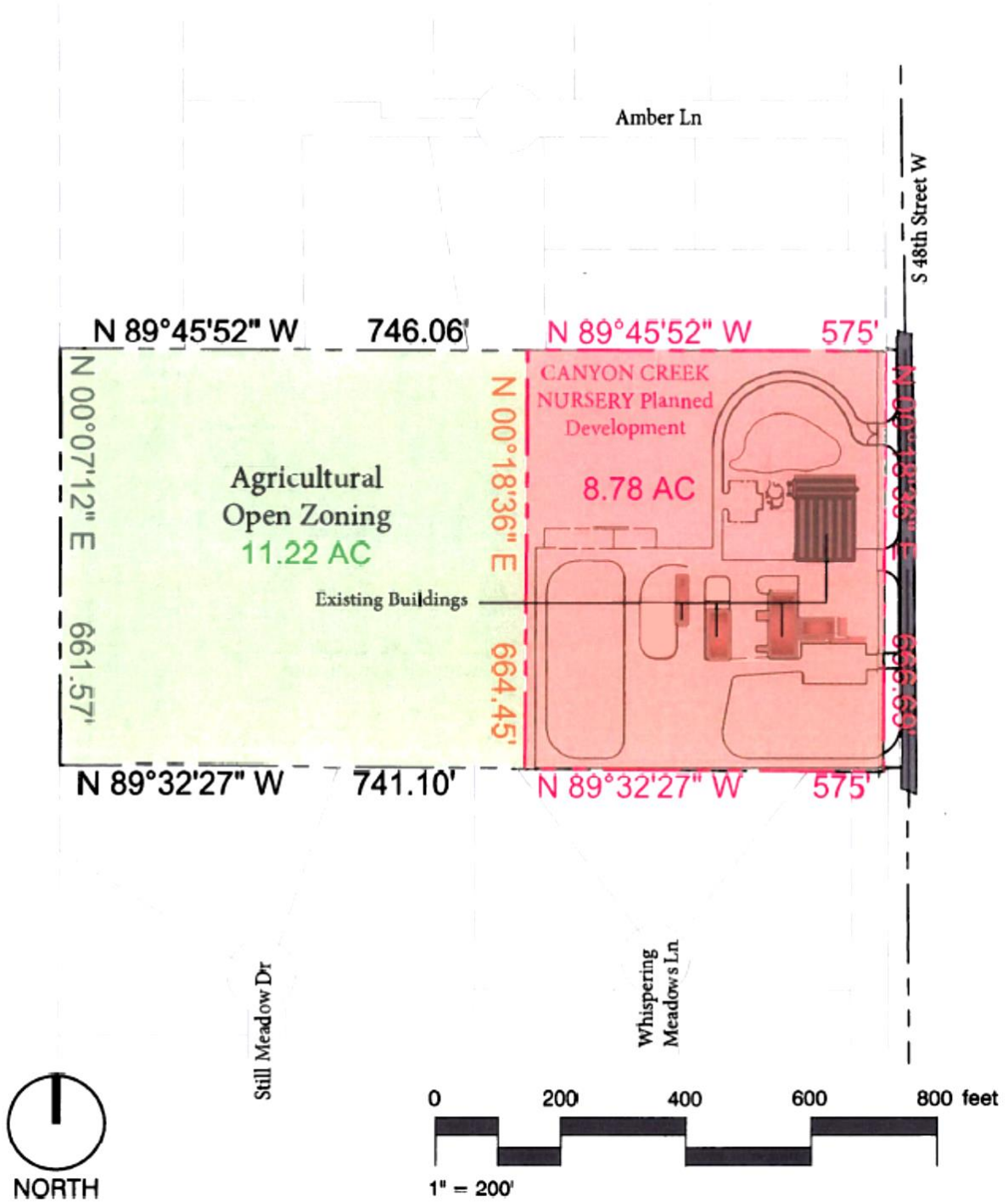
Notary Public for the State of Montana

Printed Name: _____

Residing at: _____

My commission expires: _____

Exhibit A - Zone Change Plan CCN, LLC



PRE-APPLICATION SIGN IN SHEET

Canyon Creek Nursery PD, Zone Change 685 – October 27, 2017

NAME	DEPARTMENT	PHONE	E-MAIL ADDRESS	If present
Mike Black	County Engineer		mblack@co.yellowstone.mt.gov	✓
Darin Swenson	County Engineer		dswenson@co.yellowstone.mt.gov	
Nicole Cromwell	Planning	657-8662	cromwelln@ci.billings.mt.us	✓
Mike Spini	Fire	657-8422	spinim@ci.billings.mt.us	
Bill Tatum	Fire	657-8424	tatum@ci.billings.mt.us	
Wyeth Friday	Planning	657-8249	fridayw@ci.billings.mt.us	
Dave Green	Planning	247-8666	green@ci.billings.mt.us	
Monica Plecker	Planning	247-8660	pleckerm@ci.billings.mt.us	✓
Lora Mattox	Planning	247-8622	mattoxl@ci.billings.mt.us	
Scott Walker	Planning	247-8661	walkers@ci.billings.mt.us	
Karen Husman	Planning	247-8684	husmank@ci.billings.mt.us	
Dan Schwarz	County Attorney	256-2880	danschwarz@co.yellowstone.mt.gov	
Marilyn Tapia	Riverstone Health	651-6576	Marilyn.Tapia@riverstonehealth.org	
Stacey Robinson	Applicant	655-3550	Stacey@ldinc.net	✓
Michael Verseman	Land Design	655-3550	Michael@ldinc.net	✓
Larry Armstrong	1604 S. 48th St. 105th	656-6883	mixertruck1@gmail.com	✓
ART LAGALY		855-7202	ARTL@FREETRUCKS.MT.COM	✓
Handy Dagher		208-0685	Handy@beled.com	✓
CHERYL JOHNS MOSELEY	Neighbor	698-7285	cheryl.eyesoftheworld.us	✓
Stephanie Vance Elumburn	Land owner	850-21084	info@vandestudios.com	✓

NAME	DEPARTMENT	PHONE	E-MAIL ADDRESS	If present
Barb Keil	home/land owner	406-672-7741	barbkeil48@msn.com	✓
Bruce Keil	" "	406-697-1582	brucekeil@msn.com	✓
Kurtz Graw	Land Design	406-655-3550	kurtz@ldinc.net	✓
RYAN HOPPERT	LAND DESIGN	406.670.6184	ryanh@ldinc.net	✓
DREW LEVANDY	HOB	406-855-3848		✓
KYLE SCHLICHTENMAYER	New York Life	406-698-1899	k.schl@schnmayer.com	✓
Dani Beery	RESIDENT	406-580-8560	daniel.jacob.beery@gmail.com	✓
CHERYL MOSELEY	Property owner	406-698-7285	P.O. Box 81696 Billings 59108 cheryl@eyeoftheworld.us	✓
James Espy	Property Owner Referral	661-3122	jim@ranchmarketing.com	✓
Amy Peterson	Property owner	406 696 5971	amy@peterson@gmail.com	✓
Sue Doane	Property owner	406 690 8988	hfd51@xalab.com	✓
Scott Anguiler	PE	406-331-0080	scott@performance-ec.com	✓
Eric Peterson	Prop Owner	406 696 6283	epeterson@vltsgroup.com	✓
Quint Samuelson	prop owner	406-656-1219	qsam@g.com	✓
Sharon Samuelson	prop owner	656-1219	rsam@g.com	✓
BRITANI HUNTER	CHILDWELL BANKER	406-671-9791	brithan@cbthelshelvers.com	✓
Patrick Klingman	BSEB	869-8418	klingman@bigkydr.org	✓
DENA JOHNSON	BSED-SBDC	869-8412	dena@bigkydr.org	✓
Lorene Hurrz	BSFD-SBDC	869-8404	lorene@bigkydr.org	✓
Brian Drake	home/land owner	281-1671	brbdrake@hotmail.com	✓

City of Billings web site address - ci.billings.mt.us

NAME	DEPARTMENT	PHONE	E-MAIL ADDRESS	If present ✓
Rebecca Drake	Home/landowner	918.200.5987	R.B.DRAKE@YAHOO.COM	✓
Tate Brosswick	Home Owner	406-969-5444	tate@jcbconstruction.com	✓
Shea Davis	Thirsty Street Owner	505-716-1852	shea.thirstystreet@gmail.com	✓
Jill Dawson	Thirsty Street Brewing	406-0855	jill.thirstystreet@gmail.com	✓

City of Billings web site address - ci.billings.mt.us

Official Copy
10/27/2017

Some of what I am going to say has probably already been discussed but I think it bears repeating if only to reiterate what this will mean to us, my wife, my mom who lives with us and I.

First of all, my name is Larry Armstrong and am mentioned is the sheaf of papers sent to land owners who border Canyon Creek as one who is opposed to this intrusion. And I say intrusion because for us personally, it definitely will be.

Oh, and I might add that you timed your article in the Billings Gazette perfectly Staci. You make yourself look saintly, almost, in that article. I too was born and raised in Billings and I too would like to do something that I think would be nice and would benefit the people of Billings but not something like what you are proposing. Billings just doesn't need another drinking establishment. There are already too many places where a person can go to drink. And we sure as heck don't need one right between two residential subdivisions. Had your landscaping business been here already with a micro brewery and pub in place first before any houses were built here, then maybe you'd have a leg to stand on but you are the new comer her Staci. You should not be allowed to just waltz in here and decide to put a drinking establishment right between two established neighborhoods. Most of us don't want this and you should not be going against all of us who are the majority. Is your goal to make enemies of all of us? Because if this goes through, you will have accomplished just that. I personally don't care for micro brewed beer. I think all of it tastes awful and don't see what the fascination for micro brewed beer is all about. But that's just me. So I will never step foot in any micro brewery, but obviously there are people who like it, as demonstrated by the pub on Gabel road which is just a couple miles away from your nursery. Have any of you gone by or been to that pub on Gabel? I've driven by there some evenings and there are cars parked for several blocks on both sides of the street up and down Gable as the lot is so full no one else can even get in there. I can just see the dollar signs in Staci's eyes every time he drives by there. He says it's not about the money. I say hog wash. It's all about the money. He wouldn't be spending what could be potentially a half a million dollars to put this micro brewery in if it wasn't about the money. Evidently all the money he makes with his nursery and design business isn't enough for him.

Because we have more to lose than anyone else in either of the two subdivisions, my propensity to not want this establishment put in here is stronger than anyone's. The amount of traffic which it will eventually generate, having driven by the establishment on Gabel enough times to know what it will be like, is going to be unacceptable. The traffic on 48th street has more than quadrupled in the 28 years since we moved here. Back then, it was a quiet even peaceful place to live. Soon though, other houses started going up on both sides of A-1 landscaping. The subdivisions filled up fast. But Dale Hudibraugh, who owned A-1, did most of his business on the other side of his property, so even with the increase of traffic from all of those houses going in, the noise still wasn't bad. Enter Canyon Creek. Immediately, Staci started on a monstrosity of a building right next door to us. It's not even 200 feet from our front door. I couldn't protest as I didn't have anything to say about it. He just went ahead and did it. It took the better part of a year. So we had all that construction noise going on over there for some times 7 days a week and 12 hours a day. Then when it was all done, his guys spent another 2 or 3 months putting in a pond with a bunch of big boulders around it, all the time with his drinking establishment in mind. All of his noisy skid steers work just on the other side of the fence between our two properties.

It's like having non-stop construction going on practically every day. And now he wants to have even more noise for an even long period of time by putting in this brew pub. He has a gravel drive which goes into the area where he proposes to have parking for all of these patrons. The drive is between his monstrosity building and our property. If any of you have lived on a gravel road, you know what I am talking about when I say vehicles driving on gravel roads make a lot of noise. The crunching sound is very unnerving. It doesn't bother Staci as that sounds like dollars crunching out there. For us to be in our back yard in the evening, that crunching sound sounds like a car shredding operation going on. We will never have any peace and quiet in our back yard if this thing goes through.

Some of you may know and some of you may not be aware that our wonderful legislators over there in the beautiful town of Helena passed a bill to allow micro brew beer to go from 7% alcohol to 14% alcohol because the micro brewers said their 7% beer didn't have enough taste so the lobbyists lobbied our legislators and got this bill passed. Staci has said that only 48 ounces of beer can be sold to any one patron. If you figure this out, alcohol wise, 48 ounces of 14% beer would be like drinking 96 ounces of 7% beer. That's 8 twelve ounce cans or bottles of beer. There are some people who consume a lot of alcoholic drinks who can handle that many beers and not get fallen down drunk but for most of us who are sensible drinkers, if we were to drink 8 twelve ounce cans or bottles of beer, would not be able to even walk (at least walk a straight line) let alone get in a car and drive home which is the only way they would be able to get home unless they were to call a cab, though most don't. The intersection of Hesper and Shiloh has already been the subject of numerous accidents, without people drinking. They've just been caused by people not paying attention. So enter people who have had 8 beers. Do you think they can function as well as a person who hasn't consumed any alcohol but yet still get into accidents in that intersection? Should Canyon Creek Nursery be held responsible if accidents do start occurring there on a regular basis because of too much alcohol being consumed? I don't know how the laws work but shouldn't Mr Robinson and his business be held accountable if this establishment goes through?

I go bowling 2 nights a week around 5 to 5:30. I can just imagine how much of a problem I'm going to have trying to get out onto 48th street at that time if Staci is allowed to put this pub in here. With all the traffic at that time of the evening even now, it will be almost ridiculous trying to get out of our drive way if this pub is put in next door.

Then there is the subject of property values which someone at the meeting over at Canyon Creek brought up. Staci said, oh it won't affect your property values at all. He doesn't know that. I want to ask you. How many of you would want to buy a house which sits right next door to a drinking establishment? There will undoubtedly be people who will be out there drinking and talking loudly which would likely include yelling as that's what people who drink do. Then as I mentioned, there would be cars going in and out on that gravel driveway and going back and forth in front of the house for 4 or 5 hours while you're trying to eat dinner and relax in front of the television. It's already bad enough with all the knuckle heads riding noisy motorcycles and driving loud noisy diesel pickups and loud noisy small rice burner cars. Then add another 50 to 100 more vehicles some of which would undoubtedly be loud noisy pickups, cars and motorcycles and you can see why I don't want this drinking establishment to go in next door or anywhere near us. So I ask you, is this going to affect my property value? You can bet it

will and it will also affect the amount of potential buyers who might otherwise buy our house. There would undoubtedly be those who either wouldn't mind living next door to a pub or who might even like it but I'm going to go out on a limb here and guess that the majority of people would not want to live next door to a pub.

So if this goes through and Staci gets his wish, we would probably be forced to move. We have looked around on the west end of Billings, where we have lived for over 36 years, and have found most houses to be out of our price range. We live on 2 acres. Our house is paid for. We have a fairly good sized detached shop as well as pole barn on the first acre and the second acre is sitting empty. To find a house comparable to ours where it would be allowed to have two out buildings comparable to ours, we'd have to come up with at least \$500,000. We've been told our house is only worth \$350'000, so we'd have to finance \$150'000. I will soon be completely retired and my wife isn't too far away either. We have been planning our retirement for many years as most of you have. We wanted to have our house paid for by the time we retired and have accomplished that. Having been married for over 42 years, we thought we would be going into our twilight years without any payments. If Staci gets his way, we will have basically two choices. We either stay and put up with all the excess noise of way more people and vehicles or go into debt again, with an even larger house payment than the one we just got through paying off.

When Dale Hudibraugh was next door, he was a good neighbor. He planted a row of berry type bushes and trees just on our side of a fence he erected after planting them and trenched for an underground irrigation pipe from his well over to that row of trees and bushes. The row ran from the front of our property all the way back to the end of his property. The row of trees and bushes were in the back yards of at least 4 of my neighbors. No one that I know of asked him to do this. He just did it. But every neighbor that I have spoken with said this was the nicest thing any neighbor had ever done for them. So for 25 years, he watered all of those trees and bushes from the well on his property. Enter Canyon Creek. He immediately capped that water line which necessitated everyone affected, who had all those trees and bushes to run their own water lines to those trees and bushes. I had to personally trench to those trees and bushes a long way to get water to them. My well had been running for 3 to 4 hours every day during the hot days of summer. By having to water all those trees and bushes for the length of 2 acres made it necessary for me to have to run my well pump for an additional 3 to 4 more hours. While it's true that there are additional trees on that back acre which A-1 left (again, that's the kind of neighbor Dale was, he left probably 100 pine trees around that back acre as a border upon my request for having his pine trees planted on that back acre for 15 years) it would still take a lot of water to water all those trees and bushes in that row Dale planted. In fact Dale has given us close to 150 trees over the years and every tree on our property was given to us by him. He wouldn't take a dime from us. I would offer to pay him and he would just say, oh catch me the next time. But when the next time would roll around, he still wouldn't take any money. And I used to borrow equipment from him all the time. If I needed a skid steer or dump truck or excavator for a project, all I had to do was ask. He never said no. I asked a co- worker of Staci if I could borrow one of his trenchers and all I got was silence. So I just went and rented one. I've never asked Staci for anything since and never will. He's definitely not another Dale Hudibraugh but guys like him usually only come into a person's life one time. If we have to move,

who knows what kind of a neighbor we will end up with. I have two other neighbors who live close by who are also kind and giving. Both have helped me more than once when I've asked and have never asked for anything in return. This was a good place to live but not so much anymore. I will miss Curt and Randy if we have to move but sometimes you do what you have to do.

*Signed,
Larry Armstrong*

10/27/2017

NL

From: **Nicki Larson** nicki.lee.larson@gmail.com
Subject: **Zone change request-Canyon Creek Nursery-1730 48th Street West**
Date: **October 27, 2017 at 1:21 AM**
To: **Cheryl Moseley** cheryl@eyeoftheworld.us, jim@ranchmartin.com
Cc: **Rick Larson** rhlarsonbms@gmail.com

Cheryl and Jim, I tried to send this to Nicole as well, but I got an invalid email address message. Sorry!!

Dear Ms. Cromwell,

We are writing this letter to voice our opposition to the proposed zone change at Canyon Creek Nursery. We have lived in this neighborhood for 20 years. It is a quiet, family-friendly place where we raised our children and where our grandchildren often visit. We simply want to keep our home as a sanctuary for our family and friends!

As the area has grown, primarily with new residential developments, the traffic has naturally increased and so have the number of vehicle accidents. Adding a brewery and possibly an event center to the area will dramatically increase the traffic and undoubtedly the number of accidents. We're also concerned about parking. Canyon Creek Brewing on Gabel Road is always very busy. Their parking lot fills up quickly and the overflow parking lines both sides of Gabel Road. There is no room on 48th Street West for street parking and the intersection at Hesper and 48th is one of the more treacherous in the area. We often see people walking their dogs or jogging along 48th. More traffic will put them at risk.

We appreciate the improvements made to the old A1 Nursery as the new Canyon Creek Nursery has improved the ascetics of the area. The business at present is primarily an 8 to 5 business but with this change it will be open into the evening and possibly night hours. Obviously, there would be more noise as well. This is not something any neighborhood would want.

Thank you.

Frederick and Nicki Larson
1939 Stillmeadow Drive

ZONE CHANGE CANYON CREEK NURSERY 10/27/17

1. There are 119 allowed uses Neighborhood commercial zoning, including multifamily. This proposed change is in the middle of single family rural large lot neighborhood. If this zone change is successful all of the uses could at sometime in the future be allowed without further review.
2. BILLINGS CODE for allowable use prohibits drinking establishments in NC zones. I would ask the Zoning Coordinator to explain why the use form prohibits the drinking establishments, and yet she has included it in this zone change.
3. Mr. Robinson at the informal pre-application meeting talked of 48th Street as a major arterial when in fact it is a minor arterial street with 56th and Shiloh RD being the major streets. 48th Street is narrow with very steep shoulder. It is used every day by pedestrians for exercise and their dogs. Many times in the evening and mornings in very limited light if not total darkness. He also spoke of public water and sewer becoming available in a very short time and that the city would very soon be annexing the area. In addition he said that existing gravel pits either side of Hesper RD and east of 48th will become lakes to store water for the city of Billings. I would like the zoning coordinator to address these statements and predict the time table if in fact the statements are correct. I would also ask the zoning coordinator if there are any public microbreweries located outside of the city limits.
4. The county assessment records show 24 homes and 8 vacant lots with a value in excess \$15,000,000. In the event the zone change is granted and the property is developed for the proposed use and any of the other 119 uses allowed under neighborhood commercial zone, what is the anticipated decline in the value of the properties in the area.
5. I have lived in the area since 1981, I have been a licensed realtor for 40 years and have developed several subdivisions in the immediate area. I purchased this 80 acre farm in 1983 and developed a minor plat subdivision on the north 20 acres and sold 20 acres to Dale Hudiburg for A1 Nursery. He sold it to Mr. Robinson, who improved the buildings. The existing Ag

Zoning allows the nursery business and office for that business. Mr. Robinson has stated that the remodel of the green houses was not successful because of heat a couple of months in the summer. Therefore, he is trying to change the use to the proposed zone. Mr. Robinson purchased the Toole Nursery several years ago, which is located about a 1/4 mile south of his present location. That property is about 10 acres in size. However, Canyon Creek with old stand cottonwood and willow trees create a great buffer to his proposed use.

6. My home was in the parade of homes in 1993 and three other homes were in the parade in subsequent years. I want to be on record that I am opposed to this proposed zone change and would implore the planning department members to visit the area and put themselves in the position of the area home owners when considering this matter.

James Espy

1940 Whispering Meadows Dr

Billings, MT 59106

406 661 3122

jim@ranchmartinc.com

Cromwell, Nicole

From: Trent Smith <trent@hiballtrucking.com>
Sent: Thursday, October 26, 2017 1:18 PM
To: Cromwell, Nicole
Subject: County Zone change 684-Hesper Road and 48th street west

Follow Up Flag: Follow up
Flag Status: Flagged

I am unavailable to attend the meeting scheduled for 10-27-17 as I will be out of town on business. Please accept this email as my opposition to the above mentioned zoning change. I feel that this change represents a conflict with my enjoyment of my home and property based on the zoning rules in place when I purchased the property. I am also opposing this change as it will represent a significant safety risk, 48th street and Hesper has already experienced accidents and cannot handle the dramatic increase in traffic. The address I represent is 4920 Whispering Grove Lane, Billings MT 59106, my spouse is Stephanie Smith. Please let me know if this is not an acceptable method to oppose.
Thank You
Trent Smith

TRENT SMITH

Hi-Ball Trucking Inc.
P.O. Box 80325 Billings, MT 59108
Billings, MT Office: (800) 423-6253
Belgrade, MT Office: (800) 621-7831
www.hiballtrucking.com



Cromwell, Nicole

From: Connie Paulson <randycon1984@gmail.com>
Sent: Thursday, October 26, 2017 4:48 PM
To: Cromwell, Nicole
Subject: County Zone Changes 685-1730

Follow Up Flag: Follow up
Flag Status: Flagged

Ms Cromwell,

We are unable to attend the preliminary Review Meeting on October 27, 2017 for the county zone change 685-1730 48th Street West- Canyon Creek Nursery Planned Development. We are writing this email to voice our concerns about the following issues.

- a) Increased traffic at the intersection of 48th St West and Hesper Rd
- b) Inadequate parking for the proposed brewery
 - 1) no sidewalks on 48th St
 - 2) narrow street with no shoulders
- c) This is a residential neighborhood. We do not want a business where there is consumption of alcohol.

Thank you for your time and consideration,

Randy & Connie Paulson
4805 Amber Lane

October 22, 2017

***RE: PRELIMINARY REVIEW MEETING FOR NEW CANYON CREEK NURSERY
PLANNED DEVELOPMENT ZONE***

Dear Ms. Cromwell and County Development Review Committee,

Our family's home borders the Canyon Creek Nursery and we are adamantly opposed to any change in zoning and the proposed development.

We received a letter informing us that Mr. Robinson sought to change the zoning and add a "possible" future microbrewery. We were unable to attend the small gathering of neighbors adjacent to the nursery. We mistakenly assumed all fourteen homes in our neighborhood received that letter. Upon our return home, we received our notice of hearing. Unfortunately, both my husband and I will be out of town and unable to attend the Oct. 27 hearing. We would appreciate you sharing our opposition with the group at that time. Here are our objections:

Total Change in Land Use in our Area

The area where Canyon Creek Nursery is located is, and has always has been, residential. There is no zoned commercial property within a number of miles. For the past 30 years we have owned our property, A-1 Nursery operated a landscape and nursery business to the north of our property. There were very few vehicles coming and going on 48th St. W. The limited months of A-1's operation fit well in to the residential neighborhood. The proposed change would allow commercial development in an area that has never had commercial development and certainly not the type of traffic brought by a microbrewery or event space.

Bordering the Nursery are strictly well and septic system neighborhoods. Again, this is ill fitted for additional pressure from a microbrewery operation, event operations and additional commercial operations. The water table and sewage capacities are already being stretched too far. In addition, the microbrewery and event location would increase noise and traffic levels to an unacceptable. The crowd at the Canyon Creek microbrewery on Gabel Road is unbelievably large, every day and early evening. That location is appropriately entirely commercial. There are no neighbors for the microbrewery to affect. Here, the opposite is true.

This is not a zoning change that would affect only Mr. Robinson's plans. Should this zoning change go in to effect, any future sale of the property would allow future commercial development adverse to the residential neighborhood.

Public Safety Concerns

Both Hesper and 48th St. W. have speed limits in excess of 50 miles per hour. Vehicles are more likely to be traveling 60 m.p.h. plus, especially on Hesper, which is just north of the proposed commercial zone, microbrewery and rental event space. There is no turn lane on either 48th St. W. nor Hesper. There are numerous, serious

accidents at these west end intersections. Adding alcohol consumption would only increase the risk we take on these roads. The roads also have no shoulders or lights. The school buses are dropping off kids on these roads at 4 p.m. and later when the microbrewery would be open. No other microbrewery is in a residential neighborhood with school children hopping on and off the school bus, for good reason.

The Yellowstone County Sheriff currently oversees whatever criminal activities that have occurred in our neighborhood. We would need assurances that they are equipped to oversee a microbrewery, drinking and driving violations and any other criminal complaints that may arise from this commercial activity.

There has been no posting of this request for a zoning change at the current Canyon Creek Nursery location. The majority of our neighbors have no idea that a microbrewery is planned or any commercial zone change application has been made. **At what point does the Nursery have to post this requested change so neighbors are aware of what is being done?**

We have made a substantial investment in our home and our property, which is south of the nursery. In our small neighborhood, we pay substantial taxes, have pets, children and grandchildren. We are good neighbors. We do not complain when the trucks start up shortly after 6 a.m. spring and summer. We built knowing we lived next to a nursery and this was the time of year they needed to work hard to make their living. Mr. Robinson bought A-1 Nursery and developed it knowing what it was zoned. Please do not allow him to now change that zoning, making our surrounding roads even more dangerous and negatively affecting our rural residential way of life. Changing to a commercial zone just makes no sense.

Please feel free to contact us if you have any questions.

Sincerely,

Michael and Ramona Stevens
1810 Stillmeadow Dr.
Billings, MT 59106
#406-860-3435

4852 Amber Ln
Billings, MT 59106
November 14, 2017

To: Nicole Cromwell
Zoning Coordinator
Planning & Community Services

Re: Canyon Creek Nursery PD, Zone Change 685

I am writing in opposition to this proposed zone change. My property adjoins the property of the zone change. The zone change is proposed so that the owner can establish a brewery and a taproom on the property. I believe that this is not a desirable addition or change to our neighborhood.

I feel certain that a bar (taproom, brew pub, whatever you want to call it) will make this area a less desirable place to live. Traffic and noise will increase dramatically. 48th street is not designed as a commercial street and it will become much more congested. Many people in the area walk and exercise their dogs along this street and the increase in traffic will jeopardize their safety.

The increase in traffic and noise will likely not be limited to the hours of operation of the brew pub. Brewing operations will mean an increase in truck traffic, hauling water and raw materials in and hauling product out. I would think that people operating the brewery will be on the premises at any time, including the nighttime hours. Cars and trucks in and out of the property at any time and loading and unloading operations will affect my property.

The Zoning Boards and Commissions are required to consider whether a zoning change meets certain criteria before making a recommendation. I think it is clear that this proposed zone change does not meet many of the criteria:

Whether the new zoning was designed to lessen congestion in the streets.

It is obvious that if the zone change is approved congestion in the streets will increase.

Whether the new zoning will prevent overcrowding of land.

It is not apparent from the plans submitted that adequate parking will be available for patrons of the proposed bar. Vehicles will in all probability be parked on the street and likely will be parked along Amber Lane and could impact access to private driveways and ingress and egress from homes along Amber Lane.

Whether the new zoning will facilitate the adequate provision of transportation, water, sewage, schools, parks, fire, police and other public requirements.

An establishment selling alcohol will, without a doubt, impact the County Sheriffs Department. There will probably be waste products from a brewing process that will affect water quality in our neighborhood if they are disposed of in a septic system on the property. Holding "events" there will increase the load on existing or new septic systems at Canyon Creek Nursery.

Whether the new zoning gives reasonable consideration to the character of the district.

This area is almost exclusively residential in nature. There is only one business that I know of along 48th Street between Hesper and Neibauer other than the Canyon Creek Nursery and that is Soft Touch Designs. I don't think that their location is zoned for commercial operations. There is a self-storage and U-Haul business at the corner of 48th and Hesper, but that operation is entirely different in nature from the proposed development next door. I don't think there are any other businesses for more than a mile in any direction. I am certain that this change in the character of the district is detrimental.

Whether the new zoning was adopted with a view to conserving the value of buildings.

Commercial development in a residential area will always lower the value of homes in the neighborhood.

Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings and Yellowstone County.

I think that a lot more thought needs to be given to where bars and brewpubs and other establishments that sell alcohol are allowed to be located. Approving this zoning change for the expressed purpose of opening a microbrewery and taproom may lead to a precedent that will allow such establishment in entirely inappropriate places. I am not totally opposed to microbreweries. I just think that they should be located in planned commercial locations.

Bruce Keil

From: larry armstrong [mailto:mixertrucker1@gmail.com]
Sent: Tuesday, November 7, 2017 9:27 AM
To: Cromwell, Nicole <CromwellN@ci.billings.mt.us>
Subject: Re: FW: Thank you for your participation

Well another accident happened yesterday over here close by at the intersection of 48th St and Hesper. The intersection was/is slick and a young girl slid through the stop sign and was T-boned on the drivers side. I think she will be ok but is going to be hurting for some time. I would imagine she has suffered massive brain concussion.

She was lucky though complications could arise from the concussion. I don't know how fast the pickup who hit her was going but the speed limit on Hesper is 60 mph but from the damage to the young girls small SUV didn't look like the pickup was going 60. I would guess more like 35 or 40. Had he been doing 60 mph or even faster as I've seen them barrel down Hesper rd at 70+ mph she most likely would not have survived. Now enter a driver who has had the equivalent of 5 (12) ounce beers, probably on an empty stomach, and you have a recipe for many many more accidents at that intersection. He or she may not be impaired enough to actually operate the vehicle but drivers who have had that much to drink have impaired driving abilities. That intersection needs to be a 4 way stop. How many accidents does it take for the county to make that a 4 way stop? Does it take someone getting killed there for that to happen? At certain times of the day, that intersection gets really busy. Vehicles pulling out from 48th onto Hesper have to accelerate really hard even if the vehicle coming down Hesper is only a quarter of a mile away in order for the vehicle coming down Hesper not end up running into the back end of the vehicle pulling out. I've seen a lot of close calls. So you take a driver who is operating a vehicle coming up to the stop sign who has just left Canyon Creek with close to a six pack of beer in him or her and because of their impaired vision and recognition as to how fast a vehicle is traveling coming down Hesper and you can see how many more accidents there will be. Both of the drivers involved in the wreck yesterday were sober. But put half drunken drivers in the mix and you have a recipe for disaster.

I read in the Billings Gazette yesterday that two bar owners in Helena are being sued by the family of a driver who was killed by a drunken driver who had patroned these 2 bars and video tapes show the man was very intoxicated when he hit the other vehicle head on on the highway between East Helena and Townsend. So I'm guessing Staci is just going to take his chances in knowing that that could be him in that law suit. He needs to ask himself if he's feeling lucky enough to avoid a law suit if a vehicle driver is involved in a wreck which would result in the death of another person because the drunken driver had had too much to drink at Staci's brew pub. Plenty of people would be and can be inebriated enough with almost a 6 pack of beer to use poor judgement and be involved in an accident. So I would again like to exercise my rights as a citizen of Yellowstone county to let my county commissioner know that by putting a brew pub in a place of business out here in the county where speed limits are 60 mph (even people coming down 48th street from the south are traveling at 50 mph and with Canyon Creek Nursery's entrance onto 48th st being only a couple blocks away from the big dip from Canyon Creek itself will make pulling out onto 48th very risky especially for an impaired driver) is not a good idea at all. So again, I want to go on record to say I am very opposed to this brew pub. In fact for reasons already stated in previous emails, I am opposed to any zone changes Staci is proposing.
No zone change period.

From: larry armstrong [mailto:mixertrucker1@gmail.com]
Sent: Monday, October 30, 2017 2:21 PM
To: Cromwell, Nicole <CromwellN@ci.billings.mt.us>
Subject: Re: FW: Zone Change 685 - Applicants and Interested Parties LA 3rd email

Actually, I wasn't asking you to alter it, just to take a look at it and to ask you if you were to look at it and then if you didn't know what the original looked like, to ask yourself if you would know which address belonged to which person because the email addresses aren't on the same line as the name of the person. When I looked at it at first, I noticed someone else's email address on the same line as my name. Then noticed my email address was on the next line along with someone else's name. So I'm not asking you to alter it just to put it in the correct format so the person's name is on the same line as their email address. I guess if you don't want to do this then you don't have to but it would help in identifying what name goes with what email address.

On a different note. I mentioned in one email that my mom of 90 years lives here with us. I also mentioned that because of what is going on with Canyon Creek and all Staci wants to do over there that we would just like to move to get away from all that. Even if we win this time around, he is just going to keep at it until he gets what he wants so we will have to go through going to all these meetings every year. Who wants to go through all that every year for the rest of their lives? Our problem is, my elderly mom, who still drives. We talked about moving clear out to a subdivision past 80th and Neibauer or to an area north of Grand Avenue on 88th st w. The reason for moving out to either of those two places, is we would have to build a post frame building big enough to take the place of the shop and post frame building we now have. It would be pretty big, like around 55' by 75'. Not very many subdivisions will allow that big of a building.

We could build 2 buildings like we have now but that would cost a lot more than one building. I have put literally thousands and thousands of hours into finishing our basement, landscaping our yard, putting underground sprinklers in, building the 36 by 43 foot shop, building the 42 by 50 post frame building and other things too numerous to mention. Unlike Staci who had the buildings and pond built for him, I built everything with my own two hands. I just want to know what gives him the right to come in here and turn our lives upside down with his ideas so he can make more money? Should he be allowed to do that? And why do we call this progress? Does progress always have to mean people will end up hating other people? Hate is a pretty strong word to use in this case but when someone is wanting to do what he is wanting to do, a word like hate comes to mind. Strong dislike just doesn't seem strong enough. Now maybe everyone who is going to be affected by what he's wanting to do won't hate him, but because we are practically on his front door step, our reason for having a very strong dislike for him would seem normal and reasonable. If I lived four houses away or on the other side of Canyon Creek nursery, I might and most likely wouldn't feel as strongly about this as I do. But that's not the case. Or if my mom was't living here with us, I might not feel as strongly about this as I do, but she does. I don't know how many more years she will be able to drive or will live, for that matter, though people are living longer these days, especially women but until either of those happen, should we be forced to have to move way out of town? There isn't any land within 5 miles of here for sale which would allow a big pole barn like what I want to build. So moving farther out of town would mean she (as well as us) would have to drive farther to get into town. Also, because we live on a street like 48th, in the winter snow plows come through on a regular basis whereas, if we moved way out there, I doubt snow plows would come by very often if at all. We would probably have to build a house and pole barn and with the amount we'd get out of this house, to build a house with even 4 bedrooms and have as much square footage as this house plus the pole barn, I doubt we'd have enough money to do that if we were to just hire to have those built by a contractor. So I would more than likely have to hire a carpenter and work with him to build everything so we wouldn't end up with another house payment.

Are these hardships things we have to endure just so Staci can make more money? Dale Hudebraugh was content with the income from his tree farm and landscaping business and seemed to do just fine. Why can't Staci be content with that? If I had known that Staci was going to do all that he has done so far and to want to do even more to make our lives miserable, I would have figured out a way to buy that property myself.

If only I'd had a crystal ball which would've told the future.

Here's another reason, expounding on what I said before about loud music being played at events.

What if my wife or I or both of us want to go to bed early/ Should we be forced to listen to music which would keep us awake after we go to bed for hours on end? Would any of you want that? I vote emphatically no zone change, period, ever.

Staci can just figure out some other way to please the fine people of Billings without destroying the lives of people in this neighborhood and especially those who live in this household. I am sure other things I discussed with my mom will come to mind in the coming days as seems to be all I think about any more. Every time my mind becomes idle, these thoughts like those above keep agitating my mind and I can't get them out. How I wished we'd never moved here. Why are there people like Staci Robinson who are hellbent on making other peoples lives miserable? Why, why, why?

From: larry armstrong [mailto:mixertrucker1@gmail.com]

Sent: Friday, October 27, 2017 10:13 PM

To: Cromwell, Nicole <CromwellN@ci.billings.mt.us>

Subject: Re: FW: Thank you for your participation

I'm thinking about getting a hold of the Billings Gazette to see if they will hear our side of this equation as they have done for Staci and his business and business proposals. I'd like people to know what it's going to be like for us if this micro brewery and zone change goes through.

I was taking with my mom who lives here with us and in discussing things, about what took place at the meeting and some of the things which were brought up there. One thing I hadn't thought about was the music they will undoubtedly be playing over there. People like loud music, well not everyone but enough of them that I am sure there would be loud music (if this thing goes through, of course) and I am wondering how we would be able to take this. The picture running through my head is this. After a long day of work, I come home to relax and watch a little TV. All of a sudden I hear this music playing. It's loud but not so loud that if I were to call the Sheriff, they would do anything about it. But yet there it is, the base part of it penetrating the walls of our home, pulsating like music does, with just enough volume to make it super annoying but yet as mentioned not loud enough to where calling the sheriff out here would do any good. Then it continues, hour after hour, night after night, week after week, never ending. Is this what we have to look forward to?

Should Staci be allowed to come in here and disrupt our lives like this?

I asked the question of the guy who said he had gone to Canyon Creek and toured the facility (this is where I blew up and would have continued had someone not cut me off) if he would buy our house if it had a brewery and pub next door. Some of the younger people said that they would. But if I were to give them a truth serum, if there is such a thing, I doubt any of them really would want to live here if they were subjected to everything that is sure to take place over there if the zone change is ok'd. I kind of think those who said that were invited by Staci or someone else who has something to gain by being for this. And that brings up something from my earlier email.

I thought of something and am wondering if it would be permissible at the next meeting to ask for a show of hands of the people who would be there, who will be directly affected by this if this brewery/pub is ok'd. Then I would say to everyone with their hands raised, for the people who are

against this to go ahead and put their hands down which would leave those who are for it left. Then I would like for those people if they are a couple for one of them to put their hands down so only one of them would be speaking for that couple. Then I'd like to ask them why they want this brewery/pub to be put in. I want to find out if they have an ulterior motive or if they are just good friends of Staci or someone who works there. Then I want to ask them if they have any sympathy for us living so close to this establishment if it is ok'd.

Another thing I thought of was that since this is going to affect my wife, mom and me the most of anyone, I think I should be allowed to have as much time to speak, without interruption, as Staci gets. If he gets 15 minutes like he did today then I think I should be allowed to have 15 minutes. If he gets 20 minutes, I should get 20 minutes.

I don't know who is in charge of the protocol for this net meeting but if it's not you, can you talk with who ever is in charge to find out if this is ok? I would like to read the letter I gave you out loud with some of the things I will be talking about in this email and others, as well. I would try not to lose my cool like I did today and I think if I was given as much time to speak as Staci gets, he wouldn't think he should be allowed to dominate the meeting. I'm not much of a public speaker but I think I can muddle my way through reading something I have prepared in advance. I do well at reading out loud so if I have a prepared letter in front of me, I would probably do ok.

I went out after getting home today and stepped off the distance from our front door over to the closest patio proposed area. It's right at 220'. Staci talked about putting a high berm of dirt right on the other side of the fence with trees planted on it. He already has that berm there and it's maybe 6' high. So even if he plants pine trees on top of it, how much noise do you think that is going to stop? It will stop us from seeing over there but it's not going to stop any noise or at least very little. Noise penetrates right through trees. We have trees and bushes in our front yard and can hear all the traffic going by on 48th street just like they weren't there. When the leaves are gone in the fall and winter, the noise isn't any different than it is in the summer when all the leaves are on them. And pine trees (if that's what he's going to plant on top of the berm, doesn't stop noise any better than bushes with leaves on them do. Even if he planted 2 rows of trees or even three rows, the sound will still go right through them. If you've driven up Shiloh, above Grand Avenue, on the east side of the sidewalk along the east side of the street, you would see what it took to block out the sound of the traffic on that street.

It's a foot thick concrete wall 10+ feet high. I think Staci should be required (if this is put into residential commercial) a concrete wall at least 6' high, the full length of his proposed zone change on top of a 6' high dirt berm. At least that would do a better job of stopping the noise than a few trees would. And that would also hide some of his monstrosity of a building, which others think looks nice but in my opinion, looks out of place and with it's rusting roof, and looks ugly. With two stories and sticking way up there, I feel like they're looking down on me and scrutinizing my every move. The only thing that looks nice over there, in my opinion, is their pond.

Another thing I mentioned in my earlier email is about the zone change in general. If they get the zone change, the one thing which was mentioned that I definitely wouldn't want have happening over there is all the events which was mentioned. If they were quiet events, that might not be so bad but that is not what it sounded like was going to happen if he gets his zone change. He'd have loud music going over there just like over at Zoo Montana. When they have those concerts going over there, we can hear their music clear over here and it's a mile away from us! He's talking about doing this next door! There probably wouldn't be a thing we could do about it either. So no zone change either. He can just be content with the business's he's got going on over there now. I don't know why he thinks he needs to make even more money off that place. Dale Hudebraugh did just fine over there for 31 years. I sure wish he hadn't sold that place to Staci.

I thought we were going to retire in this house but it's looking more and more like we're going to have to move because even if Staci loses this battle, he will just keep on trying. So every year, we will have to

go through this all over again. Once is too much, let alone every year until he gets his way. And I may not be working right now but there are others who do work and this whole thing is inconveniencing them every time they have to take time off of work to go to one of these meetings. Sure they may not have to be there but their presence and anything they say is very important if we are to win this. So far we've done pretty well but I would have liked to have had my wife with me today but she couldn't get the time off. I know she would have had something to say.

Something I'm going to check on next week is how much alcohol does it take to affect a persons driving to the point where they couldn't pass a blood test. I know there are those people who are used to drinking a lot and wouldn't be affected by drinking 2 (24) oz mugs of 9% beer.

But I think those people are in a minority. I know for myself, and I'm not a small man either, I would be very intoxicated if I was to drink that much beer, especially on an empty stomach. I think it would affect my driving quite a lot. So what I said in my letter about Staci being responsible if they get into an accident from drinking that much beer in his establishment should definitely be implemented. Are bars responsible now if a person gets into an accident after drinking at their bar and is drunk?

There are other things my mom and I talked about but they slip my mind right now. So as I remember them, I will email them to you. If the Gazette does grant me a rebuttal, I hope they wait until 6 days before our next meeting so it will be fresh on everyone's mind like Sundays story was this time. So until my next email, I hope you have a nice weekend.

From: larry armstrong [mailto:mixertrucker1@gmail.com]

Sent: Friday, October 27, 2017 2:31 PM

To: Cromwell, Nicole <CromwellN@ci.billings.mt.us>

Subject: Re: FW: Thank you for your participation

I don't know if you noticed the list of peoples names and their email addresses or not but everyones email is on the next line instead of on the same line as their name. I don't have time before this evening to write up an email to you with some points which occurred to me along with some questions I have as to protocol but plan to send you an email either this evening or within the next 3 or 4 days. Sorry about my outburst at the meeting but as you can tell, because we have so much to lose if this thing gets put through and am so passionate about this, it's hard for me to contain my anger and it shows up in the volume and tone of my voice. But I think Staci is starting to get the idea that I really (there's no word I can think of which is strong enough to express my sentiment here) really really don't want a brewery put in a stones throw from my front door. And I do not want his land to be zoned any differently than it is now. But I will elaborate on that point as well as others in the forth coming email.

From: larry armstrong [mailto:mixertrucker1@gmail.com]
Sent: Thursday, October 12, 2017 10:48 PM
To: John Ostlund
Subject: opening a brew pub in a residential neighborhood

I'm not sure I am writing to the right person but thought I needed to start somewhere. I've never written to any of our county commissioners as I have never had an issue which required it. But one has presented itself now and if ok'd by the commissioners, will cause a great hardship for my family. If he hasn't already done so, Stacy (not sure of his last name but I think it is Robinson) who is the new owner of what used to be A-1 landscaping but is now called Canyon Creek nursery, is submitting paperwork for a zone change here on 48th St W. As you are probably aware, he is planning on opening a brew pub with a brewery in his building. My wife and I along with my elderly mother live right next door to Canyon Creek Nursery. Our house is the only house which sits on 48th st. All the rest of the houses which border Canyon Creek Nursery are on streets off of 48th st. If Stacy is able to open this brew pub, my family would be mostly affected by this intrusion. He has had his employees build a pond with stone work around it and it looks nice but those who would visit his establishment (the brew pub) would undoubtedly be gathering around this pond drinking beer out there. It's only about a hundred feet from our front door. A business like this in my opinion does not belong between two residential neighborhoods where children are present. And the extra traffic this will create between the hours of 4PM and 8PM is going to create even more of a nuisance. If this thing gets as well known as Canyon Creek brew pub over on Gabel, there could be as many as a hundred or more cars coming and going right in front of our house. We have lived here since 1989. Back then, when it was > A-1 nursery, this was a quiet place to live. A-1 had most of their business several hundred yards away from our house and we hardly knew they were there. Since it has become Canyon Creek, the noise has increased 10 fold. They do a good portion of their business just on the other side of the fence which runs between their property and ours. They have one machine in particular which has a very noisy exhaust. And where as A-1 would only use their skid steers mainly Monday through Friday, Canyon Creek runs theirs 7 days a week from > 7:00 AM till sometimes 6:00 PM. There isn't much we can do about that though I wish there was. I wish Dale would never have sold the business to Stacy but again, there's not much we can do about that other than move. We have always liked the west end of Billings and are in a good location, though the traffic going by in front of our house with all the noisy diesel pickups, noisy motorcycles and small 4 cylinder cars, sometimes gets ridiculously loud when they are accelerating away from Hesper. Most wouldn't pass a decibel test when they are really accelerating which a good many of them do. But that's a separate issue altogether. What Stacy is planning on doing would exacerbate the noise problem to a new level. People who drink, tend to throw caution to the wind in doing many things, and one of them would be in driving their vehicles. Because there isn't any room to park along 48th street, he would have to pull a whole bunch of his trees out of the area just to the west of the big building he built over the last year and a half. We have had to put up with that noise also for the better part of the year and a half which it has taken them to put up that monstrosity of a building. Again, there was nothing we could do about that. He put a gravel driveway into this building which runs by the pond and that adds even more noise as vehicles driving over gravel make a great deal of noise, unlike pavement. So all of the people who would be visiting this brew pub would be coming and going in and out of a gravel parking area using this gravel drive way. That noise all by itself is going to be very intrusive. We wouldn't be able to sit out in our backyard with all that noise plus all the people who would undoubtedly be sitting around his pond drinking beer, laughing loudly, as people who drink do along with talking and yelling as people who drink do. I hate to sound like a party poop but I am, as is my wife and mother, the type of people who like the quiet living being outside the city limits offers, or used to. We don't have as much

traffic as say King or Grand or Central, but it's getting worse all the time. Other than moving, there's not much we can do about that though I wish I could do something about all the excessively loud vehicles which drive by. But getting back to this brew pub. Do you think an establishment of this sort belongs between two residential neighborhoods where most of the people do not want this sort of business going in? At the meeting several weeks ago, one could tell most of us there did not want this going in here. One of the neighbors said to Stacy, if most of the people in this room don't want this, are you going to go ahead with it any way? His answer, without hesitation, was yes. I told him I would fight against this every step of the way. As I mentioned, earlier, we have the most to lose if he gets his way. We would undoubtedly have to move. So he would end up the winner and we would lose the home I have worked so hard to make it what it is today. We have looked around out here on the west end through a realtor, just in case this brew pub goes in and are finding the housing way too expensive for what we can get out of our house. So we would have to move to a different part of the county if we are to stay outside the city limits which we prefer to do. We haven't always lived outside the city limits, but since we moved back in 1989, we kind of like it out here.

> But if the commissioners ok this establishment, we don't know where we will have to move to. The three of us as well as at least 25 of my neighbors are hoping all of you will vote no when the time comes to vote on this. Please don't let this brew pub come into our neighborhood. Thank you for taking the time to read this lengthy email. I hope you take this matter as seriously as we are.

Respectfully,
Larry Armstrong

RE: Zone Change 685

I am writing to let the zoning commission know that I am very opposed to changing the zoning of Canyon Creek Nursery from agricultural to neighborhood commercial. Canyon Creek wants to put in a brew pub and hold special events at their location on 48th Street.

- 1) Noise – Our neighborhood is quiet but with a brew pub bordering our property, there will be constant noise every day from 5 pm to 9 or 10 pm or later. Even during the day and possibly at night there will be noise from trucks bringing in supplies to make the beer. Summertime will be even noisier since they plan to have outside patio seating. A berm and a few trees will not eliminate the noise.
- 2) Traffic – 48th Street is very narrow. It cannot handle the increase in traffic that a brew pub or special events operation will bring. Just check out the brew pub on Gabel Road. Cars are parked everywhere, even along both sides of the road. 48th Street has no place to park on the road. There is only about one foot of shoulder.
- 3) Property value – Our property values will drop because no one wants to live next door to a bar. The neighborhood will be ruined.
- 4) Parking – Canyon Creek owner seems to think he'll have enough parking. From looking at the plans that does not seem to be true. I'm sure the overflow will come into our neighborhood on Amber Lane. We owners will be calling tow trucks to haul vehicles off our property.
- 5) Water and sewer – What is all this brewing of beer going to do to our water supply? What will they do about water contamination from a large increase in sewage and waste water? What kind of odors will be generated by the brewing process?

A brew pub does not belong in the middle of our homes. Canyon Creek should consider putting a brew pub where there are other businesses. The owner of Canyon Creek seems to think that sprucing up the property with a pond and new buildings makes it an upscale operation. I say, "A bar is a bar".

Please don't allow Canyon Creek to be rezoned to a neighborhood commercial zone. It will create so many problems for us home owners as well as the police department. I am worried that our safe neighborhood will have more break-ins/crimes due to the brew pub and special events.

Barb Keil

4852 Amber Lane

HALVERSON, MAHLEN & WRIGHT, P.C.

ATTORNEYS AND COUNSELORS AT LAW

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JAMES R. HALVERSON
THOMAS L. MAILEN, JR.
JOHN L. WRIGHT
NICHOLAS A. WHITAKER
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REPLY TO:
P.O. BOX 80470
BILLINGS, MONTANA 59108-0470
(406) 652-1011
FACSIMILE: (406) 652-8102

December 1, 2017

VIA EMAIL

Yellowstone County Zoning Commission

2825 3rd Avenue North

4th Floor

Billings, MT 59101

CromwellN@ci.billings.mt.us

Re: *Yellowstone County Zone Change #685*
1730 48th Street West - Canyon Creek Nursery Planned Development
Project Number: 17-0168
Our File 23510

Dear Honorable Members of the Yellowstone County Zoning Commission:

I submit this testimony in **support of County Zone Change # 685** in my personal capacity as a resident of Yellowstone County, a business owner in Billings' southern West End, and as supporter of the economic growth and breweries of Billings and Yellowstone County. I urge this honorable commission to support the proposed zoning change to Neighborhood Commercial, which will enhance the local area and economy.

The parcel subject to re-zoning is situated immediately off 48th Street West, surrounded by agricultural (A-1), residential (Agricultural Suburban), and an adjacent Community Commercial parcel (storage units) as well as gravel pit (A-1). It is also located just off of the Shiloh Road commercial corridor, the subject of substantial commercial development and public investment in recent years. The addition of a brewery to the greater area is not only needed, but overdue as Montana continues to grow its proud craft brewing tradition.

Such an compatible addition to the area would provide not just economic development, but a welcome respite for the shoppers, workers, and residents that frequent the growing corner of Billings and Yellowstone County. The zoning change would not alter the overall natural and agricultural character of the area, rather it would update the zoning to more accurately reflect the actual development and neighborhood as it stands and grows today.

The zoning update will enhance the area and the surrounding properties, making them more desirable for prospective purchasers due to their close proximity to a desirable amenity for young families. The location of a public, family-friendly gathering place is suitable and appropriate for the area. Much of Yellowstone County would count themselves as lucky to have such an establishment close to their work or home. The warm smells of a brewery, turning Montana grain into Montana beer, are yet another feature

December 1, 2017

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that would fit well into the overarching agricultural character of the area.

The zoning update to allow for placement of the brewery would satisfy many goals of the governing Yellowstone County and City of Billings Growth Policy. Inclusion of the brewery would anchor the mixed use neighborhood in an aesthetically pleasing and compatible manner, foster the development of cultural resources, such as beer and music, and increase the overall quality of life for the area in accordance with the growing wants and needs of families young and old. *2008 Growth Policy Update*, 6, 8, 14.

I believe what Jill and Shea Dawson have done with Thirsty Street Brewing Company in Downtown Billings speaks volumes about the appropriateness of the brewery for the West End. They have created a welcoming, family atmosphere which serves as an open gathering place for friends, neighbors, and their children. They brew pretty good beer too.

I have no doubt that the brewery would be a suitable and welcome addition to the area and urge the approval of the zoning change to Neighborhood Commercial.

Very sincerely yours,



JOHN L. WRIGHT

cc: Yellowstone County Board of Commissioners (via email)
Shea Dawson/Thirsty Street Brewing Company (via email)

To whom it may concern,

11/20/2017

I am writing this letter as a personal testimony regarding Shea and Jill Dawson who own and operate Thirsty Street Brewing Company (TSBC). I have personally known both Shea and Jill for about 2.5 years and during that time I have had many opportunities to get to know them and their family both in their personal and professional lives. I can attest to Shea and Jill's outgoing, positive and caring personalities, which are reflected in how they manage TSBC. There have been numerous activities held at TSBC involving the Billings community associated with art, yoga, music, dance and various other local events. Shea and Jill have had several fundraising gatherings supporting the Billings area and are always ready to involve local businesses to enrich regional health, growth and positive progression.

As a Montana native, who grew up in Billings, I have been able to see the evolution of the downtown area and I believe TSBC plays a vital role in the positive growth of our local community. I am married and have two young daughters and my family can appreciate the fun environment that TSBC offers. Besides the tasty microbrews, TSBC also offers families a fun and safe place to hang out where we are able to enjoy the tasty bratwursts and play some pool or my daughter's favorite, shuffleboard.

I strongly believe that Shea and Jill will be able to offer the same kind of fun, caring, outgoing and local supportive establishment in the West end of Billings as they have already brought to the downtown area.

Sincerely,



Jeremy Hansen

306 Beverly Hill Blvd

Billings, MT 59101

303-905-9688

Jscottie182@hotmail.com

From: Brittani Hunter [mailto:brittani@cbthebrokers.com]
Sent: Monday, October 30, 2017 4:04 PM
To: Cromwell, Nicole <CromwellN@ci.billings.mt.us>
Subject: RE: Thank you for your participation

Nicole,

Thank you for your time in sending the attendance list. I wanted to pass a little bit of information pertaining to this meeting. A few comments were made in regards to "THE BAR" beginning open all night, the noise and referencing Canyon Creek Brewing as a similar business as what Thirsty Street is planning to open at that location.

As I had to pick up my children up from a birthday party last Friday night at 8:30 from Get Air, I had to pass Canyon Creek Brewing on my way home. Now, this was a Friday night at 8:40ish mind you. I saw 5 cars total in the parking lot. Majority of those customers were inside and one couple was sitting outside on the patio enjoying the fire pit. No one was walking around the property causing dismay and yelling.

Most customers stop at a local brewery on their way home to have a beer.. maybe two and then head home. I may not live in within 300 feet of the site, yet I did want to express my opinion. My husband and I are both hard working citizens of Billings. We have two children and live, work and play within this community. We are typically "those" customers that want to stop in enjoy a beer have a nice quit conversation before we head home. The location off of 48th St. wouldn't be one that most bar hoppers would go out of their way to stop, just to drive back into town. This would be a nice convenient stop for those who live within the area or up to 5-10 miles and travel west to go home. I understand all of the concerns, yet as a person who lives out on Old Highway 10 with peace and quite, animals and no lights... we still see our fair share of traffic and accidents. It's something that will impact everyone, as more and more people are traveling on our roads and highways. I felt that the meeting was very emotional and didn't see that my opinion would have mattered to the group at hand. Yet, I would like you to document that for the benefit of our businesses who keep their money, workers and taxes within our state. We should allow those businesses who have a solid foundation and long lasting future for this community to be able to expand. This is would be a great addition for that neighborhood.

Thank you for your time.

Thank you,

Brittani Hunter
Residential Sales Manager

Coldwell Banker the Brokers
1215 North 24th St. W #201
Billings, MT 59102

11/17/2017



To Whom it May Concern,

ZooMontana is a proud supporter of regional business. At its November Board of Directors meeting, the organization voted unanimously to show no objection to the proposed Thirsty Street Brewing Co./TSBC Inc. expansion on the west side of Billings, Montana. As a popular, cultural attraction, ZooMontana, (Montana's only Zoo), is pro-business, particularly throughout the Shiloh corridor. New development within this area will ultimately benefit ZooMontana, impacting its growth and community outreach. ZooMontana cares deeply about the future of Billings and the ability to draw and retain both residents and tourists, each of which are invaluable resources to our local economy.

Sincerely,












A handwritten signature in black ink, appearing to be "JE" with a stylized flourish.

Jeff Ewelt
Executive Director
ZooMontana

Petition for Support of Zone Change 685 - 1730 48th Street West Canyon Creek Nursery

The purpose of this petition is to express support for a zone change at the above named property from ag-open to neighborhood commercial with a brewery exception. The approval

First Name	Last Name	Signature	Physical Address	E-mail Address
Lauren	Wright	<i>Lauren Wright</i>	511 Yellowstone Ave Big Spring	lauren.mansfield@gmail.com
Michelle	Breum	<i>Michelle Breum</i>	2205 Lyman Ave	michellebreum@gmail.com
Elizabeth	Hansen	<i>Elizabeth Hansen</i>	304 Beverly Blvd	elizabethhansen@gmail.com
Pam	Hansen	<i>Pam Hansen</i>	14 Burlington	patkpe@gmail.com
Jennifer	MASSEY	<i>Jennifer Massey</i>	3223 County Club	jennifer.la37@hotmail.com
Christina	Rodriguez	<i>Christina Rodriguez</i>	3009 Knomad Rd	ChristinaR8@aol.com
Dallas	Pender	<i>Dallas Pender</i>	2957 Joan Ln	dallaspenders@gmail.com
Tali	Trif	<i>Tali Trif</i>	935 Ave E	mphil7218@gmail.com
DeeDee	Hilton	<i>DeeDee Hilton</i>	2391 Westfield Dr.	cdhilton@hotmail.com
Nison	Howe	<i>Nison Howe</i>	2916 N. 17th Rd	ahowe002@gmail.com
Dana	Henry	<i>Dana Henry</i>	2421 Riverdale Dr.	dannathenry@hotmail.com
Madalyn	Philhower	<i>Madalyn Philhower</i>	1141 Lewis Ave	m.philhower@gmail.com
Maureen	Dafon Dawson	<i>Maureen Dawson</i>	3131 Harrow Dr	maureen-dawson@stgibbs.com
Patrick	Landry	<i>Patrick Landry</i>	5722 San Juan Drive	patrick.landry81@gmail.com
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EXECUTIVE SUMMARY

The West End Multi-Modal Planning Study is the result of a collaborative effort between the Billings-Yellowstone County Metropolitan Planning Organization (MPO), the City of Billings, Yellowstone County and the consultant Project Team (Sanderson Stewart and Fehr & Peers). The purpose statement for the study is as follows:

To evaluate the cumulative effect of ongoing and projected future land development and population growth on the multi-modal transportation system for the area of Billings west of Shiloh Road

This document provides guidance in terms of cost and prioritization for multi-modal transportation system projects in the study area based on a pair of land development projection scenarios for the 20-year period leading up to the study Horizon Year of 2035.

Study Area

The study area for the West End Multi-Modal Planning Study is depicted at right in **Figure ES1**. The areas shown in light blue are in the City of Billings, while all other areas have not yet been annexed. The areas shaded in red have been identified for potential annexation by 2018, while the areas in yellow-orange have been identified for potential longer-term annexation. The orange dotted line represents the MPO planning jurisdictional boundary.

Methodology

The Project Team inventoried existing multi-modal transportation system features within the study area, collected traffic counts and crash history data and performed a comprehensive analysis of existing conditions to utilize as a baseline for the study. In addition to evaluating operations and safety for vehicular travel, the team evaluated conditions for the bicycle and pedestrian environment using latent demand and level of traffic stress (LTS) metrics.

Two (2) Horizon Year (2035) land development projection scenarios were calculated; one that approximated a continuation of recent historical development in the area, including a mixture of City and County subdivisions; and a second scenario that projected more aggressive annexation of study area property, thereby resulting in denser development and growth.

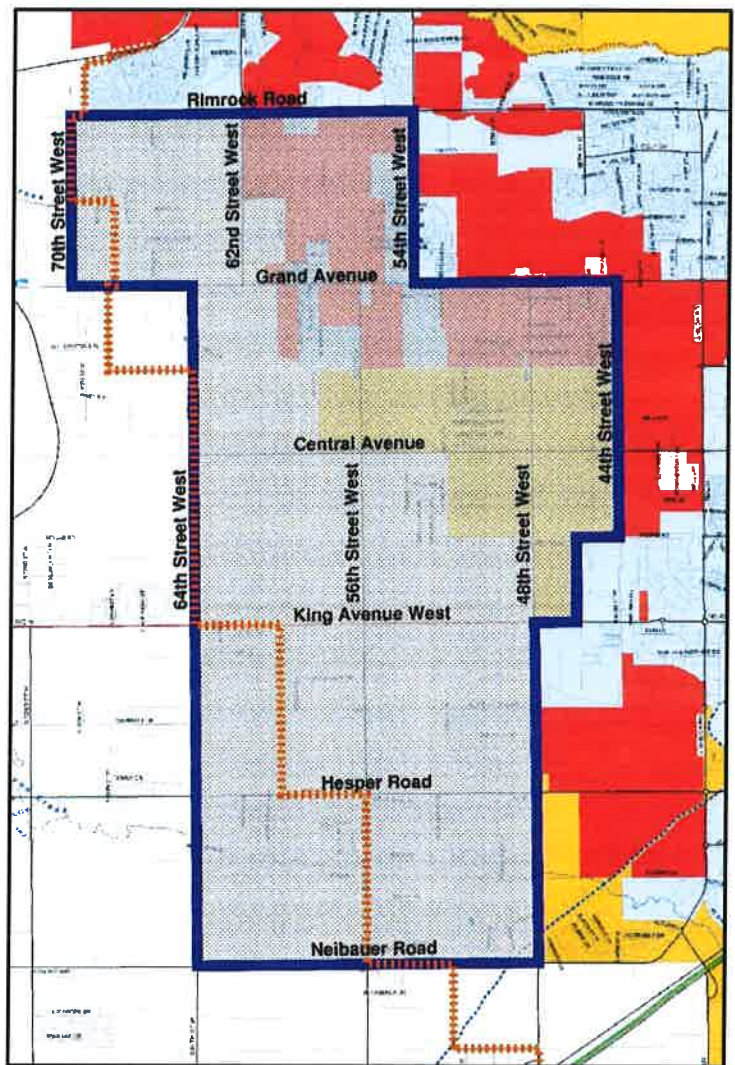


FIGURE ES1. STUDY AREA

The parameters for the two growth scenarios were provided to the Montana Department of Transportation (MDT) for analysis in the Transcad transportation model for Yellowstone County. MDT returned link-specific average daily traffic (ADT) volume projections for both scenarios to be utilized for the Horizon Year (2035) analyses.

The Project Team analyzed future multi-modal operations for both of the growth scenarios. Based on the results of those efforts and the crash history analysis for the study area, the team developed a series of prioritized short-term and long-term project recommendations with high-level approximate construction cost ranges estimates.

Analysis Results

Existing Conditions

For the Existing Conditions (2015) scenario, all of the study area intersections and street corridor segments were found to operate at acceptable levels of service (LOS) during all periods of a typical day. However, an evaluation of crash history for study area intersections for the 5-year period from 2010-2014 revealed that there are seven (7) intersections with crash rates higher than 1.0 crashes/million vehicles entering (MVE), which is a threshold number that MDT uses to determine when an intersection may be of concern. The following three (3) of those intersections exhibited crash rates greater than 1.50 crashes/MVE:

- Rimrock Road & 62nd Street West
- Neibauer Road & 48th Street West
- Neibauer Road & 56th Street West

There were no fatalities reported as a result of any of the crashes during the 5-year analysis period. However, crash severity, which takes into account how many injuries and/or fatalities have occurred as a result of a sample of crashes, was found to be elevated for six (6) intersections. The two Neibauer Road intersections listed above had the highest crash severity rates.

From an active transportation (bicycle/pedestrian) standpoint, the availability of sidewalks, side paths, trails, or bike lanes in the study area is very limited with the exception of sidewalks internal to masterplanned communities. In general, the study area lacks connectivity to low stress bike/pedestrian facilities. A level of traffic stress (LTS) analysis showed that all of the major streets in the study area exhibit the highest LTS scores, thereby making them uninviting to typical bicyclists and pedestrians. This is generally due to the high speeds and narrow or non-existent shoulders in the study area.

Future Conditions (2035)

Under land use growth Scenario 1 (typical growth), most roadways in the study area continue to experience a LOS D or better. However, three of the primary east-west arterials (Rimrock Road, Grand Avenue, King Avenue West) are not projected to meet that standard. Of the north-south arterials, only 62nd Street West, north of Rimrock Road, is projected to operate below LOS D. **Figure ES2** on the following page provides a graphical illustration of the corridor LOS conditions for Scenario 1. Figure ES2 also shows the intersections that are projected to operate below an acceptable LOS C during one or both peak hour periods for Scenario 1.

Under the higher-growth Scenario 2 (aggressive growth), Central Avenue joins Rimrock Road, Grand Avenue and King Avenue West in having one or more segments exhibiting LOS E or worse conditions. For the north-south corridors, 62nd Street West, north of Rimrock Road degrades to LOS F, while 54th Street West is projected at LOS D north of Rimrock Road and LOS E south of Rimrock Road. **Figure ES3**, also on the following page, illustrates the corridor LOS analysis results for Scenario 2 and also shows graphically which intersections are projected to fail under that scenario.

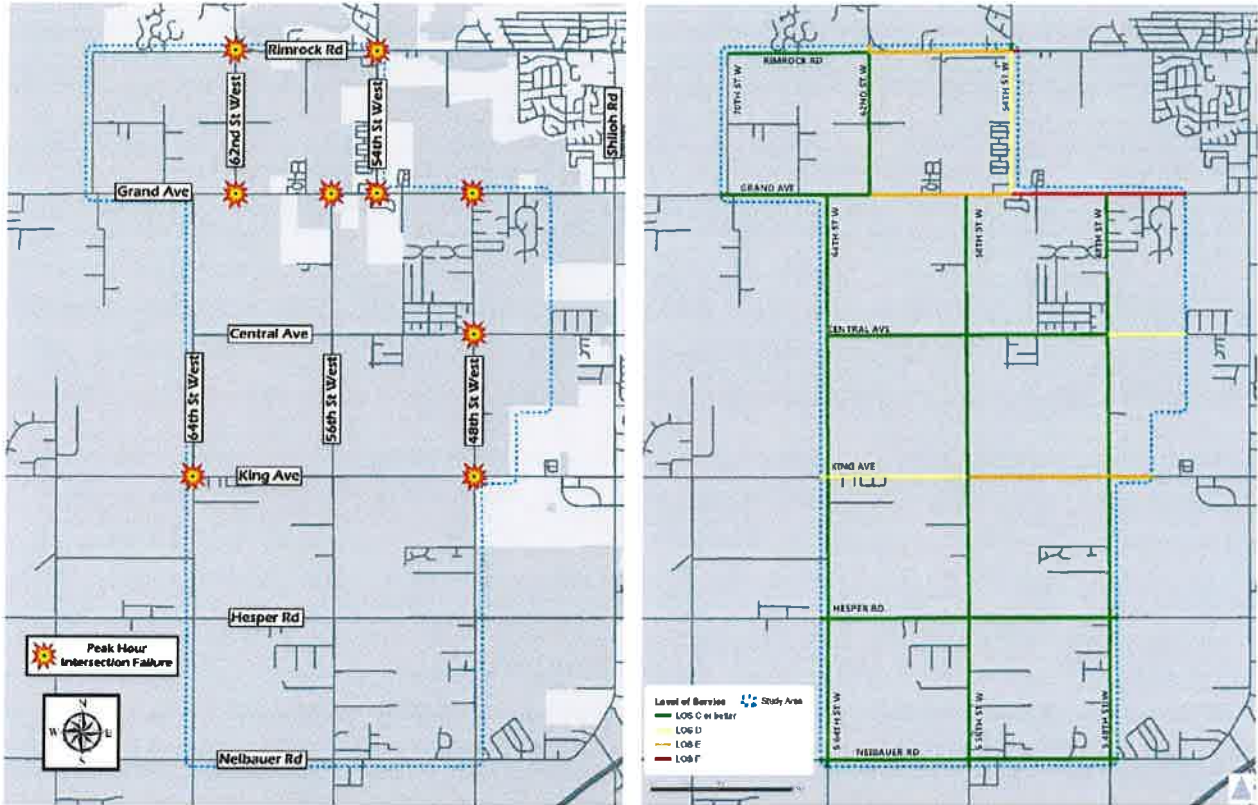


FIGURE ES2. SCENARIO 1 (2035) INTERSECTION AND CORRIDOR LOS ANALYSIS RESULTS

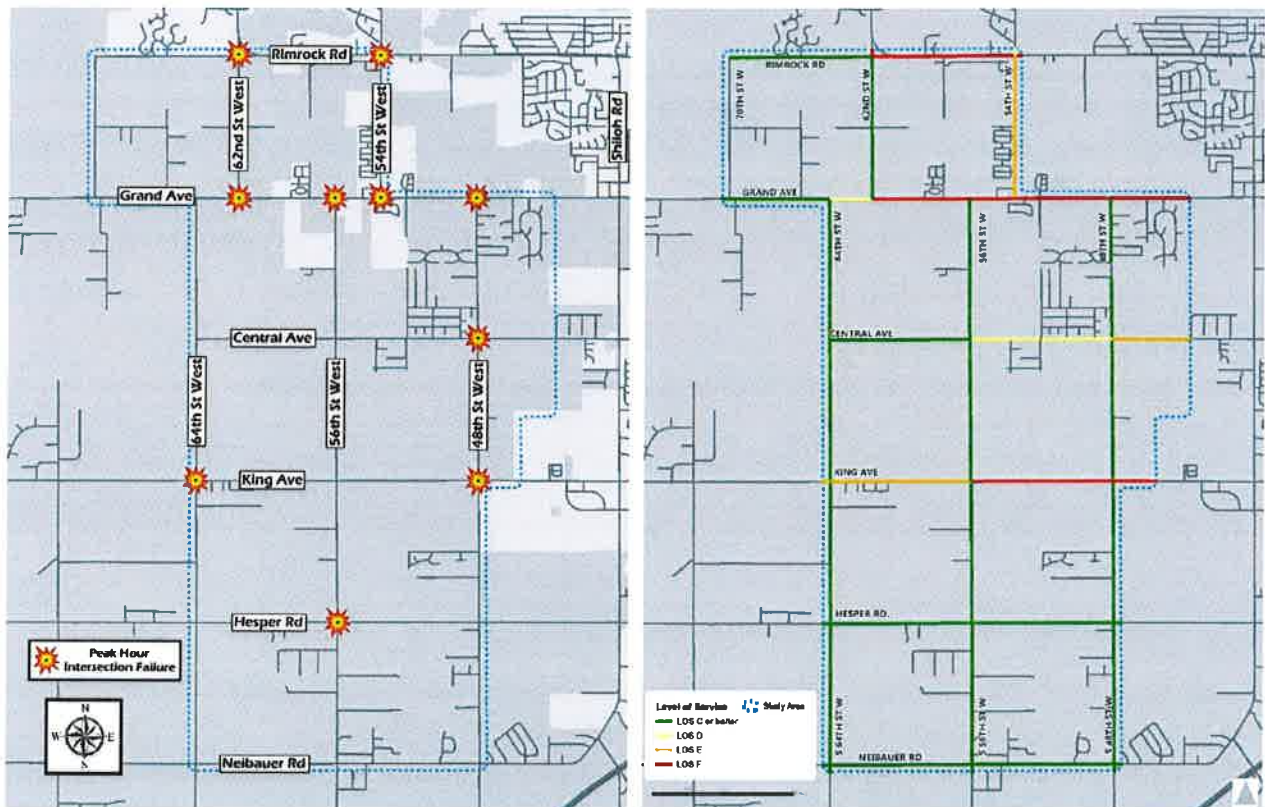


FIGURE ES3. SCENARIO 2 (2035) INTERSECTION AND CORRIDOR LOS ANALYSIS RESULTS

A Latent Demand Model was used to provide a logical analysis framework to prioritize attention and investment for active transportation. Based on the growth projections, demand for active transportation is expected to increase significantly. Most of the study area north of King Avenue and east of 56th Street will generate demand, with the highest concentrations along 54th Street and Grand Avenue. **Figure ES4** below illustrates the projected change in active transportation demand from Existing Conditions (2015) to Scenario 2 (2035)

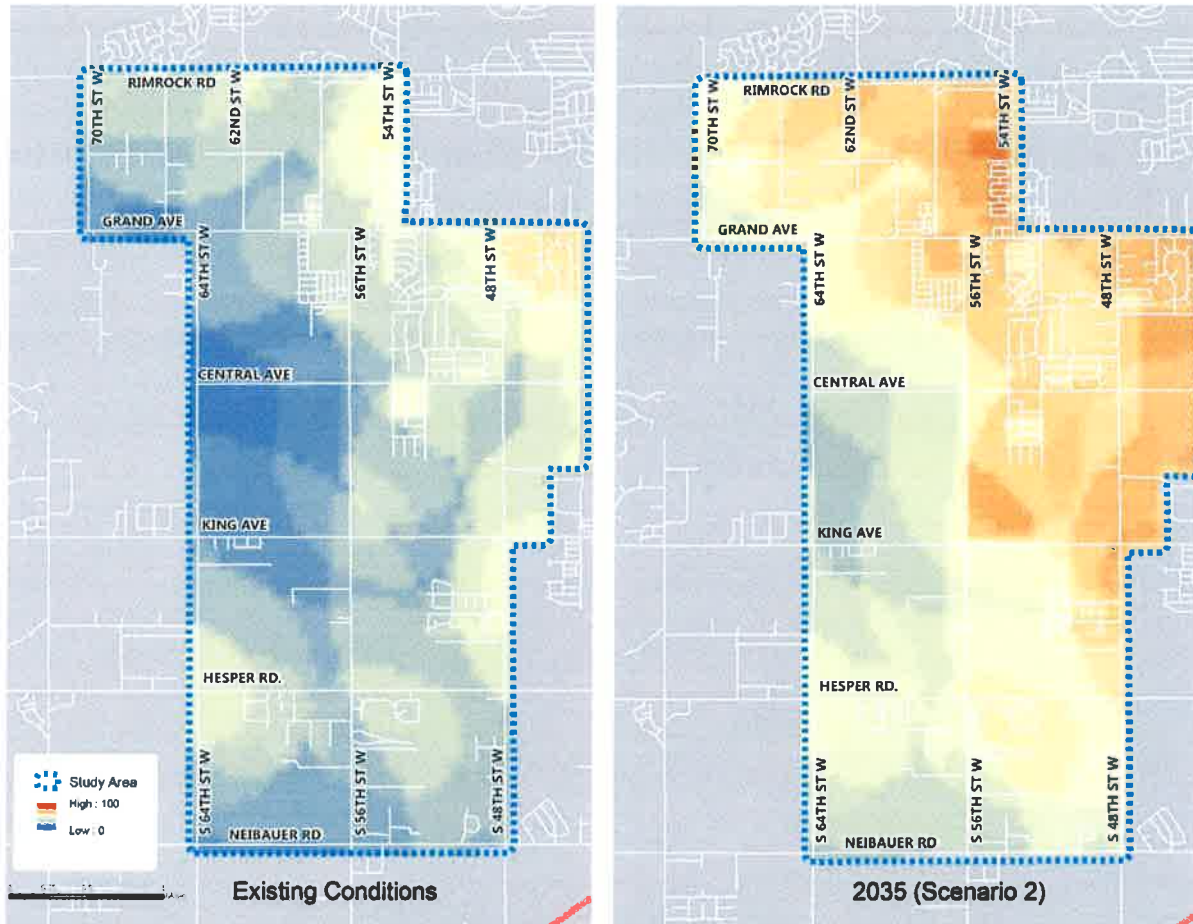


FIGURE ES4. LATENT DEMAND MODEL ANALYSIS RESULTS

Study Recommendations

Streets & Intersections

The priority project recommendations for this study were broken down into short-term and long-term categories. Short-term priority projects are those that could be necessary in order to maintain safe and efficient operations during the first half of the 20-year study period. Long-term priority projects are more likely to be needed during the second half of that period. However, it should be noted that there are many factors related to land development that could change the priority, location and cost considerations that are summarized in these recommendations. As such, the recommendations are to be utilized as a guideline for planning and not as a hard and fast committed projects list.

Tables ES1-ES4 and **Figure ES5-ES6** on the following pages list and illustrate the short term and long-term priority project recommendations for street and intersection improvements. In addition to details about each recommended project, the tables provide estimated construction cost ranges. The estimated costs do not consider right-of-way, irrigation systems modifications or street lighting other than as associated directly with traffic signals or roundabouts.

TABLE ES1. SHORT-TERM INTERSECTION PROJECT RECOMMENDATIONS

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Neibauer Rd. & 56th St. West	All-Way Stop Control/OH Flashing Beacons/Transverse Rumble Strips	\$120,000-\$200,000
2	Neibauer Rd. & 48th St. West	OH Flashing Beacons/Transverse Rumble Strips	\$120,000-\$200,000
3	Rimrock Rd. & 54th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
4	King Ave. West & 64th St. West	Auxiliary Turn Lanes	\$400,000-\$600,000
5	Grand Ave. & 48th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
6	Molt Rd./Rimrock Rd./62nd St. West	Design Study	\$20,000-\$30,000
7	Grand Ave. & 56th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000

TABLE ES2. SHORT-TERM CORRIDOR PROJECT RECOMMENDATIONS

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Grand Ave. - Shiloh Rd. to 52nd St. West	Widening/Reconstruction (3-lane section)	\$2,800,000-\$4,500,000
2	Rimrock Rd. - 50th St. West to 54th St. West	Widening/Reconstruction (3-lane section)	\$1,000,000-\$1,600,000
3	King Ave. West - MT Sapphire Dr. to 48th St. West	Widening/Reconstruction (3-lane section)	\$1,300,000-\$2,000,000
4	Grand Ave. - Wilderness Dr. to 62nd St. West	Widening/Reconstruction (3-lane section)	\$900,000-\$1,400,000

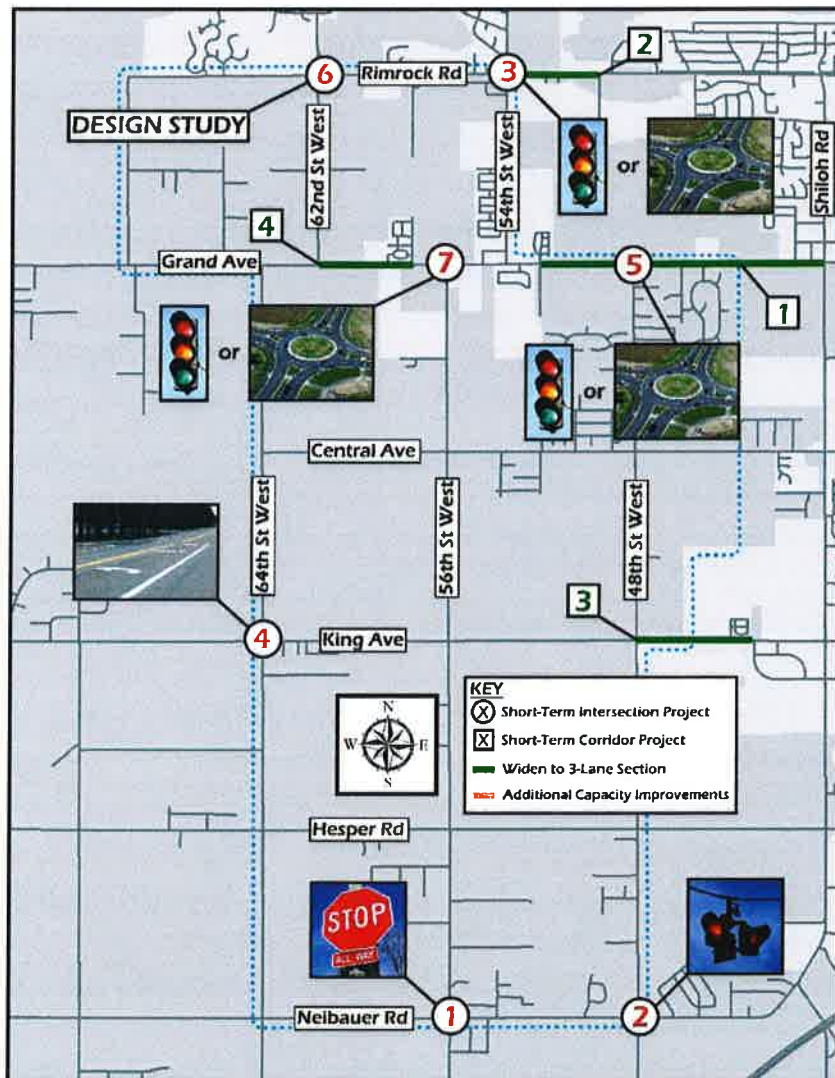


FIGURE ES5. SHORT-TERM INTERSECTION & CORRIDOR PROJECT RECOMMENDATIONS

TABLE ES3. LONG-TERM INTERSECTION PROJECT RECOMMENDATIONS

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Molt Rd./Rimrock Rd./62nd St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
2	King Ave. West & 48th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
3	Central Ave. & 48th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
4	King Ave. West & 64th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
5	Grand Ave. & 62nd St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
6	Hesper Rd. & 56th St. West	All-Way Stop	\$4,000-\$200,000

TABLE ES4. LONG-TERM CORRIDOR PROJECT RECOMMENDATIONS

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Grand Ave. - Shiloh Rd. to 62nd St. West	Widening/Reconstruction (5-lane section)	\$7,500,000-\$11,000,000
2	Rimrock Rd. - Shiloh Rd. to 62nd St. West	Widening/Reconstruction (5-lane section/3-lane section)	\$6,900,000-\$10,300,000
3	King Ave. West - MT' Sapphire Dr. to 64th St. West	Widening/Reconstruction (5-lane section/3-lane section)	\$6,100,000-\$9,300,000
4	54th St. West - Grand Ave. to Rimrock Rd.	Widening/Reconstruction (3-lane section)	\$2,100,000-\$3,300,000
5	Central Ave. - Shiloh Rd. to 48th St. West	Widening/Reconstruction (3-lane section)	\$2,000,000-\$3,100,000
6	62nd St. West - Rimrock Rd. to Western Bluffs Dr.	Widening/Reconstruction (3-lane section)	\$700,000-\$1,100,000

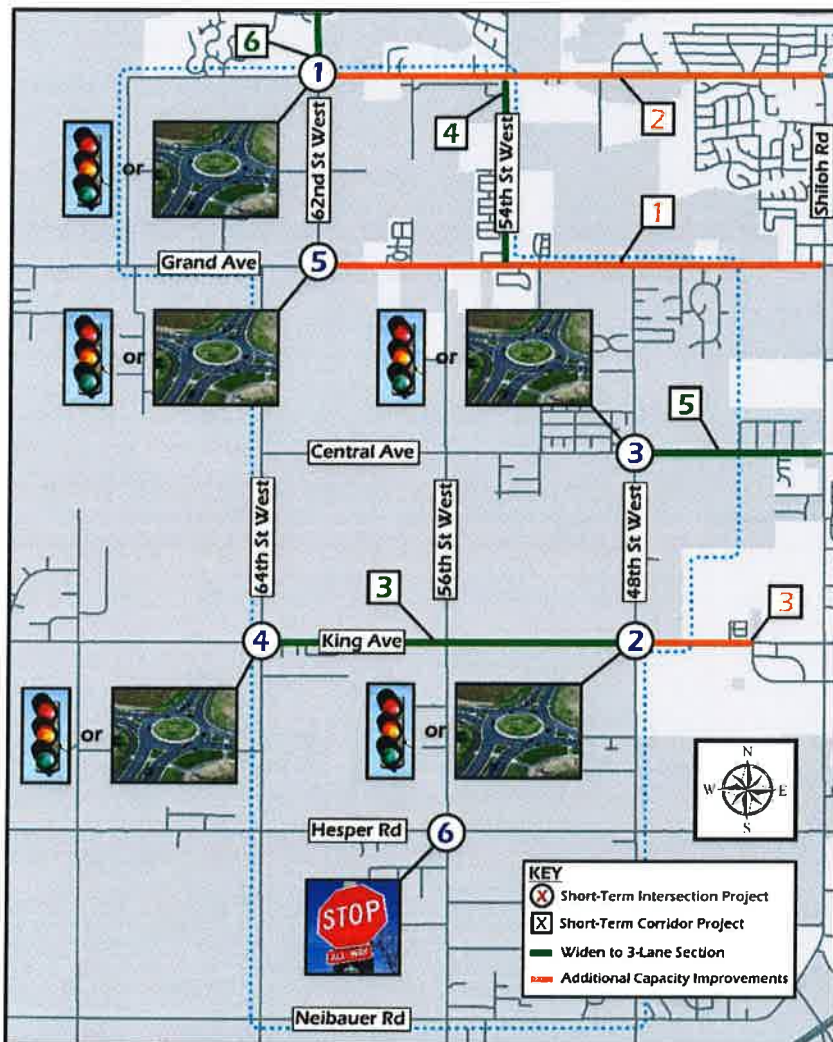


FIGURE ES6. LONG-TERM INTERSECTION & CORRIDOR PROJECT RECOMMENDATIONS

The City and County should also strongly consider the implementation of access control as a tool for extending the life (in terms of capacity) for roadway corridors in this area. Closely spaced driveways with no restrictions on turning movements can greatly degrade the throughput capacity for an arterial. A well-conceived access control plan can improve arterial capacity and also provide safety benefits by reducing conflict points in high-mobility corridors.

Active Transportation Systems

The Project Team recommends the implantation of short-term bicycle facility improvements in the following locations:

- 54th Street from Rimrock Road to Grand Avenue
- 48th Street from Central Avenue to Grand Avenue
- Grand Avenue from 58th Street to Shiloh Road
- Central Avenue from 56th Street to Shiloh Road

Specific improvements could include shoulder widening to provide rideable space (5-8 ft of pavement outside of the shoulder stripe), protected bike lanes (“cycletrack”), and sidewalks or sidepaths. The provision of parallel multi-use pathways designed to serve both pedestrians and bicycles should also be a focus to better accommodate the needs of multiple user groups.

Near-term improvements for pedestrian facilities should focus on improving sidewalk connectivity with neighborhoods and providing crosswalks and related signage to make drivers aware of crossing locations. The following locations should be considered in the short-term for crossing improvements:

- Grand Ave/54th St: crosswalk enhancements, possibly a traffic signal, to improve pedestrian safety near school zone
- Grand Avenue midway between 56th Street West and 58th Street West: pedestrian actuated mid-block beacon, possibly a pedestrian hybrid beacon (“HAWK signal”) or rectangular rapid flashing beacon (RRFB)
- 54th Street West at terminus of multi-use path (north end of Cottonwood Park): pedestrian actuated mid-block beacon, possibly a pedestrian hybrid beacon (“HAWK signal”) or rectangular rapid flashing beacon (RRFB)
- Rimrock Road/54th St: crosswalk enhancements, possibly a traffic signal, to connect multi-use paths

The following corridors should be considered in the short-term for sidewalk or multi-use path improvements:

- Multi-use path on Grand Ave from 52nd Street West to west boundary of Trails West Subdivision
- Sidewalk on Grand Ave from west boundary of Foxtail Subdivision to HAWK signal
- Multi-use path from Grand Avenue to north boundary of Cottonwood Park along west side of 54th Street West
- Sidewalk along east side of 54th Street West from Grand Avenue to north boundary of Grand Peaks Subdivision

Figure ES7 on the following page illustrates the recommended locations for short-term active transportation system improvements.

Longer-term, it is recommended that a “layered network” principle be implemented as a way as to provide comfortable and efficient bike and pedestrian connectivity via lower-stress streets instead of force-fitting all modes onto the arterial corridors. Since many of these future collector corridors are platted but not built, it is an ideal time to establish the roadway standards that incorporate bike lanes, sidewalks and modest speed limits. A key consideration regarding this concept is cooperation between the City of Billings and Yellowstone County in terms of developing and implanting development requirements that will require construction of well-planned and consistent facilities as property develops in the study area. In the event that some of the major arterials become more urbanized over time, with speed limit reductions and bike facilities they could also become useful low-stress bikeways.

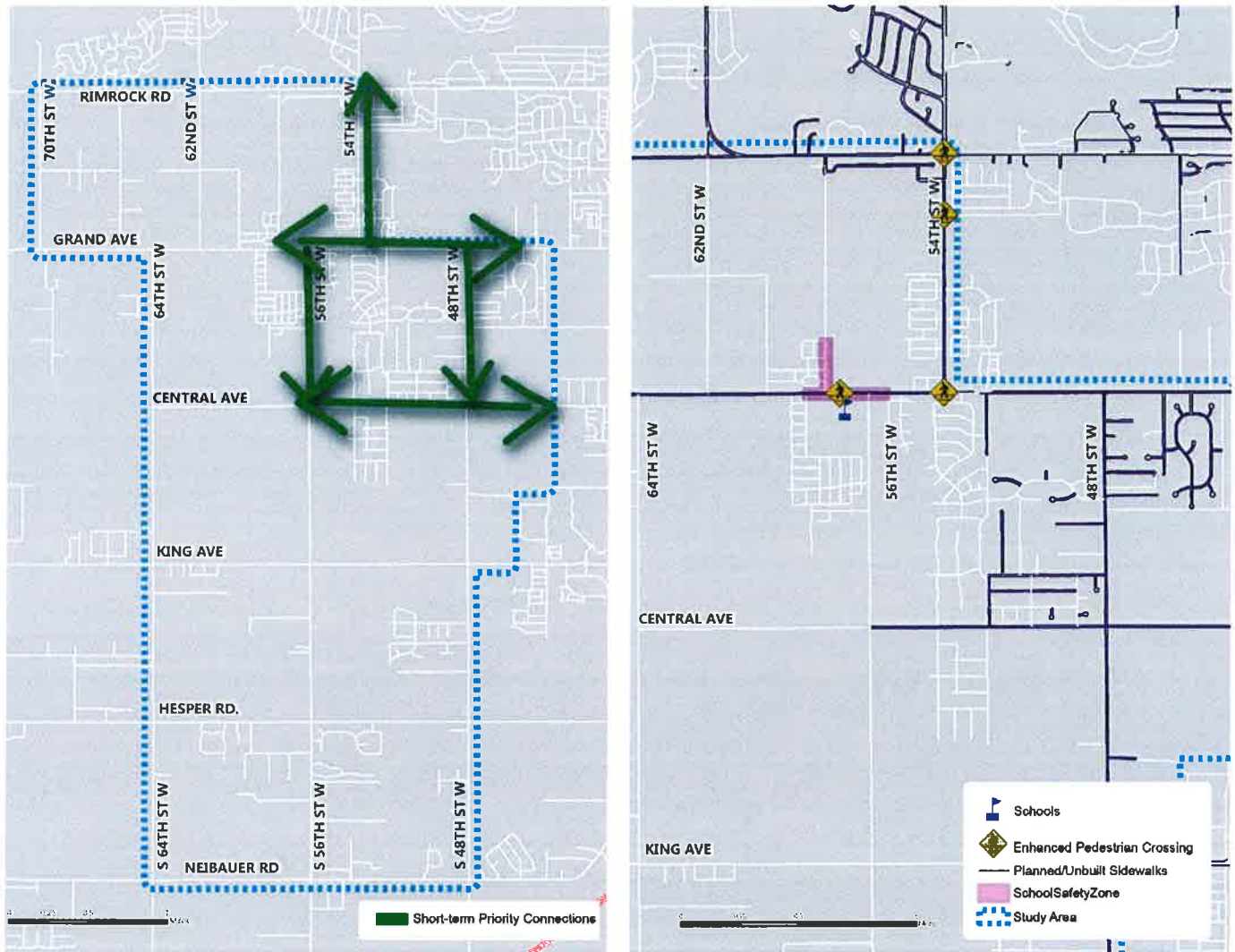


FIGURE ES7. SHORT-TERM IMPROVEMENTS FOR ON-STREET BICYCLE AND PEDESTRIAN FACILITIES

Recommended long-term low-stress corridors include:

- 58th Street West - Rimrock Road to Grand Avenue
- 66th Street West - Rimrock Road to Grand Avenue
- 60th Street West
- 52nd Street West
- Monad Road
- Broadwater Avenue
- Colton Boulevard

Future pathway segments should be prioritized based on the proximity to high demand areas and the ability of the segment to provide connectivity through barriers and gaps in the street system. **Figure ES8** on the following page illustrates the locations for recommended long-term active transportation projects. For more detail on all of the project conclusions and recommendations, please see the report body.

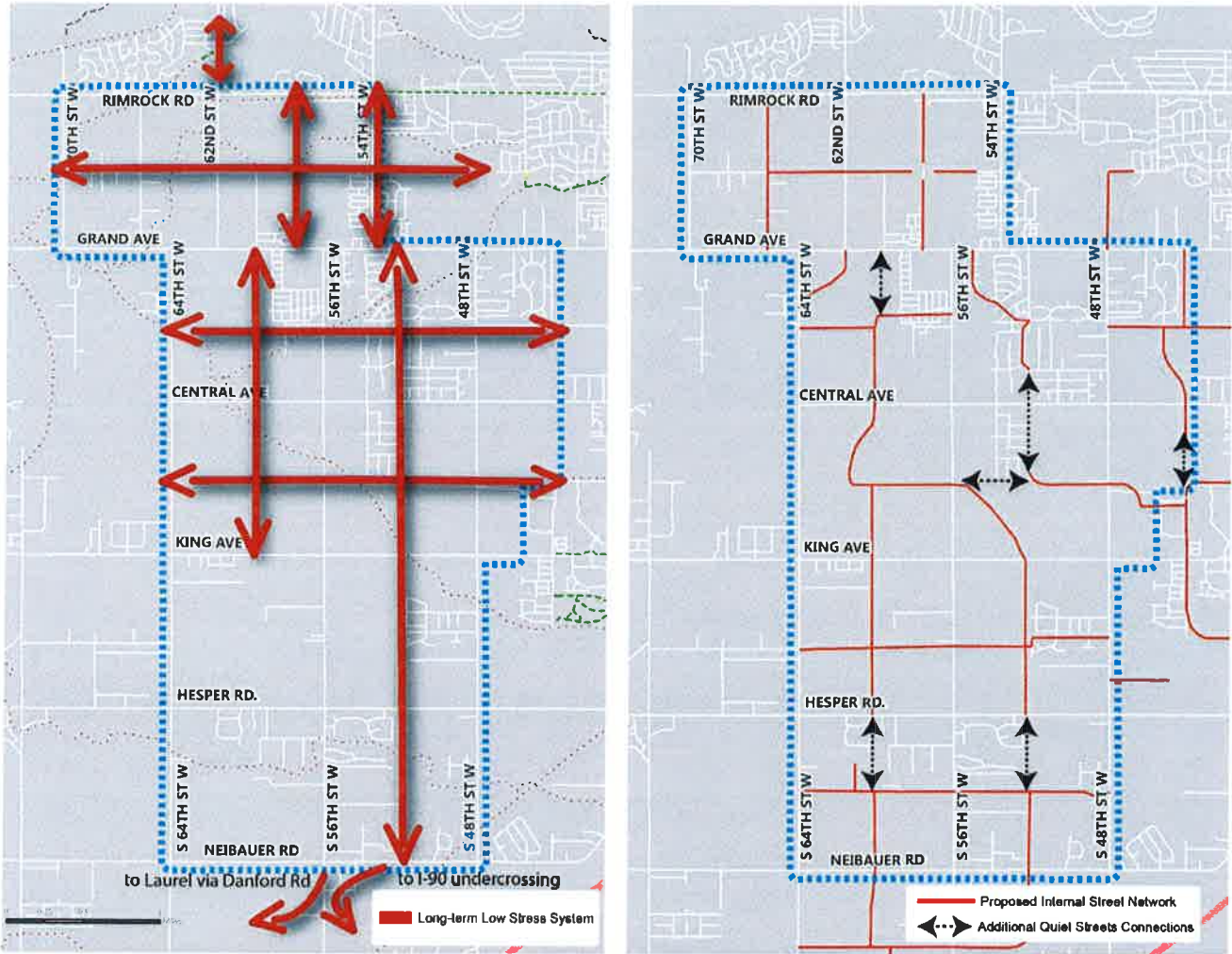


FIGURE ES8. LONG-TERM ACTIVE TRANSPORTATION STRATEGIES

“Studying the Relationship Between Commercial Development and Residential Property Values”

Prepared by:



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11/20/2017

Prepared for:



Land Design Inc.
1670 S. 48th St. West
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Project Overview:

At the request of Land Design, Inc, a Billings, MT, based landscape architecture & land planning company, this study was commissioned to study the relationship between commercial development and residential property values in the Billings area. The purpose of this study is to not only showcase the relationship between commercial development and residential property values in the Billings area, but to act as a research tool for other potential development projects.

Methodology:

By researching the trends in residential property values for a period of 3 years (if applicable) before and 3 years (if applicable) after commercial development has taken place in or very near the subject properties, we can begin to draw conclusions on the affects, either positive or negative, that said development may have on the property value of residential properties. The data that is used in this study is sourced from the following resources:

- City of Billings Archives (online)
- Yellowstone County Archives (online)
- Billings Association of Realtors Archives
- Interview/Surveys

The Billings Association of Realtors Archives contain data that is not available in the public domain, and, as such, may not be disclosed to anyone not associated with this study with prior consent.

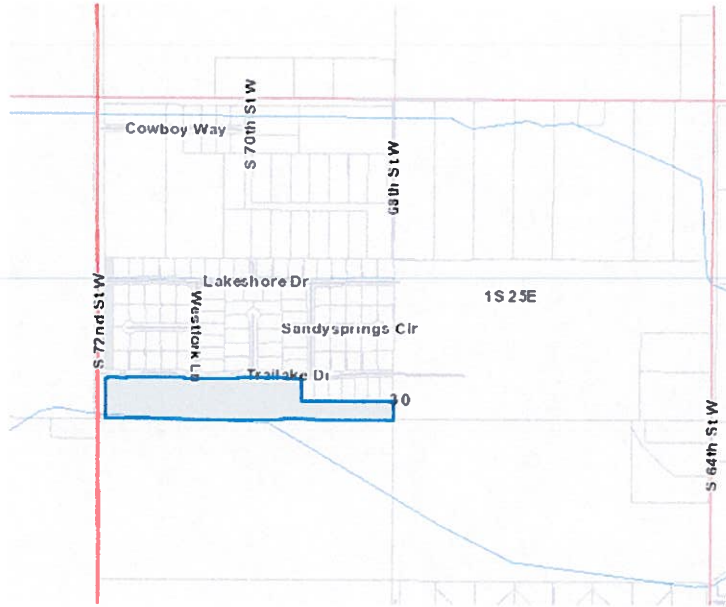
Exceptions:

The data used in this project represents a snapshot in time. Any information showing an increase in property values can not be viewed as a promise for future gains. The value of real estate is determined by the overall market conditions. Any changes in the market conditions, especially large scale economic shifts, will play a major factor in the value of real estate. This study is meant to show historical facts, independent of the current real estate market.

LinLee Lakes Subdivision

LinLee lakes is a medium sized residential subdivision located on 72nd St West between Neibauer and Danford Roads. See fig. 1-1 below for geographical representation of the location of this subdivision.

Fig. 1-1



LinLee Lakes was originally platted in March, 2005. The subdivision contains 92 lots intended for single family homes. A review of the CCR's of this subdivision show that single story homes must have 1,250 sq. Feet finished on the main level, not counting garages or covered porches, split entry homes must have 1,000 sq. ft. above ground, and all multi-level homes must have 1,650 sq. ft. Finished of living area, not counting garages or covered porches.

Immediately north of the subject subdivision, Cowboy Country Acres Subdivision was originally platted and recorded 6/21/2011. Cowboy Country Acres Subdivision is unzoned, as it is outside of the City/County zoning donut. The proposed uses were commercial and light industrial, and subsequent development of the subdivision has conformed to these proposed uses.

Prior to the end of 2011, which is when development of Cowboy Country Acres Subdivision, there were 5 sales available through the Billings Association of Realtors. BAOR data is only available for the trailing 7 years. The sales are listed below, in figure 1-2.

Fig. 1-2 (prior to EOY 2011)

ML #	Sales Price	Address	City	Total Bedrooms	Total Baths	Style	Total Sq Ft	Lot Sq Ft	SP/Sq Ft
204351	\$248000.00	XXXX WESTFORK LN	Billings	5	2.1	4-Level	2222	20820	\$111.61
205712	\$265000.00	XXXX WESTFORK LN	Billings	3	2	Ranch	1743	20830	\$152.04
212053	\$268000.00	XXXX EASTFORK LN	Billings	4	3	Front to Back Split	2392	26565	\$112.04
212241	\$270000.00	XXXX WESTFORK LN	Billings	5	3.1	2 Story	2794	0	\$96.64
212876	\$230000.00	XXXX LAKESHORE DR	Billings	3	2	Ranch	1743	20037	\$131.96
Avg	\$256200.00			4	2.44		2178.8	17650.4	\$120.86

An analysis of the homes sold in the year prior to neighboring commercial development indicates the average sales price of homes in LinLee Lakes was \$256,200, the price per square foot of the sold comparable properties was \$120.86, and the homes were on the market for an average of 146 days.

The same data for the years of 2012, 2013, 2014, and 2017 is included below in the following 4 figures (fig. 1-3 through fig. 1-6)

Fig 1-3 (2012)

ML #	Current Price	Address	City	Property Sub Type	Total Bedrooms	Total Baths	Style	Total Sq Ft	Lot Sq Ft	SP/Sq.Ft
221123	289000	XXXX SILVERSPRINGS CIR	Billings	Single Family	4	3	Ranch	2488	21518	116.16
222756	325000	XXXX TRAILAKE DR	Billings	Single Family	5	3	Ranch	2736	21431	118.79
223104	295000	XXXX LAKESHORE DR	Billings	Single Family	4	3	Ranch	2570	20375	114.79
AVG	\$303000.00				4.3	3		2598		\$116.58

An analysis of the homes sold in the year prior to neighboring commercial development indicates the average sales price of homes in LinLee Lakes was \$256,200, the price per square foot of the sold comparable properties was \$116.58, and the homes were on the market for an average of 40 days.

Fig. 1-4 (2013)

ML #	Current Price	Address	City	Property Sub Type	Total Bedrooms	Total Baths	Style	Total Sq Ft	Lot Sq Ft	SP/Sq.FT
230077	\$295000.00	6945 LAKESHORE DR	Billings	Single Family	4	3	Ranch	2671	20037	\$110.45
230561	\$400000.00	2645 SAGESPRINGS CIR	Billings	Single Family	3	3.1	Ranch	4160	23653	\$96.15
230814	\$297000.00	7010 LAKESHORE DR	Billings	Single Family	2	2	Ranch	2940	20037	\$101.02
231005	\$289000.00	7080 SILVERSPRINGS CIR	Billings	Single Family	4	3	2 Story	2174	21605	\$132.93
231465	\$292000.00	2635 WESTFORK LN	Billings	Single Family	4	3	Ranch	2680	20821	\$108.96
232307	\$340000.00	6930 LAKESHORE	Billings	Single Family	4	2	Ranch	2219	2124	\$153.22
233102	\$329500.00	2675 SAGE SPRINGS CIR	Billings	Single Family	4	3	Front to Back Split	3330	23610	\$98.95
233433	\$322000.00	7125 SILVERSPRINGS CIR	Billings	Single Family	4	3	Ranch	2376	21000	\$135.52
233933	\$342000.00	2640 EASTFORK LN	Billings	Single Family	3	2	Ranch	3251	20822	\$105.20
AVG	\$322944.44				4	3		2867	19301	\$115.82

An analysis of the homes sold in the year 2013 indicates the average sales price of homes in LinLee Lakes was \$322,944, the average price per square foot of the sold comparable properties was \$115.82, and the homes were on the market for an average of 23 days.

Fig. 1-5 (2014)

ML #	Current Price	Address	City	Property Sub Type	Total Bedrooms	Total Baths	Style	Total Sq Ft	Lot Sq Ft	SP/Sq Ft
241583	\$324500.00	2660 EASTFORK	Billings	Single Family	3	2	Ranch	3066	20821	\$105.84
243632	\$385000.00	2705 SAGESPRINGS CIR	Billings	Single Family	6	3	Ranch	3646	23609	\$105.60
243740	\$312000.00	7080 SILVERSPRINGS CIR	Billings	Residential W/Land	4	3	2 Story	2174	21605	\$143.51
244172	\$316500.00	6840 LAKESHORE DR	Billings	Single Family	5	3	Tri-Level	2400	21693	\$131.88
	\$334500.00									\$121.71

An analysis of the homes sold in the year 2014 indicates the average sales price of homes in LinLee Lakes was \$334,500, the average price per square foot of the sold comparable properties was \$121.71, and the homes were on the market for an average of 37 days.

Fig. 1-6 (2017)

ML #	Area	Current Price	Address	City	Property Sub Type	Total Bedrooms	Total Baths	Style	Total Sq Ft	Lot Sq Ft	Sp/Sq Ft
265681	B	\$377500.00	XXXX LAKESHORE DRIVE	Billings	Single Family	4	3	Ranch	3008	20081	\$125.50
265986	B	\$340000.00	XXXX Eastfork Lane	Billings	Single Family	4	3 1	Tn-Level	2470	20821	\$137.65
270442	B	\$334900.00	XXXX Lakeshore Drive	Billings	Single Family	6	3	Ranch	2832	20124	\$118.28
270884	B	\$303500.00	XXXX Lakeshore Drive	Billings	Single Family	3	2	Ranch	1743	24300	\$174.13
272092	B	\$389800.00	XXXX TRAILAKE DR	Billings	Single Family	3	2	Ranch	4176	20909	\$93.34
273614	B	\$330000.00	XXXX SILVERSPRINGS CIR	Billings	Single Family	4	3	2 Story	2174	21606	\$151.79
		\$345950.00									\$133.44

An analysis of the homes sold in the year 2017 indicates the average sales price of homes in LinLee Lakes was \$345,950, the average price per square foot of the sold comparable properties was \$133.44, and the homes were on the market for an average of 89 days (which is on par with homes in this price point MLS wide)

Conclusion

Homes in the Linlee Lakes subdivision sold for an average of \$ \$256,200 prior to adjacent commercial development. Immediately following adjacent commercial development, the average sales price of homes in LinLee Lakes jumped 18.27% to \$303,000. Year after year, the home values continue to increase in step with the overall Billings real estate market. In this case, the presence of immediately adjacent commercial development had no adverse effect on neighboring properties.

Year	Average Sales Price	% Change	Average SP/Sq.Ft.	% Change	Average DOM	% Change
Prior to EOY 2011	\$256200.00	N/A	\$120.86	N/A	146	N/A
2012	\$303,000.00	18.27%	\$116.58	-3.54%	40	-72.60%
2013	\$322944.00	6.58%	\$115.82	-0.65%	23	-42.50%
2014	\$334500.00	3.58%	\$121.71	5.09%	37	60.87%
2017	\$345950.00	3.42%	\$133.44	9.64%	89	140.54%

Appendix

The following annual reports give the overall market data for the Billings Association of Realtors coverage areas 1-20.

Michael Verseman

From: Kurtis Grow
Sent: Wednesday, November 29, 2017 10:38 AM
To: Stacey Robinson; Michael Verseman
Subject: FW: Zone change effects

From: David Mitchell [mailto:d@griffindvlp.net]
Sent: Tuesday, November 21, 2017 10:28 AM
To: Brittani Hunter <brittani@cbthebrokers.com>
Subject: Zone change effects

1. 8th and Grand
 - a. Corner of 8th and Grand was changed to Community Commercial. Neighboring properties experienced a 7 and 8% property tax value increase.
2. 62nd and Rimrock
 - a. SE corner of 62nd and Rimrock was changed to CC. Residential property south of zone changed experienced a 13% increase in value the following year.
3. 54th and Grand
 - a. The northeast corner was changed to CC for Albertsons. The houses to the south of 54th and Grand received 4-7% increases in their property taxes.

In each case, after the initial spike of property value, they tailored back to the standard 2-3% annual increase.

Hope this helps.

David Mitchell, CCIM
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