



COUNTY OF YELLOWSTONE ZONING COMMISSION

AGENDA-Monday, March 12, 2018

4:00 PM

**Location: Billings Library Community Room
510 North Broadway, 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: December 11, 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. **Item #1: County Zone Change 687 – Planned Development – Barrett Road** – A zone change request from Residential 7,000 (R-70) to Planned Development with underlying zoning of RMF-R (PD-RMF-R) on the northern 10.77 acres of C/S 840, Parcel 1, a 20.77 acre parcel of land generally located east of the Kiwanis Trail bike path and south of Barrett Road. The PD specifies height limitations, buffer yard requirements, provisions for amenities and limits the total number of dwelling units to one hundred (100). A pre-application neighborhood meeting was conducted on December 26, 2017, at the Country Inn and Suites, 231 Main Street. A Preliminary Review meeting was held on Monday, February 5, 2018 at the Billings Library. 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, March 27, 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: 03/12/2018

Information

Subject

Motion. Approval of Minutes: December 11, 2017

Attachments

YZC_2017_12_11_DRAFT



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, December 11, 2017

The County Zoning Commission met on Monday, December 11, 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, January 2, 2018, 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: Monica Plecker, Planning Division Manager; Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I, 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	12-12-2017
Jerry T. Ray	Commissioner	-	1	1	-	1	1	E	1	-	1	-	E	1	1	-	E	1
Troy Boucher	Commissioner Vice Chairman	-	1	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	1
Tyler Bush	Commissioner	-	-	-	-	-	-	-	-	-	1	-	1	1	1	-	1	1
Vacancy	-----									-		-			-	-	-	-

Attending: Scott Aspenlieder, Performance Engineering; Greg Reid, WWC Engineering; Bruce Cannon; Shea Dawson; Scott Kelleher; Michael Verseman; Kurtis Grow; Nick Larson; Jim Espy; Mona Stevens; Kym Espy Chuck Plat; Mark Franas; Jake Brosovich; Drew LeVeaux; Ray Rigdon; Ryan Huppert; Dan Brooks; Patrick Klugman; Zachary Gullen; Brandon Hermona; Aubrey Kinnard; Keith Harb, Brian Keleher; Ann Meckean; Steve Eaton; Chance Robinson; Gary Blain; Rick Larson; Patrick Landry; Bridger Blain; Colton Siddle; Stephanie Elumbaugh; Vance Elumbaugh; Jason Matt; Larry Armstrong; Curt & Sharon Samuelson; Eric Nord; Clint Peck; Vickie Blain; Jennifer Robinson; Ryan Wendt; Brittaini Hunter; Michael Dawson

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: YC Zone Change #684: There was none.

YC Zone Change #685: There was none. **YC Zone Change #686:** There was none.



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Disclosure of ExParte Communication: YC Zone Change #684: There was none.
YC Zone Change #685: There was none. YC Zone Change #686: There was none.

Disclosure of ExParte Communication: YC Zone Change #684: There was none.
YC Zone Change #686: There was none. YC Zone Change #685: The Commissioners reported no ExParte Communications. Staff received the following e-mails prior to this hearing and they were included in the ExParte Communication Notebook for viewing and review during this hearing.

1. E-mail: December 11, 2017; Michael Hovland, Favor, YC Zone Change #685
2. E-mail: December 11, 2017; 8:56 am; LaVerne Ivie, Yellowstone Conservation District; Favor, YC Zone Change #685
3. Letter: December 7, 2017; Art A. LaGaly, ALE Enterprises LLC, Favor, YC Zone Change #685
4. E-mail: December 8, 2017; Kent Beers, Empire Resources LLC, Favor, YC Zone Change #685
5. E-mail: December 8, 2017; Trent Smith, Hiball Trucking, Against, YC Zone Change #685

Note: letters in favor or against YC Zone Change #685 received by the staff report deadline were included as a part of the staff report which was included in the Commissioners' meeting packets and posted on the City of Billings' website here:

http://agenda.ci.billings.mt.us/agenda_publish.cfm?id=&mt=ALL&get_month=12&get_year=2017&dsp=ag&seq=593

Motion Approval of Minutes: November 13, 2017

Commissioner Boucher made a motion and it was seconded by Commissioner Ray to approve the November 13, 2017 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Public Hearings:

Item #1: 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



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RECOMMENDATION

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

Planner Karen Husman opened this agenda item following Ms. Cromwell's reading of the legal notice into the record. Ms. Husman noted last month's approval of the applicant's request for a 30-day extension. She pointed out Lot 3 is not included in this request. She stated she received a phone call from the property owner at 4845 Amber Lane, who voiced concern with being located across from a community commercial zone.

Discussion

Chairman Wittman called for questions and discussion from the Commissioners.

Commissioner Ray asked if City services are available for this parcel. Ms. Husman stated City services are not available and this applicant is limited to uses will accommodate cisterns and septic systems. The applicant's agent, Scott Aspenlieder, PEC, explained the applicant is not in a hurry to develop the parcel with Community Commercial zoning, and the high level of nitrates in the water limits what can be done from a volume standpoint. He said the homes built on the parcel with Agricultural Suburban zoning will have cisterns and septic systems.

Public Hearing

Chairman Wittman opened the public hearing and asked for anyone wishing to speak in favor or against YC Zone Change #684.

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

Mr. Aspenlieder said the subsequent subdivision application is on Lot 2, which will be split into 13 lots with individual wells and septic systems. The request for Community Commercial zoning is an act of pre-planning to match the Community Commercial zoning on the parcel across the street. Commissioner Ray suggested leaving the zoning as is until City services are available. Mr. Aspenlieder replied the owner has to have some level of certainty for marketing purposes.

Chairman Wittman asked if there is anyone else wanting to speak in favor or against YC Zone Change #684. There was none. Chairman Wittman closed the Public Hearing 4:14 pm and called for a motion.

Motion

Commissioner Ray made a motion to deny County Zone Change #684 until City services are available for commercial uses. The motion died for lack of a second.

Motion

Commissioner Boucher made a motion and it was seconded by Commissioner Bush to



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forward to the Board of County Commissioners a recommendation of approval and adoption of the findings of the 11 criteria for Zone Change #684.

Discussion

Chairman Wittman called for discussion on the motion. Commissioner Ray stated he feels the applicant is ahead of themselves and he recommends denial of this zone change request. In answer to a question by Commissioner Bush, it was noted the original plan for the corner parcel was to do storage which would not require water or septic; and this use is similar to the use of storage units across the street. Discussion followed on the required 30,000 storage tank, (dry hydrant), for fire suppression.

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

The motion carried with a 3-1 voice vote with Commissioner Ray voting against the motion.

Item #2 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.

Planner Karen Husman opened this agenda following Ms. Cromwell’s reading of the legal description into the record. She stated this property is under consideration for inclusion in the City Annexation area so they can petition for annexation.

Discussion

Chairman Wittman called for discussion. Zoning Coordinator Nicole Cromwell stated Public zoning is used for institutional uses and this zoning will help them with their need to expand in the future.

Public Hearing:

At 4:24 p.m., Chairman Wittman opened the public hearing and asked if there is anyone wishing to speak in favor or against YC Zone Change #686.



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Greg Reid, WWC Engineering, 51 N 15 Street, Ste 1, Billings, Montana

Mr. Reid stated he prepared the petition on behalf of the college. He stated the major driver for this request is the college wishes to expand and cannot unless the issues with the drain field are addressed. In response to question by Commissioner Ray regarding the location of City sewer services, Mr. Reid said here is a dry sewer line located in the front of the property and it is about 1200-1300 feet from this property. He noted the proximity of the BBWA ditch is also an issue with relocating the current drain field.

Dr. Bruce Cannon, President, Yellowstone Baptist Bible College, 3414 Barley Circle, Billings, Montana

Mr. Cannon stated it would be a 5-8 year process for City services to be available unless this is expedited, and the college is unable to expand without the services. To expedite the process, they wanted to submit the zone change request for concurrent review with the Urban Planning Study for consideration for annexation.

Chairman Wittman asked if there is anyone else wanting to speak in favor or against YC Zone Change #684. There was none. At 4:27 pm, Chairman Wittman closed the public hearing and called for a motion.

Motion

Commissioner Ray made a motion and it was seconded by Commissioner Wittman to forward a recommendation to the Board of County Commissioners a recommendation of approval and adoption of the findings of the 11 criteria for Zone Change #686.

Discussion

Chairman Wittman called for discussion on the motion. Commissioner Ray commented he is voting in favor of the motion as the college has done good things for the community.

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

The motion carries with a unanimous voice vote, 4-0.

Item # 3 YC 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



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Planning Office, 2825 3rd Ave North, 1st Floor Conference Room at 11:00 am. Tax ID: D00769A.

RECOMMENDATION

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

Chairman Wittman gave explanation of the hearing procedures. Ms. Cromwell read aloud the legal notice into the record and stated a preliminary review meeting for this zone change application was held on October 27, 2017 in this conference room. The total property is not affected with this request. This property is not within the area of annexation into the City Limits. Ms. Cromwell reviewed facts related to Planned Unit Developments. She commented on a fact sheet from the Department of Revenue was included in the staff report regarding microbreweries. She stated the Planned Development cannot be modified to include additional uses or operational agreements without submittal of another zone change application to address the request.

Discussion

Chairman Wittman called for discussion and questions from the Commissioners. Chairman Wittman asked for examples of other County Neighborhood Commercial zoning and Ms. Cromwell said she recalls similar districts located in the Lockwood area. In response to question by Commissioners Ray and Boucher, Ms. Cromwell said the underlying commercial zoning itself would not allow for a microbrewery but it is written into the “customized” Planned Development. She followed with similar examples, including “Morgan’s Market” on 24th Street West; and the Asian Restaurant in the multi-tenant building located at 32nd Street West and King Avenue, where zone changes were required for the licenses.

Public Hearing

Chairman Wittman opened the Public Hearing at 4:52 pm and asked for presentation by the applicant.

Stacy Robinson, 2104 S 48th Street West, Billings, Montana

Mr. Robinson is the property owner and agent, 1730 S 48th Street West. He introduced his wife, Jennifer Robinson; his son, Chance Robinson; and Jo and Shea Dawson, owners of Thirsty Street Brewing Company; and Eric Nord, Crist, Krogh & Nord, PLLC, his legal representative.

Mr. Robinson gave his personal background and explained his ties to the Billings community. He purchased the property from A-1 Landscape and made substantial improvements for the Canyon Creek Nursery. His landscape architecture business, Land Design Inc., is currently housed on the Canyon Creek Nursery property. Mr. Robinson pointed out they reside in this neighborhood and also share the neighbor's concerns with development. He introduced Shea Dawson, Thirsty Street Brewing Company, and explained how their business relationship developed.

Shea Dawson, 400 Beverly Hills Boulevard, Billings Montana

Mr. Dawson gave highlights of his personal background and why they moved to Montana. He stated the cornerstone of their tap room has a community focus, and they promote community activates and benefits. The subject property will allow them to continue to do this. If this application is approved, the brewing operation would be moved to the subject property from the downtown tap room. Mr. Dawson said he needs more space for the sour beer aging process, and



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there is a synergy with the west end location to use the fresh ingredients for the beers. The malt used for their brews is from Montana and they source as close to Billings as possible.

Stacy Robinson, 2104 S 48th Street West, Billings, Montana

Mr. Robinson gave a slide presentation and referred to the context map to provide a location and note the annexation line. He stated the CIP lists a trunk water line planned for 48th Street West. He stated the Planned Development modifications will allow the existing nursery operations and allow the potential for a microbrewery.

Shea Dawson, 400 Beverly Hills Boulevard, Billings Montana

Mr. Dawson reviewed the operational restrictions for microbreweries, including:

- Only 1 alcoholic beverage manufacturer allowed
- Outside seating is to be enclosed by 42" fence
- No entry to the outdoor seating area except through the tap room
- Outdoor music is only located along the eastern elevation
- All outdoor activities end by 9 pm. Indoor activities end by 11 pm.

Stacy Robinson, 2104 S 48th Street West, Billings, Montana

Mr. Robinson asked the Commission for approval of this zone change request based on the criteria and its alignment with the West End Plan. He noted the Traffic Study conducted by Sanderson Stewart focuses on West Billings from 48th Street West to 64th Street West, and 48th Street West and Hesper Road is not listed as intersection of safety concern. He continued with the statistics for the projected trips per day according to the study. Mr. Robinson stated they eliminated one of the current entrance points for this project and there will be no visual obstructions on 48th Street West. He provided an updated photograph of the existing structures on the property, and said the proposed improvements will exist inside of the existing greenhouses. The proposal includes a fenced patio space of approximately 2,000 square feet of open space. A landscape buffer will be provided to address the neighborhood concerns with additional parking and to shield the adjacent landowners. Centralized parking will be provided onsite. A berm will be constructed on the north side of the property to buffer the Armstrong's property. He said they have made numerous improvements to the property, and Realtor Studies indicate positive impacts to property values adjacent to commercial development in Yellowstone County. As for the Brewery, Mr. Robinson said it is not a bar; gaming is not allowed; and drinks are limited to 48 oz.

Discussion

Commissioner Ray asked why there will be no gaming and Mr. Robinson replied they do not wish to have gaming. He said their goal is to a better experience in the larger urban area for their customers. Mr. Dawson said the brewery license does not allow for gaming, and the downtown store will maintain the retail license. The brewery will be located on the west end and they have customers throughout the state.

10-Minute Break: 5:16 pm

Commissioner Boucher asked Mr. Robinson about ancillary uses on the property. Mr. Robinson said they have discussed educational talks, and an October Fest internal to the nursery. There will be no other commercial endeavors and he plans to close his construction company the end of this year. He stated the Planned Development is more restrictive to avoid other commercial uses.



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

Public Hearing

Chairman Wittman opened the public hearing and called for proponents or opponents of Yellowstone County Zone Change #685.

Jim Espy, 1940 Whispering Meadows Drive, Billings, Montana

Opposition. Mr. Espy voiced concern with losing value in their properties as there are 24 residential properties with a total assessed value of \$15 million. He feels the outdoor events will create a noise issue. He stated he would like to see justification of the negative effects through the criterion. As for public safety, there is not a fire station in close proximity, and there is considerable congestion at the intersection of 48th Street West.

Mark Franas, 5 Woodgrain Drive, Billings, Montana

Favor. Mr. Franas is a builder who has visited Landscape Design and he was taken by their social and environmental responsibility. Mr. Franas has been a community resident for 20 years and enjoys drinking a craft beer responsibly. He sees responsible business persons using microbreweries and the perception of drunkenness is unrealistic.

Rick Larson, 1939 Stillmeadow Drive, Billings, Montana

Opposition. Mr. Larson stated he admires the improvements made at the Canyon Creek Nursery but he feels having a taproom goes against the character of the neighborhood. He voiced concerns with the potential for increased traffic and additional parking. He commented on the activity at Canyon Creek Brewery and asked for reconsideration of the proposed use.

Brittani Hunter, 4751 Natura Ridge, Laurel, Montana.

Favor. Ms. Hunter said she is familiar with the Canyon Creek Brewery and she has seen as few as 5 cars parked there on a Friday night, and the clientele are not there to stop and get drunk. Regarding property values, Ms. Hunter said statistically, properties adjacent to parcels zoned Community Commercial experience a spike in value in the first year to year and a half, and then tailor back to the standard increase. Mr. Hunter stated she is in favor of growth.

Larry Armstrong, 1604 S 48th Street West, Billings, Montana

Opposition. Mr. Armstrong is the adjacent property owner. He stated they are moving as he is too worried about what will happen next door. He said he hopes the property values raise. He feels the microbrewery next door is stupid, will create traffic, and the brewery will create noxious odors. He stated he is "dead set" against this proposal.

Clint Peck, 1617 Hidden Cove Lane, Billings, Montana

Favor. Mr. Peck owns Yellowstone Cellars and Winery. He works with Stacy Robinson on the Yellowstone Conservation Board and sells wine products to Shea and Jill Dawson for Thirsty Street Brewery. Mr. Peck said it has been his experience Mr. Robinson complies with rules and regulations with respect to the community. Mr. Peck's winery exists in the City limits in a Community Commercial zone. It is not a raucous bar establishment but quiet and contained; and cannot service anyone appears to be intoxicated. He stated this proposal is not what the opponents envision with this uses, and he asked the Commission for approval of this request.

Mona Stevens, 1810 Stillmeadow drive, Billings, Montana:

Opposition. Ms. Stevens said no one is questioning the character of the applicants involved. The concern is with the change of zoning, as it will be the only project in the County would be



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an exception to the zoning. She voiced concern with the posted 50 mph speed limit in front of the property and the potential effects on existing wells and septic tanks. Ms. Stevens feels this project is not in the right place due to the surrounding residences.

Ryan Wendt, 2343 S 45th Street West, Billings, Montana

Favor. Mr. Wendt is a Lutheran pastor who knows Stacy Robinson as a good father, neighbor, friend, and a business owner who cares about his employees. Mr. Wendt is impressed with the improvements on the property. He stated he is not in favor of or of public drunkenness but these types of establishments due not lend themselves to this.

Kym Espy, 1940 Whispering Meadows Drive, Billings, Montana

Opposition. Ms. Espy asked if the zoning is changed what will prevent a new owner from doing something different with this property? Ms. Espy is in favor of promoting orderly growth for the City and infill development but she feels infill development is needed before Community Commercial uses become a part of the neighborhood. She stated there is not another brewery licensed in the County and this business will draw people from the City to out of town.

Chuck Plat, 16 30th Street West, Billings, Montana

Favor. Mr. Plat stated this development is thought out and well planned as to how to work with the neighbors to make it as beneficial as possible. There will be no gaming as it requires approval of a Special Review. Mr. Plat stated this proposal will enhance the location and the area.

Nikki Larson, 1939 Stillmeadow Drive, Billings, Montana

Opposition. Ms. Larson commented those who are speaking in favor of this request are far removed from the neighborhood.

Stephanie Elumbaugh, 1815 Stillmeadow Drive, Billings, Montana

Favor. Ms. Elumbaugh stated she has a relationship of trust built with Stacy Robinson as he addressed their concerns as a neighbor. She said their property value has gone up since purchasing their home in January. She is not concerned with the effects on the water, as Mr. Dawson plans to ship water in for this business, and she said the nursery noise is not bothersome. Ms. Limbaugh is excited to have a regulated business near her home instead of a gas station.

Curt Samuelson, 4824 Amber Lane, Billings, Montana

Opposition. Mr. Samuelson voiced concern with the potential for increased traffic, public safety, and emergency response times. He reported he has lived in this area for 20 years and has seen a lot of accidents at intersection of 48th Street West and Central Avenue. He said there is a high level of nitrates in the well water and asked how this will affect the groundwater.

Zachary Cullin, 1118 Cook Avenue, Billings, Montana

Favor. Mr. Cullin is an employee of Canyon Creek Nursery. He related information on the current improvements and spoke of additional improvements planned for the future. Spoke to the improvements and the future improvements. He feels this project will help and benefit the community.

Brian Kelleher, 7604 Neibauer Road, Billings, Montana

Favor. Mr. Kelleher is a resident of the area and is in favor of this proposal as it will increase property values.



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Gary Blaine, 6309 Jellison Road, Billings, Montana

Favor. Mr. Blaine stated the Robinsons do “first class work”. He spoke of the zone change approved for Billings Flying Service and said the property values will go up. He commented on their need for skilled employees who desire to know what is available for them in Billings. Mr. Blaine has taken potential employees to Canyon Creek Nursery as an example. He commented on the development in Bend, Oregon and said these types of businesses will make Billings more competitive.

Colton Siddle, 5150 Rustic Avenue, Billings, Montana

Favor. Mr. Siddle related his experience living near Four Peaks Brewery in Tempe, Arizona and stated they never had social issues. Mr. Siddle said microbreweries are becoming a staple of the neighborhoods. They have a nice environment and are not bars. He commented he would like to open a microbrewery in the future.

Chance Robinson, 2104 S. 24th St West, Billings, Montana

Favor. Chance Robinson spoke highly of his father’s character and said Mr. Robinson instilled in him the importance of having a goal and creed in everything you do; and the understanding of the need to adapt as life does not set out in a straight path. Chance stated his father brings this creed into his work and works toward creating situations are mutually agreeable.

Bridger Blaine, 555 Park Lane, Billings, Montana

Favor. Mr. Blaine stated he is a patron of Thirsty Street Brewery. He feels this request meets the criterion and Stacy Robinson is trustworthy. He said this is needed in the community as it is a great way to draw younger persons to Billings.

Patrick Klugman, 222 N 32nd Street, Billings, Montana

Favor. Mr. Klugman is speaking as a representative of Big Sky Economic Development Authority, (BSEDA). He stated there is value and economic impact in this project and partnership. By his calculations, this business will create five new full time employees with an economic impact of \$1.3 million annually.

Scott Kelleher, 231 Hilltop Road, Billings, Montana

Favor. Mr. Kelleher related his experiences when he lived in Fort Collins, Colorado, which has a high ratio of craft breweries to the number of residents. Mr. Kelleher stated he thinks this will be great!

Ray Rigdon, 4281 Brandywood Drive, Billings, Montana

Favor. Mr. Rigdon stated he knows Shea Dawson, and he has a respectful character. Mr. Rigdon said he would like to have a nice quiet place to have a drink instead of going downtown. He commented Canyon Creek Nursery is a first class operation and a great addition to the neighborhood.

Jason Matt, 4616 Robbie Lane, Billings, Montana

Favor. Mr. Matt said he has been a Thirsty Street patron since the opening in 2016, and he knows Jill and Shea Dawson. He reported the Thirsty Street Brewery patrons are a community, and he has visited the establishment in many different facets. Mr. Matt said this application is a choice for growth, is consistent with the established growth plan, and will be a benefit to the surrounding area. He stated this is an opportunity to promote a local business could to growth be a crown jewel of craft brewing in the area.



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Mike Dawson, 3131 Harrow Drive, Billings, Montana

Favor. Mr. Dawson stated Shea Dawson is his son. He said Shea has made inroads in the sour beer market and could use more room for his business to make his operation more efficient. He said Bend, Oregon has 22 breweries and is a tourist destination. Mr. Dawson feels this may bring in more tourism by function of the breweries.

Rebuttal Chairman Wittman called for rebuttal by the applicant.

Stacy Robinson, 2104 S 48th Street West, Billings, Montana

Mr. Robinson stated he intends to do the right thing. He said it pains him Mr. Armstrong has taken this position as they are not trying to set out to make enemies of their neighbors. Chairman Wittman asked if there is anyone else wishing to speak in favor or in opposition of YC Zone Change #685. There was none. Chairman Wittman closed the public hearing and called for a motion. He announced the Zoning Commission's recommendation will be forwarded to the Board of County Commissioners who will meet on January 2, 2018 and hold a hearing for this application.

Motion

Commissioner Bush made a motion and it was seconded by Commissioner Ray to forward a recommendation of approval of the zone change request and adoption of the findings of the 11 criteria for Zone Change #685.

Discussion

Chairman Wittman called for discussion on the motion. Commissioner Bush asked about perpetuity, and if the planned development restrictions are passed down to the next owner. Zoning Coordinator Nicole Cromwell stated a future zone change will be needed, and the specifics of the Planned Development cannot be changed without a zone change request. Commissioner Ray stated he feels the brewery will not hurt the area, and he is glad to see the improvements. Commissioner Boucher commended the applicants for their well thought-out plans. He said the decision comes down to Review Criterion #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.

He stated he disagrees with staff as the proposal is not compatible and he will be voting against the motion for approval of the zone change. Chairman Wittman concurred as he does not feel this application meets the review criterion and will be voting against the motion.

Chairman Wittman called for a vote on the motion.



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

Tie vote. This application will be forwarded to the BOCC with no recommendation. (2-2 vote).

Zoning Coordinator Nicole Cromwell announced all previous e-mails and letters pertaining to this application were received by staff and included in the staff report for this hearing. This application will be open for comment until the time of the hearing. The BOCC will accept e-mails and letters or citizens may also send them to the Planning Division office.

Other Business/Announcements

- A.** Due to a lack of applications, the Monday, January 8, 2018 meeting is cancelled. The next meeting will be held as legally advertised on February 12, 2018.

Adjournment: The meeting adjourned at 6:15 p.m.

DRAFT-TO BE APPROVED BY A MOTION March 12, 2018



County Zoning Commission

Meeting Date: 03/12/2018

SUBJECT: County Zone Change 687 - Barrett Road - Planned Development

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item #1: County Zone Change 687 – Planned Development – Barrett Road – A zone change request from Residential 7,000 (R-70) to Planned Development with underlying zoning of RMF-R (PD-RMF-R) on the northern 10.77 acres of C/S 840, Parcel 1, a 20.77 acre parcel of land generally located east of the Kiwanis Trail bike path and south of Barrett Road. The PD specifies height limitations, buffer yard requirements, provisions for amenities and limits the total number of dwelling units to one hundred (100). A pre-application neighborhood meeting was conducted on December 26, 2017, at the Country Inn and Suites, 231 Main Street. A Preliminary Review meeting was held on Monday, February 5, 2018 at the Billings Library. Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

Planning staff is recommending approval based on the proposed findings of the 11 review criteria for Zone Change 687.

APPLICATION DATA

OWNER: William Schultz, Trustee and CK Land, LLC
AGENT: Scott Aspenlieder. P.E. - Performance Engineering
LEGAL DESCRIPTION: Parcel 1 of C/S 840 - the northern 10.77 acres
ADDRESS: Barrett Road east of the Kiwanis Bike Trail
CURRENT ZONING: Residential 7,000 (R-70)
EXISTING LAND USE: Agricultural Field
PROPOSED USE: Residential Multi-family Planned Development
SIZE OF PARCEL: 10.77 acres (northern portion of C/S 840 Parcel 1)

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Subject Property: The property zoning is the original zoning (R-70) from 1973, when the County first adopted jurisdictional zoning for this area of Billings Heights. No applications to change the zoning have been received prior to this application.

Surrounding Property: Several applications to change zoning in this area of Billings Heights have been proposed over the past 45 years - both as city zone changes or county zone changes.

- A county zone change was submitted in 1979 for the corner property at Mary Street and Bench Boulevard (southeast corner) to change from R-70 to Community Commercial (CC). The application was withdrawn.

This property remains vacant and is now owned by the MT Department of Transportation.

- The eastern half of the property where the Heights Walmart is located (1649 Main Street) was submitted for a county zone change to Highway Commercial (HC) from Residential 6,000 (R-60) in 1974. The County denied the zone change. The property was later annexed and a city zone change from HC and R-60 to Planned Development with underlying zoning of CC was approved in 2000.
- In 1978 and 1979, the County approved zone changes from Public and R-70 to Neighborhood Commercial (NC) on the northeast corner of Hawthorne Lane and Wicks Lane. This is where the 3Gs convenience store is located.
- The City approved a zone change for the southeast corner of Hawthorne Lane and Wicks Lane from R-70 to Residential 5,000 (R-50) in 2005. Another zone change for the western portion of this property was submitted in 2015 to change to Residential Multi-family-Restricted (RMF-R). This application received negative comments from the surrounding property owners and the Heights Task Force and the City allowed the application to be withdrawn.
- The property on the southeast corner of Wicks Lane and Bench Boulevard (King Place Subdivision) has been involved in 3 zone change applications. The first zone change was submitted in 1976 was a county application to change the zoning from R-70 to CC. The County denied the request. The property was annexed and a city zone change to NC and Public zoning was submitted in 1999. The City allowed withdrawal of the application. In 2005, a zone change from R-70 to NC and RMF-R was approved. This corner has primarily been developed for townhomes but Beartooth Bank owns the vacant 1.5 acres at the intersection.
- A county zone change at 1817 Bitterroot Drive to change from R-70 to R-60 was allowed to be withdrawn in 1984 after a recommendation of denial from Planning staff. The small 1/2-acre property was proposed for a multi-family dwelling although all the surrounding lots were developed for single or two-family dwellings.
- The Bitterroot Heights Subdivision north of Mary Street received a city zone change from R-70 to R-70-R in 2005, to eliminate the possibility of any two-family attached dwellings in this large subdivision.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: R-70 (County) Land Use: Low density single family residences
SOUTH:	Zoning: R-70 Land Use: Agricultural field and single family residences and town homes
EAST:	Zoning: R-70 Land Use: Agricultural fields
WEST:	Zoning: R-70 Land Use: Holling Drain, Kiwanis Bike Trail, Medicine Crow Playing Fields

BACKGROUND

The applicant is requesting a zone change to Planned Development with underlying zoning of RMF-R (PD-RMF-R) to allow the construction of attached dwellings or apartments and to provide additional site amenities and design not otherwise required by a "standard" zoning district. The applicant has conducted 2 meetings with the neighborhood and the Heights Task Force. Planning staff held a Preliminary Review meeting at the Billings Library on February 5, 2018. A Preliminary Review meeting is required for every Planned Development zone change. Each of these meetings was well attended. The proposed master site plan and Planned Development agreement have been refined and revised based on input from the neighbors, the Heights Task Force and the planning staff.

The Planned Development (PD) final draft limits the total number of dwellings on the 10.77 acres to 100 units. The current zoning of R-70 would allow up to 96 dwelling units (2 units for each 9,600 square feet of lot area). The incremental increase in density over the current zoning is negligible. The construction type - more than 2 attached dwellings - is not allowed under the current R-70 zoning. The proposed PD will limit the number of attached dwellings to 6 in one building (6-plex). The PD proposes each building also provide architectural relief such as dormers, attached garages, variations in color schemes and building materials. The PD also specifies that each multi-unit building with 3 or more attached units be limited to 1 building story and no structure can exceed a 24-foot maximum height. Two off-street parking spaces will be required for each dwelling unit - 33% more than required by the City's parking code. Additional off-street parking will be provided for visitors.

The PD requires the developer to install a boulevard sidewalk along Barrett Road with accessible crosswalks at both private road intersections. The master site plan shows a layout of internal private roads with a 1-acre common open space area centrally located in the 10.77 acre parcel. This will be a private park developed and maintained by the property owner and will include a "dog park" area. In addition, the PD mandates a 35-foot landscaped green belt along the Barrett Road frontage. One tree for each 2 dwelling units in a building will be planted in the building's front yard. For example, a 6-unit building will require 3 trees planted in the front yard. The PD also specifies a Master Landscaping Plan be submitted and approved by the Planning staff at the time of subdivision or Master Site Plan submittal. This will insure the requirements of the PD agreement are met before any building permit is approved.

There has been considerable public comment regarding the proposed development and all written comments (including emails) are attached to this report. The largest concern voiced by the immediate neighborhood is the traffic on Barrett Road and Hawthorne Lane. Medicine Crow Middle School at the intersection of Barrett Road and Bench Boulevard first opened for students in the fall of 2016. The current enrollment at Medicine Crow is 692 students and combined with Bitterroot Elementary to the south equals about 1,100 students going to and from this area each school day. Most students arrive by car or on foot. Some middle school students use MET Transit and some students arrive by school bus. These students are let off on the west side of Bench Boulevard at the Barrett Road intersection. There is no crossing guard at the Barrett Road and Bench Boulevard intersection, although there is a marked crosswalk. The middle school traffic has generated a new and likely more hazardous traffic pattern on Bench Boulevard, Barrett Road, Hawthorne Lane and Wicks Lane. Addressing these current traffic issues identified by the neighborhood residents is the responsibility of the school district in partnership with the City and County public works and engineering staff.

The mixture of City and County jurisdiction for streets and roads in this area has created a discontinuity of construction levels. The property on the north side of Barrett Road from the intersection with Bench Blvd to the Kiwanis Bike Trail crossing is within the City limits but has no access to Barrett Road due to the Lake Elmo Drain ditch that runs along the north side of the street. The City's Engineering Division did not require the school district to put a sidewalk on the north side of Barrett Road when the middle school was proposed. Students do walk on the north side of Barrett Road even in winter conditions. There is no pedestrian crossing on Barrett Road between the Kiwanis Bike Trail and the intersection with Bench Boulevard - a 1/4-mile distance. Students likely cross Barrett Road at any convenient location within this 1/4-mile. East of the Kiwanis Bike Trail, Barrett Road and Hawthorne Lane are County roads and consist of two 10-foot travel lanes (1 each direction), some graveled shoulder area (1.5 to 2 ft), but no curb, gutter, sidewalk or similar urban street standards. Last year, the City and County elected officials, administrators along with City and County staff met with the surrounding neighbors to discuss the alternatives for improving traffic safety on Barrett Road. No clear solution came from the meeting or has been proposed at this time.

Contribution of traffic from this development - either as a single or two-family development under the current R-70 zoning or the proposed PD zoning - can only be estimated at this time. The City and County do not require a Traffic Impact Study (TIS) at the time of a zoning application. This TIS will be required at the time of subdivision or master site plan review prior to any building permit or construction for access and utilities. Traffic generated by single family or two-family residential developments averages between 10 and 13 vehicle trips per day per dwelling. This includes all trips such as postal service, garbage service, deliveries, other service calls as well as trips by the residents themselves. In contrast, a multi-family development is estimated to generate between 6 and 8 new vehicle trips per day per dwelling unit depending on the density of the development. The estimated traffic generation for the proposed PD development of 100 units will be 600 to 800 new vehicle trips per day at full build out. If the property were to develop under the existing zoning and at the maximum allowed density, new traffic generated would be between 960 and 1,250 trips per day. The developer will need to mitigate any of the impacts from this new traffic onto Barrett Road. During construction of the development, truck traffic, construction crews, City inspectors and similar types of traffic will dominate the area. This is a short term traffic impact that can be controlled and mitigated through City monitoring.

If the zone change is approved, the applicant proposes to develop the property within the city limits. All City site development standards for roads, sidewalks, utilities, and new street intersections will have to be met. At a minimum, this will include the full street improvement of Barrett Road along the entire frontage of the property

similar to the street improvements for the Medicine Crow Middle School on Barrett Road to the west. A TIS will be required and submitted for approval by the City Traffic Engineer. This type of study is done for most large subdivisions and commercial developments. These studies often require a developer to pay their equitable share for any off-site traffic improvements needed in the future such as a traffic signal at a nearby intersection, a turning lane installed or improved, completion of pedestrian sidewalks in the future and similar improvements. This contribution is in addition to building Barrett Road along the length of the property frontage. The City collects and keeps any required contributions in a separate account. When enough contributions are made, the City will add these street and traffic improvements to its Capital Improvement Program list and the construction or improvement will be completed.

The property is within the Billings Heights Water District so public water will be supplied through the District. Public sewer lines are within 300 feet of the property on Barrett Road. Both utility systems have the capacity to serve the proposed development. No negative comments concerning the development were received from other public agencies including public safety (sheriff, police, fire), public schools, City or County public works, or engineering. The City Fire Marshal, Mike Spini, commented the development will require 2 full accesses: "*This proposed development will require two road access points off of Barrett Road to accommodate vehicular access for emergency services. The access points will need to align with the existing streets (W. Echo Dr. and Echo Dr.). Additional comments will be provided during the Master Site Plan review process.*"

The surrounding neighborhoods are not densely developed and most of the area to the south and east has been used for agricultural fields until recently. Sartorie Farms to the east will be phasing out their agricultural activities and developing the land for new residential subdivisions under the R-70 zoning. The first phase of this farmland conversion has already started just north of Kyhl Lane. The neighborhood north of Barrett Road is a very low density county residential subdivision. There are 40 developed lots in this subdivision and most houses were built in the 1970s and 1980s. Thirteen lots were developed in the 1990s or 2000s but only one house was built on this acreage in the 1960s. The smallest lot is just over a 1/2-acre and the largest parcel is 2 acres, and the entire subdivision covers just over 52 acres of land. To the northeast and northwest, are much denser residential subdivisions within the city limits also in the R-70 zoning district. These mostly single family residential subdivisions average about 4.5 to 6 dwellings per acre of land. To the southwest and southeast there are more city residential subdivisions with an average density of about 6.5 to 8 dwellings per acre. The more recent developments in the City in this area of the Heights have been more dense than older subdivisions due to the increasing price of land and land development costs.

The 2006 Billings Heights Neighborhood Plan and the 2016 Billings Growth Policy both support development that is adjacent to existing city limits where services can be available in an efficient and effective manner. The Heights Neighborhood Plan adopted a preferred land use plan that designated this area as a "medium density" residential area for future growth - including development density from 6 to 10 dwelling units per acre. The 2016 Growth Policy emphasized the need to provide for a variety of housing choices throughout the community including the standard single family detached or attached dwelling, apartments in all combinations, mixed use buildings, manufactured and modular dwellings as well as accessory dwellings. Some of these housing options are under-represented in this area of Billings Heights including attached dwellings and apartments. There has been a concentration of apartments developed along Lincoln Lane in the past 10 years while the remaining area east of Main Street has some scattered multi-family apartment developments. Some developments have been approved but not constructed, and some apartments are age or income restricted. It appears the Planned Development is in conformance with these adopted plans and policies.

The adopted Growth Policy for Yellowstone County (2008) has several goals related to encouraging development that is compatible with existing neighborhoods and consistent with adjacent city zoning and rural county development. This property is within the Limits of Annexation for the City, so it is challenged to create consistency and compatibility across both urban and rural developments. The proposed Planned Development has design and site development requirements that are intended to create consistency and will provide buffering and separation where necessary.

RECOMMENDATION

Staff recommends approval and adoption of the proposed findings of the 11 criteria for Zone Change 687.

Attachments

Zoning Map and Site Photos

PD Agreement Final draft

Proposed Findings of the Review Criteria

Application and pre-app meeting

General Public Comments

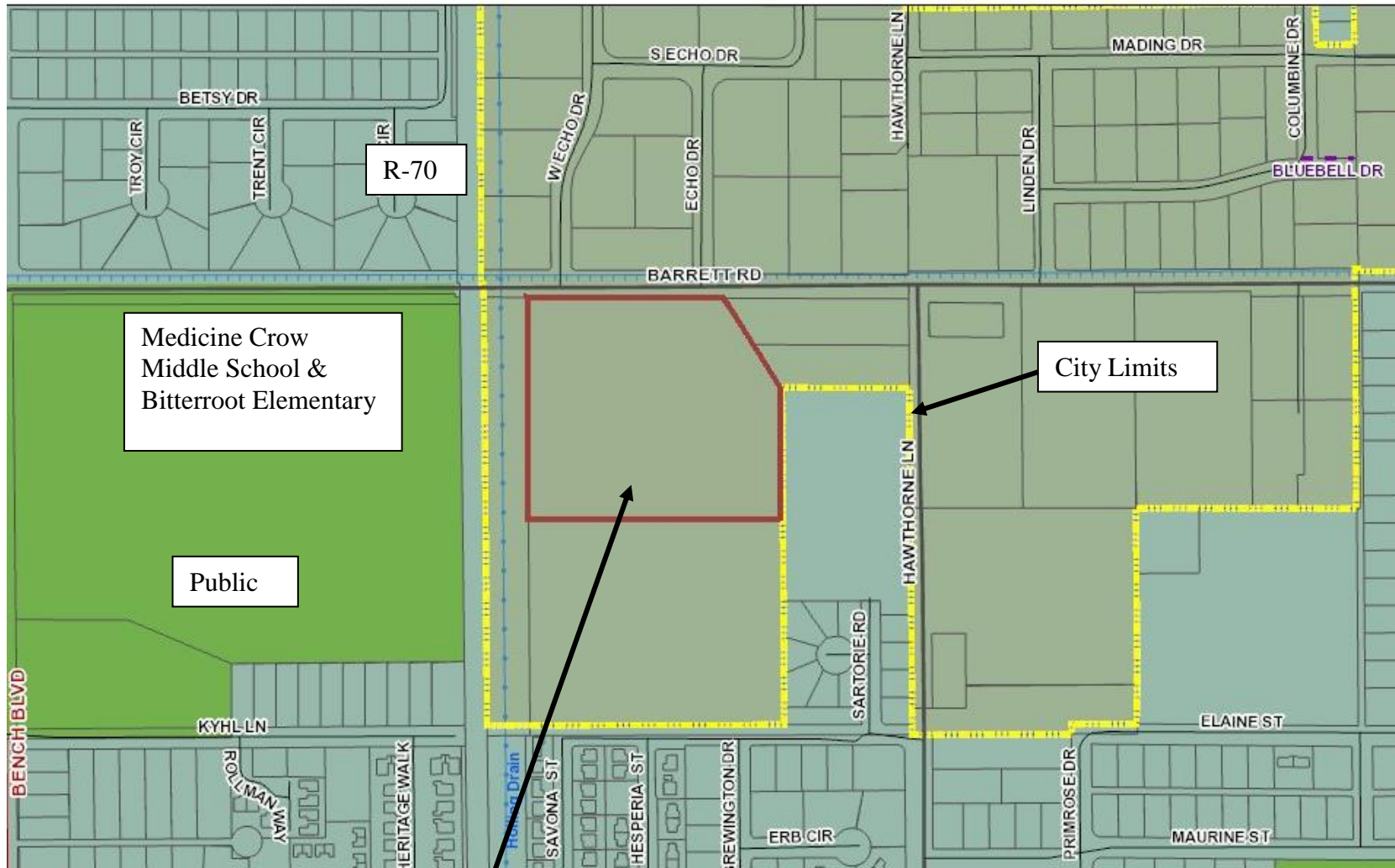
Chris Nielsen Comments

Heights Task Force Comments

Heights Neighborhood Plan Future Land Use Map

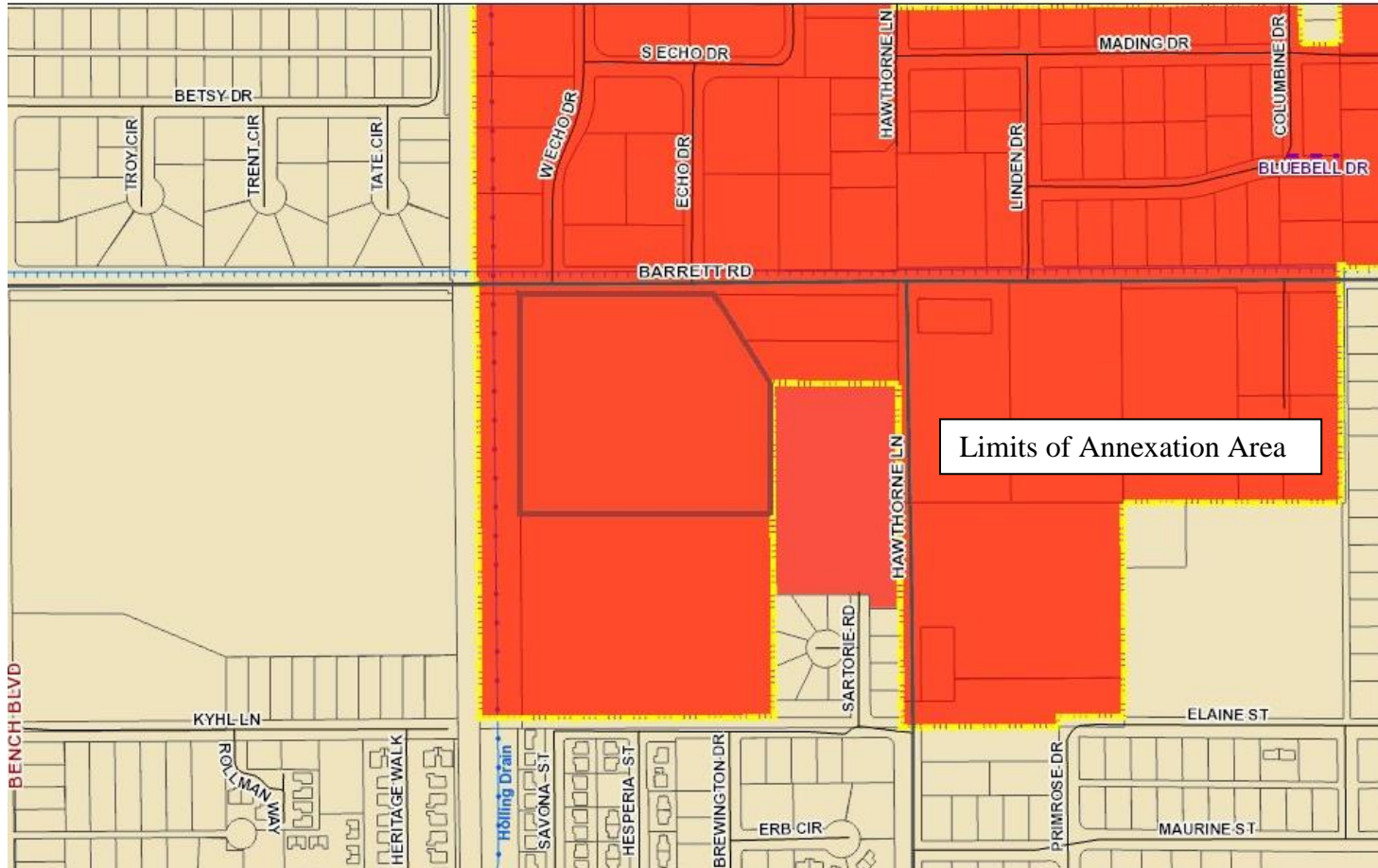
Zoning Map and Site Photos – Zone Change 687

ZC 687 Barrett Rd PD



Subject Property
Existing Zoning = R-70
Proposed Zoning = PD-RMF-R (10.77 acres)

ZC 687 Barrett Rd PD



ZC 687 Barrett Rd PD





Subject property from Barrett Road



View south and west to Medicine Crow Middle School



View east along Barrett Road to intersection with Hawthorne Lane



View north across Barrett Road



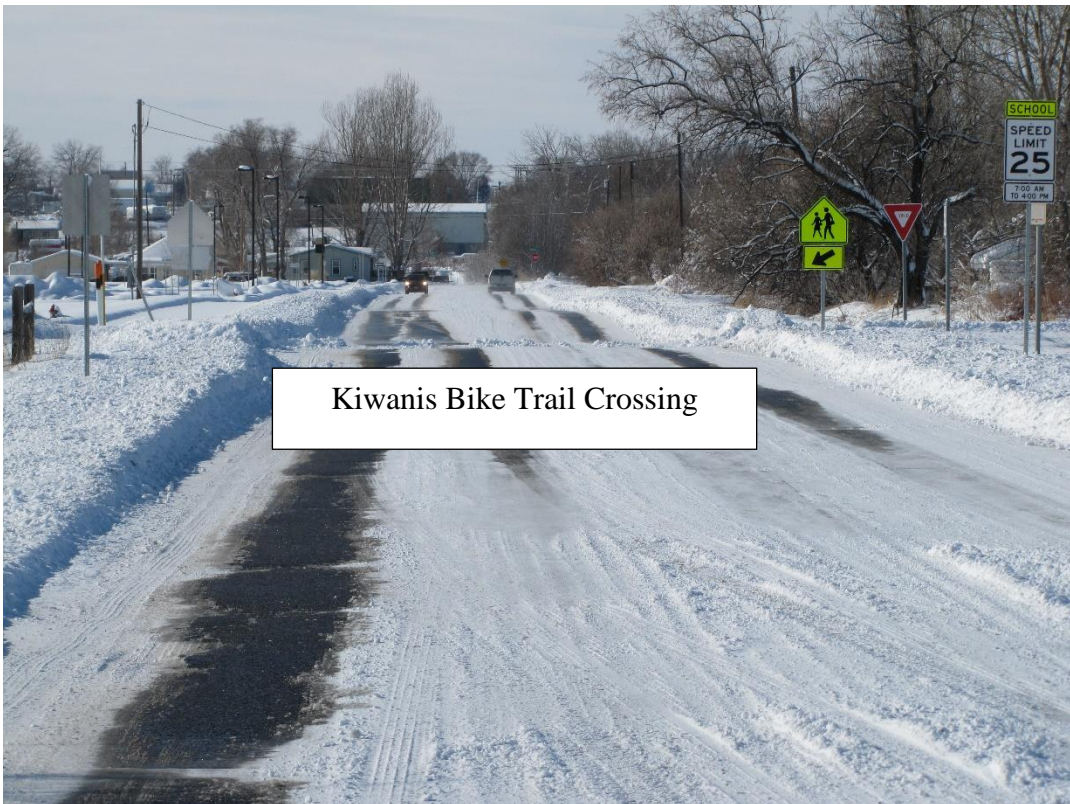
View north east across Barrett Road



View north and west across Barrett Road



View west and north across Barrett Road



View west on Barrett Road



View south and west to Medicine Crow Middle School



View south and west to neighborhoods south of school property (Kyh Lane)



View south and east to neighborhoods south of school property (Kyh Lane)

Return to:
XXXXX
XXXXX
XXXXX

PLANNED DEVELOPMENT AGREEMENT
PARCEL 1 OF CERTIFICATE OF SURVEY NO. 840, IN
YELLOWSTONE COUNTY, MONTANA

THIS AGREEMENT is made and entered into this ____ day of _____, 2018, by and between **CK Land, LLC and William Schultz, Trustee**, whose address for the purpose of this agreement is 2210 Anna Drive, Billings, MT 59106, hereinafter referred to as “Owner,” and **Yellowstone County, Montana**, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, the Owner owns approximately 20.77 acres of real property in Yellowstone County, Montana specifically described as Parcel 1 of Certificate of Survey 840. The planned development shall only apply to the northern 10.77 acres of said parcel. The foregoing property shall be known as “Barrett Road Planned Development,” or a related name that may be assigned later.

WHEREAS, the Barrett Road Planned Development will consist of multi-family residential housing.

WHEREAS, the Owner desires to place certain building and use restrictions on the property, specify certain land uses, and create a pattern of development that promotes community service, economic activity, convenience, and amenity for the Barrett Road Planned Development and surrounding neighborhoods.

WHEREAS, the aforesaid Owner and the County desire to ensure the Barrett Road Planned Development will be developed and maintained consistent with the standards described in this agreement.

THEREFORE, the undersigned hereby establish and declare the following plan for the Barrett Road Planned Development as set forth herein, which shall apply to all of the real

estate described hereinabove, shall bind all of the present and future property owners to such real estate, and shall run with the land.

AGREEMENT

I. 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.

II. LAND USES AND BUILDING RESTRICTIONS

Unless expressly designated below, all other standards or requirements of the Zoning Regulations for Yellowstone County or shall be followed for the type of use within each of the areas described herein. If annexed into the City of Billings the City of Billings Zoning Regulations will govern.

A. All land within the PD-RMF-R area has an underlying zone of Residential Multi-Family – Restricted (RMF-R). Development within this zone shall have the following additional building restrictions:

- All construction within the PD area must not exceed a maximum building height of 24 feet.
- All multi-family buildings (3 or more attached units) must not exceed one (1) building story.
- Multi-family buildings may only have a maximum of 6 attached dwelling units.
- The development must have an alternating color scheme with a minimum of two (2) main/base color types ensuring that no adjacent buildings on the same side of the street have the same main/base color. Trim, wainscoting, batten, etc. are allowed to be the same color throughout.
- Each dwelling unit shall have two (2) off-street parking spots, including any garage provided.
- Fronts of all building rooflines shall be broken up by dormers or attached garages. Additionally, buildings adjacent to Barrett Road shall break the rear rooflines with an additional dormer for each unit or a combined dormer for two (2) units within the building.

As a part of development, a clear pedestrian connection shall be made connecting development with pedestrian path and trails along the Holling Drain on the western edge of the property. Connection will be made in the form of boulevard sidewalk

along Barrett Road fronting the property. All pedestrian paths shall be a minimum of 5-feet wide.

All allowed land uses as outlined within the Yellowstone County Zoning regulations for the underlying zone shall be allowed within the PD-RMF-R zoned area, with the following exceptions:

Exceptions (uses not allowed) within the PD-RMF-R zone:

- Amateur Radio Antenna Support Structure (All)
- Broadcasting Stations and Studios and Antenna Support Structures (All)
- Cemeteries
- Extractive Industries (All)
- Fraternity/Sorority House
- Public Parking
- Neighborhood Convenience Store

III. SIGNAGE AND LIGHTING

The intent of signage and lighting design regulation is to encourage the use of signage and lighting as a design component to enhance buildings, landscaping, or other site features while not detracting from the aesthetics of adjacent neighborhoods.

A. Signage

- a. Signage should be provided in accordance with the PDA, with the intent to compliment the pedestrian-oriented environment. The signage requirements included in Article 27-700 of the Zoning Regulations and any subsequent amendments thereto shall govern the regulation of signage in Barrett Road Planned Development so far as they are not inconsistent with the Planned Development Agreement and the below standards.
- b. All signs shall comply with the design guidelines below:
 - i. All signs, except for neighborhood identification signs, shall be placed flat against a building or designed as part of an architectural feature thereof.
 - ii. No electronic message displays or signs are allowed.
 - iii. No balloon signs are allowed.
 - iv. No rooftop signs are allowed.

B. Exterior Lighting

- a. All exterior lighting must be installed or shielded to minimize light intrusion into residential units in adjacent neighborhoods.
 - i. All outdoor pole lighting shall be fully shielded and mounted at heights no greater than fifteen (15) feet above grade.

- ii. All outdoor lighting, except street lighting, shall be aimed or shielded so as to minimize stray light trespassing across property boundaries.

IV. LANDSCAPING REQUIREMENTS

All landscaping and performance standards as outlined within section 27-1101 of the Yellowstone County's Zoning or the City of Billings Zoning Regulations, if annexed, shall be followed as required within the underlying zone. Additionally, all development must comply with the requirements outlined in this Section of the Planned Development.

A. General Landscape Area Requirements

- a. A Landscaping Master Plan will be required at the time of either Subdivision or Master Site Plan approval outlining all landscape requirements for the development. Landscaping Master Plan shall address maintenance and replacement of all landscaping proposed for the development.
- b. A palette of regionally appropriate drought and climate tolerant plant materials is required to be used.
- c. The use of drip irrigation and/or other water efficient irrigation systems is required.
- d. A variation of elements must be provided along public frontage; no less than two (2) types of trees may be used in a single development lot.
- e. Trees and shrubs must be grouped for aesthetic and irrigation purposes.
- f. There shall be one (1) tree per two units planted in the front yard of each building.
- g. Lawn must have a minimum width of four (4) feet.
- h. Plant materials must be maintained and dead plants must be replaced in a timely manner.

B. Right-of-Way and Landscaped Green Belt Improvements

- a. A minimum 35 foot landscaped green belt, which may be incorporated into any required building setbacks, shall be landscaped and maintained along any property line that abuts Barrett Road.
- b. A minimum of one (1) canopy boulevard tree per 25-feet of frontage shall be planted as part development along Barrett Road.
- c. A minimum of 20 foot landscaped green belt, which may be incorporated into any required building setbacks, shall be landscaped and maintained along eastern and southern property boundaries. Landscaping must include a minimum of one (1) canopy tree per 25-feet along exterior boundary.
- d. Developers shall be responsible for installation and maintenance of the landscaped green belts in accordance with Section IV.A.

- e. Landscaped green belts and required setbacks may overlap so that the total area of the two is the greater of either the green belt or the setback.
- f. All improvements shall comply with The City of Billings and Yellowstone County's clear vision standards.

C. Parking Lot Landscaping

- a. Parking visible from Barrett Road and community open space shall be screened with a combination of berms, low walls, or landscaping. Maximum height of berms and walls shall be three (3) feet from top of curb of the parking area; landscape materials and plants should allow for clear visibility zones.

V. OTHER SPECIAL AGREEMENTS

A. Maximum Unit Density

- a. Development is restricted to a maximum of 10 units per acre with a maximum dwelling unit capacity of 100 units overall, plus or minus two (2) percent to allow for layout variation.

B. Paved Roads – Public or Private

- a. All roads within the area shall be paved as part of development. Temporary gravel roads will only be allowed during construction.

C. Pedestrian Safety

- a. A hard surface pedestrian sidewalk or path shall be installed on Barrett Road, along the property frontage, as part of any Subdivision or Master Site Plan. Sidewalk or path must be either asphalt or concrete with a minimum width of 5-feet, meeting all applicable Yellowstone County or City of Billings Public Works standards. Additionally, sidewalk or path must be located a minimum of 5-feet off of either the asphalt edge or curb with appropriate ADA crossings at the development road intersections with Barrett Road.

D. Traffic Accessibility Study

- a. A Traffic Accessibility Study will be completed, meeting all applicable Yellowstone County or City of Billings Public Works standards, at the time of Subdivision or Master Site Plan submittal. Approval of either Subdivision or Master Site Plan will be contingent upon acceptance of the Traffic Accessibility Study by Yellowstone County or the City of Billings.

E. Parkland and/or Open Space

- a. An interior area for a private park/open space is shown on the Conceptual Master Plan attached to this PD agreement. The interior private park/open space must be a minimum of one (1) contiguous acre. This area is allowed to move within the final layout but must be maintained as contiguous.
- b. The interior park/open space will be communal open space for the use of residents within the development. It must be developed in a manner conducive with active recreation with appropriate trees and landscaping.

- c. The interior park/open space shall incorporate a Dog Park into the layout. The Dog Park and contiguous open space shall be programmed as part of the Landscape Master Plan and must be installed by the owner/developer as part of any development.
- d. This area will not be parkland owned or managed by Yellowstone County or the City of Billings. Parkland/open space will be developed, owned and managed by the landowner/developer in accordance with the Landscape Master Plan.

V. MODIFICATION OF THE APPROVED PLANNED DEVELOPMENT

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

No change in the overall character of the development;

No increase in the number of residential units greater than two (2) percent;

No additional allowed uses;

No reduction in open space greater than two (2) percent; and

No change in the approved minimum setbacks, maximum lot coverage or maximum allowed height.

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

“OWNER”

CK Land, LLC

By: _____
Title:

William Schultz, Trustee

By: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____ of **CK Land, LLC and William Schultz, Trustee** who executed the foregoing instrument and acknowledged to me that he/she executed the same.

Notary Public in and 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 _____, 20__.

“COUNTY”

COUNTY OF YELLOWSTONE, MONTANA

County of Yellowstone
Board of County Commissioners

By: _____
Chairman

By: _____
Commissioner

By: _____
Commissioner

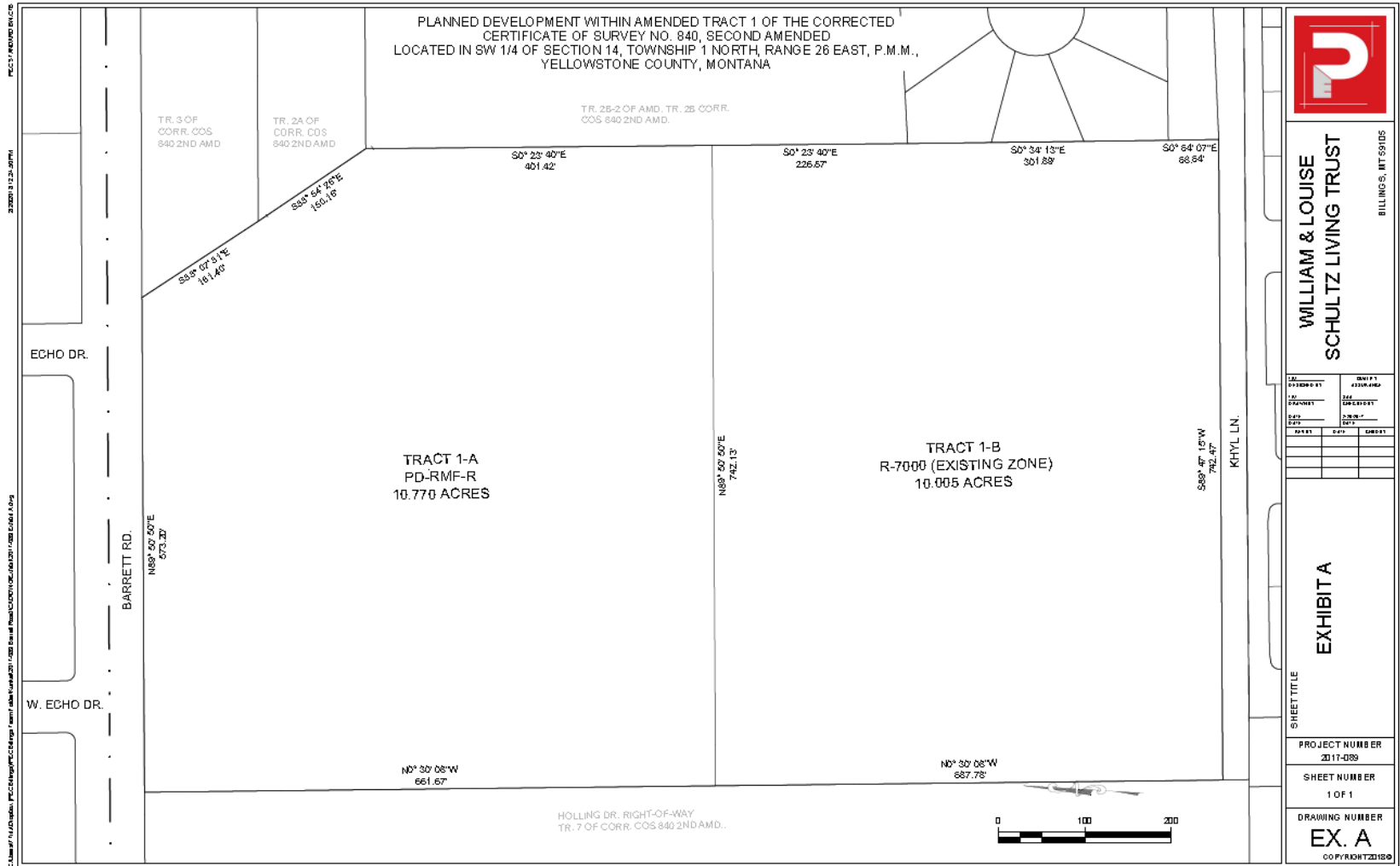
Attest: _____
County Clerk and Recorder

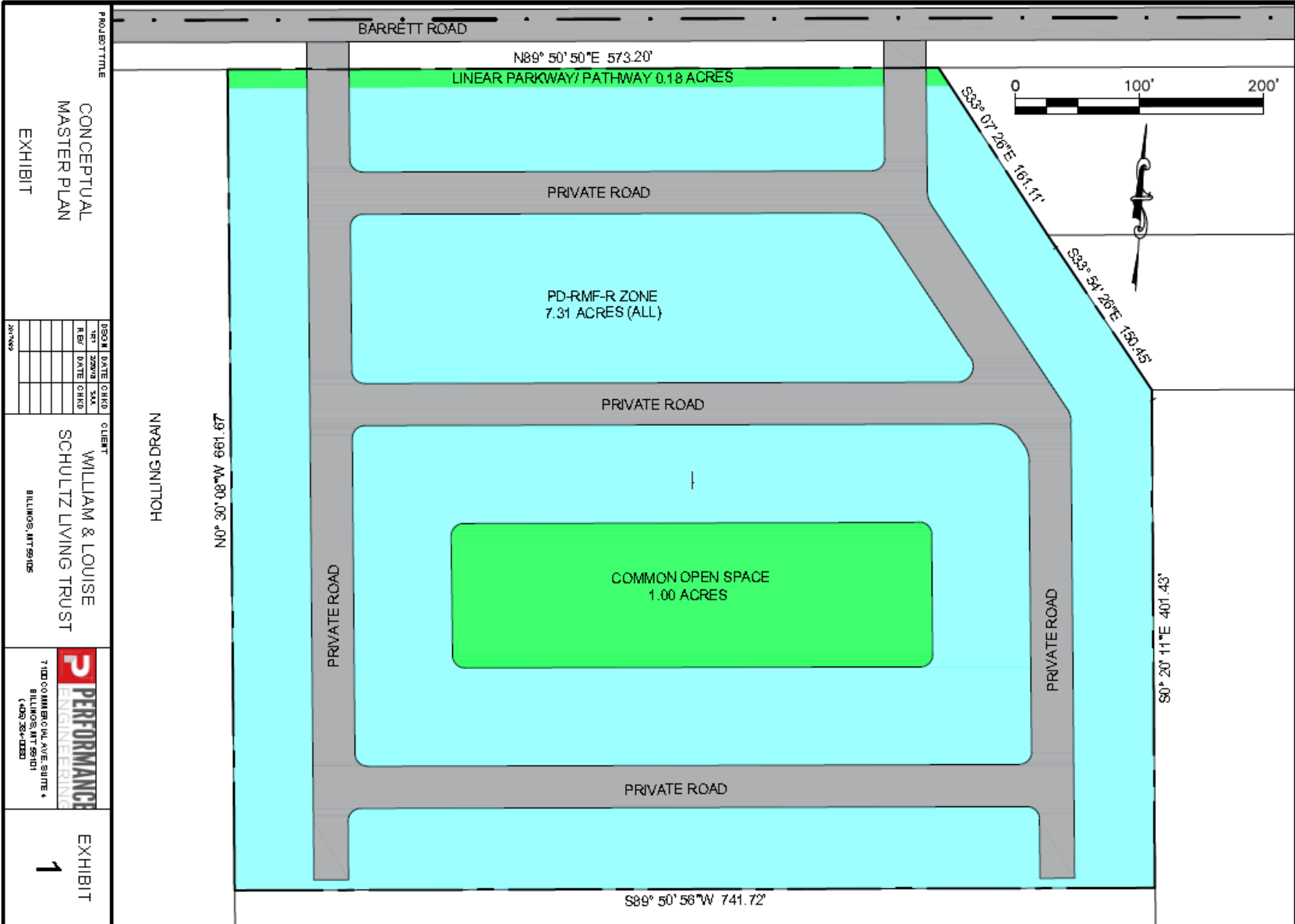
STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____, _____, and _____, known to me to be the Board of County Commissioners and County Clerk and Recorder, respectively, of Yellowstone County, Montana, whose name 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 in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

Exhibit A (2 pages)





PROJECT TITLE
CONCEPTUAL MASTER PLAN EXHIBIT

ISSUE DATE	CHG	CLIENT
REV	DATE	CHKD

CLIENT
WILLIAM & LOUISE SCHULTZ LIVING TRUST
BILLINGS, MT 59105

ENGINEER
PERFORMANCE ENGINEERING
7100 COMMERCE AVE, SUITE 4
BILLINGS, MT 59101
(406) 251-1000

EXHIBIT
1

PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change 687

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 is consistent with the following goals of the Yellowstone County 2008 Growth Policy and 2006 Billings Heights Plan:

- Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in the growth policy. (2008 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 developments surrounding the property include low density neighborhoods to the north across Barrett Road and agricultural uses south and east. The agricultural uses will diminish over time as these properties are slated for conversion to residential developments. The PD has requirements for landscaping and building designs that will be consistent and compatible.

In 2006, the City and County adopted the Billings Heights Neighborhood Plan. This area was designated as an area for future medium density residential development. The medium density designates a range of 6 to 10 dwelling units per acre. The proposed PD limits the number of dwelling units to 100 on this 10.77 acre parcel of land. This is in conformance with the Billings Heights Neighborhood Plan. There has been concern with the style and lack of architectural detail in some of the developer's previous projects. The PD has been amended to require architectural elements that will add visual interest to the buildings, sets maximum height limits well below the allowable height in the existing R-70 zone to match existing and future surrounding developments, and requires a mix of colors and building materials on each structure. The proposed PD is explicit in the types of uses that will be prohibited, making this zoning predictable. The number of attached dwelling units is limited to 6 for each building.

- Goal: New developments that sensitive to and compatible with the character of adjacent development. (2008 Growth Policy - Land Use Element Goal, page 6). *This property is directly west of the Sartorie Farm, a successful farming operation that will be phasing out over time to accommodate residential development. All adjacent land is zoned R-70 including the low density subdivision north of Barrett Road. The proposed PD has limitations on building height, and unit configurations, required landscaping and a private park area not otherwise required by zoning. The proposed land use restrictions, development requirements and building styles will be sensitive to and compatible with the character of the adjacent developments.*

2016 Billings Growth Policy – The proposed zoning is consistent with the following Guidelines:

Community Fabric: Outdoor public spaces provide casual and relaxing gathering areas for people; Planning and construction of interconnected sidewalks and trails are important to the livability of Billings; Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community.

- The development of the private park space for the new neighborhood, the trail connection along the Barrett Road frontage and the “dog park” area will provide an outdoor space for people and their pets.

Strong Neighborhoods: Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels; Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction; Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces.

- The proposed zoning will provide for a housing choice – attached dwellings or apartments - not readily available in this area of Billings Heights. The PD requirements for landscaping, site lighting, connection to adjacent amenities, and street trees is consistent with this guideline.

Home Base: A mix of housing types that meet the needs of a diverse population is important; Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

- The proposed zoning will help provide housing choice that is affordable in this area of Billings Heights.

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

The subject property does not pay a service fee to 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. There are no structures on the property at this time, but BUFSA would provide response for a grass or wildland fire on the property. The nearest fire station is located at Wicks Lane and St. Andrews Drive (FS #6), about 1.8 driving miles to the west. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies. The Fire Marshal, Mike Spini, has stated two full access points to the development will be required.

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

Transportation: The proposed zoning will not modify the existing traffic unless new development occurs. Any development will increase traffic on the adjacent county and city street network. It is estimated – based on the intended number of 100 dwellings – traffic will increase by 600 to 800 new trips per day. The applicant has stated the

intention to annex the property to access city services. Existing traffic patterns on surrounding streets has become difficult and potentially hazardous due to the opening of a new middle school at the intersection of Barrett and Bench Boulevard to the west of this property. The City and County have met with the area residents (2017) but have not proposed a solution to these continuing problems.

Water and Sewerage: The subject property is served by irrigation water. Upon annexation, the property will have access to city sewer services. Water will be provided by Billings Heights Water Service. The developer will need to make accommodations for the irrigation ditches and drains on the property.

Schools and Parks: The proposed zoning may have an impact on area schools. The proposed zoning envisions development of attached dwellings or apartments. Dwellings could be rented to families with school-age children. This may increase the enrollment expected in the nearby schools.

Fire and Police: The subject property is served by BUFSA for grass or wildland fires. Yellowstone County Sheriff's Department currently provides public safety response. If the property is annexed, the City Fire Department and Police Department will provide public safety services.

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. The proposed PD requirements for landscaping and a private park will promote the health and general welfare of the development residents.
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. The PD also proposes to limit the height of all buildings so this will improve lighting in the new neighborhood.
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 100 new dwellings will increase traffic on Barrett Road and the adjacent street network. A Traffic Accessibility Study will be required at the time a subdivision or Master Site Plan is submitted for review.
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 has requirements not otherwise required in the R-70 zone or the RMF_R zone including maximum building heights less than standard zoning districts, architectural variations, site lighting, private park development, and a master landscaping plan.

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 adjacent to the city limits but has existing agricultural land uses to the south and east and a low density county subdivision to the north. The proposed PD has built in some requirements and features that make the proposed zoning suitable for this location and for the proposed uses.

9. Will the new zoning conserve the value of buildings?

There are no structures on the property at this time.

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-RMF-R zone. The property is located south of a collector street – Barrett Road. Barrett Road connects to the west with Bench Boulevard, a principal arterial street. It is appropriate to provide a variety of housing choices in every area of Yellowstone County and Billings. The current zoning only allows 2 housing choices – single family dwelling or a two-family dwelling.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

The property is adjacent to R-70 zoning in the city to the east (Sartorie Farm). The new zoning is as compatible as possible with the adjacent R-70 zoning.

Application and pre-app meeting – Zone Change 687

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 687 - Project # P2-18-02

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: R-7000

Proposed Zoning: Residential Multi-Family Restricted

Tax ID # D05147 COUNTY COMMISSIONER DISTRICT # _____

Legal Description of Property: C.O.S. 840, Parcel 1, Corr 2nd Amend, Section 14, Township 01N, Range 26E

Address or General Location (If unknown, contact County Public Works): South of Barrett Road & Echo Drive

Size of Parcel (Area & Dimensions): 10.00 Acres Residential Multi-Family Restricted (north 10 acres of parcel)

Present Land-Use: Agricultural

Proposed Land-Use: Residential Multi-Family Restricted

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): William Schultz, Trustee
(Recorded Owner)
4427 Palisades Park Dr., Billings, MT 59106
(Address)

(Phone Number) (Email)

Agent(s): Scott Aspenlieder
(Recorded Owner)
7100 Commercial Ave., Suite 4, Billings, MT 59101
(Address)
406-384-0080 scott@performance-ec.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: William K. Schultz Date: X 1-3-18
(Recorded Owner)



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

Barrett Road Planned Development January 2018

The Barrett Road Planned Development proposed by Cal Kunkel (CK Land, LLC) and William Schultz, Trustee, is located at what would be the intersection of Barrett Road and Echo Drive consisting of 10.00 acres. The Barrett Road Planned Development specifically includes only the north 10 acres of parcel 1, Certificate of Survey No. 840 in Section 14, Township 1 North, Range 26 East, Yellowstone County. The tract is currently zoned as Residential-7,000 but is involved in active agriculture by the owners.

The Barrett Road Planned Development is set up for residential multi-family uses only. The goal of the development is to create a family friendly patio home development which fits with the surrounding area and provides access to new educational facilities in the area. The Planned Development will be completed such that it compliments adjacent neighborhoods and adds value to the community as a whole.

To ensure that the Barrett Road Planned Development adds value to neighboring developments a number of restrictions and requirements were placed in the Planned Development Agreement. These restrictions and requirements range from landscaping requirements, density restrictions, signage, and restrictions on land uses and building dimensions. Additional improvements will be made to allow for pedestrian travel along Barrett Road and connectivity to the adjacent trail and Medicine Crow Middle School. The restrictions and requirements were born from the neighborhood meeting and comments received from adjacent property owners. These restrictions and requirements will help ensure that the Planned Development promotes community activity, convenience, and connectivity not just for our development but for the adjacent neighborhoods as well.

The Barrett Road Planned Development will add value to the area by requiring development to meet strict building, landscaping, lighting, and green space standards. Residential multi-family development will create opportunities for moderate density housing to provide a range of housing options to an area growing rapidly in our community. The Planned Development requirements and regulations will ensure that all of this is done in a manner which compliments and adds value to the neighboring communities.

Zone Change Meeting Sign-In Sheet

Client: CK Land, LLC

Job Name: Barrett Road Zone Change

Job # 2017-089

Name:

Address:

<u>PATRICK G Weber</u>	<u>2210 ANNA DR Blys MT 59106</u>
<u>Tommy & Scott Watson</u>	<u>2091 Echo Dr Bly, MT 59105</u>
<u>Ralph Bruder</u>	<u>2205 W. Echo Dr Blys. 59105</u>
<u>Dan + Judy Quigley</u>	<u>2125 W. Echo Dr Blys 59105</u>
<u>Dennis Winter</u>	<u>726 ARVENUS PL 59105</u>
<u>Chris + Lorraine Nielsen</u>	<u>1125 Barrett Rd 59105</u>
<u>ERIC HENRY</u>	<u>2130 E. ECHO DR 59105</u>
<u>Fam Ellis</u>	<u>2000 Outlook Dr 59105</u>
<u>MIKE SARTORIC</u>	<u>JEM Development</u>
<u>Wilma Alexander</u>	<u>2133 W Echo</u>
<u>Michael Swarely</u>	<u>1115 Pumpkin cone</u>
<u>Nicole Bronckee</u>	<u>1115 Pumpkin cone</u>
<u>Virgil Middendorf</u>	<u>1642 Natalie St.</u>
<u>JOHN BOEMKE</u>	<u>2020 ECHO DR.</u>
_____	_____
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_____	_____
_____	_____



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

January 2, 2018

The meeting began at 6:00 pm on December 26, 2017 at the conference room in the Country Inn & Suites at 231 Main St., Billings, MT 59105. Those in attendance were Craig Dalton & Josh Dirks (Performance Engineering).

Seventeen (17) people from the public attended the meeting (list of those attending is included with the Zone Change Application). Questions from the individuals and subsequent responses are shown below:

- **Questions on what the target audience is for the proposed townhomes (i.e. single family with kids, retirees, etc)?**

Target audience is difficult to pin down at this point and is likely to be dictated by the market. Generally it is young families, young professionals, or older people downsizing.

- **How will traffic concerns and Barrett Road improvements be addressed?**

As a part of the annexation process it is possible a traffic study would be required by City of Billings Public Works which would identify needed improvements. Early indications are that widening of Barrett along with installation of curb, gutter, and boulevard sidewalk will be required at a minimum for the project to be constructed. Any traffic study would indicate potential financial contributions if deemed necessary from the study.

- **Will there be a buffer zone?**

There is a proposed vegetative buffer along Barrett Road in the PUD. Consideration would be given to side buffers as well.

- **Will there be a maintenance plan for the property?**

The developer has a property management company in place to manage and handle maintenance of the property.

- **Will the units be rented or sold?**

The property will be developed in a manner that they can be rented or sold. In all likelihood they will be rented.

- **What about the impact to the schools in the area?**

Unfortunately the developer cannot control the capacity of the schools in the area. It does appear that SD2 will be coming out in 2018 with another bond measure to improve the school infrastructure.

To The Planning Board

In regards to the changing of the zoning from 7000 Residential to Multi-family

We have lived east of the property for 87 years.

My Dad & Mother sold the property to William (Bill) Schultz in 1972 we have nothing to gain but to lose we hate to see the development put in Please no change in zoning.

Sincerely,
Mae & Santorie

Robert Santorie Jr.

We want no change.



I OPPOSE THE RE-ZONING OF THE 10 ACRE LOT ON BARRETT ROAD, BILLINGS HEIGHTS, FROM A R-70R RESIDENTIAL TO A RMF-R MULTI-FAMILY THAT WOULD ALLOW A PROPOSED 103 UNIT STRUCTURE TO BE BUILT WITH A CONTINGENCY TO PURCHASE AND EXTEND TO KYHL ROAD.

Wilma Desjardins
1732 Hesperia St. 59105

Michelle Fuss
1729 Hesperia St. 59105

M. M. Fuss
1729 Hesperia St.

B. Van Lier
1532 Claremore Ln

Carl Herguty
1040 Claremore Ln

Kelly Campbell
1703 Hesperia St.

John 1703 Hesperia St

Chris Clark

Jimmy Anderson
995 Kuhl Lane

Tracy Clark

Debbie Dodge
951 Kuhl Lane 59105

Leighton Peterson
848 Kuhl Ln 59105

Shari Peterson
848 Kuhl

Jonny 822 Kuhl

Tom Jueck
988 Kuhl Lane

1286 Heritage Walk
Norma Miffen

Pat Jagg
1738 Heritage Walk

→ 1740 Savona

~~Cheryl Jenni~~

~~Jim R. [Signature]~~

~~1736~~

Ken Eckert

1736 Savona ST

~~Jim~~
1719 Savona St.

1736 " ST

~~Frank [Signature]~~

1714 Hesperia St.

Arthur [Signature]

February 5, 2018

Nicole Cromwell
County Zoning Commission
Board of County Commissioners

Re: Barrett Road Planned Development

To whom it may concern:

We are respectfully submitting, for your consideration, some of our concerns regarding the zoning request for 10 acres south of Barrett Road.

1. Traffic Flow

Barrett Road is extremely dangerous for both the children who walk to and from Medicine Crow Middle School and Bitterroot School and the drivers that are either dropping/picking up children or residents of the neighborhood who are arriving/leaving the area. The corner of Bench Blvd. and Barrett Road is a nightmare and this problem extends from Bench to Hawthorne, South on Hawthorne and East as far as Bitterroot. The planned development could possibly dump 200 more cars onto Barrett Road, plus putting at least 100 more children into the already overcrowded schools in the area. There is also a lot of bike, jogging and walking traffic on the bike path which crosses Barrett Road which puts many people and children in even more danger. There are no flashing lights or stop lights in the area to help with this growing problem. Barrett Road should be addressed before considering any development in the area.

2. With 100 multi-use homes going in on 10 acres, more vandalism could be an issue which stretches the Billings Police and Yellowstone Sheriff's Dept already limited resources.
3. With the density and number of units being considered, property values in the whole surrounding area will certainly drop which in turn will affect taxes in the area.
4. Many homes in the area have wells and septic tanks and this construction could have an adverse effect on the underground water supply to these wells, which was evident during the construction of the Medicine Crow Middle School.
5. We feel that the current residents of this area are not being heard, that this proposal has been pushed through by the Developer with no input from the residents and we feel the current zoning on these 10 acres should be left in place as is.

1740 Savona

Cheryl Jensen


February 5, 2018

Nicole Cromwell
County Zoning Commission
Board of County Commissioners

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Jeze M Engelhardt
1711 Hesperia ST

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2216 E Echo

February 5, 2018

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County Zoning Commission
Board of County Commissioners

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Ashley Kelle

February 5, 2018

Nicole Cromwell
County Zoning Commission
Board of County Commissioners

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Reggie Dumb

February 5, 2018

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County Zoning Commission
Board of County Commissioners

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1736

SADOKA

SV

Ken Eichel
Janet Eichel

February 5, 2018

Nicole Cromwell
County Zoning Commission
Board of County Commissioners

Re: Barrett Road Planned Development

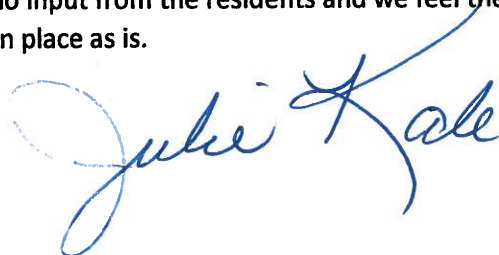
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February 5, 2018

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County Zoning Commission
Board of County Commissioners

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Sharon Hale

February 5, 2018

Nicole Cromwell
County Zoning Commission
Board of County Commissioners

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2/5/18 *Amelia Merrill*
406 794-4937

J AND M DEVELOPEMENT

1880 Hawthorne Ln
Billings, Montana 59105
Phone 406.245.9599
Phone:406.698.3806



January 31, 2018

Dear Ms. Cromwell,

I recently received a letter regarding a proposed zone change on property directly adjoining my families property as well as my home and Pumpkin Cove subdivision of which I am the developer. I also attended a information meeting held on December 26,2017 regarding this. I would like to formally submit my letter of protest against the proposed zone change.

1) My family sold the 20 acres of which 10 acres of this is the subject of this zone change to William Shultz in 1972. My father was witness to the proceedings of that transaction. At that time the property was zoned R-7000. The reasons for this was that even though the entire area at that time was agricultural it was in the best interest of this area to prevent high density development. I think you would admit that showed a great deal of forethought at that time. As development progressed in this area, everyone involved in building and buying homes counted on that piece of un-developed property to be developed in that manner. That planning has stood fast for the 46 years since that sale.

2) This type of development does not complement or fit in with the surrounding community at all. I believe it is the zoning commissions responsibility to make sure the heights community is developed in a responsible manner based on the zoning that best suits those needs. The zoning that is presently in place for this property assures that it will be developed with those needs taken into consideration.

3) There are no plans by the developer of this property to address the needs of a high density community of this nature with regards to safely of pedestrians especially those of young school children. The only way out of the proposed development is by two exits to Barrett Road.

4) This high density development will place unsafe demands on road infra structure that is currently unable to serve existing needs. The developer is only required to develop Barrett Road adjoining the property he is developing. A high density development of this kind is best served when it connects to roads that are able to handle high traffic flows and funnel traffic safely to arterial streets.

5) Increased crime in a high density -rental environment such as this is a major concern for all in the community. The existing R-7000 zoning prevents this and is conducive to a more harmonious blending of the community.

6) There is no long term development plans for the remaining 10 acres of this property. Obviously, once the front 10 acres of this property is developed to high density, would it not be unreasonable to assume the other 10 will follow suit. If that would be the case, how would the residents of this development access streets? Kyle Lane which adjoins this would be totally unacceptable as it is a small residential street. Obviously a total of 212 families could not all use 2 exits on Barrett road. I as a developer was required by the city to submit a master plan regarding the entire development of our property. A great deal of time and money was spent to present a responsible plan that would serve my developments residents as well as adjoining properties and

community infrastructure. This has not been done in this case.

7) Even though this proposed development is adjacent to Medicine Crow School-our schools in this area are already at or exceeding capacity. I do not believe high density development in this area is in the best interest of addressing our surrounding communities children and their educational needs.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Sartorie", with a long horizontal flourish extending to the right.

Mike Sartorie

1-29-18

City of Billings
2825 3rd Avenue North, 4th Floor
Miller Building
Billings, Montana 59101
Phone: 247-8662
Attn: Nicole Cromwell
Email: cromwelln@ci.billings.mt.us



RE: County Zone Change 687 Project#P2-18-02

I would like to express my attitude towards this newly proposed neighborhood. While the owners are free to do what they like on their own property, I have trouble with people profiting at the expense of their neighbors. While I understand this property will be developed I am 100% against developing it for rental properties.

There are numerous studies that show that neighborhoods that allow between 15 and 25% rentals it affects property values of up to ½ mile away. Usually it affects the values in a negative way. As I am reading the proposal submitted it appears that this new development will be 100% rentals. I cannot imagine what that will do to our property values. Some towns around the U.S. have banned rentals altogether. Some have limited the rental density to less than 10%.

Even though these properties will be managed by a maintenance company it already speaks to a rental development. If a maintenance company is required it speaks volumes that renters do not have the same buy in for the current and surrounding areas.

As rentals have a semi-transient population, how can this support a neighborhood and its stability? This affects crime rates in the area and traffic in the neighborhood is severely increased. We have had a new development to the west of our home completed in 2017. This neighborhood started off as duplexes or townhomes and then changed to single family housing. I do not know the total amount of the rentals in this neighborhood, but I can tell you the folks in that neighborhood do not care about speeding up and down our street. These folks seem to think 35 or faster is acceptable. I do know of at least two rentals in this neighborhood and although the homes are kept nice these folks have been the primary offenders in speeding up and down the street 24/7. I can only imagine a neighborhood of only people with this attitude. If the City of Billings cannot control the folks in this neighborhood what chances do we have to add more to the mix?

At least Sartorie Farms subdivision developer listened to his neighbors and tried to do everything asked of him. Some items, to Mr. Sartorie and the City of Billings' surprise, were out of there control. I would hope the owners would also accept the input from surrounding home owners. We have chosen to live and invest in our neighborhood.

I would hope that plans of any kind would dump all traffic out onto Barret Road and have zero connections to Kyhl Lane.

I am 100% against adding rentals to this property.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris and Angie Allard". The signature is fluid and cursive, with a long, sweeping flourish extending to the right.

Chris and Angie Allard
1126 Kyhl Lane
Billings, MT 59105
252-5531
Chrisangie1234@gmail.com

January 31, 2018

Nicole Cromwell
County Zoning Commission
Board of County Commissioners

From: Dan and Judy Quigley
2125 West Echo Drive
Billings, Mt. 59105

Re: Barrett Road Planned Development

We are respectfully submitting for your consideration some of our concerns regarding the zoning request for 10 acres south of Barrett Road.

1. Traffic Flow

Barrett is extremely dangerous for the children who walk to and from Medicine Crow and Bitterroot School. The corner of Bench and Barrett is a nightmare and this whole problem extends from Bench to Hawthorne. South on Hawthorne and East as far as Bitterroot. The planned development could dump possibly 200 more cars on Barrett Road plus putting 100 more children into the already full schools. There is also a lot of bike traffic on the bike path which crosses Barrett Road which puts many people and children in even more danger. There are no flashing lights or stop lights in the area NOTHING! Barrett Road should be addressed before considering any building in the area.

2. With 100 apts. On 10 acres more vandalism could be an issue which surely stretches the police and Sheriff's Dept.
3. With the density and number of apartments being considered will certainly drop
4. property values in the whole surrounding area which in turn will affect taxes
5. in the area.
6. Many homes in the area have wells and septic tanks and this construction could have an adverse affect on the underground water supply to these wells.
7. We feel the current zoning on these 10 acres be left in place.

Cromwell, Nicole

From: zurbuchen@bresnan.net
Sent: Tuesday, February 6, 2018 9:34 AM
To: Cromwell, Nicole; 'scott@performance-ec.com'
Subject: Barrett Rd development

Follow Up Flag: Follow up
Flag Status: Flagged

I would hope the Planned Development Agreement has conditions in it to prevent this development from looking bad. If one floor plan is used in all buildings no matter the number of units in each building, then this 10 acres would not look anything like the surrounding developments. There should be a minimum number of different floor plans used, a minimum number of single family units, a maximum number of 6-plex units, and a way of insuring a different roof height. This could be done by having a minimum number of 2 story units no taller than 24 feet. The agreement restricts multifamily units to one story buildings but not single and 2 family units. This then would not change the character of the neighborhood when looked at visually.

I strongly support this development as Barrett Road is a public safety issue and the only way to address that issue is development or SIDs which I'm sure most property owners affected would strongly resist and object to.

Tom Zurbuchen

Cromwell, Nicole

From: Eric Henry <ericsscout@gmail.com>
Sent: Sunday, February 4, 2018 3:56 PM
To: Cromwell, Nicole
Subject: Concerns Regarding the Proposed zone change for the Barrett Road Development

Hello,

My husband Eric and I would like to express our concerns for the proposed Zone Change for the Barrett Road development. We express these on behalf of ourselves and several neighbors, named Penny Hart, Nina and Lary, and Fred and Pay Besel.

We live on East Echo Drive.

1. Our first expressed concern is that the maps they have used in planning are incorrect and the error creates an even greater issue. Despite being shown in the attached picture, Echo is not a continuous street. It is a loop. Both our exits will line up directly with the proposed exits. It is already currently an issue leaving the house to bring my kids to school due to the middle school traffic. It is obvious that the developer has no concerns over the traffic or the way this will effect the community and safety of the mass amount of youth pedestrians before and after school walking down Barrett to the middle school, due to the fact that they have expressed they have not even considered an alternate route out of the subdivision other than exiting on Barrett. There have already been published concerns, see Billings Gazette, regarding the issue of pedestrian traffic coming into the middleschool. Adding 200 plus cars will not help. Barrett was simply not built for this type of volume. The least that will need to be done is additional traffic lights at Bench, but this does not address the childrens safety. The sidewalks being added will do nothing to solve the youth pedestrian safety concern because they do not continue on to Bitterroot. Traffic is a big concern. I am sure you have received many emails regarding this.

2. Added population at 100 units to an area with large pockets of county and an area already struggling to support itself through police and education.

A. We currently have chosen to drive our kids out of district to school because when our son was in middle school at Castlerock there wasnt even enough desks, let alone books, for him in classes. As a result he lost education his first year from spring to fall testing. When our youngest was expected to enter Bitterroor school(the same school district these houses will be built in), they had classes in a closets and expected 28(!) Kindergarten students per class.

B. Our neighborhood is county and directly across the development. We do not have any street lights and although serviced by the Sheriff, I have yet to see them "patrol" the area in 10 years. We have several elderly neighbors. I am concerned for their safety also. In the last year we have experienced break-ins while the homeowners are home and 2 criminals on the loose hiding in our quite and dark neighborhood. One was caught under a camper. Adding this many low income units creates an even greater potential for major security issues in our neighborhood in which the city will not be responsible for keeping safe.

I could list several other concerns, like what the other land development will look like if this passes or the fact another petition is in place for apartments off Bench (more volume going in the area for school and police to deal with).

I urge you based on your duty to serve the people of Billings, specifically the people of this community to make decisions on what's best for the people, which is clearly to keep the zoning as is.

Thank you for your time,
Krystle and Eric Henry
2130 E Echo Drive
Billings, My
406-690-0093

Cromwell, Nicole

From: zurbuchen@bresnan.net
Sent: Sunday, January 28, 2018 3:55 PM
To: Cromwell, Nicole; 'scott@performance-ec.com'
Subject: Zone change 687

Follow Up Flag: Follow up
Flag Status: Flagged

On Zone Change 687 Barrett Road:

1) Please don't accept 10 units per acre as density limit. If the actual acreage is 10.39 that would yield 103 but at 10.00 acres the yield is 100 units and Thursday there was talk of adding another acre for green space which would add another 10 units. There is a possibility for some particular acre within the development to have a higher density than 10 and another particular acre that is less so as to have green-space. What is important is the total number allowing the developer to position units as he wants and open space where he wants. So far nothing in the agreement restricts the developer in anyway. At present, he has presented a plan which pencils out an adequate return for his investment, in his opinion, and the agreement should hold him to his word without forcing unexpected problems and costs. A total number of units for the entire development will allow needed flexibility in the development process.

2) There should be a sentence that states something to the fact that no further development can occur on this property. Without, in future years, the developer possibly could say something along the lines of this green space (or parking area) has not been used so is not needed and can now be developed into additional housing units. There is wording about maintaining green space within 2%, but not parking area and the future should be clearly spelled out in the agreement.

Tom Zurbuchen

Cromwell, Nicole

From: zurbuchen@bresnan.net
Sent: Friday, January 26, 2018 1:04 PM
To: Cromwell, Nicole
Cc: 'scott@performance-ec.com'
Subject: Zone Change 687 Barrett Road TZ Jan 26

Follow Up Flag: Follow up
Flag Status: Flagged

I have concern about zone change #687 on Barrett Road;

- 1) Going to Thursday's meeting at Medicine Crow I say no ZONE CHANGE signs on the property. I drove by in daylight Friday and no posting of a zone change was visible. To be correct does not there need to be a sign? I would hate to see this denied on such a technicality.
- 2) At Thursday's meeting at Medicine Crow there was confusing information. All previous paperwork listed the area at 10.00 acres but they had a large display that showed 10.39 acres. This needs clarity and the Planned Development Agreement needs the correct value to be proper.
- 3) The Planned Development Agreement must have a maximum density number listed. This is extremely important in that as presented that number is 100 or 103 depending on where it is written. With no number in the Planned Development Agreement one must use maximum density from the restrictions listed as largest multi-family unit being 6 and code saying a 6 plex requires 13,00 square feet of land, 10.00 acres equals 33 6 plexus or 198 living units and 10.39 acres equals 34 6 plexus or 204 living units. This huge difference will make a huge difference in the results of a traffic study causing the developer traffic mitigation to be hugely different than 100 or 103 living units traffic study would require.
- 4) The planned Development Agreement must show the internal street width and require a hard surface. The streets are reported to be private so this is probably the best way to insure pavement and adequate width. Once these are in the Planned Development Agreement I hope a presentation will highlight the fact that the zone change is really only responsible for the small increase in density that results, not the entire 100 or 103 development. As currently zoned the 10.00 acres zoned R 7,000 could have 45 duplexes or 90 living units (10.39 acres allows 47 duplexes or 94 living units) Making additional density relatively minute. While traffic is always a concern, the zone change cannot be held responsible for all the traffic from the development but just the increase. The remaining Planned Development Agreement is well written and contains good restrictions and will ensure a nice development. This development will ensure Barrett Road see improvement which is sorely needed!

Tom Zurbuchen

Email forwarded to N. Cromwell

On Mon, Jan 29, 2018 at 4:35 PM, <dawaug15@bresnan.net> wrote:

Pamela,

Let it be known to all parties that I will be giving a lengthy presentation against this zone change. I have lived on W. Echo Dr. for 46 years come April 2018. My parents had the third house built in this roughly 70 acre subdivision. The owners of the first 2 houses are now deceased and I feel like I need to carry the torch for E. Echo & W. Echo residents. There are 34 homes and 2 duplexes. The duplexes have been an eye sore since they were built in 1984. I have every intention of pounding this developer and this Cal Kunkel character into submission. They will then look at each other and say, "what were we thinking". I have every reason to believe the request will be denied. The developer and Kunkel will then have the opportunity to withdraw their proposal. I am going to fight for the children. The crowds at these events will continue to grow and that in itself will make the developer and Kunkel very small. I am very fired up and wait for the day, 2/5/2018. That will be 16 years to the day that my dad had passed away. Brace yourself!

Regards, David Whitmore

February 5 2018

My Husband and i live on Kale Drive . Two blocks from Bitterrot Elementary , 1 block from Medicine Crow. We attended the January 26th meeting at Medicine crow regarding the zone change for the property behind these two schools off of Barrett Road. We are very concerned about this proposal. The builder has purposed 100 units (1 bdrm-2bdrm) on 10 acres of this land. I cannot even fathom what an impact this will have on our neighborhood. your talking at the very least another 200 cars at the intersection of Barrett and Bench Blvd . In an already unsafe intersection. The traffic has already increased due to widening Bench Blvd. We feel this is way to much traffic in a very small area with only one main throughfare Bench. Bench Blvd can not handle that much traffic! Before and after school at peak rush hours in morning and evening . Also you have a Baseball field there, I cannot tell you how bad the traffic is during this time . Parents and kids walk out in between cars all the time . Some one is going to get hurt !! You cant add that much traffic to such a small area!!! Not to mention the cost of improvements to us taxpayers. Also addressing the amount of potential students this will add. The trickle down will be us paying for more school improvements to satisfy the over crowding of schools . We will also see a decrease in our property values. With rentals, no matter how nice they are they depreciate your property value. We do not want this to happen !!! We used to see deer , ducks, geese . You continue to push them out of their habitat. Is this fair?? I myself can't see any" young professionals" wanting to live in an area close to school, baseball field , so far away from any shopping ,bars , restaurants ect. Not to mention we highly doubt this will be "young professionals" as stated in the proposal that would certainly be discrimination if so . Which leads to increased crime in the area . Right now there is very little crime in our nieghborhood. We watch out for strange cars or people in the nieghborhood. Alot of the people in this neighborhood are retired. We feel safe noing our neighbors are watching out for us.

Another concern is what does this builder have in mind for the other 10 acres? If this passes he can put in an apartment building , or more rentals just to increase all of the issuses above !!!

We are very much against this zone change it should not happen !!! We will fight this issue !

Thank you, Becky and Calvin Boehm

Regarding Barrett Road Planned Development.

To whom it may concern, I am a resident in the Heights (1630 Brewington Drive) down the street from where the proposed development is to take place. I have lived here almost 20 years. I am against said development for several reasons.

- Development is not consistent with surrounding structures
- Development will significantly impact traffic on Barrett & Hawthorne
- Development will overwhelm local schools
- Development will negatively impact real estate values in the surrounding areas

Let me go into further detail with each point.

Currently, that area consists of large lots with single-family homes. The planned development is not consistent with the type of housing in the area. This area is also most owned by the person living at the area instead of rentals. In my experience, rentals are more poorly cared for because the renters aren't invested in the area and are more transient. This is not the kind of housing we want to import into the area.

If you bring 100 units into this area, it will overwhelm the already-busy streets. There are three schools near this development. There is significant traffic on that corner every weekday. I should know; I am part of it. There are a multitude of cars traversing that area every morning. Some days it takes 3 or more minutes to be able to turn off of Hawthorne onto Barrett in the morning. Adding 100 more units with the likelihood of 200 more cars to this area is not feasible. There is also a lot of walking traffic in this area of kids heading to the middle school. Adding more cars to this area will only increase the likelihood of an accident between car and student. You may argue that they will put sidewalks in, but that still doesn't help with intersections and crossings. The kids and cars are still both there.

With the location of this proposed development, the students would be going to Bitterroot Elementary school. While my kids no longer attend that school, I am familiar with the school, having been an active member of the PTA for 6 years while my children attended there. That school is already at capacity, and adding 100 units of additional housing that would be zoned to Bitterroot would make it much worse than it already is. My children had their last year there last year, and both of the sixth-grade classes had more than 30 students all year long. There were times during the year that one or both of the classes had 33 students. Several of the classrooms were above accreditation standards, so the problem is going to persist for some time. This year they already have three teachers at each grade level, which uses every classroom in the building. Already there isn't room for the Read180 program and other programs that need space in the building. They end up getting crammed into tiny areas that used to be closets.

Medicine Crow is already approaching its stated maximum capacity. Consider how 100 new families will affect that!

Finally, 100 new low-budget rentals are not going to increase local property values. It is going to bring in more people, more traffic issues, and further wear and tear on our roads which aren't getting proper maintenance as it is. Especially since green-lighting this project increases the likelihood that you would

green-light the southern portion of this tract, putting another 200 vehicles down my street every day at least twice a day.

Please consider the people who live in this area and deal with this issue every day. Help our voices to be heard. It is frustrating as a layperson to have my representatives time and time again cave in to the interest of big money and "progress" instead of considering the impact on the people who live there. This development has been trying to sneak its way into existence. It has not been highly publicized to the residents whom it is going to affect. Put yourselves in our shoes, and consider how you would feel about this development if it was your house, your family, your children, their education that was being affected. Please do not change the zoning of this area. Let the area develop as it was planned, as single-family housing. Let it become the type of neighborhood you would like near your own.

Thank you for taking the time to read my opinion.

Jennifer Jasper

1630 Brewington Drive

Cromwell, Nicole

From: e1s1t1@bresnan.net
Sent: Monday, February 5, 2018 6:32 AM
To: Cromwell, Nicole
Subject: Planned development barrett rd

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing to you to express my position regarding this planned development. I am not sure if you can get this to the board but I would appreciate if you would.

To put it simply I am very much against this.

My reasons are as follows.

1) the addition of 100 homes would increase the amount of traffic on Barrett beyond what the street could possibly handle. If you consider 100 families each having 2 cars you would have an additional 200 cars on that street. The second part is that doing a traffic study after the fact is wrong. It needs to be done before to know the impact on the area. The corner of Barrett and Bench is so bad now if 200 more cars are added it would be impossible to get out. The people that live on the Echo streets only have the two ways out so in a sense you are imprisoning them with no other way out but Barrett rd.

2) with a lot of school children walking to school this becomes a very dangerous situation

3) Other concern would be with the other 10 acres that are still to be developed. If this development is allowed then another may go in doubling the amount of cars and with limited access Barrett becomes the only way out.

Kyle Lane can not be ran through because of the ditch.

4) at the two previous meetings Precision engineering reps have contradicted themselves by saying, in the first meeting, that these homes would be rentals for up to 8 years then they would be sold. At the second meeting it was stated that they will never be sold. This shows, to me that the developer just wants to build for the rental income with no concern to the area,

5) The impact on the 2 schools is a very large concern. My daughter goes to Bitterroot and the classes there are already to capacity as are the classes at Medicine Crow. If you add 100 families with 2 kids each the problem becomes even more so. Then if the second 10 acres are developed then it becomes a crisis.

I believe that it is the planning board's responsibility to consider not only the present but future problems if this development is allowed to go through. It would do the area a disservice to add this many homes and this type of community in the area.

I realize that this email is very simple but these are my concerns and I urge the board not to allow this type of development to be allowed.

Thank you Scott McCallum

If a regular single family development was to be built there with lot size at 10000 sq ft you would still have 44 homes with the cars and children factors. It would be a lot but more reasonable and owners tend to be better at keeping up the property thereby not affecting the surrounding home values.

Cromwell, Nicole

From: Eric Henry <ericsscout@gmail.com>
Sent: Sunday, February 4, 2018 3:56 PM
To: Cromwell, Nicole
Subject: Concerns Regarding the Proposed zone change for the Barrett Road Development

Hello,

My husband Eric and I would like to express our concerns for the proposed Zone Change for the Barrett Road development. We express these on behalf of ourselves and several neighbors, named Penny Hart, Nina and Lary, and Fred and Pay Besel.

We live on East Echo Drive.

1. Our first expressed concern is that the maps they have used in planning are incorrect and the error creates an even greater issue. Despite being shown in the attached picture, Echo is not a continuous street. It is a loop. Both our exits will line up directly with the proposed exits. It is already currently an issue leaving the house to bring my kids to school due to the middle school traffic. It is obvious that the developer has no concerns over the traffic or the way this will effect the community and safety of the mass amount of youth pedestrians before and after school walking down Barrett to the middle school, due to the fact that they have expressed they have not even considered an alternate route out of the subdivision other than exiting on Barrett. There have already been published concerns, see Billings Gazette, regarding the issue of pedestrian traffic coming into the middleschool. Adding 200 plus cars will not help. Barrett was simply not built for this type of volume. The least that will need to be done is additional traffic lights at Bench, but this does not address the childrens safety. The sidewalks being added will do nothing to solve the youth pedestrian safety concern because they do not continue on to Bitterroot. Traffic is a big concern. I am sure you have received many emails regarding this.

2. Added population at 100 units to an area with large pockets of county and an area already struggling to support itself through police and education.

A. We currently have chosen to drive our kids out of district to school because when our son was in middle school at Castlerock there wasnt even enough desks, let alone books, for him in classes. As a result he lost education his first year from spring to fall testing. When our youngest was expected to enter Bitterroor school(the same school district these houses will be built in), they had classes in a closets and expected 28(!) Kindergarten students per class.

B. Our neighborhood is county and directly across the development. We do not have any street lights and although serviced by the Sheriff, I have yet to see them "patrol" the area in 10 years. We have several elderly neighbors. I am concerned for their safety also. In the last year we have experienced break-ins while the homeowners are home and 2 criminals on the loose hiding in our quite and dark neighborhood. One was caught under a camper. Adding this many low income units creates an even greater potential for major security issues in our neighborhood in which the city will not be responsible for keeping safe.

I could list several other concerns, like what the other land development will look like if this passes or the fact another petition is in place for apartments off Bench (more volume going in the area for school and police to deal with).

I urge you based on your duty to serve the people of Billings, specifically the people of this community to make decisions on what's best for the people, which is clearly to keep the zoning as is.

Thank you for your time,
Krystle and Eric Henry
2130 E Echo Drive

Cromwell, Nicole

From: Roy <rbngan@gmail.com>
Sent: Thursday, February 1, 2018 9:37 PM
To: Billings Heights; Cromwell, Nicole; Friday, Wyeth
Cc: Pamela Ellis; Roger M. Gravgaard
Subject: Re: proposed zone change 687 docs

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Jason,

In reply to Jason email.

I disagree with your implied correlation between the communities strong desires to have safe routes to school for their children (in your words "priority #1") and the acceptance of a development that will bring many detriments to the community.

I would say the community also disagrees with you. Many of the same people at the Barrett Road sidewalk meeting were at the proposed zone change/development meeting and they voice their complete opposition to the development in spite of what this project would bring in development to Barrett Road (this is my opinion but we can ask Pam to correlate the sign-in sheet if we want to pursue). There was much discussion of the conditions of Barrett Road and how the development will cause harm and exacerbate the current problem, not solve it.

So what does this project bring to Barrett Road development? It will develop less than 1/4 of the road/sidewalk and two intersections. This would provide little if any real "Priority #1". The community at the meeting saw what was being offered by the developer, looked at what it would cost them as a community and clearly voiced their opposition, regardless of everything you put forward as inevitable.

And what is part of this cost? You say it is just 10 more units. No, it is much more. It is 8-plex, instead of duplex/twin homes, renters with under one rental management company instead of individual home owners, 700-900 sf homes instead of 1200-1800 sf homes, 1-2 bedroom homes instead of 3-4 bedroom homes. Its build-out will increase traffic over months instead of years. There are open and unanswered questions on the southern 10 acres which this project has "dead end" roads to. There was so much more brought up at the meeting. The community saw all this and said the cost for 1/4 of sidewalks is too high a price.

I strongly disagree and I believe most every resident at the meeting disagrees with you that "This development is essential for this area of the Heights". Do not confuse residents wanting safe routes to school with supporting this type of development to get sidewalks. There is no correlation between the two as you seem to have implied.

As you know the letter and support from Heights Community Development Task Force for the Barrett Road sidewalk meeting was solely for the purpose of safe routes to school for the children because the conditions on Barrett Road were "placing the children of this community at risk". That is still a very important issue and relevant today. However, it had nothing to do with development of the properties and there is no indication that any of the "over 18,000 views and 182 community comments" support this project. As stated before I would suggest that if you ask those same 18,000 viewers on their opinion it would coincide with the views of the

community members present at the January 25th meeting - From where I was sitting (up front facing the audience) it was near 100% opposition.

Using the letter from the Heights Community Development Task Force regarding Barrett Road sidewalk safety to support of your opinion of this project is a miss use of Billings Heights Task Force material and as the former Chair I would expect more. It is clear that Billings Community Heights Task Force does NOT support this project moving forward. I applaud Roger Gravegaard, the present Chair, for sending the letter on behalf of the City of Billings - Heights Community Development Task Force to voice its opposition to this zone change for this development. He saw, as did others, that this project is not smart for the Community. We can do better.

The Heights Community Development Task Force has often supported entry level affordable rental developments. The Heights Community Development Task Force has worked with and supported the various HUD housing developments. I look forward to developers renovating the older rental units and developing new ones where appropriate. There have been many new rental developments though out the Billings Heights and some are being developed at this time. However, as indicated before, this project is not supported by the Heights Community Development Task Force.

I did not hear any residents oppose development of the property as it is zoned. I agree, the infrastructure likely would be built in stages. As you mentioned it is only 10 units, why not have them built to capacity which you say is 90 instead of 100? We have some very well planned, affordable, twin home communities that are develop in the heights and this type of development (1200-2400 sf 3-4 bedroom) would fit very well on this parcel. It would be a proper transition between the schools and larger single family homes of the surrounding community. That is why it is zoned this way, which is why it should be developed this way.

Thank you for your opinion.

Roy Neese

*Resident of Billings,
2nd Vice Chair of the Billings Heights Task Force -This letter is my opinion and in no way speaks for the Heights Community Development Task Force.*

Text from Jason Lillie support letter:

*The Heights community spoke loud and clear during our Barrett road sidewalk meetings and the consensus was that sidewalks and road improvements on Barrett road were of major importance, and **priority #1** for that area.*

*The county pockets over there are surrounded by the city. They are no longer rural and never will be again. The traffic is already on that road and this development will improve the flow by widening the road and putting in a portion of the side walk our kids so desperately need for safety. The city and county governments are unable to make these improvements. It will take developers stepping up to improve Barrett road. This is a 6-7 million dollar project that will benefit everyone. They are asking to have a Zone change to add 10 additional units on a 10acre property...they can have 45 duplex's under current zoning. **This development is essential for this area of the Heights.***

Text from the HTF Barrett Road Improvement letter

*It has come to the attention of the Heights Task Force, through members of the community, that the hazardous conditions on Barrett road are a major concern. The lack of sidewalks, adequate lighting and street signs are **placing the children of this community at risk.***

With the addition of Medicine Crow Middle School and the existing Bitterroot and Beartooth Elementary Schools there has been an incredible amount of increased traffic on Barrett road— both foot and vehicle traffic. With no bussing provided to students living within 3 miles of the school there are dozens of kids walking home on this road everyday. We request that all responsible parties look into this matter and place sidewalks and adequate street lights for safety.

We feel that the sidewalk, street lights and signs should have been installed when the road was built, and this oversight has created a serious safety concern for our community. I have attached some statistics, as of 1/2/2017, from the Billings Heights Task Force Facebook page in regard to this matter for you to review. If you would like to review the 183 comments you can find them on our Facebook page, or let me know and I will get a physical copy of them to you. Thank you for your consideration on this matter.

On 2/1/2018 1:43 PM, Billings Heights wrote:

Hello,

In addition to my letter of support for the proposed zone change 687 that I emailed yesterday, I wanted to send you a copy of the letter from the Heights Task Force dated 1-2-2017. It was addressed and sent to the city, school district and county commissioners about the communities concern of the road conditions on Barrett road. I am also attaching a copy of the supporting docs from our face book post that received over 18,000 views and 183 community comments. This supports my last letter of the community speaking and recognizing that improvements on Barrett road are a primary concern for citizens of the Heights. I would also like to remind everyone who attended the community meeting on January 24, 2017 at Medicine Crow Middle School, that the overwhelming response was that the current road conditions on Barrett road is the **#1 priority** for this area.

Wyeth I copied you on this email because Nicole is out of the office and I want to make sure these docs get to the zoning board in regard to this issue. See you all February 5th. PS there are 3 attachments to this email.

Jason Lillie
BillingsHeights.com
406-670-7314
Web: www.BillingsHeights.com

Cromwell, Nicole

From: terryshomes@bresnan.net
Sent: Thursday, February 1, 2018 10:29 AM
To: Cromwell, Nicole; Cromwell, Nicole
Cc: 'terryshomes@bresnan.net'
Subject: county zone change 687 ,meeting monday ,2-5-2018 library

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Nicole, thanks for your good info followup and giving many of us the details on process of p.u.d., development.. unfortunately there is a lot of confusion, misunderstanding, lack of knowledge on this topic..

I did speak up at the meeting at medicine crow school, recently, regarding my concerns. what the developer /seller is attempting to accomplish to provide housing for folks that may not be in a position to purchase a home at this time.. Our community can use more affordable housing, and we all need to be careful about how we handle this zone change.. The seller has property rights under the the law here in montana.. this is not an unreasonable request by the developer/seller in my opinion. I personally lived in a p.u.d. on the west end for 15 years consisting of 64 units and served as an officer on their association for years, right across from an elementary school...we need to consider developments as the needs for housing like this increases..

Regard the task force input, I am a member but, did not have the opportunity , to vote either way , apparently 4 folks made the decision, to represent the heights . in this matter and not having a normal meeting with this issue on the agenda, another concern I have on this matter is that one of the officers serving on the task force is a county commissioner, and is there a possible conflict of interest, as 3 commissioners will be making the decision on this matter as we proceed..

The traffic/ on Barrett road seems to be an issue, property owners can address this in many ways, thru r.s.i.ds., or s.i.ds . is one way to improve streets and sidewalks, curbs, etc.. we just recently have finished a great street improvement on bench blvd. which is only a short distance from the proposed p.u.d.

Nicole, based on what I know at this time I am undecided, on this issue, having spent 21 years in the real estate business, I have learned that one needs to due their due diligence on matters like this.

I would appreciate at upcoming meeting , have some hard copies available for the folks, so they may better understand what is going on...

thanks again
TERRY ODEGARD
2101 LAKE HILLS DRIVE
BILLINGS MT. 59105

TERRYSHOMES@BRESNAN.NET

Cromwell, Nicole

From: Jason Lillie <jason@billingsheights.com>
Sent: Wednesday, January 31, 2018 7:31 PM
To: Cromwell, Nicole; scott@performance-ec.com
Subject: Proposed Zone change 687

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello Nicole,

Can you please make sure this gets to the zoning board and county commissioners and anyone else who may be involved

The Heights community spoke loud and clear during our Barrett road sidewalk meetings and the consensus was that sidewalks and road improvements on Barrett road were of major importance, and priority #1 for that area. The county pockets over there are surrounded by the city. They are no longer rural and never will be again. The traffic is already on that road and this development will improve the flow by widening the road and putting in a portion of the side walk our kids so desperately need for safety. The city and county governments are unable to make these improvements. It will take developers stepping up to improve Barrett road. This is a 6-7million dollar project that will benefit everyone. They are asking to have a Zone change to add 10 additional units on a 10acre property...they can have 45 duplex's under current zoning. This development is essential for this area of the Heights.

Jason Lillie
BillingsHeights.com
Heights Task Force voting member

Your Billings Heights Realtor,

Jason Lillie
406-670-7314
Www.billingsheights.com
North Acre Real Estate
Sent from my iPad

From: Cheryl Hoover [mailto:cheryl.hoover@charter.net]
Sent: Wednesday, January 31, 2018 9:58 PM
To: Cromwell, Nicole <CromwellN@ci.billings.mt.us>
Cc: pamellis50@gmail.com; cheryl.hoover@charter.net
Subject: FW: Barrett Road Planned Development - Preliminary Review - Change of Meeting Venue

Hello Nicole,

My family is not able to attend the Feb. 5 meeting since it is during work hours. Please accept and share this email voicing our concerns.

My husband Jim Hoover and I attended the meeting at Medicine Crow School to hear about the proposed zoning change. After hearing of the plan for the Barrett Road development by Cal Kunkel and request to rezone, we must voice our STRONG concerns against the zone change and the development plan to construct one and two bedroom rentals.

Traffic Concerns

My husband and I live at 2315 Columbine Drive and have been in this house for 31 years. We have seen many changes over the years and we look forward to improvements to our side of the Heights. We drive Barrett Road fairly regularly and the school kids have little access to sidewalks. I see those who live east of Medicine Crow trying to walk home through the mud, muck, and snow that is along the side of the road. One of these days there is going to be a serious accident. Hawthorne Lane between Wicks and Barrett will also be impacted if this development is allowed to happen. This is a narrow road and we don't even like riding our bikes on this road because it is unsafe. Add more cars to the mix and it is going to be even more unsafe.

My elderly parents (88 & 90 years old) live in their home at 939 Mossman Drive – just a short distance from the proposed area. The increase in traffic around the Medicine Crow school already provides challenges for them to navigate; traffic is frequently backed up on Bench Blvd. and Barrett Rd. despite the improvements that have been made to these streets. Adding more drivers to the mix will make it even more difficult for them to do their grocery shopping at Walmart and to seek medical care at the Billings Clinic.

Property Values

The zoning change request and rental property development proposal would not be an improvement to our area. Rental properties will negatively affect the property values of the surrounding homes; one and two bedroom rental units are not compatible with the types of homes that already exist in that neighborhood. We would prefer to see the old pumpkin farm property used for single family homes that are consistent with homes in the Barrett area – not a development tract of densely populated rental properties. We are also concerned about the developer's future plans for the additional plot of land adjacent to the plot that borders Barrett. If this zoning change is allowed, then the precedent will be set for him to add additional rental units further degrading the area, increasing traffic, decreasing safety, and impacting the populations of Beartooth and Bitterroot Elementary Schools and Medicine Crow Middle School. The crime rate has been rising in the Heights and this is a serious concern to those of us who live here. Renters are typically of a transient nature and do not help to build a neighborhood community. Property Managers often do little to nothing to enforce the care and upkeep of the properties.

Thank you,
Cheryl & Jim Hoover
2315 Columbine Dr
Billings, MT 59105
406-281-0279

Cromwell, Nicole

From: J. Boehmke <jebjrb@yahoo.com>
Sent: Tuesday, January 30, 2018 1:48 PM
To: Cromwell, Nicole
Cc: Heights Task Force Co-Secretary Pam Ellis
Subject: County Zone Change 687 - Planned Development - Barrett Road

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Cromwell,

As neighboring residents, we are opposed to the proposed development for the following reasons:

- 1) The surrounding neighborhoods are all zoned R7000. Having multi-family rental units in the area would adversely impact the character of the area. Current residents bought their properties in good faith that the current zoning would remain, and that the proposed type of development would not be allowed. We have lived in our home for 33 years. In that time the area has grown, adding hundreds of single family homes. The land owners who developed those houses were able to make a profit under R7000, so why does this land owner feel that he can't be successful under R7000? Development in the area is inevitable, but by keeping the developments under R7000 zoning, it can be accomplished in a more orderly manner.
- 2) The traffic on Barrett Road is already at a high volume. Adding a couple hundred more cars in the area (100 units X 2 cars per unit) wouldn't be a good thing. The road was not designed for that type of traffic. Even with the sidewalks that the developer will provide along Barrett, the safety of any pedestrian will be decreased. Currently, the children going to and from Medicine Crow school are at risk with the high volume of traffic and the lack of sidewalks. To add more cars would be a recipe for disaster. Lives are at risk. (Ask the people of Lockwood)
- 3) The proposed development is planned for 10 acres of a 20 acre parcel. It doesn't take too much reasoning to assume that if this development goes through, the remaining 10 acres will have a similar development proposed. Therefore, any decision should be made with the full 20 acre development under consideration. That would be 200 units and 400 cars, and twice the risk for the kids on the road.
- 4) I think it could be shown that crime is higher in higher population density areas. Every day on the news, we see stories of drugs, assaults, homicides, etc. from across the Country. I'm not inferring that these crimes happen only in high density areas, but I think statistics would show a correlation of crime and density. Do we want this type of development next to our new Medicine Crow Middle School?

5) Would there be a sufficient tax base from rental units to justify all the services required such as sewer, water, fire and police protection, etc.? (That's if they were annexed into the city)

Thank you for the opportunity to comment on the proposal.

John and Judy Boehmke
2020 Echo Dr.
Billings, MT 59105

Cromwell, Nicole

From: Dee Martenson <deedycurl@gmail.com>
Sent: Tuesday, January 30, 2018 2:12 PM
To: Cromwell, Nicole
Cc: Pamela Ellis
Subject: Re: Zone change 687

Follow Up Flag: Follow up
Flag Status: Flagged

My husband and I live two blocks from Bitterroot School on Kale Dr. off Bench Blvd. We attended the meeting January 26, 2018 at Bitterroot regarding the zone change to the property just over the ditch from the school. We looked at the drawings of the proposed units that the builder is planning. We are talking 100 units of one and two bedroom apartments! Figuring most apartments house at least two adults, and most of them have an automobile apiece, you are throwing 200 more vehicles onto Barrett Rd and Hawthorne Ln every morning when people are trying to get to work and get children to both Bitterroot and Medicine Crow Schools. The same will happen after school and during the evening rush hour. This will affect not only Barrett and Hawthorne, but Bitterroot, Wicks, Bench, and residually, Main Street. There is no way Bitterroot can handle that much more traffic. There are no signal lights to get traffic onto either Wicks (from Hawthorne) or Bench (from Barrett). The waiting time now for vehicles trying to access those two streets is lengthy. There are no sidewalks for the safety of children walking to school and the builder plans to widen and put a sidewalk ONLY across and on the side of Barrett fronting his property. This is a disaster waiting to happen! My husband and I are retired and have no grandchildren in the schools but are very concerned that a child is going to be run over if traffic increases. We believe that the zone change should not happen. We have several other reservations about the proposed change but will voice those at the next meeting, Feb. 5 at the Library.

Al and DeLois Martenson
832 Kale Dr.
Billings, MT 59105



Virus-free. www.avg.com

January 26, 2018

City of Billings
Planning Division
2825 3rd Ave North, 4th Floor
Billings, MT 59101

RE: Comments for the Barrett Road Preliminary Review Meeting

We attended the Heights Task Force meeting at Medicine Crow Middle School the evening of January 25th, 2018. Based on the information provided, we are extremely concerned about the zoning change of the 10 acres south of Barrett Road that will move this to a multi-family development. Here are our primary concerns:

- Traffic along Barrett road during morning drop off and afternoon pickup times from Medicine Crow are currently dangerous and tends to be a clogged mess. Parents line up in front of the school and out in to the driving lane of Barrett to wait for their children. It has been proven that driving around these parked cars to get to our homes is illegal which causes us to go to Hawthorne to get home. The addition of 100 more housing units in this area will cause the traffic congestion to be worse. Widening Barrett road will not help.
- Traffic is backed up at the intersection of Barrett and Bench causing extended wait times to access Bench. Even if there was a traffic light added to this intersection the congestion would worsen with the addition of 100 more homes in the area.
- The frontage along this area is only set to be improved to the eastern edge of the project. Again, with the additional traffic there is no concern for pedestrians farther east from the 10 acres.
- Multi-family housing on West Echo is currently well known to have a high level of illegal drug activity. We witness law enforcement multiple times during the year making 'visits' to this property and making arrests. Rental property tends to attract this type of activity and we don't need any more in the area.
- Rental property does not display any 'pride of ownership' which will eventually cause decline to the area reducing the value of the single family residences in the area.
- It is not clear who will hold the property management company accountable for maintaining the private roads as well as other code enforcement issues.
- Will the City of Billings have sufficient law enforcement available to handle the increased calls for this high density development?
- There is concern to the future zoning changes for the other 10 acres south of the proposed development. If this zone change is approved there is no hope for the other zone change to be denied if multi-family is request for that area, as well.
- It was very concerning the developer was not in attendance the meeting of 1/25/2018 to answer many of the questions being asked.

We adamantly oppose the zoning change to allow this multi-family residential project to proceed. Please leave the zoning as is to allow ONLY single family homes to be developed in this area.

Sincerely,

Robert W. Owens
2020 West Echo Drive
Billings, MT 59105

Rebecca S. Owens
2020 West Echo Drive
Billings, MT 59105

Cromwell, Nicole

From: Josh Blotkamp <jblotkamp@gmail.com>
Sent: Tuesday, January 23, 2018 9:19 AM
To: Cromwell, Nicole
Cc: pamellis50@gmail.com
Subject: Proposed Zoning Change Off Barrett Rd

Follow Up Flag: Follow up
Flag Status: Flagged

I will not be able to attend the meeting on January 25th in regards to the proposed zoning change. I am writing to let you know that I am against this zoning change. There are already traffic and pedestrian safety issues on Barrett and other area roads. A housing development of this density in this location is a bad idea. It would already make a bad situation worse, not to mention the impact to the schools in the area.

I also believe a this proposed zone change and it's subsequent development would have an adverse impact on property owners in all surrounding neighborhoods. Both to the property values, and increased stress on city utilities and resources.

Thank you

Josh Blotkamp
jblotkamp@gmail.com
406-896-0187
1421 Peony Dr.
Billings, MT 59105

Cromwell, Nicole

From: Ralph Bruder <trackr56@gmail.com>
Sent: Thursday, January 11, 2018 2:56 PM
To: Cromwell, Nicole
Subject: Fwd: Zoning pre-application neighborhood meeting held on Tuesday, December 26th
Attachments: December 28 MEMO FROM PAM.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Nicole-
01/11/2018

Regarding this project for the south side of Barrett Dr. in the heights I would like to be on record as opposing. We already have a traffic problem in this area due to the new school and walking students. Hawthorn Ln. is no help at all. With the summer sports events and daily use I believe a new outlet should be considered before making this bottleneck worse. Also the safety of those students need to be considered not only with the traffic but the residence who could move into these low income units.

The timing and notification of this is also very shady! All of West and East Echo Dr. are affected as this is our only outlet yet only the people across the street were notified. The day after Christmas for the meeting is a joke and everyone involved should be ashamed! How about the people east on Barrett who will be driving into this mess! Maybe someone with some morals would be a better choice!

Thankyou

Ralph Bruder
2205 West Echo Dr.
Billings, MT. 59105
406-876-3334

December 28, 2017

RE: Zoning pre-application neighborhood meeting held on Tuesday, December 26th, at 6:00 p.m. at the Country Inn & Suites located at 231 Main Street in Billings. (Tracts 1 of Certificate of Survey No. 840 in Section 14, Township 1 North, Range 26 East in Yellowstone County totaling 10.00 acres). The property is currently zoned as Residential 7,000 (R-70). The zoning proposal to be presented to Yellowstone County will be to change the zoning of the land described above from R-70 to Residential Multi-Family Restricted (RMF-R) to accommodate potential residential development. A total of 10.00 acres is included in the proposed zone change.

IN ATTENDANCE: Craig Dalton, P.E., Pat Weber, Project Manager, Denis Pitman (County Commissioner), Virgil Middendorf (past officer Heights Task Force), Pam Ellis (Co-secretary of Heights Task Force), Eric Henry, Ralph Bruder, Chris Nielsen, Michael Swavely, Mike Sattorie, Wilma Wlaxander, Samn and Judy Quigley, Scott and Tammy McCullum, John and Judy Boshmke (these are the people that left email addresses for the Task Force)

PERSONAL NOTES Pam Ellis, Co-Secretary, Heights Task Force

DEFINITIONS

- R-70R Residential 7,000 Restricted A residential zone intended to primarily provide a single family residential environment on smaller lots at a medium density that are served by a public water and sewer service.
- RMF-R Residential Multi-Family – Restricted A residential classification intended to provide adequate sites for multi-family developments. The classification is intended to provide higher density apartment development, which may establish a buffer between single-family residence areas and other zoning classifications. Lots are to be served by public water and sewer services.

PLAN PRESENTED includes 103 units on 10 acres. Units would include 1-2 bedroom units; the target audience was described by Craig Dalton as “young professionals”. The developers plan to do the zone change in the county and then apply for annexation into the city. They described that this would require 34’ streets in front of the development and would be serviced by the county water district.

VALUE OF THE NEIGHBORHOOD MEETING: The meeting was noticed 5 days in advance. Presenters noted that this was required by zoning rules; the meeting was held 1 day after Christmas. Comments noted by myself at the meeting as well as others on social media suggest that the timing made it unlikely that people would attend. The notice requirements limited to the distance from the entrances to the proposed development in an area of single family homes on ½ acre and 1 acre lots make limited notice to very few of the people that would be impacted by the development. 18 people were in attendance and all comments during the meeting suggested significant concern regarding the proposed zoning change. The Heights Task Force held a meeting a Medicine Crow Middle School in 2016 which was attended by city staff, city council members, county commissioners and school district staff and more than 100 community members. The significant issue raised was the traffic on Barrett Road which has resulted in very unsafe conditions for the students who are attend either nearby school. These concerns have not been resolved.

Social media comments include:

“Nothing like holding the meeting the day after Christmas when people may still be on vacation while kids are out of school. Was this planned by them?”

“Why does it seem like a meeting the day after Christmas for a high density development in an otherwise nice area with Performance Engineering’s name on it isn’t much of a surprise. They had another meeting yesterday as well for another Cal Kunkel cram and jam on the west end. Pitiful how immoral these guys are.”

Three current and past officers of the Heights Task Force were present at the meeting. The Task Force proposes that another neighborhood meeting be held on Tuesday, January 23, 2018 @ Medicine Crow Middle School (contingent upon availability) hosted by the Task Force and noticed by the Task Force, school groups, and the developers. We recommend that the proposal not be presented to the county zoning board until after this meeting. Craig Dalton indicated that the plan was to turn the application in to the county on January 2nd.

OTHER DEVELOPMENTS COMPLETED AND NOTED DURING THE MEETING

- Green Meadow Helena LLC *Proposed annex of 20 acres still concerns city commission*
AL KNAUBER Independent Record Sep 30, 2015
http://helenair.com/news/local/proposed-annex-of-acres-still-concerns-city-commission/article_c222186b-850d-5e88-afab-2ab85a0dcf50.html
- Grand Slam Patio Homes Grand Slam Patio Homes (406) 894-2102 | Happy Homes Apartments <https://www.happyhomesapartments.com/properties/grand-slam-patio-homes/> Grand Slam patio homes is a brand new 2017 construction off Elysian Rd and Mullowney Ln. This single level apartment community is a mile to the freeway for a quick commute anywhere in Billings. Scenic rural views with access to a community garden. Close to Costco, Yellowstone river with fishing and recreational ...
- **Brush Meadows** (Low income tax credit section 8 housing in Billings, Montana <https://nationalaffordablehousing.com/low-income-tax-credit-section-8-housing-in-billings-montana/>)

Brush Meadow Apts
1203 Lake Elmo Dr
Billings, MT 59105
HUD ID: MTA1994005

Cal Kunkel
Brush Meadow Apts Llc
6238 Golden Eagle Way
Billings, MT 59106-2229
Phone: 406-534-2939

ISSUES RAISED

- Traffic in Barrett Road The neighborhood is currently mixed agricultural and single family homes on ½ acre and acre lots. Medicine Crow Middle School has dramatically increased traffic and residents have expressed concern about pedestrian and bicycle safety. Adding 200+ cars (not to mention construction traffic) with road improvements in a very limited area may result in loss of life (as it did in Lockwood).
- School Capacity Pat Weber indicated that the development in the Elysian School District had 107 units with 78 students (31 were high school). He anticipated that fewer children would rent as the plan was for more 1 bedroom, 1 bathroom units. Why are the developers targeting “young professionals” in an area adjacent to two schools? What is the current school enrollment and capacity?
- Street Lighting The developers stated that the city is responsible for street lighting.
- Neighborhood Compatability A high density development is being proposed on a non-arterial street in a neighborhood of single family homes with no plan for a buffer zone. There are 10 adjacent areas and a zone change on this parcel may set a precedent for a zone change for the adjacent acres. Property owners expressed concern about property values.
- Environmental This land has been agricultural for years. Community members want to see results of testing for herbicides, pesticides, heavy metals, and toxins that could be air borne during construction. There is also a large pond on the property and the development will impact wild fowl migration.
- County vs City There have been multiple problems over the years because the county was lax about zoning and construction guidelines. Individuals wondered whether the goal of requesting a zoning change from the county before requesting city annexation was to take advantage of the perceived laxness of county government.
- Why the rush? The developers stated that the goal was to do the neighborhood meeting, submit the application to the city/county planning department on January 2nd, get approval from the county zoning commission in January and approval by the county commissioners in February. Construction will take 10 months. Later in the meeting, Pat Weber stated that construction would not begin in 2018.

RECOMMENDATIONS

1. The City/County Planning Department needs to improve guidelines to developers for neighborhood meetings. In the past several years the Heights has experienced developers scheduling a neighborhood meeting outside at Lake Elmo Park in February, a meeting in the middle of a work day on Shiloh Road for a development in the Heights, and a 5 day notice in the middle of the Christmas. Developers are encouraged to talk with Task Forces in the neighborhood. In this case, the developers were not provided with the contact information for the current officers though that information was available. The meeting was scheduled on the date of a regular Heights Task Force meeting (which had been cancelled because we believed the day after Christmas, very few people could attend).
2. What are the planning guidelines for RMF-R Residential Multi-Family? Allowing construction of 103 units on a rural and undeveloped road adjacent to school boundaries housing about 1000 students seems unsafe. Neighbors are concerned about the effect of property values on nearby single family homes.

-
-
3. The Zoning process needs to consider the differences in neighborhoods. Giving notice to neighbors at a consistently specified distance does not account lot size and the impact of the development in a given neighborhood.

Barrett Road still not safe

http://billingsgazette.com/opinion/letters/barrett-road-still-not-safe/article_82073376-ea88-5e90-a3da-245b9fb82043.html

Billings Gazette Sunday, February 25, 2018

After attending three public meetings regarding the Barrett Road Zone Change Proposal, it has become unequivocally clear that the number one priority and concern is for the safety of our school children. This has been the single most concern raised by both parents of school children and motorists who use Barrett and Hawthorne Roads on a regular basis. To date, child and traffic safety hazards along Barrett and Hawthorne Roads have never been adequately and safely addressed since the opening of the new middle school.

As a concerned resident, one can only ask why is safety continually being ignored by decision makers while on-going development is routinely being approved in our area that has recognized safety hazards?, i.e. high traffic volume, speeding, little or no traffic enforcement, damaged roads, no sidewalks, no lighting. The county and the City of Billings officials must be held accountable for their decisions and/or creating additional safety hazards by poor decision making.

Albert Einstein is credited for once exclaiming, "The definition of insanity is doing the same thing over and over, but expecting different results." It is now more than obvious additional high density housing developments must not be approved by County Commissioners and city officials until all safety hazards are mitigated. Failure to do so is irresponsible and makes decision makers culpable for any undesirable consequences caused by their poor planning. As a concerned constituent, this is the only acceptable standard of care we must insist upon from our elected representatives and officials.

Chris Nielsen

Billings

-----Original Message-----

From: Christopher Nielsen [mailto:mtbirdmancan@gmail.com]

Sent: Wednesday, February 28, 2018 2:52 PM

To: Pam Ellis <pamellis50@gmail.com>; Cromwell, Nicole <CromwellN@ci.billings.mt.us>; Lorraine <lornielson@bresnan.net>; Roger Gravgarrd <billingsheightstaskforce@gmail.com>

Subject: Barrett Road Hazard

February 28, 2018

All,

These pictures were taken on Barrett Road near the Hawthorne Road intersection. These pictures document a random number of school children walking home just east of the proposed Barrett Road high density land development proposal. The children are all east and well beyond the location where the property developer has proposed to install a 510' sidewalk on the south side of Barrett Road.

Obviously, a south side sidewalk serves little purpose since most children live east of the proposed development site. Snow, rain and mud will always be an issue along the edges of most of Barrett and all of Hawthorne Roads. The children walk on the roads to avoid deep snow and getting their feet wet and muddy. Barrett and Hawthorne roads experience many snow and rain days. Potentially adding hundreds of more vehicles on these arterial roads can only have a negative effect and increase the likelihood of an unwanted consequence.



-----Original Message-----

From: Christopher Nielsen [mailto:mtbirdmancan@gmail.com]

Sent: Wednesday, February 28, 2018 2:52 PM

To: Pam Ellis <pamellis50@gmail.com>; Cromwell, Nicole <CromwellN@ci.billings.mt.us>; Lorraine <lornielson@bresnan.net>; Roger Gravgarrd <billingsheightstaskforce@gmail.com>

Subject: Barrett Road Hazard Page 2



-----Original Message-----

From: Christopher Nielsen [mailto:mtbirdmancan@gmail.com]

Sent: Wednesday, February 21, 2018 7:46 AM

To: Pam Ellis <pamellis50@gmail.com>; Cromwell, Nicole <CromwellN@ci.billings.mt.us>; Roger Gravgarrrd <billingsheightstaskforce@gmail.com>; Lorraine <lornielson@bresnan.net>

Subject: Barrett Road Accident

February 21, 2018

0730 AM

It's a good thing no children were walking along Barrett Road when this motor vehicle slid out of control into the irrigation ditch. With the school bus and on-coming traffic traveling west and east from the proposed Barrett Road development site, this could have been much more than just a motor vehicle accident.

Submitted by:

Chris Nielsen

1125 Barrett Road

Billings, MT 59105

406-850-1287



-----Original Message-----

From: Christopher Nielsen [mailto:mtbirdmancan@gmail.com]

Sent: Monday, February 19, 2018 4:15 PM

To: Pam Ellis <pamellis50@gmail.com>; Cromwell, Nicole <CromwellN@ci.billings.mt.us>

Subject: Hawthorne Rd

Two pictures were missing from the original email. Notice the school bus using the entire road to make a left turn



-----Original Message-----

From: Christopher Nielsen [mailto:mtbirdmancan@gmail.com]

Sent: Monday, February 19, 2018 3:25 PM

To: Pam Ellis <pamellis50@gmail.com>; Cromwell, Nicole <CromwellN@ci.billings.mt.us>

Subject: Hawthorne Road

February 19, 2018

These photos document the present conditions and hazards on Hawthorne Rd. The contractor is snow plowing and leaving large amounts of snow on both sides of the road making it most difficult for vehicles to drive by one another, yet alone creating an extremely hazardous condition for all pedestrians using this road. There are no safe clearances on this extremely narrow road.

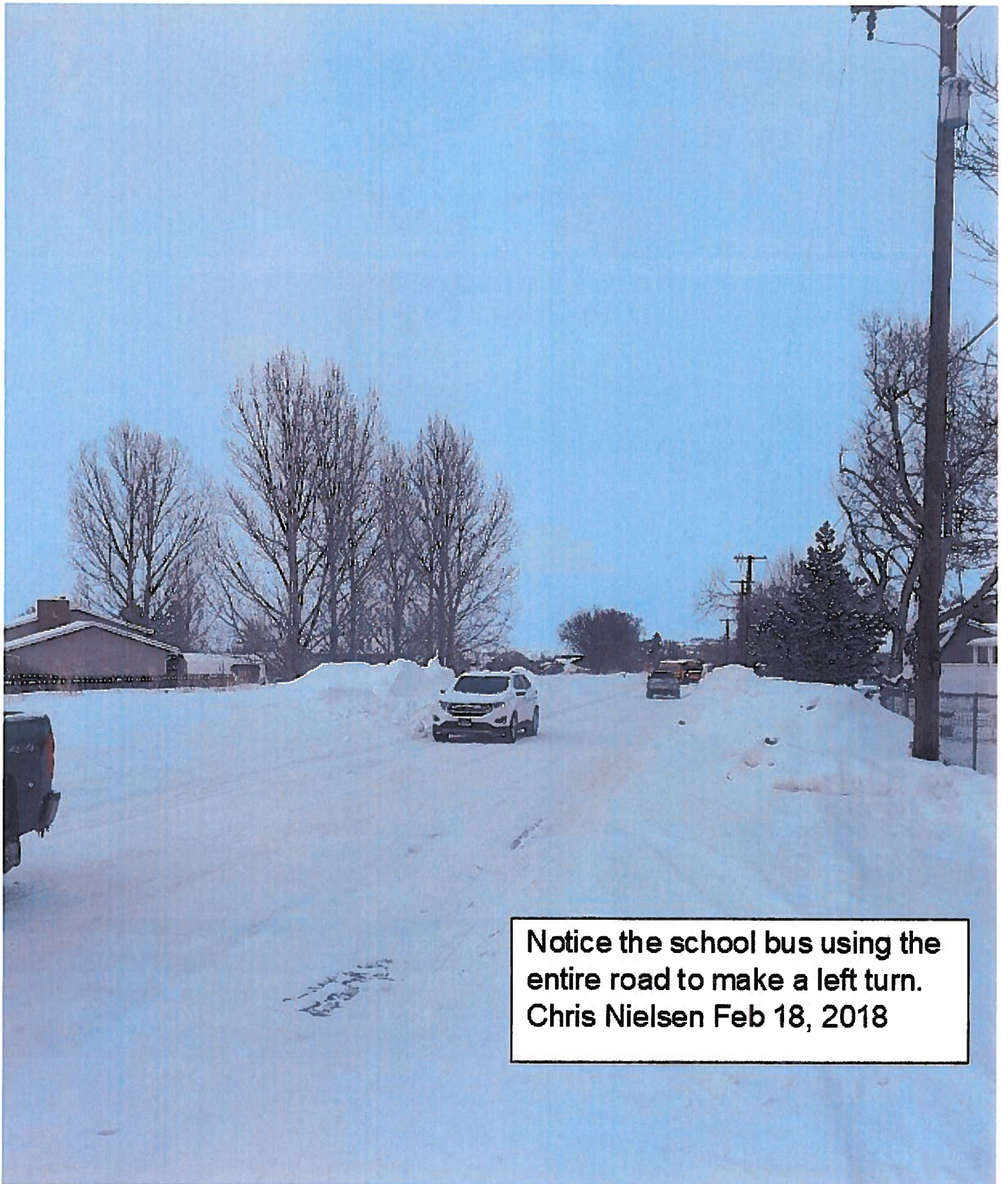
The number of vehicles using Hawthorne Rd as a crossroad to avoid using Barrett Road has exponentially increased because of the huge amount of school traffic in the morning and afternoon. Hawthorne Rd is due east of the proposed Barrett Road project which would potentially add hundreds of more vehicles using both Barrett and Hawthorne roads. Both roads are already significantly impacted with traffic congestion. Without significant road improvements along the entire traffic corridors, the probability of an impending miscue is likely. Comments and photos are submitted for the record.

Submitted by:

Chris Nielsen
1125 Barrett Road
Billings, MT 59105

406-850-1287





**Notice the school bus using the entire road to make a left turn.
Chris Nielsen Feb 18, 2018**

-----Original Message-----

From: Christopher Nielsen [mailto:mtbirdmancan@gmail.com]

Sent: Thursday, February 8, 2018 10:17 AM

To: Pam Ellis <pamellis50@gmail.com>; Roger Gravgarrd <billingsheightstaskforce@gmail.com>; Cromwell, Nicole <CromwellN@ci.billings.mt.us>; Lorraine <lornielson@bresnan.net>

Subject: Barrett Road Zone Change Proposal

February 8, 2018

After attending three public meetings regarding the Barrett Road Zone Change Proposal, it has become unequivocally clear that the number one priority and concern is for the safety of our school children. This has been the single most concern raised by both parents of school children and motorists who use Barrett and Hawthorne Roads on a regular basis. To date, child and traffic safety hazards along Barrett and Hawthorne Roads have never been adequately and safely addressed since the opening of the new Middle School.

As a concerned resident, one can only ask why is safety continually being ignored by decision makers while on-going development is routinely being approved in our area that has recognized safety hazards?, i.e. high traffic volume, speeding, little or no traffic enforcement, damaged roads, no sidewalks, no lighting. The County and the City of Billings officials must be held accountable for their decisions and/or creating additional safety hazards by poor decision making.

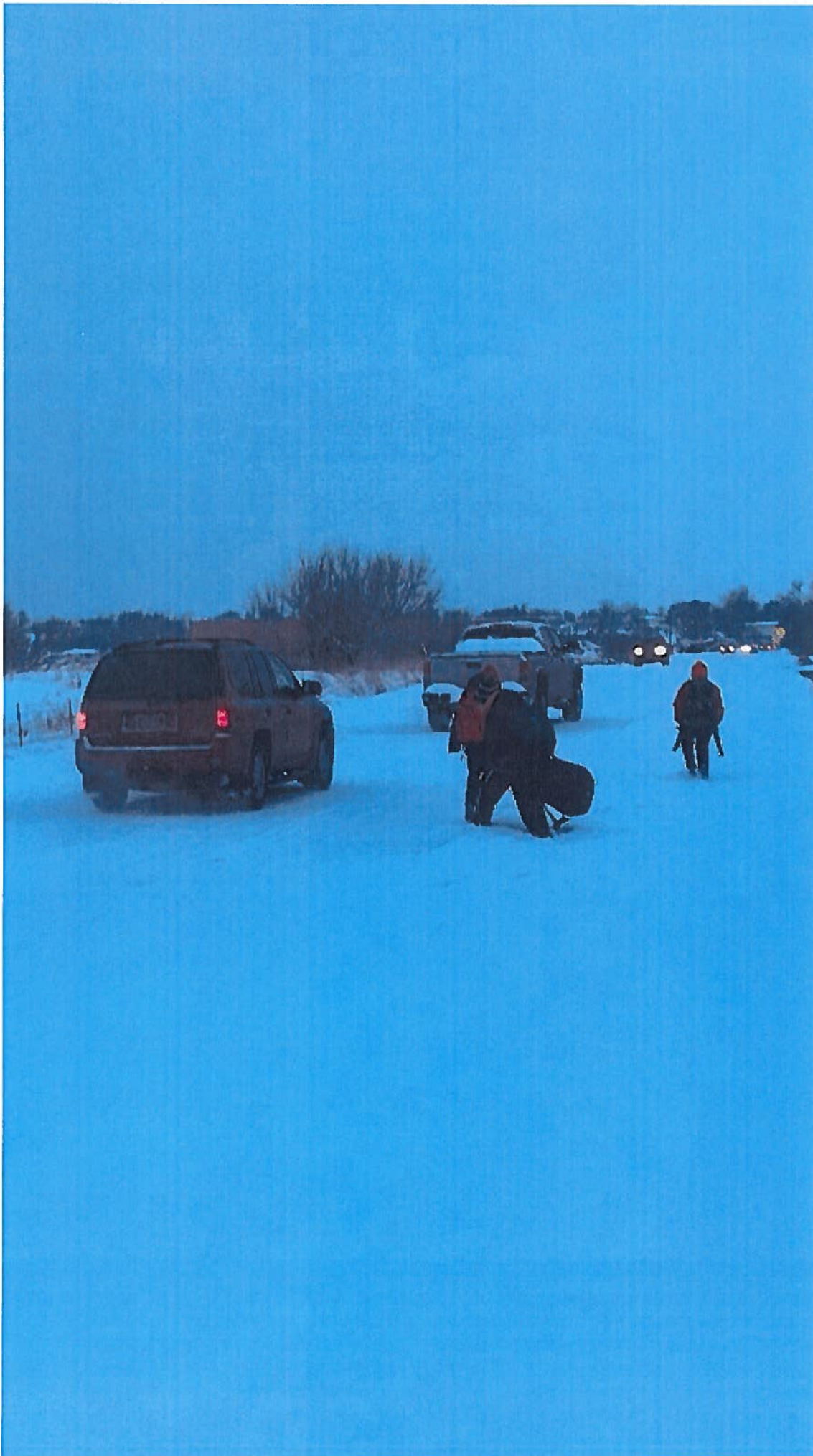
Decision makers have continued to approve on-going housing developments south and east of our local schools without adequately addressing pedestrian and traffic safety hazards along the two arterial roads used to access the two local schools. The volume of traffic and safety hazards created by increased housing development in the East Heights has now reached epic proportions particularly along the Barrett and Hawthorne Road corridors. Now, a land owner wants County and City approval to develop 10 acres into high density housing adjacent to our local schools which will only compound our existing traffic and safety hazards along Barrett and Hawthorne Roads.

Albert Einstein is credited for once exclaiming, "The definition of insanity is doing the same thing over and over, but expecting different results". It is now more than obvious more major housing developments along the Barrett and Hawthorne Road corridors must not be approved by County Commissioners and City Officials until such time that all safety hazards are adequately addressed. Failure to do so by decision makers to make this their number one priority is irresponsible and must make them culpable for any "undesirable consequences" caused by poor planning and decision making. As a concerned constituent, this is the only acceptable "standard of care" residents in the surrounding area must insist upon from our elected representatives and officials.

Submitted by,

Chris Nielsen
1125 Barrett Road
Billings, MT 59105

406-850-1287



This picture was taken on Feb. 6, 2018 just east of the proposed development site. This area will not have a sidewalk and the children are walking on the road because of the deep snow. The road was snow plowed minutes before this photo was taken. This hazardous condition has been on-going since the Middle School opened. Any increase in traffic and congestion only adds additional risk for school children.

Submitted by:

Chris Nielsen
1125 Barrett Road
Billings, MT 59105

-----Original Message-----

From: Christopher Nielsen [mailto:mtbirdmancan@gmail.com]

Sent: Tuesday, February 6, 2018 5:55 PM

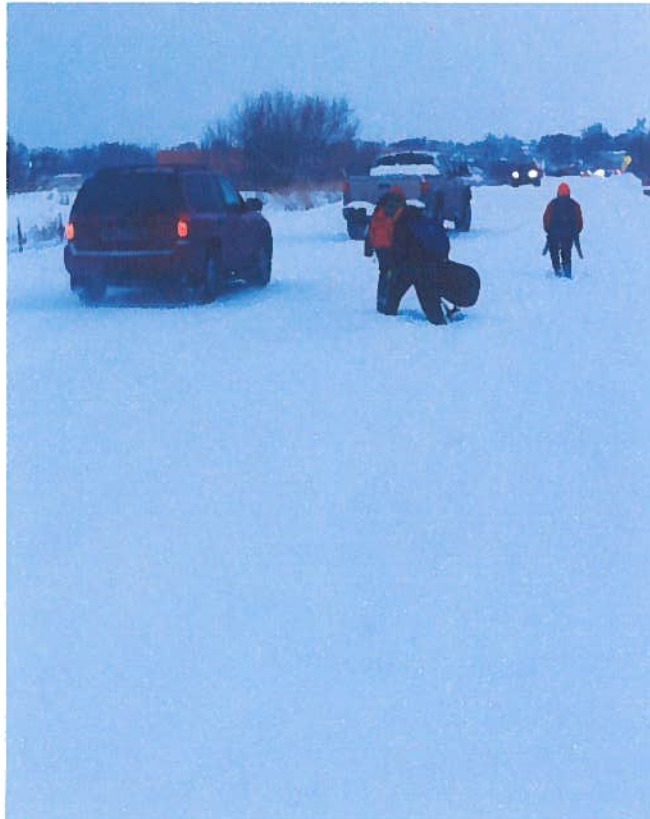
To: Pam Ellis <pamellis50@gmail.com>; Roger Gravgarrd <billingsheightstaskforce@gmail.com>; Cromwell, Nicole <CromwellN@ci.billings.mt.us>

Subject: Snow Day on Barrett Road

This picture was taken on Feb. 6, 2018 just east of the proposed development site. This area will not have a sidewalk and the children are walking on the road because of the deep snow. The road was snowplowed minutes before this photo was taken. This hazardous condition has been on-going since the Middle School opened. Any increase in traffic and congestion only adds additional risk for school children.

Submitted by:

Chris Nielsen
1125 Barrett Road
Billings, MT 59105



Cromwell, Nicole

From: Christopher Nielsen <mtbirdmancan@gmail.com>
Sent: Saturday, February 3, 2018 12:56 PM
To: Pam Ellis; Roger Gravgarrd; Cromwell, Nicole; Lorraine
Subject: Barrett Road Damages
Attachments: IMG_2003.JPG; ATT00001.txt

Follow Up Flag: Flag for follow up
Flag Status: Flagged

All,

This is an example of the condition of Barrett Road east of Medicine Crow School. This is likely a result of a great deal of on-going traffic, heavy equipment used to construct the school, snow plowing, ice, and lack of overall maintenance. The road is deteriorating along much of its edges. Major construction with any future projects will only increase additional road damages. Patch up jobs are becoming more and more unsatisfactory. Approximately 80% of Barrett Road is in the County. Adding 25% or more traffic to the road will only increase more damage to the road on an indefinite basis. There is need for responsibility and accountability.



Submitted by:

Chris Nielsen
1125 Barrett
Road
Billings, MT
59105

406-850-1287

This is an example of the condition of Barrett Road east of Medicine Crow School. This is likely a result of a great deal of on-going traffic, heavy equipment used to construct the school, snow plowing, ice, and lack of overall maintenance. The road is deteriorating along much of its edges. Major construction with any future projects will only increase additional road damages. Patch up jobs are becoming more and more unsatisfactory. Approximately 80% of Barrett Road is in the County. Adding 25% or more traffic to the road will only increase more damage to the road on an indefinite basis. There is need for responsibility and accountability.

From: Christopher Nielsen <mtbirdmancan@gmail.com>

Date: January 27, 2018 at 8:24:32 AM MST

To: Nicole Cromwell <cromwell@ci.billings.mt.us>, Pam Ellis <pamellis50@gmail.com>, Roger Gravgarrd <billingsheightstaskforce@gmail.com>, Lorraine <lornielson@bresnan.net>

Subject: Barrett Road Proposed Zone Change Comments

1. The Developer/Property Owner must be required to demonstrate that a high density project as proposed will not have adverse impacts with traffic on Barrett, Bench and Hawthorne roads. A Traffic Study paid for by the Developer/Owner must be required in advance to determine potential impacts to the elementary, middle school and surrounding community who must use these roads on a daily basis. Failure to do so can only have negative consequences on an indefinite basis to all stakeholders.
2. An environmental assessment (EA) must be performed in advance to identify any potential health hazards resulting from major disturbances/ excavations to the property. The history of the property has been primarily agriculture where decades of pesticides, herbicides, and heavy metals may be present and once disturbed pose significant health and environmental hazards to the surrounding community. Mitigation alternatives must be disclosed in advance if laboratory analysis reveals any health or environmental issues/hazards on the property. An independent environmental contractor without interest in the property must be utilized.
3. The Developer/Owner must be required to accept responsibility for all damages to Barrett, Hawthorne, and Bench Roads resulting from heavy equipment traffic using these roads to develop any approved project on this property.
4. The Developer/Owner must demonstrate that the ground water table will not be impacted by a high density development project. Restrictions/ requirements on the use of all groundwater must be specified for any approved development.
5. Specific requirements for snow removal off any sidewalks the Developer constructs must be specified. This must not become a taxpayer responsibility.
6. The Developer/Owner must provide in advance any proposed ingress/egress roads accessing this property. This must include any signage such as street signs, stop signs, etc. This must be included in advance as "actuals" in the design specifications for public review and comment.
7. The Developer/Owner must specify actual locations and types of buffers/ green zones surrounding the proposed development site. This must include: types of fencing, trees, plants, types of environmental friendly lighting, noise pollution controls, and any security related measures not mentioned.
8. The Developer/Owner must disclose the intended purpose of any remaining lands (the other 10 acres) if owned by this developer/property owner. This includes any land adjacent to the proposed 10-11 acre site but not included in this project. This must be disclosed in advance so public decision makers and surrounding property owners have the opportunity to provide any comments or concerns with future impacts.

Submitted by:

Chris Nielsen
1125 Barrett Rd.
Billings, MT 59105

406-850-1287

Cromwell, Nicole

From: Christopher Nielsen <mtbirdmancan@gmail.com>
Sent: Saturday, January 27, 2018 1:57 PM
To: Pam Ellis; Cromwell, Nicole; Roger Gravgarrd; Lorraine
Subject: Barrett Road Proposed Zone Change Comments (cont.)

Follow Up Flag: Follow up
Flag Status: Flagged

9. The scope of the Developer/Owner proposed project is unprecedented for the surrounding area. It is inconsistent with the entire surrounding area developments. There is a reason for this. High density congested living conditions for residents who purchased homes in the east Heights who value home ownership and enjoy a certain quality of life did not purchase their property to have it devalued with high density rental duplexes. This project must be disapproved by decision makers to protect the interests of all homeowners who pay County and City property taxes, value their property, and their quality of life.

10. According to the Developer's representative, over 100 duplex units would be constructed on the property. Assuming rental units average 2 or more residents who work and drive daily, this would increase road usage on Barrett Road with 200 or more vehicles on an on-going basis. This is a conservative estimate not counting all of the potential visitors and guests of tenants living in the duplexes. All of these vehicles would ingress and egress Barrett Road at any given time. The traffic impacts to the elementary and middle school locations as well as Bench, Hawthorne and the remaining portion of Barrett Road would be significant and defies all logic to allow approval for this kind of project.

11. Pedestrian safety for our school children and residents is presently a major safety concern. To date there have been no successful resolutions in addressing traffic hazards. The current high volume of vehicular traffic on Barrett, Bench and Hawthorne roads has now reached epic proportions. Adding hundreds of more vehicles to this problem is irresponsible and dangerous for all pedestrians and bicyclists who use Barrett and Hawthorne Roads on a regular basis. Adding a sidewalk in front of the proposed development will do nothing to reduce congested traffic problems overall. Most of Barrett Road is in the County and a great deal of school children live east of the proposed development site. Pedestrians who live east of the proposed site will continue to be at risk and more so with the increased volume of traffic caused by this type of development should it be approved.

12. The property owned by Mr. Schulz and Developer should not receive County approval to develop any type of high density projects. This is foolish and irresponsible to allow any kind of development that creates increased traffic safety hazards to our children, pets and adults. Our surrounding area cannot accommodate develop of this extreme. It is reckless to ignore the obvious and deliberately inherit new problems that should never be created. This type of project will create identified and unidentified problems for certain.

13. Our bike path is a highly valued and used public area for pedestrians, pet owners and bicyclists. The quality and experience of the bike path is predicated upon the amount of usage at any given time. Congestion on the bike path caused by high density housing will destroy the ascetics and overall experience for those who presently live in the surrounding area and use the pathway regularly. It's assumed that use of the bike path by tenants in the development would exponentially increase bike trail usage near the two schools. This assumes that many more pet owners, pedestrians and bicyclists would be accessing the trail in the immediate area. The experience and quality of the bike path significantly diminishes as high use increases in congested areas. Nobody enjoys a crowd in one place. Not in our backyard.

Submitted by:

Chris Nielsen
1125 Barrett Road
Billings, MT 59105

406-850-1287

Sent from my iPhone

Cromwell, Nicole

From: Christopher Nielsen <mtbirdmancan@gmail.com>
Sent: Monday, January 29, 2018 9:53 AM
To: Pam Ellis; Cromwell, Nicole; Roger Gravgarrd; Lorraine
Subject: Barrett Road Proposed Zone Change Comments (cont.)

Follow Up Flag: Follow up
Flag Status: Flagged

14. It is incumbent upon the City-County Planning Division to determine the following:

1. If the proposed high density development is in accordance with the County and City's Growth Policy; 2. Whether the proposed new zoning promotes compatible urban growth in the surrounding area; 3. Whether the proposed new zoning is the most appropriate use of the land. Based on this criteria it is more than obvious that the proposed development doesn't fit into the neighborhood design whatsoever.

15. County Commissioners and City Planners must discern how growth proposals will affect our community. A Cost of Service Study is necessary for determining how this proposed development will affect the local tax base and the cost of providing public services, such as street maintenance, bike path, police and fire protection. Billings has used similar studies for years on water and sewer service rates. The Developer should pay for this study.

Billings citizens deserve to know how growth will affect County and City finances since the surrounding area is mixed in both County and City jurisdictions. Reliable data will ensure that citizen costs are being shared equitably. This is imperative for the long term and not based on short meeting presentations. The County and City are responsible to its citizens for providing adequate information on the following: 1. How the predicted property tax return of high density residential use development or other type of development compares to the cost of serving the development; 2. How development patterns and the way services are funded affect actual cost distribution across the community; 3. Whether police and fire service levels are adequate now and what will be needed in the future with development and growth patterns; 4. How any level of development, particularly high density development will affect local school enrollment both currently and in the future.

Submitted by:

Chris Nielsen
1125 Barrett Road
Billings, MT 59105

406-850-1287

Sent from my iPhone

Cromwell, Nicole

From: Christopher Nielsen <mtbirdmancan@gmail.com>
Sent: Saturday, February 3, 2018 3:02 AM
To: Cromwell, Nicole; Pam Ellis; Roger Gravgarrd; Lorraine
Subject: Barrett Road Proposed Zone Change (cont.)

Follow Up Flag: Flag for follow up
Flag Status: Flagged

16. Rental development immediately adjacent to our new \$62 million dollar middle school and elementary school can only have a negative effect. The potential for enrolling and unenrolling of students will be indefinite. This issue alone will create administrative havoc on staff and students.

17. Rental development of this magnitude equals additional problems for all. The tenants children will have no place to play except on school grounds. This means parents and children will likely use school property all year round to accommodate routine recreation and just having a place to go. The lack of a park in close proximity is problematic. Using the school grounds all year round for recreational activities potentially means more vandalism, more litter, and more animals present at our schools. SD2 will inherit the consequences.

18. High density rental duplexes equals an on-going barrage of people constantly moving with all of the traffic impacts to Barrett Rd. This means constant moving activities created by tenants ultimately impacting all permanent residents and those who must use Barrett Rd. Additional services such as garbage, cable, deliveries, etc. will be on-going contributing to the traffic impacts.

19. The Developer has offered to install a sidewalk which is approximately 510' on the south side of Barrett Road assuming all zone changes are approved. This will not mitigate all of the other problems identified in previous comments. It appears that a sidewalk is simply a "red herring" in trade off for development approval with no consideration for all of the other negative impacts. Barrett Road is a tiny road in comparison to other arterial roads in Billings. Common sense dictates that this development proposal is not in the best interests of anyone but the developer/land owner who are simply trying to maximize their profits with little or no concern to the impacts it would have on the surrounding community.

Submitted by:

Chris Nielsen
1125 Barrett Road
Billings, MT 59105

406-850-1287

Sent from my iPhone

The proposed 10 acre County zone change request from Residential 7000 to Multi-Family Restricted, immediately south-east of Medicine Crow School along Barrett Road is a bad proposal. Residents in the surrounding area and those using Barrett Road and adjacent roads as a regular means of travel would be adversely impacted by this kind of zone change.

Instead of developing this land with the typical single-family home design consistent with R7000 criteria, a zone change to multi-family housing simply means a great deal more people concentrated on 10 acres using Barrett Road as the only means of access as well as major potential impacts to our local schools.

With the ultimate goal to annex this parcel into city limits, this would also impact many city services required to support a high density community. Those who research the background of this developer will learn that a number of other problems (crime) associated with their past projects can be predicted and can only have a negative affect on our surrounding community.

As many of you already know, Barrett Road is a disaster during school and work commute hours. Compounding traffic with more vehicles entering and leaving this potential development defies any logic. The traffic issues, i.e. congestion, speeding and pedestrian safety have never been completely mitigated.

Two meetings are planned, one at Medicine Crow School on Jan. 25, 2018 at 7:00 PM and another on Feb. 5, 2018 at the Planning and Community Dept. at 3:30 PM.

Chris Nielsen
1125 Barrett Road
Billings, MT 59105

(406) 850-1287

Sent from my iPhone

January 29, 2018

TO Nicole M. Cromwell, AICP, Zoning Coordinator and the County Review Development Committee

FROM The City of Billings' Heights Community Development Task Force, Roger Gravgaard Chair

RE: County Zone Change 687 – Planned Development – Barret Rd. Zoning change request from R-70 to RMF-R involving 10 acres fronting Barret Rd

POSITION: We believe this zone change is not in the best interest in the development of the City of Billings Heights and recommend rejection of this zone change.

ISSUES RAISED BY MEMBERS IN ATTENDANCE ON DECEMBER 26, 2017 AND/OR JANUARY 25, 2018

At both community meetings, Heights residents voiced strong opposition to the proposed zone change as evidenced by the questions asked and the applause to concerns raised. The December 25th meeting was more informative given that the project manager for the proposed development was present. The January 25th meeting was attended only by a representative from Performance Engineering who expressed that he was unable to answer questions about the proposed construction outside of "engineering.

1. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

RMF-R Residential Multi-Family – Restricted requires lots are to be served by public water and sewer services. The county has Heights County Water district. The existing land is in the county and does not have sewer. Performance Engineering staff have indicated that the plan is to seek a county zone change and then apply for annexation in the City of Billings. Sewer service is not provided to any County developed property in this area. Nicole Cromwell says "There are allowed uses in the RMF and RMF-R zone that could develop without access to public sewer services. The district description does not make it "unavailable" to those properties without current access to public water and sewer."

If the zone change does not require existing sewage services, is there adequate space on 10 acres to provide septic tanks for 100+ units? If the county approves the zone change, shouldn't the county verify that services can be provided? Currently, the county is being asked to approve a zone change that will require the city to provide services.

- School Capacity Pat Weber indicated at the December 26th meeting that the development in the Elysian School District had 107 units with 78 students (31 were high school). He anticipated that fewer children would rent as the plan was for more 1 bedroom, 1 bathroom units. Why are the developers targeting "young professionals" in an area adjacent to two schools?

Jerome McKibben, the demographer hired by SD predicted “School District 2 enrollment is expected to barely grow in the next decade, but elementary schools will see a slight decrease, according to updated enrollment projections.... The flip side is that high schools are expected to see an increase in enrollment.”

The Billings Public Schools, MT Demographic Study December 2017 predicts the following growth:

Table 5: Elementary Enrollment (K-5), 2017, 2022, 2027

	2017	2033	2017-2022 Change	2027	2022-2027 Change	2017-2027 Change
BEARTOOTH	385	418	8.6%	407	-2.6%	5.7%
BENCH	385	401	4.2%	379	5.5%	-1.6%
BITTERROOT	369	420	13.8%	391	-6.9%	6.0%
DISTRICT TOTAL	7440	7468	.4%	7306	-2.2%	1.8%

New schools always stimulate development. When Skyview was built, it was surrounded by bare land. Now there are new homes surrounding the school and new development continues.

When the school district purchased the land for Medicine Crow Middle School, the Satorie property was considered. Mike Satorie is now developing his family property and constructing single family homes. Development and pressure on the capacity of the schools in the Heights will continue; while fewer elementary students are predicted in the next decade in Billings Public Schools, the schools nearest to this development are projected to see an increase in students. Residents want to see development consistent with the existing neighborhood.

Medicine Crow Middle School had a 6-8 enrollment of 704; the projected 2019-2020 enrollment is 772, 6.7% increase. Skyview will experience a comparable growth in this period. Planners need to work cooperatively with the school district; residents expressed concern that there is limited additional capacity in Heights schools. Development does not increase available local tax dollars to schools.

2. Whether the new zoning will effect motorized and nonmotorized transportation;
Traffic in Barrett Road

Medicine Crow Middle School has dramatically increased traffic and residents have expressed concern about pedestrian and bicycle safety. Adding 200+ cars which would more than double the current traffic on Barrett (not to mention construction traffic) with road improvements in a very limited area may result in loss of life (as it did in Lockwood).

The 2017 Billings Urbanized Area Traffic Count Map lists a 3 year average count of 620 cars per day on Barrett Road. This count undercounts the increase in traffic when Medicine Crow

Middle School opened in August 2016. Adding 100+ more units along a county road with sidewalks provided only on the south side for a portion of the street is a hazard to students, pedestrians, and existing residents.

The 2 attached photos show Barrett Road. No sidewalks will be provided for the majority of Barrett Road. Many children live east of the proposed development. Hundreds of additional vehicles can only increase vehicular hazards to school children walking along this narrow road. This will exacerbate an already hazardous situation.

Residents also noted that construction of Medicine Crow Middle School severely damaged the entire length of Barrett Road. The county has made minor repairs but the road is in worse condition than prior to construction. Construction of this development would add large vehicles to a small residential road, endangering children and further damaging the road.

(ATTACHMENTS: **Barrett Road sidewalk improvement**
<http://billingsheights.com/barrett-road-sidewalk-improvement/>; **Billings residents discuss safety issues near new middle school** Posted: Jan 24, 2017 10:06 PM
MST Updated: Jan 29, 2017 10:06 PM MST By Dustin Klemann - MTN News
<http://www.ktvq.com/story/34339516/billings-residents-discuss-safety-issues-near-new-middle-school>; **Task force, local officials work to keep Medicine Crow kids safe to and from school** By MIKE FERGUSON mferguson@billingsgazette.com Jan 24, 2017
http://billingsgazette.com/news/local/government-and-politics/task-force-local-officials-work-to-keep-medicine-crow-kids/article_af5d7d8f-799d-5711-87e7-acb5f4b2a864.html)

3. Whether the new zoning will be compatible with urban growth in the vicinity of cities or towns.
 - Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
 - Whether the new zoning will, as nearly as possible, be compatible with the zoning of nearby cities and towns.
 - Whether the new zoning will conserve the value of buildings

PLAN PRESENTED (see attached) The written plan presented by Performance Engineering and Consulting, Scott Aspenlieder at the January 25, 2018 meeting specifies a maximum density of 6 units per building x 10 units per acre x 10 acres for a total of 100 units (plus 2%). There was also discussion of purchasing 1 additional acre from the seller for a "greenspace". The current zoning allows 90 units. Verbal comments suggest the units would be 900-1000 square feet.

The explanation from Scott Aspenlieder is that there is only a marginal increase in the allowable density in the zone change. There are a number of reasons that it (the existing zone code) doesn't pencil out and they all have to do with the economics of development. There are economies of scale when you're building 4 and 6-plex buildings as opposed to duplexes that help drive down the cost of vertical construction. Secondly, the economics differ when you're talking about building and selling duplexes versus creating a rental property. "With the land priced as it is the numbers make it difficult to do as a duplex/twin home development. Let's not forget either that we're likely investing

\$300,000 or more in off-site improvements to Barrett Road and sidewalks along our frontage for the benefit of not just the development but the entire community. All of that impacts a development and its feasibility”.

The neighborhood is currently mixed agricultural and single family homes on ½ acre and acre lots (see attached list of homes & projected values from Spokeo). The average home on Barrett Road is valued at 3x the projected sale price by the developers (who we were told at the December 26th meeting plan to sell the units individually in 8 years).

Currently, Mike Satorie is developing Pumpkin Cove, single family homes contingent to the proposed development. This development is compatible with the nearby properties. The buy/sell for the proposed development is contingent upon the seller obtaining a zone change. The value of the property may be less for the existing zoning, but it is compatible with the existing neighborhood and does “pencil out” for developers with a different business model. Realtor.com lists 29 multi-family homes currently for sale in Billings.

Neighborhood Compatability A high density development is being proposed on a non-arterial street in a neighborhood of single family homes with no plan for a buffer zone. There are 10 adjacent acres and a zone change on this parcel may set a precedent for a zone change for the adjacent acres. Property owners expressed concern about the impact of property values given that the current neighborhood is single family homes (see attachment *Barrett Road existing houses*).

OTHER DEVELOPMENTS COMPLETED BY THE DEVELOPED AND REFERENCED DURING THE DECEMBER 26TH MEETING

- Green Meadow Helena LLC *Proposed annex of 20 acres still concerns city commission*
AL KNAUBER Independent Record Sep 30, 2015
http://helenair.com/news/local/proposed-annex-of-acres-still-concerns-city-commission/article_c222186b-850d-5e88-afab-2ab85a0dcf50.html
- Grand Slam Patio Homes Grand Slam Patio Homes (406) 894-2102 | Happy Homes Apartments <https://www.happyhomesapartments.com/properties/grand-slam-patio-homes/>
Grand Slam patio homes is a brand new 2017 construction off Elysian Rd and Mullowney Ln. This single level apartment community is a mile to the freeway for a quick commute anywhere in Billings. Scenic rural views with access to a community garden. Close to Costco, Yellowstone river with fishing and recreational ...

ATTACHMENTS:

Community #1-5 Sign in Sheets from January 25, 2018 meeting (5 pages); #6 Neighborhood feedback; #7 Barrett Road existing houses

Traffic #8 *Barrett Road sidewalk improvement*, #9 *Billings residents discuss safety issues near new middle school*; #10 *Task force, local officials work to keep Medicine Crow kids safe to and from school* By MIKE FERGUSON; #11 *2017 Billings Urbanized Area Traffic Count Map*; #12 *24 Traffic citations on Barrett road after community forum*; #13-14 photos of Barrett Road;

Schools #15 *Fewer elementary students, more high-schoolers expected for Billings schools in next decade* By MATT HOFFMAN mhoffman@billingsgazette.com Jan 23, 2018; #16 *Billings Public Schools, MT Demographic Study* December 2017;

Other #17 *Barrett Road Planned Development Agreement Summary* dated January 25, 2018;

January 25, 2018

Barrett Road Planned Development Agreement Summary

The Barrett Road Planned Development is set up for residential multi-family uses only. The goal of the development is to create a family friendly patio home development fitting with the surrounding area and providing access to new educational facilities in the area. The Planned Development will be completed such that it compliments adjacent neighborhoods and adds value to the community as a whole.

Off-Site Improvements

Below is a list of off-site improvements likely to be required by the City of Billings as part of the development:

- Barrett Road widening
- Sidewalk installation on Barrett Road
- Connection to Holling Drain Trail

Prohibited Uses

- Commercial retail stores
- Offices or professional buildings
- Bars, liquor stores or gaming/casinos
- Convenience stores
- Radio towers, broadcasting equipment, etc.

Site Development Restrictions

- Single story construction w/max height of 24-ft
- Maximum of 6 units per building
- Maximum density of 10 units per acre
- Signage either flat against a building or as part of architectural feature
- Outdoor lighting max 15-ft and fully shielded
- Minimum 20-ft green belt along all property boundaries w/1 tree per 25-ft
- One tree per two units in front yards
- All lawns irrigated and maintained
- Parking screened from Barrett Road and open spaces

Any comments or concerns can be submitted by written letters and mailed to Performance Engineering and Consulting at 7100 Commercial Ave., Ste. 4, Billings, MT 59101, attention Scott Aspenlieder, or emails may be sent to scott@performance-ec.com. We look forward to your continued participation.

Sign-In Sheet

January 25, 2018 Meeting

Name

Address/Zip

Mike & Jessica Rykowski

1129 Barrett Road 59105

Bob & Becky OWENS

2020 W Echo 59105

Ashley KALE

2015 W Echo Dr 59110

Nancy Barry Mavsl

1808 Joyce St 59105

Anne Wittman

1024 Claremore Ln 59110

JOHN BOEHMKE

2020 ECHO DR.

H MARTENSON

832 KALE DR

DEE MARTENSON

832 KALE DR.

Casey Klein

~~Casey Klein~~ 1709 Cheryl

Lindsay & Bridger

McImpsey 1327 Bitterroot.

Jaimie Wilson

1252 Nasturtium Dr.

Jena Laughery

908 Rollman way

Brent Cumberley

235 Parkhill Dr.

Sign-In Sheet	January 25, 2018 Meeting	Heights Community Development Task Force		
Name	Address/Zip	Email	Phone	
Rebecka & Colleen Boehm	838 Kale Dr	rboehm@hotmail.com		
Brittany Boehm	838 Kale Drive	brbhery.beizm@gmail.com		
Troy Rineberg	2050 Hawthorne Lane	troy.rineberg@gmail.com		
Keller Pierce	1512 Hawthorne Ln	k.pierce@bessan.net		
STUART Kaufman	1447 Caryl ST.	stokast@gmail.com		
Michael Swarely	1115 Pumpkin Cove	mswarely14@gmail.com		
Nicole Brondino	1115 Pumpkin Cove	nibrondino2014@gmail.com		
Nicole Santonic	1880 Hawthorne hwy	santonic@bessan.net		

Sign-In Sheet

January 25, 2018 Meeting

Name

Address/Zip

Wilma Alexander

2133 W Echo

Kernan Pfeiffer

2216 E Echo

Jim & Cheryl Hoover

2315 Columbine

Nancy Steel

931 Nutter Blvd

Terry Odegard

214 Lake Hill

Ron Kaminski

1205 Barrett Rd

Melanie Krenz

1205 Barrett Rd

Jason Lillie

Doug King

415 W Wicks Ln

Peggy Webb

1132 Ginger Ave.

Ashley Kelle

2015 W Echo

Dave + Heidi Christensen

1070 Claremore Ln.

Pam Ellis

2000 Outback Drive

Sign-In Sheet

January 25, 2018 Meeting

Name

Address/Zip

NEMOY OFFUTT

1543 CALEB CL.

Roger CRAIGHEAD

993 SIESTA 59105

Tom Zurbuchen

1747 Wicks

DAW + Judy Quigley

2125 W. Echo Dr

AMELIA + JASON SCHIMMELZ

1919 NATALIE ST.

Danny Petty

2071 S ECHO DR

Chris + Lorraine Nielsen

1125 Barrett Rd

CHUCK BARTHOLY

300 EAST LAKE

Krystle Henry

2130 E. Echo

Tara Sether

1650 Brewington

Kanda Grinde

1910 Bannack Dr.

DAVID WHITMORE

2106 W. ECHO DR

Clarence Brown

914 Mossman Ar.

Nedra Brown

"

Scott + Tammy McClean

2011 Echo Dr

Sign-In Sheet

January 25, 2018 Meeting

Name

Address/Zip

Nikki Hofmann

900 Barrett Rd

Virgil Middendorf

1692 Natalie St

Angelika

2010 W. Elm

Dennis Kumpfner

1447 Gravel St

Roy Neese

rice chow

Facebook comments and letters regarding Barrett Road received by Heights Task Force

28 December at 14:04

I don't think apartments are a good idea for that area. Homes - Okay. Apartments - No! The roads in the area will not support this.

Jaima Wilson

28 December at 16:23

Thank you for sharing. Because of the short notice and the timing of the meeting being directly after the holiday, I wasn't able to attend but my concerns mirror the concerns in these notes. My highest concern being the traffic on Barrett and safety of the children walking to and from school and the close proximity of these 100+ "young professional" dwellings to Medicine Crow. In my opinion this area is not suitable for apartments and/or duplexes and would greatly effect property values.

Penny McDonald

28 December at 15:43

Right, the one road that will be the most affected by this and they don't notify anyone because it's a private road. What a crock! Further more, they can't serve the owner of the road because he passed away last year. Satori Farms is all for it.. They are set up to receive his many millions with this sale? Barrett isn't set up for the new school list alone an apartment subdivision.

Krystle Henry

28 December at 16:17

Satori doesn't own the property sold it a while ago

Krystle Henry I am very concerned about traffic. That road cannot handle the New middle school as it is and exiting out onto Bench from Barret can be especially tricky with the parking along Bench. There is also a significant amount of children pedestrians that walk the streets especially when it snows. This is a picture of traffic today. I sat at Bench and Barrott along with many other cars trying to exit onto Bench.[Manage](#)



Krystle Henry



Krystle Henry



Krystle Henry Cars were lined up behind us.

Krystle Henry Yes, I am also concerned because we have to drive our son out of the district because they anticipated 28 in his kindergarten class. Multiple units in this school district isn't a good idea. They had class rooms in a closet when our kids were in the school.

Dawn K. Ikener

12 January at 20:42

A light & sidewalks all the way down the street. Terrible terrible idea!

Dawn K. Ikener

And the elementary schools are fairly full already

Jaima Wilson

12 January at 17:56

It would seem they changed their plans in a pretty quick fashion. Honestly, a little too quick. I'm familiar with land development just enough to know you don't go from a "young professional", 103 dwelling, high density apartment complex to suddenly a family friendly patio home environment in just a few weeks. Conveniently after the negative feedback from the entire community and neighborhood....

Jaima Wilson

12 January at 17:56

It would seem they changed their plans in a pretty quick fashion. Honestly, a little too quick. I'm familiar with land development just enough to know you don't go from a "young professional", 103 dwelling, high density apartment complex to suddenly a family friendly patio home environment in just a few weeks. Conveniently after the negative feedback from the entire community and neighborhood....

[anessa Alaina Ferguson](#) also replied to [Jaima Wilson](#)'s comment on [Heights Task Force's post](#).

Vanessa Alaina Ferguson

13 January at 11:09

Jaima Wilson that's exactly what I was thinking.

Rebecca Weisser

12 January at 17:27

how sad to see more housing instead of maybe a park

Morgan Leeson

12 January at 16:37

The area that was Sartoris Pumpkin patch!

[Morgan Leeson](#) also replied to [Alysia Rhianna Polak](#)'s comment on [Heights Task Force's post](#).

Morgan Leeson

13 January at 14:23

Probably a zoning requirement with widening both nearby roads to 34 ft across.

Jaima Wilson

15 January at 07:42

I've been wondering where they intend any of the kids in this new development to go to school also! The elementary schools are full

Jaima Wilson

15 January at 07:48

Does anyone know who will be responsible for the costs of widening the street? And also, is widening it going to be for sidewalks or for street parking? Or both?

Facebook comments regarding Preliminary Review of proposed zone change received by Heights Task Force

Krystle Henry Eric Henry Penny McDonald



Penny McDonald Thanks!



LuAnn Udall Rinebarger Cant they do these after work hours?



Penny McDonald I agree. I will take the day off if it means that at all be heard



LuAnn Udall Rinebarger That's just very hard for some. I just can't get a reply to if people can't attend. I'd like to get that information to people!



Penny McDonald Do you think it's a ploy?



LuAnn Udall Rinebarger I think eventually people will get tired of all the meetings that don't have the people with the answers there



Penny McDonald Do you think that since we are county.... We won't matter?



LuAnn Udall Rinebarger I still think we need our opinion heard and to know what's going on. Daylon was almost hit two weeks ago

Barrett Road zone change bad idea

Jan 20, 2018 http://billingsgazette.com/opinion/letters/barrett-road-zone-change-bad-idea/article_e284e693-36ba-5f79-80c6-41b2d92223bb.html

The proposed 10-acre county zone-change request from Residential 7000 to Multi-Family Restricted, immediately southeast of Medicine Crow School along Barrett Road is a bad proposal. Residents in the surrounding area and those using Barrett Road and adjacent roads as a regular means of travel would be adversely impacted.

Instead of developing this land with the typical single-family home design consistent with R7000 criteria, a zone change to multi-family housing simply means a great deal more people concentrated on 10 acres using Barrett Road

as the only means of access, as well as major potential impacts to our local schools.

With the ultimate goal to annex this parcel into city limits, this would also impact many city services required to support a high-density community. Those who research the background of this developer will learn that a number of other problems (crime) associated with their past projects can be predicted and can only have a negative effect on our surrounding community.

As many of you already know, Barrett Road is a disaster during school and work commute hours. Compounding traffic with more vehicles entering and leaving this potential development defies any logic. The traffic issues (i.e. congestion, speeding and pedestrian safety) have never been completely mitigated.

Two meetings are planned, one at Medicine Crow Middle School at 7 p.m. on Thursday and another at 3:30 p.m. on Feb. 5, at the Planning and Community Department downtown.

Chris Nielsen

Billings

Proposed Zoning Change Off Barrett Rd

Inbox x



Josh Blotkamp

to cromwelln

I will not be able to attend the meeting on January 25th in regards to the proposed zoning change. I am writing to let you know that I am against this zoning change. There are already traffic and pedestrian safety issues on Barrett and other area roads. A housing development of this density in this location is a bad idea. It would already make a bad situation worse, not to mention the impact to the schools in the area.

I also believe a this proposed zone change and it's subsequent development would have an adverse impact on property owners in all surrounding neighborhoods. Both to the property values, and increased stress on city utilities and resources.

Thank you

From: zurbuchen@bresnan.net [mailto:zurbuchen@bresnan.net]

Sent: Friday, January 26, 2018 1:04 PM

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

Cc: 'scott@performance-ec.com' <scott@performance-ec.com>

Subject: Zone Change 687 Barrett Road

I have concern about zone change #687 on Barrett Road;

1) Going to Thursday's meeting at Medicine Crow I say no ZONE CHANGE signs on the property. I drove by in daylight Friday and no posting of a zone change was visible. To be correct does not there need to be a sign? I would hate to see this denied on such a technicality. **No Zoning Application sign is posted until the PD is finalized and the Public Hearing notice is published and mailed to surrounding property owners. We have not yet entered this phase of the process.**

2) At Thursday's meeting at Medicine Crow there was confusing information. All previous paperwork listed the area at 10.00 acres but they had a large display that showed 10.39 acres. This needs clarity and the Planned Development Agreement needs the correct value to be proper. **The application was submitted as the "north 10 acres of C/S 840, Parcel 1 Corrected". If materials are presented with additional area, this will need to be corrected before the Legal Notices are sent out and the description corrected in the PD agreement.**

3) The Planned Development Agreement must have a maximum density number listed. This is extremely important in that as presented that number is 100 or 103 depending on where it is written. With no number in the Planned Development Agreement one must use maximum density from the restrictions listed as largest multi-family unit being 6 and code saying a 6 plex requires 13,00 square feet of land, 10.00 acres equals 33 6 plexus or 198 living units and 10.39 acres equals 34 6 plexus or 204 living units. This huge difference will make a huge difference in the results of a traffic study causing the developer traffic mitigation to be hugely different than 100 or 103 living units traffic study would require. **I believe this is being contemplated by the applicant.**

4) The planned Development Agreement must show the internal street width and require a hard surface. The streets are reported to be private so this is probably the best way to insure pavement and adequate width. **I believe this is under consideration as well by the applicant.**

Once these are in the Planned Development Agreement I hope a presentation will highlight the fact that the zone change is really only responsible for the small increase in density that results, not the entire 100 or 103 development. As currently zoned the 10.00 acres zoned R 7,000 could have 45 duplexes or 90 living units (10.39 acres allows 47 duplexes or 94 living units) Making additional density relatively minute. While traffic is always a concern, the zone change cannot be held responsible for all the traffic from the development but just the increase. The remaining Planned Development Agreement is well written and contains good restrictions and

will ensure a nice development. This development will ensure Barrett Road see improvement which is sorely needed!

Tom Zurbuchen

From: zurbuchen@bresnan.net [mailto:zurbuchen@bresnan.net]

Sent: Friday, January 26, 2018 1:04 PM

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be held responsible for all the traffic from the development but just the increase. The remaining Planned Development Agreement is well written and contains good restrictions and will ensure a nice development. This development will ensure Barrett Road see improvement which is sorely needed!

Tom Zurbuchen

Christopher Nielsen

to Nicole, me, Roger, Lorraine

1. The Developer/Property Owner must be required to demonstrate that a high density project as proposed will not have adverse impacts with traffic on Barrett, Bench and Hawthorne roads. A Traffic Study paid for by the Developer/Owner must be required in advance to determine potential impacts to the elementary, middle school and surrounding community who must use these roads on a daily basis. Failure to do so can only have negative consequences on an indefinite basis to all stakeholders.
2. An environmental assessment (EA) must be performed in advance to identify any potential health hazards resulting from major disturbances/ excavations to the property. The history of the property has been primarily agriculture where decades of pesticides, herbicides, and heavy metals may be present and once disturbed pose significant health and environmental hazards to the surrounding community. Mitigation alternatives must be disclosed in advance if laboratory analysis reveals any health or environmental issues/hazards on the property. An independent environmental contractor without interest in the property must be utilized.
3. The Developer/Owner must be required to accept responsibility for all damages to Barrett, Hawthorne, and Bench Roads resulting from heavy equipment traffic using these roads to develop any approved project on this property.
4. The Developer/Owner must demonstrate that the ground water table will not be impacted by a high density development project. Restrictions/ requirements on the use of all groundwater must be specified for any approved development.
5. Specific requirements for snow removal off any sidewalks the Developer constructs must be specified. This must not become a taxpayer responsibility.
6. The Developer/Owner must provide in advance any proposed ingress/egress roads accessing this property. This must include any signage such as street signs, stop signs, etc. This must be included in advance as "actuals" in the design specifications for public review and comment.
7. The Developer/Owner must specify actual locations and types of buffers/ green zones surrounding the proposed development site. This must include: types of fencing, trees, plants, types of environmental friendly lighting, noise pollution controls, and any security related measures not mentioned.
8. The Developer/Owner must disclose the intended purpose of any remaining lands (the other 10 acres) if owned by this developer/property owner. This includes any land adjacent to the proposed 10-11 acre site but not included in this project. This must be disclosed in advance so public decision makers and surrounding property owners have the opportunity to provide any comments or concerns with future impacts.

1. 9. The scope of the Developer/Owner proposed project is unprecedented for the surrounding area. It is inconsistent with the entire surrounding area developments. There is a reason for this. High density congested living conditions for residents who purchased homes in the east Heights who value home ownership and enjoy a certain quality of life did not purchase their property to have it devalued with high density rental duplexes. This project must be disapproved by decision makers to protect the interests of all homeowners who pay County and City property taxes, value their property, and their quality of life.

10. According to the Developer's representative, over 100 duplex units would be constructed on the property. Assuming rental units average 2 or more residents who work and drive daily, this would increase road usage on Barrett Road with 200 or more vehicles on an on-going basis. This is a conservative estimate not counting all of the potential visitors and guests of tenants living in the duplexes. All of these vehicles would ingress and egress Barrett Road at any given time. The traffic impacts to the elementary and middle school locations as well as Bench, Hawthorne and the remaining portion of Barrett Road would be significant and defies all logic to allow approval for this kind of project.

11. Pedestrian safety for our school children and residents is presently a major safety concern. To date there have been no successful resolutions in addressing traffic hazards. The current high volume of vehicular traffic on Barrett, Bench and Hawthorne roads has now reached epic proportions. Adding hundreds of more vehicles to this problem is irresponsible and dangerous for all pedestrians and bicyclists who use Barrett and Hawthorne Roads on a regular basis. Adding a sidewalk in front of the proposed development will do nothing to reduce congested traffic problems overall. Most of Barrett Road is in the County and a great deal of school children live east of the proposed development site. Pedestrians who live east of the proposed site will continue to be at risk and more so with the increased volume of traffic caused by this type of development should it be approved.

12. The property owned by Mr. Schulz and Developer should not receive County approval to develop any type of high density projects. This is foolish and irresponsible to allow any kind of development that creates increased traffic safety hazards to our children, pets and adults. Our surrounding area cannot accommodate develop of this extreme. It is reckless to ignore the obvious and deliberately inherit new problems that should never be created. This type of project will create identified and unidentified problems for certain.

13. Our bike path is a highly valued and used public area for pedestrians, pet owners and bicyclists. The quality and experience of the bike path is predicated upon the amount of usage at any given time. Congestion on the bike path caused by high density housing will destroy the ascetics and overall experience for those who presently live in the surrounding area and use the pathway regularly. It's assumed that use of the bike path by tenants in the development would exponentially increase bike trail usage near the two schools. This assumes that many more pet owners, pedestrians and bicyclists would be accessing the trail in the immediate area. The experience and quality of the bike path significantly diminishes as high use increases in congested areas. Nobody enjoys a crowd in one place. Not in our backyard.

14. It is incumbent upon the City-County Planning Division to determine the following:

If the proposed high density development is in accordance with the County and City's Growth Policy; 2. Whether the proposed new zoning promotes compatible urban growth in the surrounding area; 3. Whether the proposed new zoning is the most appropriate use of the land. Based on this criteria it is more than obvious that the proposed development doesn't fit into the neighborhood design whatsoever.

County Commissioners and City Planners must discern how growth proposals will affect our community. A Cost of Service Study is necessary for determining how this proposed development will

affect the local tax base and the cost of providing public services, such as street maintenance, bike path, police and fire protection. Billings has used similar studies for years on water and sewer service rates. The Developer should pay for this study.

15. Billings citizens deserve to know how growth will affect County and City finances since the surrounding area is mixed in both County and City jurisdictions. Reliable data will ensure that citizen costs are being shared equitably. This is imperative for the long term and not based on short meeting presentations. The County and City are responsible to its citizens for providing adequate information on the following:

1. How the predicted property tax return of high density residential use development or other type of development compares to the cost of serving the development;
2. How development patterns and the way services are funded affect actual cost distribution across the community;
3. Whether police and fire service levels are adequate now and what will be needed in the future with development and growth patterns;
4. How any level of development, particularly high density development will affect local school enrollment both currently and in the future.

Submitted by:

Chris Nielsen
1125 Barrett Rd.
Billings, MT 59105

406-850-1287



February 19, 2018

These photos document the present conditions and hazards on Hawthorne Rd. The contractor is snow plowing and leaving large amounts of snow on both sides of the road making it most difficult for vehicles to drive by one another, yet alone creating an extremely hazardous condition for all pedestrians using this road. There are no safe clearances on this extremely narrow road.

The number of vehicles using Hawthorne Rd as a crossroad to avoid using Barrett Road has exponentially increased because of the huge amount of school traffic in the morning and afternoon. Hawthorne Rd is due east of the proposed Barrett Road project which would potentially add hundreds of more vehicles using both Barrett and Hawthorne roads. Both roads are already significantly impacted with traffic congestion. Without significant road improvements along the entire traffic corridors, the probability of an impending miscue is likely. Comments and photos are submitted for the record.

Submitted by:

**Chris Nielsen
1125 Barrett Road
Billings, MT 59105**

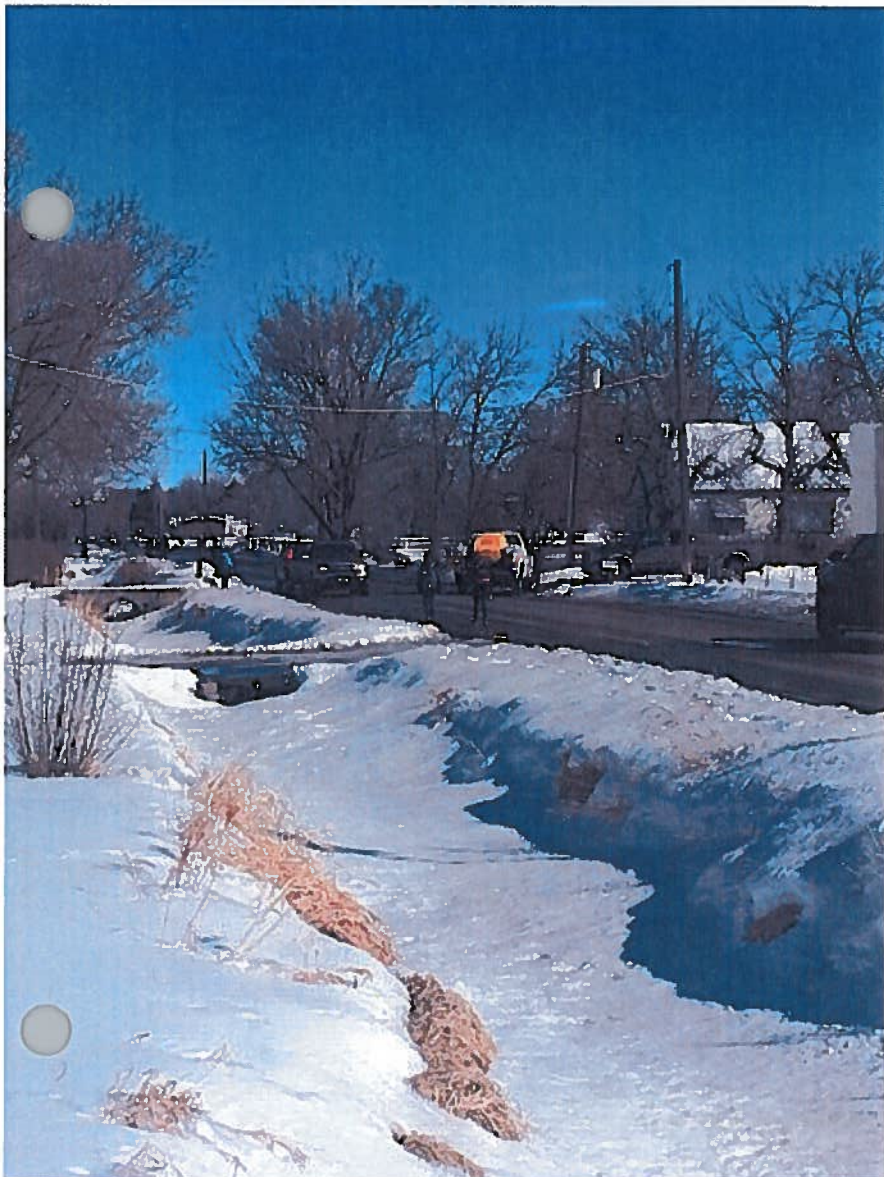




These pictures were taken on Barrett Road near the Hawthorne Road intersection. These pictures document a random number of school children walking home just east of the proposed Barrett Road high density land development proposal. The children are all east and well beyond the location where the property developer has proposed to install a 510' sidewalk on the south side of Barrett Road.

Obviously, a south side sidewalk serves little purpose since most children live east of the proposed development site. Snow, rain and mud will always be an issue along the edges of most of Barrett and all of Hawthorne Roads. The children walk on the roads to avoid deep snow and getting their feet wet and muddy. Barrett and Hawthorne roads experience many snow and rain days. Potentially adding hundreds of more vehicles on these arterial roads can only have a negative effect and increase the likelihood of an unwanted consequence.

Submitted by: Chris Nielsen 1125 Barrett Road
Billings, MT 59105 406-850-1287





After School Picture

Heights Task Force x

Christopher Nielsen

to me

This picture documents the safety issues on Barrett Road east of the proposed development. No sidewalks will be provided for the majority of Barrett Road. Many children live east of the proposed development. Hundreds of additional vehicles can only increase vehicular hazards to school children walking along this narrow road. This will exacerbate an already hazardous situation. The children are walking on the road because of melting snow and mud.



[HTTPS://WWW.SPOKEO.COM/BARRETT+RD+BILLINGS+MT+ADDRESSES](https://www.spokeo.com/barrett+rd+billings+mt+addresses)

ADDRESS

**1342 Barrett Rd
Billings, MT 59105**

DETAILS

Single Family House

RESIDENTS

17 residents

ADDRESS

**1404 Barrett Rd
Billings, MT 59105**

DETAILS

4 Beds / 2 Baths
1,184 sqft
Single Family House
Built in 1971
Value: \$223K

RESIDENTS

13 residents

ADDRESS

**1435 Barrett Rd
Billings, MT 59105**

DETAILS

4 Beds / 3 Baths
1,430 sqft
Single Family House
Built in 1971
Value: \$311K

RESIDENTS

2 residents

ADDRESS

**1439 Barrett Rd
Billings, MT 59105**

DETAILS

Single Family House

RESIDENTS

9 residents

ADDRESS

**1704 Barrett Rd
Billings, MT 59105**

DETAILS

2 Beds / 3 Baths
1,242 sqft
Single Family House
Built in 1967
Value: \$210K

RESIDENTS

5 residents

ADDRESS

**1706 Barrett Rd
Billings, MT 59105**

DETAILS

3 Beds / 3 Baths
1,308 sqft
Single Family House
Built in 1993
Value: \$275K

RESIDENTS

3 residents

ADDRESS

**1724 Barrett Rd
Billings, MT 59105**

DETAILS

3 Beds / 2 Baths
2,100 sqft
Single Family House
Built in 1994
Value: \$354K

RESIDENTS

15 residents

ADDRESS

**1732 Barrett Rd
Billings, MT 59105**

DETAILS

5 Beds / 2 Baths
1,344 sqft
Single Family House
Built in 1965
Value: \$265K

RESIDENTS 7 residents

ADDRESS

**1744 Barrett Rd
Billings, MT 59105**

DETAILS

Single Family House

RESIDENTS

3 residents

ADDRESS

**1820 Barrett Rd
Billings, MT 59105**

ADDRESS

**1832 1/2 Barrett Rd
Billings, MT 59105**

DETAILS

Single Family House

RESIDENTS

1 resident

ADDRESS

**1832 Barrett Rd
Billings, MT 59105**

DETAILS

4 Beds / 4 Baths
2,500 sqft
Single Family House
Built in 1979
Value: \$366K

RESIDENTS

10 residents

ADDRESS

**1906 Barrett Rd
Billings, MT 59105**

DETAILS

4 Beds / 2 Baths
1,782 sqft
Single Family House
Value: \$278K

RESIDENTS

2 residents

DETAILS

2,190 sqft
Single Family House
Built in 1998
Value: \$296K

RESIDENTS

4 residents

INCLUDES

ADDRESS

**1909 Barrett Rd
Billings, MT 59105**

DETAILS

Single Family House
Value: \$315K

RESIDENTS

1 resident

ADDRESS

**1918 Barrett Rd
Billings, MT 59105**

DETAILS

5 Beds / 3 Baths
1,652 sqft
Single Family House
Built in 1982
Value: \$288K

RESIDENTS

12 residents

ADDRESS

**1930 Barrett Rd
Billings, MT 59105**

DETAILS

3 Beds / 3 Baths
1,356 sqft
Single Family House
Built in 1977
Value: \$240K

RESIDENTS

3 residents

ADDRESS

**1937 Barrett Rd
Billings, MT 59105**

DETAILS

3 Beds / 2 Baths
2,111 sqft
Single Family House
Value: \$287K

RESIDENTS

5 residents

ADDRESS

**1942 Barrett Rd
Billings, MT 59105**

DETAILS

4 Beds / 2 Baths
1,236 sqft
Single Family House
Built in 1977
Value: \$250K

RESIDENTS

6 residents

ADDRESS

**1947 Barrett Rd
Billings, MT 59105**

DETAILS

4 Beds / 3 Baths
1,748 sqft
Single Family House
Built in 1968
Value: \$325K

RESIDENTS

13 residents

**2005 Barrett Rd
Billings, MT 59105**

DETAILS

Single Family House
Value: \$243K

RESIDENTS

19 residents

ADDRESS

**2011 Barrett Rd
Billings, MT 59105**

DETAILS

5 Beds / 4 Baths
1,669 sqft
Single Family House
Built in 1994
Value: \$320K

RESIDENTS

5 residents

**2015 Barrett Rd
Billings, MT 59105**

DETAILS

3 Beds / 2 Baths
1,559 sqft
Single Family House
Built in 2009
Value: \$340K

RESIDENTS

2 residents

ADDRESS

**2020 Barrett Rd
Billings, MT 59105**

DETAILS

2 Beds / 3 Baths
3,537 sqft
Single Family House
Value: \$584K

RESIDENTS

6 residents

Barrett Road sidewalk improvement

<http://billingsheights.com/barrett-road-sidewalk-improvement/>



Excellent attendance at the community forum on Barrett Road Pedestrian Safety. There were nearly 100 people there.

One of the challenges is the fact that Barrett Road is 80% County and 20% City. Putting a sidewalk from the bike path to Hawthone is along the county portion of the road. The county does not have funds for such a project. They expect property owners served by the project to pay for its installation and maintenance. In this case, the burden would fall on two property owners south of Barrett Road. The irrigation ditch to the north of the road prevents property owners to the north from being asked to pay for the project, because they cannot directly access the sidewalk.

City also usually requires property owners to pay for sidewalks installed along their property. The city could install the sidewalk, but they could not charge the two property owners, so other funding needs to be found. It could be that the city is not allowed to build sidewalks out of city boundaries.

Residents in the area could petition the city and the county to implement an SID and RSID, respectively. It could be done over an area East of Bench or over the boundaries of Medicine Crow Middle School (although that would include the area that covers the Independent School District). This would require a vote by affected residents to raise their property taxes for this purpose.

Funds for the project could also be raised privately. There were other ideas that could be implemented in the interim. Ideas include a three way stop

at Barrett Rd and Hawthorne. Train students to walk on one side of the road and on the side of the road facing oncoming traffic. Train students to wear visible clothing when it is dark. Implement a lower school zone speed limit. Encourage the police department to enforce speed limit before and after the school day.

Billings residents discuss safety issues near new middle school

Posted: Jan 24, 2017 10:06 PM MST Updated: Jan 29, 2017 10:06 PM MST

By Dustin Klemann - MTN News <http://www.ktvq.com/story/34339516/billings-residents-discuss-safety-issues-near-new-middle-school>



Pedestrians along Barrett Road (MTN News Photo)

BILLINGS -

Barrett Road in the Billings Heights near the new Medicine Crow Middle School is under the spotlight for safety issues.

On Tuesday, dozens of parents and city and county leaders met to discuss improvements to the road.

"Our number one priority is safety. I want to stress to everyone here this is public service," said Angela Cimmino, city council member representing the Heights.

Among the laundry list of ideas, parents want a sidewalk. But that request will require a petition to create a Special Improvement District (SID) at the county level.

"The issue is dollars and cents and money," said Yellowstone County Commissioner John Ostlund. "So we have to decide how to raise the money."

Among the solution of creating an SID, the city will extend the nearby Kyle Road to allow a passage to the east without using Barrett.

Still, students who are within three miles of the school are not able to use the bus system to get home.

Several parents raised the issue of vehicle speed, which is a 25 mph zone.

The city estimates 430 vehicle trips are made per day along the road. Due to its narrow width, 12 feet per lane, the city will request police assign traffic detail to enforce the speed limit.

Tuesday's meeting also highlighted the effort SD2 is working on with the soon-to-be opened Ben Steele Middle School on the West End.

"The city's really stepped up," said Lew Anderson, SD2's bond manager. SD2 is committing \$700,000 in sidewalks that will be made from Rimrock Road to Grand including a signal at 54th Street West. A hawk signal for pedestrians will be created at 58th Street West.

Task force, local officials work to keep Medicine Crow kids safe to and from school

By MIKE FERGUSON mferguson@billingsgazette.com Jan 24, 2017

http://billingsgazette.com/news/local/government-and-politics/task-force-local-officials-work-to-keep-medicine-crow-kids/article_af5d7d8f-799d-5711-87e7-acb5f4b2a864.html

Heights Task Force members with safety concerns over their children walking along Barrett Road to and from Medicine Crow Middle School huddled with county, city and School District 2 officials Tuesday to brainstorm solutions to the roadway's lack of sidewalks.

Constructing sidewalks would require a pot of money the county road department doesn't have, Yellowstone County Commission Chair John Ostlund told the 50 or so people in attendance at the middle school, at 900 Barrett Road.

"It's a stretch to manage the budget we have," Ostlund said, noting that the department has 30 employees and a \$9 million budget to take care of about 1,600 miles of county roads. "You're going to have to decide how to raise the money or put in a (Special Improvement District)."

The SID is probably the quickest solution, Billings City Administrator Tina Volek told task force members.

Complicating the matter along Barrett Road is the fact that the county owns and maintains 80 percent of the roadway while the City of Billings owns and maintains 20 percent.

Dave Mumford, Billings' public works director, said in an email that there's one fix on the way that will help students who live south of Barrett Road.

The department is developing what Mumford called “a small project for next summer” to complete a small section of Kyhl Lane south of the school and then install a culvert and path over the Holland Drain. That will get those students walking or biking to school to the Kiwanis Trail east of the school, which would get students directly to the school.

“That project is admirable,” said Jason Lille, Heights Task Force chair.

But many students walking or biking to the new middle school from their homes north of Barrett Road must still negotiate the trip to and from school without sidewalks.

“This is going to take a lot of coordination,” said County Commissioner Denis Pitman. “We understand the frustrations. What are the solutions?”

Tim Miller, the county’s public works director, said residents could go the route that Lockwood residents did, creating, with the county commissioners’ help, a safety district, taxing themselves to help pay for sidewalk construction and, where necessary, right-of-way acquisition.

“It’s something for you to consider,” Miller said.

Some parents suggested additional stop signs could help slow traffic near the new school. Stop signs, Volek said, can be erected only after a traffic study warrants their installation.

Lille said he was happy that school, county and city officials “have taken this to heart, realizing there is concern here on the part of Heights citizens. We’ve got a beautiful new school which has increased pedestrian and vehicle traffic on Barrett Road.”

Lew Anderson, the bond manager for Billings Public Schools, said that \$700,000 in bond funds has been spent on making routes to Billings schools safer, and plans aided by city efforts are in place to make the route to Ben Steele Middle School in the West End, which opens at the start of the 2017-18 school year, as safe as possible.

Many more students than anticipated are now riding their bikes to Medicine Crow Middle School, Anderson said.

“We put out the normal number of bike racks, but after the first week we realized we were short,” Anderson said, so additional bike racks were put in place.

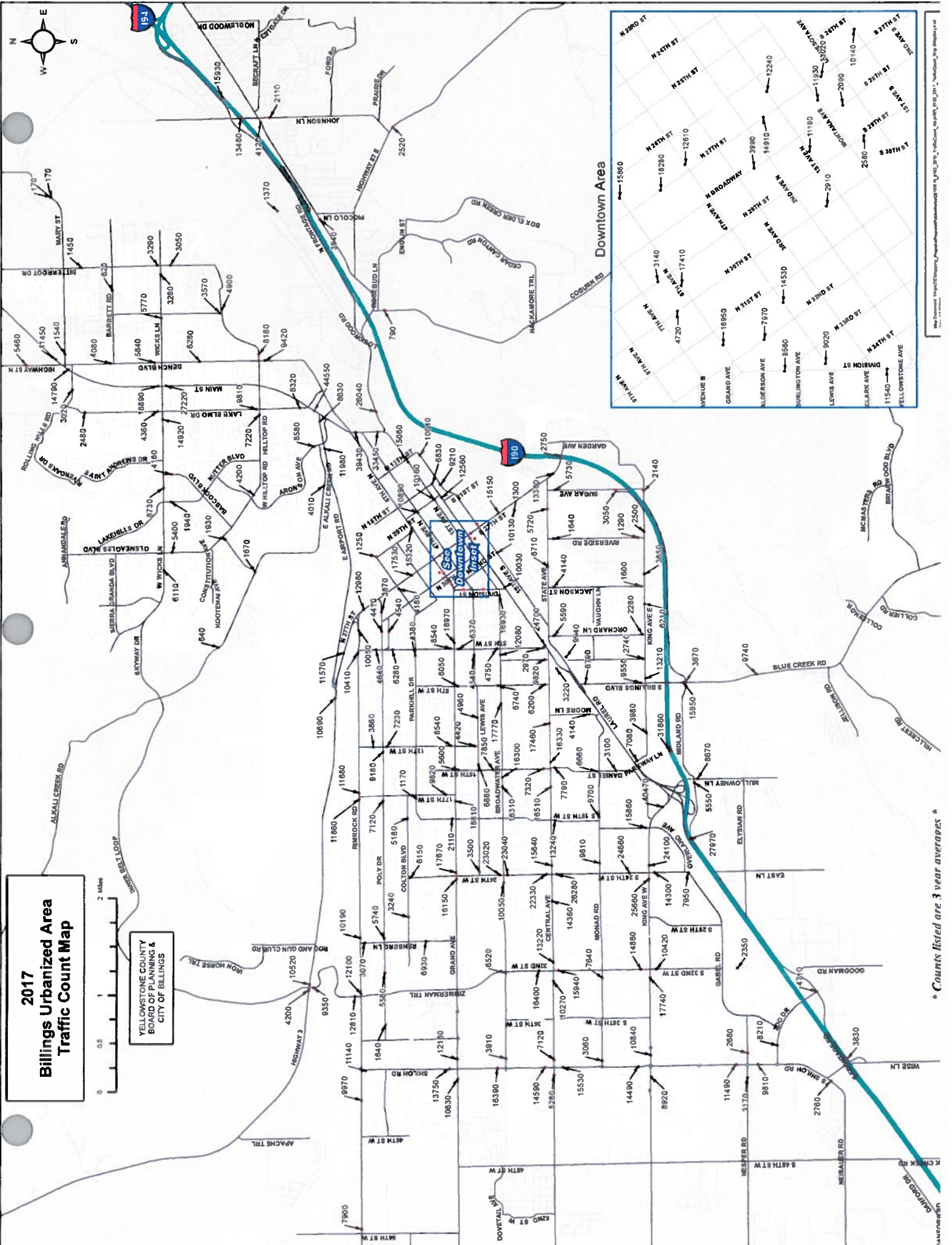
Two Billings City Council members who represent the Heights, Angela Cimmino and Larry Brewster, were present at the task force meeting.

“Our number one priority is public safety,” Cimmino told the group. “This isn’t lip service — it’s public service.”

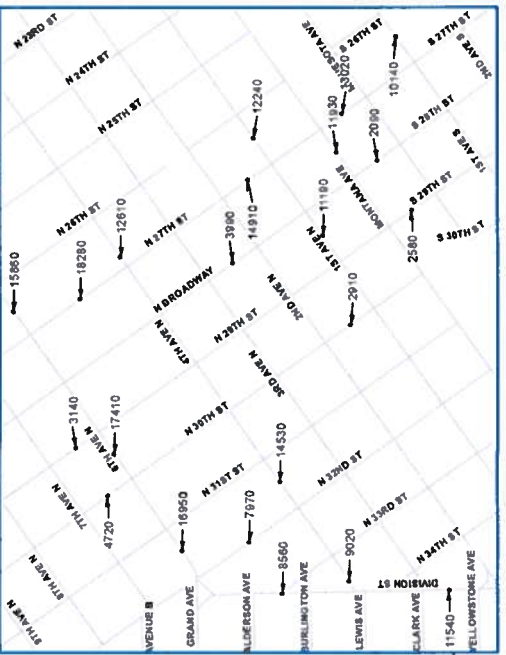
2017 Billings Urbanized Area Traffic Count Map



YELLOWSTONE COUNTY
BOARD OF PLANNING &
CITY OF BILLINGS



Downtown Area



* Counts listed are 3 year averages *

24 Traffic citations on Barrett road after community forum



24 traffic citations issued on Barrett road after community forum on safe access to Medicine Crow Middle School.

<http://billingsheights.com/24-traffic-citations-issued-barrett-road/>

Update from our Heights City Council representative Angela Cimmino. As promised at the Heights Task Force meeting last Thursday night. I contacted our Chief of Police and requested a speed trailer at Medicine Crow Middle School. The Chief immediately responded. He coordinated two STEP (Selective Traffic Enforcement Program) officers, Inde and Gilmore, to enforce traffic this past Monday at the school. The 25 mph speed limit on Barrett Road enforcement produced 24 citations and warnings. The citations involved speed, cell phone and right-of-way violations. Traffic enforcement will continue as time permits.

Fewer elementary students, more high-schoolers expected for Billings schools in next decade

- By MATT HOFFMAN mhoffman@billingsgazette.com Jan 23, 2018

http://billingsgazette.com/news/local/fewer-elementary-students-more-high-schoolers-expected-for-billings-schools/article_d8677cca-25bb-5763-915c-90fa4a56349d.html

School District 2 enrollment is expected to barely grow in the next decade, but elementary schools will see a slight decrease, according to updated enrollment projections.

The companies that prepared both the update and original report, Cropper GIS and Mckibben Demographics, first created enrollment projections for SD2 in 2012.

“You’re actually at the elementary level hitting kind of a plateau,” said demographer Jerome McKibben.

The flip side is that high schools are expected to see an increase in enrollment.

This update shaves down K-12 expectations for growth by the 2027-28 school year by about 200 students compared to the original report, but is still about 400 students more than are currently enrolled.

Projections come with a whole shaker of salt. Birth rates, trends for people moving in and out of the area, home values, and the strength of the local economy must remain stable. And they assume that Lockwood won’t vote to expand from a K-8 to K-12 school district, which will [likely be on the May ballot](#).

The report predicts significant school-to-school variability. For example, Central Heights Elementary’s enrollment would drop 17 percent using current school boundaries; Arrowhead Elementary’s enrollment would increase 15 percent.

Overall, elementary enrollment is expected to drop 1.8 percent; middle school is expected to increase 2.7 percent; high school is expected to increase 8.3 percent.

Part of the high school increase is driven by expected growth in K-8 districts, like Elder Grove, whose students attend SD2 high schools.

The report has been a major driver of district policy in the past; the original version played a starring role in the 2012 bond campaign that funded two new middle schools and districtwide elementary renovations.

But K-8 enrollment fell well short of initial projections, and McKibben revised the projections to reflect current enrollment.

“The wave of kids is actually still there, they’re just not in your schools,” McKibben told trustees in 2014.

Instead, they headed to outlying districts. Both Laurel and Elder Grove have experienced explosive enrollment growth, and projections commissioned by those districts expect the trend to continue.

District officials are eyeing high school facilities plans. While a new high school is likely off the table, a push for renovations — [especially at the Career Center](#) — seems likely.

Enrollment at Skyview and West High is expected to grow by about 300 students over the next decade. Senior High’s enrollment is expected to shrink by about 150 students.

“You have a wave aging in, and your feeder districts have a wave aging in as well,” McKibben said. “That’s the line I have the most confidence in.”

He also addressed recent facilities growth from the 2012 bond.

“You have barely caught up,” he said, citing 90 percent of capacity as an ideal operating figure.

SD2's state accreditation was threatened by overcrowded classrooms before the bond.

"Actually I think it's kind of a gift that enrollment's not going up at a steep rate," said SD2 superintendent Terry Bouck.

McKibben highlighted high school growth as the most pressing issue, suggesting that high school boundaries should be redrawn in the next decade based on the uneven growth between high schools.

"The bigger problem is, 'do you have space for 500 more kids in the high schools?'" McKibben said.



Billings Public Schools, MT Demographic Study

December 2017

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Executive Summary

1. The resident total fertility rate for the Billings Public Schools over the life of the forecasts is below replacement level. (2.04 versus replacement level of 2.1)
2. Most non-college in-migration to the district continues to occur in the 0-to-4 and 25-to-39 year-old age groups.
3. The local 18-to-24 year-old population continues to leave the district, going to college or moving to other urbanized areas. This population group accounts for the largest segment of the service area's out-migration flow. The second largest out-migration flow is the 30-to-44 year-old population moving to suburban areas.
4. The primary factors causing the district's enrollment to decline after 2024 are the large cohorts leaving after 12th grade and an increase in the number of empty nest households.
5. Changes in year-to-year enrollment (until the 2022-23 school year) will primarily be due to larger grade cohorts entering and moving through the school system in conjunction with smaller grade cohorts leaving the system.
6. The elementary enrollment will have a slight decline after the 2022-23 school year. This is due primarily to the fact that the rising 5th grade cohort will be greater than 1,250 in size.
7. The median age of the population will increase from 37.5 in 2010 to 38.7 in 2025. This is a large increase for a major urbanized area.
8. Even as the district continues to have a sustained level of new home construction, particularly compared to the 2001-2008 time period; the rate, magnitude and price of existing home sales will become the increasingly dominant factors affecting the amount of population and enrollment change.
9. Total enrollment is forecasted to increase by 464 students, or 2.8%, between 2017-18 and 2022-23. Total enrollment will decrease by 46 students, or -0.3%, from 2022-23 to 2027-28.

INTRODUCTION

By demographic principle, distinctions are made between projections and forecasts. A projection extrapolates the past (and present) into the future with little or no attempt to take into account any factors that may impact the extrapolation (e.g., changes in fertility rates, housing patterns or migration patterns) while a forecast results when a projection is modified by reasoning to take into account the aforementioned factors.

To maximize the use of this study as a planning tool, the ultimate goal is not simply to project the past into the future, but rather to assess various factors' impact on the future. A variety of factors influence the future population and enrollment changes of each school district. Not all factors will influence the entire school district at the same level. Some may affect different areas at dissimilar magnitudes and rates causing changes at varying points of time within the same district. The forecaster's judgment, based on a thorough and intimate study of the district, has been used to modify the demographic trends and factors to more accurately predict likely changes. Therefore, strictly speaking, this study is a forecast, not a projection; and the amount of modification of the demographic trends varies between different areas of the district as well as within the timeframe of the forecast.

To calculate population forecasts of any type, particularly for smaller populations such as a school district, realistic suppositions must be made as to what the future will bring in terms of age specific fertility rates and residents' demographic behavior at certain points of the life course. The demographic history of the school district and its interplay with the social and economic history of the area is the starting point and basis of most of these suppositions particularly on key factors such as the age structure of the area. The unique nature of each district's and attendance area's demographic composition and rate of change over time must be assessed and understood to be factors throughout the life of the forecast series. Moreover, no two populations, particularly at the school district and attendance area level, have exactly the same characteristics.

The manifest purpose of these forecasts is to ascertain the demographic factors that will ultimately influence the enrollment levels in the district's schools. There are of course, other non-demographic factors that affect enrollment levels over time. These factors include, but are not limited to: transfer policies within the district, student transfers to and from neighboring districts, placement of "special programs" within school facilities that may serve students from outside the attendance area, state or federal mandates that dictate the movement of students from one facility to another (No Child Left Behind was an excellent example of this factor), the development of charter schools in the district, the prevalence of home schooling in the area, and the dynamics of local private schools.

Unless the district specifically requests the calculation of forecasts that reflect the effects of changes in these non-demographic factors (such as state policy changes or economic

changes for example), their influences are held constant for the life of the forecasts. Again, the main function of these forecasts is to determine what impact demographic changes will have on future enrollment. It is quite possible to calculate special "scenario" forecasts to measure the impact of school policy modifications as well as planned economic or facility changes. However in this case the results of these population and enrollment forecast are meant to represent the most likely scenario for changes over the next 10 years in the district and its attendance areas.

The first part of the report will examine the assumptions made in calculating the population forecasts for the Billings Public Schools. Since the results of the population forecasts drive the subsequent enrollment forecasts, the assumptions listed in this section are paramount to understanding the area's demographic dynamics. The remainder of the report is an explanation and analysis of the district's population forecasts and how they will shape the district's grade level enrollment forecasts.

DATA

The data used for the forecasts come from a variety of sources. The Billings Public Schools provided enrollments by grade and attendance center for the school years 2015-2016 to 2017-18. Birth and death data for the years 2000 through 2015 were obtained from the Montana Department of Health. The net migration values were calculated using Internal Revenue Service migration reports for the years 2000 through 2016. The data used for the calculation of migration models came from the United States Bureau of the Census, 2005 to 2010, and the models were designed using demographic and economic factors. The base age-sex population counts used are from the results of the 2010 Census.

Recently the Census Bureau began releasing annual estimates of demographic variables at the block group and tract level from the American Community Survey (ACS). There has been wide scale reporting of these results in the national, state and local media. However, due to the methodological problems the Census Bureau is experiencing with their estimates derived from ACS data, particularly in areas with a population of less than 60,000, the results of the ACS are not used in these forecasts. For example, given the sampling framework used by the Census Bureau, each year only 1,400 of the over 45,000 current households in the district would have been included. For comparison 6,600 households in the district were included in the sample for the long form questionnaire in the 2000 Census. As a result of this small sample size, the ACS survey result from the last 5 years must be aggregated to produce the tract and block group estimates.

To develop the population forecast models, past migration patterns, current age specific fertility patterns, the magnitude and dynamics of the gross migration, the age specific mortality trends, the distribution of the population by age and sex, the rate and type of existing housing unit sales, and future housing unit construction are considered to be primary variables. In addition, the change in household size

relative to the age structure of the forecast area was addressed. While there was a slight drop in the average household size in the Billings Public Schools as well as most other areas of the state during the previous 20 years, the rate of this decline has been forecasted to slow over the next ten years.

ASSUMPTIONS

For these forecasts, the mortality probabilities are held constant at the levels calculated for the year 2010. While the number of deaths in an area are impacted by and will change given the proportion of the local population over age 65, in the absence of an extraordinary event such as a natural disaster or a breakthrough in the treatment of heart disease, death rates rarely move rapidly in any direction, particularly at the school district or attendance area level. Thus, significant changes are not foreseen in district's mortality rates between now and the year 2027. Any increases forecasted in the number of deaths will be due primarily to the general aging of the district's population and specifically to the increase in the number of residents aged 65 and older.

Similarly, fertility rates are assumed to stay fairly constant for the life of the forecasts. Like mortality rates, age specific fertility rates rarely change quickly or dramatically, particularly in small areas. Even with the recently reported rise in the fertility rates of the United States, overall fertility rates have stayed within a 10% range for most of the last 40 years. In fact, the vast majority of year to year change in an area's number of births is due to changes in the number of women in child bearing ages (particularly ages 20-to-29) rather than any fluctuation in an area's fertility rate.

The resident total fertility rate (TFR), the average number of births a woman will have while living in the school district during her lifetime, is estimated to be 2.04 for the total district for the ten years of the population forecasts. A TFR of 2.1 births per woman is considered to be the theoretical "replacement level" of fertility necessary for a population to remain constant in the absence of in-migration. Therefore, in the absence of any migration into or out of the district, fertility alone would not be sufficient to maintain the current level of population and enrollment within the Billings Public Schools over the course of the forecast period.

A close examination of data for the Billings Public Schools has shown the age specific pattern of the non-college net migration will be nearly constant throughout the life of the forecasts. While the number of in and out migrants has changed in past years for the Billings Public Schools (and will change again over the next 10 years), the basic age pattern of the migrants has stayed nearly the same over the last 30 years. Based on the analysis of data it is safe to assume this age specific migration trend will remain unchanged into the future. This pattern of migration shows that the largest of the local out-migration occurring in the 18-to-24 year-old age group as young adults leave the area to go to college or move to other urbanized areas. A second group of out-migrants are those householders aged 30-to-44 years old that move to the outlying suburban areas. Most of the non-college local in-migration

occurs in the 0-to-4 and 20-to-29 age groups (the bulk of the which come from areas within 150 miles of the Billings Public Schools) primarily consisting of younger adults and their children.

As Yellowstone County is not currently contemplating any major expansions or contractions, the forecasts also assume that the current economic, political, social, and environmental factors, as well as the transportation and public works infrastructure (with a few notable exceptions) of the Billings Public Schools and its attendance areas will remain the same through the year 2027. Below is a list of assumptions and issues that are specific to the Billings Public Schools. These issues have been used to modify the population forecast models to more accurately predict the impact of these factors on each area's population change. Specifically, the forecasts for the Billings Public Schools assume that throughout the study period:

- a. The national, state or regional economy does not go into deep recession at any time during the 10 years of the forecasts; (Deep recession is defined as four consecutive quarters where the GDP contracts greater than 1% per quarter)
- b. Interest rates have reached a historic low and will not fluctuate more than one percentage point in the short term; the interest rate for a 30 year fixed home mortgage stays below 5.0%;
- c. The rate of mortgage approval stays at 1999-2003 levels and lenders do not return to "sub-prime" mortgage practices;
- d. There are no additional restrictions placed on home mortgage lenders or additional bankruptcies of major credit providers;
- e. The rate of housing foreclosures does not exceed 125% of the 2005-2007 average of Yellowstone County for any year in the forecasts;
- f. All currently platted and approved housing developments are built out and completed by 2026. All housing units constructed are occupied by 2027;
- g. The unemployment rate for Yellowstone County will remain below 7.5% for the 10 years of the forecasts;
- h. The rate of students transferring in to and out of the Billings Public Schools will remain at the 2013-14 to 2017-18 average;
- i. No additional private or charter school opens in the district over the next 10 years;
- j. The Lockwood School District doesn't become a K-12 district anytime in the next 10 years;
- k. No existing private or charter school closes in the district over the next 10 years;
- l. The State of Montana does not change the current policies on school vouchers or open enrollment over the next 10 years;
- m. The inflation rate for gasoline will stay below 5% per year for the 10 years of the forecasts;
- n. There will be no building moratorium within the district;

- o. Businesses within the district and the Billings Public Schools area will remain viable;
- p. The number of existing home sales in the district that are a result of "distress sales" (homes worth less than the current mortgage value) will not exceed 20% of total homes sales in the district for any given year;
- q. Housing turnover rates (sale of existing homes in the district) will remain at their current levels. The majority of existing home sales are made by home owners over the age of 60;
- r. Private school and home school attendance rates will remain constant;
- s. The rate of foreclosures for commercial property remains at the 2004-2008 average for Yellowstone County;

If a major employer in the district or in the greater Billings Metropolitan Area closes, reduces, or expands its operations, the population forecasts would need to be adjusted to reflect the changes brought about by the change in economic and employment conditions. The same holds true for any type of natural disaster, major change in the local infrastructure (e.g., highway construction, water and sewer expansion, changes in zoning regulations etc.), a further economic downturn, any additional weakness in the housing market or any instance, or situation that causes rapid and dramatic population changes that could not be foreseen at the time the forecasts were calculated.

The high proportion of high school graduates from the Billings Public Schools that attend college or move to urban areas outside of the district for employment is a significant demographic factor. Their departure is a major reason for the extremely high out-migration in the 18-to-24 age group, and was taken into account when calculating these forecasts. The out-migration of graduating high school seniors is expected to continue over the period of the forecasts and the rate of out-migration has been forecasted to remain the same over the life of the forecast series.

Finally, all demographic trends (i.e., births, deaths, and migration) are assumed to be linear in nature and annualized over the forecast period. For example, if 1,000 births are forecasted for a 5-year period, an equal number, or proportion of the births are assumed to occur every year, 200 per year. Actual year-to-year variations do and will occur, but overall year to year trends are expected to be constant.

METHODOLOGY

The population forecasts presented in this report are the result of using the Cohort-Component Method of population forecasting. (Siegel, and Swanson, 2004: 561-601) (Smith et. al. 2004) As stated in the INTRODUCTION, the difference between a projection and a forecast is in the use of explicit judgment based upon the unique features of the area under study. Strictly speaking, a cohort projection refers to the future population that would result from a mathematical extrapolation of historical trends. Conversely, a cohort-

component forecast refers to the future population that is expected because of a studied and purposeful selection of the components of change (i.e., births, deaths, and migration) and forecast models are developed to measure the impact of these changes in each specific geographic area.

Five sets of data are required to generate population and enrollment forecasts. These five data sets are:

1. a base-year population (here, the 2010 Census population for Billings Public Schools and its attendance areas);
2. a set of age-specific fertility rates for the district to be used over the forecast period and its attendance areas;
3. a set of age-specific survival (mortality) rates for the district and its attendance areas;
4. a set of age-specific migration rates for the district and its attendance areas; and;
5. the historical enrollment figures by grade.

The most significant and difficult aspect of producing enrollment forecasts is the generation of the population forecasts in which the school age population (and enrollment) is embedded. In turn, the most challenging aspect of generating the population forecasts is found in deriving the rates of change in fertility, mortality, and migration. From the standpoint of demographic analysis, the Billings Public Schools is classified as a "small area" population (as compared to the population of the state of Montana or to that of the United States). Small area population forecasts are more complicated to forecast of the migration calculate because local variations in fertility, mortality, and migration may be more irregular than those at the regional, state or national scale. Especially challenging is the rates for local areas, because changes in the area's socioeconomic characteristics can quickly change from past and current patterns. (Peters and Larkin, 2002)

The population forecasts for Billings Public Schools were calculated using a cohort-component method with the populations divided into male and female groups by five-year age cohorts that range from 0-to-4 years of age to 85 years of age and older (85+). Age- and sex-specific fertility, mortality, and migration models were constructed to specifically reflect the unique demographic characteristics of each of the attendance areas in the Billings Public Schools.

The enrollment forecasts were calculated using a modified average survivorship method. Average survivor rates (i.e., the proportion of students who progress from one grade level to the next given the average amount of net migration for that grade level) over the previous five years of year-to-year enrollment data were calculated for grades two through twelve. This procedure is used to identify specific grades where there are large numbers of students changing facilities for non-demographic factors, such as private school transfers or enrollment in special programs.

The survivorship rates were modified or adjusted to reflect the average rate of forecasted in and out migration of 5-to-9, 10-to-14 and 15-to-17 year-old cohorts to each of the

attendance centers in Billings Public Schools for the period 2010 to 2015. These survivorship rates then were adjusted to reflect the forecasted changes in age-specific migration the district should experience over the next five years. These modified survivorship rates were used to project the enrollment of grades 2 through 12 for the period 2015 to 2020. The survivorship rates were adjusted again for the period 2020 to 2025 to reflect the predicted changes in the amount of age-specific migration in the district for the period.

The forecasted enrollments for kindergarten and first grade are derived from the 5-to-9 year-old population of the age-sex population forecast at the elementary attendance center district level. This procedure allows the changes in the incoming grade sizes to be factors of forecasted population change and not an extrapolation of previous class sizes. Given the potentially large amount of variation in kindergarten enrollment due to parental choice, changes in the state's minimum age requirement, and differing district policies on allowing children to start kindergarten early, first grade enrollment is deemed to be a more accurate and reliable starting point for the forecasts. (McKibben, 1996) The level of the accuracy for both the population and enrollment forecasts at the school district level is estimated to be $\pm 2.0\%$ for the life of the forecasts.

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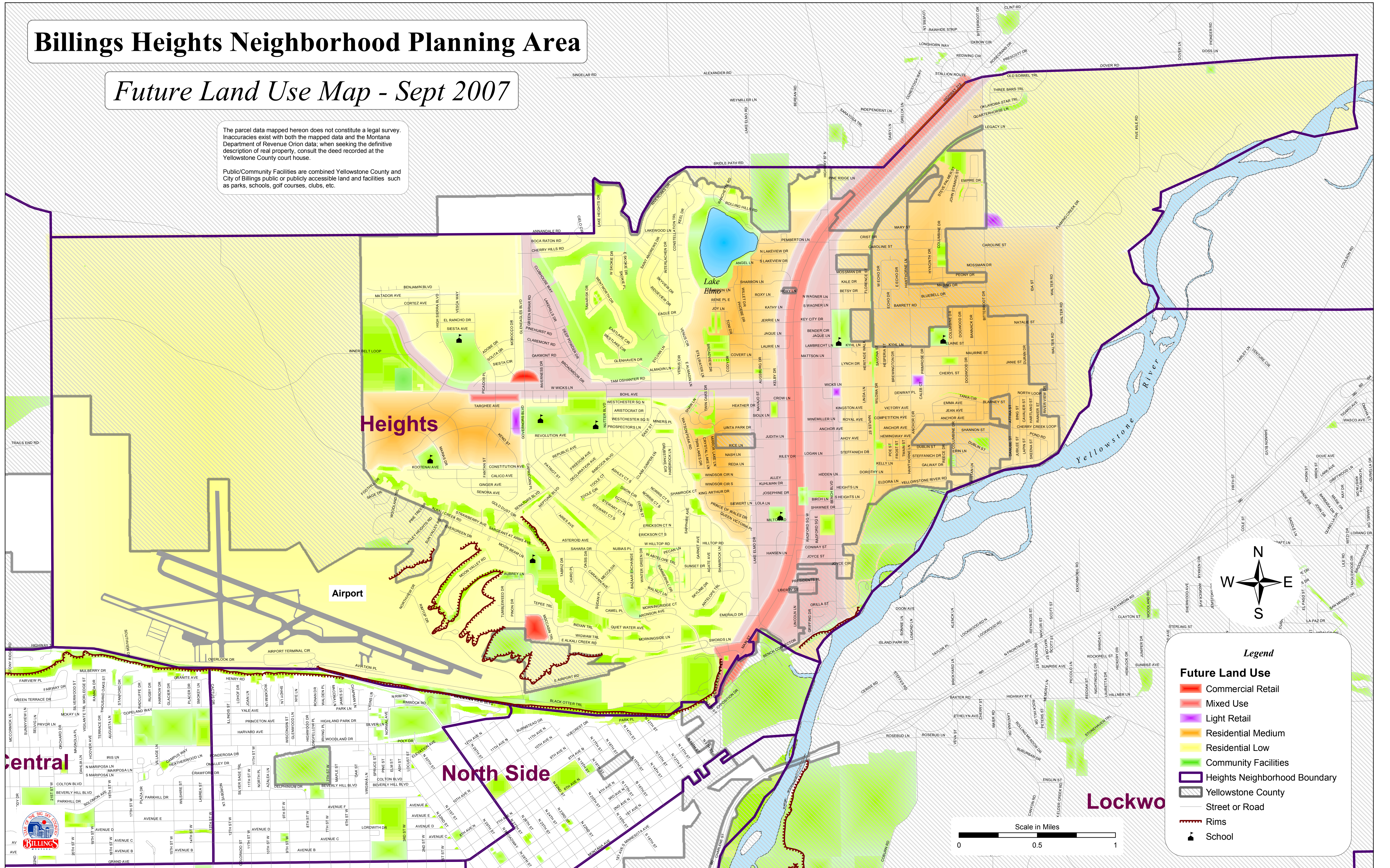
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Billings Heights Neighborhood Planning Area

Future Land Use Map - Sept 2007

The parcel data mapped hereon does not constitute a legal survey. Inaccuracies exist with both the mapped data and the Montana Department of Revenue Orion data; when seeking the definitive description of real property, consult the deed recorded at the Yellowstone County court house.

Public/Community Facilities are combined Yellowstone County and City of Billings public or publicly accessible land and facilities such as parks, schools, golf courses, clubs, etc.



Legend

- Commercial Retail
- Mixed Use
- Light Retail
- Residential Medium
- Residential Low
- Community Facilities
- Heights Neighborhood Boundary
- Yellowstone County
- Street or Road
- Rims
- School

