

Application

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 689 - Project # PZ-18-00113

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

Present Zoning: Agricultural-Open (A-1)

Proposed Zoning: Residential 15,000 (R-150)

Tax ID # D00910A COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S 28, T01 S, R25 E, C.O.S. 3185, Parcel 2

Address or General Location (If unknown, contact County Public Works): _____

Neibauer Road And 56th Street West - thKa MacKenzie Meadows Sub.

Size of Parcel (Area & Dimensions): 87.361 acres ~ 45 acres within zoning boundary

Present Land-Use: Agricultural Open (A-1)

Proposed Land-Use: Residential 15,000 (R-150)

Covenants or Deed Restrictions on Property: Yes X No _____

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): Samm LLC / David Wagner

(Recorded Owner) 2225 S 54th Street W Billings, MT 59106

(Address) 406-656-0980 samsparks@elitemechanical.com

(Phone Number) (email)

Agent(s): Blueline Engineering Marshall Phil

(Name) 2110 Overland Avenue suite 119 B Billings MT, 59102

(Address) 406-294-2294 mphil@blueline-eng.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: Shirley Mae Wagner Date: 6-22-18
(Recorded Owner)

July 2, 2018

Planning & Community Services Department
2825 3rd Ave North, 4th Floor
Billings, MT, MT 59101

To Whom It May Concern:

We are submitting this Zone Change Application for the following: C.O.S. 3185, Parcel 2, Section 28, T. 1S., R.25 E., P.M.M. in Yellowstone County, Montana (Tax ID # D00910A); The following paragraphs are in response to the questions found within the City Zone Change Application.

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

The rezoning of this property supports the Growth Policy in the following ways:

- a. Land use Element Goal #1 preserve neighborhood integrity with similar uses. Empower neighborhood groups with an HOA.
- b. Land Use Element Goal #3 using County resources and services by already patrolling the area. Schools have stated they have the capacity for this subdivision.
- c. Land Use Element Goal #4 BBWA buffer with adjacent trail will ensure the continued functionality of natural systems. Walking paths will create attractive communities.
- d. Land Use Element Goal#2 this subdivision was designed to be compatible uses of R-15 & Ag Sub.
- e. Economic Development Element #1 walking trails will be throughout the subdivision to improve quality of life.
- f. Economic Development Element #4 Storm water, sewer and water are all contained on the lots for efficient infrastructure. Public services are very close to existing homes to respond to public service needs in a timely manner.
- g. Economic Development Element #6 163 homes to be built in the subdivision which will create living-wage jobs and attract skilled labor position.
- h. Economic Development Element #9 HOA and trails will empower neighborhood.
- i. Aesthetics Element Goal # 1 A nice entrance, homes and trails into the subdivision will improve the image and install pride in the community.

- j. Aesthetics Element Goal # 2 there are no obstructed views of the rimrocks surrounding the City of Billings.
 - k. Natural Resources Element Goal #1 DEQ approval will ensure high quality water and trails will be a accessible for recreational use.
 - l. Natural Resources Element Goal #2 DNRC will protect public health. Groundwater recharge locations to reduce the cost of groundwater remediation.
 - m. Natural Resources Element Goal #3 controlled vegetation will minimize loss of life and property damage resulting from wildfires.
 - n. Natural Resources Element Goal #4 weed plan is in place to control the weed population.
 - o. Natural Resources Element Goal #6 area is already patrolled to protect public health in a cost-effective manner.
 - p. Open Space and Recreation Element #1 HOA and parks RSID will provide well maintained and equipped neighborhood parks.
 - q. Transportation Element #1 there are trails and sidewalks to separate pedestrians.
 - r. Transportation Element #5 there are multiple connections to Abby Road to improve internal traffic. Abby connects to two arterials.
 - s. Public Facilities and Services Element #2 covenants have been written to control building size and appearance to mimic neighborhood qualities.
 - t. Community Health Element #3 some of the roads in the subdivision will have sidewalks and there will be trails throughout the subdivision for pedestrians.
2. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The existing zoning of C/S 3185, is listed as Agricultural-Open. The proposed subdivision does not adhere to the minimum lot size needed for dwelling units on an A-1 zoned parcel. Because this subdivision will be located outside of city limits and will have individual w54ater and sewer systems, the zoning required and requested will be Residential 15,000. There will be more public land dedicated than is required. As previously stated, the developments in the area consist of one acre lots and R-15,000. This subdivision will be consistent with this neighboring community.

Additional information and materials specified within the Application forms are included in those forms and/or attached to this letter. We thank you very much for your continued support on this request, and for your consideration of our re-zoning application. Please feel free to contact me at (406) 294-2294 if you have any questions.

Sincerely,


Marshall Phil

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** Agricultural Open _____
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: 87.361 acres is the size of the entire Parcel. The portion being rezoned from Agricultural Open (A-1) to Residential 15,000 (R-150) is 47 acres
3. **Subject Property Map:** please attach to this form _____
4. **Legal Description of Property:** S 28, T01 S, R25 E, C.O.S. 3185, Parcel 2
5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form _____
6. **A copy of the meeting notice.** please attach to this form _____
7. **A brief synopsis of the meeting results.** please attach to this form _____
8. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 25th, day of JUNE, 2018.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Samm LLC / DAVID WAGNER Telephone: (406) 656-0980
Address: 2225 S 54th Street West Email: samsparks@elitemachanical.com
Billings MT, 59106

Agent (s): Blueline Engineering Telephone: (406) 294-2294
Address: 2110 Overland Avenue Suite 119B Email: mphil@bluelin-eng.com
Billings MT, 59102

All attendees were handed a copy of the major subdivision plan.

Marshall Phil with Blueline Engineering explained that the Zone Change request was a change from Agricultural Open to Residential 15000. The Zone Change is not for the entire property, but from approximately the middle of Abby Road to the east at the BBWA.

There are 163 residential lots and 24 commercial lots.

Questions from people:

1. Pat Weber asked about duplex use. Answer, the intent of the subdivision is to limit development to single family homes. The DEQ approval for the subdivision will limit each lot to one single family home.
2. Deann Raey had a water question. Answer, there will be a combination of single and shared wells.
3. Wyneta had another water question. They have a 17 year old home. Put in a cistern when the Lorenz Subdivision came in. Answer, all water rights will be reviewed by the DNRC.
4. Follow up questions from Deann asking how many acres per well. Answer, the acres per well varies due to lot size. There will be single and shared wells.
5. Shirley Mansfield, are we filing with the state who gets water first? Answer, the DNRC determines water rights.
6. Nancy Harris, did we contact the city about extending water and sewer/What happens if the city annexes in the future? Answer, this area is outside of the City's planned Annexation and extension of water and sewer. It is possible that the property could be annexed in the future.
7. Sheila Hancock, wants well locations and requirements for wells being located. Answer, wells must be within 100' of the boundary of the subdivision and must be drilled to a depth of 25'.
8. Sharon T. When are the test well being drilled. Answer, they were drilled and test last week.
9. Don Rudio, made a comment about a little pump/didn't understand how the sewer system could be uphill from the home. Explained that there will be more than one pump test and that the sewer systems are pressurized, so it can flow uphill.
10. Debra Jullian, what was the recovery time on the wells/what if it doesn't pass? Answer, as I remember the full recovery was 8 hours. Then cisterns could be installed.
11. Donna B., what kind of sewer systems? Answer, most of the systems will be multi user pressure dosed designs. There will be several single-family systems that are gravity or pressure designs.
12. Shawn T., is there a formula for water wells and When can they see the pump test results. Answer, there are several formulas to use for the water rights process, but that is difficult to share in this meeting. The pump test results will be available soon.
13. Pat Weber, the date of the next meeting is August 13, we have concerns with water rights, wildlife, well water system and sewer. Answer, the DNRC controls water quantity and the DEQ controls water quality. We are following the rules and regulations that those departments require. There are many other subdivisions in the area and wildlife find their place in the environment.
14. Shirley M, what about lead in the sewer system. Answer, I am not sure how to answer the question, other than that lead in the sewer system is not a design criteria for the DEQ in residential design.
15. Jen, how was sewage and water system designed? Answer, we have worked with the DEQ on numerous projects and know what requirements they follow. All sewer and water designs follow their design Circulars.

16. John Caster, if DEQ turns us down, then what? Answer, then we will regroup and try a different approach.
17. Sheila Hancock, why no Geotech report? Answer, the County Regulations do not require one.
18. Rudio, what are we doing about weeds? The owner has contracted with a company to treat the entire property.
19. Deb, are you going to be cautious about using similar plant? Answer, a landscaping company has been contacted to make recommendations for plantings within the park areas.
20. Wanita Mace, is there a traffic study, what does it say? Answer, there was one completed in 2014 and an update to that study is being completed. It did not require any improvements to the offsite streets. We will see what the updated study says.
21. Sharon, if there is going to be a gym in the large commercial building, will all sewer and water be considered? Answer, yes, those flow rates are being factored into the designs and permitting.
22. Deb, what if there is traffic cutting through the main road. Answer, it is anticipated that there will be some traffic through the project. Abby is considered a collector road.
23. Tanya, we have some traffic coming through our subdivision, this project should pay for a gated roadway. Answer, if they have a traffic problem now, they can contact the county commissioners to see about a gate. Since it is an existing problem, this subdivision should not be required to pay for the request.
24. Pat W, what is an overview of the commercial area plan? Answer, the plan is for commercial uses with outside storage.
25. Jen, the area and schools are stressed now, would you add an impact fee to this subdivision? Answer, the increase in taxes that you are referring to should be a community issue.
26. Cindy Wagner, who is supporting the Wagners as the current landowner? Answer, SAMM, LLC is the developer that has a contract with the Wagners.
27. Cindy, if you are putting in the subdivision, who is doing the studys? Answer, Blueline is working on sewer, water and storm drain. Dowl is doing traffic.
28. Jerry Young, it is a pain to look at houses. This was more of a discussion about the unfinished home.
29. Tanya, we have to be patient? We have been looking at it for 5 years.
30. Jackie M., patient about water.
31. Unknown, walk us through the steps. Answer, DEQ and DNRC are reviewing the designs and we must wait for their review. Once the approval letters are in place we will file the plat.
32. Deb, is riverstone health involved? Answer, yes they are. In the review and construction processes. I see for sale signs, how much are the lots? Answer, in the range of \$75,000.
33. Tanya, you don't finish anything.
34. Jackie, is there going to be an ice arena? Answer, there has not been a commitment to anything at this time.
35. Pat W., is there any buffering consideration? Answer, the zone change is a type of buffering. There is no requirement for a buffering west of the zone change.
36. Darren, are there covenants? Answer, yes, but we don't have a copy here with us tonight. They are similar to the Greensleeves.
37. Sharon, follow up discussion on the same.
38. Tanya, who enforces covenants? Answer, they are between the homeowners.
39. Jen, is there a house completion requirement? Answer, there is something in the covenants about completion within a year, but the exact language would need to be reviewed.
40. Sharon, is there allowed business in the single family? Answer, a home office is allowed, but not a business with work vehicles and equipment.

41. Jen and Tanya, would you consider changing the park location? Answer, at this time we are too far along to make that change. It would require a complete resubmittal.
42. Pat W., will the grass be mowed? Answer, yes it will, through an RSID.
43. Sharon, what kind of septic system and bus pull over? The sewer designs are pressure dosed systems. There would be space within the subdivision for a bus to pull over.
44. Sharon, concern about doing this-cause they want their quality of life not to change. Answer, this subdivision will have similar uses the surrounding areas.
45. Jen, what quality will this subdivision be? Answer, would like to see home values in the area maintained.
46. Sharon, is this project a done deal? Answer, no, not until we have all approvals in hand.
47. Darren, what are the boxes near the entrance and mixing zones? Answer, the area near the entrance is for mail delivery/pickup. The mixing zones are the long lines that flow to the SE.
48. Clint, the road is turning on Neibauer, is there a turn lane? Answer, the traffic study does not indicate it is required.
49. Rudio, there is already traffic problems. Answer, the roads are designed to handle the traffic and at times there are improvements to the county roads as it is needed.
50. Tanya, wants the road report. Answer, all of the design is public record through planning, DEQ, etc. We can make them available to those interested.
51. Cindy, SAMM, LLC is the one doing the traffic study.
52. Jen, the roads are 60 mph and it is too fast. Answer, if you feel that the speed should be reduced, then as a neighborhood, you can approach the county to consider a reduction.
53. Sheila, zoning of the first 4 lots vs the rest? Answer, the first 4 lots are outside of the zoning jurisdiction.
54. Jen, will this be paved? Answer, yes.
55. Sheila, time line regarding covenants? Answer, they have been written and submitted to the county.
56. Sheila, thank you for your professional attitude.

Conclusion of the meeting.

PLAT OF
MACKENZIE MEADOWS SUBDIVISION, 1ST FILING
 BEING THE AMENDED TRACT 2, CERTIFICATE OF SURVEY NO. 3185
 IN SECTION 28, T. 1 N., R. 25 E., P.M.A.
 YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: S&M, LLC
 SURVEYOR: NORTH STAR LAND SERVICES, P.C.
 ENGINEER: BLUELINE ENGINEERING LLC
 JULY 1, 2018
 BILLINGS, MONTANA

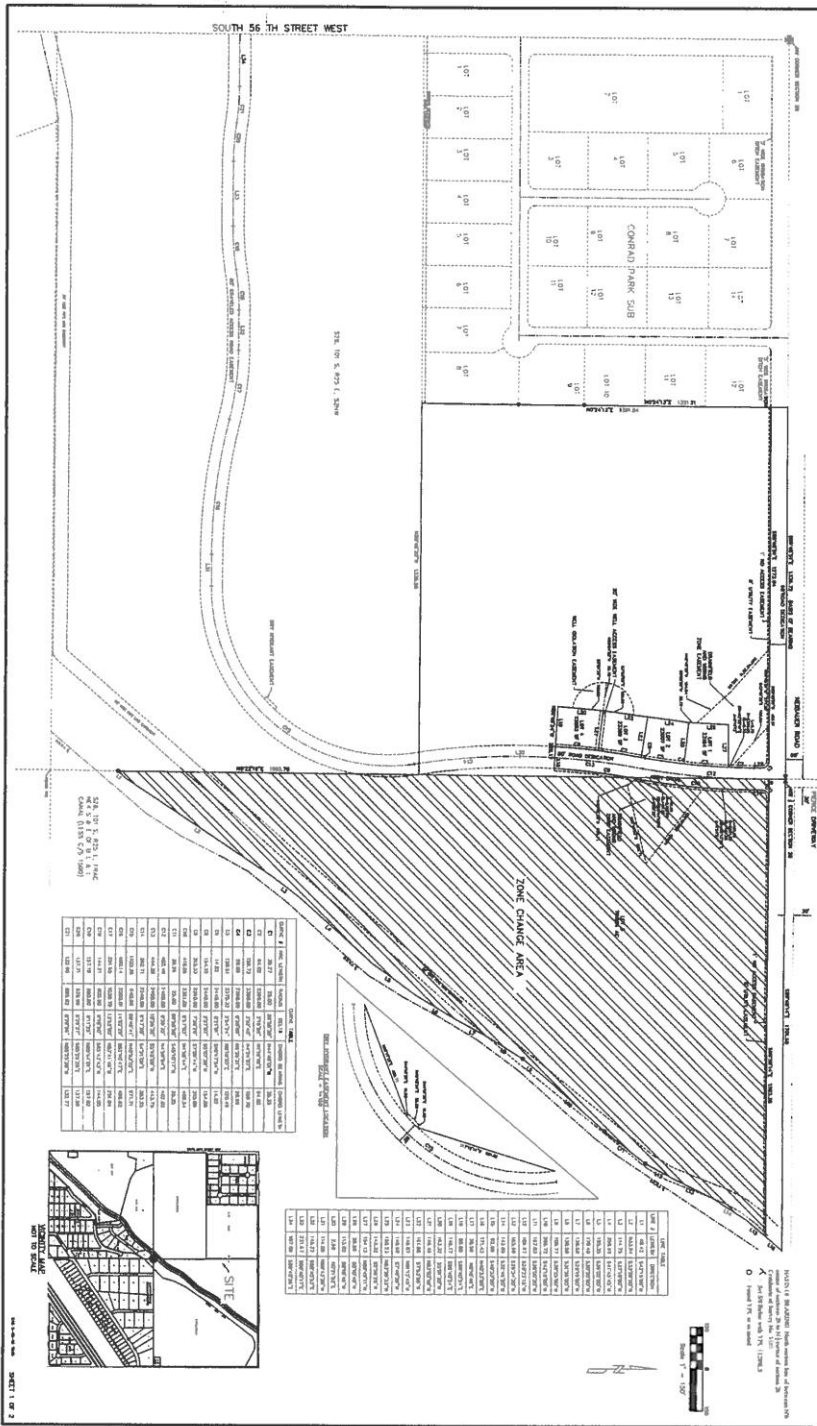


TABLE 1: LOT DATA

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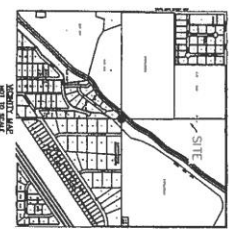


TABLE 2: LOT DATA

LOT NO.	AREA (SQ. FT.)	AREA (AC.)
201	10,000	0.2296
202	10,000	0.2296
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204	10,000	0.2296
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SCALE: 1" = 400' (AS SHOWN)
 SHEET 1 OF 2