



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



AGENDA

September 25, 2018 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MOTION. MEETING MINUTES:** SEPTEMBER 11, 2018
4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. **PRESENTATION. DISCUSSION. LOCKWOOD TEDD COPREHENSIVE DEVELOPMENT PLAN.** Diane Lehm, Big Sky Economic Development District, presenting.
8. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).

- a. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!

- 1. **PUBLIC HEARING. MOTION/RECOMMENDATION TO CITY COUNCIL. COPPER RIDGE SUBDIVISION, 8TH FILING. Dave Green, Planner II, presenting.**
- 2. **PUBLIC HEARING. MOTION/RECOMMENDATION TO CITY COUNCIL. HIGH SIERRA SUBDIVISION, 12TH FILING. Dave Green, Planner II, presenting.**
- 3. **PUBLIC HEARING. MOTION/RECOMMENDATION TO BOCC. SHOP WORLD 1 SUBDIVISION. Dave Green, Planner II, presenting.**

9. **OTHER BUSINESS:**

- a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
- b. ANNOUNCEMENT: THE PLANNING AND COMMUNITY SERVICES OFFICE WILL BE CLOSED ON MONDAY, OCTOBER 8, 2018 TO OBSERVE THE COLUMBUS DAY HOLIDAY. THE NEXT SCHEDULED PLANNING BOARD MEETING WILL BE HELD AS LEGALLY ADVERTISED AND ANNOUNCED ON WEDNESDAY, OCTOBER 10, 2018.

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR WEDNESDAY, OCTOBER 10, 2018

- a. **PRESENTATION. PUBLIC HEARING. MOTION/RECOMMENDATION.
LOCKWOOD TEDD COMPREHENSIVE DEVELOPMENT PLAN. Diane Lehm, Big Sky
Economic Development, presenting.**

- b. **PRESENTATION/DISCUSSION. 2018 LONG RANGE TRANSPORTATION PLAN.
Scott Walker, Transportation Coordinator, Presenting.**

Public Hearing Participation Guidelines

The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: **Address the Planning Board directly. You must state your name and address before commenting.** This is an opportunity to explain how you will be affected by the decision and why that is an important consequence.

1. Be informed of the process and the requirements of the Board. If you are commenting about a subdivision, please limit your comments to the review criteria.

By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). These criteria include:

- Effect on agriculture and agricultural water user facilities
- Effect on local services
- Effect on the natural environment
- Effect on wildlife and wildlife habitat
- Effect on public health and safety

2. Provide specific information about why you are concerned about the pending application, how the decision will impact the review criteria listed above, and provide suggestions on how to minimize or eliminate the impact.
3. Respect the right of others to participate. Wait until the previous speaker has completed their comments before making your own comments. Do not talk over the person commenting or with other people in attendance.
4. The public hearing is not an opportunity to question or accuse the applicant or their agent. If you have questions of the Board, the applicant or the agent, ask the question directly to the Board during the public hearing portion of the meeting. The Board will respond or request the applicant or agent to respond after the public comment portion of the hearing is closed.
5. After the public comment portion of the hearing is closed, no further comments are allowed unless you are addressed directly by a Board member.
6. You should expect the Board to make a balanced recommendation in accordance with its statutory responsibilities. The Board's ability to make reasonable and thoughtful recommendations is dependent on a fair consideration of everyone's interests.

Thank you for participating.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 09/25/2018

Information

Subject

MOTION. MEETING MINUTES: SEPTEMBER 11, 2018

Attachments

PlnBMinutes_2018_09_11_DRAFT

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Board Attendance Roster: Please note: "E" stands for excused absence, "A" stands for un-excused absence, "1" stands for present. **BYLAWS, YELLOWSTONE COUNTY BOARD OF PLANNING, (Amended, May 25, 2004) Section 4. Absences and Removal A.** Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term. Schedule: (** denotes a Wednesday meeting)

	Position	01/09/2018	01/23/2018	02/13/2018	02/27/2018	03/13/2018	03/27/2018	04/10/2018	04/24/2018	05/08/2018	05/22/2018	06/12/2018	06/26/1208	07/10/2018	07/24/2018	08/14/2018	08/28/2018	09/11/2018						
Dave Goodridge	Mayor/Billings Ward I	1	1	1	1	E	E	-	E	E	E	1	E	1	1	1	-	E						
Matt Macrow	Mayor/Billings Ward II	E	1	1	1	1	1	-	E	1	1	1	1	1	1	E	-	1						
LaVerne Bass	Mayor/Billings Ward III	1	1	1	E	E	E	-	1	E	E	E	A	A	E	1	-	1						
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	E	1	E	-	1	1	1	1	1	1	1	1	-	1						
John Thompson	Mayor/Billings Ward V	-	-	-	-	-	-	-	1	1	1	1	1	1	E	1	-	E						
Troy Boucher	YC District 1	1	1	1	1	1		-	E	E	1	1	-	E	A	E	-							
Dennis Cook	YC District 2	1	1	1	1	1	1	-	1	1	1	1	1	1	1	1	-	1						
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-						
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-						
Woody Woods	YC District 5	1	E	1	1	1	1	-	1	1	1	1	1	1	1	1	-	1						
Vacant	YC District 6	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-						
Vacant	YC District 7	-	1	-	-																			
Jerry Williams	Y County Cons. District	-	1	-	1	1	1	-	1	E	1	1	1	E	E	E	-	1						
Scott Reiter	Ex-Officio SD2	E	A	A	E	A		-	E	E		E	E	A	A	-	-							

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

SEPTEMBER 11, 2018

Draft-To be approved by a motion on September 25, 2018

Call the Meeting to Order

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, September 11, 2018, in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

President Tunncliff called for introductions of the members of the Planning Board and staff.

Attending Planning staff members: Dave Green, Planner II; Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works Department

Others in Attendance: Landy Leep, Oakland Companies; Mac Fogelsong, Sanderson Stewart; Gary Oakland, Oakland Companies; Levi Britton; Kolten Knatterud; Jim Tuell; Loui Tuell

Approval of the September 11, 2018 Agenda

Motion:

Board member Cook made a motion and it was seconded by Board member Bass to approve the September 11, 2018 meeting agenda as submitted. The motion was approved with a unanimous voice vote.

Approval of Minutes: August 14, 2018

Motion

Motion was made by Board member Macrow and seconded by Board member Woods to approve the August 14, 2018 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Public Comment: President Tunncliff asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There is no public comment.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

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

7. OLD BUSINESS: There is no Old Business

8. NEW BUSINESS

8a. Plat Review/Board Discussion. Copper Ridge Subdivision, 8th Filing. Dave Green, Planner II, presenting.

Dave Green opened this agenda item with a staff presentation.

INTRODUCTION

On August 1, 2018, Sanderson Stewart, agent for Gary Oakland, applied for preliminary major plat approval for Copper Ridge Subdivision, 8th Filing. The proposed subdivision creates 76 new lots for residential development. The subject property is generally located on the north side of Rimrock Road, east of 70th Street West, and west of the existing Copper Ridge Subdivision. The property is zoned Residential-5000 (R-50). The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on September 25, 2018.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 8th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED No variances from the City Subdivision Regulations have been requested.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To minimize the effects on local services and protect health and safety of future residents prior to final plat approval the applicant will submit to City Engineering for review and approval of the proposed water, sewer and storm water infrastructure to be used in Copper Ridge 8th Filing.
2. To minimize effects on local services and to provide for sidewalks throughout the proposed subdivision prior to final plat approval, the applicant will include an language in the SIA that they will be installing sidewalk along the road along the frontage of Lot 9, Block 3 in the subdivision.
3. To ensure correct procedure for providing a cash in lieu contribution prior to final plat approval, the applicant will follow the Billings Subdivision Regulations

Page 3 of 8

PlnBMinutes_2018_09_11_DRAFT

Reviewed by Planning Staff

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Section 23-1006 to determine the correct procedure and amount of the contribution to the City for park land cash contribution.

4. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
5. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
6. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Discussion:

President Tunnicliff asked the members of the Board for questions or discussion. There was none. President Tunnicliff called for presentation by the applicant.

Gary Oakland, 175 N 27th Street, Suite 900, Billings, Montana

Mr. Oakland is the applicant and developer. He thanked Dave Green for his presentation and make himself available to the Board for questions. There were no questions from the members of the Board.

**A public hearing will be held for Copper Ridge Subdivision, 8th Filing during the Tuesday, September 25, 2018 Planning Board meeting.

8b. Plat Review/Board Discussion. High Sierra Subdivision, `12th Filing. Dave Green, Planner II, presenting.

Dave Green opened this agenda item with a staff presentation.

INTRODUCTION

On August 1, 20108, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 12th Filing. The proposed subdivision creates 66 lots for residential development on a 12.74-acre parcel of land. This proposal is part of a larger approved master plan of High Sierra Subdivision which includes a total of approximately 1,375 lots platted from 400 acres in multiple filings. The subject property is generally located North of Topanga Avenue in the 11th Filing and east of High Sierra Boulevard in the northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

preliminary plat of High Sierra Subdivision, 12th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To protect the public health and safety prior to final plat approval the applicant will provide drawings to be reviewed and approved by engineering for the water, septic and storm water systems associated with the subdivision.
2. To provide for the installation of utilities, utility easements shall be shown on the final plat as requested by the affected public and private utility companies.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Discussion:

President Tunnicliff called for questions and discussion. There was no discussion.

President Tunnicliff called for presentation by the applicant.

Gary Oakland, 175 N 27th Street, Suite 900, Billings, Montana

Mr. Oakland is the applicant and developer for this subdivision. He stated this parcel is part of an approved Master Plan of 400 acres. Mr. Oakland made himself available to the Board for questions. There were no questions from the Board members.

**A public hearing will be held for High Sierra, 12th Filing during the Tuesday, September 25, 2018 Planning Board meeting.

8c. Plat Review/Board Discussion. Shop World 1 Subdivision. Dave Green, Planner II, presenting.

Dave Green opened this agenda item with a staff presentation

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

INTRODUCTION

On August 1, 2018, the Planning Division received an application for major plat approval for the proposed Shop World Subdivision, 1st Filing. The property is generally located on the south west corner of the intersection of King Avenue West and South 80th Street West. This subdivision would create 189 lots from a 61.03-acre parcel for private storage garage development and 2 residential lots. The land is currently used for farming; the land is outside of zoning.

RECOMMENDATION

Staff recommends that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Shop World Subdivision, 1st Filing and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

No variances are requested for this subdivision.

PROPOSED CONDITIONS OF APPROVAL

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

- a. To protect public health and safety prior to final plat approval the applicant will receive approval from the MDEQ for the proposed cisterns, septic systems and the proposed storm water management.
- b. To provide for future maintenance of all private roads within Shop World Subdivision, 1st Filing prior to final plat approval the applicant will create an HOA for the private road maintenance, define how fees will be assessed and collected.
- c. To provide for the correct documentation of the road easements within the proposed subdivision prior to final plat approval the applicant will provide easement documents with language that states fire, police, emergency vehicles, and maintenance personnel for the dry hydrant system will be allowed access on the roads. Also that the roads can have additional burden placed on them by connecting to the south should the land to the south develop.
- d. To protect public health and safety and to ensure a usable dry hydrant system prior to final plat approval the applicant will provide construction drawings to the Laurel Fire Department for the dry hydrant system and receive approval before construction begins. The system must be tested and approved by the Laurel Fire Department after installation, with a letter to show the approval from the Laurel Fire Department. The applicant will also create an RSID-M for the maintenance of the dry hydrant system.

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

- e. To protect public health and safety and to ensure a usable dry hydrant system is available prior to final plat approval the applicant will provide a letter from the Laurel Fire Department stating that there is a dry hydrant system, or approved alternate water source, for fire suppression for proposed Lots 188 and 189.
- f. To ensure the maintenance of existing fire suppression systems and full participation from all benefitted parties prior to final plat approval the applicant will expand an existing RSID for fire suppression for Lots 188 and 189 from Tanglewood Estates, or any RSID that provides maintenance for fire suppression which these two lots benefit.
- g. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
- h. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
- i. To ensure the placement of easements for private utility providers prior to final plat approval, the applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision.
- j. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
- k. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

Discussion

President Tunnicliff called for questions and discussion. Board member Bass asked about the number of proposed bathroom facilities, and Planner Dave Green explained that the construction requirements will be dictated within the Covenants and Restrictions for the subdivision. There is no requirement for water and sewer as this is a commercial development. In response to question by Board member Woods, Dave Green stated the County has asked the developer to designate the internal roads as private as the County does not wish to maintain roads with this use.

President Tunnicliff called for presentation by the applicant.

Kolten Knatterud, Territorial Land Works, 3333 2nd Ave N Billings, Montana

Mr. Knatterud represents applicant Levi Britton. He stated the original intent of the developer for this parcel was residential housing but due to the low flows of Canyon

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

Creek, and installation of more than ten standard drain fields is not feasible. This proposal will include community restrooms with cistern tanks and drain fields stationed at approved DEQ locations within the subdivision.

Levi Britton, 7623 N Leopard Avenue, Billings, Montana

Mr. Britton is the applicant and developer. He stated the proposal will include three or four full-fledged restroom facilities scattered throughout the subdivision.

**A public hearing will be held for High Sierra Subdivision, 12th Filing during the Tuesday, September 25, 2018 Planning Board meeting.

9. OTHER BUSINESS

The next Planning Board meeting will be held on Tuesday, September 25, 2018.

ADJOURNMENT 6:45 pm

DRAFT. TO BE APPROVED BY AMOTION ON SEPTEMBER 25, 2018



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 09/25/2018

Information

PROBLEM/ISSUE STATEMENT

The Yellowstone County Board of County Commissioners is working with Big Sky Economic Development to address the request of several Lockwood property owners who want to have their property added to the Lockwood Targeted Economic Development District (TEDD), which was established in 2016. All the parcels/property owners petitioning for inclusion are within the original TEDD study area, and thus eligible for addition into the TEDD.

Potential expansion of the District requires the Planning Board to review the amended Comprehensive Development Plan (CDP). As part of that process, the Yellowstone County Board of Planning will conduct a public hearing on the CDP and make a recommendation to the Board of County Commissioners that the CDP is in compliance with the 2016 Lockwood Growth Policy and the 2008 Yellowstone County and City of Billings Growth Policy. The Board will review and discuss the proposed expansion at this meeting and conduct a public hearing at its meeting on October 10.

BACKGROUND

The Yellowstone County Board of County Commissioners is working with Big Sky Economic Development to address the request of several Lockwood property owners who want to have their property added to the Lockwood Targeted Economic Development District (TEDD), which was established in 2016. All the parcels petitioning for inclusion are within the original TEDD study area, and thus eligible for addition into the TEDD. This process has involved the expansion of the Unified Zoning Jurisdiction boundary to include all proposed additional parcels and zoning of the parcels added to the zoning jurisdiction. The Board of County Commissioners also passed Resolution 18-62, the Reaffirmation of Resolution of Necessity declaring an infrastructure deficiency in the Lockwood TEDD area. This resolution reaffirmed Resolution 15-22, adopted April 21, 2015.

The final step of this process is for the amended Comprehensive Development Plan (CDP) to be approved and adopted by the Board of County Commissioners. As part of that process, the Yellowstone County Board of Planning will conduct a public hearing on the CDP and make a recommendation to the Board of County Commissioners that the CDP is in compliance with the 2016 Lockwood Growth Policy and the 2008 Yellowstone County and City of Billings Growth Policy. The Board will review the CDP and discuss the TEDD expansion at this meeting and conduct a public hearing and make a recommendation at its October 10 meeting.

The Board must review the applicable growth policies and determine they support the CDP for expansion of the TEDD for the following reasons:

- Existing conditions and future trends address economic well-being
- Goals and objectives support the development of secondary, value-adding industries
- Tax Increment Financing is identified as an implementation strategy, and

- Land use maps support zoning designations.

The 2016 Lockwood Growth Policy supports the CDP and the CDP Amendment for creation of the TEDD in the following areas:

Chapter 2, Lockwood Growth Guidelines, Page 4, references that:

- “Industrial development may be located along existing and proposed transportation corridors north of the interstate.”
- “A Targeted Economic Development District may be used to foster secondary, value adding economic development. Properties within the general area of the TEDD may be initially zoned as agriculture with the intent to rezone to an industrial zoning district when and if the TEDD is implemented.”
- “Commercial retail and services may be considered appropriate in areas designated for industrial land uses along principal and minor arterials in addition to areas designated for commercial land uses.”

Chapter 3, Existing Conditions references:

- Land Use, page 8 – “The presence of the Exxon Refinery set the tone for more industrial types of uses or heavy commercial north of the interstate.”
- Zoning, page 9 – “Almost all of the area north of I-90 lies within a Heavy Industrial or Controlled Industrial Zone.”

Chapter 6, Implementation Tools and Strategies references many past studies of Lockwood and the 2008 Yellowstone County and City of Billings Growth Policy, referenced below, that all support and encourage further economic and infrastructure development in Lockwood to make it a more prosperous, safe, and attractive community for residences and businesses. Further, the CDP itself on page 13 references the goals of the Lockwood TEDD that mirror some of the same goals of the applicable growth policies, including fostering economic and employment opportunities within Yellowstone County and Lockwood; a planned industrial area in Lockwood that attracts industry and leads to additional private investment; implementing a development plan that supports and encourages commercial and industrial growth while supporting non-motorized transportation and safety. These goals are reiterated in the 2018 Comprehensive Development Plan Amendment – pages 3 and 4.

The existing 2008 Yellowstone County and City of Billings Growth Policy supports the CDP and the CDP Amendment in the following areas:

Chapter 4.1 Land Use, page 37 references the Lockwood Community Plan that outlines the preferred land uses for industrial purposes in Lockwood: Lockwood Community Plan, Community Background section, page 6: “Lockwood’s location as the eastern gateway to the City of Billings, its significant commercial and industrial business presence, and its community-oriented residents make the community a place where continued growth and change is expected to occur. The Lockwood Community Plan and its specific Community Focus Areas and Actions Steps will help Lockwood prepare for its future and continue to foster its individuality and community atmosphere.”

Chapter 3 Community Goals and Objectives, Economic Development Element, page 7, Goal 1: “Coordinated economic development efforts that target business recruitment, retention, and expansion.”

Chapter 5.1 Implementation Tools and Strategies, page 202, lists Urban Renewal Districts and tax increment funds as a tool to redevelop and rehabilitate “blighted” areas. The Targeted Economic Development District had not been authorized at the time the 2008 Growth Policy was adopted, but is now part of the Urban Renewal Law that is cited in this section.

FINANCIAL IMPACT

There is no direct financial impact for the Planning Board to recommend approval of the amended Comprehensive Development Plan to the Board of County Commissioners. However, if the TEDD is expanded as outlined in the amended plan, it is expected to further support new commercial and industrial investment and development in Lockwood which will add to the County tax base and may increase revenues to the service districts in Lockwood.

RECOMMENDATION

Staff recommends that the Planning Board review and discuss the CDP amendment and TEDD expansion to determine that the 2016 Lockwood Growth Policy and the 2008 Yellowstone County Growth Policy support the amended Comprehensive Development Plan for the Lockwood TEDD. The Board at its meeting on Wednesday, October 10 will then conduct a public hearing and take action to recommend approval of the amended CDP to the Yellowstone County Board of County Commissioners.

Attachments

2016 Comprehensive Development Plan

2018 Amended Comprehensive Development Plan

EXHIBIT C

**LOCKWOOD TARGETED ECONOMIC
DEVELOPMENT DISTRICT**
Comprehensive Development Plan

October 2016



PREPARED FOR:
Big Sky Economic Development

FOR PRESENTATION TO:
Yellowstone County Board of County Commissioners

PROJECT FUNDED BY:
Montana Department of Commerce
Big Sky Trust Fund
Community Development Block Grant
Pacific Steel and Recycling
MCL Holdings
Weave Management
Big Sky Economic Development

TABLE OF CONTENTS

1. INTRODUCTION	3
Overview	3
Purpose	3
Lockwood Community	4
Tax Increment Financing	4
2. SITE ANALYSIS	5
Site Description	5
Legal Description	7
Parcels	7
Compliance with Growth Policy	11
Compliance with Zoning	13
3. GOALS OF THE LOCKWOOD TEDD	14
4. INFRASTRUCTURE ANALYSIS	14
5. TARGETED ECONOMIC DEVELOPMENT ACTIVITIES	16
Targeted Industries	16
Capital Improvements Plan	18
Recruitment	18
Financing	18
6. PROGRAM ADMINISTRATION	20
TEDD Program Criteria	21
7. PLAN AMENDMENTS	21

1. INTRODUCTION

Overview

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

The purpose of the Lockwood TEDD is to provide planned industrial space in order to attract and retain industrial and manufacturing businesses in Yellowstone County. This Comprehensive Development Plan has been prepared in accordance with Montana Code Annotated, Title 7, Chapter 14, Parts 42 and 43. In accordance with MCA 7-15-4279, the Lockwood TEDD will host a diversified tenant base of multiple, independent tenants. This Comprehensive Development Plan lays the framework to guide the development of the TEDD. The *Lockwood TEDD Strategic Plan* contains information regarding market analysis, targeted industries, development and implementation strategies.

Purpose

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

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

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

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

Lockwood Community

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

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

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

LOCKWOOD EMPLOYMENT BY INDUSTRY

Source: American Community Survey, 2014

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

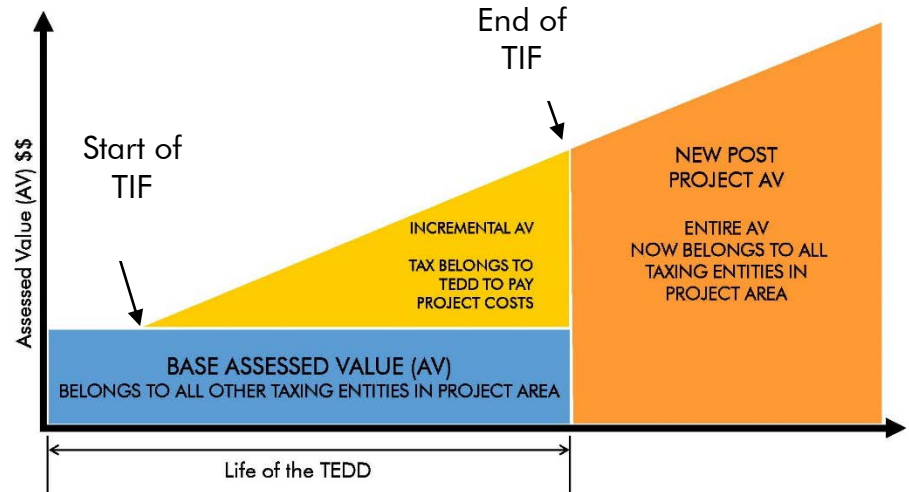
Tax Increment Financing

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

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

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

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



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

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

2. SITE ANALYSIS

Site Description

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

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

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

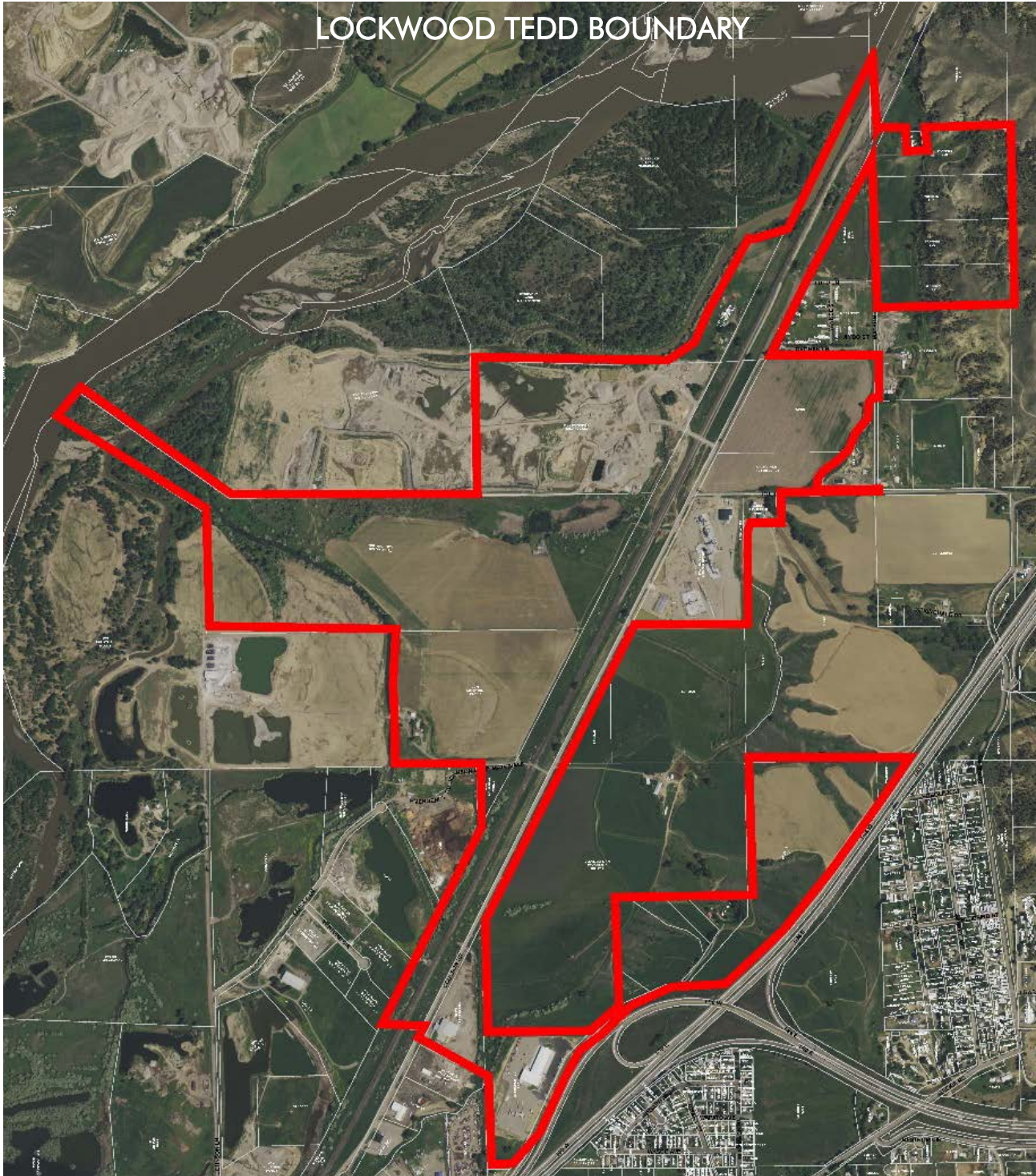


Figure 1: Lockwood TEDD Boundary

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

Legal Description

The legal description of the Lockwood TEDD is as follows:

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

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

southwesterly along the west boundary line of the interstate right-of-way to the southwest corner of Seiffert Industrial Subdivision; thence north along the west line of Seiffert Industrial Subdivision to its intersection with the centerline of North Frontage Road; thence southwesterly along the centerline of the North Frontage Road right of way to a point which is the intersection of the North Frontage Road right of way and the extension of the south boundary line of Tract 1, Certificate of Survey No. 3376; thence westerly along the south boundary line to the southwest corner of Tract 1, Certificate of Survey No. 3376; thence northerly along the west boundary line of Tract 1, Certificate of Survey No. 3376 to the southeast corner of Lot 1, Block 1, Great Plains Subdivision; thence northwesterly to the southwest corner of Lot 1, Block 1, Great Plains Subdivision; thence northeasterly to a point which is the intersection of the west boundary line of Lot 1, Block 1, Great Plains Subdivision and the south boundary line of Section 18; thence westerly along south boundary line of Section 18 to a point which is the intersection of the south boundary line of Section 18 and the east boundary line of Lot 2C, Johnson Lane Materials Subdivision; thence northeasterly to the southeast corner of Lot 5, Johnson Lane Materials Subdivision; thence northerly to the northeast corner of Lot 5, Johnson Lane Materials Subdivision; thence westerly to the southwest corner of Lot 1, Block 1, Weaver Flats Subdivision; thence north along the west boundary of Lot 1, Block 1, Weaver Flats Subdivision to the northwest corner of Lot 1, Block 1, Weaver Flats Subdivision; thence westerly to the southwest corner of Tract 2, Certificate of Survey No. 3477; thence northerly to the northeast corner of Lot 2, Block 1, Weaver Flats Subdivision; thence northwesterly to the northwest corner of Lot 2, Block 1, Weaver Flats Subdivision; thence northeasterly to the northwest corner of Tract 2, Certificate of Survey No. 3477; thence southeasterly to the southwest corner of Tract 1, Certificate of Survey No. 3477; thence easterly to the southeast corner of Tract 1, Certificate of Survey No. 3477; thence northerly to the southwest corner of Government Lot 9; thence easterly to the southwest corner of Tract 1B, Certificate of Survey No. 2807; thence northeasterly to the northwest corner of Tract 1B; thence northeasterly to the northeast corner of Tract 1B; thence northeasterly along the east boundary line of Tract 1A, Certificate of Survey No. 2807 to the southwest corner of the tract of land described as survey overlap of Certificate of Survey No. 1225 and Certificate of Survey No. 2868; thence southerly to a point which is the intersection of the west line of the tract of land described as survey overlap of Certificate of Survey No. 1225 and Certificate of Survey No. 2868 and the east right of way line of the Montana Rail Link right of way; thence northeasterly to the southwest corner of Tract 5, Certificate of Survey No. 1225; thence easterly to the northwest corner of Tract 4A1, Certificate of Survey No. 1225; thence southerly to the southwest corner of Tract 4A1; thence easterly to the southeast corner of Tract 4A1; thence northerly to the northeast corner of Tract 4A1; thence easterly to the Point of Beginning; parcels containing 570.83 acres, more or less, subject to any existing easements and/or rights of way, whether of record or apparent on the ground.

Parcels

Land owners and property descriptions are listed below.

Owner Last Name	Legal Description	Geocode	Tax ID	Property Address	Mailing Address	City State ZIP	Zoning
BKPN Properties LLC	GREAT PLAINS SUBD, S19, T01 N, R27 E, BK 1, Lot 1	03103419101160000	C11082	1655 Coulson Rd	1655 Coulson Rd	Billings, MT 59101	Heavy Industrial
G2 Properties LLC	S20, T01 N, R27 E, C.O.S. 3376, PARCEL 1	03103420211040000	D06449	3255 N Frontage Rd	455 Highway 195, Suite A	Georgetown, TX 78633	Controlled Industrial
JDW Industrial Park 2 LLC	S17, T01 N, R27 E, C.O.S. 2009, PARCEL 1	03103417101200000	D06407	2150 Coulson Rd E	PO Box 22745	Billings, MT 59104	Heavy Industrial
JDW Industrial Park 2 LLC	WEAVER FLATS SUB (14), S17, T01 N, R27 E, BK 1, Lot 1	03103417201010000	D06415	3306 Coulson Rd	PO Box 22745	Billings, MT 59104	Heavy Industrial
JDW Industrial Park 2 LLC	S17, T01 N, R27 E, FRACTION NWSW LYING N & W OF RR	03103417360010000	D06415A	Coulson Rd	PO Box 22745	Billings, MT 59104	Heavy Industrial
Lockwood Irrigation District	S17, T01 N, R27 E, PORTION OF SWNWNWNE LYING WEST OF DITCH BETWEEN COS 632 2ND	03103417201100000	D13115	Coulson Rd	PO Box 3292	Billings, MT 59103	Heavy Industrial
MCL Properties LLC	S08, T01 N, R27 E, S2SW WEST OF RAILROAD	03103408301010000	D06329	3530 Coulson Rd	6513 Trade Center Ave	Billings, MT 59101	Heavy Industrial
MCL Properties LLC	S08, T01 N, R27 E, C.O.S. 2807, PARCEL 1B	03103408101010000	D06331	3553 Coulson Rd	6513 Trade Center Ave	Billings, MT 59101	Heavy Industrial
MCL Properties LLC	S18, T01 N, R27 E, C.O.S. 3477, PARCEL 2	03103418101010000	D06416	Coulson Rd	6513 Trade Center Ave	Billings, MT 59101	Heavy Industrial
Montana Rail Link	S19, T01 N, R27 E	03103419350010000	D13145J	Coulson Rd	PO Box 16624	Missoula, MT 59808	Rail ROW
Pacific Hide And Fur Depot	S08, T01 N, R27 E, C.O.S. 3540, PARCEL 2	03103408320010000	D06329B	Coulson Rd	PO Box 1549	Great Falls, MT 59403	Heavy Industrial
Pacific Hide And Fur Depot	S17, T01 N, R27 E, C.O.S. 2009, PARCEL 2	03103417201040000	D06408	3385 Coulson Rd	PO Box 1549	Great Falls, MT 59403	Heavy Industrial

Seiffert Trust	S17, T01 N, R27 E, C.O.S. 1734, PARCEL 1, AMND	03103417418150000	D06413	N Frontage Rd	PO Box 31181	Billings, MT 59107	Controlled Industrial
Terry L. Seiffert	S17, T01 N, R27 E, C.O.S. 1734, PARCEL 2, AMND	03103417301100000	D06414	3333 N Frontage Rd	PO Box 31181	Billings, MT 59107	Controlled Industrial
Roger and Peggy Webb	S08, T01 N, R27 E, C.O.S. 3540, PARCEL 1	03103408401010000	D06329A	Coulson Rd	1132 Ginger Way	Billings, MT 59105	Heavy Industrial
Town And Country Supply Association	S08, T01 N, R27 E, C.O.S. 1225, PARCEL 3A	03103408403110000	D06336	Watson Rd	PO Box 367	Laurel, MT 59044	Heavy Industrial
Town And Country Supply Association	S08, T01 N, R27 E, 1225, PARCEL 3B	03103408403090000	D06337	Watson Rd	PO Box 367	Laurel, MT 59044	Heavy Industrial
Town And Country Supply Association	S08, T01 N, R27 E, C.O.S. 1225, PARCEL 4A2, AMD TR 4A	03103408403170000	D06338	Watson Rd	PO Box 367	Laurel, MT 59044	Heavy Industrial
Town And Country Supply Association	S08, T01 N, R27 E, C.O.S. 1225, PARCEL 4B, AMND	03103408403140000	D06339	Watson Rd	PO Box 367	Laurel, MT 59044	Heavy Industrial
Michael Stanhope	PINE HILL SUB, S17, T01N, R27 E, BLOCK 1, LOTS 12-15	03-1034-17-4-18-01- 0000	C04920	Bobolink Rd	PO Box 819	Choteau, MT 59422	Agricultural

Compliance with Growth Policy

As required by MCA 7-15-4279, the TEDD must be zoned in accordance with the area growth policy. The Lockwood TEDD is located within the Lockwood Planning Boundary. The Lockwood Growth Policy was adopted by the Yellowstone County Commission on May 17, 2016 and is intended to reflect public values within Lockwood. The document should be considered when land use applications and infrastructure investment proposals are presented.

In creating the growth policy, the Lockwood community contemplated the development of the Lockwood TEDD. Of the 11 growth guidelines identified in the document, one specifically addresses the TEDD:

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

--Lockwood Growth Policy, 2016

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

The Lockwood Growth Policy noted two previous planning documents, from which specific goals are still applicable to the Lockwood community. These documents are the Lockwood Community Plan (2006) and the Yellowstone County & City of Billings Growth Policy (2008). The City of Billings Growth Policy (2016) updates the City elements of the 2008 Growth Policy, therefore elements related to the unincorporated portions of the County are still applicable.

Goals from the 2006 Lockwood Community Plan that apply to the Lockwood TEDD, include the following:

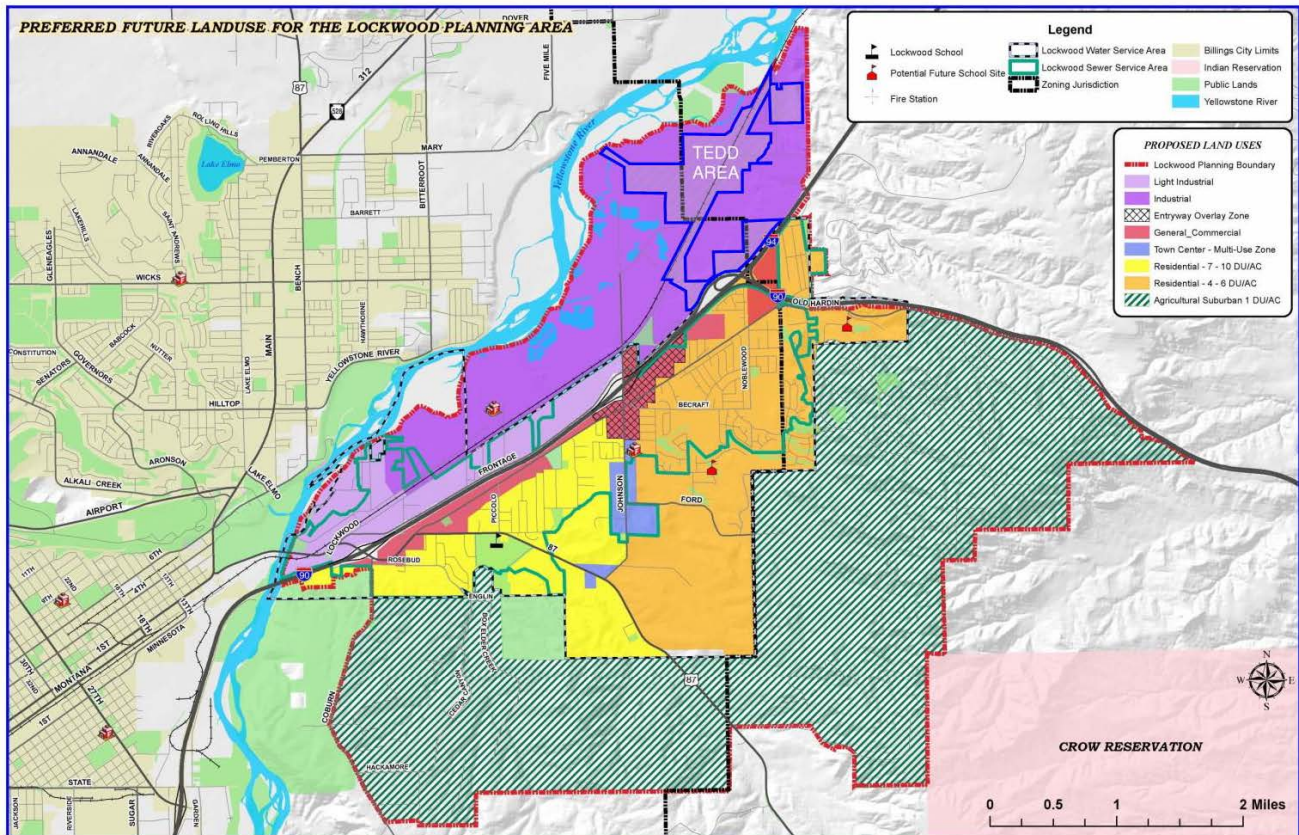
Infrastructure: Continue to research and support the improvement and INSTALLATION of community infrastructure that will better serve Lockwood.

--Lockwood Community Plan, 2006

Goals from the 2008 Yellowstone County Growth Policy that apply to the Lockwood TEDD include the following:

Economic Development: Coordinated economic development efforts that target business recruitment, retention, and expansion.
--Yellowstone County & City of Billings Growth Policy, 2008

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



Compliance with Zoning

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

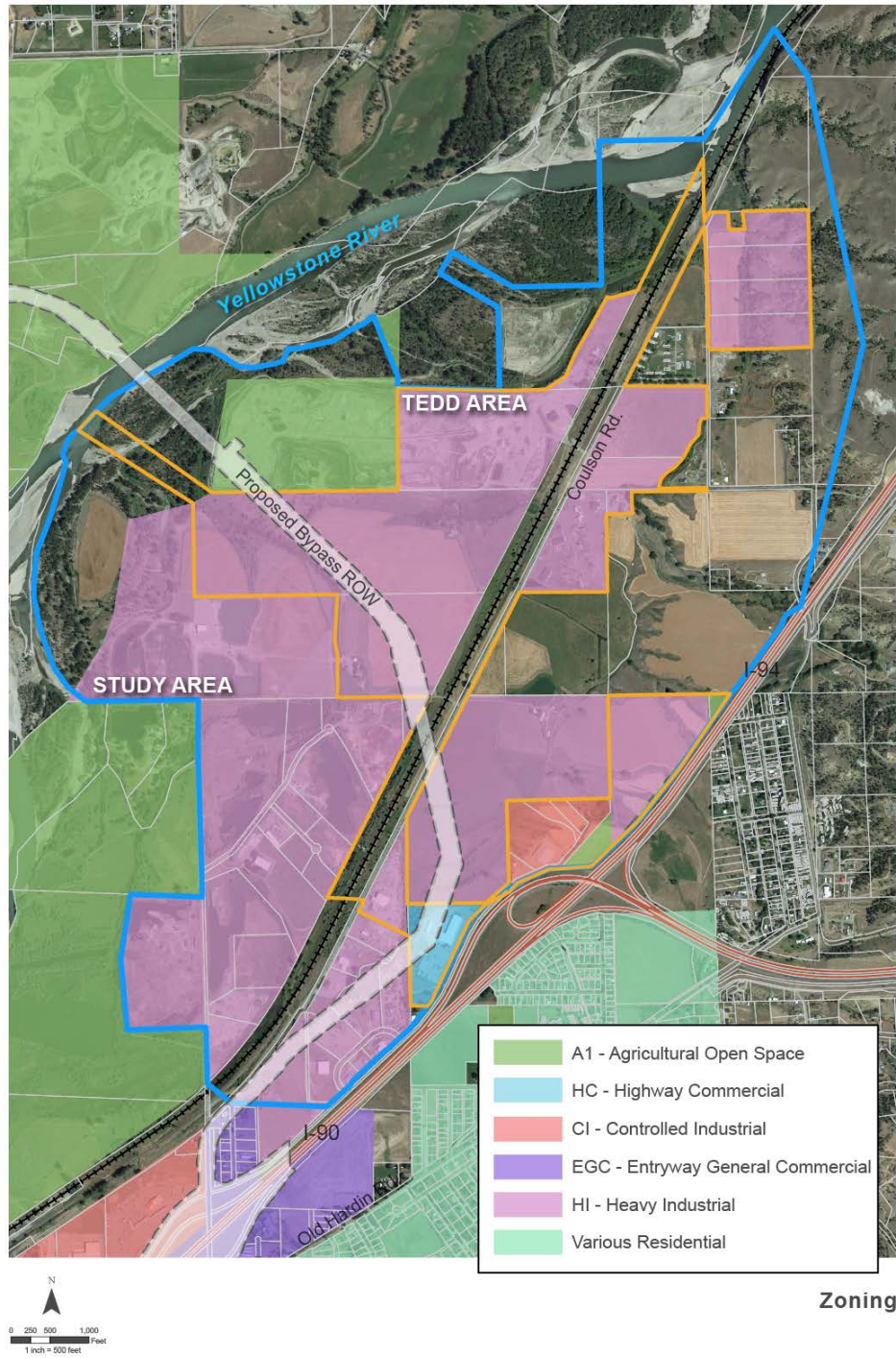


Figure 3: Area Zoning

3. GOALS OF THE LOCKWOOD TEDD

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

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

4. INFRASTRUCTURE ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

Electric power is provided by Yellowstone Valley Electric Company. As noted in the Statement of Infrastructure Deficiency, service for future industrial users would require

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

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

- **Broadband Connectivity:** the area has limited access to broadband service and upgrades would be required. Critical information infrastructure would have to incorporate redundancy to assure reliable service. Broadband service would need to be extended from Johnson Lane to serve the Lockwood TEDD area.
- **General improvements:** additional infrastructure and public service deficiencies will be identified over time. As the TEDD area is developed, improvements and provisions for lighting, storm water drainage systems, and emergency services will need to be addressed.

5. TARGETED ECONOMIC DEVELOPMENT ACTIVITIES

Targeted Industries

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

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

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

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

The Industry Cluster Analysis and Marketing Plan completed in 2013 for Big Sky Economic Development, identified the industries that should be prioritized for recruitment and retention in the Yellowstone County region. The following industry sectors identified in that study that produce

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

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

Examples of the types of businesses that may be targeted for the TEDD include:

- Pea Processing Facility
- Bulk Commodity Distribution Facility
- Malting Plant
- Feed Pellet Manufacturing
- Shingle Manufacturers
- Asphalt Manufacturing
- Fertilizer Manufacturers
- Ceramic Capacitors Manufacturing (found in laptops and cell phones)
- Catalytic Converter Manufacturing
- Galvanizing Plant
- Bolt/fastener manufactures
- Steel Painting/Powder-coating Facilities
- Prosthetic manufacturing
- New to market medical device manufacturing
- Transloading Operation
- Fly Ash Operations
- Co-Packer for Regional Manufacturers
- Shipping and Labeling Companies

Capital Improvements Plan

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

Recruitment

Once the Lockwood TEDD is established, efforts to recruit secondary, value-adding industries will be necessary. A recruitment work plan will be developed and implemented in partnership with the Lockwood TEDD Advisory Board, BSED, business and property owners, developers and industry representatives. These key partners will work to implement the goals of this plan by identifying opportunities to expand local businesses and to assist with new business formation. Meeting with industry representatives and commercial real estate brokers on a regular basis to understand current prospects and to represent the opportunities within the Lockwood TEDD should also be developed. BSED will use other local and state business incentive tools to recruit industry.

Financing

The infrastructure improvements needed to support the recruitment and expansion of value-adding industries in the Lockwood TEDD will require a variety of available financing mechanisms. Construction of public infrastructure may be financed using proceeds from tax increment financing, private developer payments, and/or grant and loan programs.

Tax Increment Financing

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

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

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

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

Federal and State Grants

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

Potential sources include the following:

- Treasure State Endowment Program (TSEP) is a state funded program to assist local governments finance capital improvements to sewer and water facilities. Grants can be requested up to \$500,000 and a match from the local government is usually required. The match may be in the form of another grant.
- The Montana Intercap Program (INTERCAP) is a loan program to assist with costs associated with infrastructure, and the acquisition and installation of equipment or personal and real property.
- Community Development Block Grant (CDBG) is a federally funded program that provides assistance to communities for things such as public facilities, economic development and planning grants.
- Transportation Alternatives Program (TA Program) is a federal program to assist local government develop transportation alternatives, including on- and off-road pedestrian and

bicycle facilities, infrastructure projects that improves access to public transportation, recreational trail improvements, and safe routes to schools.

- The Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant program is a federal program that funds the building and repairing of critical pieces of road, rail, transit and port facilities.

Unused Tax Increment

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

6. PROGRAM ADMINISTRATION

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

Each annual work plan will include the following elements:

- Anticipated increment revenue
- Financing strategies anticipated, including:
 - Tax increment
 - Debt financing
 - Additional funding sources
- Project priorities and associated costs
- Administrative budget, including staff and consulting services
- The Yellowstone County Board of County Commissioners will review the work plan and determine whether any changes are necessary before setting the budget. Once the budget is set, the TEDD Advisory Board, in conjunction with the County, will be responsible for:
- Developing financing strategies
- Working with the County, property owners, and developers to identify public infrastructure projects for the future
- Reviewing proposed infrastructure development projects for the future

- Following all local government procurement rules with respect to:
 - Preparing bid and proposal requests
 - Reviewing proposals from engineers, contractors, and other vendors
 - Making recommendations to the BOCC regarding contractor selection
- Monitoring projects
- Conducting market analysis, engineering studies, and project feasibility analyses

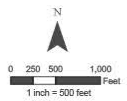
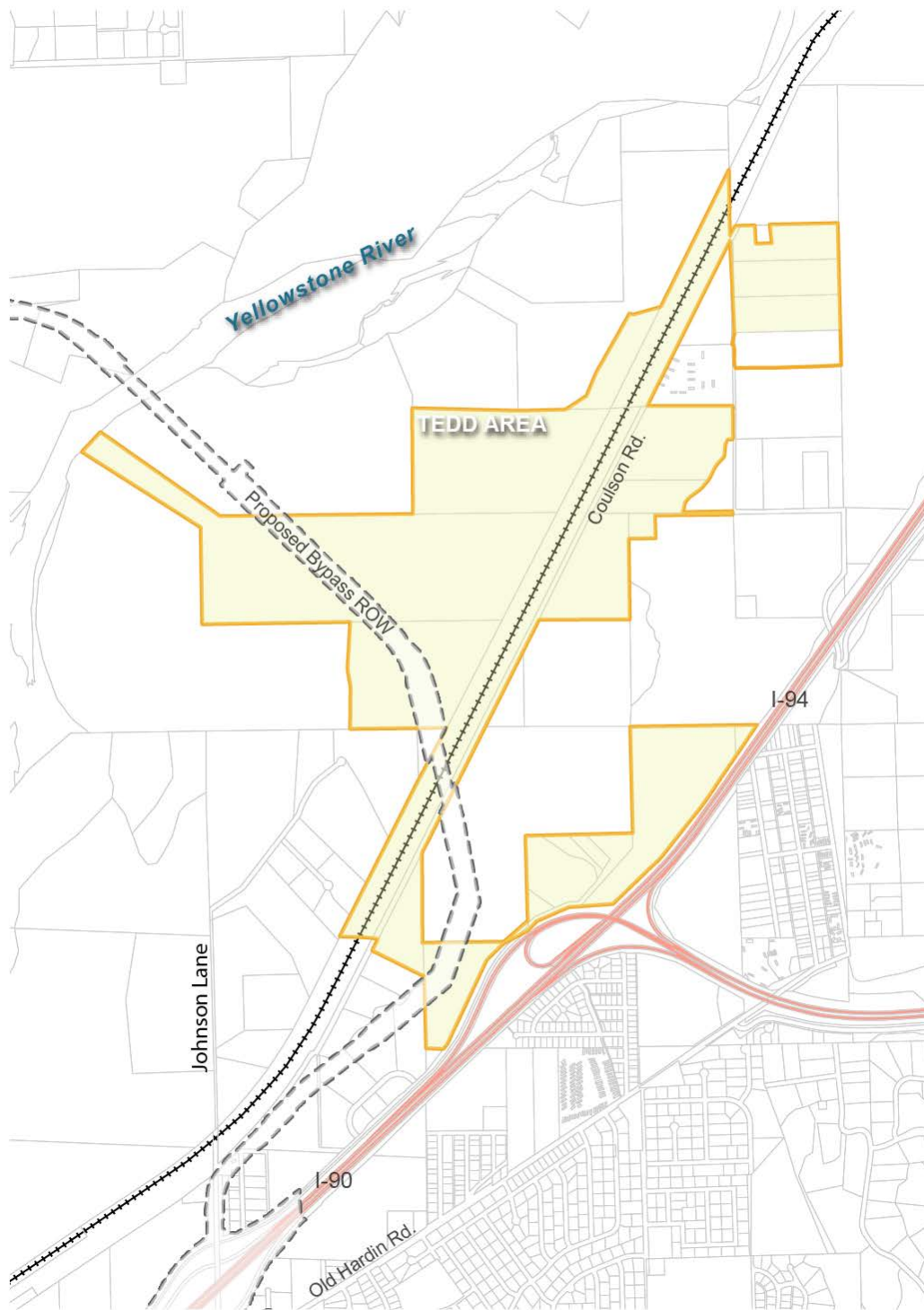
TEDD Program Criteria

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

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

7. PLAN AMENDMENTS

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





**LOCKWOOD TARGETED ECONOMIC
DEVELOPMENT DISTRICT**

Comprehensive Development Plan Amendment

September 2018

PREPARED FOR:

Big Sky Economic Development

FOR PRESENTATION TO:

Yellowstone County Board of County Commissioners

TABLE OF CONTENTS

1.	INTRODUCTION	3
	Overview	3
	Purpose	3
	Goals of the Lockwood TEDD	3
	Tax Increment Financing.....	4
2.	SITE ANALYSIS	4
	Site Description	4
	Legal Description	6
	Parcels	8
	Compliance with Growth Policy and Zoning	9
4.	FINDINGS.....	11
5.	TARGETED ECONOMIC DEVELOPMENT ACTIVITIES	13
	Targeted Industries	13
6.	PLAN AMENDMENTS	13

1. INTRODUCTION

Overview

In 2016, Yellowstone County, in conjunction with Big Sky Economic Development (BSED), seeking to enhance and expand economic activities through the development of planned, ready-to-go industrial space that supports secondary, value adding industries, created the Lockwood Targeted Economic Development District (TEDD). The Lockwood TEDD is intended to provide planned industrial space in order to attract and retain industrial and manufacturing businesses in Yellowstone County. Currently, it covers 570 acres of land in the Lockwood area and in accordance with MCA 7-15-4279, it will host a diversified tenant base of multiple, independent tenants.

Recognizing that the ability of the TEDD to achieve its goals will be strengthened by increasing its size, and therefore ability to house a diverse tenant base, at the request of the property owners, Yellowstone County is proposing an expansion of the District boundaries. This report addresses the findings and rationale for the expansion of the TEDD boundaries.

This report has been prepared in accordance with Montana Code Annotated, Title 7, Chapter 14, Parts 42 and 43. Other reports used as references for this report are the *Lockwood TEDD Comprehensive Development Plan* which lays the framework to guide the development of the TEDD and the *Lockwood TEDD Strategic Plan* which contains information regarding market analysis, targeted industries, development and implementation strategies.

Purpose

When creating the state statutes for the provision for a TEDD, the Montana Legislature noted that the lack of infrastructure is an impediment to development of value-adding economic development and that local governments often lack the financial resources to expand infrastructure that would serve such development.

In response to these issues, the needs of the community and recommendations of the *Yellowstone County Industrial Park Feasibility Study* (2104), the Big Sky Economic Development Authority identified a site for planned industrial space that could accommodate the demand. This site has been identified as the Lockwood TEDD, established by ordinance and approved by the Yellowstone County Commissioners on December 27, 2016.

Goals of the Lockwood TEDD

The goals of Yellowstone County in creating the Lockwood TEDD are listed below. Each of these goals is furthered by the expansion of the Lockwood TEDD boundaries. Adding additional land to the Lockwood TEDD increases its ability to provide multiple sites of varying shapes and sizes to accommodate users and tenants creating secondary value-added products or commodities.

- Support the expansion of existing industry, and the recruitment of new industry, within Yellowstone County by facilitating the provision and development of planned, ready-to-go industrial space.

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

Tax Increment Financing

Yellowstone County uses tax increment financing within the Lockwood TEDD and that would be extended to the additional lands. For the purposes of measuring any incremental value, the base year is 2018, with values as of, January 1, 2018. Tax Increment Financing is explained in detail in the *Lockwood TEDD Comprehensive Development Plan*.

2. SITE ANALYSIS

Site Description

The Lockwood TEDD is located north of Interstate 90 and 94 and south of the Yellowstone River and currently contains about 570 acres.

The areas proposed to be added are located on the west, north and east sides of the existing TEDD boundaries and total approximately 624 acres in thirteen parcels. Therefore, the District will be approximately 1,194 acres, if the amendment area is included in the TEDD.

Like the properties currently located within the TEDD, the current uses are a mix of extraction, low density residential, light industrial, agriculture, and vacant. See Figure 1 for a depiction of the existing TEDD boundaries and the property to be added.

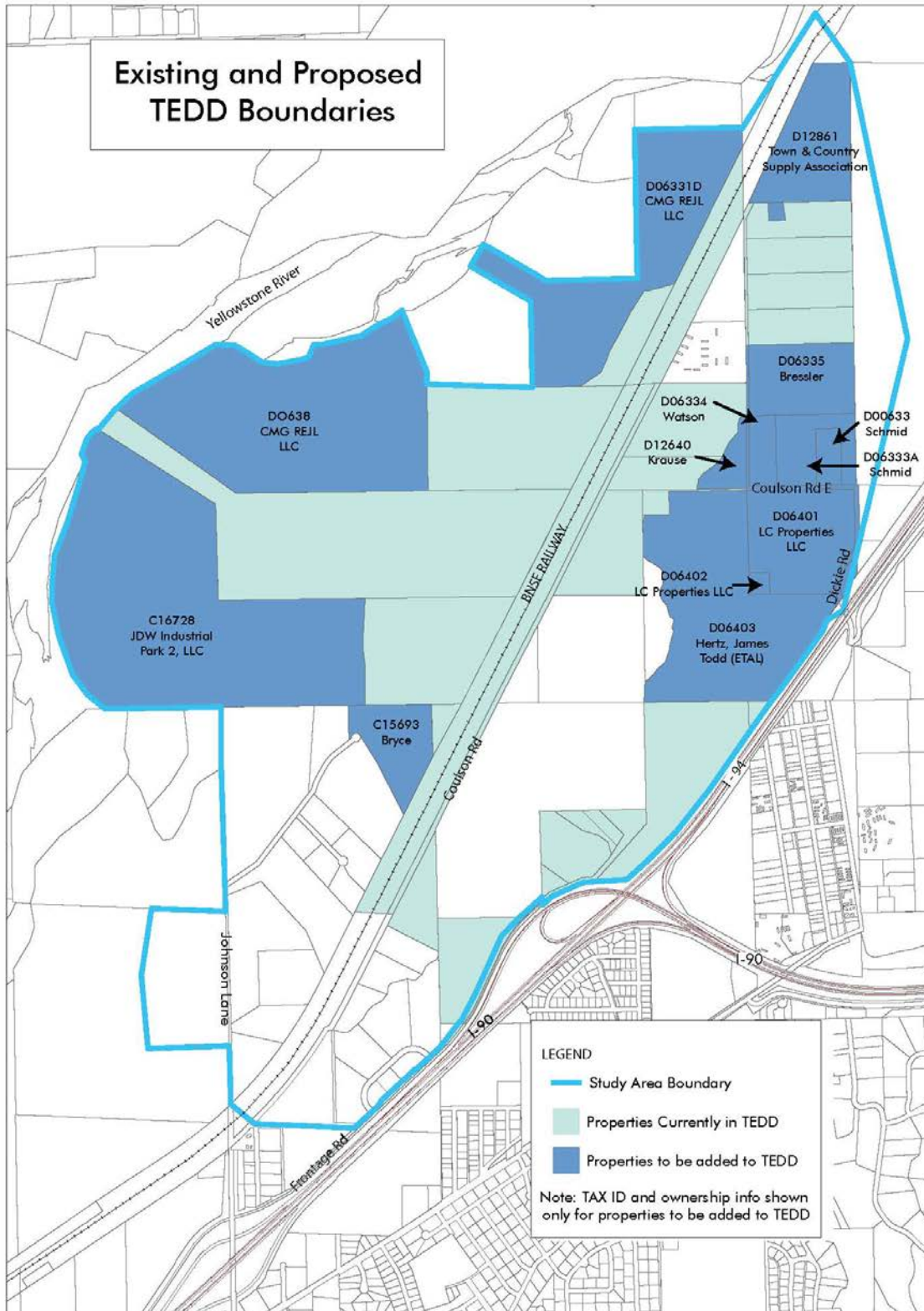


Figure 1 – Existing and Proposed TEDD Boundaries

The BNSF railroad bisects the Lockwood TEDD. There are two a rail spurs within the Lockwood TEDD boundary: one with access to the Pacific Recycling facility and another within the property of the Town & Country Supply Association. Access to the area is provided by local roads, including Johnson Lane, Coulson Road and the Frontage Road. The Interstate 90 interchange at Johnson Lane connects the TEDD to the greater transportation network.

The Montana Department of Transportation is currently in the planning and design phase for the Billings Bypass project. This project will provide a 5-mile long, two lane limited access roadway connection across the Yellowstone River between Interstate 90 and Old Highway 312. There are several roadway improvements within Lockwood that are associated with this project. The Interstate 90 interchange at Johnson Lane will be reconstructed to accommodate the new Bypass. Alternative alignments are still under consideration. Additionally, a new intersection with the Bypass and Coulson Road will be constructed, which will create direct access to the southern portion of the Lockwood TEDD. An additional access point to the Bypass from the TEDD area will be considered as the design progresses.

Legal Description

The legal description of the full Lockwood TEDD after expansion is as follows:

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

Beginning at the northeast corner of Tract 5, Certificate of Survey No. 1225, said corner also being the northeast corner of said Section 8; thence southerly along the east line of said section 8 to the southeast corner of said Section 8, said corner also being the northeast corner of said Section 17; thence southerly along the east line of said Section 17 to the intersection of said east line with the westerly right-of-way line of Interstate No. 94; thence southwesterly along said right-of-way line of I-94 to the I-94 & I-90 interchange; thence westerly along the northerly right-of-way line of said interchange to the intersection of said northerly right-of-way line with the west line of Seiffert Industrial Park; thence northerly along said west line to the northwest corner of said Seiffert Industrial Park; thence easterly along the north line of said Seiffert Industrial Park to the northeast corner of said Seiffert Industrial Park, said corner also being on the west line of Certificate of Survey No. 1734; thence northerly along said west line to the northwest corner of said COS No. 1734, said corner also being the southwest corner of Certificate of Survey No. 632, 2nd Amended; thence northerly along the westerly line of said COS No. 632, 2nd Am. to the intersection of said west line with the east line of Certificate of Survey No. 2009; thence southerly along said east line of COS No. 2009 to the southeast corner of said COS 2009; thence west along the south line of said COS 2009 to the southwest corner of said COS 2009, said corner also being on the easterly right-of-way line of Coulson Road; thence southwesterly along said right-of-way line to the northeast corner of Lot 1, Block 1, Great Plains Subdivision; thence southerly along the east line of said Lot 1 to the northwest corner of Certificate of Survey No. 3376; thence easterly along the north line of said COS No. 3376 to the northeast corner of said COS No. 3376; thence southwesterly along the easterly line of said COS No. 3376 to the southeasterly corner of said COS No. 3376; thence westerly along the south line of said COS No. 3376 to the southwest corner of said COS No. 3376; thence northerly along the west line of said COS No. 3376 to the southeast corner of said Lot 1, Block 1 of Great Plains

Subdivision; thence northwesterly along the southerly line of said Lot 1 to the southwesterly corner of said Lot 1, said corner also being on said easterly right-of-way line of Coulson Road; thence northeasterly along said right-of-way line to the intersection of said right-of-way line with the south line of said Section 18; thence westerly along said section line, crossing the Coulson Road right-of-way and the Burlington Northern Santa Fe Railroad right-of-way to the intersection of said section line with the westerly right-of-way line of said BNSFRR; thence northeasterly along said BNSFRR right-of-way line to the southerly corner of Lot 5 of Johnson Lane Materials Subdivision; thence northwesterly along the westerly line of said Lot 5 to the northwest corner of said Lot 5, said corner also being on the southerly line of Lot 2, Block 1 of Weaver Flats Subdivision; thence westerly along said southerly line to the southwesterly corner of said Lot 2; thence northerly along the west line of said Lot 2 to the northwest corner of said Lot 2, said corner also being the northwesterly corner of Tract 2 of Certificate of Survey No. 3477; thence northeasterly along the westerly line of said Tract 2 to the northwesterly corner of Tract 1 of said COS No. 3477; thence northeasterly and easterly along the northerly line of said Tract 1 to the northeasterly corner of said Tract 1; thence southeasterly along the easterly line of said Tract 1 to the S1/16th corner common to said Sections 7 & 8; thence easterly along the north line of the SW1/4SW1/4 of said Section 8 to the SW1/16th corner of said Section 8, said corner also being the southeasterly corner of Tract 1A of Certificate of Survey No. 2807; thence northerly, easterly and southerly along the westerly, northerly and easterly lines of said Tract 1A to the intersection of said easterly line with said westerly right-of-way line of the BNSFRR; thence southerly, crossing said BNSFRR right-of-way to a point on the easterly right-of-way line of BNSFRR, said point also being the northerly corner of Tract 3A of Certificate of Survey No. 2807; thence southwesterly along the westerly line of Tracts 3A and 3B of said COS No. 2807 to the southwest corner of said Tract 3B; thence easterly along the south line of said Tract 3B to the southeast corner of said tract 3B; thence northerly along the east lines of said Tracts 3B and 3A to said northerly corner of Tract 3A, said corner also being the northwesterly corner of Tract 6B of Amended Tract 6, Certificate of Survey No. 1225; thence northeasterly along the northwesterly line of said Tract 6B to the northeasterly corner of said Tract 6b, said corner also being the southwesterly corner of said Tract 5, C.O.S No. 1225; thence northeasterly along the westerly line of said Tract 5 to the northwesterly corner of said Tract 5; thence easterly along the north line of said Tract 5 to said northeast corner of Tract 5, being the Point of Beginning; said described tract containing 1,213.1 acres or 1.895 square miles, more or less, and being subject to any existing easements and/or rights of way, whether of record or apparent on the ground.

Parcels

Land owners and property descriptions for the properties to be added to the Lockwood TEDD are listed below.

Owner Last Name	Legal Description	Geocode/Tax ID	Property Address	Mailing Address	Zoning	Acres
Town & Country Supply Assoc.	S08, T01 N, R27, E C.O.S. 1225, Tracts 4A1 & 5	03103408403186002 D12861	3737 Coulson Rd	PO BOX 367 Laurel, MT 59044	Heavy Industrial	33.9
Bressler, Todd M & Trina G	S08, T01 N, R27, E C.O.S. 1225, Parcel 2	03103408403050000 D06335	2611 Watson Rd	2611 Watson Rd Billings MT 59101	Heavy Industrial	24.5
Watson, Emily Lou	S08, T01 N, R27, E C.O.S. 1225, Parcel 1B, AMD	03103408403010000 D06334	3803 Coulson Rd E	3803 Coulson Rd E Billings, MT 59101	Agricultural Open Space	6.5
Schmid, James T & Lucy A	S08, T01 N, R27, E C.O.S. 1225, Parcel 1A2, AMD	03103408403020000 D06333A	3925 Coulson Rd	3925 Coulson Rd Billings, MT 59101	Agricultural Open Space	15
Schmid, James T	S08, T01 N, R27 E, C.O.S. 1225, PARCEL 1A1, AMND	03103408403030000 D06333	3925 Coulson Rd E	3925 Coulson Rd E Billings, MT 59101	Agricultural Open Space	4
Krause, Todd Allyn & Elizabeth Ann	S08, T01 N, R27 E, C.O.S. 3092, PARCEL 1	03103408402010000 D12640	2500 Watson Rd	2500 Watson Rd Billings, MT 59101	Agricultural Open Space	6.7
Hertz, James Todd (etal)	S17, T01 N, R27 E, C.O.S. 632, PARCEL 1-9, 2ND AMND	03103417101210000 D06403	TBA	3041 Bartonian Dr. Billings, MT 59102	Controlled Industrial	91.2
LC Properties LLC	S17, T01 N, R27 E, NENE (LESS HWY & COS 1409)	03103417110110000 D06401	3924 Springdale Rd	405 E 13TH St. Laurel, MT 59044	Controlled Industrial	37.8
LC Properties LLC	S17, T01 N, R27 E, C.O.S. 1409	03103417110100000 D06402	3947 Springdale Dr	405 E 13TH St. Laurel, MT 59044	Controlled Industrial	1.5
JDW Industrial Park 2, LLC	Weaver Flats SUB (14), S17, T01 N, R27 E, Block 1, Lot 2	03103418201010000 C16728	TBA	PO Box 22745 Billings, MT 59104	Heavy Industrial	177.2
CMG REJL LLC	S07, T01 N, R27 E, C.O.S. 3477, Parcel 1, (12)	03103407401010000 D06328		C/O CMG AC LLC 4920 Elm St STE 205 Bethesda, MD 20814	Agricultural Open Space	134.7
CMG REJL LLC	S08, T01 N, R27 E, C.O.S. 2807, PARCEL 1A, AMD (12)	03103408101510000 D06331D	Coulson Rd	C/O CMG AC LLC 4920 Elm St STE 205 Bethesda, MD 20814	Heavy Industrial	81.8
Bryce, Glenn R & Leslie R	JOHNSON LANE MATERIALS SUB (07), S18, T01 N, R27 E, Lot 5, ACRES 20, (07)	03103418401550000 C15693	3060 Farley Ln	3060 Farley Ln. Billings, MT 59101	Heavy Industrial	9.3

Compliance with Growth Policy and Zoning

As required by MCA 7-15-4279, the TEDD must be zoned in accordance with the area growth policy. The entirety of the Lockwood TEDD, including the areas proposed to be added, is located within the Lockwood Planning Boundary.

The Lockwood Growth Policy was adopted by the Yellowstone County Commission on May 17, 2016 and is intended to reflect public values within Lockwood. The document should be considered when land use applications and infrastructure investment proposals are presented.

In creating the growth policy, the Lockwood community contemplated the development of the Lockwood TEDD. Of the 11 growth guidelines identified in the document, one specifically addresses the TEDD:

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

--Lockwood Growth Policy, 2016

The Lockwood Growth Policy noted two previous planning documents, from which specific goals are still applicable to the Lockwood community. These documents are the Lockwood Community Plan (2006) and the Yellowstone County & City of Billings Growth Policy (2008). The City of Billings Growth Policy (2016) updates the City elements of the 2008 Growth Policy, therefore elements related to the unincorporated portions of the County are still applicable.

Goals from the 2006 Lockwood Community Plan that apply to the Lockwood TEDD, include the following:

Infrastructure: Continue to research and support the improvement and INSTALLATION of community infrastructure that will better serve Lockwood.

--Lockwood Community Plan, 2006

Goals from the 2008 Yellowstone County Growth Policy that apply to the Lockwood TEDD include the following:

Economic Development: Coordinated economic development efforts that target business recruitment, retention, and expansion.

--Yellowstone County & City of Billings Growth Policy, 2008

In accordance with the Lockwood Growth Policy, the properties currently within the Lockwood TEDD are zoned Agricultural, Controlled Industrial, or Heavy Industrial. The properties proposed to be added to the TEDD are currently undergoing a zoning process to bring them into compliance

with the Lockwood Growth Policy and Montana State Statutes regarding zoning within TEDDs. Approval is expected by the end of September 2018. See Figure 2 below for a depiction of properties to be added and their proposed zoning classifications.

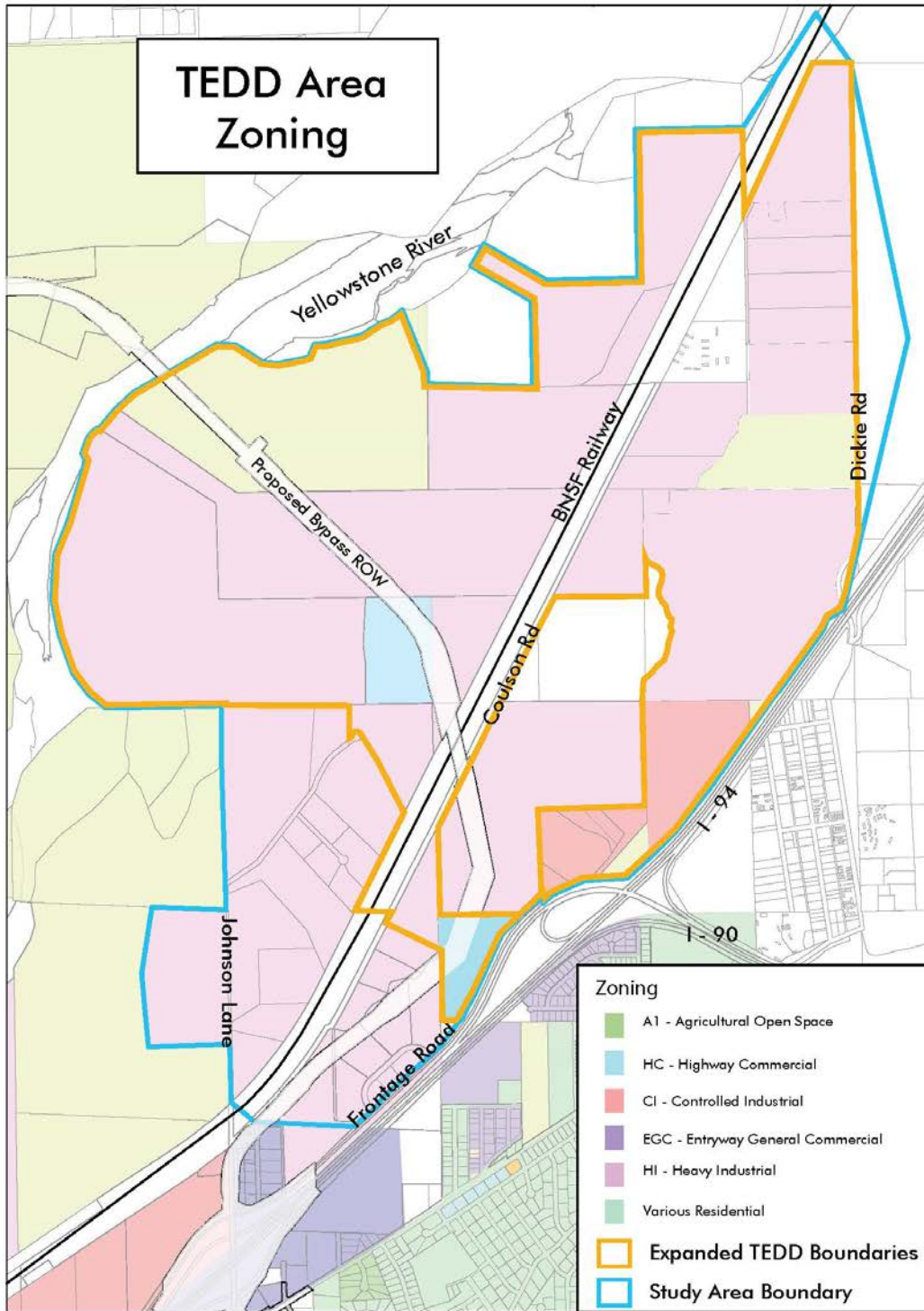


Figure 2 - Current and Pending Zoning Designations for Existing TEDD and Expansion

4. FINDINGS

Montana State Statutes 7-15-4279 contains a set of findings that must be made for a local government to establish a Targeted Economic Development District. This Section lists these findings and the justification for making them as related to the expansion of the TEDD boundaries proposed here.

7-15-4279. Targeted economic development districts. (1) A local government may, by ordinance and following a public hearing, authorize the creation of a targeted economic development district in support of value-adding economic development projects. The purpose of the district is the development of infrastructure to encourage the location and retention of value-adding projects in the state.

(2) A targeted economic development district:

(a) must consist of a continuous area with an accurately described boundary that is large enough to host a diversified tenant base of multiple independent tenants;

Response: The area to be added to the Targeted Economic Development District is contiguous to the existing District and increases the ability of the district to accommodate a diversified tenant base of multiple independent tenants. The expanded area provides greater flexibility in terms of parcel size and makes it easier to accommodate tenants with varying parcel size, configuration and access needs.

(b) must be zoned:

(i) for uses by a local government under Title 76, chapter 2, part 2 or 3, in accordance with the area growth policy, as defined in 76-1-103; or

(ii) if a county has not adopted a growth policy, then for uses in accordance with the development pattern and zoning regulations or the development district adopted under Title 76, chapter 2, part 1;

Response: The property to be added to the Lockwood TEDD is in the process of being zoned in Yellowstone County. Pending zoning designations for the properties to be added include Agricultural / Open Space, Controlled Industrial and Heavy Industrial. Completion of the zoning process is anticipated in September 2018. Figure 2 above depicts the pending zoning. Areas with agricultural zoning can be rezoned to allow industrial and secondary economic uses when required. Such rezoning would be consistent with the Lockwood Community plan.

(c) may not comprise any property included within an existing tax increment financing district;

Response: No property included within the proposed expansion area is located within an existing tax increment financing district.

(d) must, prior to its creation, be found to be deficient in infrastructure improvements as stated in the resolution of necessity adopted under 7-15-4280;

Response: The area to be added to the Lockwood TEDD is lacking sufficient infrastructure. The resolution of necessity created for the designation of the Lockwood TEDD notes deficiencies in several areas of infrastructure. Additionally, the Yellowstone County Board of County Commissioners adopted Resolution 18-62 to reaffirm the resolution of necessity

specifically for the areas included in this amendment. The resolution was adopted on July 3, 2018. The additional properties to be added to the TEDD share the same infrastructural deficiencies. Further discussion of the infrastructure deficiencies and the costs associated with remedying them is included in the *Lockwood TEDD Comprehensive Development Plan*.

Water: A public water system is not available within the existing TEDD boundaries and the additional lands to be added to it do not improve this situation. The Lockwood Water and Sewer District does not have the Lockwood TEDD within their service boundaries.

Sewer: A public sewer system is not available within the existing TEDD boundaries and additional lands to be added to it do not improve this situation. Development on the additional lands will increase the need for treatment capacity.

Transportation: The resolution of necessity indicates that the road network in the TEDD will need to be improved to Commercial Collector standards. The lands to be added to the TEDD include some additional road frontage along Johnson and Coulson Roads that will improve access to parcels but also increase the amount of roadway that needs to be brought up to the required standard.

Other utilities: The addition of these lands to the Lockwood TEDD does not improve access to other utilities such as gas and broadband.

(e) must, prior to its creation, have in place a comprehensive development plan adopted by the local governments that ensures that the district can host a diversified tenant base of multiple independent tenants; and

Response: There is a Comprehensive Development Plan in place for the Lockwood TEDD. These lands to be added to the Lockwood TEDD would further the goals of the Comprehensive Development Plan.

(f) may not be designed to serve the needs of a single district tenant or group of non-independent tenants.

Response: The current boundaries of the Lockwood TEDD are designed to serve the needs of multiple independent tenants and the addition of these properties will increase the TEDD's ability to host multiple tenants.

(3) The local government may use tax increment financing pursuant to the provisions of 7-15-4282 through 7-15-4294 for the targeted economic development district. If the local government uses tax increment financing, the use of and purpose for tax increment financing must be specified in the comprehensive development plan required in subsection (2)(e). The plan must also describe how the expenditure of tax increment will promote the development of infrastructure to encourage the location and retention of value-adding projects in the targeted economic development district.

Response: The lands to be added to the Lockwood TEDD will be part of the same tax increment financing program that the exiting Lockwood TEDD lands are. For the purposes of measuring any incremental value, the base year is 2018, with values as of, January 1, 2018.

5. TARGETED ECONOMIC DEVELOPMENT ACTIVITIES

Targeted Industries

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

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

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

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

The addition of these lands to the Lockwood TEDD will increase its ability to host multiple tenants producing secondary value-added products or commodities and better support secondary value-added industry by increasing the amount of available land and the number of potential access points and therefore the ability of the site to accommodate users with varying space and access needs.

6. PLAN AMENDMENTS

This amendment to the Lockwood TEDD and its plan are to be made by resolution of the Yellowstone County Board of County Commissioners at the request of interested property owners.





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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 09/25/2018

Information

INTRODUCTION

On August 1, 2018, Sanderson Stewart, agent for Gary Oakland, applied for preliminary major plat approval for Copper Ridge Subdivision, 8th Filing. The proposed subdivision creates 76 new lots for residential development. The subject property is generally located on the north side of Rimrock Road, east of 70th Street West, and west of the existing Copper Ridge Subdivision. The property is zoned Residential-5000 (R-50).

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 8th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To minimize the effects on local services and protect the health and safety of future residents, prior to final plat approval the applicant will submit to City Engineering for review and approval of the proposed water, sewer and storm water infrastructure to be used in Copper Ridge 8th Filing.
2. To minimize effects on local services and to provide for sidewalks throughout the proposed subdivision, prior to final plat approval the applicant will include language in the SIA that states the developer will be responsible for installing sidewalk along the road frontage of Lot 9, Block 3 in the subdivision.
3. To ensure correct procedure for providing a cash in lieu contribution, prior to final plat approval the applicant will follow the Billings Subdivision Regulations Section 23-1006 to determine the correct procedure and amount of the contribution to the City for park land cash contribution.
4. To minimize the effects on local service, prior to final plat approval the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
5. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
6. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

PLAT REVIEW DISCUSSION / STAKE HOLDERS

Planning staff gave a brief presentation about the proposed subdivision and stood for questions. There

were none from the Board. Board President Darell Tunnicliff asked if the applicant or agent would like to address the board. Mr. Gary Oakland stood offering to answer any questions that the Board had about the proposed subdivision. There were no questions for Mr. Oakland.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROCEDURAL HISTORY

- A pre-application meeting was held on July 12, 2018 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on August 1, 2018.
- A departmental review meeting was conducted on August 16, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on August 23, 2018.
- The Planning Board reviewed the plat on September 11, 2018.
- The Planning Board will conduct a public hearing on September 25, 2018, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on October 22, 2018.
- The 60 working-day preliminary plat review period ends October 26, 2018.

PLAT INFORMATION

General location:	North of Rimrock Road and East of 70th Street West
Legal Description:	Lot 10, Block 3 & Lot 10, Block 5 Copper Ridge, 7th Filing
Owner/Subdivider:	Gary Oakland
Engineer and Surveyor:	Sanderson Stewart
Existing Zoning:	R-50
Existing land use:	Vacant / Farmland
Proposed land use:	Residential
Gross and Net area:	35.99 acres; 31.50 acres
Proposed number of lots:	76
Lot size:	Max: 17.66 acres Min: 6,648 square feet
Parkland requirements: acres. The applicant is	Parkland dedication requirements for this proposed plat is 1.52 proposing to do a cash-in-lieu contribution for parkland.

Attachments

Proposed Plat
SIA

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Copper Ridge Subdivision, 8th Filing and has provided them for review by the Planning Board, as follows:

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property is currently used for agricultural purposes and about 35.99 acres of agricultural land would be taken out of production with this subdivision filing proposal. Perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities but it will take land out of agricultural production.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all of the new local streets, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ). The water service will be provided by an existing 12-inch water line located in 70th Street West and Copper Sunset Drive. The subdivider will extend the existing 12-inch water main from the existing terminus at 70th Street West / Copper Sunset Drive west to street within the proposed subdivision. The subdivider will install all new water lines in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Engineering/Public Works Department and MDEQ.

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains. There are existing 8-inch sanitary sewer stubs located in streets that will be built as part of the Copper Ridge Subdivision, 7th Filing. A sewer main will not be installed in Rimrock Road at this time but will be with future filings. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. **(Condition #1)**

MDU will provide gas services and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers.

Stormwater – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually

to retention areas in the proposed detention basins along Rimrock Road. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Department. The developer is proposing to construct 1 detention basin along the southern boundary of the subdivision. A Stormwater Report will be submitted and approved by City Engineering before final plat. **(Condition #1)**

The subdivider may direct runoff from this filings and future filings to a proposed City of Billings storm water detention facility to be built on property at the intersection of Rimrock Road and 62nd Street West. The subdivider shall make a cash contribution to the City of Billings for the stormwater management facility based on a square foot of net residential lot area.

- b. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- c. **Streets** – Rimrock Road is identified as a collector street to 70th Street West, it is believed that at the location of this filing it will continue as a collector road. The applicant will be providing a 74-foot wide right of way for Rimrock Road but it will not be constructed at this time.

The lots within the subdivision will be served by the construction of Copper View Way, Copper Bend Boulevard, and Bronze Boulevard. They shall all be 34 feet back of curb to back of curb and shall be built to City of Billings street standards. They shall be built to grade with a satisfactory subbase, base course, curb and gutter with asphalt surface. 70th Street West shall be completed to have a road that is 39 feet wide back of curb to back of curb.

Copper View Way, Copper Bend Boulevard, and Bronze Boulevard are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. The sidewalks will be installed by the home builder on a lot-by-lot basis, as lots develop. The developer will also install all ADA required ramps at the intersections within the proposed subdivision. Also the section of sidewalk along the edge of Lot 9, Block 3, which is the lot that has the detention pond. **(Condition #2)**

A Traffic Impact Study (TIS) update was completed with this filing in order to evaluate the subdivision’s impact on the street network in the surrounding area. Cash contributions will be made for future intersection improvements as identified in the SIA under Transportation D. Traffic Control Devices. A proportionate contribution will be made for this 8th filing as described in the SIA.

- d. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located

at 54th St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR).

- e. **Schools** –School District #2 provides educational services to elementary through high school students. Schools serving these students are Boulder Elementary, Ben Steele Middle School, and West High School. At the time of the writing of this staff report all schools are shown as being over capacity. The subdivision is currently on a bus route.
- f. **Parks and Recreation** – Residential subdivisions creating lots with housing densities less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. With the acreage of the 76 residential lots being created with this filing the required parkland acreage would be 1.52 acres. The applicant is proposing to provide a cash in lieu contribution. **(Condition #3)**
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the previous filings of this subdivision. The developer will need to coordinate mailbox locations with the postal service. **(Condition #4)**

3. Effect on the natural environment

The subject property is currently farmland slightly sloping to the south toward Rimrock Road from the rimrocks near Phipps Park. The property of the 8th Filing is not located within any floodplain. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

There will be no impacts to public health, safety and welfare as a result of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2014 Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

1. Yellowstone County-City of Billings 2008 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):

Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)

Home Base (healthy, safe and diverse housing options) A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

2. Urban Area Transportation Plan 2009 Update

The proposed subdivision adheres to the goals and objectives of the 2014 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

3. Billings Area Bikeways and Trail Master Plan

The proposed subdivision is just outside the jurisdiction of the Billings Area Bikeways and Trail Master Plan. A trail corridor exists within parkland dedicated to the City in the previous filings of this subdivision. This trail network will eventually connect the subdivision to a future trail identified in the plan along Cove Ditch to the south and east.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within R-50 zoning. The lot sizes conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]

The subdivider has provided utility easements as requested by MDU and YVEC on the face of the plat.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from 70th Street West, Bronze Boulevard, Copper Bend Boulevard, Shiny Penny Way, Copper View Way and Copper Sunset Drive.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Copper Ridge Subdivision, 8th Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway/Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 8th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF
COPPER RIDGE SUBDIVISION, 8TH FILING

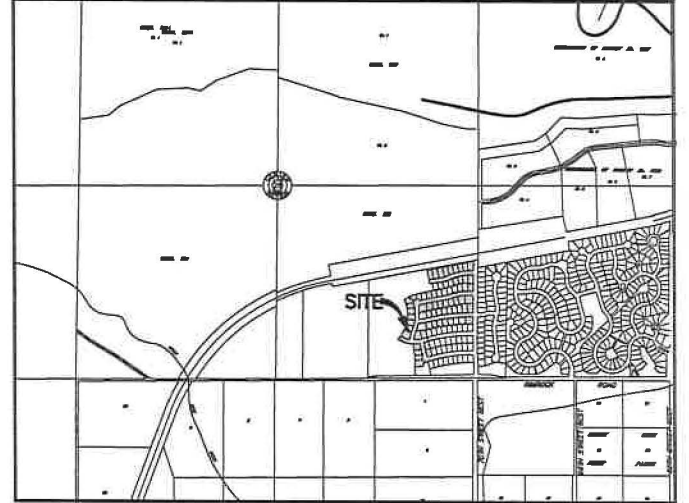
BEING LOT 10, BLOCK 3 & BLOCK 10, BLOCK 5, COPPER RIDGE SUBDIVISION, 7TH FILING
 SITUATED IN THE SW1/4 OF SECTION 25 & THE SE1/4 OF SECTION 26, T. 1 N., R. 24 E.,
 P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE WEST, INC.

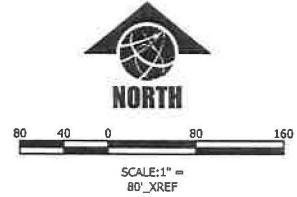
JUNE, 2018

PREPARED BY : SANDERSON STEWART 

BILLINGS, MONTANA



VICINITY MAP
 NOT TO SCALE



CERTIFICATE OF SURVEY No. 1561
 TRACT 1

UNPLATTED

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

**SUBDIVISION IMPROVEMENTS AGREEMENT
COPPER RIDGE SUBDIVISION, EIGHTH FILING
CITY OF BILLINGS
Table of Contents**

I.	Variances	SIA-2
II.	Conditions that Run with the Land	SIA-2
III.	Transportation	SIA-4
	A. Streets	SIA-4
	B. Sidewalks	SIA-4
	C. Street Lighting	SIA-5
	D. Traffic Control Devices	SIA-5
	E. Access	SIA-6
	F. Billings Area Bikeway and Trail Master Plan	SIA-6
	G. Public Transit	SIA-6
IV.	Emergency Services	SIA-7
V.	Storm Drainage	SIA-7
VI.	Utilities	SIA-8
	A. Water	SIA-9
	B. Sanitary Sewer	SIA-9
	C. Power, Telephone, Gas, and Cable Television	SIA-10
VII.	Parks/Open Space	SIA-10
VIII.	Homeowner's Associations	SIA-10
IX.	Soils/Geotechnical Study	SIA-10
X.	Financial Guarantees	SIA-11
XI.	Legal Provisions	SIA-12

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT COPPER RIDGE SUBDIVISION, EIGHTH FILING

THIS AGREEMENT is made and entered into this ___ day of _____, 20___, by and between **COPPER RIDGE WEST, INC.**, whose address for the purpose of this agreement is 175 North 27th Street, Suite 900, Billings, Montana 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the preliminary plat of Copper Ridge Subdivision, Eighth Filing, located in the City of Billings, Yellowstone County, Montana, was submitted to the Planning and Community Services Department which recommended its approval to the Yellowstone County Board of Planning; and

WHEREAS, at a meeting held on the ___th day of _____, 2018, by the Yellowstone County Board of Planning, the Board recommended for approval, subject to certain conditions, an area known as Copper Ridge Subdivision, Eighth Filing, and

WHEREAS, at a regular meeting held on the ___th day of _____, 2018, the City Council approved, subject to certain conditions, a preliminary plat of Copper Ridge Subdivision, Eighth Filing, and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to approval of the final plat; and

WHEREAS, the provisions of this agreement shall be effective and applicable to the plat of Copper Ridge Subdivision, Eighth Filing, upon filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The subdivision shall comply with all requirements of the City of Billings subdivision regulations; the rules, regulations, policies, and resolutions of the City of Billings; and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

Subdivider requests no variances.

II. CONDITIONS THAT RUN WITH THE LAND

- A.** Lot owners should be aware that this subdivision could contain wildlife migratory routes. Consequently, owners are advised that wildlife indigenous to this area could be found on the property and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and gardens. Any impacts associated with wildlife and any damage arising therefrom is the responsibility of the lot owners.
- B.** Lot owners should be aware that there is a Declaration of Restrictions and Protective Covenants recorded in conjunction with this subdivision, which outlines additional requirements specific to this subdivision design.
- C.** Lot owners should be aware that the United States Postal Service mail delivery will be made only to centralized delivery locations. Such locations shall consist of from 8 to 16 mailboxes per location. The location of each centralized mailbox setting is shown on the overall development plan and the private contract construction plans. Subdivider shall install the mailboxes within the private contract for the Eighth Filing.
- D.** Lot owners shall be advised that land in proximity to the northern boundary of Copper Ridge Subdivision is a right-of-way owned by the Burlington Northern Santa Fe Railroad, upon which they actively operate a transportation business. The noise from moving trains is clearly audible in the subdivision. This activity is protected by state law and can be expected to continue indefinitely. Subdivider, for itself and all successor owners of property within Copper Ridge Subdivision, hereby waives any right to object and/or protest the noise created by normal operation of trains running along the railway, acknowledges that the railroad right-of-way is private property, and further acknowledges that Copper Ridge Subdivision and successor owners of lots within the subdivision have an affirmative duty to stay off the Burlington Northern Santa Fe Railroad property and to keep children, guests, and invitees off the property.

- E.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts, which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this agreement. The Subdivider and owner specifically agree that they are waiving valuable rights, and do so voluntarily.
- F.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.
- G.** Certain lots as shown on the final plat of Copper Ridge Subdivision, Eighth Filing contain storm water drainage easements with a drainage swale along property lines. This storm water drainage easement and drainage swale is for conveying storm water and shall not be altered in any way to inhibit the conveyance of storm water. It shall be the lot owners' responsibility to maintain and perpetuate this storm water swale, as a fully functional swale.
- H.** The lowest finished floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb measured from the highest location along the lot frontage. Higher finished floor elevations shall be required on a lot by lot basis, as noted on the final plat.
- I.** The lowest openings on each home (window well, walk-out basement doors, and equivalent openings) shall be located outside drainage paths. If this is not possible, the homebuilder and lot owners must take necessary measures to protect these openings from being inundated from surface water flows. Allow enough space between window wells and property lines to provide sufficient swales and drainage away from window wells, and meet applicable building codes for drainage requirements.
- J.** The developer and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater Discharges Associated

with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

III. TRANSPORTATION

A. Streets

Right-of-way widths. Copper View Way, Shiny Penny Way, Copper Sunset Drive, Copper Bend Boulevard, and Bronze Boulevard, shall be 56-foot rights-of-way. 70th Street West shall be located in a previously dedicated 61-foot right of way. Rimrock Road is classified as a collector east of 70th Street West. A 74-foot wide right of way has previously been dedicated for Rimrock Road across the frontage of the property.

Pavement widths. Copper View Way, Shiny Penny Way, Copper Sunset Drive, Copper Bend Boulevard, and Bronze Boulevard shall be 34 feet back of curb to back of curb. 70th Street West shall be completed on the west side to a back of curb width of 39 feet with Eighth Filing. These roads shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings site development ordinance, city subdivision regulations, and Uniform Building Code. No street improvements will be constructed on Rimrock Road west of 70th Street West at this time.

B. Sidewalks

City and Subdivider agree that developer will install handicap accessibility ramps at time of private contract construction. No additional boulevard sidewalks will be installed by the developer as part of construction improvements.

Individual lot owners will be responsible for the construction of the sidewalks adjacent to their lot at the time of lot construction. Sidewalks shall be 5-foot-wide boulevard sidewalks.

Subdivider shall install a 5-foot wide boulevard sidewalk between Lots 10A and 11, Block 3 with Copper Ridge Subdivision, Eighth Filing.

C. Street Lighting

Construction or installation of streetlights in subdivision shall not be required at this time, but streetlights are included in the Waiver, which also includes a maintenance district for street light energy and maintenance.

D. Traffic Control Devices

1. The Subdivider shall furnish and install all necessary traffic control devices adjacent to the subdivision. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction. All traffic control devices shall be subject to review and approval by the City Engineering office.
2. Street name signs shall be installed at all intersections.
3. The City and Subdivider agree that the Subdivider will make cash contributions to improvements at the following intersections:

Rimrock Road and 62nd Street West – ___ percent
Grand Avenue and 70th Street West – ___ percent
70th Street West and Colton Boulevard – ___ percent

The percentages are based on 378 total lots in the subdivision. Each filing will contribute their proportionate share of the contributions.

The amount and timing of these contributions shall be as outlined below. These contributions represent a fair and equitable amount based on subdivision traffic using these intersections and may be used by the City for design and construction of geometric improvements, auxiliary turn lanes, or intersection controls such as traffic signals or roundabouts, at these intersections. Improvements will not be constructed until the City determines they are needed and the timing and extent of the improvements shall be at the City's sole discretion.

The amount of the contributions for the Rimrock Road/62nd Street West, Grand Avenue/70th Street West, and 70th Street West/Colton Boulevard intersections shall be as follows:

	Rimrock Road/62nd Street West	Grand Ave./70th Street West	70th Street West/Colton Blvd.
Eighth Filing (74-Residential Lots	\$XXXX	\$XXXX	\$XXXX
Lot 10, Block 5	\$XXXX	\$XXXX	\$XXXX

The contributions for Copper Ridge Subdivision, Eighth Filing (75-residential lots) shall be made prior to final plat approval. No building permits or private contract permits will be issued until Subdivider has made the cash contribution to the City.

It is anticipated that Lot 10, Block 5 will be developed in separate subdivision filings. The total cash contribution attributable to Lot 10, Block 5 shall be as stated above; however, the contribution may be apportioned over the various phases based on the amount of traffic each is expected to generate. No building permits or private contract permits shall be issued for Lot 10, Block 5 until payment has been made for the phase being developed at that time.

E. Access

Access will be provided in four locations for the subdivision. Extension of Copper Sunset Drive, Copper View Way, Shiny Penny Way, 70th Street West will provide access

F. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan identifies the BNSF Railroad right of way adjacent to the subdivision as a potential future trail alignment. As such, a potential future trail alignment is nearby to this subdivision; therefore, City and the Subdivider agree that no additional trails will be required with this subdivision.

G. Public Transit

There are no MET Transit routes that service this subdivision at this time. No improvements with regard to MET Transit vehicles are anticipated at this time.

IV. EMERGENCY SERVICES

Access is provided to this subdivision from two existing locations. The Copper Ridge Subdivision, Eighth Filing, will complete a street connection from Copper Sunset Drive and from 70th Street West. In addition, fire hydrants will be installed at the required locations as reviewed and approved by the City of Billings Fire Department.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along an approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of 20-feet-wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

- A. All storm drainage improvements shall comply with the provisions of Chapter 28, BMCC, and shall be in accordance with the recommendations of an approved storm drain study to be submitted to the City of Billings Engineering Department by the Subdivider. The stormwater in the subdivision will be managed on-site through surface flow on the streets, inlets, piping, and stormwater detention facilities. The stormwater design for Copper Ridge Subdivision, Eighth Filing, will conform to the current City of Billings Stormwater Management Manual and be reviewed by the City of Billings Public Works Department.

- B. The developer will construct one detention basin along the southern boundary of the subdivision. The developer will construct one detention facility with this filing located on Lot 9, Block 3. The remaining detention facilities will be constructed with future filings. The detention facilities will be located on Home Owner's Association (HOA) owned lots and shall be operated and maintained by the HOA. The stormwater detention facilities will have an outlet to Rimrock Road and be piped to a City of Billings owned stormwater management facility located near the intersection of 62nd Street West and Rimrock Road via the Birely Drain.
- i. The Subdivider may direct runoff from this filing and future filings to the City of Billings stormwater management facility located near the intersection of Rimrock Road and 62nd Street West. The City of Billings will review the stormwater storage provided on-site to ensure compliance with the City of Billings Stormwater Management Manual (SWMM). The Subdivision will be required to retain, or provide treatment, of the water quality volume/flow on-site in accordance with the SWMM.
 - ii. All required stormwater storage for the subdivision will be provided on-site. Therefore, no off-site stormwater contributions to the City of Billings stormwater management facility will be required.

VI. UTILITIES

Water and sanitary sewer lines shall be sized and installed in conformance with the City design standards and specifications, and the rules and regulations of the City of Billings.

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of/to water mains and sanitary sewers to the Public Works Department, Engineering Division. The extension/connection of/to water mains and sanitary sewers are subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

The developer/owner acknowledges that the subdivision shall be subject to the applicable system development fees in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules and regulations of, and as approved by, the City of Billings Public Works Department, Fire Department, and the Montana Department of Environmental Quality.

A. Water

Service to the subdivision will be provided from the existing 12-inch water main stub located at the intersection of 70th Street West and Copper Sunset Drive and 8-inch stubs at Copper View Way, Shiny Penny Way, Copper Bend Boulevard, and Bronze Boulevard. The Subdivider will extend the existing 12-inch water main from the existing terminus at 70th Street West/Copper Sunset Drive west along Copper Sunset Drive to the intersection with Copper Boulevard, then south along Copper Bend Boulevard to the intersection with Shiny Penny Way, then west along Shiny Penny Way to future filings of the subdivision. Bronze Boulevard, Copper Boulevard north of Copper Sunset Drive and Copper View Way shall extend 8-inch diameter water mains. No water main will be installed in Rimrock Road west of 70th Street West at this time.

Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. It is anticipated that each lot shall be provided with its own separate water service. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department.

B. Sanitary Sewer

Service to the subdivision will be from the existing 8-inch sanitary sewer stubs located in Copper View Way, Shiny Penny Way, Copper Sunset Drive, Copper Boulevard, Bronze Boulevard, and 70th Street West. No sanitary sewer main will be installed in Rimrock Road west of 70th Street West with this subdivision, but is anticipated to be extended to the west from the intersection of 70th Street West and Rimrock Road with future filings.

Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. Each lot shall be provided with its own service. All sanitary sewer construction improvements shall be installed in conformance with the design standards,

specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department.

Improvements noted herein shall include, but not be limited to, any and all interim improvements that may be deemed necessary due to phased or partial construction.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be placed in designated easements outside of the right-of-way and shall be installed underground prior to surface improvements. The location of all such facilities shall be subject to approval of the City Engineer.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Additionally, Section 23-1002.B.1 of the City of Billings municipal code covers parkland dedication of major subdivisions. The Eighth Filing has a total of 74 residential lots, requiring a parkland dedication of 1.49 acres. The Subdivider will make a cash in-lieu contribution for the 1.49 acres in lieu of parkland dedication.

VIII. HOMEOWNER'S ASSOCIATIONS

A homeowner's association (HOA) will be established for this subdivision. The HOA will have the following responsibilities:

A. Contact Information

HOA shall provide contact information of the senior board official to the City Engineering Department upon the establishment of the HOA and/or changing of board members.

B. Stormwater Drainage Facilities

The HOA shall be responsible for the maintenance of the on-site stormwater drainage facilities located on Lot 19, Block 1 and Lot 9, Block 3. The HOA shall share the cost of maintenance of the community stormwater facilities.

IX. SOILS/GEOTECHNICAL STUDY

The Subdivider has retained an engineering firm to prepare a geotechnical analysis for this property. A copy of the entire geotechnical report prepared by Rawhide

Engineering, Inc., dated ____, 2018, is available for review at the City Building and/or Planning Division offices. There are variable soil conditions throughout the Subdivision, and the potential exists for collapsible soils within the Subdivision. A lot specific geotechnical report shall be the responsibility of the lot owner. The Subdivider has contracted with Rawhide Engineering to perform a preliminary geotechnical analysis for this property dated ____, 2018.

Recommendations from the report include:

1. Approximately 6-inches of surface soils should be stripped and removed from the site, or stockpiled for use in non-structural areas.
2. Fill should be placed and compacted to a minimum of 97 percent relative compaction, in accordance with the ASTM D698 compaction test method.
3. Provide positive drainage away from residences.
4. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97 percent of ASTM D698.
5. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the excavation. The boring logs should be reviewed for conditions across the site.
6. Due to the hydro-collapse and settlement potential of native soils on this site, plants should not be placed within 3 feet of foundations. Care should be taken with the landscaping not to create drainage obstructions, such as concrete curbing, which will collect and retain water near the foundations.
7. As noted in the Rawhide Engineering _____, 2018 report, and in accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations. If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible.

X. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a private contract secured by letters of credit or a letter of commitment to lend funds from a commercial

lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the City Engineering Department and Public Works Department, Distribution and Collection Division.

XI. LEGAL PROVISIONS

- A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.
- B.** The owners of the properties involved in this proposed subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provision of the agreement.
- C.** The covenants, agreements, and all statements in this agreement apply to and shall be binding on the heirs, personal representatives, successors, and assigns of the respective parties.
- D.** In the event it becomes necessary for either party to this agreement to retain an attorney to enforce any of the terms or conditions of this agreement or to give any notice required herein, then the prevailing party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this agreement or any provisions herein shall be made in writing and executed in the same manner as this original document, and shall after execution become a part of this agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

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

“SUBDIVIDER”

COPPER RIDGE WEST, INC.

By: _____

Its: _____

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 person who signed the foregoing instrument as the _____ of COPPER RIDGE WEST, INC., and who acknowledged to me that said company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

Notary Public in and for the State of Montana
Printed name: _____
Residing at: _____
My commission expires: _____

This Agreement is hereby approved and accepted by City of Billings, this ___ day of _____, 20__.

“CITY”

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 :ss
County of Yellowstone)

On this _____ day of _____, 20__, before me, a Notary Public for the State of Montana, personally appeared _____, and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

Notary Public in and for the State of Montana
Printed name: _____
Residing at: _____
My commission expires: _____

Approved as to Form:

City Attorney



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 09/25/2018

Information

INTRODUCTION

On August 1, 2010, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 12th Filing. The proposed subdivision creates 66 lots for residential development on a 12.74-acre parcel of land. This proposal is part of a larger approved master plan of High Sierra Subdivision which includes a total of approximately 1,375 lots platted from 400 acres in multiple filings. The subject property is generally located North of Topanga Avenue in the 11th Filing and east of High Sierra Boulevard in the northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 12th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To protect the public health and safety, prior to final plat approval the applicant will provide drawings to be reviewed and approved by engineering for the water, sewer and stormwater systems associated with the subdivision.
2. To provide for the installation of utilities, utility easements shall be shown on the final plat as requested by the affected public and private utility companies.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

PLAT REVIEW DISCUSSION / STAKE HOLDERS

Planning staff gave a brief presentation about the proposed subdivision and stood for questions. There were none from the Board. Board President Darell Tunnicliff asked if the applicant or agent would like to address the board. Mr. Gary Oakland stood offering to answer any questions that the board had about the proposed subdivision. There were no questions for Mr. Oakland.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROCEDURAL HISTORY

- A pre-application meeting was held on July 16, 2018 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on August 1, 2018.
- A departmental review meeting was conducted on August 16, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on August 23, 2018.
- The Planning Board reviewed the plat on September 11, 2018.
- The Planning Board will conduct a public hearing on September 25, 2018, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on October 22, 2018.
- The 60 working-day preliminary plat review period ends October 26, 2018.

PLAT INFORMATION

General location: North of Topanga Avenue in the 11th Filing and East of High Sierra Boulevard

Legal Description: Lot 17, Block 6 of High Sierra Subdivision, 11th Filing

Owner/Subdivider: High Sierra II, Inc., Gary Oakland

Engineer and Surveyor: Sanderson Stewart, Gary Owen

Existing Zoning: R-70-R

Existing land use: Vacant

Proposed land use: Residential

Gross and Net area: 16.82 acres; 12.74 acres

Proposed number of lots: 66

Lot size: Max: 13,300 square feet
Min: 7,005 square feet

Parkland requirements: Parkland dedication requirements for this proposed plat is 1.401 acres. The applicants are proposing to do a cash-in-lieu contribution for parkland.

Attachments

Findings of Fact

Proposed Plat

SIA

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 12th Filing and has provided them for review by the Planning Board, as follows:

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608(3)(a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property is currently used for dryland pasture by the Dover Ranch operation to the north. It, along with approximately 375 additional acres, was annexed by the City and rezoned for single-family residential uses in 2007. It is adjacent to similar residential uses to the south and east and will provide housing in an area that is not particularly productive for agriculture. It should not have a negative effect on the agricultural industry.

The BBWA irrigation canal is located approximately 3/4-mile northeast of the property. This subdivision does not contain any ditches or water shares, and therefore will not have an effect on agricultural water user facilities.

2. Effect on local services

- a. Utilities** – There are existing 8-inch water mains in Owen Street and Rancho Vista Avenue that will be extended to serve the new lots. The water lines will be looped at all possible locations within the subdivision to equalize pressure. Pressurized fire hydrants will also be extended. The improvements are subject to the review and approval by City of Billings Engineering Division and the City Fire Department before time of construction. As proposed, City Engineering finds that the water main extensions are acceptable.

Sanitary sewer service will be provided by the City of Billings by connecting to the existing 8-inch sewer main in Owen Street and one 8-inch sanitary sewer located in Rancho Vista Avenue. All proposed infrastructure will be reviewed and approved prior to installation by the City of Billings Public Works Department. **(Condition #1)**

MDU will provide gas services, and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements will need to be shown on the face of the plat that are acceptable to these utility providers. **(Condition #2)**

- b. Storm water** – A storm water master plan was reviewed in June 2008 for this proposal. In general, storm drains and piping will be installed to carry water to the north and east to a detention pond located within the overall master planned area (area covering High Sierra Subdivision 5th-12th filings). This and all other drainage improvements shall satisfy the criteria set forth by the most-current *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Division. Additionally, a Stormwater Pollution Prevention Plan (SWPPP) will be required of the developer and construction contractors prior to site disturbance to ensure that storm drain facilities are not compromised during site and home construction. **(Condition #1)**

- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. **Streets** –The proposed subdivision will be accessed from existing Rancho Vista and Owen Street. With a new cul-de-sac off of Rancho Vista, Acacia. They will be built to City standards at 34 feet wide, with curb, gutter and boulevard-style sidewalks, all within 56-foot rights-of-way. They will be built to current City of Billings Engineering standards.

A Traffic Impact Study (TIS) was completed for the entire High Sierra Subdivision master plan area at the time of the 5th Filing in June of 2008. This study was updated to analyze the specific impacts of the 12th Filing in July of 2018. Three area intersections were identified as being affected by the High Sierra Subdivision; Wicks Lane/Gleneagles Boulevard, Wicks Lane/Fantan Street, and Wicks Lane/St. Andrews Drive. Based on the updated findings, it was determined that the developer shall contribute toward the total cost of the improvements planned for these three intersections. As indicated in the Subdivision Improvement Agreement (SIA) those contributions shall be calculated and made prior to final plat approval.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1601 St. Andrews Drive (Station #6) about 2.5 road miles to the southeast. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – School District #2 provides service to elementary, middle and high school students, Eagle Cliff elementary, Castle Rock Middle School, and Skyview High School. The district states that there is capacity in all the schools for additional students.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 1.4 acres. The subdivider proposes to provide cash in lieu of parkland for this filing of the subdivision. The nearest park to this property is south and east of the property at the end of Del Mar Street. This City park is not yet developed.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. With previous filings the developer provided centralized delivery facilities and the same is proposed for this filing. The developer will consult with the USPS prior to placement of the centralized mail boxes.

3. Effect on the natural environment

The subject property is relatively level prairie land adjacent to urban development on its south and east sides. A geotechnical evaluation was done for the proposed subdivision in July of 2018, to investigate soil, rock, and groundwater conditions and provide recommendations to support design and construction of foundation and drainage elements. In the conditions that run with the land in the SIA there is a paragraph notifying the future lot owner there may be limitations or special requirements of the lot that should be investigated before construction on the lots.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of deer and antelope in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat, as it is in an area that is rapidly urbanizing.

5. Effect on the public health, safety and welfare

The subdivision is located in an area with no known natural hazards. Fire hydrants will be constructed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-302.H.1.]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2014 Billings Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]

1. City of Billings 2016 Growth Policy

The proposed subdivision is consistent with the following Growth Policy Statements and Guidelines:

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)

Home Base (healthy, safe and diverse housing options) A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

2. 2014 Billings Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the Transportation Plan 2014 Update and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan shows a future bike lane along High Sierra Boulevard, east of the proposed filing. This would be constructed at the time of further development of High Sierra Boulevard and not as part of this filing.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b) and BMCC 23-302.H.3.a.]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and conforms to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within the R-70-R zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-302.H.3.b.]

The subdivider shall provide utility easements as requested by the City, MDU and YVEC on the face of the plat.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from the extension of Rancho Vista and Owen Street, both local streets to be dedicated to the public as shown on the plat. Both of the above named streets have access that originates off of Benjamin Boulevard to the south. This street is already constructed for local traffic.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of High Sierra Subdivision, 12th Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway and Trail plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 12th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF
HIGH SIERRA SUBDIVISION, 12th FILING

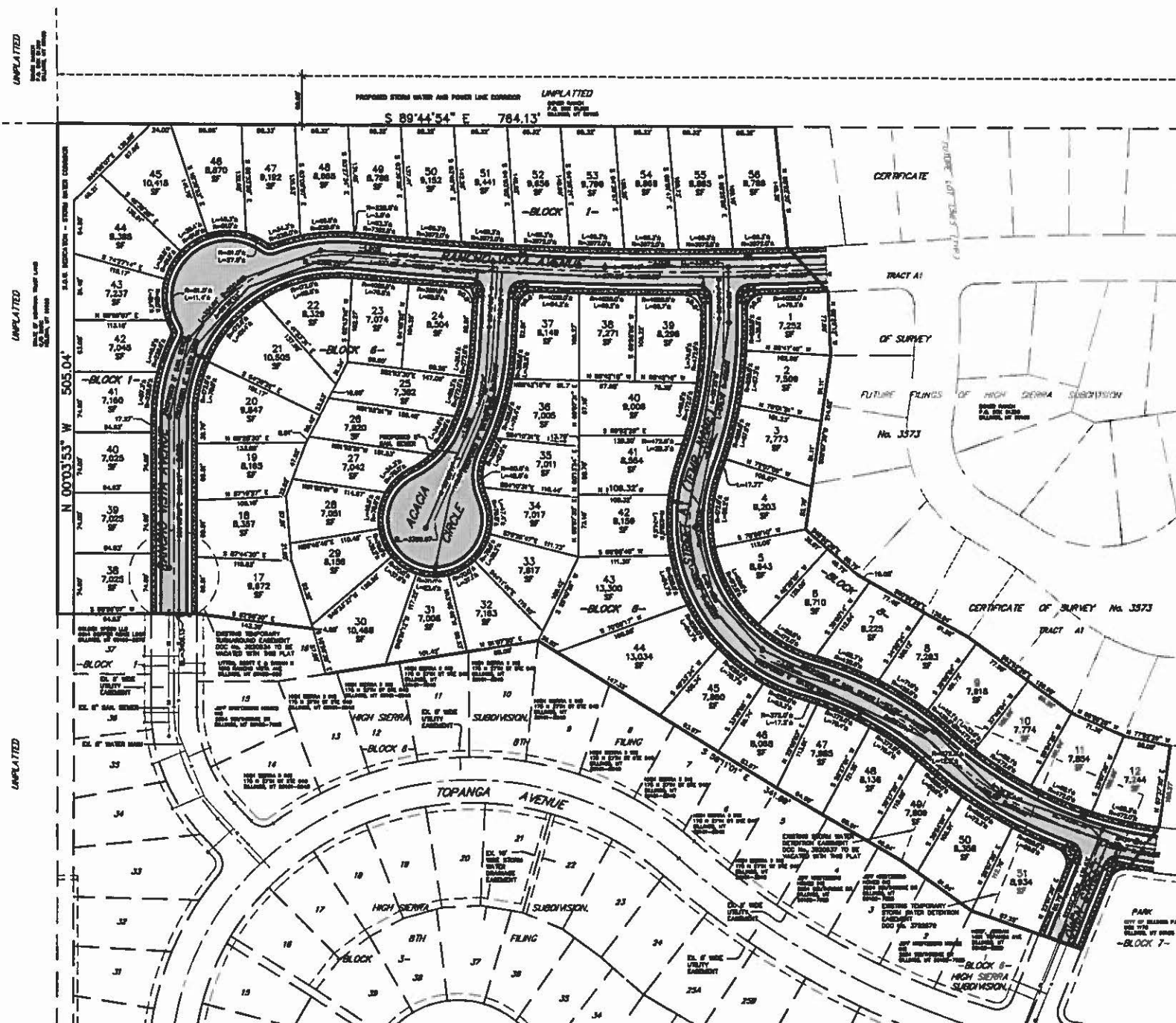
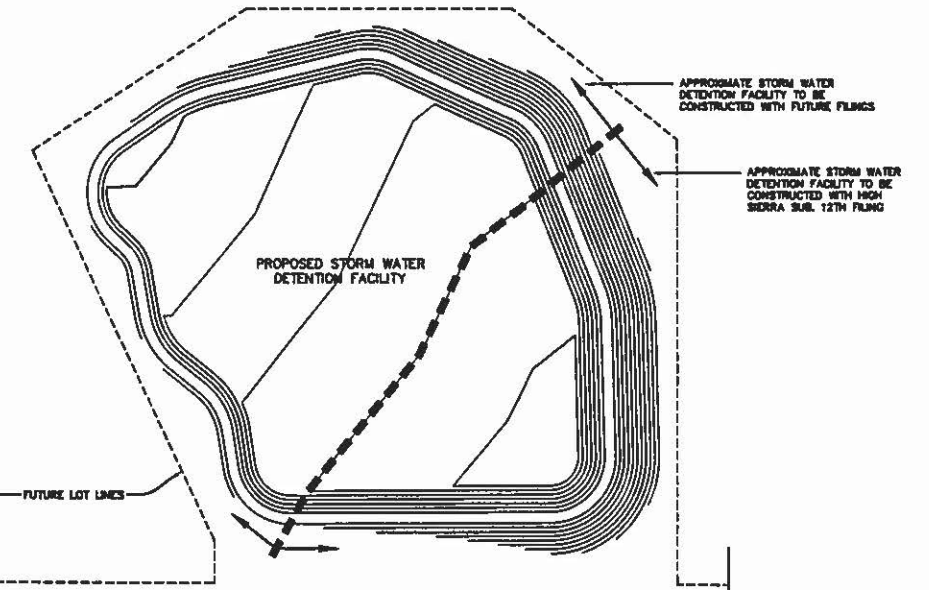
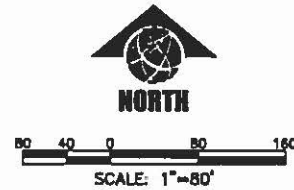
BEING LOT 17, BLOCK 6 OF HIGH SIERRA SUBDIVISION 11TH FILING
 SITUATED IN NW1/4 OF SECTION 17, T. 1 N., R. 26 E., P.M.M.,
 IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.

JULY, 2018

PREPARED BY : SANDERSON STEWART

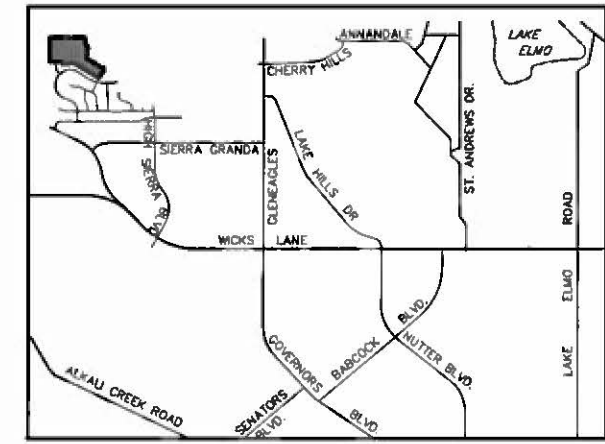
BILLINGS, MONTANA



PLAT DATA

GROSS AREA	= 16.82 ACRES
NET AREA = LOTS	= 12.74 ACRES
NUMBER OF LOTS	= 66
MINIMUM LOT SIZE	= 7,005 S.F.
MAXIMUM LOT SIZE	= 13,300 S.F.
PARKLAND	= CASH-IN-LIEU (1.401 AC.)
LINEAL FEET OF STREETS	= ±2,660.03 L.F.
AREA OF STREETS	= 4.08 ACRES
EXISTING ZONING	= R7000 RESTRICTED
SURROUNDING ZONING:	
NORTH	= AGRICULTURAL OPEN
SOUTH	= R7000R
EAST	= R7000R
WEST	= AGRICULTURAL OPEN
EXISTING LAND USE	= VACANT
PROPOSED LAND USE	= RESIDENTIAL DEVELOPMENT

- NOTES:**
- 1.) ALL PROPOSED STREETS ARE 34 FOOT BACK OF CURB TO BACK OF CURB IN 34 FOOT RIGHT-OF-WAY WITH 5 FOOT BOLLEIVARD AND 5 FOOT WIDE SIDEWALKS BUILT AT THE TIME OF HOME CONSTRUCTION.
 - 2.) EXISTING ZONING IS R7000 RESTRICTED
 - 3.) PARKLAND DEDICATION MET BY CASH-IN-LIEU PAYMENT.



VICINITY MAP
 NOT TO SCALE

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

**SUBDIVISION IMPROVEMENTS AGREEMENT
HIGH SIERRA SUBDIVISION, TWELFTH FILING
CITY OF BILLINGS
Table of Contents**

I.	Variances	SIA-2
II.	Conditions that Run with the Land	SIA-2
III.	Transportation	SIA-5
	A. Streets	SIA-5
	B. Sidewalks	SIA-5
	C. Street Lighting	SIA-5
	D. Traffic Control Devices	SIA-5
	E. Access	SIA-6
	F. Billings Area Bikeway and Trail Master Plan	SIA-6
	G. Public Transit	SIA-6
IV.	Emergency Services	SIA-6
V.	Storm Drainage	SIA-7
VI.	Utilities	SIA-8
	A. Water	SIA-9
	B. Sanitary Sewer	SIA-9
	C. Power, Telephone, Gas, and Cable Television	SIA-9
VII.	Parks/Open Space	SIA-10
VIII.	Soils/Geotechnical Study	SIA-10
IX.	Financial Guarantees	SIA-11
X.	Legal Provisions	SIA-11

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT HIGH SIERRA SUBDIVISION, TWELFTH FILING

THIS AGREEMENT is made and entered into this ____ day of _____, 20__, by and between **HIGH SIERRA II, INC.**, whose address for the purpose of this agreement is 175 North 27th Street, Suite 900; Billings, Montana 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the preliminary plat of High Sierra Subdivision, Twelfth Filing, Lot 17, Block 6 of High Sierra Subdivision, 11th Filing Amended of Certificate of Survey No. 3573, located in the City of Billings, Yellowstone County, Montana, was submitted to the Planning and Community Services Department which recommended its approval to the Yellowstone County Board of Planning; and

WHEREAS, at a meeting held by the Yellowstone County Board of Planning on the ____ day of _____, 2018, the Board recommended for approval, subject to certain conditions, an area known as the High Sierra Subdivision, Twelfth Filing; and

WHEREAS, at a regular meeting held on the ____ day of _____, 2018, the City Council approved, subject to certain conditions, a preliminary plat of High Sierra Subdivision, Twelfth Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to approval of the final plat; and

WHEREAS, the provisions of this agreement shall be effective and applicable to the plat of High Sierra Subdivision, Twelfth Filing, upon filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The subdivision shall comply with all requirements of the City of Billings Subdivision Regulations; the

rules, regulations, policies, and resolutions of the City of Billings; and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

No variances are requested with this subdivision.

II. CONDITIONS THAT RUN WITH THE LAND

- A.** Lot owners will be required to construct that segment of the required five-foot-wide boulevard-style sidewalk that fronts their property at the time of lot development.
- B.** Lot owners should be aware that this subdivision could contain wildlife migratory routes. Consequently, owners are advised that wildlife indigenous to this area could be found on the property and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and gardens. Any impacts associated with wildlife, and any damage arising therefrom, is the responsibility of the lot owners.
- C.** Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the geotechnical investigation report for this property, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical investigation prior to construction. Assessment and mitigation, if any, of these conditions shall be the responsibility of the lot owner.
- D.** The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the City and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.
- E.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required by each owner for new construction on

lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

- F. There is attached hereto a waiver waiving the right to protest the creation of the special improvement district, or districts, which, by this reference, is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner, or owners, of the developments described herein. Said waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this agreement. The Subdivider and owner specifically agree that they are waiving valuable rights, and do so voluntarily.
- G. Lot owners should be aware that agricultural activities could be present on surrounding properties. Any impacts associated with agricultural activities, and any issue arising therefrom, is the responsibility of the lot owners.
- H. Certain lots within High Sierra Subdivision, Twelfth Filing contain a 10-foot-wide stormwater drainage easement with a drainage swale along the rear property lines. These stormwater drainage easements and drainage swales are for conveying stormwater and shall not be altered in any way to inhibit the conveyance of stormwater. It shall be the lot owners responsibility to maintain and perpetuate this stormwater drainage swale. Adjacent lot owners shall not store, place or dump any items, vehicles or materials (including yard waste and grass clippings) in this stormwater drainage easement, or negatively affect the function of the swale. If it is determined that adjacent lot owners are using this stormwater drainage easement to store, place or dump materials, or alter the drainage swale in any way, they will be notified to remove any items and restore the drainage swale immediately.
- I. The rear lot lines of Lots 38 through 44, Block 1 in High Sierra Subdivision, Twelfth Filing are adjacent to a City of Billings right of way that contains stormwater drainage facilities and a swale. This stormwater drainage swale is for conveying stormwater and shall not be altered in any way. It shall be the High Sierra Subdivision Home Owners Association's responsibility to maintain and perpetuate the function of this stormwater drainage swale. Adjacent lot owners (Lots 38 through 55, Block 1 of High Sierra Subdivision, Twelfth Filing) shall not store, place or dump any items, vehicles or materials (including yard waste and grass clippings) in this right of way, or negatively affect the function of the swale. If it is determined that

adjacent lot owners are using this right of way to store, place or dump materials, or alter the drainage swale in any way, they will be notified to remove any items and restore the drainage swale immediately. If the drainage swale is not restored immediately, the obstructions will be removed and/or the drainage swale will be restored at the lot owners expense.

- J.** Each owner of a completed lot shall be a member of the High Sierra Homeowners Association. Membership shall be appurtenant to and may not be separated from ownership of a lot. The Home Owners Association will be set up to maintain the permanent stormwater detention facilities. The HOA Board of Directors shall have the power, in its discretion, to exclude costs of major repairs or approved capital improvements to the HOA Storm Water System from the regular monthly assessments and, instead, impose special assessments for these expenses, and for emergencies, as they are incurred.
- K.** The lowest finish floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb, measured from the highest location along the lot frontage. Home builder and lot owner may find it necessary to raise the finish floor elevation of house or garage above this minimum during on-site building design and/or during on-lot grading.
- L.** The stormwater runoff from individual lots shall be directed toward the public right-of-way wherever possible. However, due to the existing terrain of the subdivision this is not possible for every lot. Where runoff from lots cannot be directed to public right-of-way because existing terrain is falling away from the public right of way, the stormwater runoff shall be directed to flow to the same location as it has historically. Home builder and lot owners shall consider the effect of potential off-lot run-on waters from lots uphill of the subject lot, and grade around the home to provide positive drainage away from the home. Home builder and lot owners must take necessary measures to protect the house from surface stormwater flows. Lots shall allow, through on-site building design and on-lot grading, for stormwater to pass through each lot without negatively impacting adjacent lots. The lowest openings on each home (window well, walk-out basement doors, etc.) are to be located outside the designated drainage paths. If this is not possible, the builder and lot owners must take necessary measures to protect these openings from inundating from surface water flows. In any case, the homebuilder shall allow enough space between window wells and property lines to provide sufficient swales and proper storm water drainage away from window wells.

III. TRANSPORTATION

A. Streets

Street A (temporary name), Acacia Circle, and Rancho Vista Avenue within the subdivision shall be public and shall be located within a 56-foot right-of-way, and have a street width of 34-foot back of curb to back of curb. These internal access roads shall be built to grade with a satisfactory subbase, base course, drive over curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings site development ordinance, Subdivision Regulations, and Uniform Building Code.

B. Sidewalks

City and the Subdivider agree that the developer will install accessibility ramps at time of private contract construction. Individual lot owners will be responsible for the construction of the five-foot wide boulevard sidewalks adjacent to their lot at the time of lot construction. The City reserves the right to construct any missing sidewalk and assess the property owners three years after construction of a phase.

C. Street Lighting

Construction or installation of street lights within the public rights-of-way shall not be required at this time. If street lights are installed, a maintenance district will be formed for future maintenance of the street lights.

D. Traffic Control Devices

The Subdivider shall furnish and install all necessary traffic control devices adjacent to the subdivision. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction. All traffic control devices shall be subject to review and approval by the City Engineering office.

A master plan traffic accessibility study has been completed for High Sierra Subdivision, Fifth through Twelfth Filing. That study analyzed impacts to eight intersections affected by additional traffic generated with the development of High Sierra. Three of those intersections were noted for improvements: Wicks Lane/Fantan/Street; Wicks Lane/Gleneagles Blvd;

and Wicks Lane/St. Andrews Dr. An update to the study has been completed for this filing. Based on the 66 developable single family residential lots proposed within this subdivision, the percent of traffic contribution to these intersections is as follows:

Wicks/Fantan:	_____ percent	\$XXXX.00
Wicks/Gleneagles:	_____ percent	\$XXXX.00
Wicks/St. Andrews:	_____ percent	<u>\$XXXX.00</u>
		\$XXXXX.00

As requested by the City of Billings Public Works Department, cash contributions to intersection improvements will be made prior to the filing of the final plat.

E. Access

Access will be provided for the subdivision by continuation of streets from High Sierra Subdivision, Eleventh Filing, including Rancho Vista Avenue, and Owen Street. In addition, these streets will provide connectivity to future development. Location of these accesses shall be subject to review and approval by the City Engineering office.

F. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan identifies High Sierra Boulevard as a primary bikeway. As such, an on-street bikeway will be provided on High Sierra Boulevard nearby to this subdivision; therefore, City and the Subdivider agree that trail requirements are being met for the subdivision.

G. Public Transit

No improvements with regard to public transit are anticipated at this time. The nearest access to the public transit system occurs near Skyview High School on Siesta Avenue, between High Sierra Boulevard and Fantan Street.

IV. EMERGENCY SERVICES

Access is provided to this subdivision via Acacia Street, Owen Street, Street A (temporary name), and Rancho Vista Avenue which shall terminate in a temporary cul-de-sac. The City will provide emergency service. Fire hydrants shall be

provided at each street intersection, and at intermediate locations where distances exceed 500 feet. Appropriate turn arounds will be located on any street in excess of 150 feet.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

All storm drainage improvements shall comply with the provisions of Chapter 28, BMCC, and shall be in accordance with the recommendations of an approved storm drain study to be submitted to the City of Billings Engineering Department by the Subdivider. Because the City of Billings storm drain system is not available in the area of the subdivision, stormwater will be handled on site through surface flow on the streets, inlets, and piping. The stormwater design for High Sierra Subdivision, Twelfth Filing, will conform to the current City of Billings Stormwater Management Manual.

The Subdivider will construct a permanent drainage swale west of Lots 38 through 44, Block 1 and north Lots 45 through 55, Block 1 with the private contract for subdivision improvements. The Subdivider will also construct a portion of the permanent detention facility with the private contract for the subdivision improvements. The stormwater detention facility and swales will be sized in accordance with the current City of Billings Stormwater Management Manual. The

stormwater detention facility will also be sized for runoff from this filing as well as previous filings of High Sierra Subdivision (portions of High Sierra Subdivision Seventh and Eighth Filings, and High Sierra Subdivision Eleventh Filing). The drainage swale west of Lots 38 through 44, Block 1 will be located within public right of way. The drainage swale north of Lots 45 through 55, Block 1 and the stormwater detention facility will be located on a Home Owners Association (HOA) owned lot. The drainage swales and detention facilities shall be operated and maintained by the HOA. The detention facility will be part of a larger detention facility for the entire subdivision with an ultimate stormwater outfall to 5-Mile Creek. However, until the permanent outfall is constructed a temporary discharge from the detention facility limiting the stormwater discharge to pre-developed runoff rate will be allowed.

VI. UTILITIES

Water and sanitary sewer lines shall be sized and installed in conformance with the City design standards and specifications, and the rules and regulations of the City of Billings.

The Subdivision Improvements Agreement does not constitute an approval for extension of, or connection to, water mains and sanitary sewers. The property owner shall submit applications for extension/connection of water mains and sanitary sewers to the Public Works Department, Distribution, and Collection Division. The extension/connection of/to water mains and sanitary sewers are subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction, and prior to review and approval of any project plans and specifications. The appropriate water and wastewater fees in effect shall be submitted with the applications.

The developer/owner acknowledges that the subdivision shall be subject to the applicable system development fees in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.), shall be in accordance with design standards, specifications, rules and regulations of, and as approved by the City of Billings Public Works Department, Fire Department, and the Montana Department of Environmental Quality.

A. Water

The subdivision will be served by making connections to existing water main stubs located in Owen Street and Rancho Vista Avenue. The existing water main in these streets is an 8-inch in diameter main and is a part of the City of Billings water distribution system. A new 8-inch water main will be installed in the local interior streets. The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and will be subject to approval by the City of Billings Fire Department. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. Each lot shall be provided with its own separate water service. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

B. Sanitary Sewer

The subdivision will be served by one connection to two existing 8-inch sanitary sewer mains located at each end of Owen Street and one connection to an existing 8-inch sanitary sewer main located in Rancho Vista Avenue. The sanitary sewer located within the subdivision will consist of an 8-inch sanitary sewer main. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be placed in designated easements outside of the right-of-way, where possible, and shall be installed underground prior to surface improvements. The location of all such facilities shall be subject to approval of the City Engineer.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Additionally, Section 23-1002.B.1 of the City of Billings municipal code covers parkland dedication of major subdivisions. The Twelfth Filing has a total of 66 lots, requiring a parkland dedication of 1.401 acres. The Subdivider will make a cash in-lieu contribution for the 1.401 acres in lieu of parkland dedication.

VIII. SOILS/GEOTECHNICAL STUDY

The Subdivider has contracted with Rawhide Engineering to perform a preliminary geotechnical analysis for this property dated July 2018.

Recommendations from the report include:

1. Approximately 6-inches of surface soils should be stripped and removed from the site, or stockpiled for use in non-structural areas.
2. Fill should be placed and compacted to a minimum of 97 percent relative compaction, in accordance with the ASTM D698 compaction test method.
3. Provide positive drainage away from residences.
4. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97 percent of ASTM D698.
5. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the excavation. The boring logs should be reviewed for conditions across the site.
6. For home construction, the majority of the foundation will be located on weathered sandstone bedrock or weathered shale bedrock. Three alternative foundation recommendations are provided within the geotechnical report.
7. As noted in the Rawhide Engineering February 2018 report, and in accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations.

If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible.

IX. FINANCIAL GUARANTEES

Except as otherwise provided, the Subdivider shall install and construct said required improvements with cash, or by private contracts secured by letters of credit, or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the City Engineering Department and Public Works Department, Collection and Distribution Division.

X. LEGAL PROVISIONS

- A. The Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.
- B. The owners of the properties involved in this proposed subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provision of the agreement.
- C. The covenants, agreements, and all statements in this agreement apply to, and shall be binding, on the heirs, personal representatives, successors, and assigns of the respective parties.
- D. In the event it becomes necessary for either party to this agreement to retain an attorney to enforce any of the terms or conditions of this agreement, or to give any notice required herein, then the prevailing party giving notice shall be entitled to reasonable attorney fees and costs.
- E. Any amendments or modifications of this agreement, or any provisions herein, shall be made in writing and executed in the same manner as this original document, and shall, after execution, become a part of this agreement.
- F. The Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. The Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

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

“SUBDIVIDER”

HIGH SIERRA II, INC.

By: _____

Its: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 2018, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as the _____ of HIGH SIERRA II, INC., and who acknowledged to me that said company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

Notary Public in and for the State of Montana
Printed name: _____
Residing at: _____
My commission expires: _____



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



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 09/25/2018

Information

INTRODUCTION

On August 1, 2018, the Planning Division received an application for major plat approval for the proposed Shop World 1 Subdivision. The property is generally located on the southwest corner of the intersection of King Avenue West and South 80th Street West. This subdivision would create 189 lots from a 61.03-acre parcel for private storage garage development and 2 residential lots. The land is currently used for farming. The land is outside of zoning.

RECOMMENDATION

Staff recommends that the Yellowstone County Board of Planning recommend conditional approval of the preliminary plat of Shop World 1 Subdivision to the Board of County Commissioners and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

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

1. To protect public health and safety, prior to final plat approval the applicant will receive approval from the MDEQ for the proposed cisterns, septic systems and the proposed storm water management.
2. To provide for future maintenance of all private roads within Shop World Subdivision, 1st Filing, prior to final plat approval the applicant will create an HOA for the private road maintenance and define how fees will be assessed and collected.
3. To provide for the correct documentation of the road easements within the proposed subdivision, prior to final plat approval the applicant will provide easement documents with language that states fire, police, emergency vehicles, and maintenance personnel for the dry hydrant system will be allowed access on the roads. Also that the roads can have additional traffic burden placed on them by connecting to the south should the land to the south develop.
4. To protect public health and safety and to ensure a usable dry hydrant system, prior to final plat approval the applicant will provide construction drawings to the Laurel Fire Department for the dry hydrant system and receive approval before construction begins. The system must be tested and approved by the Laurel Fire Department after installation, with a letter to show the approval from the Laurel Fire Department. The applicant will also create an RSID-M for the maintenance of the dry hydrant system.
5. To protect public health and safety and to ensure a usable dry hydrant system is available, prior to final plat approval the applicant will provide a letter from the Laurel Fire Department stating that there is a dry hydrant system, or approved alternate water source, for fire suppression for proposed Lots 188 and 189.
6. To ensure the maintenance of existing fire suppression systems and full participation from all benefitted parties, prior to final plat approval the applicant will expand an existing RSID for fire

suppression for Lots 188 and 189 from Tanglewood Estates, or any RSID that provides maintenance for fire suppression which these two lots benefit.

7. To minimize the effects on local service, prior to final plat approval the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.

8. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.

9. To ensure the placement of easements for private utility providers, prior to final plat approval the applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision.

10. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

11. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

PLAT REVIEW DISCUSSION / STAKE HOLDERS

Staff gave a brief presentation to the Board regarding the proposed subdivision. Board President Darell Tunnicliff asked if there were any questions for staff from the board. There were two questions about the bathroom facilities and private roads. Staff stated that the applicant or agent could best address the number of bathrooms proposed and where. Staff showed on the proposed plat which roads were public and which were private. A final question was raised regarding what controls will be in place for the uses and outdoor storage. Staff responded that the applicant is going to have Covenants Codes and Restrictions on the subdivision to control types of construction and what can be stored inside and outside. There will also be an HOA to take care of the private roads within the subdivision.

Board President Darell Tunnicliff asked if the applicant or their agent would like to address the board. Mr. Kolten Knatterud from Territorial Landworks stood to answer questions. He stated that there would be 3 to 4 bathroom buildings throughout the subdivision. They would have normal flushing toilets with water supplied by a cistern. It was also pointed out they would be heated buildings with running hot and cold water inside. They would be getting DEQ approval for each proposed location for the bathroom buildings. There were no other questions from the Planning Board.

VARIANCES REQUESTED

No variances are requested for this subdivision.

PROCEDURAL HISTORY

- A pre-application meeting was held on June 14, 2018.
- The preliminary plat application was submitted to the Planning Division on August 1, 2018.
- A departmental review meeting was conducted on August 16, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on August 23, 2018.
- The Planning Board reviewed the plat on September 11, 2018.
- The Planning Board will conduct a public hearing on September 25, 2018, and forward a recommendation to the Board of County Commissioners.
- The Yellowstone County Board of County Commissioners will be considering the application at its regular meeting on October 16, 2018..
- The 60 working-day preliminary plat review period ends October 26, 2018

PLAT INFORMATION

General location: Southwest corner of King Avenue West and South 80th Street West

Legal Description: Parcel 2 of COS 3676

Owner/Subdivider: Levi Britton

Engineer/Surveyor: Territorial-Landworks, Inc.

Existing Zoning: Outside of zoning

Existing land use: Farming

Proposed land use: Commercial with 2 Residential lots

Gross and Net area: 61.027 acres / 60.014 acres

Proposed number of lots: 189

Max. lot size: 1.23 acres

Min. lot size: 9,496 square feet

Parkland requirements: There is no requirement for parkland dedication since 187 lots are commercial.

Only 2 residential lots do not require parkland dedication.

Attachments

Findings of Fact
Proposed Plat
SIA

PROPOSED YELLOWSTONE BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Shop World 1 Subdivision. These findings are based on the preliminary plat application and supplemental documents addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

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

1. Effect on agriculture and agricultural water users' facilities

The subject property is currently used for agricultural purposes. North of the subject property is Canyon Creek. High Ditch crosses the south west corner of the subject property. In the SIA under the heading Irrigation it states that there are no water rights that go with the land but that the farming operation has always purchased water shares from the Big Ditch Company. Irrigation ditches that exist will not be disturbed by development. No water rights can be transferred to the lot owners within the subdivision but water shares will still be purchased and each lot will contribute a set monthly amount for payment to utilize water shares from the ditch company for outdoor irrigation purposes. The HOA will be collecting monthly payments for the water shares from each lot owner as defined in the SIA under the heading VIII. Irrigation.

2. Effect on local services

a. **Water and Sewer** –The subdivision is not served by a municipal water or sewer district. For household water use the applicant is proposing 1500 gallon cisterns on the two residential lots. There will be no water systems on the 187 commercial lots within the subdivision. The applicant is proposing to have septic systems on the two residential lots. There will be no septic system on the 187 commercial lots within the subdivision. Both the cisterns and the septic systems will need to be in accordance with Section 4.9 of the Yellowstone County Subdivision Regulations and will need to have MDEQ approval. **(Condition #1)**

b. **Streets and roads** – The subdivision has South 80th Street west on the east side of the proposed subdivision. King Avenue West is on the north edge of the proposed subdivision. King Avenue West is a state secondary road at the location of this subdivision. Any access off of King Avenue West will have to be approved by MDT. South 80th Street West is a Principal Arterial and is the jurisdiction of Yellowstone County. Any access off of South 80th Street West will have to be approved by Yellowstone County. All internal roads of the proposed subdivision will be private roads and will have 60-foot-wide rights of way. The roads will be built to Yellowstone County paved road standards with 24 foot paved surface and 2-foot gravel shoulders on each side. The applicant will be creating an HOA for the maintenance of the roads within the subdivision. **(Condition #2)** Easement documents for the private roads within the

subdivision will need to have language in them that will allow for emergency vehicle access and other county vehicles that may be required in the subdivision for maintenance purposes. The easement will also have to include language that will allow additional burden on the roads should the property to the south develop and connect to this subdivision. **(Condition #3)**

c. **Fire and Police services** – The property is within the Laurel Fire Jurisdiction. The subdivision will provide a 30,000-gallon water storage/dry hydrant for fire suppression. It will be located on the east side of Fire Tank Street on the south side of the subdivision. The applicant will install the dry hydrant system to the Laurel Fire Department standards and have it tested and approved before final plat. **(Condition #4)** The land around the dry hydrant tank is proposed to be a public easement. This will place it on public land where the applicant will create an RSID-M for the maintenance of the system. Two of the proposed lots, 188 and 189 will be served by the fire suppression system within Tanglewood Estates Subdivision. It is also stated in the SIA under the heading IV. Emergency Service, in the last paragraph, that the Laurel Fire Department maintains an agreement with the Yellowstone Boys and Girls ranch to use a 40,000-gallon water tank for fire suppression for surrounding properties. Lots 188 and 189 are within one half mile of this system. The applicant will need to provide verification from the Laurel Fire Department that these two lots are able to utilize the 40,000-gallon fire suppression system. **(Condition #5)** Should there be an RSID-M for these above mentioned systems the applicant will add Lots 188 and 189 to those for maintenance. **(Condition #6)**

The Yellowstone County Sheriff's Department will provide law enforcement services. The Department stated that with this number of lots being created that the sheriff's office may need to add a deputy to augment current patrols.

d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.

e. **Storm water drainage** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and DEQ. Storm water will be collected on site using a combination of roadside ditches and drainage swales as well as storm detention facilities proposed within the development. This will have to be reviewed and approved by the DEQ to ensure the proposed stormwater management is feasible and will work satisfactorily. **(Condition #1)**

f. **School facilities** – The proposed subdivision is located in the Elder Grove School for Elementary and Middle School age students. Elder Grove School stated they currently have capacity for additional students. They also stated that they are in the process of building a new Middle School so they will have increased capacity when that building is completed. High School Students would go to West High School. West High School is currently over capacity.

g. **Parks and recreation** – This proposed subdivision is not required to provide

parkland. All of the lots with the exception of 2 lots is a commercial development and 2 residential lots do not have to provide parkland dedication.

h. **Postal Service** – The applicant will be required to coordinate the location of the delivery boxes and provide enough space for the delivery vehicle to pull out of traffic for safety. **(Condition #7)**

i. **Historic features** – No known historical or cultural assets exist on the site.

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. According to SIA Section IX., Weed Management, the developer will submit a weed management plan prior to final plat approval. **(Condition #8)**

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

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. A paragraph in the ‘Conditions that Run with the Land’ section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

5. Effects on public health and safety

Plans and designs for the water and septic system will be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Laurel Volunteer Fire Department and the Yellowstone County Sheriff’s department.

B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-603 MCA) (Chapter 9, YCSR)

An environmental assessment was required for this subdivision. This property has historically been used as farm land. Some areas are native grasslands that are north of the subdivision and west of the proposed subdivision. Because of the disturbance of the native land from use as farmland there was no identified wild life habitat on the land. There are some birds and the possibility of some small animals near the ditches but there were no known large animal habitat areas on the land.

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2014 Billings Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]

1. Yellowstone County - 2008 Growth Policy

The subdivision is consistent with the following goals of the Growth Policy:

- Goal: Improved public services and facilities. (p. 7)

The subdivision will provide a service that is becoming more common in Yellowstone County.

- Goal: Controlled weed populations. (p. 9)

The developer shall complete a weed management plan, and shall provide a re-vegetation plan for any ground disturbed by development.

2. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is outside the study area of the Transportation Plan. As proposed there are only neighborhood streets associated with this subdivision.

3. Billings Area Bikeway and Trail Master Plan Update (BBTMP)

The proposed subdivision is outside the study area of the BBTMP. The subdivider will not be required to provide for any bike lanes or trails.

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

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

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

The subdivider must receive approval from the MDEQ prior to final approval. New parcels are subject to DEQ review.

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

The proposed subdivision is outside of zoning.

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

Utility easements are provided alongside the road right-of-way as requested by Yellowstone Valley Electric Cooperative, MDU and Century Link. The applicant will be required to coordinate the easements needed for the private utility companies. (**Condition #9**)

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

Legal and physical access will be provided for the new proposed lots from King Avenue West and South 80th Street West. All the lots within the subdivision will have access to the new proposed internal roads.

CONCLUSIONS OF FINDINGS OF FACT

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

RECOMMENDATION

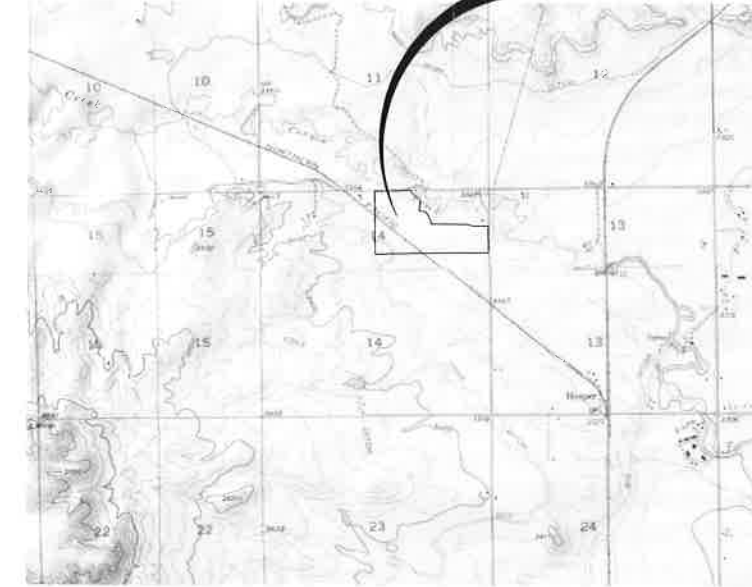
Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Shop World 1 Subdivision, to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF SHOP WORLD 1

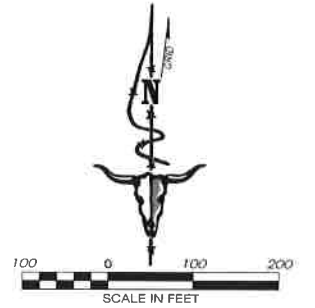
(TRACT 2 OF COS 3676, LOCATED IN THE NE1/4 OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 24 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA)

SITE DATA	
NUMBER OF LOTS	189
MAXIMUM LOT AREA	1,233 AC
MINIMUM LOT AREA	0,218 AC
AREA OF PARKLAND	N/A
LINEAR FEET OF STREETS	10,130 LF
NET ACREAGE	60,014 AC
GROSS ACREAGE	61,027 AC
EXISTING ZONING	N/A
PROPOSED ZONING	N/A
EXISTING LAND USE	AGRICULTURAL
PROPOSED LAND USE	COMMERCIAL & RESIDENTIAL

VICINITY MAP



BILLINGS, YELLOWSTONE COUNTY



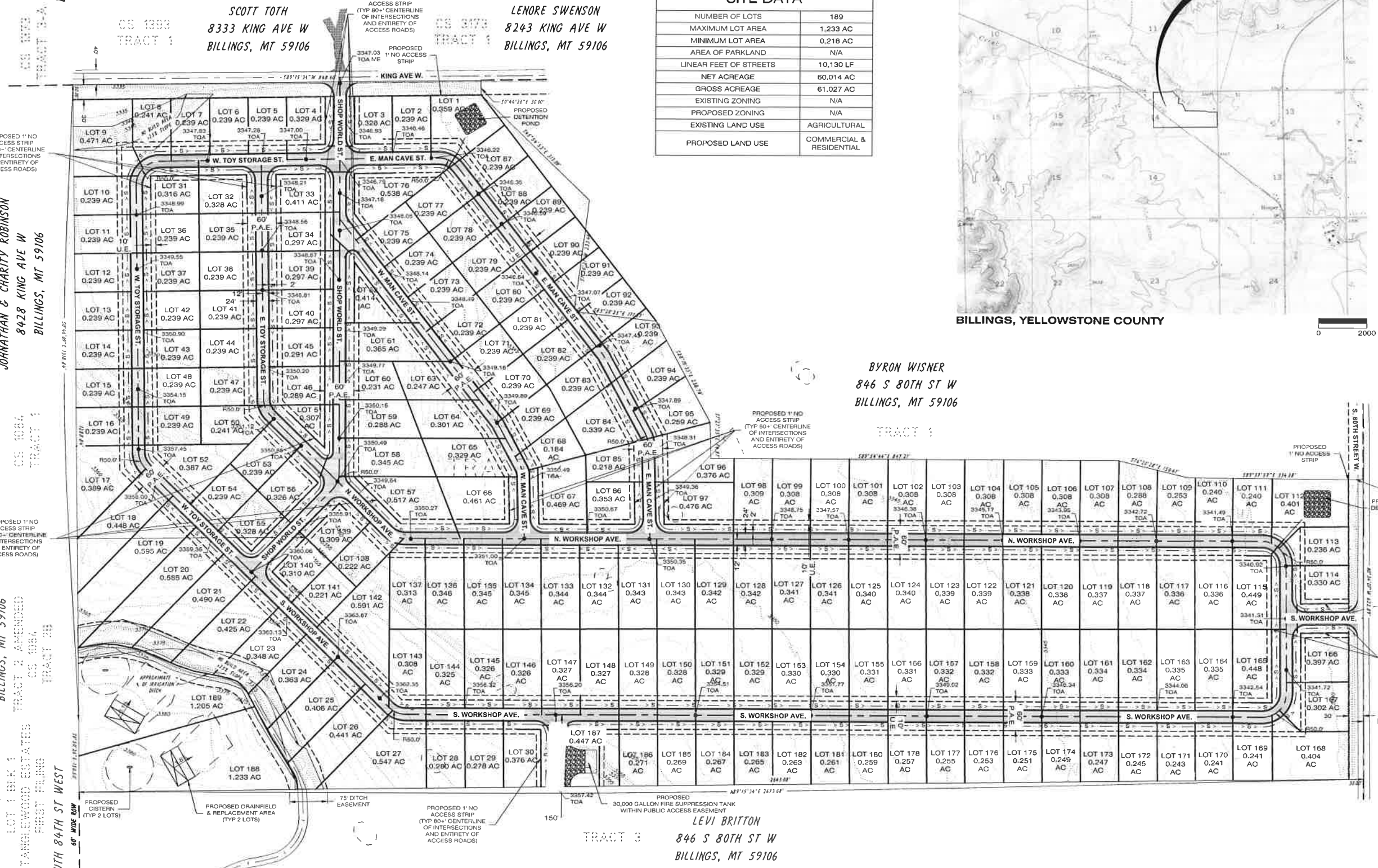
BASIS OF BEARING
 STATE PLANE MONTANA - ZONE 2100
 GROUND (TPO) DISTANCES
 RECORD OWNER:
 LEVI BRITTON
 SUBDIVIDER:
 LEVI BRITTON
 DATE:
 JULY, 2018
 TOTAL SUBDIVISION AREA:
 61,027 ACRES (GROSS)
 60,014 ACRES (NET)

CANYON CREEK
 INVESTMENTS INC
 2423 POLY DR
 BILLINGS, MT 59102

JOHNATHAN & CHARITY ROBINSON
 8428 KING AVE W
 BILLINGS, MT 59106

WALTER PALIN
 948 S 84TH ST W
 BILLINGS, MT 59106

KENDALL YERGER
 8410 SAIL FISH DR
 BILLINGS, MT 59106



BYRON WISNER
 846 S 80TH ST W
 BILLINGS, MT 59106

LEVI BRITTON
 846 S 80TH ST W
 BILLINGS, MT 59106

GRACE WILLEMS TRUSTEE
 7590 NEBAUER RD
 BILLINGS, MT 59106

LEGEND
 P.A.E. = PRIVATE ACCESS EASEMENT
 U.E. = UTILITY EASEMENT
 COS = CERTIFICATE OF SURVEY
 R/W OR R.O.W. = RIGHT-OF-WAY
 TOA = TOP OF ASPHALT
 C = CISTERN
 = DRAINFIELD

PERIMETER LEGAL DESCRIPTION
 TRACT 2 OF CERTIFICATE OF SURVEY NO. 3676, RECORDED AS DOCUMENT NO. 3631888 IN THE OFFICE OF THE CLERK AND RECORDER OF YELLOWSTONE COUNTY, LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 24 EAST, PRINCIPLE MERIDIAN MONTANA, YELLOWSTONE COUNTY, MONTANA, CONTAINING 61.03 ACRES MORE OR LESS.

TWP	SEC.	R.	E.
1	14	15	24E

TERRITORIAL LANDWORKS, INC.
 CIVIL ENGINEERING • SURVEYING • LAND USE CONSULTING
 www.TerritorialLandworks.com
 Phone: 406.721.6141 PO Box 2851
 Fax: 406.721.5224 Missoula, MT 59806

SUBDIVISION IMPROVEMENTS AGREEMENT

Shop World 1

**Table of Contents
Yellowstone County**

I. Variances	Page 2
II. Conditions that Run with the Land	Page 3
III. Transportation	Page 4
A. Streets	
B. Traffic Control Devices	
C. Access	
IV. Emergency Services	Page 5
V. Storm Drainage	Page 5
VI. Utilities	Page 6
A. Water	
B. Sanitary Sewer	
C. Power, Telephone, Gas, and Cable Television	
VII. Parks/Open Space	Page 6
VIII. Irrigation	Page 6
IX. Weed Management	Page 7
X. Soils/Geotechnical Study	Page 7
XI. Phasing of Improvements	Page 7
XII. Financial Guarantees	Page 7
XIII. Legal Provisions	Page 8

SUBDIVISION IMPROVEMENTS AGREEMENT

Shop World 1

This agreement is made and entered into this ____ day of _____, 20__, by and between Levi Britton, whose address for the purpose of this agreement is **7623 North Leopard Avenue, Billings, MT 59106**, hereinafter referred to as “Subdivider,” and **YELLOWSTONE COUNTY, Montana**, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of Shop World 1; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of Shop World 1; and

WHEREAS, a Subdivision Improvements Agreement is required by the County prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to Shop World 1 upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

A. No variances have been requested for Shop World 1.

II. CONDITIONS THAT RUN WITH THE LAND

A. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

C. No water rights have been transferred to the lot owners. The irrigation ditch that exists on and adjacent to this development is for the benefit of other properties. The irrigation ditch shall remain in place and shall not be altered by the Subdivider or subsequent owners.

D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

E. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.

F. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.

G. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.

III. TRANSPORTATION

The Subdivider agrees to guarantee all improvements for a period of one (1) year from the date of final acceptance by Yellowstone County.

A. Streets

The following roads exist surrounding the subdivision:

- South 80th Street West is an existing road located adjacent to and east of the property.
- King Avenue West is an existing road located adjacent to and north of the property.
- South 84th Street West is an existing road located adjacent to the southwestern portion of the property.

This subdivision proposes the following roads:

- Standard asphalt private road maintained by the Homeowner's Association (HOA) and to be known as Shop World Street, located within a 60' private access easement in the center of the property.
- Standard asphalt private road maintained by the HOA and to be known as West Toy Storage Street, located within a 60' private access easement on the west side of the property.
- Standard asphalt private road maintained by the HOA and to be known as East Toy Storage Street, located within a 60' private access easement in the center of the property.
- Standard asphalt private road maintained by the HOA and to be known as West Man Cave Street, located within a 60' private access easement in the center of the property.
- Standard asphalt private road maintained by the HOA and to be known as East Man Cave Street, located within a 60' private access easement on the northeast side of the property.
- Standard asphalt private road maintained by the HOA and to be known as North Work Shop Avenue, located within a 60' private access easement on the northeast side of the property.
- Standard asphalt private road maintained by the HOA and to be known as South Work Shop Avenue, located within a 60' private access easement on the south side of the property.

B. Traffic Control Devices

- One stop sign will be installed at the intersection of proposed Shop World Street and King Avenue West. A second stop sign will be installed at the intersection of proposed South Work Shop Avenue and South 80th Street West.

C. Access

- Access is proposed on King Avenue West and South 80th Street West. Two homes are also proposed to be accessed off of individual driveways from South 84th Street West. Access widths will be permitted and constructed in accordance with County Regulations.

IV. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (Fire Suppression Tank) in place to allow for fire suppression requirements. Fire apparatus access roads and water supply requirements shall be provided in accordance with the Fire Protection Requirements as noted in the Yellowstone County Subdivision Regulations.

At a minimum, the following is required for proposed lots 1-187:

- An approved, single, minimum thirty thousand (30,000) gallon underground water storage tank with approved dry hydrant type fittings located not more than one half (1/2) road mile from the furthest structure in the subdivision.
- The dry hydrant system shall be designed and constructed to provide a minimum of one thousand (1,000) gallons per minute (gpm) at draft.
- The dry hydrant shall have a minimum clearance of twenty (20) feet on each side and be located a minimum of one hundred (100) feet from any structure.
- Approved pullouts or other design features shall be constructed to ensure that highway or roadway traffic shall not be impaired during use of the dry hydrant.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- The water container shall be a clean fiberglass or concrete tank, approved by the Fire Department having jurisdiction.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

There are currently two dry hydrants located in the adjacent master planned development for Tanglewood Estates Subdivision that are utilized for water supply for fire suppression. One is located in the large lake and the other is located in the smaller lake. The Laurel Fire Department maintains an agreement with the Yellowstone Boys and Girls ranch to utilize the 40,000-gallon water tank for fire suppression for surrounding properties. Proposed Lots 188 and 189 are located within a half mile of this fire suppression system.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by MDEQ, or its designee.

- Stormwater detention facilities are proposed within Shop World 1. Increased stormwater will be mitigated with culverts, roadside ditches and drainage swales as well as the detention facilities proposed within the development.

VI. UTILITIES

A. Water

In accordance with Section 4.9 Yellowstone County Subdivision Regulations, the following has been proposed:

- One thousand five hundred (1,500) gallon water cisterns have been proposed for the two residential lots.
- The 187 shop lots will not be provided with a water supply.
- The Montana Department of Environmental Quality approval letter will be submitted with the final plat.

B. Septic System

In accordance with Section 4.8 Yellowstone County Subdivision Regulations, the following has been proposed:

- Individual subsurface wastewater treatment systems have been proposed for the two residential lots.
- The 187 shop lots will not be provided with a sewage disposal / septic system.
- The Montana Department of Environmental Quality approval letter will be submitted with the final plat.

C. Power, Telephone, Gas, and Cable Television

A ten (10) foot wide utility easement on proposed lots 1 through 187 provides utility access to the shop lots.

VII. PARKS/OPEN SPACE

There is no parkland requirement for proposed Shop World 1, as this is a commercial development with only two residential lots. In accordance with Section 10.8 (A) and (C) Yellowstone County Subdivision Regulations, parkland dedication is not required for a two-lot residential subdivision or a subdivision into parcels that are all nonresidential. As this subdivision is a commercial development with two residential lots, there is no parkland requirement.

VIII. IRRIGATION

This subdivision is located within the High Ditch Company Irrigation District. There is no existing easement for the ditch however a 75' easement has been proposed along the irrigation ditch located on the property. No additional mitigation efforts have been proposed for the ditch.

There are no existing water rights for this property. The property owner has historically purchased water shares from the Big Ditch Company and the High Ditch Company for the property. Water shares will continue to be purchased from the ditch companies for irrigation purposes on the two proposed residential lots. The water will be obtained from the irrigation ditch and routed through an easement to a service at each lot for irrigation use. An irrigation water user district will be formed within the Home Owners Association to allocate the maintenance costs to each lot. Each lot will contribute a set monthly amount for payment to utilize water shares from the ditch company.

IX. WEED MANAGEMENT

All noxious weeds on the latest Yellowstone County Noxious Weed List shall be controlled on all properties in the subdivision.

The weed plan shall include the following and shall be referenced in this SIA:

- A Weed Management Plan must be filed and updated as needed for approval by the Yellowstone County Weed Department. Said weed management plan shall contain the noxious weeds being addressed and the plan for the control of those weeds. All associated cost for noxious weed control is the responsibility of the owner of record.
- A revegetation plan shall be submitted as part of the management plan. A seeding recommendation can be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

X. SOILS/GEOTECHNICAL STUDY

A soils/geotechnical study was not required but owners of the lots will be encouraged to perform a site-specific geotechnical investigation that is specific to the type of structure contemplated prior to construction.

XI. PHASING OF IMPROVEMENTS

Shop World 1 proposes that all 189 lots will be developed in a single phase.

XII. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the Planning Board and Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be designed by and constructed under the supervision of a professional engineer competent in civil engineering, licensed in the state of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C. of the Yellowstone County Subdivision Regulations.

XIII. LEGAL PROVISIONS

A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.

B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.

D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

G. Subdivider agrees to create any required RSID(s) for future maintenance of all common constructed improvements including the public roadways, public stormwater infrastructure, and dry hydrant, prior to final plat approval.

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

“SUBDIVIDER” Levi Britton

By: _____

Its: _____

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 Levi Britton, 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

Commissioner

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

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's), which Yellowstone County may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

Shop World 1

Signed and dated this ____ day of _____, 20__.

Levi Britton

By: _____

Its: _____

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 Levi Britton, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

Notary Public in and for the State of Montana
Printed name: _____
Residing in Billings, Montana
My commission expires: _____

