



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



**AGENDA**

**Wednesday, October 10, 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 25, 2018

**Attachments**

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4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
  - 4a) **Comments on items not on agenda and requests to add items to future agendas**
  - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (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!
  
- b. **Public Hearing. Motion/Recommendation to BOCC. Lockwood Targeted Economic Development District, (TEDD), Amendment. Dianne Lehm, Thom Maclean, BSEDA. Monica Plecker, Planning Division Manager, presenting.**

**Attachments**

2018 Amended Comprehensive Development Plan

- 8. **NEW BUSINESS:** (Agenda items new to this meeting).
  - a. **Presentation/Discussion. Public Hearing. 2018 Long Range Transportation Plan Update. Andy Daleiden, Kittelson & Associates; Lora Mattox, Transportation Planner, presenting.**
  
- 9. **OTHER BUSINESS:**
  - a. **MOTION. BOARD/APPLICATION/NOMINATION. PLANNING BOARD-DISTRICT 7, MR. JARRETT HILLIUS**
  
  - b. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
  
- 10. **ADJOURNMENT**

**FUTURE AGENDA ITEMS FOR TUESDAY, OCTOBER 23, 2018**

- a. Motion/Recommendation to PCC. 2015-2019 Transportation Improvement Program. Scott Walker, Transportation Coordinator

### **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 I (2nd Tuesday)**

**3.**

**Meeting Date:** 10/10/2018

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**Information**

**Subject**

**MOTION. MEETING MINUTES: SEPTEMBER 25, 2018**

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**Attachments**

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# 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	09/25/2018					
<b>Dave Goodridge</b>	Mayor/Billings Ward I	1	1	1	1	E	E	-	E	E	E	1	E	1	1	1	-	E	1					
<b>Matt Macrow</b>	Mayor/Billings Ward II	E	1	1	1	1	1	-	E	1	1	1	1	1	1	E	-	1	1					
<b>LaVerne Bass</b>	Mayor/Billings Ward III	1	1	1	E	E	E	-	1	E	E	E	A	A	E	1	-	1	E					
<b>Darell Tunnickliff</b>	Mayor/Billings Ward IV	1	1	1	E	1	E	-	1	1	1	1	1	1	1	1	-	1	1					
<b>John Thompson</b>	Mayor/Billings Ward V	-	-	-	-	-	-	-	1	1	1	1	1	1	E	1	-	E	1					
<b>Troy Boucher</b>	YC District 1	1	1	1	1	1		-	E	E	1	1	-	E	A	E	-		1					
<b>Dennis Cook</b>	YC District 2	1	1	1	1	1	1	-	1	1	1	1	1	1	1	1	-	1	1					
<b>Vacant</b>	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
<b>Vacant</b>	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
<b>Woody Woods</b>	YC District 5	1	E	1	1	1	1	-	1	1	1	1	1	1	1	1	-	1	1					
<b>Vacant</b>	YC District 6	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
<b>Vacant</b>	YC District 7	-	1	-	-																			
<b>Jerry Williams</b>	Y County Cons. District	-	1	-	1	1	1	-	1	E	1	1	1	E	E	E	-	1	1					
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	E	A	A	E	A		-	E	E		E	E	A	A	-	-		A					

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**SEPTEMBER 25, 2018**

*Draft-To be approved by a motion on October 10, 2018*

## **Call the Meeting to Order**

President Tunnicliff called the meeting to order at 6:00 p.m. on Tuesday, September 25, 2018, in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

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

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

**Attending Planning staff members:** Monica Plecker, Planning Division Manager; Dave Green, Planner II; Tammy Deines, Planning Clerk; Darin Swenson, YC Public Works Department

**Others in Attendance:** Debra Morris; Walt Morris; Kevin Nelson, John Robinson, Dianne Lehm, BSEDA; Thom Maclean, BSEDA; Lauren Waterton, Sanderson Stewart; Gary Oakland, Gary Owen, Sanderson Stewart; Levi Britton, Kolten Knatterud, Territorial Landworks; Karen & Walter Palin; Lori & Jim Tuell; Tobin Novasio; Pamela Ask; Paul Miron, Lockwood Farms; Becky J Weekes

## **Approval of the September 25, 2018 Agenda**

### **Motion:**

**Board member Woods made a motion and it was seconded by Board member Cook to approve the September 25, 2018 meeting agenda as submitted. The motion was approved with a unanimous voice vote.**

## **Approval of Minutes: September 11, 2018**

### **Motion**

**Motion was made by Board member Macrow and seconded by Board member Goodridge to approve the September 11, 2018 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

**Public Comment:** President Tunnicliff 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

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**Kevin Nelson, [geos59101@gmail.com](mailto:geos59101@gmail.com)**

Mr. Nelson asked if the Board will receive public comment on the Lockwood TEDD Development Plan. President Tunncliff thanked Mr. Nelson for his attendance. He stated this item is a presentation and board discussion only. A public hearing for this agenda item will be held on Wednesday, October 10, 2018 and public comment will be heard at that time.

**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. NEW BUSINESS

**7a. Presentation. Discussion. Lockwood TEDD Comprehensive Development Plan. Dianne Lehm, BSEDA, Lauren Waterton, Sanderson Stewart, presenting.**

Dianne Lehm Introduced Lauren Waterton, Sanderson Stewart preparation Comprehensive Plan Amendment. Ms. Waterton opened with background on the original Lockwood TEDD project and the Comprehensive Plan. This process is to amend the boundary area. The same process and criterion will be followed with this amendment to forward a recommendation to the BOCC. The following points were presented:

- **Lockwood TEDD Amendment:** The District was created in 2016 with the intent of promoting development of infrastructure to support value in adding economic development.
- **Project location:** Lockwood, north of I-90
- **TEDD Boundary:** 570 acres. Proposed are: 624 acres. Total 1,194 acres  
Properties: 33 with 18 property owners
- **Criteria that must be evaluated:**
  - Continuous area; zoned for uses in accordance with the growth policy;
  - May not comprise any property included in an existing TIF
  - Must prior to its creation be found to be deficient in infrastructure improvements;
  - Must have in place a comprehensive development plan adopted by the local governing bodies

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- **Project Activities:** Amendment Request; Zoning; Infrastructure Analysis; Comprehensive Development Plan analysis of amendment area and compliance with TEDD goals; Public Hearing: Planning Board and BOCC.
- **Plan Elements:** Boundary; Compliance with the Growth Policy; Compliance with Zoning; Goals of the District; Infrastructure Analysis; Targeted industries; Financing
- **2016 Lockwood Growth Policy:** contemplated development of the TEDD area
- **Zoning:** with the TEDD complies with the Growth Policy statement and the future land use map.
- **Goals:** This amendment continues the original goals written within the original plan. This includes goals to facilitate the provision and development of planned, ready to go industrial space; and providing a locally driven funding tool with the private sector for construction on key infrastructure.
- **Targeted Industries:** manufacturing; processing, technology based; upstream and midstream oil and gas; agri-business; food processing, distribution
- **Financing of Improvements:** Developer Interest; Grants and Loans and Tax Increment Financing as the project grows and builds.
- **Program Administration:** TEDD Advisory Board; Board of County Commissioners
- **Why?** Identified as a need to have planned industrial space; Tool to stay relevant;
- **Benefit:** ability to plan for Lockwood's future
- **Outcome:** Spur additional development within Lockwood

### **Discussion**

President Tunnicliff called for questions and discussion. In response to a question by Board member Boucher, Ms. Waterton explained that the “Town & Country” properties are located within the existing TEDD; and the property to the north will be a new acquisition. She commented the first year TEDD was created the assessed value went down. August 2018 shows the base value has risen. The increment for this area will be roughly \$80,000. Board member Thompson asked if the property owners have requested to be included in the district and Ms. Waterton stated this is a property owner driven

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process. President Tunnicliff about future landowners who may want to be included in the district, and Ms. Waterton stated the process will be the same. Board member Goodridge asked what will happen should the BOCC deny the amended plan. Ms. Waterton stated the existing plan will remain in place.

\*\*The formal public hearing for this agenda item will be held during the Planning Board meeting on Wednesday, October 10, 2018 6:00 p.m. As a point of order President Tunnicliff reviewed the procedures for a public hearing.

### 8. OLD BUSINESS

#### **8a. Public Hearing. Motion/Recommendation to City Council. 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, 8<sup>th</sup> 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 70<sup>th</sup> Street West, and west of the existing Copper Ridge Subdivision. The property is zoned Residential-5000 (R-50). The

#### **RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 8<sup>th</sup> 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 8<sup>th</sup> 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 a language in the SIA that they will be installing sidewalk along the road along the frontage of Lot 9, Block 3 in the subdivision.

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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.

### **Discussion:**

President Tunnicliff asked the members of the Board for questions or discussion. In response to question Board member Goodridge Dave Green stated the properties outside of this parcel is unzoned. Board member Thompson noted the private parkland and commented that generally the Parks Department does not accept detention areas as parkland.

**Public Hearing** President Tunnicliff opened the public hearing and asked if there is anyone wishing to speak in favor or against Copper Ridge Subdivision, 8<sup>th</sup> Filing.

### **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. He said the policy of the City Parks Department has changed regarding detention areas. The Homeowners' Association for Sections 7 and 8 will maintain the detention area. He respectfully requested recommendation of approval of this request.

President Tunnicliff closed the public hearing and called for a motion.

### **Motion**

**Board member Boucher made a motion and it was seconded by Board member Goodridge to forward a recommendation of conditional approval of the preliminary plat of Copper Ridge Subdivision, 8<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.**

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

**7b. Public Hearing. Motion/Recommendation to City Council. High Sierra Subdivision, 12<sup>th</sup> 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, 12<sup>th</sup> 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 11<sup>th</sup> 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, 12<sup>th</sup> 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.

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### **Public Hearing**

President Tunnickliff opened the public hearing and asked if there is anyone wishing to speak in favor or against High Sierra Subdivision, 12<sup>th</sup> Filing.

### **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. In response to question by Board member Thompson, he stated this subdivision has the same street design with separated sidewalk and boulevard.

At 6:44 p.m., President Tunnickliff closed the public hearing and called for a motion.

### **Motion**

**Board member Woods made a motion and Board member Thompson seconded the motion to forward a recommendation to City Council of conditional approval of the preliminary plat of High Sierra Subdivision, 12<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.**

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

### **7c. Public Hearing. Motion/Recommendation to BOCC. Shop World 1 Subdivision. Dave Green, Planner II, presenting.**

Dave Green opened this agenda item with a staff presentation. The Board of County Commissioners are scheduled to review and vote on the preliminary plat on October 16, 2018. A letter from surrounding neighbor expressing concerns with the proposed subdivision was e-mailed to the Board members prior to this meeting.

### **INTRODUCTION**

On August 1, 2018, the Planning Division received an application for major plat approval for the proposed Shop World Subdivision, 1<sup>st</sup> Filing. The property is generally located on the south west corner of the intersection of King Avenue West and South 80<sup>th</sup> 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 and is outside of zoning.

### **RECOMMENDATION**

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

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### **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.

2. 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, 1<sup>st</sup> 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.
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 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.

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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.

### **Discussion**

President Tunncliff called for questions and discussion. Dave Goodge on the importance of conditions. Staff stated the Conditions of Approval are placed to mitigate impacts and ensure maintenance of systems within the subdivisions. The infrastructure has to be in place and the conditions of approval have to be met prior to final plat approval and creation of the lots. Board member Woods asked regarding the fire suppression system for lots 188 and 189. Dave Green said the fire suppression systems are public domain and Tanglewood's fire suppression system is a lake. There will be an assessment through the RSID. The private roads will be open but signage must be in place. Board member Thompson asked if the barrow pits will serve as detention areas. Dave Green said there are two detention areas in place but the majority will be handled through the barrow pits and natural runoff. In response to question by Board member Thompson, Dave Green stated the Covenants and Restrictions will define the construction and aesthetics of the buildings. Board member Williams asked if the 10' utility easement is sufficient. Dave Green said this depends on the requirements of the private utility companies, generally easements are 8-10 feet.

### **Public Hearing**

President Tunncliff opened the public hearing and asked if there is anyone wishing to speak in favor or against Shop World 1 Subdivision.

### **Levi Britton, 7623 N Leopard Avenue, Billings, Montana**

Mr. Britton is the applicant and developer. He distributed hard copies of the Covenants and Restrictions and photos of the proposed subdivision, and introduced Colton Knatterud, Territorial Land Works. He stated this property is outside of zoning. He explained that the original proposal was for 55+ residences but DEQ reduced the number of allowable residents due to water availability. He expects ninety-five percent of the use

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will be for "toy storage", i.e. boats, recreational vehicles, All Terrain Vehicles, etc. He reviewed the highlights of the proposed Covenants and Restrictions. Permissible Building will be new construction with less than 24-ft sidewalks, normal shapes and designs, colored metal with brick and block accents. Exterior colors will be earth toned beige and green consistent throughout the subdivision. Bridger Steel Company will provide the steel to construct the buildings. "Restrictions on use": no marijuana or drug related activities, commercial auto body or salvage, no junk vehicles, dumping, no unlicensed non-roadworthy vehicles or equipment. Pets and animals must be with owners at all times.

Fire prevention: no accumulation of combustible materials and fire extinguishers are required with each shop. The perimeter fencing will be chain link. The landowners are required to keep weeds down around shop area. Lots are approximate 8,000 square feet. No living quarters are allowed in the shops. He is proposing paved roads for dust control. He stressed he will not make another "Homewood Park Subdivision" and feels this development will be a step in the right direction. He said that if commercial storage is done right, property values will not change. One of the advantages of this development is bringing forward the availability of natural gas and inside storage of vehicles. Mr. Britton stated he will give easements for utilities. The traffic will flow from King Avenue entrance and exit through 80th street West.

### **Discussion**

Board member Goodridge asked regarding the bathroom facilities. Mr. Britton said the DEQ review allowed 35 residences. There will be limited use of public restroom facilities. Board member Goodridge voiced concern with lack of language for handoff of the Homeowners 'Association when Mr. Britton is no longer the primary landholder. Mr. Britton replied the Covenants and Restrictions are enforced by every lot owner. Board member Woods asked Mr. Britton if he has used this language for covenants on personal projects. Mr. Britton said he has used portions of this language extensively in other projects. Board member Thompson asked about vegetation and weed control. Mr. Britton stated the entire development will be void of vegetation. He has considered screen plantings around the permit meter. He pointed out this property borders streets on two sides with existing trees on the west side. There are no proposed designated areas for screen plantings with this application. Board members voiced concerned with Mr. Britton's proposal for 61 acres of asphalt, gravel, and buildings. Suggestion was made for Mr. Britton consider working with the Yellowstone County Weed Department to obtain a list of allowable plantings and they. Board member Boucher asked regarding traffic

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generation. Darin Swenson, Yellowstone County Public Works, stated the traffic generated should be substantially less than a residential development.

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

Kolton Knatterud represents Mr. Britton. He commented on a Marvin and Associates traffic study, and stated there will be less impact than the residential proposal with an average of nine trips per day.

### **Walter Palin, 948 S 84<sup>th</sup> Street West, Billings, Montana**

Mr. Palin lives on the west side of this development. He is concerned with the lack of landscaping. He commented on the tendency of landowners in the surrounding area who fail to keep the Covenants and Restrictions. He asked for clarification on the term “commercial uses” and who will police the number of “toys” allowed?

### **Lynette Clinton, 8243 King Avenue West, Billings, Montana**

Ms. Clinton asked for clarification on the location of Canyon creek. She commented the streets in King Avenue Estates are, developer. Streets in disrepair.

### **Jim and Lori Tuell, 8445 Sailfish Drive, Billings, Montana.**

The Tuells have question regarding fire suppression, SIDS, and how will it affect the residents in Tanglewood Subdivision. Kolten Knatterud said the taxes should go down when the two additional houses are added to the district.

### **Walt Morris, 8547 King Avenue West, Billings, Montana**

Mr. Morris voiced concern with the traffic at the King Avenue intersection and traffic safety during the winter. He suggested the storage units be constructed on a dryland parcel instead of at the proposed location. He said Canyon Creek floods annually and water flows downstream and washes out property. Mr. Morris said it would be nice to have trees to buffer the lights from the storage units. He said storage units invite criminal activity and he is unsure of the safety of his property as vehicles use his driveway as a turnaround.

President Tunncliff asked if there is anyone else wishing to speak in favor or against Shop World 1. There were none. President Tunncliff closed the public hearing at 7:40 p.m. and called for a motion.

### **Discussion**

President Tunncliff reiterated the concern with the need for architectural control and asked for clarification on the transition language. Levi Britton responded he will consider adding verbiage to address this. President Tunncliff noted the concerns voiced

## CITY/COUNTY PLANNING BOARD

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with the need for the intent for landscaping the property in the long term and said mitigation may be appreciated. Board member Williams asked if there is a “night sky” requirement on the lighting. Board member Thompson said he is concerned with the natural environment and spraying and commented certain sprays may have negative environmental impacts.

### **Motion**

**Board member Boucher made a motion and Board member Goodridge seconded the motion to forward a recommendation to the Board of County Commissioners to conditionally approve the preliminary plat of Shop World Subdivision, 1<sup>st</sup> Filing and adopt the Findings of Fact as presented in the staff report.**

**The motion passes with a 7-1 roll call vote, with Board member Thompson voting against the motion.**

### **9. OTHER BUSINESS**

The Planning & Community Service Department will be closed Monday, October 8, 2018 in observance of the Columbus Day Holiday. The next Planning Board meeting will be held on **Wednesday, October 10, 2018.**

**ADJOURNMENT 7:47 pm**

**DRAFT. TO BE APPROVED BY AMOTION ON OCTOBER 10, 2018**



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



**Planning Board Meeting I (2nd Tuesday)**

**7. b.**

**Meeting Date:** 10/10/2018

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## **Information**

### **INTRODUCTION**

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 are 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 Yellowstone County Board of Planning Board to review the amended Comprehensive Development Plan (CDP). As part of that process, the Planning Board 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 received a presentation on September 25 and will hold a public hearing on October 10, 2018.

### **RECOMMENDATION**

Staff recommends the Planning Board hold a public hearing regarding the CDP amendment to determine whether the 2016 Lockwood Growth Policy and the 2008 Yellowstone County Growth Policy supports the amended Comprehensive Development Plan for the Lockwood TEDD. Further, staff recommends the Planning Board forward a recommendation of approval to the Board of County Commissioners.

### **VARIANCES REQUESTED**

Not Applicable.

### **DISCUSSION/STAKEHOLDERS**

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 conduct a public hearing and make a recommendation at this 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.

At its meeting on September 25, 2018, the Planning Board received a presentation from Lauren Waterton of Sanderson Stewart. Sanderson Stewart prepared the CDP amendment on behalf of Big Sky Economic Development. She presented on the history of the TEDD, statutes that govern the TEDD and how the development plan is in compliance with the locally adopted Growth Policies. One question from the Board was raised regarding future properties petitioning to be part of the TEDD in the future. Dianne Lehm of BSEDA stated that property owners that are within the study area could petition in the future. She reiterated this is a property owner driven process.

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## **Attachments**

2018 Amended Comprehensive Development Plan

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**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

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# 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.

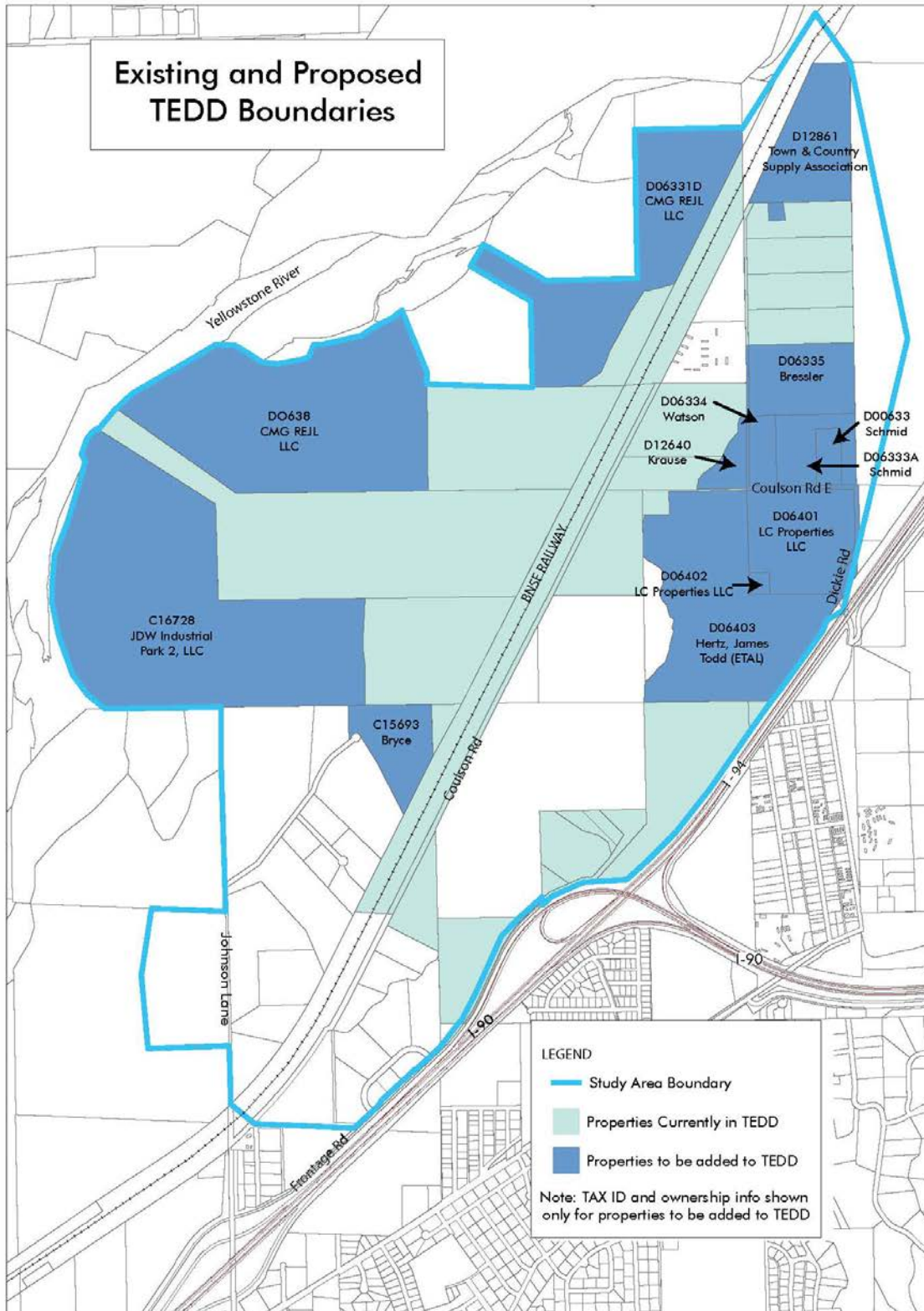


Figure 1 – Existing and Proposed TEDD Boundaries

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, 2<sup>nd</sup> Amended; thence northerly along the westerly line of said COS No. 632, 2<sup>nd</sup> 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 S1/16<sup>th</sup> corner common to said Sections 7 & 8; thence easterly along the north line of the SW1/4SW1/4 of said Section 8 to the SW1/16<sup>th</sup> 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.

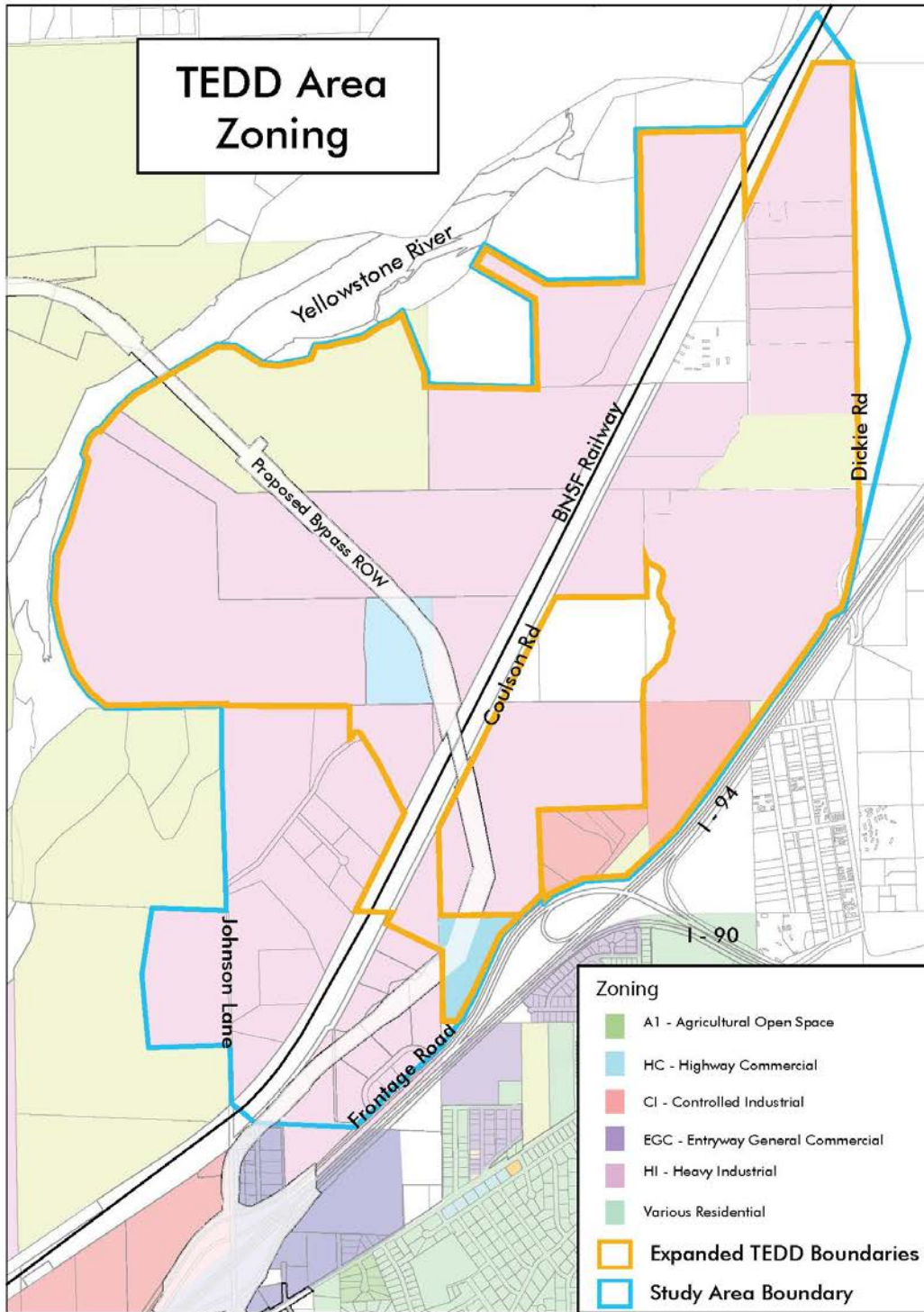


Figure 2 - Current and Pending Zoning Designations for Existing TEDD and Expansion

## 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 I (2nd Tuesday)

8. a.

Meeting Date: 10/10/2018

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## Information

### PROBLEM/ISSUE STATEMENT

In October 2017, the City of Billings/Yellowstone County MPO entered into a contract with Kittelson and Associates to complete the 2018 Long Range Transportation Plan (LRTP) update. The Plan addresses transportation planning across the City of Billings and portions of Yellowstone County outside the city limits. The Plan addresses transportation project priorities, motorized and non-motorized transportation planning goals, and provides current and future estimates of traffic impacts to the community's transportation system.

This plan includes updates to current transportation conditions, forecasts future population impact on the transportation system, models future traffic volumes to 2040, and includes transportation project priorities. The Plan also complies with the Federal FAST-Act (Fixing America's Surface Transportation Act) requirements to ensure the community qualifies for Federal Transportation funds.

For this LRTP, a Project Steering Committee was formed to assist staff and the consultant with transportation project review and consultations with stakeholder organizations. The POC included local representation from the Board of County Commissioners, City Council, City Engineering Division, Planning Division, MET Transit, and County Public Works. In addition, extensive coordination with the Montana Department of Transportation, Billings Department of Aviation and Transit, Bike/Pedestrian Advisory Committee, and City Public Works was conducted to ensure the most up to date information was included in the plan.

At this meeting, the board will receive a formal presentation from the consultant's project manager (Andy Daleiden) on the contents of the updated LRTP and conduct a public hearing to gather comments and questions from citizens regarding the Transportation Plan. The Planning Board at its October 23, 2018, meeting will make a recommendation to the Policy Coordinating Committee (PCC). The PCC will take final action on the LRTP at its October 30, 2018, meeting.

### BACKGROUND

This LRTP includes updates to current transportation conditions, forecasts future population impact on the transportation system, models future traffic volumes to 2040, and includes transportation project priorities. The Plan also complies with the Federal FAST-Act (Fixing America's Surface Transportation Act) requirements to ensure the community qualifies for Federal Transportation funds.

For this LRTP, a Project Steering Committee was formed to assist staff and the consultant with transportation project review and consultations with stakeholder organizations. The POC included local representation from the Board of County Commissioners, City Council, City Engineering Division, Planning Division, MET Transit, and County Public Works. In addition, extensive coordination with the Montana Department of Transportation, Billings Department of Aviation and Transit, Bike/Pedestrian Advisory Committee, and City Public Works was conducted to ensure the most up to date information was included in the plan.

At this meeting, the board will receive a formal presentation from the consultant (Andy Daleiden) on the contents of the updated LRTP and conduct a public hearing to gather comments and questions from citizens regarding the Transportation Plan. The Planning Board at its October 23, 2018, meeting will formalize a recommendation to the Policy Coordinating Committee (PCC). The PCC will take final action on the LRTP at its October 30, 2018, meeting.

The **DRAFT** document can be found at this link, due to the size of the document, it is unable to be attached.

## **FINANCIAL IMPACT**

There will be no direct financial impact with review and eventual adoption of the 2018 LRTP update. This plan acts as a guide to the development and implementation of multi-modal transportation system projects for the Billings Urban Area. The projects within the plan are prioritized through community engagement and City/County review.

## **RECOMMENDATION**

Staff recommends the Planning Board hear the presentation on the components of the 2018 Long Range Transportation Plan, conduct a public hearing and receive any comments by citizens in regard to the plan. Action on the LRTP will occur at the Planning Board's October 23rd Meeting.

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### **Attachments**

*No file(s) attached.*

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