

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

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

1. **Present Zoning:** RR1 and P1 _____

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:
Property has requested annexation and is being platted for single family homes under a request for N3 zoning _____

3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:**
Lot 2, Block 1 of Cherry Creek Estates Subdivision _____

5. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson:
Billings Heights Neighborhood Task Force, Jennifer Owen at billingsheightstaskforce@gmail.com
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
7. **A copy of the meeting notice.** please attach to this form
8. **A brief synopsis of the meeting results including any written minutes or audio recording.** please attach to this form
9. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 17th, day of June, 2021.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Cherry Island LLC, c/o Jock Clause Telephone: 406-698-1835

Address: 5855 Elysian Road Email: jclause@wmc-i.com
Billings, MT 59101-6320

Agent (s): Sanderson Stewart c/o Rick Leuthold Telephone: 406-698-6910

Address: 1300 N. Transtech Way Email: rleuthold@sandersonstewart.com
Billings, MT 59102

MEETING MINUTES

PROJECT: Zone Change – Proposed Cherry Island Subdivision			
Project No: 21102			
Meeting Location: Virtual Video/Call meeting via Microsoft Teams		Meeting Date: 06/17/21 5:30 P.M.	
Meeting Subject: Neighborhood Meeting/Zone Change Amendment		Prepared by: Gary Owen	
Attending:			
Rick Leuthold	Sanderson Stewart	Lisa McIntire	Attending on behalf of her mother
Gary Owen	Sanderson Stewart	Bob Muller	Neighbor
Jennifer Owen	Heights Task Force	Becky Muller	Neighbor
Date of Issue: 06/17/21			

Minutes:

- Mr. Leuthold gave a general overview regarding the purpose of this neighborhood meeting for the proposed zone change for Cherry Island Subdivision. The proposed zone change for Cherry Island Subdivision is generally located between Cherry Creek manufactured home court and the existing homes located on the east side of Bitterroot Drive and between Cherry Creek Loop North and South. The developer of Cherry Island Subdivision is Jock Clause and his brothers. Mr. Leuthold further stated that running concurrently with this zone change request is an annexation request to the City of Billings and preliminary plat for the subdivision of the property. Mr. Leuthold also pointed out that there will be multiple opportunities for public comment during the process for the proposed zone change, annexation request and subdivision. The proposed zone change request for this property involves a change from the current RR1 to the proposed N3. The N3 zoning allows for single family residences. The subdivision would consist of single family, stick built residence on foundations. The subdivision is currently planned to have a single north/south road and be built to City of Billings standard widths with curb & gutter and sidewalk. In general, the lots are planned to be approximately 65 feet wide and 115 feet deep. It is expected that 39 single family lots will be created with the proposed Cherry Island Development. The property will be served with water by the Heights Water District and with sanitary sewer by the City of Billings. Mr. Leuthold stated he is aware of the history with the adjacent manufactured home court, and he has been in contact with the new owners of the

manufactured home court. Mr. Leuthold told everyone that he is available to discuss the project with anyone individually and his phone number is (406) 698-6910 or his email is rleuthold@sandersonstewart.com.

- Bob Muller – Is the annexation for this project for the County and the City of Billings?
 - Answer - The meeting this evening is only for the city zone change. The annexation will run concurrently and will be to the City of Billings.
- Bob Muller – What is the plan for the irrigation ditch that runs across the property?
 - Answer – The plan is to pipe the existing irrigation ditch across the property to the drainage on the east side of the property. The irrigation ditch will be preserved with this project. Irrigation ditch pipe size will likely match the current pipe diameter of the upstream crossing at Bitterroot Drive.
- Bob Muller – How will snow removal be handled?
 - Answer – If street is constructed in public right of way, it would be the responsibility of the City of Billings. However, the street may be private in which case a homeowner’s association could be created to handle snow removal.
- Becky Muller - Will there be alleys?
 - Answer – No alleys are planned. The lots are planned to be front loaded.
- Becky Muller – There is a retaining wall near the rear of her lot and on the lots to the south. How will the retaining wall be handled?
 - Answer – The plan is to honor the elevation at the back lot line and grade towards the proposed street.
- Lisa McIntire – Attending this meeting on behalf of her mother Juanita McIntire. Internet only meeting make it difficult for some residents. Does the on-line meeting meet the requirement of a Neighborhood Meeting?
 - Answer – Yes, virtual meeting does meet the requirement.
- Lisa McIntire – There has been some construction activity already, what are they doing?
 - Answer - The developer has been clearing trees and other lot maintenance.
- Lisa McIntire – Do adjacent wells impact development?
 - Answer – Wells must have a certain separation from other wells and drainfields. This development will be connecting to public water and sewer.
- Lisa McIntire – There is an existing well near the rear of her mother lot.
 - Answer - Rick will investigate the location of this well.
- Lisa McIntire – Are there any plans for the area north of North Cherry Creek Loop?
 - Answer – Not at this time
- Lisa McIntire – Is there a development agreement?
 - Answer – Yes, a Subdivision Improvements Agreement will be required during platting.
- Lisa McIntire – Have you received any feedback from the County and the City if they can handle 39 additional homes?
 - Answer – We have not received any input from the County because this will be a development within the City of Billings. We have had discussions with City Planning and other City Departments and they have been supportive of the development. Overall, 39 lots should not have a large impact existing infrastructure. Also, the City is currently looking at a project to provide improvements to Bitterroot Drive.
- Lisa McIntire – Will there be an opportunity for public comment on the Bitterroot Drive project?

- Answer – Not sure if there will be public input on that project. Feel free to contact the City of Billings Public Works Department with questions. Contact Chris Hertz (406) 657-3095 to find out who the best person to discuss the Bitterroot Drive project.
- Lisa McIntire – What is the process for relocating the irrigation ditch?
 - Answer – No additional process is required for the ditch relocation. It is a BBWA waste ditch that will need the outfall preserved
- Lisa McIntire – We received the meeting invite on Monday of this week and there is also another meeting at the same time.
 - Response – Sorry for the conflict, we were not aware of the other meeting. The requirement for this meeting is to send out the letter 7 days ahead of the meeting, so the notices were sent last Thursday in the mail.
- Lisa McIntire – Do you know who the construction firm will be?
 - Answer – Not at this time
- Lisa McIntire – How much will the lots sell for?
 - Answer – Not sure at this time. It is up to the Developer and the market conditions
- Lisa McIntire – Is there a requirement for parkland?
 - Answer – Yes, it follows state stature. The developer is required to dedicate, or provide cash in lieu contribution, for a percentage of area of the subdivision. Given the size of this development the dedication area would be small. The Developer has elected to provide a cash in lieu contribution. The cash in lieu contribution will be provided to the City of Billings and should be used to further other parks in the area.
- Jennifer Owen - Agreed the cash in lieu of parkland makes sense for this development. However, the manufactured home court has been removing play equipment. Also, there is a community constraint on the parks in the area and children need a place to play.
 - Response – We have had conversations with the new owner of the manufactured home park, and they have mentioned they would like to provide more amenities with the park.
- Jennifer Owen – A conversation with Beartooth School might make sense to discuss if anything can be done to help with safety of school pick up.
 - Response – The sidewalk connection out to Bitterroot Drive should help. Would be good to follow up with the City of Billings on the Bitterroot Drive project to see what improvements are currently planned with that project.
- Jennifer Owen – Is it the intent to sell the lots or have rentals?
 - Answer – The intent is to sell the lots.
- Jennifer Owen – Informed the meeting that there will be a Heights Task Force Meeting this coming Tuesday (June 22nd) and invited anyone interested to attend.
- The meeting adjourned at 6:20 p.m.