



YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

APRIL 13, 2021 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

NOTICE TO THE PUBLIC

****ATTENTION****

Due to the COVID-19 health concerns, this meeting will be held in a virtual videoconferencing environment. The Yellowstone County Board of Planning members will attend the meeting via a remote location, using a virtual meeting method. The regular meeting rooms will be closed during the meeting. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City/County Planning Division is making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City’s website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook:
<https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: deinest@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at **406.237.6165**.
All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

Please direct questions to Tammy Deines, Planning Clerk at deinest@billingsmt.gov or 406-247-8610. Thank you!

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:** MARCH 23, 2021

Attachments

PlnBMinutes_2021_03_23_DRAFT

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!

- 1. **Motion and Recommendation to City Council. South Billings Boulevard Urban Renewal District Expansion - Growth Policy Conformance. South Billings Urban Renewal, (SBURA), District expansion and Plan amendment conformance with the 2016 City of Billings Growth Policy. Director Wyeth Friday, presenting.**

Attachments

2021 South Billings Boulevard TIF Expansion_PB_4_13_21
2016 Billings Growth Policy
SBBURD Current Adopted Plan
Planning Board SBBURD Expansion GP Conformance Letter

- 8. **NEW BUSINESS:** (Agenda items new to this meeting).
- a. Plat Review. Discussion. Yellowstone Landing Commercial Park. County Major Subdivision. Aviation Properties, LLC. Taylor Kasperick, agent. Dave Green, Planner II, presenting.

Attachments

Preliminary Plat
Findings of Fact
SIA

- b. Plat/Review. Discussion. Lake Hills 39th Filing. City Major Subdivision. Greg Reid, WWC Engineering, agent. Dave Green, Planner II, presenting.

Attachments

Findings of Fact

Proposed Plat

SIA

- c. Plat Review/Discussion. Bitterroot Heights Subdivision 39th Filings. City Major Subdivision. Rob Neihart, Performance Engineering, agent. Dave Green, Planner II, presenting.

Attachments

Findings of Fact

Preliminary Plat

SIA

9. **OTHER BUSINESS:**

- a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, APRIL 27, 2021

- a. Public Hearing. Motion/Recommendation to BOCC. Yellowstone Landing Commercial Park. County Major Subdivision. Aviation Properties, LLC. Taylor Kasperick, agent. Dave Green, Planner II, presenting.
- b. Public Hearing. Motion/Recommendation to City Council. Lake Hills 39th Filing. City Major Subdivision. Greg Reid, WWC Engineering, agent. Dave Green, Planner II, presenting.
- c. Public Hearing. Motion/Recommendation to City Council. Bitterroot Heights Subdivision 39th Filings. City Major Subdivision. Rob Neihart, Performance Engineering, agent. Dave Green, Planner II, presenting.

CITY/COUNTY PLANNING BOARD
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101



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: 04/13/2021

Information

Subject

MOTION. MEETING MINUTES: MARCH 23, 2021

Attachments

PlnBMinutes_2021_03_23_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	01/12/2021	01/26/2021	02/09/2021	02/23/2021	03/09/2021	03/23/2021	04/14/2021	04/28/2021	05/12/2021	** 05/27/2021	06/09/2021	06/23/2021	07/14/2021	07/28/2021	08/11/2021	08/25/2021	09/09/2021	09/22/2021	**10/14/2021	10/27/2021	11/10/2021	11/24/2021	12/08/2021	
Teresa Larsen	Mayor/Billings Ward I	1	1	1	1	1	1																		
Heidi Jensen-Christison	Mayor/Billings Ward II	1	1	E	1	1	E																		
Dennie Stephenson	Mayor/Billings Ward III	1	1	1	1	1	1																		
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	1	1	1																		
Jon Thompson	Mayor/Billings Ward V	1	E	1	1	E	1																		
Troy Boucher	YC District 1	1	1	1	E	1	E																		
Dennis Cook	YC District 2	1	1	1	1	1	1																		
Vacant	YC District 3	-	-	-	-	-	-																		
Vacant	YC District 4	-	-	-	-	-	-																		
Woody Woods	YC District 5	1	1	1	1	1	1																		
Vacant	YC District 6	-	-	-	-	-	-																		
Jarett Hillius	YC District 7	1	1	1	E	1	1																		
Vacant	Y County Cons. District	-	-	-	-	-	-																		
Scott Reiter	Ex-Officio SD2	-	-	-	1	E																			

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March 23, 2021

Virtural Video Conference Format

DRAFT- To be approved by a motion on April 13, 2021

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES. Due to the COVID-19 health concerns, the format of the Yellowstone County Board of Planning meeting will be held in a virtual videoconferencing environment. The normal hearing room on the 1st Floor at 2825 3rd Ave North (Miller Building) will be closed during the meeting and no one will be attending this hearing in person. Public comment will be taken only during the Public Comment periods as indicated on the agenda, and during the Public Hearings under the Regular agenda. Comments may be sent to Board via email before 1:00 PM on Tuesday, March 23, 2021. All emails received prior to this time will be read into the record for the public.

The Public may call in during specific Public Comment periods at (406) 237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. Live coverage can be viewed: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>

Call the Meeting to Order

President Woods called the meeting to order at 6:00 p.m. on Tuesday March 23, 2021.

Introduction of Planning Board Members and Planning Department Staff

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

Participating Planning staff members: Wyeth Friday, Director, Planning & Community Services Department; Monica Plecker, Planning Division Manager; Dave Green, Planner II, Tammy Deines, Planning Clerk; Darin Swenson, Yellowstone County Public Works

Other Participants: Kolten Knatterud, Territorial Landworks/IMEG; Taj Mukadam, applicant; Jim Tavelin, SBURA Coordinator

Disclosure of Outside (Ex Parte) Communication or Conflicts of Interest– Board Members and Planning Staff. There were no declarations of ex parte communications or conflicts of interest.

Approval of the March 23, 2021 Agenda

Board member Stephensen made a motion and Board member Larson seconded the motion to approve the March 23, 2021 meeting agenda as amended. The motion carried with a unanimous voice vote.

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Approval of Minutes: March 9, 2021

Board member Tunncliff moved and Board member Hillius seconded the motion to approve the March 9, 2021 meeting minutes. The motion carried with a unanimous voice vote.

Public Comment: President Woods asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public might 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 were no public comments. President Woods announced the public call in phone number: 406-237-6165.

Planning Clerk Tammy Deines reported no calls for public comment.

7. OLD BUSINESS:

7a. Public Hearing. Motion/Recommendation to BOCC. The Grove Subdivision. County Major Subdivision. Taj Mukadam, Owner, Applicant. Kolten Knatterud, Territorial Landworks/IMEG, agent. Dave Green, Planner II, presenting.

Planner Dave Green opened this agenda item with an overview of the Staff Report. Staff received a letter from Citizen Sherri Steilen, 6600 Hesper Road. Ms. Steilen voiced concern with the location of the power line and requested coordination with Northwestern Energy with the applicant's agent. Planner Dave Green forwarded this request to the NorthWestern Energy representative. This application will be considered by the BOCC on April 20, 2021.

INTRODUCTION

On February 1, 2021, the Planning Division received an application for major plat approval for the proposed The Grove Subdivision. The property is generally located on the southwest corner of the intersection of Hesper Road and South 64th Street West. This subdivision would create 26 lots from a 24.523-acre parcel of land. The applicant is proposing to develop residential subdivision; the land is outside of zoning. The land is currently farmland.

RECOMMENDATION

Staff recommends that the Yellowstone County Planning Board recommend to the Board of County Commissioners to conditionally approve the preliminary plat of The Grove Subdivision 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.

1. To protect public health and safety, prior to final plat approval, the applicant will receive approval from MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To protect public safety and to ensure future understanding of road use and maintenance, prior to final plat approval, the applicant will submit easement documents and a plan on how the roads will be

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maintained by the subdivision residents.

3. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings to BUFSA for review and approval. Once installed the applicant will request BUFSA to test the system to ensure it works correctly and get a sign off from BUFSA. The applicant will also create an RSID for the dry hydrant system.
4. To protect public safety and to ensure future maintenance of the parkland, prior to final plat approval, the applicant will create and RSID for parkland maintenance for this subdivision.
5. 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.
6. 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.
7. 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.
8. 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 Woods called for questions and discussion. There was none.

Public Hearing

President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against The Grove Subdivision.

Kolten Knatterud, IMEG/Territorial Landworks, Billings, MT

Kolten Knatterud represents owner/applicant Taj Makadam. He said the applicant has had conversations with NorthWestern Energy regarding the location of the power line.

Taj Mukadam, Applicant, (no address given)

Applicant Taj Mukadam said he spoke with NorthWestern Energy, and they have forwarded the request to their land department for investigation. They will contact Sherri Steilen with possible solutions. Currently the power lines service the Steilen's shop/outbuilding. Dave Green said the Board might add an additional condition of approval to address this. Taj Mukadam said he is not aware of an easement for the power line. He said he would like to hear the recommendations and he is willing to work with all parties involved to get a resolution. Discussion followed on the possibility of an easement for the power line. Board member Larsen asked who bears the burden of cost of moving the power line. President Woods commented on the proposed crosswalk. Taj Mukadam said they intend to build an ADA compliant ramp at the corner of Hesper and & 64th Street West. They are considering

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constructing east-west pathway for students to access the current crosswalk. Discussion followed on the best location for the trail way. There will be about 45-ft of green scape from the current edge of road to the right-of-way as shown on the plat. Taj Mukadam said the goal is to convey students across Hesper Road safely. The proposal is for a 6-10-foot wide hardscaped walking path that will connect to the intersection. They are requesting the County put in a striped crosswalk that goes north to south on Hesper to accomplish this. President Woods said he would be in favor of this proposal and suggested the applicant work with Yellowstone County Public Works to get this resolved. In response to question by President Woods, Kolten Knatterud explained the workings of the proposed evaporation septic systems. Director Friday said it might be helpful to add a condition of approval that an easement for the powerline be provided prior to final plat approval or address it by a relocation survey.

President Woods asked if there is anyone else wishing to speak in favor or against The Grove Subdivision. There was none. President Woods closed the public hearing and called for a motion.

Motion

Board member Cook made a motion and Board member Hillius seconded the motion for Planning Board to forward a recommendation to the Board of County Commissioners to conditionally approve the preliminary plat of The Grove Subdivision and adopt the Findings of Fact as presented in the staff report. An additional conditional of approval will be added that an agreement will be reached or an easement on the west side of this subdivision to provide location for the power lines prior to final plat approval.

The motion carried with a unanimous voice vote.

8. NEW BUSINESS

8a. Motion/Recommendation. South Billings Urban Renewal, (SBBURA), District expansion and Plan amendment conformance with the 2016 City of Billings Growth Policy. Director Wyeth Friday, presenting.

Discussion was held by the Board regarding making a motion and recommendation this evening. It is the consensus of the Board to hear the presentation this evening and forward a motion during the next meeting on April 13, 2021.

Jim Tavelin, SBBURA coordinator, introduced himself. He has been working with Director Friday to bring tonight's presentation.

RECOMMENDATION

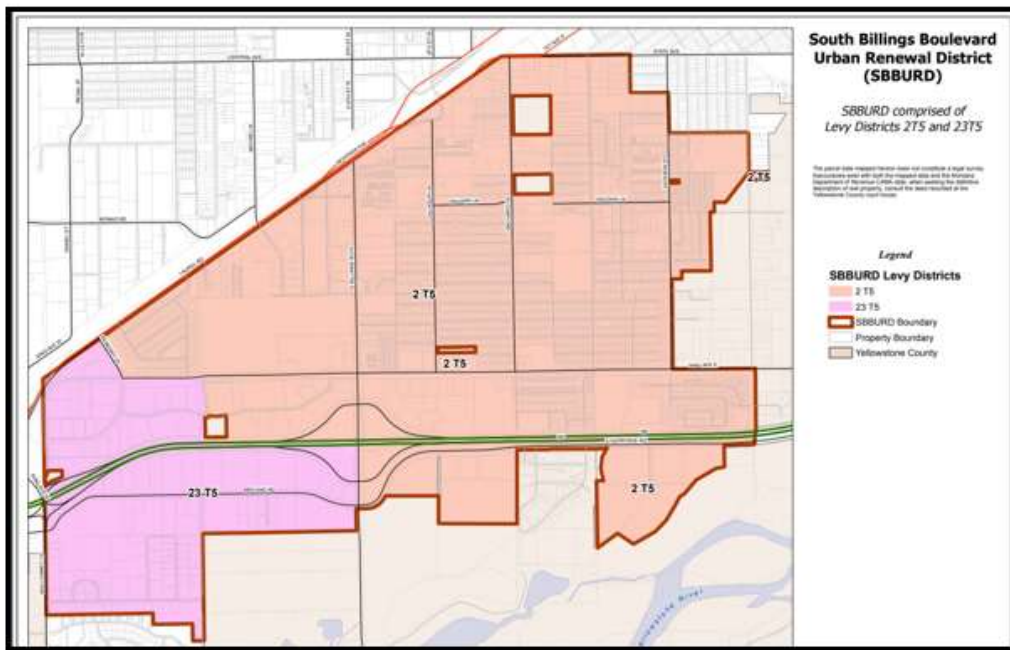
Staff recommends the Yellowstone County Board of Planning review the proposed District expansion and Plan amendment, and make a recommendation to the City Council that the expansion and plan amendment are in conformance with the 2016 City of Billings Growth Policy.

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BACKGROUND

South Billings Urban Renewal Association Coordinator Jim Tavelin is working with Planning and Community Services Department Director Wyeth Friday for the past 8 months has been in contact with property owners and agents interested in having property included in the South Billings Boulevard Urban Renewal District. Several of these properties face significant hurdles to development with property conditions and cleanups, and public infrastructure needs that align with the goals and purpose of urban renewal efforts in South Billings. City staff also is proposing Riverfront Park be included in the District expansion as the SBBURD Urban Renewal Plan calls for park improvements and amenities, and Riverfront Park has significant infrastructure deficiencies as well as park amenity needs. The proposal to expand the District was brought to the City Council at a Work Session in December 2020 and Council directed staff to move forward with the process to expand the District in 2021. This action by the Planning Board is one of the critical steps to move the process forward to the City Council for action on the expansion.



South Billings Boulevard Urban Renewal District
Expansion Proposal



Growth Policy Conformance

Montana’s Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43) requires that the urban renewal district conforms to the community’s growth policy. This proposed expansion of the SBBURD is consistent with the current Growth Policy:

- **Essential Investments (relating public and private expenditures to public values)**
 - Developed parks that provide recreation and special amenitie
 - Infill development and development near existing City infrastructure
 - Infrastructure investments that stabilize or improve property values, secure future utility costs
- **Community Fabric (attractive, aesthetically pleasing, uniquely Billings)**
 - Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- **Home Base (healthy, safe and diverse housing options)**
 - A mix of housing types that meet the needs of a diverse population is important

Staff recommends that the Board:

- Review the expansion of the South Billings Boulevard Urban Renewal Plan

- Affirm for the City Council that the expansion proposal is in conformance with the 2016 City of Billings Growth Policy

Discussion

President Woods called for questions and discussion. He asked if the plan is to annex Riverfront Park, a City owned property located within the County. Director Friday said the Atkins property and Driscoll properties are privately owned; and both properties will be annexed. He clarified the summary document provided to the members of the Board. Board member Thompson said the parcel that includes Josephine Park is not included. Director Friday said the property is proposed to be included but the Parks Department is holding discussions with the State, as currently these parcels are leased. The intent is to include all of the parcels around Josephine Lake and Cochran Lake. Coordinator Jim Tavelin said they are trying to be proactive with the intent of providing funding for assets along the river and park areas. Board member Thompson said this is a good move and he is in favor of this process.

Discussion followed on the sunset period of the tax increment district. Director Friday commented that schools are eligible to apply for tax increment financing to fund capital projects. Board member Tunnicliff pointed out this does not pay for teachers’ salaries.

Coordinator Jim Tavelin said the TIFD created a reserve and significant improvements in infrastructure might not have happened without the investment in a renewal district. He stressed this is a direct outreach to improve the quality of life for those that live in the district. He said they started with sewer and road improvements with an investment of over \$20 million and can move forward with community amenities. He said when this district sunsets in 2040, it will be a huge windfall for the City of Billings. The TIFD supports the investment in the schools and other community amenities. Board member Tunnicliff pointed out that the 20-year sunset of the district is a long period, and this affects other entities who rely on tax dollars. He asked about the proposed recreation center and swimming pool project. Jim Tavelin said they are creating a concept plan for a combination of recreation facilities in an area adjacent to Amend Park. He hesitated to divulge further as they are so early in the project. Wyeth Friday said City Council in coordination with SBBURA, has a capital improvement plan project for a recreational facility.

**The Planning Board will forward a recommendation on this agenda item during the April 13, 2021 meeting.

8b. Presentation. Board Discussion. “Yellowstone County Growth Policy 101”, Planning Division Manager Monica Plecker.

Ms. Plecker said she plans to bring forward a draft growth policy for consideration this spring. She opened a presentation and followed the outline below.

- **What is a growth policy?** A visioning document. It looks back on historical trends and based on those trends where are you going and how do you get there.
- **Growth Policies are not regulatory documents.** It is a guiding document. It serves the community to provide a rational framework for decision making on the issues and opportunities facing a community:
 - Where resources will be committed
 - How land use related issues can be managed
 - Who will do what and when
- **Why prepare a Growth Policy?**
 - To identify community goals and objectives
 - To set priorities in order to allocate resources efficiently
 - To provide a framework and context for: Land Use Regulations, Community and Economic Development Programs; Capital Improvement Planning
- **Contents:** Community Goals and Objectives based on key findings: research, and public input. Goals should be achievable. *The public wants to see results from a planning effort.*
 - **Existing Characteristics & Trends for the Life of the Growth Policy**
 - **Features: Land Use**
 - **Informational Sources:** Census data, Natural Resources information
 - **Implementation Strategies:** description of policies, regulations and other measures to meet the goals and objectives of the policy. A strategy for development, maintenance, and replacement of public infrastructure. Timetable for implementation
 - **Future Land Use Map:** shows land use types and densities that have been determined to be the most desirable for a particular area. It is meant to guide future development, re-development, and annexation.
- **Updates and Revisions (5-year timeline)** A list of conditions that will lead to a revision of the document. State statutes point back to Growth Policies, such as the language in the Findings of Facts for Subdivision review and Zoning reviews.

A Public Hearing is required prior to forwarding a recommendation to the Board of County Commissioners for adoption.

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Division Manager Plecker stated this has been a multi-year process and polling was conducted in the smaller County communities. Some of the takeaways were aging in place, healthcare, education, and schools. She said the public open houses were sparsely attended. She commented on the lack of public demand and political will to strengthen the County growth policy.

Discussion

President Woods called for questions and discussion. In response to his question, Ms. Plecker stated the last approved growth policy is the 2008 Yellowstone County Growth Policy.

9. OTHER BUSINESS:

9a. Standing Item. Staff Updates. Long Range Strategic Issues and an overview of future City and County issues and projects.

9a1. Meeting format for future Planning Board meetings. Director Friday said staff would conduct a test on the updated technology in the City Council chambers and another in the Library Community Room in April. He asked the Board about their interest in attending meetings in person as staff plans to try meeting in the Library Community Room in May. President Woods said in-person meetings might encourage more public input. Board member Thompson voiced concern with the need for social distancing as he is struggling with group interaction since the advent of COVID-19. Board member Tunnickliff stated he likes social interaction and he feels there is value with the in person interaction between board members. Board member Stephenson stated he would like to meet in person, as it is important to maintain examples for the public. Board member Larsen commented on the opportunities for improved conversations with in- person meetings. She noted holding hybrid meetings has advantages with the conveniences of participation online. President Woods concurred as it improves quorum potential for action items.

9a2. Update. Lockwood Town Center. Director Friday said he will follow-up with Conrad Strobe. Staff has not received a formal request for a preconcert development meeting or zone change applications.

ADJOURNMENT: 7:55 PM

DRAFT—TO BE APPROVED BY A MOTION- April 13, 2021

--Tamara L. Deines, Planning Clerk

Planning Board

Date: 04/13/2021
Title: South Billings Boulevard Urban Renewal District Expansion - Growth Policy Conformance
Presented by: Wyeth Friday
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff recommends the Yellowstone County Board of Planning review the proposed District expansion and Plan amendment, and make a recommendation to the City Council that the expansion and plan amendment are in conformance with the 2016 City of Billings Growth Policy.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

South Billings Urban Renewal Association Coordinator Jim Tevlin working with Planning and Community Services Department Director Wyeth Friday in the past 8 months has been in contact with property owners and agents interested in having property included in the South Billings Boulevard Urban Renewal District. Several of these properties face significant hurdles to development with property conditions and cleanups, and public infrastructure needs that align with the goals and purpose of urban renewal efforts in South Billings. City staff also is proposing Riverfront Park be included in the District expansion as the SBBURD Urban Renewal Plan calls for park improvements and amenities, and Riverfront Park has significant infrastructure deficiencies as well as park amenity needs. The proposal to expand the District was brought to the City Council at a Work Session in December 2021 and Council directed staff to move forward with the process to expand the District in 2021. The Planning Board reviewed this item at its March 23 meeting and is scheduled to take action on this item at this meeting. This action by the Planning Board is one of the critical steps to move the process forward to the City Council for action on the expansion.

The SBBURD was formed and amended in 2008, and the Urban Renewal Plan for the District was amended in 2019. However, the District boundary has not been expanded since 2008. While expanding urban renewal districts is not common, it is a tool available to communities under the urban renewal laws, and Billings has most recently used the tool in the East Billings Urban Renewal District in 2015. The process mirrors the process to create a district, with Council taking action on a resolution of necessity to expand the District, update the Urban Renewal Plan, provide notification of property owners that would be included in the expansion, Planning Board review of expansion, legal notice of public hearing, and final public hearing and Council action to expand the District. Several of the properties are in the County (Adkins, Driscoll and Riverfront Park as noted below) and are in the process of going through annexation to the City in coordination with the District expansion process so that they are in the City before the City Council acts on the District expansion in June.

The following properties are proposed to be included in the SBBURD expansion:

Adkins Property - Northeast corner of the intersection of Jackson Street and King Avenue East, about 4 acres, owned by Jason Adkins with an in-holding owned by Robert Ronshaugen. The In-holding property has not indicated definite participation in expansion process at this time. Property is in the County. Property has some possible characteristics of blight and also would involve frontage and infrastructure improvements along King Avenue East and Jackson Street to facilitate development.

Compton Property - 3218 South Frontage Road, about 17 acres, owned by KSKC Properties, LLC (Tim Compton). Property is former Knife River gravel pit that was remediated, annexed into the City and sold to KSKC Properties, LLC in 2015. Property requires remediation work to develop due to the fill material on the site. Water and sewer infrastructure extensions and access are significant in this area but improvements would benefit this and other properties in the area to access City services.

Driscoll Property - 3508 South Frontage Road, about 36 acres, owned by Driscoll Family, LP (sale pending). Property is in

the County. Development would involve significant frontage and infrastructure improvements along the South Frontage Road.

Hogan Property - 3716 South Frontage Road, about 3.6 acres, owned by Evolution HC, LLC. Property was Annexed by the City Council at its meeting on November 23, 2021. A minor subdivision is in process for the property with further commercial development planned.

Riverfront Park (City) - East of South Billings Boulevard and north of the Yellowstone River, about 300 acres, owned by the City of Billings, Parks and Recreation. Much of the park is natural area but there is a significant area that is day use by the public. Improvement and maintenance needs today include, but are not limited to: Trail connections/improvements (paving) west end and trail development on east end of the park by Washington Street; Road and parking lot repair and paving; Automated irrigation improvements; Shelter addition and repairs.

City staff find that several of these properties have qualifying conditions per MCA 7-15-4202 and 7-15-4206 (2), that all of them require public infrastructure improvements as identified in the 2008 and 2019 project and program recommendations of the adopted SBBURD Urban Renewal Plan, and that including these properties in the District would ensure development with municipal services and building to the infrastructure, site, land use and building requirements and standards of the City of Billings. Staff in coordination with SBURA Consultant is moving the process of expanding the SBBURD forward to the City Council in May and June 2021.

The Yellowstone County Board of Planning must review the proposed expansion of the South Billings Boulevard Urban Renewal District and Plan update, and affirm for the City Council that the District expansion conforms to the 2016 City of Billings Growth Policy. Specifically, several Growth Policy Guidelines are addressed by potential development and redevelopment that may occur on properties to be included in the District expansion. Some examples are called out here for the Board's reference:

Essential Investments (relating public and private expenditures to public values)

- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Walking Paths and Trails – Construct sidewalks, trails and pathways throughout the District with landscaping to ensure the safety of children and all pedestrians, as well as provide access to neighborhoods and services.
- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Infill development and development near existing City infrastructure may be the most cost-effective
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important

STAKEHOLDERS

There are multiple opportunities for direct and indirect public participation for the process to expand the SBBURD boundary. This item is not a public hearing for this meeting, but the Planning Board meeting is open to the public so that the community may be aware of this process. The Board also ensured this item was considered at two of its regular meetings, providing further opportunity for the public to be aware of this item. This process will come before the City Council at two separate meetings, both of which are open to the public, and one of which will be a public hearing. Further, the property owners of the properties that are being proposed for inclusion in the District expansion will be directly noticed via mail of the public hearing at the Council Meeting. This is all per Montana Code requirements for a District expansion process and public hearing notification.

ALTERNATIVES

The Planning Board may:

- Find the proposed expansion of the SBBURD and Plan amendment are in conformance with the 2016 City of Billings Growth Policy; or,
- Find the proposed expansion of the SBBURD and Plan amendment are not in conformance with the 2016 City of Billings Growth Policy. However, review of the adopted 2016 City of Billings Growth Policy demonstrates several statements and guidelines in the policy align with the SBBURD purpose and future development opportunities with the District expansion.

FISCAL EFFECTS

There is no direct fiscal impact by making a recommendation of conformance of this expansion to the South Billings Boulevard Urban Renewal Plan with the 2016 City of Billings Growth Policy. However, this District expansion will open up future development and public infrastructure improvement opportunities with urban renewal funds in the future.

Attachments

2021 South Billings Boulevard TIF Expansion_PB_4_13_21

2016 Billings Growth Policy

SBBURD Current Adopted Plan

Planning Board SBBURD Expansion GP Conformance Letter

2021 Expansion of the South Billings Boulevard Urban Renewal District & Amendment to the Urban Renewal Plan

South Billings Urban Renewal Association Statement of Position

**Presented to The City of Billings
Planning & Community Services
Department**



South Billings Urban Renewal Association (SBURA)
PO Box 21271
Billings, MT 59104

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Section 1 – Introduction

On May 12, 2008, the City of Billings (i.e., “the City”) adopted Ordinance 08-5462 creating the South Billings Boulevard Urban Renewal District (SBBURD) and established a tax increment finance district (i.e., “the District”). Concurrently, the City adopted an Urban Renewal Plan and established the boundaries of the District.

On December 8, 2008, the City adopted Ordinance 08-5484, which expanded the District to its current boundaries (see Appendix I).

On July 22, 2019, the City adopted Ordinance 19-5725, that modified the Urban Renewal Plan for purposes of identifying future projects/programs, ensuring the City has the option to bond future projects and updating the 2008 Plan to reflect the 2019 amendment process.

The City is in the process of annexing three properties into the City Limits that are contiguous to the current boundaries of the District that merit inclusion in the District. These properties, as discussed below, have growth opportunities, consistent with the District’s Master and Urban Renewal Plans, that will result in favorable economic development, public infrastructure and amenities.

Section 2 – Background

In 2008, the Billings City Council established an urban renewal area (subsequently known as the South Billings Boulevard Urban Renewal District) by resolution declaring the area contains structures and property that are:

- in a state of substantial deterioration,
- are obsolete or defective,
- pose unsanitary or unsafe conditions,
- are vacant and unused,
- have inappropriate uses.

Additionally, the Council believed the condition of the area:

- substantially impairs the sound functioning of the South Billings Boulevard area and its environs,
- is conducive to juvenile delinquency and crime,
- poses the threat of vandalism or mischief and fire and loss,
- constitutes an economic and social liability,
- and is a menace to the public health, safety and welfare of the residents of the City.

The Council also considered urban renewal opportunities in the District consisting of:

- the acquisition of certain vacant or blighted properties,
- demolishing the blighted structures thereon,
- improving such properties with landscaping, utilities and other similar improvements,
- assembling and making such properties so improved available for private redevelopment in accordance with Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended.

The Council currently has a Memorandum of Understanding between the City of Billings and the South Billings Urban Renewal Association (SBURA) that designates the SBURA as the advisory group tasked with managing the District's redevelopment efforts.

Section 3 – Summary of Urban Renewal Efforts

Since the District's inception, the Council has invested the incremental growth in tax revenues over and above the base year value in over \$20 million in redevelopment projects. Listed below are the most noteworthy investments from January 1, 2013 to December 31, 2020 (in thousands):

1. Newman Lane	\$ 207
2. Midland Rd	3,109
3. TIF Master Plan	276
4. Sewer Phase I&II	2,470
5. Calhoun Lane	2,222
6. Amend Park Land	943
7. Optimist Park Improvements	380
8. Orchard Lane	3,897
9. Elementary school/ Boys & Girls Club	201
10. King Ave East	2,394
11. Amend Park Field Turf	1,565
12. Business development	766
13. Police Evidence Center	<u>919</u>
	\$19,349

The base year taxable value of \$7,046,472 has increased approximately 35% to \$12,284,446 (as of 2020). The annual tax increment has grown to approximately \$3.6 million as of 2020. When the District sunsets in 2040, its taxable value will increase (assuming a 2% annual growth rate) to approximately \$17.9 million, thus returning to the City about \$7.5 million annually in deferred tax revenue.

Most of the infrastructure projects (i.e., roads & sewers) identified in the District's Urban Renewal and Master Plans have been accomplished or will likely be accomplished in

the next few years. The afore-mentioned master plans also emphasize the establishment and/or redevelopment of neighborhoods. Consequently, the SBURA seeks to invest tax increment funds to help facilitate the creation of attractive neighborhoods through the elimination of blight and the development of affordable housing opportunities across a wide range of socio-economic groups. The SBURA also recognizes that there are promising opportunities for commercial investment along the I-90 corridor. Lastly, the Amend Park area has the potential to become the focal point for athletics in the greater Billings area through the development of recreational facilities and team sports venues.

Section 4 - Properties to be Annexed to the SBBURD

There are five properties identified for inclusion in the District. Four of these properties are privately owned. The City of Billings owns the other property.

Exhibit A below details the four privately-owned properties. These properties are contiguous to the southeastern boundary of the District.

EXHIBIT A

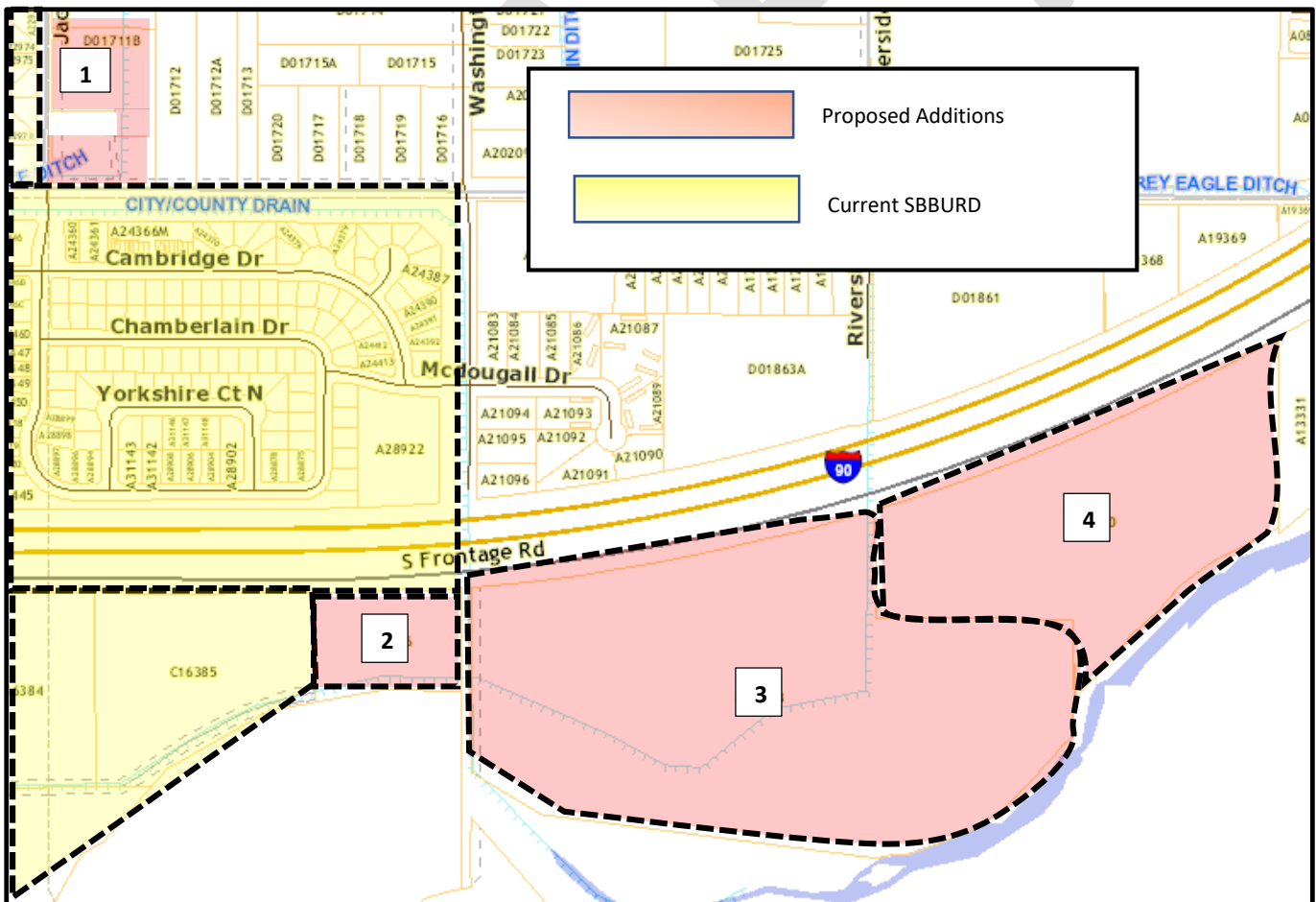
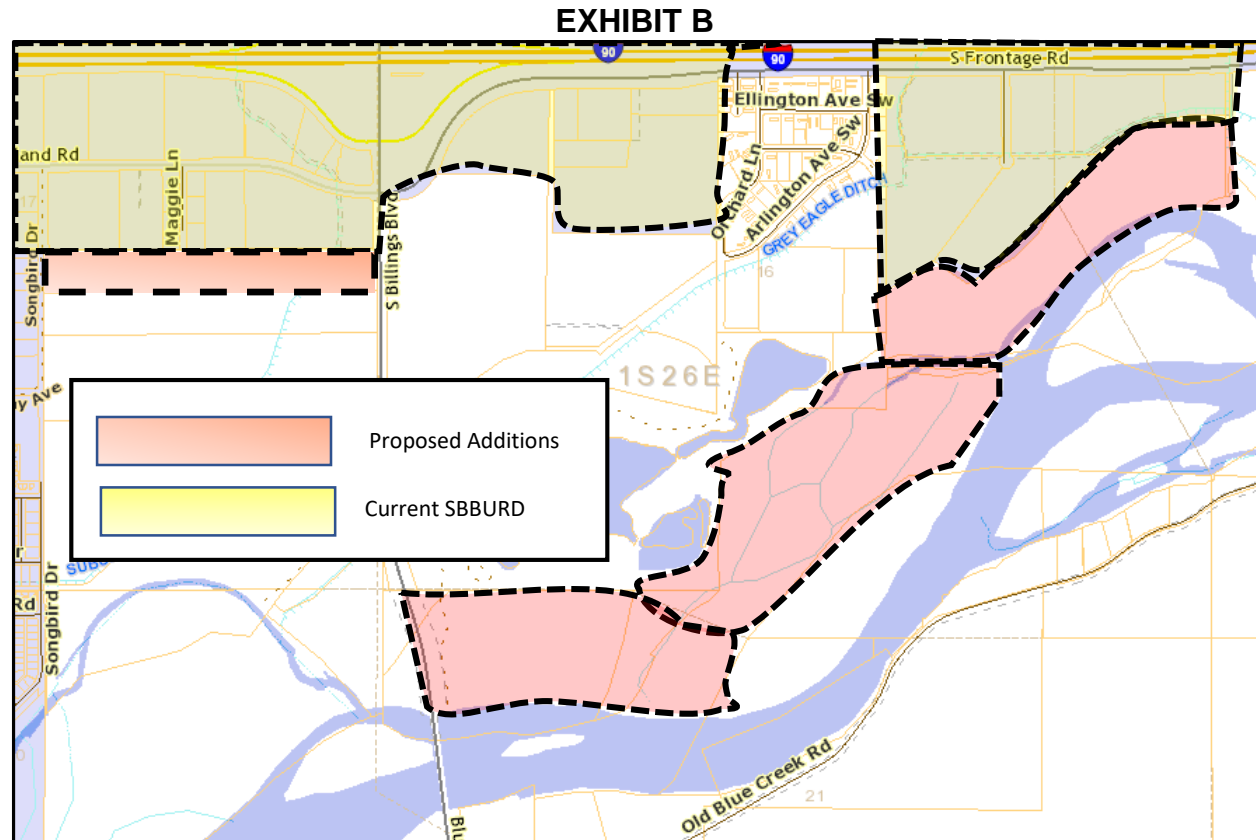


Exhibit B below details the property that is City-owned, specifically Riverfront Park.



Section 5 – Defining the District’s Boundaries

The current District contains blight as defined in Montana Code Annotated Title 7, Chapter 15, Parts 42 & 43 and as recognized by Council in Ordinances 08-5462 and 08-5484. While every property in the District does not contain blight, a District may not be formed in a “checkerboard” pattern and be defined only on a parcel-by-parcel basis. Revitalization is best achieved when a continuity of properties allows for a seamless investment in infrastructure. Accordingly, the District contains properties within the City of Billings that, when viewed as a whole, logically define an urban renewal area.

The annexation into the City of Billings of two of the three properties located along South Frontage Rd creates an opportunity to add three contiguous properties to the District. The property on the northeast intersection of King Ave East and Jackson St. is likely the first in a series of developments spurred by the improvements to King Ave East. What makes the inclusion of these properties into the District compelling is that, given a measure of public assistance, they have very promising opportunities for development.

Riverfront Park, like the afore-mentioned private properties, is a logical extension to the current District. The annexation of the three properties along the South Frontage Road creates a “bridge” to Riverfront Park.

Section 6 Summary of Blight Findings

Montana Code Annotated Title 7, Chapter 15, Parts 42 and 43 provides the authority to declare the existence of blighted areas and to target them for improvements. “Blighted are” is defined in Section 7-15-4206(2) MCA as follows:

[A]n area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use by reason of:

- a) the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or non-residential;*
- b) inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of examination of the building standards of the municipality;*
- c) inappropriate or mixed uses of land or buildings;*
- d) high density of population and overcrowding;*
- e) defective or inadequate street layout;*
- f) faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- g) excessive land coverage;*
- h) unsanitary or unsafe conditions;*
- i) deterioration of site;*
- j) diversity of ownership;*
- k) tax or special assessment delinquency exceeding the fair value of the land;*
- l) defective or unusual conditions of title;*

- m) improper subdivision or obsolete platting;*
- n) the existence of conditions that endanger life or property by fire or other causes; or*
- o) any combination of the factors listed in the subsection (2).*

As discussed earlier, not every parcel in the District is blighted, making it essential to view the District as a whole to achieve the revitalization described in its Urban Renewal and Master Plans. Notwithstanding, the parcels of land proposed for addition to the District have characteristics of blight that conform to Montana code.

Note the following issues present on the three parcels on South Frontage Rd:

- City water services are incomplete. Billings Public Works would need to install a trunk line to provide water for a large portion of these properties (Nos 3 & 4).
- One of the parcels (No.4) contains a former gravel mine. While the former mine owners backfilled the property in accordance with the Montana Department of Environmental Quality standards, the resulting soil is not compact enough to support buildings and roadways. Consequently, a costly procedure known as “geomeshing” would be necessary as part of building and road construction.
- There are abandoned vehicles and concrete rip-rap (No. 3) that would require removal. Additionally, the areas adjacent to the Yellowstone River would require stabilization.
- Property No 2, while not blighted, would provide continuity to Properties 3 & 4 should the City add infrastructure in the form of utility extensions, curb, gutter, sidewalks, trails etc.

Note the following issues present on the property (No.1) on the northeast intersection of Jackson St. and King Ave East:

- There is a concrete ditch running along the subject property that is unsightly and tends to collect trash. The ditch also accumulates water that is a safety hazard to the children that play on or near it.
- The property surrounds a small inholding. The owner is deceased. The current occupant’s residence is dilapidated with junked cars being stored onsite.

Riverfront Park needs infrastructure improvements (e.g., boat ramps, restrooms, picnic tables, shelters etc.).

Taken as a whole, the subject properties would be commonsense additions to the District. Had these properties been within the City limits at the District’s inception, it is

likely they would have been included within the District's original boundaries. These properties already have drawn interest from developers who are attracted by the possibility of receiving tax increment finance assistance to help mitigate development challenges and to install public improvements. Inclusion of Riverfront Park permits the use of tax increment funds to help pay for public amenities such as extending the Billings Trail system.

Section 7 – The Site and Its Relationship to the City

The District is in the south-center region of the City of Billings. Bordered by Interstate I-90, the main railroad line and principal transportation routes, it is an area where economic development opportunities are numerous. In addition, numerous service, commercial, industrial, parks and recreation and housing choices are located within the District.

Section 8- Description of the District Boundary

Parcel No. 1

ADKINS EXPANSION AREA TRACT B-2 ONLY
Legal Description of Property

A tract of land situated in the SW 1/4 of Section 10, T.1S., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

Tract B-2, of Amended Tract B of Certificate of Survey No. 2367 M, recorded September 27, 2012, under Document No. 3640039, on file and of record in the Records of Yellowstone County.

Said tract of land containing an area of 3.522 acres more or less.

Parcel No. 2

HOGAN EXPANSION AREA

Legal Description of Property

Tract of land situated in the NW1/4 of Section 15, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:
Being Tract 2-A-1 of Amended Tracts 2-A And 2-B, of Amended Tract 2 Certificate of Survey No. 1121, Recorded January 14th, 2008, under Document Number 3451343, on file and of record in the office of the Yellowstone County Clerk & Recorder.

Said tract of land containing an area of 3.673 acres more or less.

Parcel No. 3

DRISCOLL EXPANSION AREA

Legal Description of Property

Tracts of land situated in the N1/2 of Section 15, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as: Fractions of Government Lots 2 and 3, Section 15, T.1S., R.26E., P.M.M., Yellowstone County, Montana, being unplatted land wholly surrounded on the West by Tract 5 (Washington Street Right-Of-Way) of Certificate of Survey 1121, Recorded June 18, 1969, under Document Number 843148, on the South by the Yellowstone River, on the East by the Yellowstone River and Tract 1 of Certificate of Survey Number 1591, Recorded August 20, 1976, under Document No. 1026729, Records of Yellowstone County, on the North by Tract 1 of Certificate of Survey Number 1596, Recorded September 16, 1976, under Document No. 1029099, Records of Yellowstone County, and South Frontage Road Right-Of-Way.

Said tract of land containing an area of 35.94 acres more or less.

Parcel No. 4

COMPTON EXPANSION AREA

Legal Description of Property

Tracts of land situated in the N1/2 of Section 15, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Tract 1 of Certificate of Survey Number 1591, Recorded August 20, 1976, under Document No. 1026729, Records of Yellowstone County;

Tract 1 of Certificate of Survey Number 1596, Recorded September 16, 1976, under Document No. 1029099, Records of Yellowstone County.

Said tracts of land containing an area of 16.937 acres more or less.

DRAFT

Parcel No. 5

RIVER FRONT PARK EXPANSION AREA
Legal Description of Property

Tracts of land situated in the SE1/4 of Section 17, N1/2 of Section 20, the SW1/4, the SE1/4 and the NE1/4 of Section 16, the NW1/4 and the SW1/4 Section 15, the NW1/4 and the NE1/4 of Section 20, and the NW1/4 of Section 21, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Tracts of land being known as Riverfront Park:

Tract 2 of Certificate of Survey No. 2649, Recorded October 28, 1991, under Document Number 1612662;

Riverfront Park Subdivision, Lots 3, 4 and 5, Block 1, Recorded May 10, 1995, under Document Number 1783132;

Tracts A, B and C of Certificate of Survey No. 1152, Recorded March 16, 1970, under Document Number 858029;

Unplatted land wholly surrounded on the West by said Riverfront Park Subdivision, Lot 3, Block 1, on the South by said Certificate of Survey No. 1152, unplatted land created by accretion from the Yellowstone River, on the East by unplatted land created by accretion from the Yellowstone River, Tract 1 of Certificate of Survey 1150, Recorded February 5, 1970, under Document Number 855794, Tract 3 of Certificate of Survey 1121, Recorded June 18, 1969, under Document Number 843148, on the North by Agri-Center Subdivision, Recorded September 20, 1967, under Document Number 806352, unplatted land being the W1/2NE1/4NW1/4SE1/4 & E1/2NW1/4NW1/4SE1/4 of Section 16, T.1S., R.26E., and a Fraction of Government Lot 3 in T.1S., R.26E., located Southeast of Willowbrook Subdivision, Lot 5, Block 1, Recorded May 30, 2002, under Document Number 3178165, Certificate of Survey 2648, Recorded October 17, 1991, under Document Number 1611718;

Certificate of Survey 2648, Recorded October 17, 1991, under Document Number 1611718;

Agri-Center Subdivision, Park Land, Recorded September 20, 1967, under Document Number 806352;

Tract 3 Certificate of Survey 1121, Recorded June 18, 1969, under Document Number 843148;

Tract 1 Certificate of Survey 1150, Recorded February 5, 1970, under Document Number 855794;

All documents are on file and of record in the office of the Yellowstone County Clerk & Recorder.

Said tracts of land containing 378.075 acres more or less.

Parcel No. 6

BOC EXPANSION AREA

Legal Description of Property

A tract of land situated in the SE 1/4 of Section 17, T.1S., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows: Being the N1/2, N1/2, N1/2, SE1/4 of Section 17, T.1S., R.26E, P.M.M., Yellowstone County, Montana.

Said tract of land containing an area of 20.000 acres more or less.

Section 9 – Property Developers

Private investment and public-private partnerships through the implementation of the Urban Renewal and Master Plans will help spur new development and revitalization. Improvements in infrastructure will complete and connect City utilities in the area, spur investments in commercial businesses, workforce housing and public recreational facilities.

Section 10 – Conformance to the City’s Growth Policy

The City’s 2016 Growth Policy Statement is as follows:

In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

The City’s growth policy, in large part, focuses on the notion of return on investment. Given a limited budget, the City seeks to invest in projects and infrastructure that generate a positive return in terms of tax revenue and/or public satisfaction and community pride.

Since its inception, the District has been successful in accomplishing the primary purpose of an urban renewal district: eliminate blight and/or economic development. As detailed above, the City has invested over \$20 million in projects and infrastructure that have resulted in a 35% growth in taxable values. Over the next few years, the District plans to invest an additional \$2 million to complete improvements to its collector streets, \$4 million to improve gravel and unmaintained streets with paving, curb, sidewalks, and lighting and over \$500,000 for parking lots and improvements in Optimist

Park. Additionally, the SBURA will seek ways to make the District's Interstate I-90 gateway more attractive.

The properties identified for inclusion in the District represent a natural growth of the District as prompted by annexation into the City. Their inclusion will attract investment and provide funding for necessary public infrastructure and amenities.

Section 11 – Conformance with Montana Code

Section 7-15-4217, M.C.A. Criteria for approval of urban renewal project. Following the hearing required in 7-15-4214, the local governing body may, by ordinance, approve an urban renewal project if it finds that:

- 1) A workable and feasible plan exists for making available housing for the persons who may be displaced by the project;

There are no housing units in the expansion area, so no displacement plan is necessary.

- 2) The urban renewal plan conforms to the comprehensive plan or parts thereof for the municipality as a whole;

The Urban Renewal Plan for the South Billings Boulevard Urban Renewal Plan as amended for inclusion of the subject properties, conforms to the City of Billings Growth Policy and the SBBURD Master Plan.

- 3) The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

It is unreasonable to expect the District will be redeveloped or revitalized solely with public support. At present, there are areas containing blight and/or deficient infrastructure that would ordinarily attract private investment. Consequently, it is essential to promote public-private partnerships as means for securing investment capital.

- 4) A sound and adequate financial program exists for the financing of said project.

The District receives approximately \$3.9 million of funding annually of which approximately \$800k is dedicated to debt service. The expected growth in annual tax increment is expected to increase until the District sunsets in 2040.

Section 12 – Tax Increment

As of 2020, the four privately-held properties collectively pay the following property taxes:

Code	District	
	BILLINGS OUTSIDE (Levy District)	\$ 8,878.31
	BILLINGS (Levy District)	9,9892.04
BACF	BLGS ARTERIAL CONST FEE	1,260.00
BLSW	BILLINGS STORM SEWER	1,110.00
BS#2	BLGS STREET MAINT #2	1,545.00
BUFC	BLGS URBAN FIRE SERV-COM	147.80
BUFR	BLGS URBAN FIRE SERV-RES	493.52
CRED	COUNTY REFUSE DISTRICT	40.00
PD01	BILLINGS PARK DISTRICT	190.42
SOIL	SOIL CONSERVATION	12.04
		<u>\$14,003.13</u>

Assuming the City Council approves the inclusion of these properties in the District, the Montana Department of Revenue would set a separate base year calculation for these properties. Consequently, the annual tax increment would essentially consist of the District's current revenues, approximately \$3.6 million, plus the incremental increase attributable to the subject properties.

Hypothetical Increment Example:

1. A developer invests \$1,000,000 in one of the subject properties.
2. Assuming a dollar-for-dollar increase in taxable value, the property will create approximately \$13,000 in annual tax increment.

\$1,000,000 taxable value x 1.89% commercial tax rate	= \$18,900
\$18,900 x 69 mills	= \$13,041

3. The Council could award up to \$247,779 in tax increment assistance and achieve a payback concurrent with the District's 2040 sunset date.

\$13,041 x 19 years = \$247,779

4. Considering the Council's preferred \$5 private investment for \$1 of tax increment assistance, the payback period in this example would be:

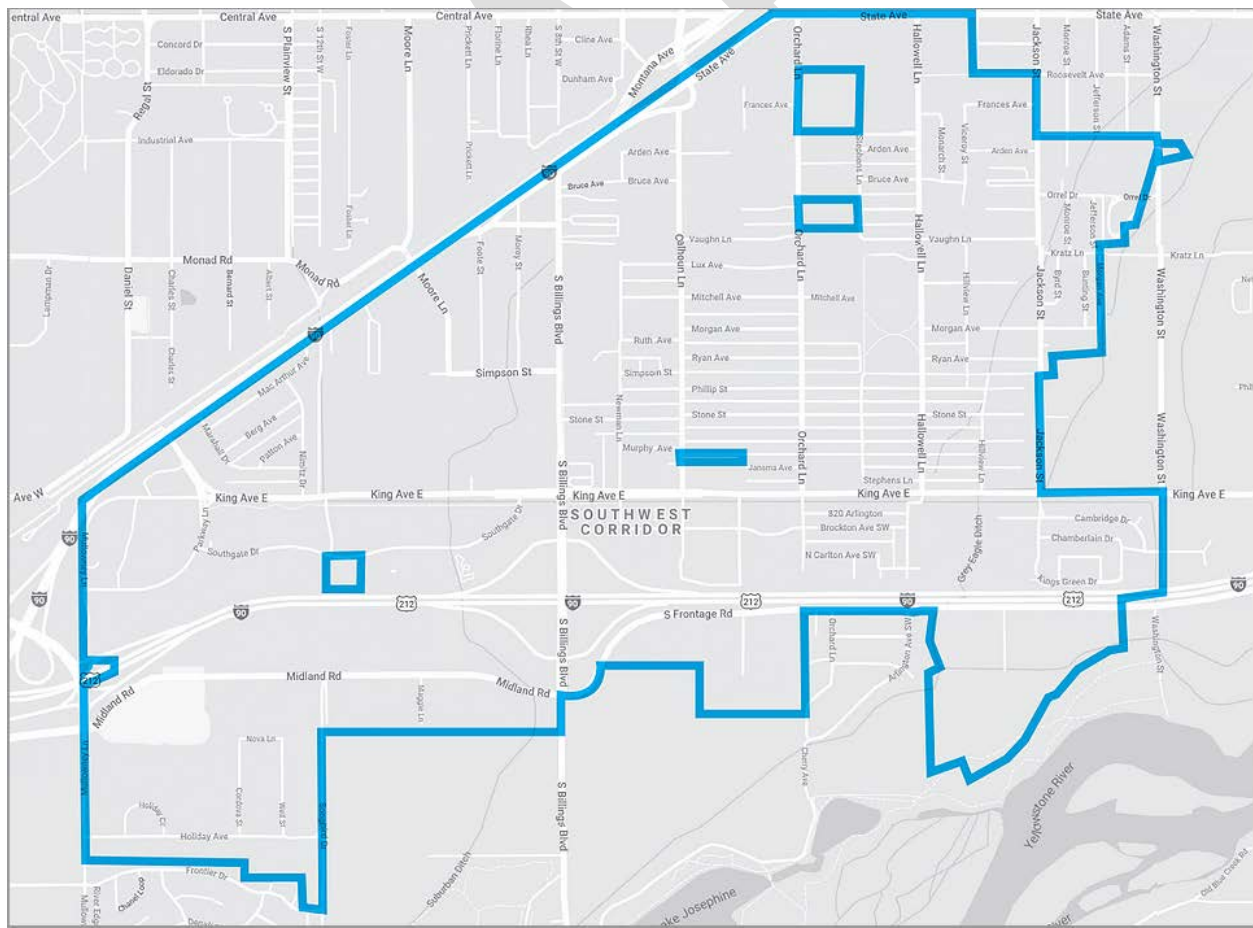
\$1,000,000 x 16.67% = \$166,700
 Payback period = \$166,700/\$13,041 = 12.78 years

Section 13 – Conclusion

In 2008 the City voted to create the District. The resulting investment capital in the form of tax increment has been invested in infrastructure and other economic development ventures. The increase in the District's tax base is evidence of how tax increment finance districts are supposed to operate.

The proposed expansion of the South Billings Boulevard Urban Renewal District represents a logical extension of the District's current footprint. The City's annexation of the subject properties provides the impetus to expand the District. Given the tax increment funding available for investment, these properties have significant potential for long-term economic and civic development.

Appendix I: Current South Billings Boulevard Urban Renewal District





**2016 CITY OF BILLINGS
GROWTH POLICY**
AUGUST, 2016



Prepared for the Community by:
City-County Planning Division
2825 3rd Ave. N. 4th Floor
Billings, MT 59101

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Reports**

Since the last update to the City and County Growth Policy in 2008, the City of Billings has added more than 6,000 people and has expanded by 1.5 square miles. The change in population and land area places a greater demand on public services and infrastructure. As a reflection of these increases, the City budget also increased. In Fiscal Year 2010, the General Fund revenues were \$29,561,687 and in Fiscal Year 2016 General Fund revenues were \$33,454,515; an increase of \$3.9 million. Growth alone has public costs associated with it but the needs and preferences of the public may also increase costs as values and priorities change.

One of the main purposes of this Growth Policy is to determine current public values and priorities. A second purpose is to compare patterns of growth to examine if there are more cost effective ways to develop. The approach to this Growth Policy and the methods used were tailored to address the two main purposes.

Through an extensive public comment process and carefully modeled growth scenario planning, a vision for Billings in the next 20 years emerged. This vision is embodied in the Growth Policy Statement:

In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

This statement, along with the Growth Guidelines, provides the City Council and other decision makers with an insight into public values and priorities. ***The Guidelines are not regulatory, but meant to be considered when Council acts on land use and infrastructure decisions.*** This Growth Policy will be used consistently as land use applications are brought before Council for action.

Billings has emerged as a regionally important small City that provides a high quality of life, good business and employment opportunities, and excellent public services and amenities. The improvements to the City made over the past few decades have not been by accident. The City has adopted and implemented several plans related to parks, transportation, utilities, and land use that have provided the framework for progress. This Growth Policy is an important element in that framework and will help ensure Billings will remain a great City, now and beyond!



The planning process and methodologies used for the 2016 City of Billings Growth Policy were conceived and designed by Candi Millar, Planning and Community Services Department Director. She was ably assisted by the **Planning Division staff**:

- Wyeth Friday, **Planning Division Manager**
- Nicole Cromwell, **Zoning Coordinator; Supervisor, Code Enforcement Division**
- Dave Green, **Planner II**
- Scott Walker, **Transportation Planning Coordinator**
- Lora Mattox, **Transportation Planner**
- Karen Husman, **Planner I**
- Jeffery Butts, **Bicycle and Pedestrian Coordinator**
- Jeannette Vieg, **Planning Assistant**
- Tammy Deines, **Planning Clerk**
- Robbin Bartley, **Administrative Support I**

Geodata Services, Inc. of Missoula, Montana was invaluable for its help with the Scenario Planning piece, especially Ken Wall and Kyle Balke.

Support from other City Departments was most appreciated, including:

- Kevin Moore, **IT – GIS Specialist** and Ron Frisbie, **IT- GIS Coordinator**
- Barb McCrae, **IT – Application Development Manager**
- All the Department Directors that reviewed parts of the document
- Christina Volek, **City Administrator**

A substantial effort was given by the members of the Growth Policy Steering Committee who attended six meetings and provided great insight into public values and priorities:

- Anya Fiechtl, **High Plains Architects**
- Wyeth Friday, **Planning Division Manager**
- Keith Hart, **Keller Williams Realty**
- Melissa Henderson, **RiverStone Health**
- John How, **Kadmas, Lee & Jackson**
- Dianne Lehm, **Big Sky Economic Development**
- Bruce MacIntyre, **Billings Chamber of Commerce**
- Scott Reiter, **School District 2**
- Michael Sanderson, **Sanderson Stewart**
- Amber Sunsted, **Billings Association of Realtors**
- Connie Wardell, **League of Women Voters**

Most importantly, the citizens of Billings who provided comments and attended the public meetings need to be recognized. Thanks to everyone for the support and direction given during this process.



Chapter 1 – The Planning Process



Community planning is a continuous process. Community values change, conditions change, and policies change requiring a community plan to be re-evaluated periodically. Montana law recommends re-examining a growth policy every five years and determining, based on a list of conditions “what will lead to a revision of the growth policy”, MCA 76-1-601 (3)(f)(ii). This policy, as the policy it replaces, recommends that the growth policy be revised when the following occurs:

- Major changes in existing conditions or projected trends
- Modifications in the legal requirements a Growth Policy must meet
- Significant changes in community direction or goals
- Citizens desire for changes to the Growth Policy

Since the 2008 City/County Growth Policy was adopted a lot has changed in Billings as the following comparison of metrics between 2010 and 2014 demonstrates:

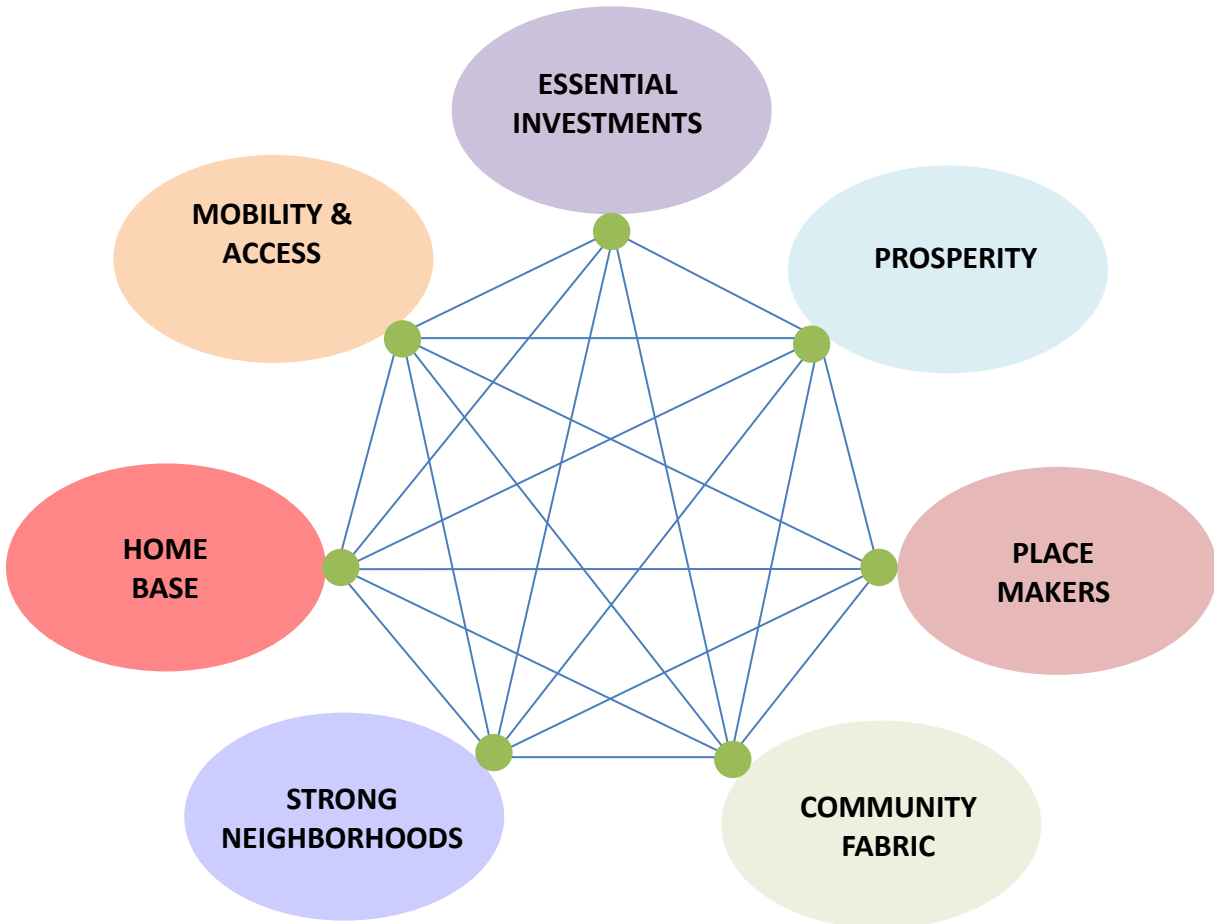
TABLE 1.1. COMPARISON OF GROWTH METRICS 2010 AND 2014

	2010	2014
Population	104,170	106,979
Median Age	37.5	37.1
Housing Units	46,317	46,674
Median Household Income	\$46,433	\$49,265
City Area	41.9 sq. mi	42.9 sq. mi
Street Miles	532.7	565.7

Updating the 2008 City of Billings/Yellowstone County Growth Policy was identified as a priority in the 2014 City Council Strategic Plan. The City Council recognized at that time that a policy was needed to achieve its goal of “comprehensive, cost-effective, and orderly growth.” Staff was directed to “prepare a comprehensive growth policy focused on existing service gaps in the City growth areas.” To achieve this directive, two questions needed to be answered:

associations. For instance the value of outdoor spaces under the Community Fabric goal is also an essential value in Strong Neighborhoods and Place Makers.

FIG. 1.1. COMMUNITY GOALS AND THEIR INTERRELATIONSHIP



The public comments were also the basis for three other important elements of this Policy: objectives, toolboxes, and performance measurements. Goal objectives are targeted outcomes that provide definition to what the goal can achieve or how the goal can be achieved. Toolboxes suggest ways, means, and methodologies to accomplish the goal, and performance measurements are recommended metrics for determining if the goal is being achieved.

Referring back to the Council’s Strategic Plan goal of “comprehensive, cost-effective, orderly growth”, the planning process also evaluated seven different growth scenarios to estimate the relative cost and revenue of various growth patterns in three separate growth areas: North (around the proposed Inner

Belt Loop), West (west of Shiloh Road) and Infill (existing parcels within the City limits and adjacent properties). The scenarios were developed to accommodate approximately 50,000 more residents. The costs to provide selected services and facilities the public preferred were calculated for high, low, and mixed residential density scenarios in the North and West growth areas. The residential density used for the infill scenario was based on existing zoning. The revenue estimates were developed by extrapolating the average tax and assessment revenue from existing residential housing developments of comparable densities.

The scenario planning results were looked at three ways:

1. Total cost of selected services and facilities and total revenue from housing unit per scenario
2. Total anticipated annual revenue/total cost of selected services and facilities (Return on Investment)
3. Total anticipated annual revenue from residential development/acre

CHART 1.1. SCENARIO COSTS AND ANNUAL REVENUES

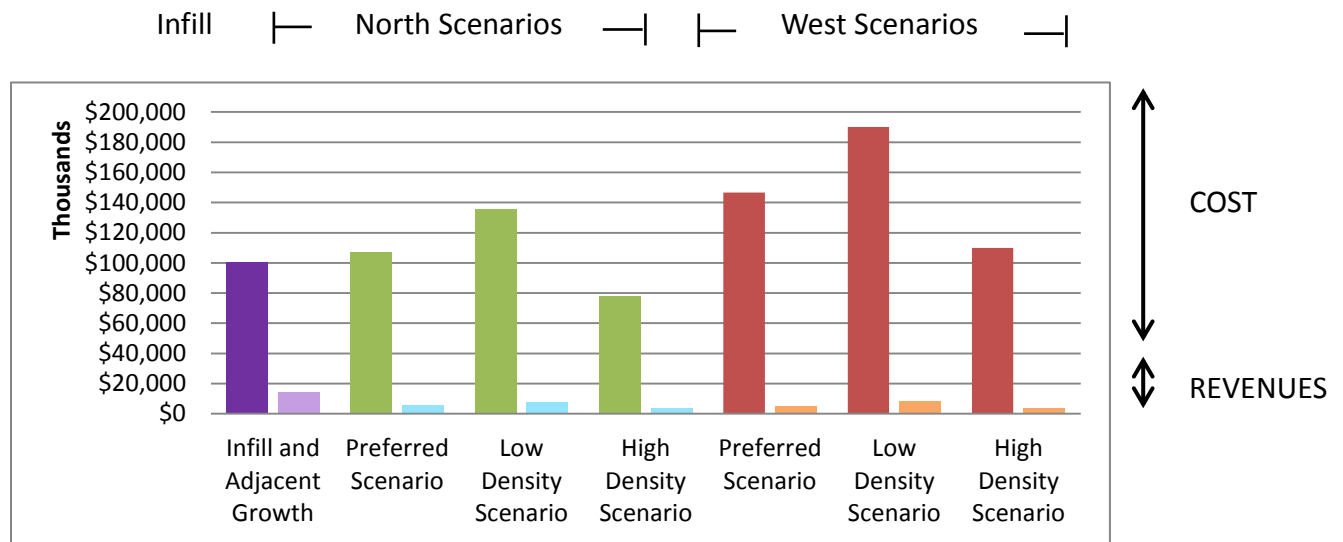
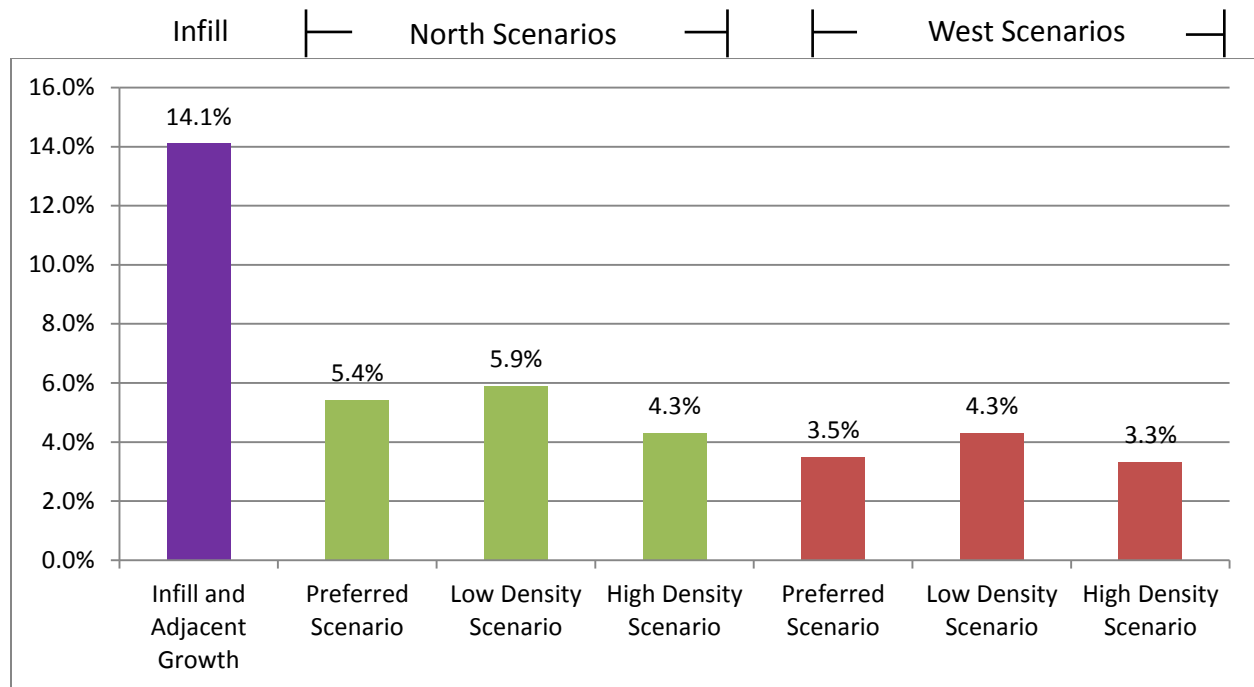


CHART 1.2.-ANNUAL RETURN ON INVESTMENT



The scenario planning data and the values expressed by the public support a general consensus that development of infill parcels and properties adjoining the existing City limits is preferred. Also substantiated by public comment and the scenario planning data, is that a mix of residential densities is also preferred. There are clear revenue advantages to the low density scenarios in terms of return on investments and total revenue per acre, mostly because the revenue generated by higher valued houses on larger lots is greater than any other scenario. However, the infill scenario returns the highest total revenue per acre largely because of the concentrated value on smaller lots and provides a mix of housing. The Scenario Planning demonstrates that the Infill and Adjacent Parcels growth pattern is most cost effective and has the highest rate of return. It should be noted that maintenance and replacement costs were not factored into the scenario planning. It stands to reason that infill development will require replacement and repair of existing infrastructure sooner than newer development in the north and west scenarios. This repair and replacement of existing infrastructure will be necessary regardless of the growth area as the majority of the City population still live in areas served by existing infrastructure and rely on this infrastructure.

The primary purpose of the planning process is to formulate a *Growth Policy* for the selected time horizon, or 20 years. In the end, the *Policy* is derived from the comments, goals, objectives and data. The *Growth Policy* stands as a framework to evaluate future public and private development and investment. The *Policy* is further supported by a *Growth Policy Statement* (vision) and suggested *Growth Guidelines* that can be referred to when making decisions for land use applications and infrastructure projects.

Chapter 2 – Growth Policy Statement and Guidelines

The **Growth Policy Statement** and **Guidelines** provide elected officials and other decision-makers an understanding of the public’s vision for future growth and development, and recommendations on how to achieve that vision within the City of Billings in the next 20 years. As stated in state statute, “*a growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law,*” MCA 76-1-605(2)(a). It does, however, provide guidance when developing future regulations, policies, and projects. Most specifically, subdivision and zoning regulations are required to “*be made in accordance with the growth policy,*” MCA 76-1-605(1)(c) and MCA 76-2-304(1)(a). State law also provides for the governing bodies “*to be guided by and give consideration*” to the growth policy on other matters including public infrastructure, utilities, and structures, MCA 76-1-605(1).

The Growth Policy Statement may be considered a vision of where and how the City will grow in the next 20 years. The Growth Guidelines describe more specifically what people value and desire as outcomes or objectives and these are categorized under seven headings that define general goals.

City of Billings Growth Policy Statement

In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings’ residents, businesses, and visitors
- Infill development and development near existing City infrastructure may be the most cost effective
- Accessible, friendly and cost-effective government are important public values

- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- It is important to factor in maintenance costs when programming public spaces and infrastructure
- Integrated, long range water planning that better utilizes existing resources and treatment options, and when necessary acquires new ones, is vital
- Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community
- A cost/benefit study is important to make cost effective land use decisions

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- Locally grown foods help sustain agriculture, provide healthy options, and support local businesses
- The history and heritage of Billings are cornerstones of our community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods
- Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

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

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community
- Accessory dwellings units provide an important type of affordable housing options if compatible
- Energy efficient housing can reduce energy consumption

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Expanded air service ensures that Billings remains a competitive and an accessible destination
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

Prosperity (promoting equal opportunity and economic advancement)

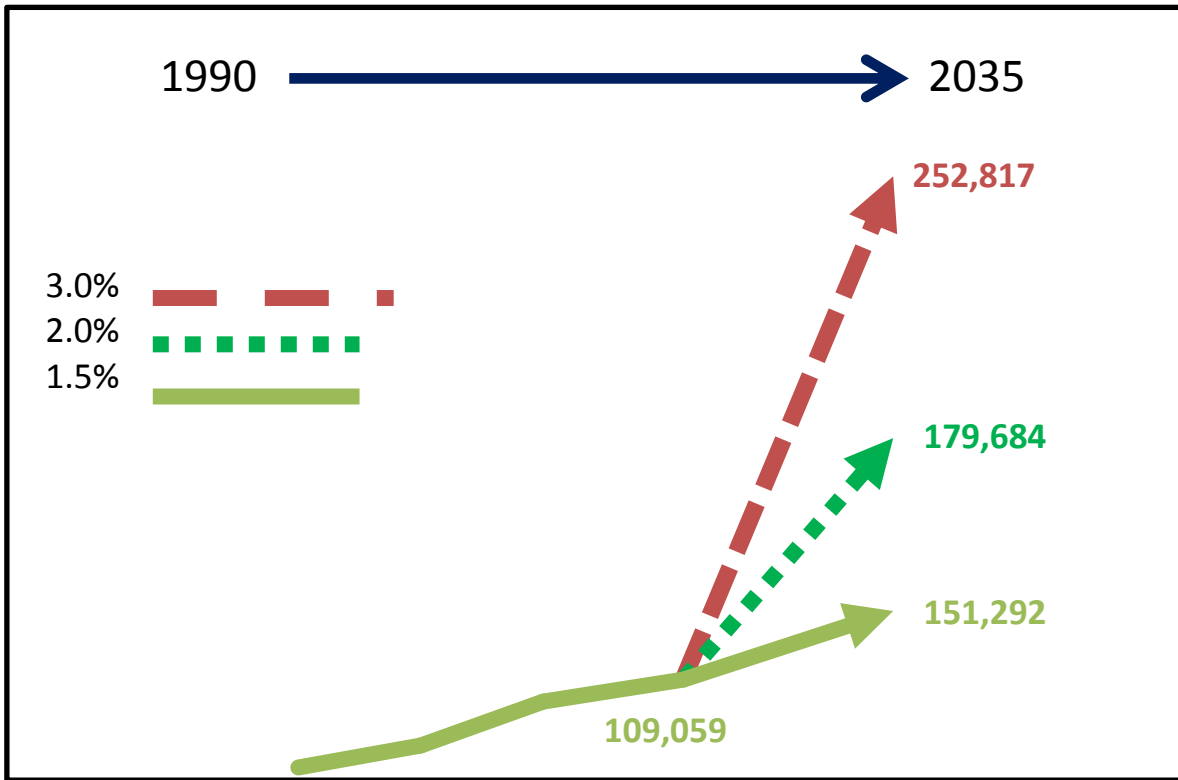
- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy
- Continued workforce training benefits the community and helps attract and retain businesses
- Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes

CHAPTER 3 – Billings – Then, Now, and Beyond...

Demographics

Early in the public comment phase of the planning process, the public was shown a graph with three potential growth rates (Figure 3.1). One was based on past trends and two were examples of what a slight increase in the growth rate could mean in terms of population increase. None was meant as a projection.

FIGURE 3.1. POPULATION INCREASE BASED ON SAMPLE GROWTH RATES



The best population data comes from the Decennial Census compiled by the US Census Bureau. Population data for Billings from the last 13 decades is shown in Table 3.1. The 2015 estimate is also provided by the Bureau of Census, from the Annual Estimates of Resident Population, 2015 Population Estimates. The average annual growth rate since 1990 is 1.5 percent.

TABLE 3.1. CITY OF BILLINGS POPULATION CHANGE OVER THIRTEEN DECADES

Decade	City of Billings	Avg. Annual Growth Rate
1890	836	
1900	3,221	28.5%
1910	10,031	21.1%
1920	15,100	5.1%
1930	16,380	0.8%
1940	23,261	4.2%
1950	31,834	3.7%
1960	52,851	6.6%
1970	61,581	1.7%
1980	66,798	0.8%
1990	81,151	2.1%
2000	89,847	1.1%
2010	104,170	1.6%
2015	110,263	1.2%

The population of Billings is getting increasingly older, with the majority of the population between the ages of 25 and 65, as shown in Table 3.2. The average age increased by almost a year from 2000 to 2010. Since 1980, it has increased nearly 8 years from 29.3 years old to 37.5 years old.

TABLE 3.2. POPULATION AGE BY DECADE, 1980 – 2010

Age	1980		1990		2000		2010	
	Total Population	Percent of Total	Total Population	Percent of Total	Total Population	Percent of Total	Total Population	Percent of Total
Under 5	4,907	7.35%	6,021	7.42%	5,882	6.55%	7,293	7.00%
5 to 9	4,673	7.00%	5,804	7.15%	5,985	6.66%	6,457	6.20%
10 to 14	4,635	6.94%	5,848	7.21%	6,063	6.75%	6,070	5.83%
15 to 19	6,032	9.03%	5,501	9.78%	6,290	7.00%	6,325	6.07%
20 to 24	7,377	11.04%	5,345	6.59%	6,483	7.22%	7,654	7.35%
25 to 34	11,801	17.67%	14,096	17.37%	11,869	13.21%	15,318	14.70%
35 to 44	7,071	10.59%	12,433	15.32%	13,882	15.45%	12,025	11.54%
45 to 54	6,664	9.98%	8,145	10.04%	12,284	13.67%	14,799	14.21%
55 to 64	6,401	9.58%	6,973	8.59%	7,770	8.65%	12,623	12.12%
65 to 74	4,424	6.62%	6,319	7.79%	6,464	7.19%	7,508	7.21%
75+	2,813	4.21%	4,666	5.75%	6,875	7.65%	8,098	7.77%
Total	66,798	100%	81,151	71.55%	89,847	100%	104,170	100.00%
Median Age	29.3		33.7		36.8		37.5	

Population Predictions

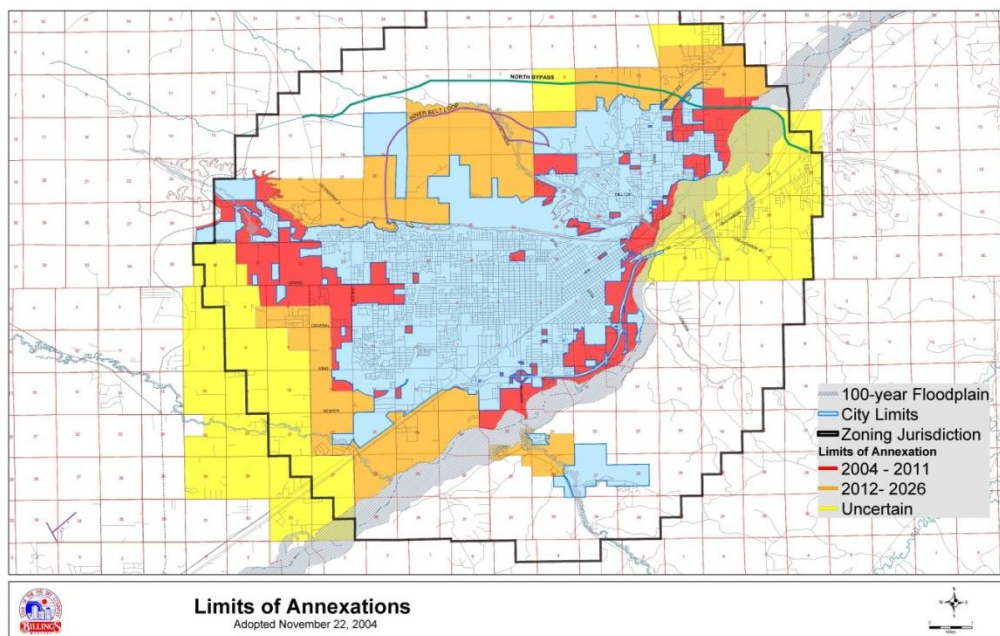
Historic trends are often used to make predictions on future growth rates, but how far back is appropriate? Considering the last four decades, a reasonable estimate would be 1.5 percent per year. At this rate, Billings would add approximately 42,233 people by 2035. However, trends are not necessarily destiny. Many events will happen that will likely change the predictions: resurgence in the Bakken oil play, another recession, recruitment of a major employer, loss of a major employer. Population projections based on trends should be used with caution. Given the stability of our economy, the quality of our schools, and the continuing improvement to our quality of life, a 1.5 percent annual increase is not an unreasonable prediction.

Land Use

Current Planning

The City of Billings has added 1.0 square mile since 2014 and is currently at 42.9 square miles. It is still the largest city in Montana. Roughly 33 percent of the city is zoned for commercial use, 12 percent for industrial use, and the remainder as residential. As property is annexed, it is zoned according to the City zoning designation closest to what it was zoned in the County. Most annexations have been residential. However, property owners that intend to develop soon after annexation rezone their property to suit at the same time as annexation. The City's Annexation Policy has done much to manage the expansion of the City since its adoption in 2004. Maps 3.1 and 3.2 show the change in city limits and limits of annexation from 2004 to 2016.

MAP 3.1. LIMITS OF ANNEXATION, 2004



MAP 3.2. LIMITS OF ANNEXATION, 2016

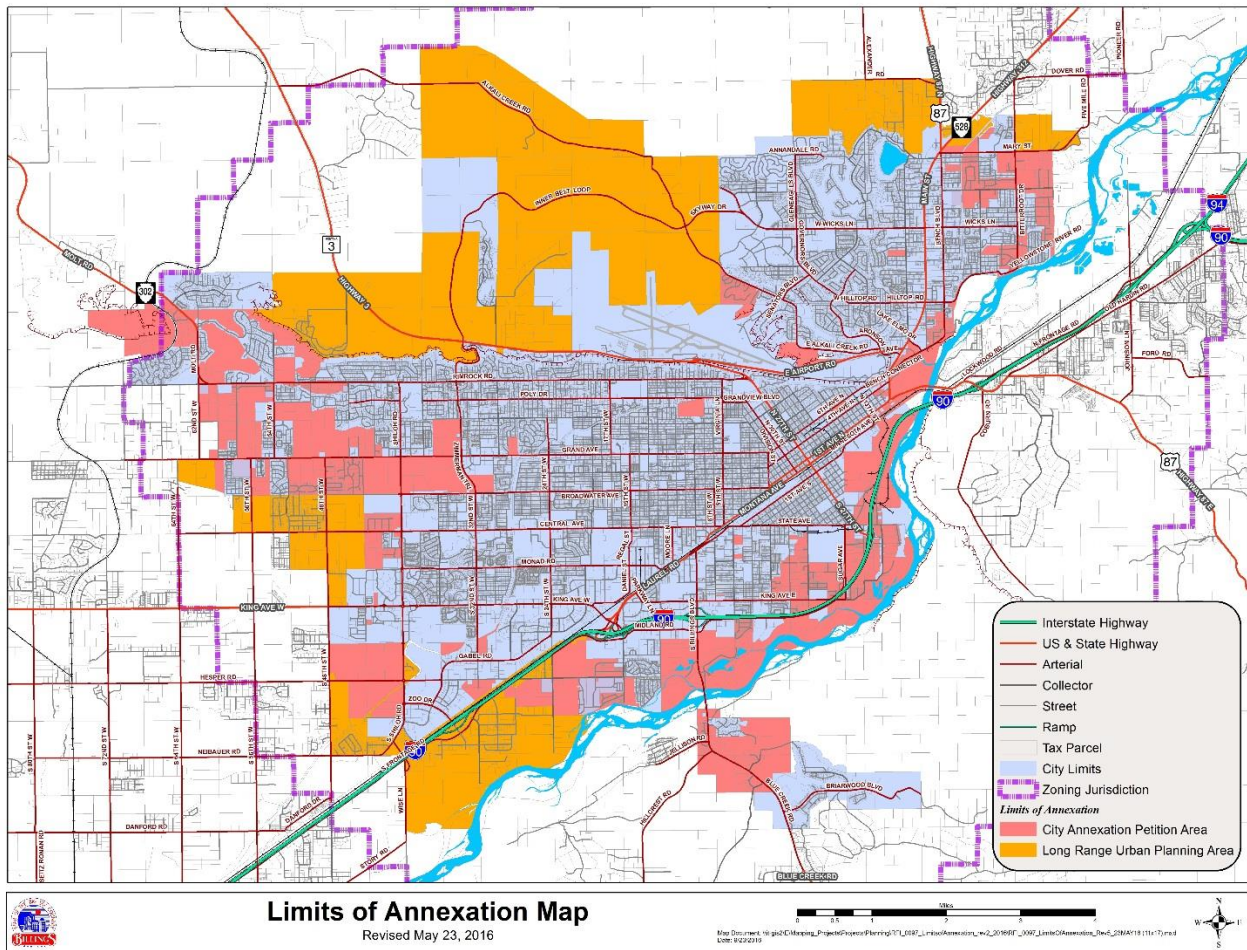
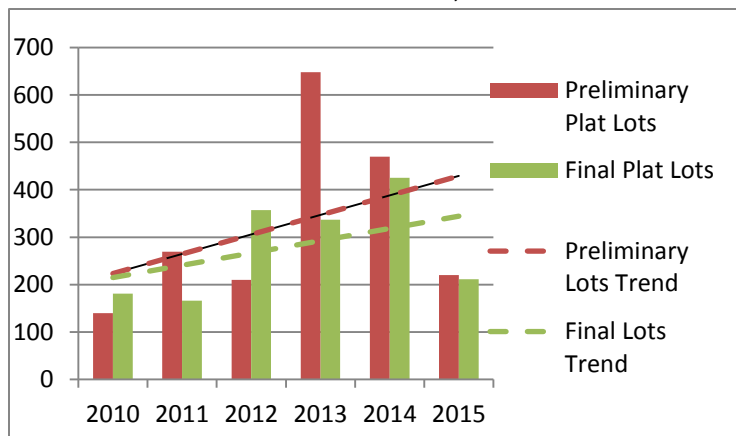


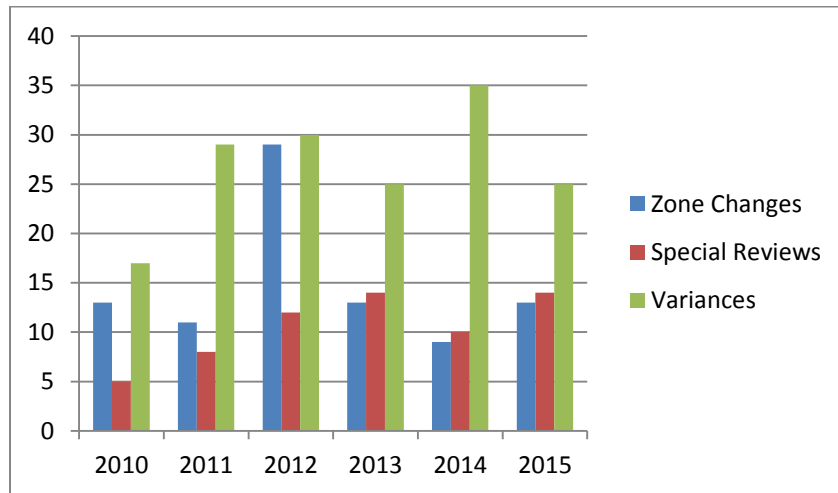
CHART 3.1. LOTS CREATED BY SUBDIVISION 2010 – 2015

Commensurate with growth are changes in zoning, special reviews, variances and subdivision activity. The number of lots created through subdivision steadily increased since 2010, but fell off sharply in 2015 as the chart below shows. A total of 1,677 lots were created since 2010.



With the exception of 2012, when there were 29 zone changes, zoning activity has remained fairly consistent. Chart 3.2 shows the number of Zone Changes, Special Reviews, and Variances processed in the City between 2010 and 2015.

CHART 3.2. CITY ZONING ACTIVITY 2010 – 2015



Housing

In 2010, Billings had an estimated 46,317 housing units. The number of units has increased significantly since then. Since 2010 the City Building Division issued permits for almost 3,000 new units, including 2,006 single family units and 258 duplex units. Building permits in the past 6 years were also issued for 465 multi-family structures containing at least 3 units apiece but many of them were 4 to 10 unit structures so the estimate of total units built is probably low.

The greater Billings area housing market continues to be strong in 2016 but is showing signs of adjustment. Pending sales in March, 2016, were 447 compared to pending sales at the same time in 2015 of 396. In 2006, before the recession, pending sales were 320. Other signs of a strong market include closed sales up by seven percent, and inventory was up 20 percent. Interest rates were down 2 percent.¹ There are, however, some negative aspects of the market that need to be recognized.

Activity in the Bakken Oil Field in North Dakota and Montana has slowed considerably due to a significant decrease in oil prices. In April 2015, the drilling rig count in North Dakota was 88. In 2016 the rig count dropped to 27 and no rigs were drilling in Montana in 2016. The regional coal industry has also been negatively affected recently. Montana coal production is down by one third from 2015² and Arch Coal has declared bankruptcy and laid off workers, and the coal-fired generators in Colstrip are being threatened by out-of-state clean energy interests.³ The effect on the local real estate market does not

¹ Howard Sumner, Howard Sumner Real Estate, Market Update at a Glance, March 2016.

² Billings Gazette, Montana Coal Production Down a Third, June 9, 2016

³ Billings Gazette, Washington Plans for Colstrip’s Closure, but Stops Short of Ordering It, Mar 9, 2016

appear to be significant at this time but may result in fewer families and individuals associated with the oil and coal industries moving to Billings and purchasing homes.

A problem identified in the 2012 Analysis of Impediments to Fair Housing Choice, concerns social equity and possible discriminatory housing practices.⁴ The study reported Billings as having a dual housing market; one for Whites and Asians and one for American Indians, Hispanics and African Americans. The concentration of minorities in some neighborhoods which coincides with areas of low income is characteristic of discrimination which *distorts* a free housing market. A free housing market may be distorted by practices such as racial steering, mortgage lending discrimination, discriminatory advertising, discriminatory rental policies, mortgage and insurance redlining or discriminatory appraisals.

Another problem facing the Billings' housing market is affordability for our most vulnerable populations:⁵

- Small family households (two to four members) with incomes from zero to 80 percent of the Area Median Income (AMI).
- Households with members aged at least 75 years of age with incomes from 30 percent to 80 percent AMI.

The following text is excerpted from the FY2015 – 2019 Consolidated Plan:

“The greatest housing need in Billings is the development and renovation of affordable housing for both owners and renters with incomes from zero to 80% AMI. Local housing options are limited due to cost burden, low vacancy rates and increased competition for available units.

According to the American Community Survey data, population growth appears to be keeping pace with the number of available housing units in Billings. However, more recent data point to a higher number of people experiencing homelessness and a considerably tight rental market with a vacancy rate of less than two percent. The largest qualifying income category for Community Development programs is the 50% to 80% category at 7,330 households. Excluding total households and households with incomes over 80%, the next largest cohort includes households with incomes between 50% and 80% AMEI (6,315). Small family households are the largest cohorts in all income categories (4,633) followed by those at least 75 years (3,387).

Most in demand are smaller affordable rental units, as the Housing Authority of Billings has identified over 1,200 households on the waiting list for rental units with one bedroom. The development of

⁴ Billings, Montana, Analysis of Impediments to Fair Housing Choice, 2012, Planning/Communications, River Forest, Illinois, April 2013. Commissioned by the City of Billings Community Development Division

⁵ FY2015 – 2019 City of Billings Five Year Consolidated Plan, Community Development Division, April 27, 2015. For reference, the 2015 HOME income limits for a two person household at 80% AMI is \$41,100 and for a four person household the limit is \$51,350.

smaller rental units would also meet the needs of the Millennials, who prefer to rent small units. It would also support the needs of the elderly, who may prefer to rent or purchase maintenance-assisted condominiums.”

Transportation

According to the 2015 statistics maintained by the City Public Works Department, Billings has 544.4 miles of streets and 124.2 miles of alleys. This is a 3.5 percent increase in total street and alley miles since 2008. In Billings, streets are classified by their function in the overall context of the highway transportation system. The functional classification system is established by the following hierarchy:

Freeways – serve high speed, long distance travel movements and provide limited access to adjacent lands. Interstate 90 is the only freeway designated route in Billings.

Principal and Minor Arterials – intended to serve higher volumes of traffic, particularly through-traffic at higher speeds. Examples of Principal Arterials include Shiloh Road, 24th Street West, N 27th Street, Main Street, Rimrock Road, Zimmerman Trail, Grand Avenue and King Avenue West. Examples of Minor Arterials include King Avenue East, State Street, North 30th, Aronson Avenue and Poly Drive.

Collectors – represent the intermediate class and collect traffic from the local street system and link travel to the arterial roadway system. Examples of collectors include Lake Elmo Drive, Parkhill Drive, Calhoun Lane, 19th Street West and 29th Street West.

Local Roads and Streets – these roadways carry locally generated traffic at relatively low speeds. Local streets provide connectivity through neighborhoods and are generally designed to discourage cut-through traffic.

A map showing the classification of the Billings street network is available on the City’s website: <http://ci.billings.mt.us/DocumentCenter/View/26253>. A full description of the functional classifications and the City street network is provided in the 2014 Billings Urban Area Long Range Transportation Plan.⁶

The City approves a Capital Improvement Plan, (CIP), each year for capital projects in excess of \$25,000 that are planned for a six fiscal year time frame. The plan identifies the project, years in which the expenditures will be made, the cost of the project per year, and the funding source(s). The last five CIPs list the following projects and the primary funding sources for road improvements and reconstruction. Table 3.3 below shows the amounts in each funding source that were listed in the year the CIP was approved by City Council.

⁶ 2014 Billings Urban Area Long Range Transportation Plan, prepared for City of Billing/Yellowstone County Metropolitan Planning Area by Kittelson & Associates, Inc. and DOWL HKM, Inc., August 2014.

TABLE 3.3. FUNDING SOURCE TOTALS IN CIP BY YEAR

Funding Source	FY2012	FY2013	FY2014	FY2015	FY2016
Storm Drain Bonds	\$0	\$9,000,000	\$4,000,000	\$10,253,750	\$0
Safe Routes to School	\$0	\$25,000	\$0	\$0	\$0
Community Development Block Grants	\$0	\$25,000	\$0	\$0	\$0
Sidewalk Bonds	\$0	\$200,000	\$200,000	\$200,000	\$400,000
Gas Tax	\$570,436	\$3,650,000	\$3,375,000	\$3,537,000	\$2,867,000
Storm Drain		\$2,202,500	\$817,250	\$2,802,500	\$1,325,000
Public Works Bond Utility Repair	0	\$5,000	\$5,000	\$0	\$0
Street Maintenance Fees	\$0	\$0	\$0	\$0	\$0
Special Improvement Bonds	\$1,200,000	\$1,000,000	\$800,000	\$1,000,000	\$800,000
Street Lights	\$0	\$5,000	\$5,000	\$0	\$0
Developer Contributions	\$0	\$0	\$0	\$59,800	\$0
State & Federal	\$0	\$0	\$7,400,000	\$0	\$0
Tax Increment Financing	\$0	\$330,000	\$2,300,000	\$2,200,000	\$3,300,000
Community Transportation Enhancement Program (federal)	\$170,564	\$0	\$415,000	\$0	\$0
BSEDA	\$0	\$0	\$120,000	\$0	\$0
Arterial Fees	\$400,000	\$2,250,000	\$4,500,000	\$3,050,200	\$0
Unfunded		\$0	\$0	\$0	\$4,120,000
Total	\$2,341,000	\$17,687,833	\$23,937,250	\$23,103,250	\$12,812,000

Billings enjoys more than 37 miles of paved, off-street multi-use trails. The trail network includes trails through parks, such as Swords Park trail; trails within road rights-of-way, such as Zimmerman Trail and Shiloh Road, and trails within other City right-of-way, such as the Kiwanis Trail. These trails function both for commuters and recreationists. Eleven miles of soft surface trails through Riverfront, Two Moon, and Phipps Parks and around Lake Elmo provide recreational opportunities to pedestrians and bicyclists alike. There are also over 17 miles of on-street bicycle facilities such as bike lanes and sharrows around the City that are used primarily by commuters.

Trail usage has steadily increased in the past eight years and the City also has expanded its trail counting system to collect more data in both fixed and mobile locations across the community. Based on daily counts across the trail system, there were about 770,000 user trips in 2015, factoring for the most severe winter months (December through February) where usage is expected to be significantly reduced. The City produces a number of planning documents that report on the state of pedestrian and bicycle facilities that are updated periodically.

TABLE 3.4. BICYCLE AND PEDESTRIAN FACILITY PLANNING DOCUMENTS

Planning Document	Last Update	Scheduled Update
Billings Area Bikeway and Trail Master Plan	2011	2016
Complete Streets Progress Report	2013	2016
Long Range Transportation Plan	2014	2018

In 2011, the City Council adopted the first Complete Streets Policy. Contributors to the first Complete Streets Policy included members of the Healthy by Design Built Environment Workgroup; BikeNet (now Billings TrailNet), Downtown Billings Alliance, Montana Department of Transportation, MET Transit, City Engineering Division, City/County Planning Division and Big Sky Economic Development Authority. The 2011 Policy was repealed and a new policy was adopted by City Council on May 23, 2016. The 2016 Complete Streets Policy “intends to promote and encourage the development of a multi modal transportation system that will provide access to all users where practicable.” The policy provides definitions and outlines implementation procedures that provide a framework for planning and designing the City’s transportation network.

MET Transit, the City’s public transit provider, currently operates with 17 routes and has two primary transfer centers. MET operates 41 fleet vehicles all containing wheelchair lifts or ramps and two-slot bicycle racks. In 2016, MET intends to modify its current routes by eliminating some routes (2, 4, 6, and 8) and changing other routes and hours of service. The changes will add or enhance service to the two new middle schools as well as increase evening service to the Heights.

Economics

Billings is commonly referred to as a regional economic hub with a trade area of over a half million people⁷. There are approximately 6,200 businesses operating in Yellowstone County with a combined gross national product of about \$10,000 million in 2014.⁸ Yellowstone County enjoys a low unemployment rate of 3.0% (2016) compared to the statewide unemployment rate of 3.6%.⁹ Medical and education are the largest employers making up 22 percent of the total employment¹⁰. In 2012, the health care sector employed nearly 13,000 people, paying \$641 million in wages. Retail trade is also a large economic sector because of Billings’ regional status. Because Montana has no sales tax, Billings is a shopping destination for Wyoming, and North and South Dakota residents. One dollar out of seven dollars spent on retail purchases in Montana is being spent in Billings.¹¹

⁷ “Best Places to Launch a Small Business 2009 – Billings, MT, Fortune Magazine, October 13, 2009

⁸ Economic Pulse Billings Montana, ECONorthwest, October 20, 2015

⁹ Montana Department of Labor & Industry, “Current Labor Force Statistics, May, 2016”

¹⁰ US Census Bureau, Economy-wide key statistics: 2012, 2012 Economic Census of the United States

¹¹ Lutey, Tom (December 18, 2011, “Billings ahead of almost everywhere: Agriculture, retail, energy, health care driving economy: Missoulian.com

Natural Resources

The physical environment of Yellowstone County has strongly influenced the economic, social, and physical development of the County. The following subchapters on climate, vegetation, wildlife, soil, geology, and hydrology describe the physical environment of Yellowstone County. The purpose of this section is to provide enough information on the physical conditions that future land use controls can take into account the unique constraints and opportunities presented by the natural environment.

Climate

Yellowstone County enjoys a relatively mild climate and experiences few significant weather events during an average year. Extremely low temperatures, less than 0 degrees Fahrenheit, may prevail in the winter for short periods of time. High wind events are possible in the spring and summer and may include rare tornadic activity. Heavy rainfall is rare, but localized thunderstorms can deposit significant rainfall in a small area resulting in flashfloods. Flooding is a problem on the Yellowstone River and tributaries particularly when warmer temperatures rapidly melt snow and ice during spring break up.

Vegetation and Wildlife

The major vegetation type in the County is grassland which supports, in addition to domestic livestock, a healthy population of deer, antelope and several small mammal species. Critical to the survival of many native species are the riparian and prairie wetland habitats. In the semi-arid terrain, access to water, forage and cover these habitats provide increase their importance to wildlife. Weeds are a threat to all vegetation types, including cultivated crops. Yellowstone County has an aggressive weed management program that focuses on noxious weed containment and eradication. Most of the conflicts between humans and wildlife occur at the urban and wildland interface. This area is most susceptible to wildlife habitat destruction and noxious weed invasion due to soil disturbance from construction. The dry grassland and uncontrolled weed populations make many areas within the county susceptible to wildfires, especially in wildland urban interface areas.

Soil

The soil units in Yellowstone County are generally derived from nearby bedrock sources, or from transported alluvial sediments. Soils formed in place tend to contain high amounts of clay, silt and sand and low amounts of organic material. These soils are located on the higher terraces and hills north and south of the Yellowstone River valley. Many of these soils are suited only for rangeland but some support dryland cultivation. The transported soils found in the valley are more loam rich and highly suited to cultivation, especially when irrigated. The Yellowstone River valley in the vicinity of Billings and Huntley Project possesses some of the most productive soil in the State. These soils are designated as Prime Agricultural Soils by the Natural Resource Conservation Service.

Geology

Much of the geology of Yellowstone County is starkly visible when viewed from the sandstone rims north of downtown Billings. To the south, the view encompasses the broad Yellowstone River valley composed of several alluvial benches. Across the valley a wide terrace underlain by early Cretaceous and Jurassic sedimentary formations ramps gently upward towards the Pryor Mountains. These formations are composed predominantly of shale. Near Billings and north of the river valley, the eye is drawn to the prominent sandstone cliffs formed by the resistant Eagle Formation. The plains north of the Yellowstone River are broken by a series of northeast trending faults which expose interbedded shale and sandstone of the Judith River Formation. The geology of the County presents both obstacles and opportunities. Shallow bedrock and unstable slopes can pose difficulties for construction. However, near surface gravel and coal deposits have contributed to the area's economic development.

Hydrology

Clean water and reliable flows are critical for human consumption, agricultural production, wildlife and recreation uses. Yellowstone County is dependent on the main source of water, the Yellowstone River, for all these reasons. While there are numerous tributaries to the Yellowstone River, few carry water year round. Because of the scarcity of surface water, early settlers to the area constructed elaborate ditch systems to carry water from the Yellowstone River to the higher benches. Ditches continue to play an important role for groundwater recharge and agricultural production. Except in the alluvial deposits within the river valley, groundwater is scarce and usually found at depths too great to be economically developed. Within the valley, groundwater can be found at very shallow depths and susceptible to contamination from surface uses.



Chapter 4 – Community Goals

Goal



ESSENTIAL INVESTMENTS – prioritize public and private investment in areas, policies, programs and projects that achieve the community vision as described in the Growth Policy Statement:

“In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing city limits, but preference will be given to areas where city infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The city will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.”

Essential Investments are where and how the public and private sectors should spend their time and resources. These policies, programs or projects are considered extremely important to achieve the community vision. For budgeting public funds, the objectives may be considered priorities. These objectives may also guide private investments in our community.

Objectives

<ul style="list-style-type: none"> • Locations for investments <ul style="list-style-type: none"> ▪ Infill and contiguous County properties ▪ Downtown ▪ Urban Renewal Districts ▪ Interstate Interchanges ▪ Major Arterials ▪ Inner Belt Loop ▪ West End • Public Services <ul style="list-style-type: none"> ▪ Public safety ▪ Schools ▪ Planning ▪ Parks and Recreation ▪ Snow removal ▪ Street maintenance ▪ Trail maintenance • Infrastructure <ul style="list-style-type: none"> ▪ Integrated water systems ▪ Waste water treatment ▪ Communications ▪ Street lights 	<ul style="list-style-type: none"> • Regulation <ul style="list-style-type: none"> ▪ Animal control ▪ Traffic control ▪ Architectural control ▪ Growth management ▪ Water conservation ▪ Energy conservation ▪ Preservation of sensitive natural environments • Businesses <ul style="list-style-type: none"> ▪ Neighborhood commercial and public services ▪ Improved air service ▪ Recycling programs ▪ Local businesses ▪ Local foods • Amenities <ul style="list-style-type: none"> ▪ Dog Parks ▪ Recreation Center/Sports Facility ▪ Branch Libraries ▪ Convention Center ▪ Museums
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Toolbox



- ❖ Priority based budgeting
- ❖ Fees and assessments
- ❖ Municipal and tax increment finance bonds
- ❖ Grants
- ❖ Mill levies
- ❖ Local option tax
- ❖ City Charter amendments
- ❖ Public/private partnerships
- ❖ Special districts
- ❖ Regulatory changes

Performance Indicators

- Annual tax increment growth in Urban Renewal Districts
- Annual change in the area added to the City
- Number of neighborhood and park master plans prepared annually
- Miles of streets and trails maintained annually
- Quality of waste water discharge at the treatment plant measured annually
- Annual number of vehicle crashes
- Annual change in the average dwelling units per acre within the City limits
- Acres of land zoned for neighborhood commercial services measured annually
- Number of annual business licenses (Business Determination Tax) issued and renewed
- Number of dog parks developed annually



Goal



PLACE MAKERS – Enhance existing public places, create new ones, preserve natural and historic places, and maintain our agricultural landscape to define the community for its residents and improve the quality of life for everyone who lives or visits here.

The Billings area should continue to make places that we all enjoy by preserving and improving public space as well as the natural and historic landscape to bring the community together where people are comfortable and share activities. These places are ones that you go back to, share with visitors and recall when someone asks you to describe your community.

Objectives

<p>Enhanced public spaces</p> <ul style="list-style-type: none"> • Parks • Public property • Interstate interchanges • Street corridors <p>Public Services</p> <ul style="list-style-type: none"> • Recreation center/sports facility • Branch libraries • Museums 	<p>Protection and Preservation</p> <ul style="list-style-type: none"> • Historic preservation controls • Integrated landscape and storm water controls • Preservation of view sheds • Preservation of natural areas • Preservation of historic places <p>Amenities</p> <ul style="list-style-type: none"> • Yellowstone River access • Rimrock views and access • Preserved agricultural lands
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Toolbox



- ❖ Landscaping regulations
- ❖ Site development regulations
- ❖ Zoning regulations
- ❖ Subdivision regulations
- ❖ Agricultural land acquisition program
- ❖ Farm to table program to supply local food
- ❖ Public/private partnerships to develop community facilities
- ❖ City-wide Public Arts Committee program
- ❖ Develop City-owned spaces downtown
- ❖ Local/State coordination for community entryway right-of-way improvements
- ❖ Billings Area Bikeway and Trail Master Plan updates
- ❖ City-Wide Parks Master Plan
- ❖ Rims to Valley Bike/Ped Feasibility Study implementation
- ❖ Highway 3 Corridor Study implementation
- ❖ Prepare and implement park master plans
- ❖ Funding Sources
 - County-Wide Library Levy
 - Transportation Planning Program
 - County-Wide Planning Levy
 - City-wide and Downtown Park District
 - Business Improvement District
 - Tax Increment Finance District

Performance Indicators

- Number of acres of agricultural land preserved every five years
- Number of street trees planted in the public right of way annually
- Number of park master plans adopted and implemented (funded) every five years
- Number of public art installations added city-wide annually
- Miles of trails added annually
- Gallons of storm water retained annually using landscaping (use project design calculations)
- Number of community events held in public spaces community-wide annually
- Access, trail, historic place improvements along Highway 3 built every five years
- Two branch libraries opened
- Recreation Center opened
- Annual number of visitors to City parks

Goal



COMMUNITY FABRIC - is what makes the City of Billings unique, attractive, a desirable place to live and aesthetically pleasing to residents and visitors. Community fabric can make Billings a draw to others looking for a place to call home.

A strong community promotes the City’s appeal to residents, businesses and visitors. Elements of community fabric include access to outdoor activities, enjoyment of urban greenspace and participation in a rich cultural heritage.

Objectives

<p>Attractive entryways</p> <ul style="list-style-type: none"> • Require trees and landscaping • City beautification • New landscaping code • Design standards <p>Neighborhood parks</p> <ul style="list-style-type: none"> • Require developers to improve parks • Variety of parks • Small neighborhood parks • More natural areas <p>Green space in commercial areas</p> <ul style="list-style-type: none"> • More places to enjoy trees • More green space in commercial development • Green space and landscaping in Downtown • More attractive freeway frontage 	<p>Vibrant Downtown</p> <ul style="list-style-type: none"> • Pocket parks downtown • Shopping and dining Choices • Green buildings • Fun centers / science centers • Museums • Walking mall in Downtown <p>Outdoor public spaces</p> <ul style="list-style-type: none"> • Downtown square • Dog parks • Community gardens • River access <p>Recreation/cultural opportunities</p> <ul style="list-style-type: none"> • Marathon loop • Bike trails • Make use of river frontage • Paths between neighborhoods • Walkable paths through the city <p>Historic preservation</p> <ul style="list-style-type: none"> • Protect rims • Protect river • Historic buildings
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Toolbox



- ❖ Landscape/Zoning regulations
- ❖ Infill policy implementation
- ❖ Updated Engineering Site Development code
- ❖ Connectivity of streets and pedestrian facilities
- ❖ Integrated storm water management
- ❖ Cultural Partner Funding
- ❖ City forestry program
- ❖ Prepare city wide park program
- ❖ Local Historic Districts
- ❖ Grassroots community groups

Performance Indicators

- Number of park master plans adopted and implemented (funded) every five years
- Acreage urban heat islands (infrared imagery) reduced
- Number of cultural and recreational events Downtown
- Miles of trails added annually
- Number of street trees planted in public right of way annually
- Number of Downtown parks or parklets constructed



Goal



STRONG NEIGHBORHOODS – Create and enhance strong neighborhoods that are clean and safe with streets and public places that provide convenient access for our most vulnerable citizens – our children and grandparents. A strong neighborhood is a place where we will be comfortable no matter our age, income or heritage and provides gathering spaces to encourage everyday interaction between residents.

Billings is a city of neighborhoods. A neighborhood can be as small as one block of houses between two intersections or as large as a 400 homes in a distinctive subdivision. How our neighborhoods are designed and built sets a course for its livability, safety, sociability and resilience.

Objectives

<p>Safe, accessible and comfortable places for people to walk and gather</p> <ul style="list-style-type: none"> • Neighborhood green space, play spaces and parks • Neighborhood events • Street trees • Complete sidewalks • Street and pedestrian lighting • Neighborhood Watch programs <p>Access to everyday conveniences within walking distance</p> <ul style="list-style-type: none"> • Complete neighborhoods • Small neighborhood businesses for services 	<p>Housing choices for all ages and families</p> <ul style="list-style-type: none"> • Mixed housing types <p>Interconnected network of sidewalks and trails that are safe at all times</p> <ul style="list-style-type: none"> • Complete sidewalks • Pedestrian lighting <p>Connect Neighborhoods</p> <ul style="list-style-type: none"> • Public transit • Sidewalks and trails <p>Attractive and safe neighborhood streets</p> <ul style="list-style-type: none"> • Low-speed design • On-street parking • Street trees
--	---

Toolbox



- ❖ Complete Streets Policy
- ❖ Zoning regulations
- ❖ Site development regulations
- ❖ Subdivision regulations
- ❖ Landscape regulations
- ❖ General Obligation Bonds
- ❖ Neighborhood Grant Program
- ❖ Special Improvement Districts (city-wide)
- ❖ Neighborhood Task Forces
- ❖ Grassroots organizations

Performance Indicators

- Crime rate
- Carbon emissions monitoring
- Community Health Impact Assessment
- Conflicts/crashes between vehicles and bicycles and pedestrians
- Happiness quotient 😊
- Vehicle crashes
- Housing + Transportation Index TM
- WalkScore TM



Goal



HOME BASE – Enable a home environment for all residents that is healthy, safe and affordable, and offers a choice of housing options.

Residents of Billings prefer a choice of housing that is healthy, safe, and affordable. The resident’s age and household diversity create needs that are no longer served by only the traditional single family home. For many residents, lifestyle dictates the type of housing preferred. Busy households without children or households with aging residents may opt for smaller, more compact homes, even apartments. Larger households with children might prefer single family homes on small to large lots. Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

Objectives

- Housing Options
- Affordability
- Safety
- Convenience
- Healthy
- Energy Efficient



Toolbox



- ❖ Housing Needs Assessment
- ❖ Subdivision regulations
- ❖ Accessory dwelling units
- ❖ Affordable housing incentives/requirements
- ❖ Infill Policy
- ❖ Public/private partnerships
- ❖ Neighborhood Planner/Coordinator
- ❖ Housing rehabilitation program
- ❖ First Time Home Buyer program
- ❖ Land Bank
- ❖ Foreclosure and acquisition program
- ❖ Affordable housing project

Performance Indicators

- Number of new residential building permits by Neighborhood Task Force area
- Housing + Transportation Index TM
- Crime rate
- Number of Nuisance Code violations by Neighborhood Task Force area



Goal

MOBILITY AND ACCESS - The transportation system is designed to be safer and more efficient for all users.

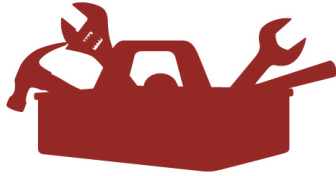


A transportation network allows people to make transportation mode choices that work best for them and helps reduce traffic congestion, protect air quality and promote public health. Mobility and access means projects, policies and programs to ensure transportation choices in places where goods and services are accessible to all residents.

Objectives

<p>Connectivity</p> <ul style="list-style-type: none"> • People to places • North, south, east and west • Vehicles, bicycles and pedestrians • Neighborhoods and subdivisions • Essential services • Bus routes • Transportation options • Public safety • Safe Routes to School <p>Accessible</p> <ul style="list-style-type: none"> • Essential services • Public transportation • ADA compliant • Safe <p>Safety</p> <ul style="list-style-type: none"> • Predictable use of facilities • Bike lanes • Separated shared-use facilities • Boulevard sidewalks • Safe Routes to School • Speed control/traffic calming 	<p>Transit and Air</p> <ul style="list-style-type: none"> • Frequent headways and convenient routes • Extended hours • Technology (mobile apps for bus tracking) • Airport shuttle • Economically stable • Smaller/energy efficient fleet • Expanded air service <p>Rail and Freight</p> <ul style="list-style-type: none"> • Safe railroad crossings (both vehicle and pedestrian) • Passenger rail • Reduced congestion • Improved traffic flow • Designated truck routes
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Toolbox



- ❖ Complete Streets Policy
- ❖ Complete Streets Progress Report
- ❖ Long Range Transportation Plan
- ❖ Transportation Planning Studies
- ❖ Billings Bikeway and Trail Master Plan
- ❖ Transportation Demand Management (TDM) Strategies
- ❖ Federal, state and local grants
- ❖ Permanent, local non-motorized funding
- ❖ Targeted traffic enforcement
- ❖ Data
- ❖ Zoning regulations
- ❖ Subdivision regulations
- ❖ Site development regulations
- ❖ Inter-agency cooperation (planning/projects)
- ❖ Private/public partnerships
- ❖ Connected node ratio
- ❖ MET mill levy

Performance Indicators

- Crash rates
- Ridership/modal splits
- Travel times
- Community health indicators
- Emergency response times
- Air quality
- WalkScore™
- Housing + Transportation Index™
- Livability index



Goal



PROSPERITY – enable “a diverse, welcoming community where people prosper and business succeeds.” VISION STATEMENT, CITY OF BILLINGS FY 2015-2019 CITY COUNCIL STRATEGIC PLAN

As Billings grows, its population becomes more diverse in terms of age, race, ethnicity, and culture. Every individual has the right to enjoy a quality of life that is free from discrimination and provides equal opportunity for social and economic advancement. As the Vision Statement in the Council’s Strategic Plan states, Billings strives to welcome this diversity and create a community that encourages individual and commercial success. Government’s role is to ensure charges, fees, taxes and assessments are affordable and reasonably related to the services it provides. Both the public and private sector can contribute to the prosperity of the City by attracting and retaining businesses that pay competitive wages.

Objectives

- City taxes and assessments**
 - Affordable
 - Equitable
- Job creation**
 - Professional jobs
 - Competent workforce
 - Living wages
 - Business development
- Tax and assessment reform**
 - Local tax authority
 - Equalization (revenue neutral)



Toolbox



- ❖ Impact fees
- ❖ Tax incentives
- ❖ Workforce training and recruitment
- ❖ Gasoline tax
- ❖ Local Option tax
- ❖ Tiered assessments (based on location)

Performance Indicators

- Annual net job growth
- Annual change in average wages with and without benefits
- Annual change in median home prices
- Annual change in median household income
- Annual amount of tax revenue received from local authority tax



Chapter 5 – Growth Scenario Planning

Process

Growth scenario planning was undertaken to demonstrate, in general, the costs and benefits of different growth patterns. The initial step was to identify areas of growth. The preferred growth areas were easily determined from the public's response on where growth should occur. While the overwhelming response was for infill development, or development within the existing city limits, there was also a strong preference for the area around the proposed Inner Belt Loop and west Billings Heights and area west of Billings. These areas were chosen to examine the cost implication of future growth. The next step was to apply different development patterns to these areas to evaluate if one pattern was more cost-effective than another. The three patterns evaluated were predominantly high density residential development, predominantly low residential density development, and a mix of densities. From the public comments, a mix of densities providing a variety of housing choice is preferred. The scenarios with a mix of densities are referred to as "public preferred." The area determined for infill development considered only one growth pattern that is defined by densities permitted by the City's existing zoning regulations.

Before the placement of land uses which define the scenarios could occur, the growth areas were mapped for suitability. Areas that constrained growth because of steep slopes, in public ownership, or in a floodplain were removed for consideration. This step allowed for a more realistic placement of land uses and the road network.

After the growth areas and growth scenarios were determined, indicators were selected to approximate the costs of providing preferred services, facilities and infrastructure to the scenarios. The indicators are based on how the public responded to "How should Billings grow?" While this list could be extensive, it was narrowed down to seven key indicators: Branch Libraries, Walkability, Community Parks, Public Safety, Public Transit, and Arterial and Collector Roads. The software, CommunityViz™, was used to help analyze the costs and revenues for each scenario based on these indicators and also provided results of a number of fixed indicators which are provided in Appendix F.





In order to calculate the extent the growth scenarios were already served by existing services and facilities, these were mapped in accordance to accepted standards for those services. For instance, the National Recreation and Parks Association guidelines suggest each resident should be within a three miles from a Community Park. Three-mile radii from existing Community parks were mapped to determine the existing coverage. Most of these standards are based on proximity of the service, facility or infrastructure to dwelling units. The standards for growth indicators are listed in the Indicator Description section in this chapter. If gaps existed in the service coverage areas, hypothetical facilities, services or infrastructure were placed in order to ensure full coverage.


The number or length of the hypothetical indicators was then calculated and a cost was assigned. The total costs were calculated for each scenario and the total revenues from taxes and assessments were estimated. These calculations and estimates are also described in the Indicator Description section of this chapter. From these results, total development costs, total revenue generated, total development costs per acre, total revenue generated per acre, and return on investment were calculated.


The final scenarios showing the added hypothetical transportation network, bus routes, and other facilities used as indicators are shown in the following series of images.

Scenario Map Legend












Hypothetical Facilities/Infrastructure

-  Branch Libraries
-  Elementary Schools
-  Community Parks
-  Co-located Police/Fire Stations

 Bus Routes

 Arterials & Collectors

Land Use Type

-  Commercial High Density
-  Commercial Low Density
-  Commercial Medium Density
-  Industrial Light-Craftsman
-  Institutional
-  Mixed Use
-  Open Space Conservation
-  Open Space Park
-  Residential High Density
-  Residential Low Density
-  Residential Medium Density

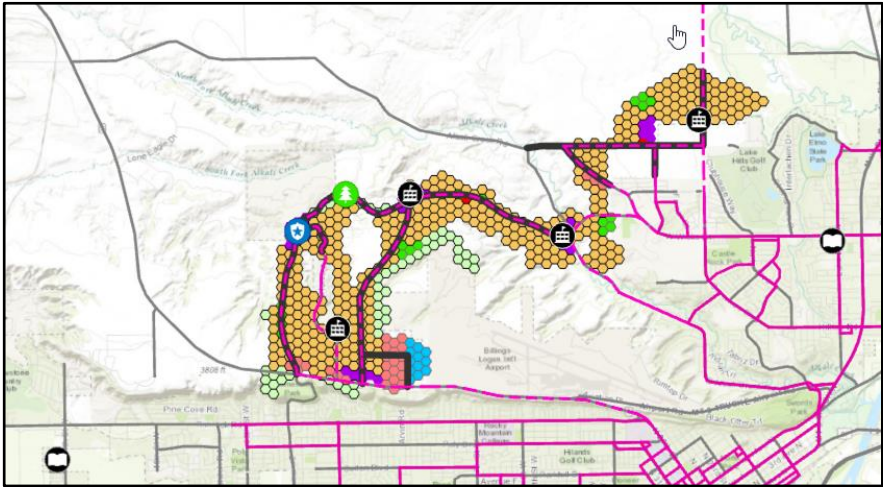
1 hexagon = 5.739 acres or approximately
2.8 city blocks

Residential high & mixed use density = 16 d.u./acre

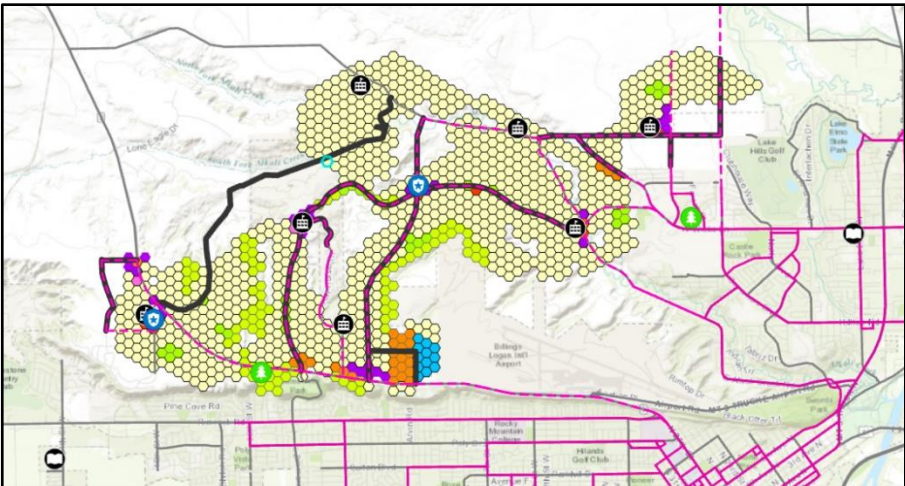
Residential medium density = 9 d.u./acre

Residential low density = 5 d.u./acre

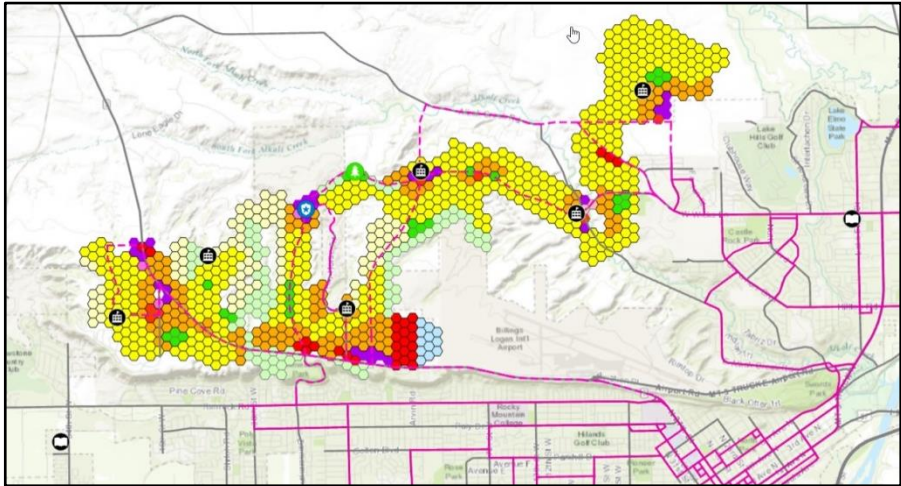
NORTH HIGH DENSITY SCENARIO (NHD)



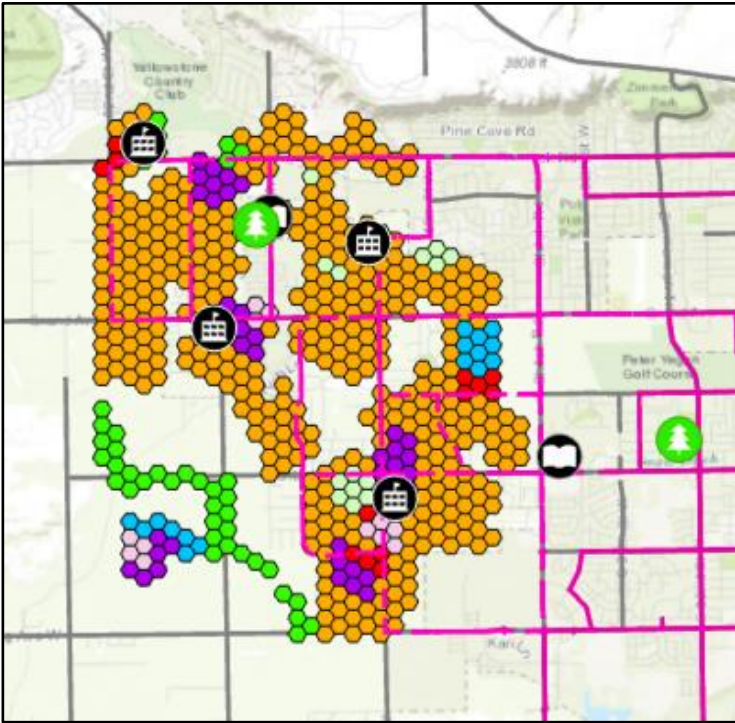
NORTH LOW DENSITY SCENARIO (NLD)



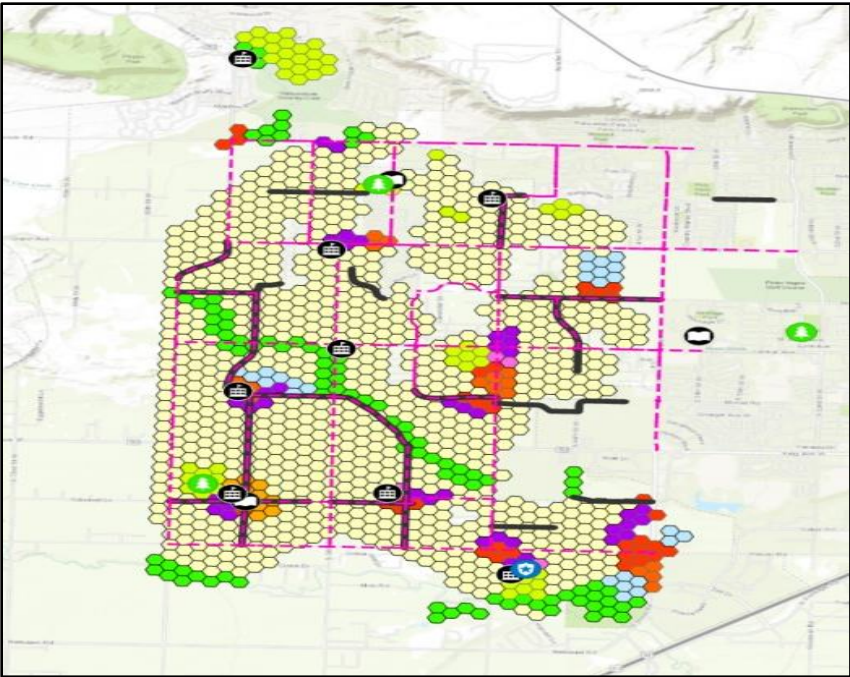
NORTH PUBLIC PREFERRED SCENARIO (NPP)



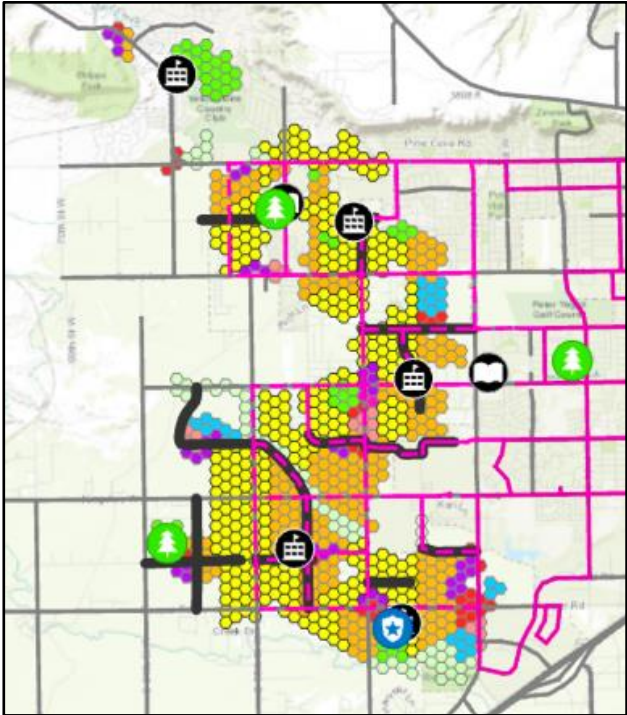
WEST HIGH DENSITY SCENARIO (WHD)



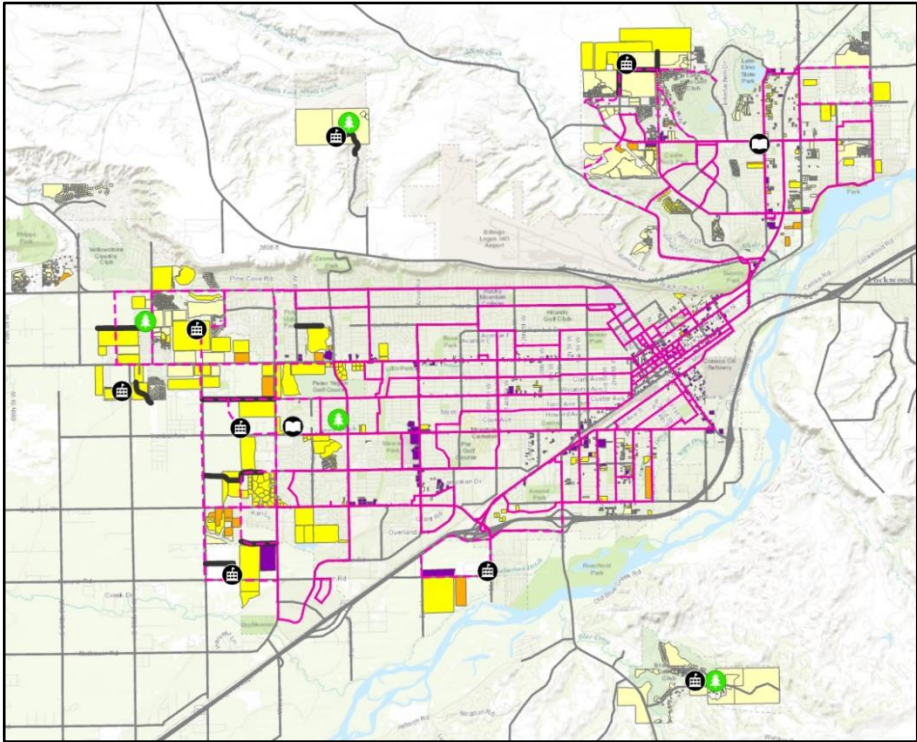
WEST LOW DENSITY SCENARIO (WLD)



WEST PUBLIC PREFERRED (WPP)



INFILL AND ADJACENT PARCELS



Growth Indicator Descriptions

Branch Libraries

The estimate for the number of branch libraries needed to meet the needs of the population in 2035 is based on two factors: 1) the average square feet per capita for urban public libraries in Montana, which has held steady for many years at .65, and 2) the distance from the branch library locations that should be constructed to meet existing resident's needs. The projected population of Billings in year 2035 is 151,404 based on a 1.5% growth rate, resulting in a recommended total square footage of 98,413. The Billings Public Library is 66,000 square feet. The minimum size for a branch library is 15,000 s.f. which would accommodate adult and children's collections, computers, and a multi-purpose meeting room. The formula used to calculate the number of branch libraries needed in 2035 is: $(98,413 \text{ s.f.} - 66,000 \text{ s.f.}) / 15,000 \text{ s.f.} = 2.1$. For practical purposes two branch libraries was used as a minimum for each scenario. The cost was based on the 2014 construction cost for the Billings Public Library at \$200 per square foot excluding land acquisition costs. The assumption was made that two branch libraries are needed within the existing city limits. These locations are fixed. If growth occurs more than four miles from these locations, as in the case of the North Scenarios, a third branch library was located.

Walkability

Elementary schools were used to represent the walkability of a neighborhood. If an elementary school is located within 20 minutes (1 mile) of every residential unit, the neighborhood is considered walkable. This situation currently exists within Billings. The placement of hypothetical elementary schools within the scenarios ensured 20 minute coverage for every residential unit. The construction cost is calculated at \$185 per square foot based on an architects' estimate excluding land acquisition costs.

Community Parks

The National Recreation and Parks Association (NRPA) offers a classification for municipal parks based on size and use. Billings, generally speaking, maintains Subdivision, Community and Regional parks. Subdivision parks are acquired through the subdivision process and serve the immediate development. Regional parks, because of their size have been acquired through private donations or arrangements with other public agencies and attract users from the community and beyond. Community parks are generally acquired by the City for use by the community. The cost of acquisition and improvement is paid for through city funds. Community parks are used as indicators of parkland needs for the growth scenarios. The location of the hypothetical community parks are based on distance to a residential unit. Using the NRPA guidelines of a three-mile radius, community parks were located to ensure every residence was within at least three miles. The cost of acquisition was not calculated but the improvement costs, based on 2015 prices are estimated to be approximately \$112,370 per acre. Based on the NRPA guidelines, community parks should be approximately 30 acres in size.

Public Safety

Billings' residents value their safety both at home and on the road. The distance from existing fire and police stations is used as an indicator of personal safety. A five-minute response time is considered reasonable according to the Billings Fire Chief, Paul Dextras. The existing city area is within this

response time coverage as is much of the outlying area. However, there are gaps in this coverage area that would require a new station to ensure the same level of service throughout the community. Future facilities will be built as co-located Fire and Police facilities similar to Fire Station 7 on 54th Street West. The approximate cost of a new facility, \$1,714,414, is based on the cost to construct Fire Station 7 but does not include the land acquisition costs. Where gaps in the five-minute response time coverage were identified, a hypothetical facility was placed at a location deemed appropriate by the Fire Chief (i.e. not in residential areas and with good access to arterial roads). Most scenarios required at least one additional co-located Fire and Police station, while the North Low Density Scenario required two additional locations.

Public Transit

Public transit is desired in Billings and is considered an important service to provide to new growth areas. MET transit currently operates 17 fixed routes. The cost of hypothetical bus routes serving the scenarios were used as indicators of growth impacts. The hypothetical bus routes were located along existing and hypothetical arterial and collector roads at about the same level of coverage as the existing city limits. The 2015 cost of operating a bus for one mile was multiplied by the number of route miles for each scenario. The operating cost for one mile in 2015 was \$31,293.

Arterial Roads

Roads within the growth areas are currently in the County and are built to county standards. They generally lack shoulders and have no curb and gutter or sidewalks. Arterial roads in the City are wider and include curb, gutter, sidewalk and usually landscaping and a multi-purpose path. As the City expands into the County, the County arterials will eventually need to be brought up to City standards. In some locations where arterials do not exist, new roads will need to be constructed. The locations of arterials, including roads that need to be upgraded and constructed, were obtained from the 2014 Billings Urban Area Long Range Transportation Plan. Additionally, if existing or proposed arterials were not shown in this plan but are needed to serve the scenarios, hypothetical arterials were added. The cost to reconstruct or construct arterial roads is approximately \$5,000,000 per mile. The miles of hypothetical arterials that need to be reconstructed or constructed was multiplied by the cost per mile to arrive at the arterial cost of roads for each scenario.

Collector Roads

Similar to arterial roads, some collector roads exist in the County and some need to be constructed in order to serve the growth areas. Local roads through subdivisions were not considered because these routes would be entirely constructed at the time of development. The location of collectors was also derived from the Long Range Transportation Plan, except where none existed or are proposed. In those cases, routes were added to ensure a reasonable transportation network in each of the scenarios. The cost of constructing or reconstructing a collector is approximately \$1,000,000 per mile. This cost was multiplied by the number of miles of hypothetical collectors to arrive at the total cost of collectors for each scenario.

Development Costs

The total development cost of all growth indicators were summed to compare how much it would cost the public to ensure services and facilities are provided to each of the scenarios. Table 5.1 shows the cost of the indicators and the total cost for each scenario.

TABLE 5.1. GROWTH INDICATOR COSTS PER SCENARIO

SCENARIO	INFILL	NORTH GROWTH AREA			WEST GROWTH AREA		
	Infill and Adjacent Growth	Preferred Scenario	Low Density Scenario	High Density Scenario	Preferred Scenario	Low Density Scenario	High Density Scenario
Estimate Population to Accommodate	50,000	48,574	48,141	48,960	48,928	48,390	49,112
Acres of New Community Parks	130	30	60	30	100	100	70
Development Cost per acre	\$112,370	\$112,370	\$112,370	\$112,370	\$112,370	\$112,370	\$112,370
TOTAL PARK COSTS	\$14,608,100	\$3,371,100	\$6,742,200	\$3,371,100	\$11,237,000	\$11,237,000	\$7,865,900
Number of New Elementary Schools @ 30K s.f.	5	6	8	4	5	6	4
Elementary School Costs (30K*\$185)*#	\$27,750,000	\$33,300,000	\$44,400,000	\$22,200,000	\$27,750,000	\$33,300,000	\$22,200,000
New Fire/Police Stations	0	1	2	1	1	1	0
Facility Costs	\$1,714,414	\$1,714,414	\$1,714,414	\$1,714,414	\$1,714,414	\$1,714,414	\$1,714,414
TOTAL STATION COSTS	\$0	\$1,714,414	\$3,428,828	\$1,714,414	\$1,714,414	\$1,714,414	\$0
Miles of New Bus Routes	35.32	24.98	31.26	22.55	29.19	40.29	22.22
Transit Operation Costs per mile	\$31,293	\$31,293	\$31,293	\$31,293	\$31,293	\$31,293	\$31,293
TOTAL TRANSIT COSTS	\$1,105,269	\$781,699	\$978,219	\$705,657	\$913,443	\$1,260,795	\$695,330
New Branch Libraries	2	2	3	2	2	3	2
Branch Library Costs	\$3,250,000	\$3,250,000	\$3,250,000	\$3,250,000	\$3,250,000	\$3,250,000	\$3,250,000
TOTAL LIBRARY COSTS	\$6,500,000	\$6,500,000	\$9,750,000	\$6,500,000	\$6,500,000	\$9,750,000	\$6,500,000
Miles of Arterial Construction/Reconstruction	9.1	11.0	12.6	7.8	17.6	24.0	13.7
Cost per mile	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
Miles of Collector Construction/Reconstruction	5.0	6.4	7.2	4.6	10.6	13.0	4.2
Cost per mile	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
TOTAL ROAD COSTS	\$50,540,000	\$61,400,000	\$70,200,000	\$43,600,000	\$98,590,000	\$132,910,000	\$72,580,000
TOTAL COSTS FOR SCENARIO	\$100,503,369	\$107,067,213	\$135,499,247	\$78,091,171	\$146,704,857	\$190,172,209	\$109,841,230

Revenues Generated by Unit and Per Acre

Growth comes with a cost; residents and visitors desire city services, amenities, and infrastructure which need to be maintained and eventually replaced. In order to determine if there is a growth pattern, i.e. housing density, that is more effective at paying for those costs, the potential revenues generated by each growth pattern were evaluated. Revenue, in terms of City taxes and assessments, was calculated for each growth pattern by extrapolating revenue generated from similar existing growth patterns. The average annual tax and assessment revenue generated from recently created subdivisions of high, low and medium densities was applied to similar housing types in each scenario. For purposes of this calculation, the return from high density housing in Josephine Crossing and Lenhardt Square Subdivisions were used; for low density housing, Ironwood and Yellowstone Ridge were used; for medium density housing, Trails West, Cottonwood Grove and Grand Peaks Subdivisions were used.

The amount of land needed to accommodate the three growth patterns; high, medium and low, varies significantly. The land area is an important factor when comparing the total development costs for each scenario. Residential development that is more spread out and further from service centers and infrastructure, costs more than development that is more compact, as shown in Table 5.1. The relationship is similar to the revenues generated. More revenue is generated for higher density units on a per acre basis than for lower density units on a per acre basis. This is because there is more tax generated in a smaller area. Table 5.2 below shows the results of the taxes generated on a per unit basis and a per acre basis for each growth pattern or housing density.

TABLE 5.2. AVERAGE TAX AND ASSESSMENT VALUES BY HOUSING DENSITY.

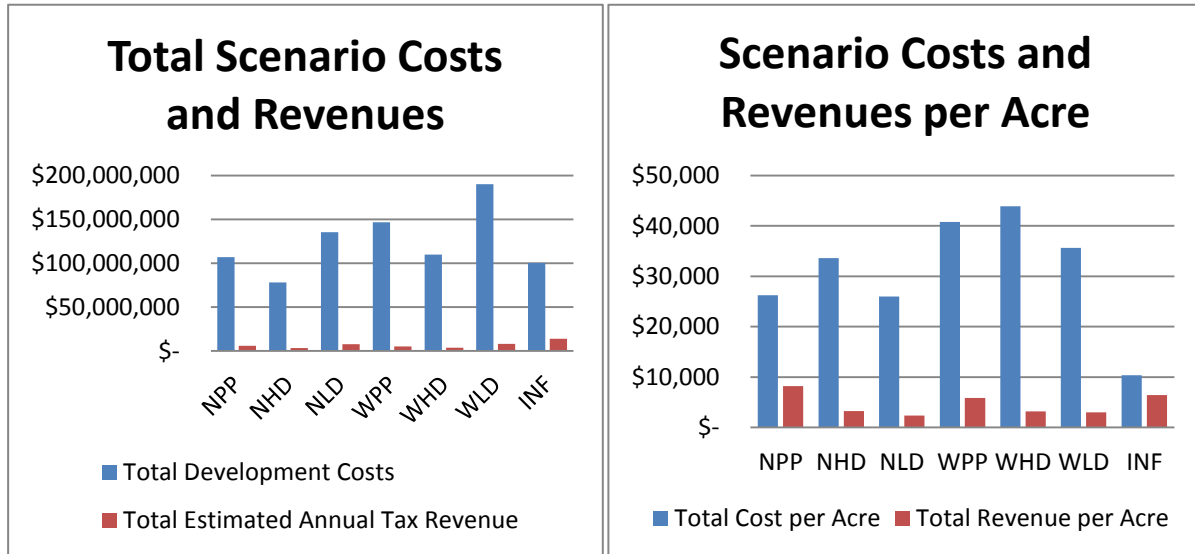
		High Density	Medium Density	Low Density
Sampled Subdivisions	Total units	178	219	59
	Total acreage	13.06	55.28	37.2
Average tax + assessment/unit		\$419	\$731	\$1,461.26
Total revenue generated in subdivision		\$45,893	\$158,181	\$87,422
Total revenue in subdivision/acre		\$3,514	\$2,861	\$2,350

The average tax + assessment value per unit calculated from the sampled subdivision was multiplied by the number of the housing units by density in each scenario. The revenue generated on a per acre basis was divided by the number of acres occupied by that density for each scenario. The results are shown in Table 5.3 and Charts 5.1 and 5.2.

TABLE 5.3. COMPARISON OF COST AND REVENUES PER SCENARIO.

	Total Development Costs	Total Estimated Annual Tax Revenue	Total Cost per Acre	Total Revenue per Acre
North Public Preferred	\$ 140,314,390	\$ 5,831,510	\$ 34,436	\$ 8,183
North High Density	\$ 114,548,989	\$ 3,393,900	\$ 49,283	\$ 3,280
North Low Density	\$ 193,189,585	\$ 7,949,106	\$ 37,073	\$ 2,350
West Public Preferred	\$ 178,743,468	\$ 5,134,254	\$ 49,674	\$ 5,873
West High Density	\$ 125,800,259	\$ 3,653,680	\$ 50,276	\$ 3,184
West Low Density	\$ 198,481,205	\$ 8,125,472	\$ 37,228	\$ 3,023
Infill and Adjacent Parcels	\$ 100,503,369	\$ 14,171,362	\$ 23,893	\$ 6,430

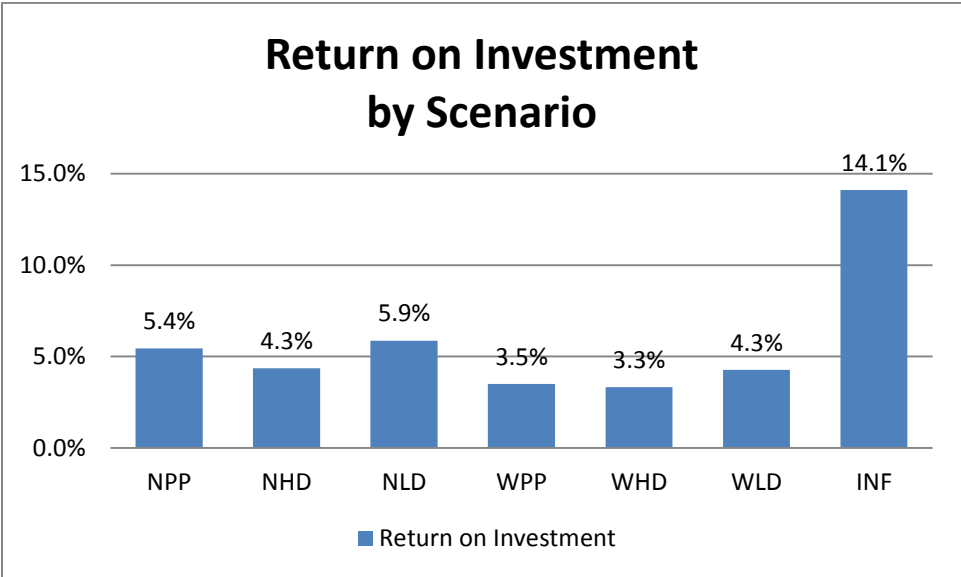
CHARTS 5.1 AND 5.2. COMPARISON OF COST AND REVENUE PER SCENARIO.



Return of Investment

Another way to look at the cost and benefit of each scenario is to consider the return on investment. In other words, what is the percentage of costs recouped by one year of revenue? The result is presented as the Return on Investment which calculates the annual revenues divided by the development costs and presented as a percentage. The higher the percentage, the better rate of return. Chart 5.3 shows the Return on Investment for each scenario.

CHART 5.3. RETURN ON INVESTMENT BY SCENARIO



Appendices



Public input is paramount in producing a growth policy that reflects the community's goals and values. Past planning efforts have demonstrated that holding a few public meetings after work hours rarely attracts a meaningful number of people. Rather than expecting the public to attend randomly scheduled meetings, it was decided early in the process to take the information to them. Since so many citizens are members of civic organizations, working groups and neighborhood committees it was more effective to schedule presentations and solicit input during their regularly scheduled meeting times.

The initial round of presentations began in October, 2014. Between then and February, 2015, 30 “scoping” meetings were held in addition to one public hearing, three steering committee meeting, one City Council meeting, one County Commissioner meeting, and one Planning Board meeting. The first presentation provided an overview of existing conditions in Billings, constraints and opportunities for growth, and asked the participants to answer the questions:

- How should we grow?
- Where should we grow?

Postcards were provided to the participants and collected after each meeting. The response was very good. A total of 312 cards were submitted. While some cards had a simple, one line response to each question; most cards had multiple ideas embedded in the response. Staff transcribed each card and separated the various ideas into distinct comments. A total of individual 1,200 comments were obtained from those responses.

The Planning Division staff took considerable time reviewing the comments and categorizing them into general themes. The themes that emerged from this exercise formed the basis of the community goals and the individual comments formulated the essence of the growth guidelines. Both the community goals and guidelines are discussed within the main body of this document and the list of comments is provided at the end of this section.

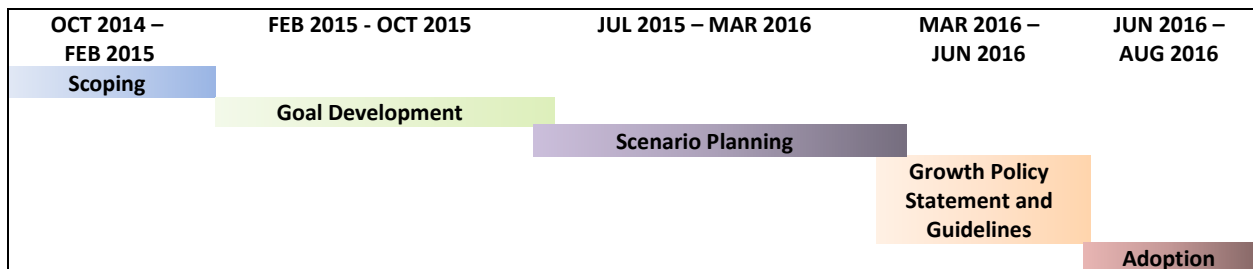
In the next round of meetings, only eight of the groups were revisited as well as the steering committee, Planning Board, County Commissioners and City Council. This was considered the Goal Development Phase of the process where the results of categorizing the public comment into themes and later goals were presented. At these meetings, people were asked to review the results and comment on whether they made sense? Was something missing? Could it be presented differently? The most substantial comment pointed out that another category could be added: Prosperity. This was later done and the comments relating to this goal were re-categorized. This process took another eight months at which time the goal descriptions, toolboxes and performance measures were also developed.

The time between July, 2015 and March, 2016 was used primarily to develop and analyze the growth scenarios and referred to as the Scenario Planning Phase. The development and analysis of the growth scenarios was largely done in-house with the assistance of Geodata Services, Inc. from Missoula, Montana. However, a very critical piece of this phase, creating the preferred scenarios, was performed

with the input of the steering committee and the Planning Board. Seven scenarios were eventually developed based on three growth patterns: infill, high density, low density, and public preferred. The high, low and preferred growth patterns were applied to the area north of the Billings Airport around the proposed Inner Belt Loop alignment, and west of the existing City limits out to 64th St. West between Rimrock Road and Neibauer Road. The infill scenario identified vacant and potentially re-developable parcels in the City and adjacent to the City. A full explanation of the scenario planning process is provided in the body of this document. The results of the Scenario Planning Phase were presented to the City Council, the steering committee, and the Planning Board. A third public meeting was also held in March, 2016 to explain the process and get input on the results. As a result of these meetings, some changes to the placement of selected ‘growth indicators’ were modified and the scenarios were rerun to reflect those changes.

The final public meeting was held in May, 2016. The purpose of this meeting was to present the proposed Growth Policy Statement and Growth Guidelines. These elements are the most important part of this Growth Policy in that they provide decision-makers information to consider when making future land use decisions. The public comments gathered at this meeting were incorporated into the proposed Growth Policy Statement and Growth Guidelines and presented to the steering committee, Planning Board and City Council.

As required by state law, the Planning Board held a public hearing on the Draft 2016 City of Billings Growth Policy – BillingsBeyond, and forwarded, by resolution, a recommendation of approval. The City Council passed the Resolution of Intent to Adopt the Growth Policy on July 11, and The Growth Policy adopted, by resolution 16-10575, on August 8, 2016.



Introduction

The tools available to implement a Growth Policy are limited by legal authority, by administrative cost, and to some degree, political acceptance. Implementation tools may be enforced through regulations, adopted as policy by governing bodies or emplaced voluntarily by landowners. They may be mandated by state law or authorized by City Code or County Ordinances. Some tools are simply policies, without the force and effect of law, while others are purely educational. There is a wide variety of tools currently used in the City of Billings. The first part of this section briefly describes the existing and recommended implementation tools available to the City to achieve the Goals and Objectives of this Growth Policy. The last section describes a reasonable timetable for update and revision to the 2016 Growth Policy.

Implementation Tools

This section provides general information on a range of planning tools that can be used to implement a growth policy. It includes brief definitions or descriptions for each tool. Some tools are already in use in Billings and others are suggested for further consideration. This list is not intended to be comprehensive of all planning tools available to local jurisdictions.

The implementation tools are organized into the following descriptive categories: Regulatory, Planning and Programming, Financial, Educational, and Cooperative. **Regulatory tools** are enforced by regulations and are authorized by state statute. Governing bodies adopt **Planning and Programming** tools to demonstrate a commitment to a particular direction or course of action, and can be employed with discretion. **Financial tools** require a financial commitment to appropriate funds for specific projects. **Educational tools** include a broad range of items used to inform governing bodies, policy makers, and the public on key planning and community development issues. **Cooperative tools** describe partnerships between departments and agencies to develop joint policies or action plans. These may serve as the basis for creating, reviewing, and revising policies and regulations. Cooperative tools are generally enforced or administered at the discretion of cooperating agencies.

Regulatory Tools

Subdivision Regulations

Counties and incorporated municipalities must adopt subdivision regulations that comply with the Montana Subdivision and Platting Act (76-3-101 *et seq.*, MCA). Subdivision regulations control the creation of new parcels by imposing design and infrastructure standards and by establishing procedures for local governmental and public review. Regulating the division of land ensures that development can be adequately served without adversely impacting public services and natural resources.

The City of Billings has adopted subdivision regulations. Appendix D provides more detailed information on the relationship between subdivision regulations and this Growth Policy. Subdivision regulations are among the most effective tools available for implementation of a growth policy and land use changes.

Design Standards

Design standards are typically part of subdivision regulations or incorporated into the municipal code to preserve community character, protect property values, and ensure public safety. The Montana Subdivision and Platting Act authorizes the adoption of design standards, and self-chartered municipalities may include them in their municipal code.

Design standards can significantly affect the appearance and functionality of a development. For these reasons, they are often employed to address a variety of issues including land use, aesthetics, transportation, and public service. Flexible design standards may help reduce costs to the developer. Development costs can also increase if design standards are complex and rigid. Both the City and the County have adopted the Entryway/Interchange zoning regulations, which require a higher level of landscaping and building design in the Entryway/Interchange zoning districts. Additional design standards have been adopted by the City for the Zoo Drive-Shiloh Road Corridor as zoning ‘overlay districts’. These districts are at major entryways into the community and are intended to be developed in an attractive and appealing manner.

Zoning Regulations

Zoning is another commonly used tool for implementing land use policy. The historical rationale for zoning was to separate incompatible land uses. Zoning ordinances generally address type of use, intensity of use, and space and bulk requirements. Development and design standards for such things as signage, parking, landscaping, noise, lighting, buildings, and site layout can also be addressed through zoning regulations. A zoning map and the descriptive text of districts are the two critical components of zoning regulations. Municipal or County zoning must comply with the Growth Policy and its amendments.

The Billings-Yellowstone County Unified Zoning Regulations govern zoning in the City and County. Most of the County is not zoned. Billings, Laurel, and Broadview all maintain their own zoning within their corporate boundaries. Laurel has extraterritorial zoning jurisdiction that extends approximately one mile outside of the city limits. Yellowstone County has a zoning jurisdiction that extends out from the Billings city limits approximately 4-1/2 miles. The majority of the zoned property within Yellowstone County is located in and around the Billings and Laurel urban areas. Additionally, there are a number of citizen-initiated zoning districts located throughout the County as described in the Land Use Element chapter.

The City of Billings Zoning Ordinance #1099, originally adopted on July 15, 1930, governs zoning within the municipal limits of the City of Billings. In addition to the more traditional form of zoning, jurisdictions may explore other zoning approaches that can be used to regulate development of property. Some of these alternatives are described below.

Performance Zoning

Performance zoning is an alternative to traditional “Euclidian” zoning because it uses measurable standards to regulate the impact a land use may have on its surroundings instead of separating uses by zoning districts. Performance zoning for residential uses can be used to protect natural resources and provide flexibility in the development design. Common performance thresholds established through performance zoning include minimum amount open space, maximum density, and maximum percent of impervious surface.

Performance zoning has also been used to address commercial and industrial uses by requiring more intense uses to meet higher standards for site and building design. For example, the City has adopted the Medical Corridor Permit Zoning District. In this district, a proposal is evaluated for compliance with absolute standards and a point system is used to determine compliance against a set of relative standards. All projects have to meet the absolute standards; then, the more intense the use, the greater the number of relative standards must be met.

Interim Zoning

Interim zoning may be employed by the City or County as an emergency measure to protect the public health, safety and under the County’s authority, morals (76-2-306, MCA). A jurisdiction may use interim zoning to prohibit uses that may conflict with a “contemplated zoning proposal” which the governing body is considering. The City can implement interim zoning initially for only six months, with an extension up to one year. Interim zoning has been used by the City of Billings to implement the Entryway/Interchange zoning regulations until permanent regulations could be adopted and more recently to implement buffering standards for sexually oriented businesses.

Transfer of Development Rights

Transfer of Development Rights (TDR) uses zoning to allow owners of land in areas called “sending districts” to sever the development rights from their property and sell, or otherwise legally transfer those rights to owners of property located in specified “receiving districts”, where higher intensity of development is preferred. There are several components essential to a TDR program: a designated protection/preservation area (sending zone), a designated growth area (receiving zone), development rights that can be severed from the land, and a procedure for transferring development rights between properties. TDR procedures have not been established in Yellowstone County.

Building Permits

The City Building Division administers building codes for the City of Billings only. The Building Codes that are adopted by the State, including building, plumbing, mechanical, and electrical, are also required to be adopted by the City. The Code provides the City with minimum standards to safeguard life and property by regulating building construction. They also serve to create an enjoyable and aesthetically pleasing place to live while preserving property values. A building permit is required for almost any type of construction on private property. Several Departments are involved in the review process, including Fire, Engineering, Planning and Community Services and Public Utilities to ensure compliance with their associated codes.

Floodplain Regulations

The purpose of floodplain regulations is to protect the watercourses and their flood storage areas, as well as the public health, safety, and welfare. Montana state law requires local governments to adopt and enforce floodplain management regulations. The City and the County administer separate floodplain regulations.

Planning and Programming Tools

Long-Range Planning

Critical implementation tools for this Growth Policy are more detailed neighborhood or area plans, and plans to address a particular issue such as transportation, parks and recreation, economic development, infrastructure or housing. This Growth Policy establishes a framework for future plans by specifying public values through Growth Statement and Guidelines and the Goals and Objectives. With the adoption of this Growth Policy, plans may be developed that provide a higher level of detail and include content specific to an area or issue. Since 2003, five neighborhood plans within the City have been written and adopted as part of this Growth Policy.

In addition to the development of new plans, existing plans which presently have a role in decision making may need to be revised and updated. These include the 2014 Urban Area Transportation Plan, 2013 Billings Bicycle and Trail Master Plan, Parks2020, and several neighborhood plans. Updates to these plans could be simple additions or modifications or may require a new approach to become more consistent with the Growth Policy Goals and Objectives.

Annexation Policy

A city expands its boundaries and its jurisdictional authority through the process of annexation. State statute authorizes six separate methods for annexation. Adjacent land may be annexed as described in Parts 42 through 44 of Title 7, Chapter 2, Montana Code Annotated (MCA). Property

that is wholly surrounded by a city may be annexed under Part 45 with the exception of land used for agricultural, mining, smelting, refining, transportation, industrial or manufacturing purposes, golf course, cemeteries, or outdoor entertainment uses. Private property owners can petition for annexation as described in Part 46. When property owners petition for annexation, the City of Billings' Annexation Policy requires them to enter into an annexation agreement and comply with the other conditions under which annexation will occur. The Annexation Policy is used to help plan for expansion and provision of municipal services. In 2004, a 'Limits of Annexation' map was added to the policy indicating which areas surrounding the City limits could be reasonably supported for annexation if requested by the property owner. This map was developed based on expected and potential capital improvements the City has planned and is updated annually in coordination with the City's Capital Improvements Plan.

Urban Planning Area

The Urban Planning Area is an area surrounding the City of Billings established for the purpose of planning for its future growth within a 10-year horizon. The UPA was initially created in 1967 under Article 20-300, BMCC, and has historically been the City's growth boundary. The UPA policy states that no City services shall be provided outside of the UPA; however, to quote a 1980 study, "the UPA is not designed to limit growth, merely limit the amount of land that is consumed and reduce the cost of services needed when this growth occurs." Expansion of the UPA requires the completion of an Urban Planning Study so that the City can determine the impacts of annexing and serving the property. City departments review UPS documents for conformance with operating policies, capital improvement plans, the Growth Policy, and other plans. A property must be within the Urban Planning area before it can be annexed into the City limits.

Urban Renewal Districts

Title 7, Chapter 15, Part 42 of MCA, otherwise known as the Urban Renewal Law, gives municipalities the authority to redevelop and rehabilitate "blighted" areas. State law specifies requirements for preparing Urban Renewal Plans and also authorizes the expenditure of funds on Urban Renewal Districts, including tax increment funds. Urban Renewal Plans have been most recently prepared in 2006 for the 'East Billings Urban Renewal District' located east of downtown to MetraPark, and in 2008 for the 'South Billings Boulevard Urban Renewal Area' located near the South Billings Boulevard interchange.

Departmental Work Plans

Every City department develops annual work plans to assist them in their budgeting process. Work plans establish a list of priority projects that the department can implement within the year, in addition to their regular work duties. For some departments, such as the Planning and Community Services and Parks, Recreation and Public Lands Departments, the annual work plan is

reviewed and approved by their citizen advisory boards. Work plans are also programming tools that establish the timeframes for completion of priority tasks and projects.

Financial Tools

Capital Improvements Programs

The City of Billings adopts an annual Capital Improvements Plan (CIP) which identifies all capital projects that are in excess of \$25,000 and equipment needs in excess of \$5,000. The projects and equipment needs are then prioritized and budgeted over a five year period. The City undertakes a comprehensive review of the Capital Improvements Plan every two years. The importance of a CIP for land use planning is the critical connection between where and when infrastructure is provided and what the desired land use pattern is for a community or neighborhood. Proposals included in the CIP are reviewed for compliance with adopted land use and transportation planning policies.

Fee Incentives

Some City and County departments are authorized to charge fees for their services and facility maintenance. The most common fees are for solid waste service, storm drainage, water and sewer service. The location of development can be influenced by tying the location to a fee increase or decrease. Municipalities, particularly, have the ability to develop a utility fee structure that can be used as an incentive for directing growth.

Purchase of Development Rights

A Purchase of Development Rights (PDR) program involves the outright purchase of development rights from a private property owner by local or state governments to preserve resource land. Funding for PDRs can come from sources such as bond initiatives, grants, and public matching funds programs. The difference between PDRs and land acquisition is that a property owner in a PDR program can continue to use this land in ways that are consistent with the objectives of the PDR program. PDR procedures have not been developed in Yellowstone County.

Land Acquisition

Land acquisition programs involve a jurisdiction or organization purchasing land usually for some public benefit. Some communities and organizations have used this tool to purchase land to be used for affordable housing development; others have used it to purchase property for its open space or agricultural value.

Impact Fees

An impact fee is a charge on new development assessed by a governmental entity at the time of the development approval process to pay for the construction or expansion of off-site capital improvements that are necessitated by and benefit the new development. In 2005, the state

legislature passed enabling legislation known as the “Montana Impact Fee Act” (7-6-1601, et seq., MCA) to allow local governments to establish impact fees provided certain requirements are met. In general, the collection and expenditure of impacts fees must be reasonably related to and reasonably attributed to the development’s share of the cost of infrastructure improvements made necessary by the new development.

Educational Tools

Inventories and Planning Studies

Land use policies and decisions can be better informed if supported by studies and inventories. Typically, these studies help identify and rank critical social, environmental, historic and cultural resources. Studies and inventories can also provide the rational nexus required for exactions and other dedications. The information obtained from these studies must be well organized, accurate and easy to understand. Maps and databases developed using Geographic Information Systems can satisfy these criteria.

Health Impact Assessments (HIA)

The built environment can have substantial effects on the health of the community. By using a new tool known as the Health Impact Assessment, or HIA, one can research the potential health effects of an anticipated policy, program or project and offer recommendations to increase positive health outcomes and minimize potential adverse health effects. HIAs are similar in some ways to Environmental Impact Assessments (EIAs), which are mandated processes that focus on potential environmental outcomes of a proposed project, such as changes in air and water quality. However, unlike EIAs, HIAs are currently voluntary assessments that can be used to focus on possible community health outcomes of a proposal and subsequently highlight proactive measures to improve individual or community health. For example, an HIA may identify that a project or policy may inadvertently cause physical inactivity and lead to obesity, or that it may negatively impact air quality which may increase asthma occurrences, or even that it may promote inefficiencies in design that may lead to increased injuries. In these cases, the HIA would then recommend project alterations in order to help resolve these detrimental health impacts before they occur. HIAs are being increasingly used to proactively promote social equity and improve the health of many growing communities.

Cooperative Tools

Interjurisdictional Coordination and Partnerships

The City and County must coordinate their efforts on several levels to provide safe and dependable services to the public. The Metropolitan Planning Organization (MPO) is an important mechanism for ensuring that transportation projects are coordinated between the City and the County. Both jurisdictions have representation in the MPO and jurisdictional interests are further represented by members from the joint City-County Planning Board. The Planning Board is composed of City and County residents and is advisory to both the City Council and the County Commissioners. The Billings Fire Department also cooperates with the County and other Fire District to provide services outside the City. Many quasi-governmental boards also have cooperative agreements with the City and County such as the Billings Downtown Partnership and Big Sky Economic Development Authority. It is through these partnerships that the interest of all jurisdictions are discussed and addressed.

Interagency Coordination

Some federal, state and local government land management agencies share similar responsibilities for the same resources. In some cases, these agencies are not well informed of other agencies' proposed plans or tasks. This lack of communication can result in ineffective policies or inconsistent regulations if agencies do not coordinate their planning and implementation efforts. Opportunities for interagency coordination are particularly possible in land and water conservation areas because the resources overlap agency jurisdictions.

Timetable for Implementation and Updates

The planning horizon for this Growth Policy is 20 years; however, it is unreasonable to assume it will be relevant in 2035. State law requires that a growth policy be reviewed at least once every 5 years and revised as necessary (76-1-601 (3)(f)(iii), MCA). It is recommended that the Yellowstone County Board of Planning review this policy in 2021 and direct staff to make necessary revisions or perform a complete update.

Because this document is not prescriptive and does not include a list of strategies, projects, or policies to be implemented, no timetable is given for implementation. Instead, a list of implementation tools is provided in each of the Goal categories. These tools are to be considered when the City initiates certain actions that are listed as an Objective or Growth Guideline.

State law requires that this Growth Policy include a statement on how the governing bodies will coordinate and cooperate with other jurisdictions in matters related to the growth policy (76-1-601 (2)(f), MCA). Coordination of planning matters between Yellowstone County and the City of Billings is facilitated primarily through the Yellowstone County Planning Board. The jurisdiction of this board is the entire County, including the City of Billings and Town of Broadview but not including the City of Laurel planning jurisdiction. This countywide jurisdiction enables the Planning Board to coordinate policies with the County Commissioners and the City Council.

Coordinated Planning in Yellowstone County

The history of coordinated planning in Yellowstone County goes back approximately 60 years. Based on records kept in the Planning Department, there has been some form of a joint planning board since the early 1940s. The most recent Planning Board structure was authorized through an Interlocal Agreement adopted in 1984 and amended in 1990 and again in 1995. The Interlocal Agreement establishes the administrative and financing responsibilities of each jurisdiction, the relationship of the Planning Board to the governing bodies and the relationship of the Planning Board and Planning Department Director and staff.

There are 15 members on the County Planning Board: seven are appointed by the County Commissioners, five are appointed by the Mayor of Billings, and one member is appointed by the County Commissioners from the governing board of the Yellowstone County Conservation District, and two members are ex-officio non-voting representative of School District No. 2 and the County Superintendent of Schools. Board members serve 2-year terms. The duties and responsibilities of the Planning Board are described in the By-Laws, last amended in 2012. In addition to other duties, the Board is responsible for developing a Growth Policy for the Board's jurisdiction.

In 1991, the City of Billings, Town of Broadview, and Yellowstone County adopted the first countywide comprehensive plan: The 1990 Yellowstone County Comprehensive Plan. Until then, the City and County developed separate planning documents. The Comprehensive Plan established goals and objectives and addressed separate City and County issues, as well as joint issues that involved both the City and County. In 2003, the Comprehensive Plan was updated, and renamed the 2003 Yellowstone County and City of Billings Growth Policy. The Growth Policy for the City and County was updated again in 2008.

The Yellowstone County Planning Board, as the designated Metropolitan Planning Organization, is also charged with the responsibility for transportation planning for the Billings Urban Area. To accomplish this, the Board prepares a Unified Planning Work Program (UPWP) each year that contains a description of projects to undertake during the upcoming program year. It also contains appropriate funding information, staffing information, and a schedule for each project. The UPWP is supplemented by a five-year Transportation Improvements Plan (TIP). The TIP is a fiscal planning program for federally assisted

highway and transit improvements for the Billings urban area. Approximately every ten years, the MPO is responsible for drafting a Transportation Plan that assesses the transportation needs of the Billings Urban Area and recommends actions to address those needs. The most recent Transportation Plan was adopted in 2014.

The City and County conduct transportation planning together for the Billings urban area. Two committees, the Policy Coordinating Committee (PCC) and Technical Advisory Committee (TAC), were created through a Memorandum of Agreement signed by the City, County, County Planning Board, and the Montana Department of Transportation. The PCC is responsible for directing transportation policy for the study area and the TAC provides technical advice to the PCC.

In addition to the 1990 Comprehensive Plan, the 2008 Growth Policy and the 2014 Long Range Transportation Plan, there have been a number of other plans, primarily transportation related, adopted by both the City and County to address common issues. This Growth Policy supersedes previous Growth Policies but only for the City of Billings jurisdiction.

Ongoing City and County Planning Coordination

There are a number of other coordinated efforts to address common issues, primarily for the Billings urban area. As a joint City-County office, the Planning and Community Services Department administers all planning programs for both jurisdictions. Additional city-county coordination on planning issues includes the following:

- Subdivision proposals adjacent to the City limits are reviewed by both City and County agencies. Subdivision proposals are also reviewed by state agencies when applicable for such issues as impacts on wildlife and wildlife habitat, wildfire hazards, transportation, as well as other issues.
- The City and County have a joint Health Department that is responsible for public and environmental health programs in both jurisdictions. RiverStone Health's water quality and sanitation programs have strong links to land use and transportation planning in Yellowstone County.
- The City of Billings, City of Laurel, Yellowstone County, and the Crow Indian Tribe entered into an Interlocal Agreement for historic preservation. This agreement created the Yellowstone Historic Preservation Board and Certified Local Government. This board reviews and implements various policies for historic, archeological, and cultural preservation issues throughout Yellowstone County. Each governmental agency has representation on this board.
- The Yellowstone County Air Quality Board serves both the City and County through a Memorandum of Agreement to address local air quality issues.
- The City Fire Department has a contractual agreement with the Billing Urban Fire Service Area (BUFSA) to provide fire suppression and first response services. The Department also contracts equipment and labor to the Montana Department of Natural Resources for wildfire suppression in times of need. The Department also has mutual aid agreements with the three oil refineries, Lockwood Fire Department, Billings Logan International Airport Aircraft Rescue Firefighting, and

the Laurel Volunteer Fire Department as well as all of the surrounding volunteer fire departments.

- Subdivision, zoning, floodplain administration, permitting, and enforcement programs rely on strong collaborative efforts with other departments in the city and county, as well as with state and federal agencies.
- The City, County and State share Geographic Information System Resources pursuant to a Memorandum of Understanding. Based on this agreement, the Montana Department of Revenue shares property ownership and tax information with the Yellowstone County Information Systems Department. In return, the County maintains the City and County parcel coverage with the assistance of the City of Billings.

Strategy for Future Cooperation

The City and the County will continue to improve their cooperative relationships by maintaining a joint City-County Planning Board and continuing the existing cooperative agreements. The Planning Board and existing coordinating organizations will strive to implement this Growth Policy equitably, openly, and for the benefit of all City residents.

Every county, city and town is required to adopt and enforce subdivision regulations that provide for the orderly development of their jurisdictional areas, (76-3-501, MCA). The Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA) specifies the purpose and minimum requirements of the subdivision regulations. It is incumbent on the local governing body to adopt regulations consistent with this law and to review subdivision applications in accordance with the criteria provided in 76-3-608(3)(a):

1. The impact on agriculture
2. The impact on agricultural water user's facilities
3. The impact on local services
4. The impact on the natural environment
5. The impact on wildlife and wildlife habitat
6. The impact on public health and safety

This chapter presents both definitions of the review criteria and describes how these criteria are to be used to review subdivisions.

Primary Review Criteria

A growth policy is required to include a statement explaining how the governing bodies will define agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety and describe how these items will be used in the evaluation and decisions of a subdivision proposal (76-1-601(3)(h), MCA). The following section provides detailed definitions of the primary review criteria and how the criteria will be applied in subdivision review.

Each subdivision proposal shall be evaluated based on its effect on certain factors expressed in this Growth Policy and implemented through the City and County Subdivision Regulations. The evaluation factors specify what effects should be considered at the time of subdivision review. The degree to which these effects play a role in subdivision approval and denial will be dependent on 1) whether the effects are allowed by existing laws and regulations, and 2) whether the effects can be reasonably mitigated.

Agriculture

Definition

Agriculture means the use of land for growing, raising, or marketing of plants or animals to produce food, feed, and fiber commodities. Examples of agricultural activities include, but are not limited to, cultivation and tillage of the soil; dairying; growing and harvesting of agricultural or horticultural commodities; and the raising of livestock, bees, fur-bearing animals, or poultry. Agriculture does not include gardening for personal use, keeping of house pets, kenneling, or landscaping for aesthetic purposes. The definition of agricultural land also includes land

considered by the Natural Resources Conservation Service to have a soil of agricultural importance and lands devoted to a soil conservation or rangeland management program.

Evaluation Factors

1. The amount of agricultural land removed from production shall be considered.
2. The amount of agricultural land with soil considered prime or having statewide or local importance by the Natural Resources and Conservation Service shall be considered.
3. Subdivision review shall consider the potential conflicts between the proposed subdivision and adjacent agricultural operations, including:
 - a. Interference with the movement of livestock or farm machinery
 - b. Maintenance of fences
 - c. Proliferation of weeds
 - d. Harassment of livestock by pets
 - e. Odors
 - f. Visual quality
4. It shall be determined whether the proposal is located within the Urban Planning Area or in the “Limits of Annexation” as defined by the City’s Annexation Policy.

Agricultural Water User Facilities

Definition

Agricultural water user facilities shall mean those facilities which provide water for agricultural land or provide water for the production of agricultural products. These facilities include, but are not limited to ditches, canals, pipes, head gates, tanks, drains, reservoirs, ponds and developed springs used for agricultural purposes.

Evaluation Factors

1. The location and proximity of an agricultural water user facility shall be considered.
2. Potential conflicts between facility users and subdivision residents shall be evaluated.
3. The rights of all water right owners and users of the facility shall be considered.

Local Services

Definition

Local services means any and all services provided to the public by local government entities or public utilities such as transportation systems, including non-motorized facilities, parking, law enforcement, fire protection, drainage structures, water supply, sanitary sewage disposal, solid waste disposal, recreation, parks, libraries, or schools.

Evaluation Factors

1. Subdivision review shall consider the goals and objectives of existing plans.
2. Subdivision review shall consider increased demand on services and need to expand services as a result of the proposal. Lack of adequate service capacity and capability of a

local service may be grounds for denial if the situation cannot be mitigated by the applicant.

3. The cost of providing services shall be evaluated by determining the per capita or per lot cost of services and current and anticipated tax and fee revenue.

Natural Environment

Definition

The natural environment means the physical, chemical, and biological factors that exist within or influence a geographic area or community. These factors include, but are not limited to, geology, soils, topography, climate, surface water, groundwater, floodplain, vegetation, and objects or places of cultural, historic, or aesthetic significance.

Evaluation Factors

1. Review of the subdivision shall consider the degree of impact to the following environmental features:
 - a. Riparian or wetland areas
 - b. Vegetation cover or type
 - c. Noxious weeds
 - d. Important or sensitive natural habitats
 - e. Surface and groundwater quality
 - f. Stream bank stability
 - g. Erodible soils
 - h. Cultural and historic landmarks
2. The amount of appropriate open space preserved for natural resource conservation shall be considered.
3. Results of water and sanitary facility inspection for all lots shall be considered.
4. Subdivision review shall also evaluate the amount of cuts and fill on slopes as a result of road or building construction.

Wildlife and Wildlife Habitat

Definition

Wildlife means animals that are not domesticated or tamed. Wildlife habitat means an area containing the complex of environmental conditions essential to wildlife for feeding and forage, cover, migration, breeding, rearing, nesting, or buffers from those areas. It also includes areas essential to the conservation of species protected by the Endangered Species Act or of special interest or concern to the State of Montana.

Evaluation Factors

1. The presence and potential destruction of wildlife and wildlife habitat shall be considered in subdivision review.
2. Subdivision review shall consider the potential for human-wildlife conflicts or unhealthy encounters.

3. The amount of wildlife-friendly amenities, such as preserved open space, enhanced habitat or wildlife protection devices shall be considered in subdivision review.

Public Health and Safety

Definition

Allowable standards established by Federal, State and local policies, codes, and regulations shall be the primary means for defining the limits of acceptable public health and safety. Any variance from these standards shall be reasonably mitigated and approved by the governing body.

Evaluation Factors

1. The subdivision review shall consider all potential hazards to residents of the subdivision from high voltage lines, high-pressure gas lines, highways, railroads or railroad crossing and nearby industrial or mining activity.
2. Any creation of public health or safety hazards by the subdivision, such as traffic or fire conditions, contamination or depletion of groundwater supplies, accelerated storm water runoff, widening or existing floodplain or flood hazard area, or existence within the Wildland-Urban Interface, must be considered in subdivision review.

Public Hearing Process

As part of the major subdivision preliminary plat review process, a public hearing is required. The requirement for a public hearing is not applicable to the first minor subdivision of a tract of record. State law requires the governing body or its authorized agent to conduct the public hearing. Both the Board of County Commissioners and the City Council have relinquished that task to the County Planning Board. An outline of the public hearing process adopted by the Planning Board can be found in the By-Laws of Yellowstone County Board of Planning, as amended. The following hearing process is reproduced in its entirety from Section 5 of the By-Laws.

SECTION 5 PUBLIC HEARINGS

The Board shall cause to be published a Notice of Public Hearing containing the date, time, location, and purpose pursuant to statutory requirements in a newspaper of general circulation for each hearing held by the Board.

A. Public Hearings for Subdivisions

1. When a preliminary plat application is set for a public hearing pursuant to a public notice, the matter shall be heard even though no one in favor or in opposition to the application appears at the hearing, unless the Board has received a written request from the subdivider, twenty-four (24) hours prior to the public hearing, to continue such hearing at a later time due to good and sufficient reason, or to withdraw or to postpone the application for reason approved by the Board.

Appendix D – Subdivision Review Criteria and Process

2. Each person who speaks at the public hearing shall stand and furnish his/her name and address to the Board and shall thereby become a part of the record.
 3. Each preliminary plat application shall be heard in the following order:
 - a. A Planning Department staff member shall summarize pertinent data and present or amplify the recommendations of staff and department heads.
 - b. The applicant, or his representative, shall present the application to the Board, and summarize the proposed subdivision and, if applicable, the following criteria of public interests:
 - i. Effects on Agriculture
 - ii. Effects on Local Services.
 - iii. Effects on Natural Environment.
 - iv. Effects on Wildlife Habitat and Wildlife.
 - v. Effects on Public Health and Safety.
 - vi. Effects on Agricultural Users Facilities.
 - c. Persons in favor or opposed to the application shall be heard or written comments received up and until the time of the close of the public hearing.
- B. Other Public Hearings
1. All other public hearings shall be conducted in accordance with the following procedure unless the Board determines by a majority vote to follow some different procedure:
 - a. The Board shall first hear a report on the subject item from the Planning Department staff, which report may include a recommendation as to the action to be taken by the Board.
 - b. The Board shall then hear and/or receive written or oral statements from the public in the following order:
 - i. Proponents of the proposal.
 - ii. Opponents of the proposal.
 - iii. Members of the public who, being neither proponents nor opponents of the proposal wish to make a general statement or comment regarding the same.
 - iv. The Board shall then hear any brief rebuttal to previous comments, testimony, or statements.
 - v. The Board shall then hear any brief final comments, statements, or recommendations, if any, from the Planning Department staff.
 - vi. Any person wishing to speak a second time may do so only during the proper course of the proceedings, only after all persons wishing to speak have been heard, and only with the permission of the President or the approval of the majority of the Board members.
 2. Prior to hearing and/or receiving oral statements, comments, or testimony from the public, the Board may, by majority vote, impose reasonable and prudent limitations on the time allotted for each person's oral statement, comments, or testimony.

Appendix D – Subdivision Review Criteria and Process

3. The Board or any member thereof, may at any time question any person about his/her statements, comments, or testimony.
 4. After hearing any and all statements, comments, and testimony as above provided, the President shall close the public testimony portion of the hearing. After closure, and after such discussion as may be appropriate, the Board may vote upon a recommendation for the item under consideration.
 5. Subject to any time constraints imposed by law, the Board may, at any stage of a public hearing or proceeding, continue the same to a later date in order to allow or facilitate full public participation, to obtain additional information, to properly consider or deliberate any matter, or for any other lawful reason. In the case of such continuance, the time and place of all further proceedings in regard thereto shall be immediately fixed and announced to the Planning Department staff and the public, in which case no further legal notice of the hearing need be given.
- C. Informal Hearings
- The Board, by majority vote, may follow some other procedures for the conduct of hearings.



Appendix E – Scenario Planning Worksheet and CommunityViz™ Indicator Reports

Scenario Planning Worksheet									
Name	Base Scenario	NPP	NHD	NLD	WPP	WHD	WLD	INF	
Proposed Libraries Development Costs	0	\$ 6,500,000	\$ 6,500,000	\$ 9,750,000	\$ 6,500,000	\$ 6,500,000	\$ 9,750,000	\$ 6,500,000	\$ 6,500,000
Proposed Schools Development Costs	0	\$ 33,300,000	\$ 22,200,000	\$ 44,400,000	\$ 27,750,000	\$ 22,200,000	\$ 33,300,000	\$ 27,750,000	\$ 27,750,000
Proposed Community Parks Development Costs	0	\$ 3,371,100	\$ 3,371,100	\$ 6,742,200	\$ 11,237,000	\$ 7,865,900	\$ 11,237,000	\$ 14,608,100	\$ 14,608,100
Proposed Police and Fire Station Development Costs	0	\$ 1,714,414	\$ 1,714,414	\$ 3,428,828	\$ 1,714,414	\$ -	\$ 1,714,414	\$ -	\$ -
Proposed Bus Routes Development Costs	0	\$ 781,699	\$ 705,657	\$ 978,219	\$ 913,443	\$ 695,330	\$ 1,260,795	\$ 1,105,269	\$ 1,105,269
Proposed Arterial Roads Development Costs	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Proposed Collector Roads Development Costs2	0	\$ 61,400,000	\$ 43,600,000	\$ 70,200,000	\$ 98,590,000	\$ 72,580,000	\$ 132,910,000	\$ 50,540,000	\$ 50,540,000
Proposed Community Parks Costs	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Development Costs	0	107,067,213	78,091,171	135,499,247	146,704,857	109,841,230	190,172,209	100,503,369	100,503,369
Total Estimated Annual Tax Revenue	0	5,831,510	3,393,900	7,949,106	5,134,254	3,653,680	8,125,472	14,171,362	14,171,362
Total Cost per Acre		26,276	33,598	26,002	40,770	43,898	35,669	10,393	10,393
Total Revenue per Acre		8,183	3,280	2,350	5,873	3,184	3,023	6,430	6,430
Return on Investment		0	0	0	0	0	0	0	0
HexCountHD	0	148	378	0	234	395	9	93	93
HexCountLD	0	87	0	881	0	0	882	733	733
HexCountMD	0	448	0	0	354	0	0	684	684
HexCountMixed	0	27	27	27	39	41	38	175	175
ROI	NaN	0.113605404	0.070341334	0.179016383	0.138702261	0.123271658	0.257959017	0.218521683	0.218521683
Rank		88.6%	93.0%	82.1%	86.1%	87.7%	74.2%	78.1%	78.1%
		2	1	5	4	3	7	6	6
*1 hex = 16 high or mixed density units/9 med. density units/5 low density units									
HexCountHD du	16	2368	6048	0	3744	6320	144	1488	1488
HexCountLD du	5	435	0	4405	0	0	4410	3665	3665
HexCountMD du	9	4032	0	0	3186	0	0	6156	6156
HexCountMixed du	16	432	432	432	624	656	608	2800	2800
*1 hex = 5.739 acres	5.739								
HexCountHD acres		849.37	2169.34	0.00	1342.93	2266.91	51.65	533.73	533.73
HexCountLD acres		499.29	0.00	5056.06	0.00	0.00	5061.80	4206.69	4206.69
HexCountMD acres		2571.07	0.00	0.00	2031.61	0.00	0.00	3925.48	3925.48
HexCountMixed acres		154.95	154.95	154.95	223.82	235.30	218.08	1004.33	1004.33
Total Acreage		4,075	2,324	5,211	3,598	2,502	5,332	9,670	9,670

Appendix E – Scenario Planning Worksheet and CommunityViz™ Indicator Reports

Scenario Planning Worksheet									
Name	Base Scenario	NPP	NHD	NLD	WPP	WHD	WLD	INF	
Total Cost/Acre/Growth Pattern									
High Density (including mixed use)		\$ 106,606	\$ 33,598	\$ 874,454	\$ 93,637	\$ 43,898	\$ 705,039	\$ 65,345	
Low Density		\$ 214,438	\$ -	\$ 26,799	\$ -	\$ -	\$ 37,570	\$ 23,891	
Medium Density		\$ 41,643	\$ -	\$ -	\$ 72,211	\$ -	\$ -	\$ 25,603	
Total cost per acre		362,687	33,598	901,253	165,848	43,898	742,609	114,839	
Rank		3	6	1	4	7	2	5	
Total Revenue/Growth Pattern									
	Rev/ac								
High Density (including mixed use)	\$ 3,514	\$ 2,984,693	\$ 7,623,068	\$ -	\$ 4,719,042	\$ 7,965,904	\$ 181,502	\$ 1,875,517	
Low Density	\$ 2,350	\$ 1,173,339	\$ -	\$ 11,881,739	\$ -	\$ -	\$ 11,895,225	\$ 9,885,714	
Medium Density	\$ 2,861	\$ 7,355,837	\$ -	\$ -	\$ 5,812,425	\$ -	\$ -	\$ 11,230,787	
Total Revenue		11,513,869	7,623,068	11,881,739	10,531,467	7,965,904	12,076,727	22,992,018	
Total Revenue/Acre/Growth Pattern									
High Density (including mixed use)		\$ 2,972	\$ 3,280	\$ -	\$ 3,012	\$ 3,184	\$ 673	\$ 1,219	
Low Density		\$ 2,350	\$ -	\$ 2,350	\$ -	\$ -	\$ 2,350	\$ 2,350	
Medium Density		\$ 2,861	\$ -	\$ -	\$ 2,861	\$ -	\$ -	\$ 2,861	
Total Revenue/Acre		8,183	3,280	2,350	5,873	3,184	3,023	6,430	
Rank		1	4	7	3	5	6	2	
Total Revenue/Unit/Growth Pattern									
High Density (including mixed use)	\$ 419	\$ 1,173,200	\$ 2,715,120	\$ 181,008	\$ 1,830,192	\$ 2,922,944	\$ 315,088	\$ 1,796,672	
Low Density	\$ 1,461	\$ 635,535	\$ -	\$ 6,435,705	\$ -	\$ -	\$ 6,443,010	\$ 5,354,565	
Medium Density	\$ 731	\$ 2,947,392	\$ -	\$ -	\$ 2,328,966	\$ -	\$ -	\$ 4,500,036	
Total		4,756,127	2,715,120	6,616,713	4,159,158	2,922,944	6,758,098	11,651,273	
Rank		4	7	3	5	6	2	1	

CommunityViz™ Indicators									
Assumption	Default	NPP	NHD	NLD	WPP	WHD	WLD	INF	Units
CI Assumption - Annual Household Energy Use	95	95	95	95	95	95	95	95	million BTU / household / year
CI Assumption - Auto Emissions - CO	226.34	226.34	226.34	226.34	226.34	226.34	226.34	226.34	grams / gallon
CI Assumption - Auto Emissions - CO2	19.56	19.56	19.56	19.56	19.56	19.56	19.56	19.56	lbs / gallon
CI Assumption - Auto Emissions - Hydrocarbons	25.94	25.94	25.94	25.94	25.94	25.94	25.94	25.94	grams / gallon
CI Assumption - Auto Emissions - NOx	16.69	16.69	16.69	16.69	16.69	16.69	16.69	16.69	grams / gallon
CI Assumption - Average Vehicle Trip Length	9.72	9.72	9.72	9.72	9.72	9.72	9.72	9.72	miles
CI Assumption - Daily Household Water Use	282	282	282	282	282	282	282	282	gallons / household / day
CI Assumption - Household Vehicle Trips per Day	5.66	5.66	5.66	5.66	5.66	5.66	5.66	5.66	household vehicle trips / day
CI Assumption - Passenger Car Fuel Efficiency	22.6	22.6	22.6	22.6	22.6	22.6	22.6	22.6	miles / gallon
CI Assumption - Percent Employed	58.41	58.41	58.41	58.41	58.41	58.41	58.41	58.41	percent of population
CI Assumption - Percent School-aged Children	17.4	17.4	17.4	17.4	17.4	17.4	17.4	17.4	percent of population
CI Assumption - Persons per Household	2.61	2.61	2.61	2.61	2.61	2.61	2.61	2.61	persons / household

RESOLUTION 16-02

RESOLUTION RECOMMENDING ADOPTION OF THE 2016 CITY OF BILLINGS GROWTH POLICY – “BILLINGSBEYOND – A GROWTH POLICY FOR BILLINGS” TO THE BILLINGS CITY COUNCIL AT ITS REGULAR BUSINESS MEETING ON JULY 11, 2016.

WHEREAS, the Yellowstone County Board of Planning desires the Billings City Council to adopt the 2016 City of Billings Growth Policy – “BillingsBeyond – A Growth Policy for Billings”; and

WHEREAS, on the 28th day of June, 2016, a public hearing was held by the Yellowstone County Board of Planning for the purpose of receiving public comments on the proposed City of Billings Growth Policy; and

WHEREAS, pursuant to Montana Codes Annotated Section 76-1-601, the Yellowstone County Board of Planning may prepare and propose a Growth Policy for any part of its entire jurisdictional area; and

WHEREAS, pursuant to Montana Codes Annotated Section 76-1-603, the Yellowstone County Board of Planning must recommend, by resolution, the proposed Growth Policy and any proposed ordinances and resolutions for implementing to the governing bodies;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT THE YELLOWSTONE COUNTY BOARD OF PLANNING recommends the Billings City Council adopt the proposed 2016 City of Billings Growth Policy – “BillingsBeyond – A Growth Policy for Billings”.

DONE BY ORDER of the Yellowstone County Board of Planning this 28th day of June, 2016.

YELLOWSTONE COUNTY BOARD OF PLANNING


Darell Tunnicliff, President

ATTEST:


Candi Millar, Executive Secretary

RESOLUTION NO. 16- 10575

RESOLUTION TO ADOPT THE CITY OF BILLINGS 2016 GROWTH POLICY

WHEREAS, pursuant to Title 76, Chapter 1, PART 6, Montana Code Annotated, the Billings City Council desires to adopt a Growth Policy covering the City of Billings and any future annexed land within Yellowstone County Board of Planning jurisdiction;

WHEREAS, the Growth Policy contains those elements listed in subsection (3) §76-1-601, MCA;

WHEREAS, on the 28th day of June, 2016, a public hearing was held by the Yellowstone County Board of Planning for the purpose of receiving public comments on the proposed Growth Policy;

WHEREAS, The Yellowstone County Board of Planning by Resolution 16-02, recommends the Billings City Council adopt the proposed Growth Policy, and;

WHEREAS, The City Council by Resolution 16-10572, intended to adopt the proposed Growth Policy;

NOW, THEREFORE, BE IT HEREBY RESOLVED,

The Billings City Council approves this Resolution to Adopt the 2016 City of Billings Growth Policy and in doing so, also adopts the Growth Statement and Guidelines for the City of Billings, Montana:

City of Billings Growth Policy Statement

In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors

- Infill development and development near existing City infrastructure may be the most cost effective
- Accessible, friendly and cost-effective government are important public values
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- It is important to factor in maintenance costs when programming public spaces and infrastructure
- Integrated, long range water planning that better utilizes existing resources and treatment options, and when necessary acquires new ones, is vital.
- Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community
- A cost/benefit study is important to make cost effective land use decisions

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- Locally grown foods help sustain agriculture, provide healthy options, and support local businesses
- The history and heritage of Billings are cornerstones of our community
- Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods
- Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people

- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community
- Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

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

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods
- Implementation of the Infill Policy is important to encourage development of underutilized properties
- Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community
- Accessory dwellings units provide an important type of affordable housing options if compatible
- Energy efficient housing can reduce energy consumption

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Expanded air service ensures that Billings remains a competitive and an accessible destination
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy
- Continued workforce training benefits the community and helps attract and retain businesses
- Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes

APPROVED AND PASSED by the City Council of the City of Billings this 8th day of August, 2016.

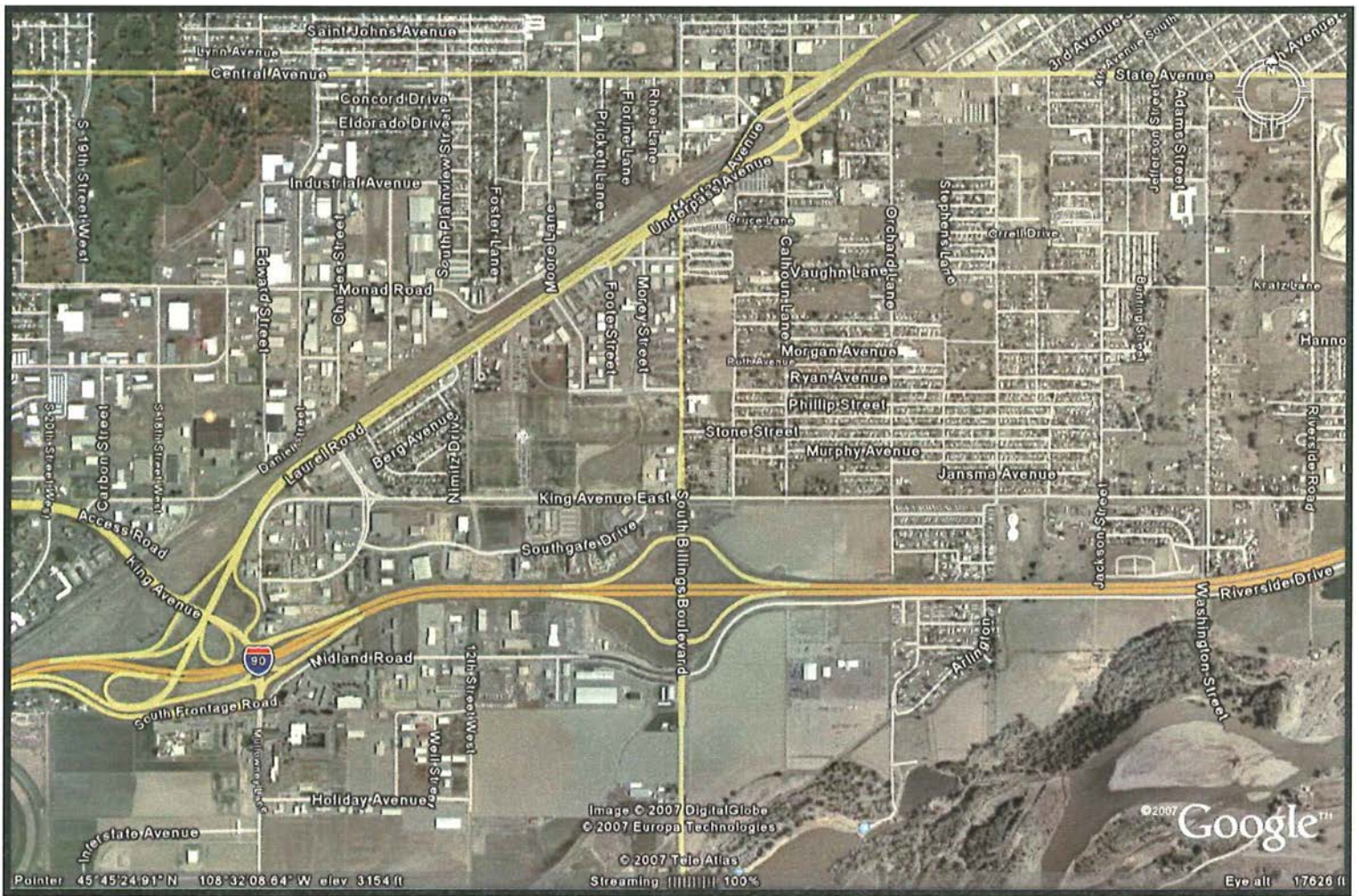
THE CITY OF BILLINGS:

BY: Thomas W. Hanel
THOMAS W. HANEL, MAYOR

ATTEST:
BY: Denise R. Bohman
DENISE R. BOHLMAN, CITY CLERK



Urban Renewal Plan for the South Billings Boulevard Urban Renewal Area



Prepared by the Planning & Community Services Department
Adopted by the Billings City Council on December 8, 2008
Amended by the Billings City Council on July 22, 2019

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- Alan Pomick, Treasurer
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Section 1 - Introduction

On May 12, 2008 the City of Billings adopted an ordinance creating the South Billings Boulevard Urban Renewal District (SBBURD) and established a Tax Increment Finance District. As part of this ordinance, an urban renewal plan and the boundaries of the tax increment finance district were adopted. Public participation for preparing the urban renewal plan involved public meetings and participation with the City of Billings, the Southwest Corridor Neighborhood Task Force, residents and property owners, Downtown Billings Partnership, and Big Sky Economic Development Authority.

In October of 2008, the City began a modification of the SBBURD to include three additional properties. Two of these properties were recently annexed and contiguous to the existing SBBURD; therefore, the properties are now eligible to be included within the SBBURD. The third property is contiguous and requested an expansion of the district boundary. The modification of the urban renewal plan will reflect the addition of those properties.

The December 2008 modification of the urban renewal plan:

- Served as a framework for the official urban renewal plan
- Fulfilled Montana state law
- Updated and define district boundaries
- Classified blight
- Set forth the protocol for its authorization, execution, and management
- Illustrated the development opportunities
- Documented baseline taxable property values and potential areas for redevelopment

The July 2019 amendment of the urban renewal plan will:

- Identify future projects and programs
- Ensure the City has the option to bond future projects
- Update to the 2008 Plan to reflect the 2019 amendment process

Section 2 - Definitions

The following terms have the following meanings unless a different meaning is clearly indicated by the context:

1. "Agency" or "urban renewal agency" means a public agency created by Section 7-15-4232 of the Montana Code Annotated.
2. "Blighted area" means an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs the sound growth of the city or its environs; retards the provision of housing accommodations; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:
 - a. The substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
 - b. Inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;

- c. Inappropriate or mixed uses of land or buildings;
 - d. High density of population and overcrowding;
 - e. Defective or inadequate street layout;
 - f. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
 - g. Excessive landcoverage
 - h. Unsanitary or unsafe conditions;
 - 1. Deterioration of site;
 - J. Diversity of ownership;
 - k. Tax or special assessment delinquency exceeding the fair value of the land;
 - I. Defective or unusual conditions of title;
 - m. Improper subdivision or obsolete platting;
 - n. The existence of conditions that endanger life or property by fire or other causes; or
 - o. Any combination of the factors listed in the subsection (2).
3. "Bonds" means any bonds, notes, or debentures (including refunding obligations) authorized to be issued pursuant to Section 7-15-4300 MCA.
 4. "Clerk" means the clerk or other official of the municipality who is the custodian of the official records of the municipality.
 5. "Local governing body" means the council or other legislative body charged with governing the municipality.
 6. "Mayor" means the chief executive of a city or town.
 7. "Municipality" means any incorporated city or town in the state.
 8. "Redevelopment" may include:
 - a. acquisition of a blighted area or portion of the area;
 - b. demolition and removal of buildings and improvements;
 - c. installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions in accordance with the urban renewal plan; and
 - d. making the land available for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan. If the property is condemned pursuant to Title 70, chapter 30, the private enterprise or public agencies may not develop the condemned area in a way that is not for a public use.
 9. "Urban renewal area" means a blighted area that the local governing body designates as appropriate for an urban renewal project or projects.
 10. "Urban renewal plan" means a plan for one or more urban renewal areas or for an urban renewal project. The plan:
 - a. must conform to the growth policy if one has been adopted pursuant to Title 76, chapter 1; and;
 - b. must be sufficiently complete to indicate, on a yearly basis or otherwise:
 - i. any land acquisition, demolition, and removal of structures; redevelopment; improvements; and rehabilitation that is proposed to be carried out in the urban renewal area;
 - ii. zoning and planning changes, if any, including changes to the growth policy if one has been adopted pursuant to Title 76, chapter 1;
 - iii. land uses, maximum densities, building requirements; and
 - iv. the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

Section 3 - Background

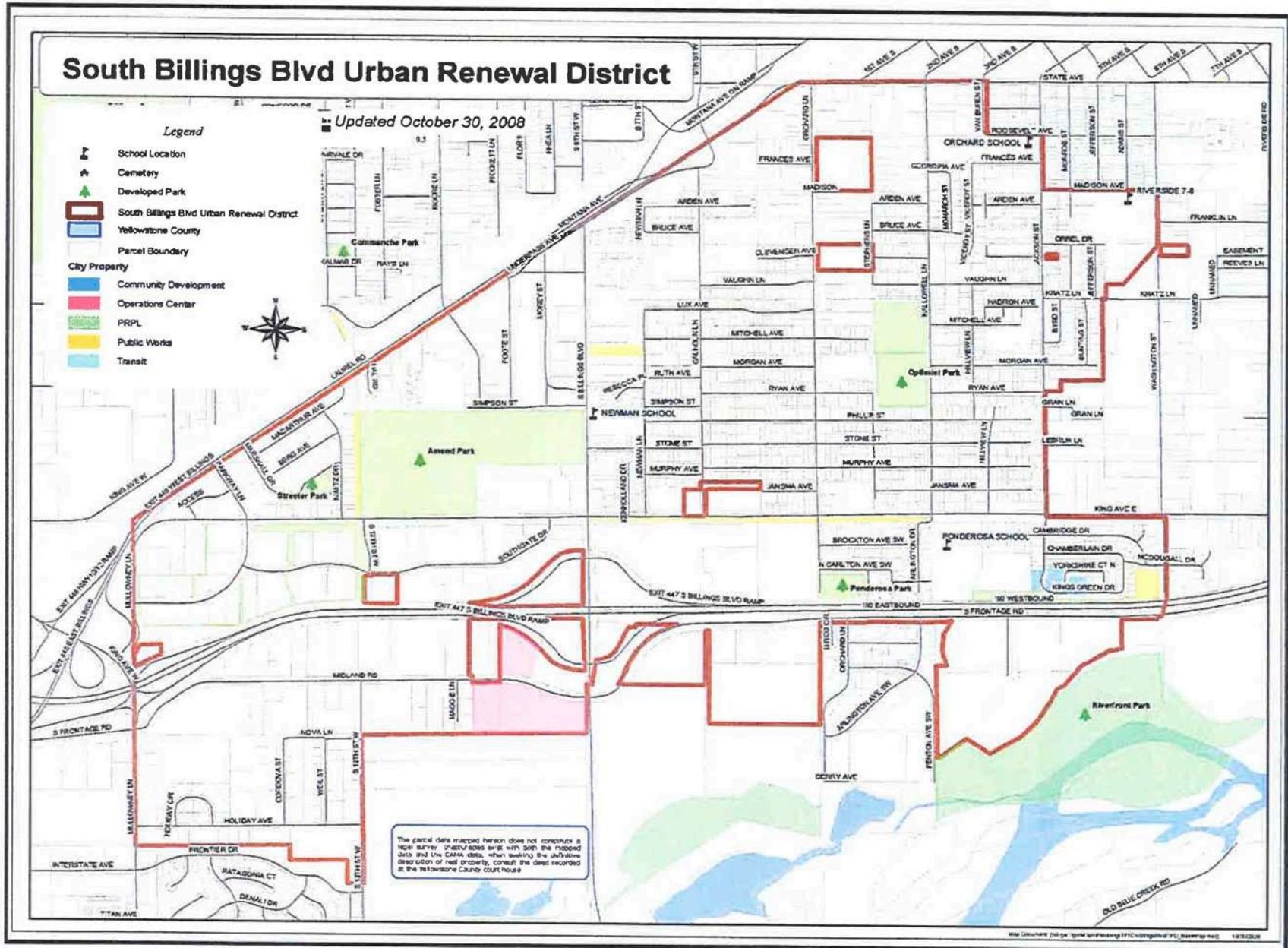
The South Billings Boulevard Urban Renewal District lies within city boundaries, is situated between major transportation routes, and stretches from the east side of the King Avenue Overpass east to Washington Street and from State Avenue South to the city limit boundaries. Located within the district is the I-90/94 Interstate and adjacent north is the major railway line through the city. Map 1 shows the boundaries of the SBBURD.

This district lies within the Southwest Corridor Neighborhood Task Force. The task force was created in the early 1990's in response to the growing problem with the roadway interchanges and associated issues. Since that time, the Task Force has become a more diverse body that handles many issues for the Southwest Billings community. Recent neighborhood issues include the re-opening of the Southgate Cop Shop and the development of Amend Park. Existing land uses and current zoning are shown on Maps 2 and 3.

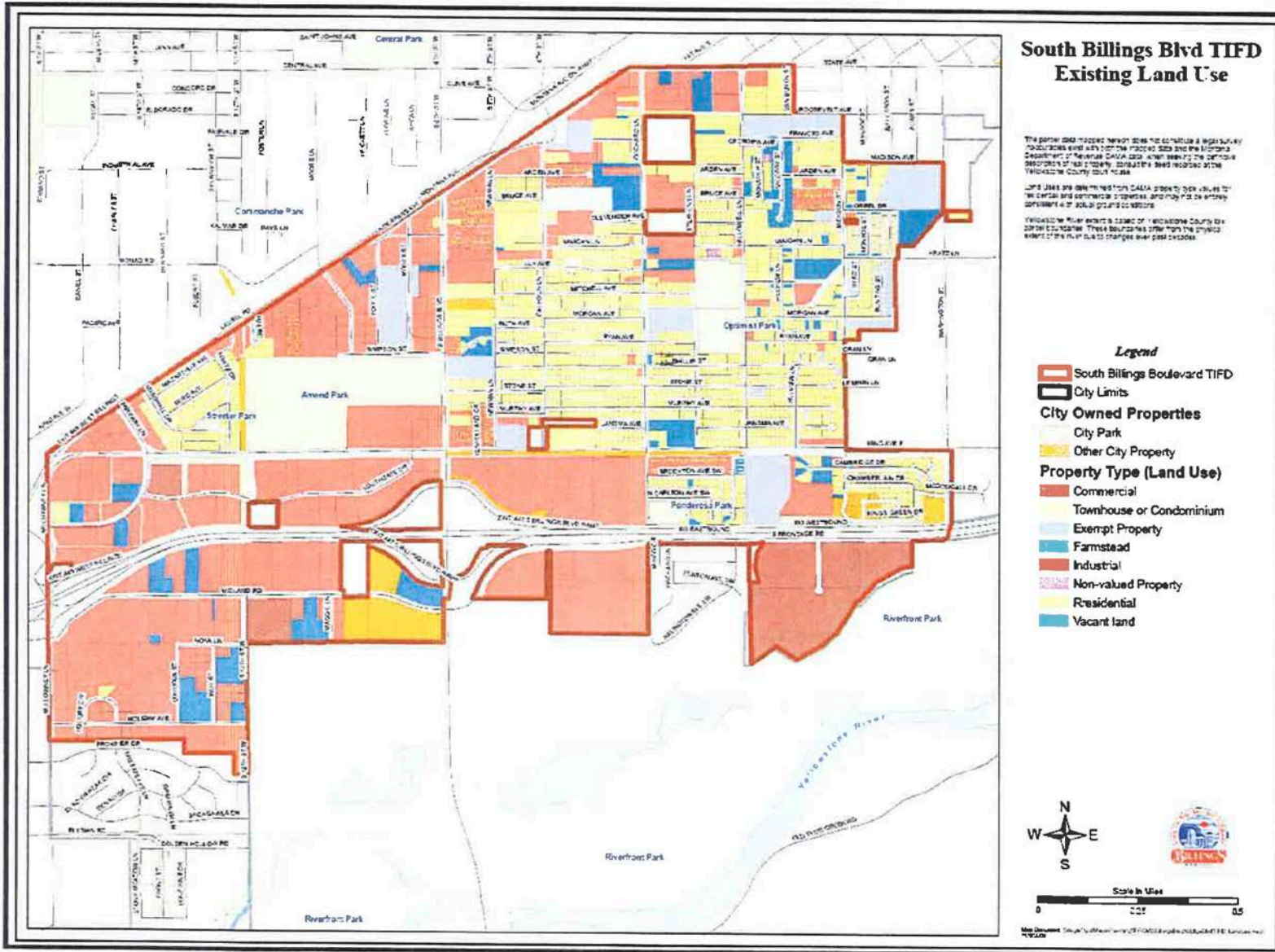
A closer look at this neighborhood shows an established area of mixed residential and commercial uses. This area also includes four schools. Some areas include unimproved streets, no sidewalk, curbs or gutters. In addition, many areas are not served by municipal water and sewer or there is old, inadequate water and sewer infrastructure. Many of the concerns raised by residents within the district center around routes for children to get to school, including bus routes that run on unimproved streets and children walking down the street instead of sidewalks to get to school.

Due to the location, the South Billings Boulevard Urban Renewal District has a tremendous amount of potential to become a major economic force. With the interstate corridor located in this district, the potential exists for this area to become a major destination place for retail, goods and services, manufacturing, and entertainment.

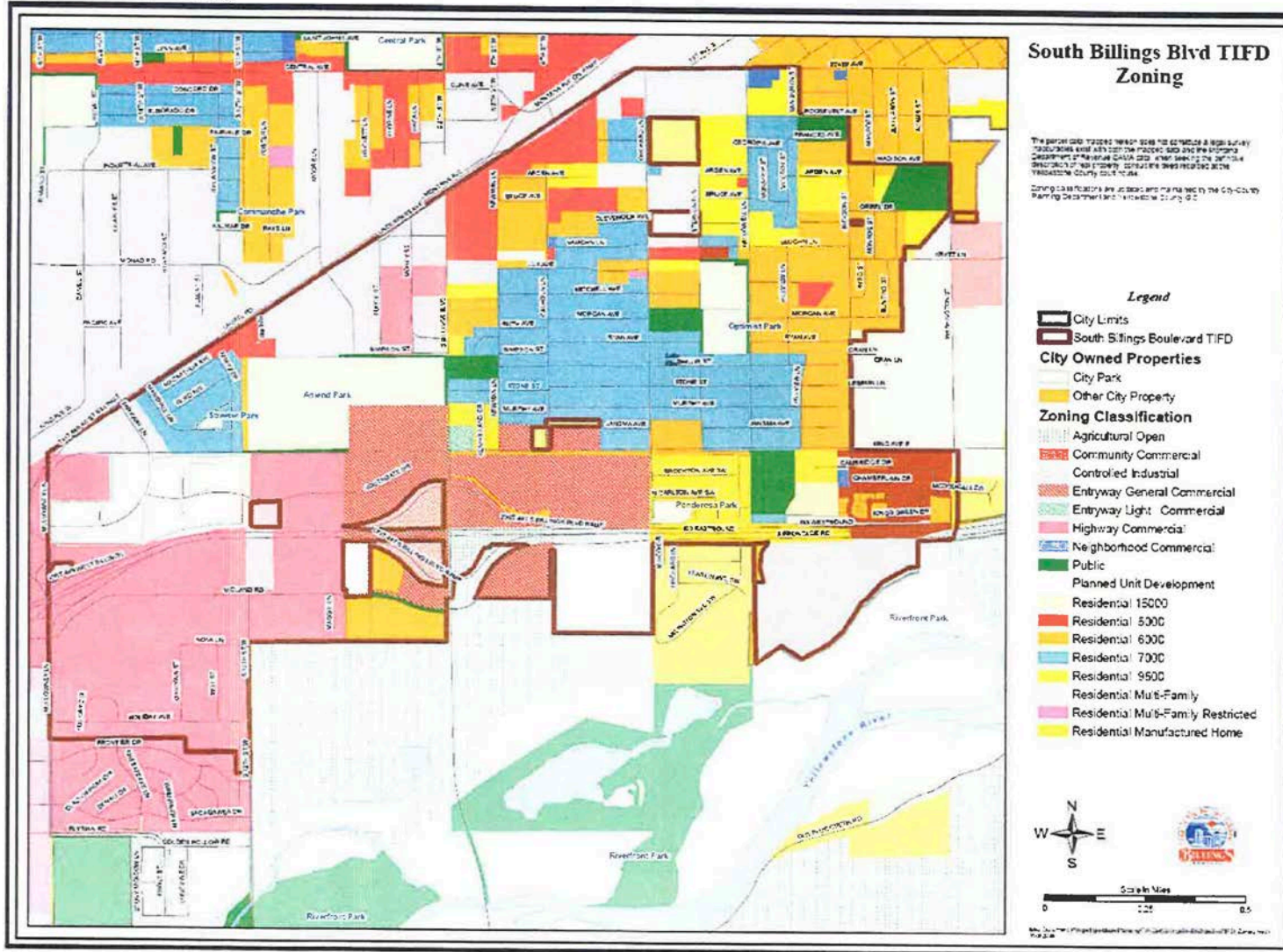
Map 1 – Proposed Boundaries of the District



Map 2 – Existing Land Uses



Map 3 – Current Zoning



Section 4 - Description of Blight

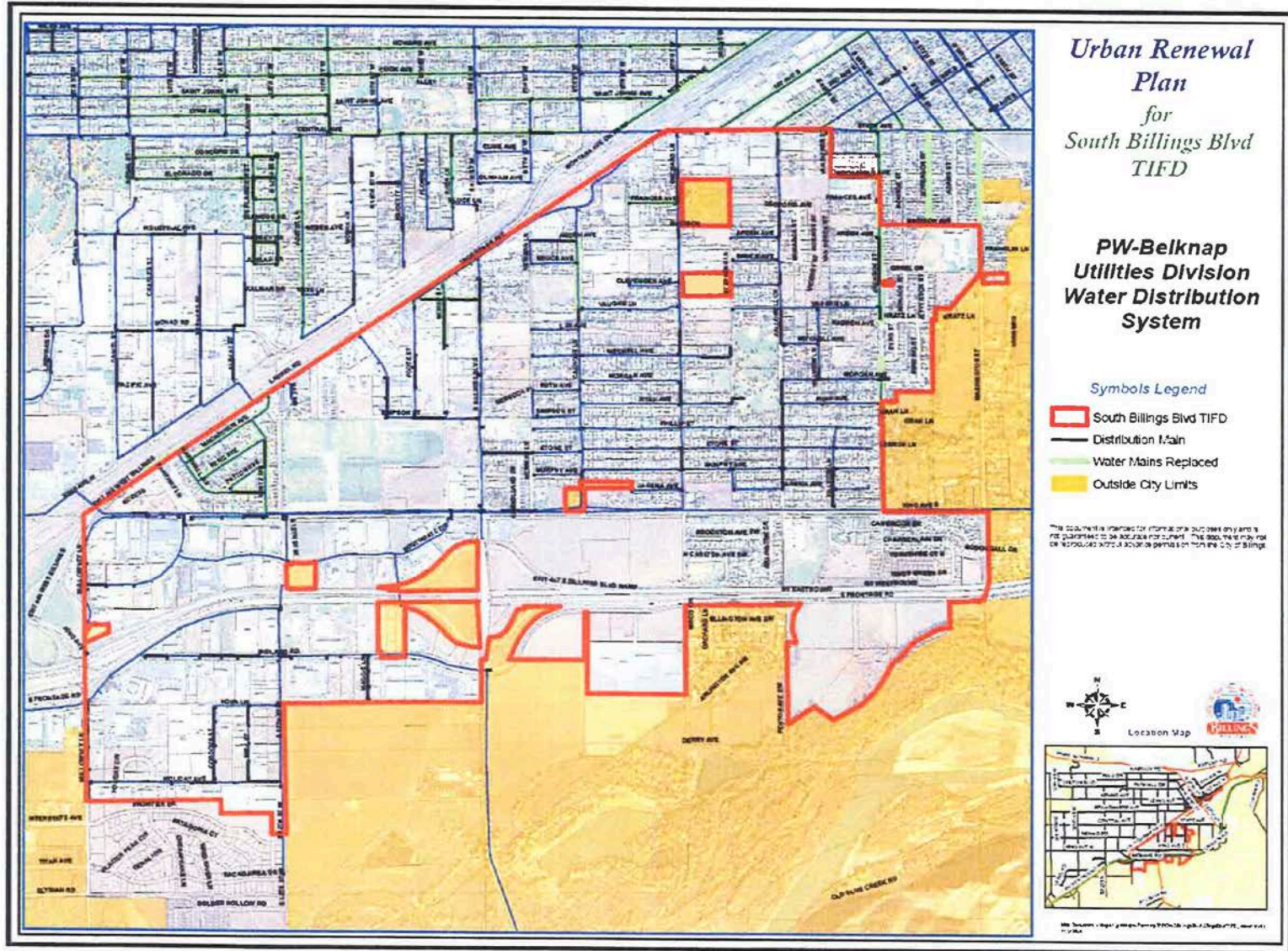
A requirement of Montana Annotated Code 2005 is to justify an urban renewal plan supported through a tax increment finance district through the determination of *blight*. Blight is defined as an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs the sound growth of the city or its environs; retards the provision of housing accommodation; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:

- the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
- inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
- inappropriate or mixed uses of land or buildings;
- high density of population and overcrowding;
- defective or inadequate street layout;
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- excessive land coverage;
- unsanitary or unsafe conditions;
- deterioration of site;
- diversity of ownership
- tax or special assessment delinquency exceeding the fair value of the land;
- defective or unusual conditions of title;
- improper subdivision or obsolete platting;
- the existence of conditions that endanger life or property by fire or other causes;
- any combination of the factors listed

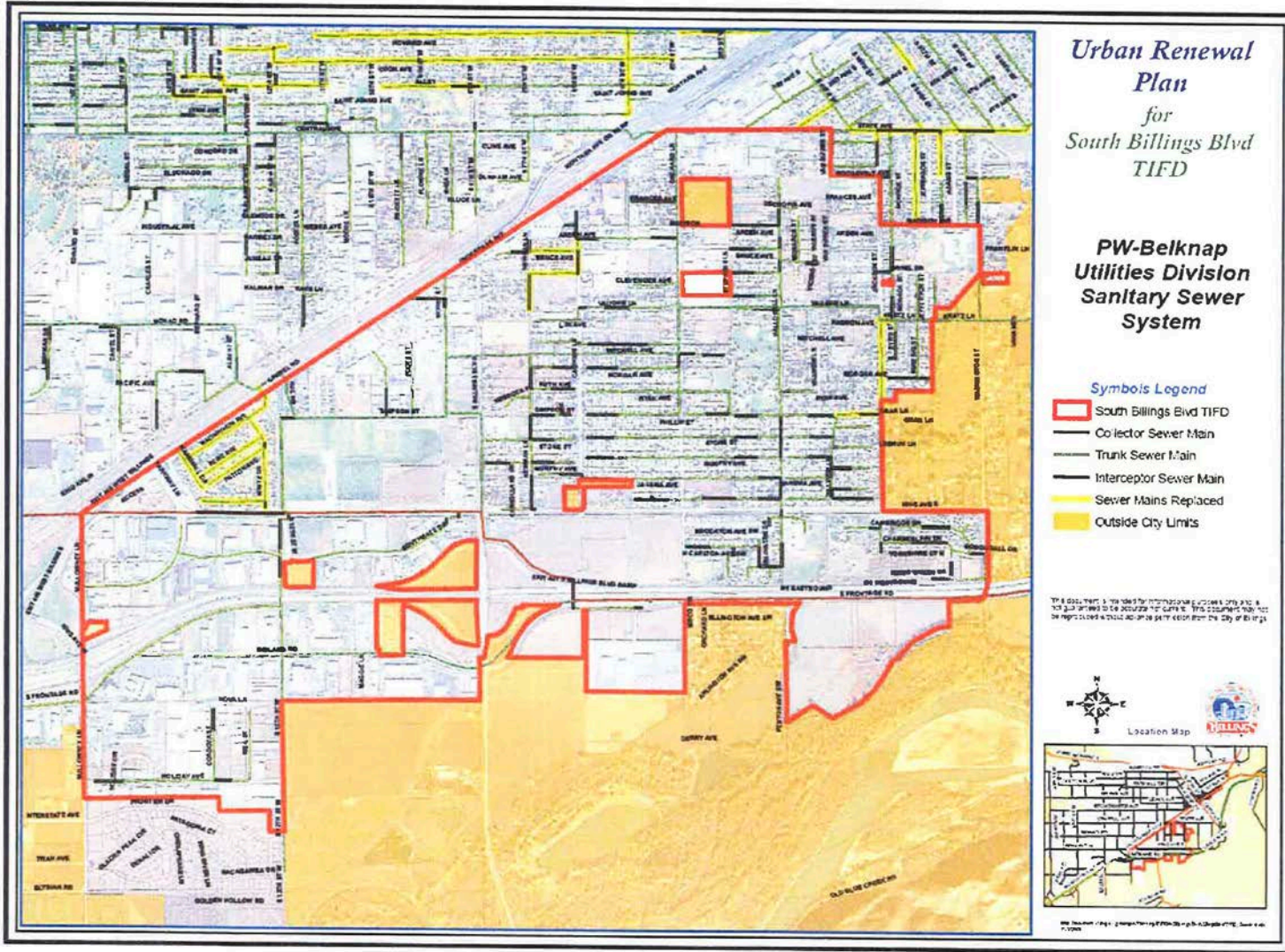
Section 5- Summary of Blight

The area in the proposed district contains a great deal of blight. Within the district there is substantial structural deterioration, long-term land vacancy, and significant infrastructure needs. Several of the commercial buildings in the district are vacant or deteriorated and need demolition. Many of the sidewalks are cracked or nonexistent, alleys are deteriorated, and, in general, much of the area is below city standards. In contrast to the above, there are certain properties within the district in good repair but included in the district to allow for a contiguous block of land within the district; and because pockets of revitalization cannot be sustained if areas of neglect and blight surround them. Over time, without continued managed urban renewal, even these success stories will once again decline in taxable value. Portions of the district fall into the blighted, neglected and under-utilized categories. Maps 4 and 5 show the current infrastructure conditions within the district.

Map 4 – Water Distribution System



Map 5 – Sanitary Sewer System



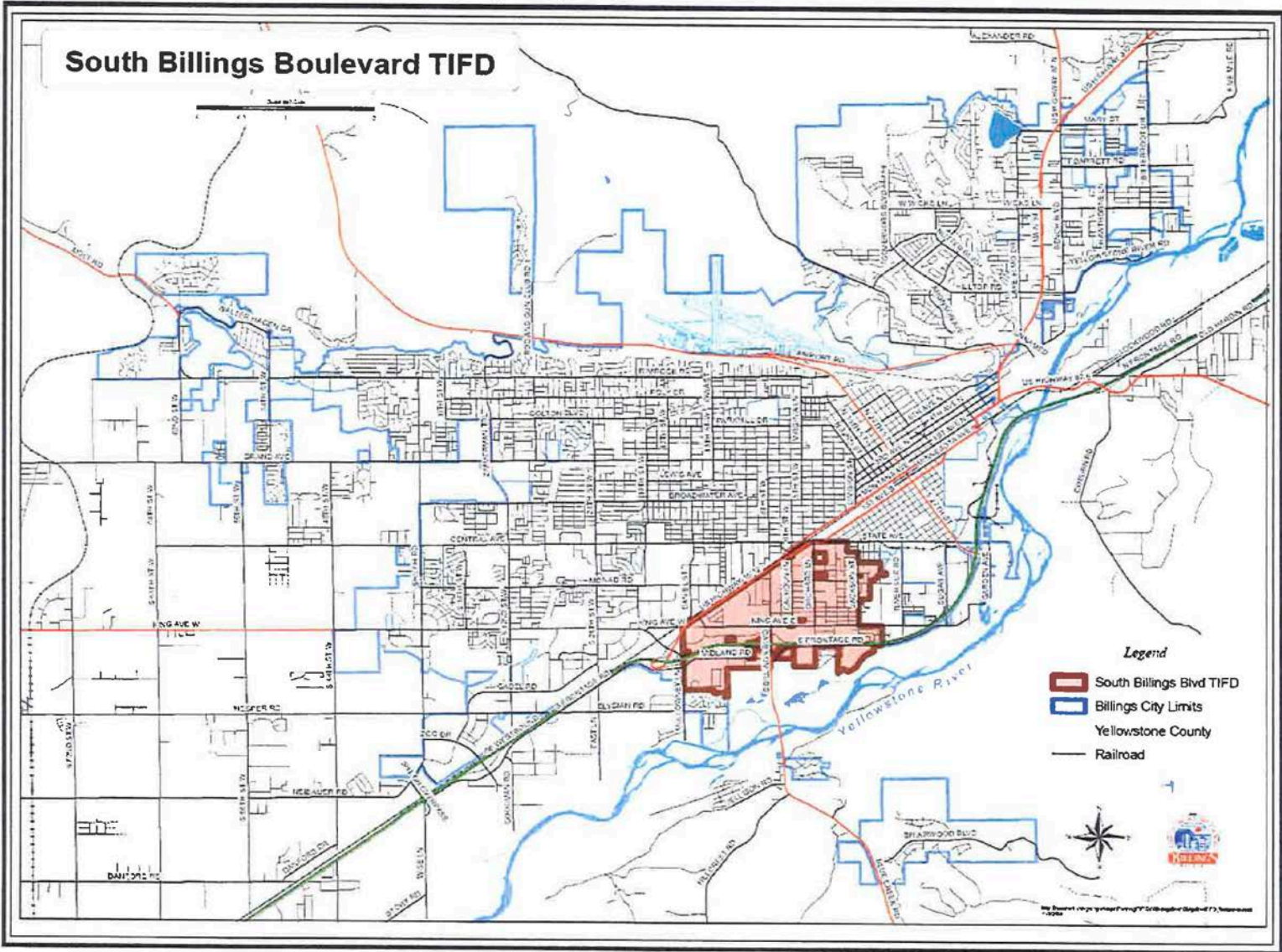
Section 6 - The Site and Its Relationship to the City

The South Billings Boulevard TIFD and Urban Renewal District is located in the south center region of the City of Billings. Bordered by the Interstate Corridor, the main railroad line and principal transportation routes, it is an area where economic development opportunities are numerous. In addition, numerous service, commercial, industrial, parks and recreation and housing choices are located within the district. Map 6 shows the TIFD boundary in relationship to the rest of the city.

Section 7 - Description of the District Boundary

Starting at the intersection of State Avenue and Van Buren Street, extending south down the centerline of Van Buren Street to the intersection of Van Buren Street and Roosevelt Avenue, extending east down the centerline of Roosevelt Avenue to the intersection of Roosevelt Avenue and Jackson Street, extending south down the centerline of Jackson Street to the intersection of Jackson Street and Madison Avenue, extending east down the centerline of Madison Avenue to the intersection of Madison Avenue and Washington Street, extending south down the centerline of Washington Street to the intersection of the centerline of Washington Street and the extension of the northern boundary of Lot 7, Willis Subdivision, extending east along said boundary to the eastern boundary of said lot, extending south along said boundary to the southern boundary of said lot, extending westerly along said boundary and its extension to the centerline of Washington Street, extending north to the existing City of Billings city limit boundary, extending southerly and westerly along the existing city limit boundary to the intersection of Jackson Street and King Avenue East, extending east along the centerline of King Avenue East to the intersection of King Avenue East and Washington Street, extending south along the centerline of Washington Street and its projection across the Interstate 90 right-of-way, to its intersection with South Frontage Road, thence in a westerly direction following the south right-of-way boundary of the South Frontage Road to the intersection of an extension of the east boundary of Riverfront Business Park Subdivision, extending south along eastern boundary of said subdivision to the south boundary of said subdivision, extending southerly and westerly along said boundary to the west boundary of said subdivision, extending northerly and easterly along said boundary and its extension to the south right-of-way boundary of South Frontage Road, extending westerly to the northeast corner of Lot 1, Block 1, Willowbrook Subdivision, thence in a southerly and westerly direction following the existing city limit boundary to a point which intersects with the extension of the southern boundary of Tract 1, C/S 2834, then west along said southern boundary of Tract 1, C/S 2834 and southern boundary of Block 4 of Weil Subdivision to the intersection with the centerline of Mallowney Lane, extending north along the centerline of Mallowney Lane and its projection to the centerline of Laurel Road, extending northeast along the centerline of Laurel Road to its intersection with State Avenue, extending northeast and east along the centerline of State Avenue to the ending point at the intersection of State Avenue and Van Buren Street. Excluding all unincorporated land within the boundary.

Map 6 – Tax Increment Finance District in Relationship to City



Section 8 - Planning Process

Stakeholder and Community Participation

The initial concept of developing a Tax Increment Finance District and an Urban Renewal Plan in the South Billings Boulevard area was brought forward by the City of Billings, Big Sky Economic Development Authority and the Downtown Billings Partnership. After discussions and meetings with the Southwest Corridor Task Force, it was determined that a steering committee would be established to move forward with the development of an Urban Renewal Plan for the creation of the South Billings Boulevard TIF District. After discussions with the participating members, it was apparent that direct communication with business owners, landowners and public participation was critical for the project to be a success. Two public meetings were scheduled to open dialogue on the proposed Urban Renewal Plan and TIF District process, and to set goals and objectives of the project. It also became clear that a grass-roots effort conducted and led by the property owners themselves was needed.

In October of 2008, the city began an urban renewal plan modification process to include 3 additional properties to the district pursuant to Montana Code section 7-15-4221. All property owners affected by the urban renewal plan modification were notified by mail of the public hearing on the Urban Renewal Plan held November 24, 2008.

In May 2019 the City in coordination with the South Billings Urban Renewal Association began the process to amend the South Billings Urban Renewal Plan. All property owners affected by the urban renewal plan amendment were notified by mail of a public meeting to discuss and receive public comment on the Plan amendment on May 30, 2019. All property owners affected by the urban renewal plan amendment were also notified of the public hearing on the Urban Renewal Plan held July 8, 2019.

Urban Renewal Plan

The Urban Renewal Plan is the tool that governs what public improvements are needed and desired within the district. Through public meetings and meetings at the Southwest Corridor Task Force, neighborhood needs and projects were identified.

With input from property owners and the identification of goals and objectives, the City of Billings moved forward with the completion of the Urban Renewal Plan. A draft was reviewed with the property owners and the Southwest Corridor Task Force prior to review by the City of Billings City Council.

The high level of transparency and frequency of meetings has ensured that a large local constituency has been involved, and as many stakeholders as possible participate and approve of the plan.

Eminent Domain

In no case shall eminent domain be used as a tool in the redevelopment of the South Billings Boulevard Urban Renewal District except as a last resort in the case of needed public infrastructure improvements and/or rights-of way.

Residential Relocation Plan

If a residential structure requires relocation as a result of right-of-way acquisition and/or a public infrastructure construction project, that is partially or fully funded with federal assistance (Housing and Urban Development, Federal Highway, etc), the City of Billings shall abide by the Uniform Relocation Assistance Act.

Planning, City Administration and Legal Review

During the many meetings with the local property owners and the Southwest Neighborhood Task Force, it was decided to begin the process of finalizing the urban renewal plan and take it to the city council before the end of 2007. The urban renewal plan was sent to the City Legal Department and City Administration for review and comments. Comments and recommendations from both City Legal and City Administration were taken into account and incorporated into this plan.

The plan was also sent to the Yellowstone County Board of Planning for its review and recommendations regarding the plan's conformity to the 2003 Growth Policy Plan. A recommendation of approval was passed by the Planning Board on October 23, 2007. The plan was then presented at a City Council Work Session on November 5, 2007. The public hearing and first reading of the Ordinance was held by the City Council on November 26, 2007 with the second reading and final adoption on December 10, 2007.

The modification to the SBBURD plan began in October of 2008. On November 10, 2008, the Billings City Council passed a Resolution Declaring Blight, Intent to Modify the District, and Setting a Public Hearing Date. The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council with regard to the plan's conformity with the 2003 Growth Policy on November 12, 2008. The affected property owners were notified of the plan's modification and public hearing notices were published on November 6, 2008 and November 13, 2008 for the first reading and public hearing on the modification of the plan.

The City initiated an amendment to the SBBURD plan in May 2019 to ensure future projects contemplated by the City and also provided by public comments and recommendations would be possible if funded by bonding or directly through tax increment funds generated by the SBBURD. The process to amend the plan has followed the process described in Montana Code as follows: The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council with regard to the plan's conformity with the 2016 Growth Policy on June 25, 2019. The affected property owners were notified by mailed postcard of the plan's modification, and public hearing notices were published on June 28, 2019 and July 5, 2019 for the first reading and public hearing on the plan amendment.

Financial Programming

The City of Billings to ensure a sound and adequate financial program to fund projects has concluded the following: For every \$1 million dollars of increased market value, assuming Class 4 (commercial) property @ 3.01 % taxable rate and a mill levy of\$.55, it is anticipated that an increment value of \$14,500 will be generated yearly.

Modification of SBBURD Plan

The SBBURD may be modified at any time by the City Council as necessary to eliminate and prevent the development or spread of blighted areas, and encourage urban rehabilitation. The process for plan modification shall follow the procedures set forth in 7-15-4212 through 7-15-4219 MCA, with respect to initial adoption of this plan. For purposes of urban renewal district boundary changes only, the notice of public hearing, as described in 7-15-4215 MCA, may only be mailed to those owners whose properties are situated within the area of expansion or contraction of the Urban Renewal District boundaries. In cases where the boundaries are not modified, but the contents of the urban renewal plan are substantially modified, notification shall be mailed to all owners of property within the Urban Renewal District area.

Section 9 - Housing (Conservation of existing affordable housing)

Housing is an important element to the district. Providing the district with housing opportunities is vital to the sustainability of the district. With housing opportunities, individuals and families can live and work within the district. This provides a dual benefit, first the commute to work for individuals will be reduced and second the businesses within the district will have a local work force to draw from.

Current housing in the area consists of single-family, duplex, and multi-family units and include rental units and owner-occupied. Also, manufactured home parks are located within the district. The main concentration of housing is located in the central and eastern portion of the district. During the summer of 2007, the Planning Division developed a map of existing housing conditions within the City of Billings. The information was generated through the Yellowstone County CAMA (Computer Assisted Mass Appraisal) detail system. Properties were queried that were labeled as either unsound, poor, fair or incomplete. This resulted in approximately 2,390 properties within the city limits that met this query. Out of the 2,390, 562 or 24% were located in the SBBURD. Of the 562 residential structures, 7 were rated as unsound, 184 as poor and 371 as fair.

Future housing for the district is encouraged to be developed for the goal of ownership. When rental housing occurs, such facilities shall be developed in connection with mixed-uses and managed by a company that will provide active policy measures to eliminate crime and blight. Approval of multi-family housing will require either a Zone Change or Special Review request that requires approval by the City Council.

Housing in the area shall also be designed to cater to a variety of income demographics as well. All current affordable housing needs in the district shall be accounted for through the development of owned and rental housing that remain within the district. Housing for mid- and higher level income groups shall also be encouraged. To avoid creation of substandard housing or encourage future blight, mixed-use housing developments shall incorporate all income demographics within the same project in a safe and positive way.

Section 10 - Transportation and Pedestrian Circulation

The transportation and circulation situation in the TIF district should be a major focus during redevelopment of the area. Traffic patterns and access issues can affect the function and livability of a community or neighborhood.

During discussions and public meetings, it was apparent the current street conditions and lack of adequate transportation and pedestrian facilities was a high priority for property owners. The majority

of traffic that comes into the district is either pass-through or destination traffic to the major transportation routes located within the district. In addition, the lack of sidewalk and pedestrian routes is a concern with the number of schools and parks located in the district. Safe and attractive pedestrian amenities, such as sidewalks, boulevards, crosswalks, improved signage and shelters or benches would greatly enhance pedestrian experiences.

Section 11 - Public Services and Facilities

Currently there are four public schools located within the district; three elementary schools and one middle school. A concern mentioned many times by residents was the lack of sidewalks for school children to get to school. It was observed that many students are walking directly in the street due to a lack of sidewalks. The creation of a Safe Routes to School Plan should be created to address this concern. In addition to schools, there are several developed parks located in the district. Amend Park provides a multi-use facility for soccer and rugby as well as picnic sites and shelters. Optimist Park has a variety of amenities that include basketball courts, jogging trails, playground, softball and baseball fields and picnic areas. Ponderosa Park provides horseshoe courts, playground, softball and baseball fields and soccer and rugby fields. The City of Billings also provides services to the district with MET Transit and the Southgate Cop Shop. Currently two MET routes serve the neighborhood; the Central and the Southside Loop. Both of these routes travel to and from the Stewart Park and Downtown Transfer Centers. The Southgate Cop Shop was reopened in May of 2007 and operates on Monday, Wednesday and Friday from 4 - 7 p.m. The station is a neighborhood police contact center currently staffed by volunteers. Residents are encouraged to use the Cop Shop to report crimes, suspicious activities or obtain information and assistance.

Section 12 - Infrastructure and Utilities

The district has infrastructure and utilities deficiencies that need to be addressed prior to any large influx of redevelopment or new building construction. Water and sewer conditions need to be addressed due to out of date installations, inadequate lines, or increases in impacts to existing structures.

The storm water drainage situation is particularly troublesome as many areas either have inadequate storm water facilities or none at all.

By upgrading infrastructure and utilities, therein lies the opportunity for more attractive development opportunities.

Section 13 - Urban Renewal Projects and Programs

The Urban Renewal Projects were identified by property owners within the district during the public meetings at the time the Plan was first adopted in 2008 and also during the amendment process in 2019. Information for the 2008 Plan adoption process utilized the Southwest Corridor Task Force meetings and delivery through comments mailed to the Planning Division. For the 2019 amendment process, a public meeting was held at Orchard Elementary School on May 30, 2019 where projects ideas and comments were collected, as well as at the South Billings Urban Renewal Association meeting on June 4, 2019. It is the City's intent to use Tax Increment to finance public improvement projects. In addition to TIF financing, the City may also use Special Improvement District financing as well as grant funding through but not limited to, the Community Development Block Grant Program. By combining funding opportunities, more projects will be able to be completed.

The project and program list below encompasses both items included in the 2008 Plan as well as the new project recommendations for the 2019 Plan amendment. The items are identified by the year:

2008 Project and Program Recommendations:

Project: Traffic calming measures on Calhoun and Orchard Streets.

Project: Street improvements on Newman Drive between Simpson and Stone Streets, install curb and gutter.

Project: Pave, curb and gutter on Simpson from Calhoun to Newman.

Project: Widen, curb and gutter (where needed) and repave Calhoun the full length. Project: Widen, curb and gutter (where needed) and repave Orchard the full length. Project: Widen, curb and gutter (where needed) and repave Hallowell the full length.

Project: Widen, curb and gutter and install bike path or sidewalk the full length of King Avenue East from Parkway to Riverside Drive.

Project: Safety to school plan.

Project: Crosswalks within the district (where needed).

Project: Sidewalks within the district (where needed).

Project: Street lights along King Avenue East.

Project: Street widening at Optimist Park.

Project: 4100 Block of Vaughn Street - sidewalk.

Project: 4100 Block of Vaughn - public sewer needed, drainfields failing. Project: Bike/pedestrian routes along King Avenue.

Project: Sewer improvements on South Billings Boulevard from Mitchell north to Underpass Road. Sewer line currently runs east under adjoining residential development.

Project: Repave Morgan Avenue between Hallowell Lane and Jackson Street include sidewalks, street lights.

Project: Install public sewer along Morgan Avenue that includes storm water improvements. Project: More bike trails throughout neighborhood.

Project: Park improvements for Little League and soccer leagues.

Project: Community Resource Officer within the neighborhood to steer kids away from drugs and promote a safe neighborhood.

Project: Pave Newman Lane behind Newman Elementary School.

Project: Storm water improvement at the Northeast corner of Phillip and

Hallowell. Project: Need school zone signage at Newman Elementary School.

Project: Installation and improvement of municipal water and sewer lines within the district. Project: Installation of sidewalks on Jackson Street (where needed).

Project: Stop light at South Billings Boulevard and Midland Road.

Project: Neighborhood wide traffic study for traffic calming strategies.

Project: Assess adequacy of fire hydrants throughout the neighborhood and add fire hydrants as needed.

Project: Traffic light at State Avenue and Hallowell Lane.

Project: Continuation of street lights on Jackson to King Avenue.

In addition to property owner identification of projects for the district, the City of Billings Public Works Department has several ongoing or future infrastructure projects scheduled. These projects include the following:

- Orchard Lane - Replacement of a water main in Orchard Lane from just south of King Avenue East to Underpass Avenue. This project is scheduled for the spring or fall of 2009.
- Calhoun Lane – Replacement of water main in Calhoun Lane from King Avenue East to Underpass Avenue. This project could be scheduled for 2010 or 2011.
- Jackson Street - Jackson Street is split into two phases. The first phase will provide sidewalk and drive approaches on the west side of Jackson Street from King Avenue East to Ryan Avenue. The second phase will provide drive approaches, sidewalk, curb and gutter, and ADA ramps along both sides of Jackson Street from State Avenue to Kratz Lane. These

phases are programmed in the FY 2009 Budget

- Newman Lane and Bruce Avenue - Sanitary sewer rehabilitation work was completed in the TIF district in 2007 at Newman Lane and Bruce Avenue.

2019 Project and Program Recommendations:

Parks & Recreational Amenities – Construct and enhance public facilities that will increase the quality or quantity of parks and recreational activities within the District. This may include, but is not limited to, a recreation center, swimming pool, ice arena, indoor and outdoor park development, and other amenities.

Public Safety – Construction of Police or Fire facilities within the District, to include necessary furnishings for such facilities.

Railroad Infrastructure – Coordinate with BNSF Railway and Montana Rail Link on safety and long-term viability of railroad crossings and corridors in the District and cooperate on projects with the railroads and City of Billings.

Walking Paths and Trails – Construct sidewalks, trails and pathways throughout the District with landscaping to ensure the safety of children and all pedestrians, as well as provide access to neighborhoods and services.

Transportation Corridor Improvements – Construct and reconstruct transportation infrastructure in the District to include streets, sidewalks, lighting, traffic control, multi-purpose side paths, landscaping, water, sewer, stormwater, and transit access projects.

School and Community Services – Assist in funding projects and programs in the District to enhance school playgrounds and athletic fields, health and wellness programs, access to community meeting and activity spaces, and other efforts that improve access to school and community services.

Section 14 - Identified Projects and Programs in Relationship to the Goals and Objectives Respective to the 2016 City of Billings Growth Policy

One of the requirements of Montana's Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43, MCA) is that the urban renewal plan must conform to the community's growth policy. The 2016 City of Billings Growth Policy ("Growth Policy") refers to and promotes economic development and urban renewal in a variety of ways. The preceding list of urban renewal goals listed in Section 13 are relevant to the Growth Guidelines identified in the Growth Policy in the following areas:

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City

- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure may be the most cost effective
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

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

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Implementation of the Infill Policy is important to encourage development of underutilized properties

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Homes that are safe and sound support a healthy community

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy

Section 15 - Neighborhood Planning

Another tool that is expected to be used in the future to address current conditions within the district and the identification of neighborhood needs will be accomplished through the creation of a Neighborhood Plan. A neighborhood plan may be drafted for this area of Billings in the next three or four years based on available funding. The purpose of the neighborhood plan is to assist residents, governing agencies, planners and developers in making the right choices when determining future growth patterns and development within the neighborhood. The plan also encourages local government, developers and businesses to discuss future land use decisions with neighborhood residents and business owners prior to the proposed land use change. The neighborhood plan is not a regulatory document; instead, it is adopted by the City Council and the Board of County Commissioners as an implementation strategy and is part of the City of Billings and Yellowstone County Growth Policy as an advisory document. The neighborhood plan would be implemented through the City's Capital Improvement Program Planning and by the Southwest Corridor Neighborhood Task Force.

The plan would include general and specific recommendations that reflect the values of the community, encourage sound decision-making, and empower people to take action. The plan also includes realistic implementation strategies that involve both private and public actions, as well as regulatory decisions.

Section 16- Conclusion

The South Billings Boulevard Urban Renewal District has a tremendous amount of potential to become a viable and reliable economic engine. The district has a great potential to become a destination place where Billings residents, business owners, and visitors will purposefully go to conduct business, have goods and services manufactured and enjoy recreation and leisure activities. At the end of the life of this TIFD program it is the hope of all involved that this area of Billings will be a wonderful place to live, work and play far into the future.

ORDINANCE 19-5725

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE SOUTH BILLINGS BOULEVARD URBAN RENEWAL PLAN FOR THE SOUTH BILLINGS BOULEVARD URBAN RENEWAL DISTRICT (SBBURD), FORMED BY THE CITY IN NOVEMBER 2007 AND EXPANDED IN NOVEMBER 2008, BE AMENDED BY REVISING SECTIONS 1, 8, 13 AND 14, PROVIDING FOR ADDITIONAL PROJECTS TO BE FUNDED AND CONSTRUCTED IN THE FUTURE IN THE SBBURD, AS WELL AS UPDATING THE PLAN TO REFLECT THE AMENDMENT PROCESS.

WHEREAS, this Council on May 12, 2008, established the South Billings Boulevard Urban Renewal District and adopted the South Billings Boulevard Urban Renewal Plan under Ordinance 08-5462,

WHEREAS, this Council on December 8, 2008, modified the South Billings Boulevard Urban Renewal District and modified the South Billings Boulevard Urban Renewal Plan under Ordinance 08-5484,

WHEREAS, opportunities have been presented to the City that make it desirable for the City to amend the South Billings Boulevard Urban Renewal Plan to enable further development and redevelopment of properties, demolishing blighted structures, improving such properties with, landscaping, utilities, and other similar improvements, assembling such properties, and making the properties so improved available for private redevelopment.

WHEREAS, the City Council has made amendments to the South Billings Boulevard Urban Renewal Plan as outlined in this Ordinance and as attached as Exhibit A.

WHEREAS, the South Billings Boulevard Urban Renewal Plan has been reviewed and approved by the Yellowstone County Board of Planning, as evidenced by the Board's letter provided to the City Council and the meeting minutes of June 25, 2019.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That Section 1 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

On May 12, 2008 the City of Billings adopted an ordinance creating the South Billings Boulevard Urban Renewal District (SBBURD) and established a Tax Increment Finance District. As part of this ordinance, an urban renewal plan and the boundaries of the tax increment finance district were adopted.

Public participation for preparing the urban renewal plan involved public meetings and participation with the City of Billings, the Southwest Corridor Neighborhood

Task Force, residents and property owners, Downtown Billings Partnership, and Big Sky Economic Development Authority.

In October of 2008, the City began a modification of the SBBURD to include three additional properties. Two of these properties were recently annexed and contiguous to the existing SBBURD; therefore, the properties are now eligible to be included within the SBBURD. The third property is contiguous and requested an expansion of the district boundary. The modification of the urban renewal plan will reflect the addition of those properties.

The [December 2008](#) modification of the urban renewal plan will:

- Served as a framework for the official urban renewal plan
- Fulfilled Montana state law
- Updated and define district boundaries
- Classified blight
- Set forth the protocol for its authorization, execution, and management
- Illustrated the development opportunities
- Documented baseline taxable property values and potential areas for redevelopment

[The July 2019 amendment of the urban renewal plan will:](#)

- [Identify future projects and programs](#)
- [Ensure the City has the option to bond future projects](#)
- [Update to the 2008 Plan to reflect the 2019 amendment process](#)

Section 8. That Section 8 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

Stakeholder and Community Participation

The initial concept of developing a Tax Increment Finance District and an Urban Renewal Plan in the South Billings Boulevard area was brought forward by the City of Billings, Big Sky Economic Development Authority and the Downtown Billings Partnership. After discussions and meetings with the Southwest Corridor Task Force, it was determined that a steering committee would be established to move forward with the development of an Urban Renewal Plan for the creation of the South Billings Boulevard TIF District. After discussions with the participating members, it was apparent that direct communication with business owners, landowners and public participation was critical for the project to be a success. Two public meetings were scheduled to open dialogue on the proposed Urban Renewal Plan and TIF District

process, and to set goals and objectives of the project. It also became clear that a grass-roots effort conducted and led by the property owners themselves was needed.

In October of 2008, the city began an urban renewal plan modification process to include 3 additional properties to the district pursuant to Montana Code section 7-15-4221. All property owners affected by the urban renewal plan modification were notified by mail of the public hearing on the Urban Renewal Plan held November 24, 2008.

[In May 2019 the City in coordination with the South Billings Urban Renewal Association began the process to amend the South Billings Urban Renewal Plan. All property owners affected by the urban renewal plan amendment were notified by mail of a public meeting to discuss and receive public comment on the Plan amendment on May 30, 2019. All property owners affected by the urban renewal plan amendment were also notified of the public hearing on the Urban Renewal Plan held July 8, 2019.](#)

Planning, City Administration and Legal Review

During the many meetings with the local property owners and the Southwest Neighborhood Task Force, it was decided to begin the process of finalizing the urban renewal plan and take it to the city council before the end of 2007. The urban renewal plan was sent to the City Legal Department and City Administration for review and comments. Comments and recommendations from both City Legal and City Administration were taken into account and incorporated into this plan.

The plan was also sent to the Yellowstone County Board of Planning for its review and recommendations regarding the plan's conformity to the 2003 Growth Policy Plan. A recommendation of approval was passed by the Planning Board on October 23, 2007. The plan was then presented at a City Council Work Session on November 5, 2007. The public hearing and first reading of the Ordinance was held by the City Council on November 26, 2007 with the second reading and final adoption on December 10, 2007.

The modification to the SBBURD plan began in October of 2008. On November 10, 2008, the Billings City Council passed a Resolution Declaring Blight, Intent to Modify the District, and Setting a Public Hearing Date. The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council with regard to the plan's conformity with the 2003 Growth Policy on November 12, 2008. The affected property owners were notified of the plan's modification and public hearing notices were published on November 6, 2008 and November 13, 2008 for the first reading and public hearing on the modification of the plan.

[The City initiated an amendment to the SBBURD plan in May 2019 to ensure future projects contemplated by the City and also provided by public comments and recommendations would be possible if funded by bonding or directly through tax](#)

increment funds generated by the SBBURD. The process to amend the plan has followed the process described in Montana Code as follows: The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council with regard to the plan's conformity with the 2016 Growth Policy on June 25, 2019. The affected property owners were notified by mailed postcard of the plan's modification, and public hearing notices were published on June 28, 2019 and July 5, 2019 for the first reading and public hearing on the plan amendment.

Section 13. That Section 13 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

Section 13 - Urban Renewal Projects and Programs

The Urban Renewal Projects were identified by property owners within the district during the public meetings at the time the Plan was first adopted in 2008 and also during the amendment process in 2019. Information for the 2008 Plan adoption process utilized the Southwest Corridor Task Force meetings and delivery through comments mailed to the Planning Division. For the 2019 amendment process, a public meeting was held at Orchard Elementary School on May 30, 2019 where projects ideas and comments were collected, as well as at the South Billings Urban Renewal Association meeting on June 4, 2019. It is the City's intent to use Tax Increment to finance public improvement projects. In addition to TIF financing, the City may also use Special Improvement District financing as well as grant funding through but not limited to, the Community Development Block Grant Program. By combining funding opportunities, more projects will be able to be completed.

The project and program list below encompasses both items included in the 2008 Plan as well as the new recommendations for the 2019 Plan amendment. The items are identified by the year:

2008 Project and Program Recommendations:

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Project: Street improvements on Newman Drive between Simpson and Stone Streets, install curb and gutter.

Project: Pave, curb and gutter on Simpson from Calhoun to Newman.

Project: Widen, curb and gutter (where needed) and repave

Calhoun the full length. Project: Widen, curb and gutter (where

needed) and repave Orchard the full length. Project: Widen, curb and gutter (where needed) and repave Hallowell the full length.

Project: Widen, curb and gutter and install bike path or sidewalk the full length of King Avenue East from Parkway to Riverside Drive.

Project: Safety to school plan.

Project: Crosswalks within the district (where needed). Project: Sidewalks within the district (where needed).

Project: Street lights along King Avenue East. Project: Street widening at Optimist Park.

Project: 4100 Block of Vaughn Street - sidewalk.

Project: 4100 Block of Vaughn - public sewer needed, drainfields failing. Project: Bike/pedestrian routes along King Avenue.

Project: Sewer improvements on South Billings Boulevard from Mitchell north to Underpass Road. Sewer line currently runs east under adjoining residential development.

Project: Repave Morgan Avenue between Hallowell Lane and Jackson Street include sidewalks, street lights.

Project: Install public sewer along Morgan Avenue that includes storm water improvements. Project: More bike trails throughout neighborhood.

Project: Park improvements for Little League and soccer leagues.

Project: Community Resource Officer within the neighborhood to steer kids away from drugs and promote a safe neighborhood.

Project: Pave Newman Lane behind Newman Elementary School.

Project: Storm water improvement at the Northeast corner of Phillip and Hallowell. Project: Need school zone signage at Newman Elementary School.

Project: Installation and improvement of municipal water and sewer lines within the district. Project: Installation of sidewalks on Jackson Street (where needed).

Project: Stop light at South Billings Boulevard and Midland Road. Project: Neighborhood wide traffic study for traffic calming strategies.

Project: Assess adequacy of fire hydrants throughout the neighborhood and add fire hydrants as needed.

Project: Traffic light at State Avenue and Hallowell Lane. Project: Continuation of street lights on Jackson to King Avenue.

In addition to property owner identification of projects for the district, the City of Billings Public Works Department has several ongoing or future infrastructure projects scheduled. These projects include the following:

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- Calhoun Lane – Replacement of water main in Calhoun Lane from King Avenue East to Underpass Avenue. This project could be scheduled for 2010 or 2011.
- Jackson Street - Jackson Street is split into two phases. The first phase will provide sidewalk and drive approaches on the west side of Jackson Street from King Avenue East to Ryan Avenue. The second phase will provide drive approaches, sidewalk, curb and gutter, and ADA ramps along both sides

of Jackson Street from State Avenue to Kratz Lane. These phases are programmed in the FY 2009 Budget

- Newman Lane and Bruce Avenue - Sanitary sewer rehabilitation work was completed in the TIF district in 2007 at Newman Lane and Bruce Avenue.

2019 Project and Program Recommendations:

Parks & Recreational Amenities – Construct and enhance public facilities that will increase the quality or quantity of parks and recreational activities within the District. This may include, but is not limited to, a recreation center, swimming pool, ice arena, indoor and outdoor park development, and other amenities.

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Railroad Infrastructure – Coordinate with BNSF Railway and Montana Rail Link on safety and long-term viability of railroad crossings and corridors in the District and cooperate on projects with the railroads and City of Billings.

Walking Paths and Trails – Construct sidewalks, trails and pathways throughout the District with landscaping to ensure the safety of children and all pedestrians, as well as provide access to neighborhoods and services.

Transportation Corridor Improvements – Construct and reconstruct transportation infrastructure in the District to include streets, sidewalks, lighting, traffic control, multi-purpose side paths, landscaping, water, sewer, stormwater, and transit access projects.

School and Community Services – Assist in funding projects and programs in the District to enhance school playgrounds and athletic fields, health and wellness programs, access to community meeting and activity spaces, and other efforts that improve access to school and community services.

Section 14. That Section 14 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

Section 14 - Identified Projects and Programs in Relationship to the Goals and Objectives Respective to the 2016 City of Billings-County Growth Policy-Plan

One of the requirements of Montana's Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43, MCA) is that the urban renewal plan must conform to the community's growth policy. The Yellowstone County and 2016 City of Billings 2003 Growth Policy Plan—"Growth Policy") refers to and promotes economic

development and urban renewal in a variety of ways. The preceding list of urban renewal goals listed in Section 13 are relevant to the goals-Growth Guidelines identified in the Growth Policy in the following elementsareas:

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure may be the most cost effective
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings

- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

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

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Implementation of the Infill Policy is important to encourage development of underutilized properties

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Homes that are safe and sound support a healthy community

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation

- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy

PASSED by the City Council on first reading this 8th day of July, 2019.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of July, 2019.

CITY OF BILLINGS:



By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk

YELLOWSTONE COUNTY BOARD OF PLANNING

PLANNING AND COMMUNITY SERVICES DEPARTMENT
2825 3RD AVENUE NORTH, 4TH FLOOR
BILLINGS, MONTANA 59101
PHONE: (406)247-8676 FAX: (406) 657-8327



April 13, 2021

Mayor and City Council
City of Billings, Montana

RE: South Billings Boulevard Urban Renewal District Expansion

As President of the Yellowstone County Board of Planning, I am forwarding the Board's recommendation for the proposed expansion of the South Billings Boulevard Urban Renewal District and modification of the Urban Renewal Plan. On March 23, 2021, per MCA 7-15-4213 (5)(d) the Planning Board reviewed the proposed expansion of the District and modification of the Plan as to conformity with the 2016 City of Billings Growth Policy. The Planning Board voted to forward a recommendation to City Council of approval of the expanded District and Plan modification and their conformity with the Growth Policy.

This item was posted on the Planning Board agenda for its regular meeting held March 23, 2021. The Yellowstone County Board of Planning reviewed the proposed expansion of the South Billings Boulevard Urban Renewal District and Plan modification and found the changes conformed with the 2016 City of Billings Growth Policy. Specifically, several Growth Policy Guidelines are addressed by potential development and redevelopment that may occur on properties to be included in the District expansion. Some examples are called out here by the Board:

Essential Investments (relating public and private expenditures to public values)

- *Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community*
- *Walking Paths and Trails – Construct sidewalks, trails and pathways throughout the District with landscaping to ensure the safety of children and all pedestrians, as well as provide access to neighborhoods and services.*
- *The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans*
- *Infill development and development near existing City infrastructure may be the most cost-effective*
- *Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable*

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- *Planning and construction of interconnected sidewalks and trails are important to the livability of Billings*

Home Base (healthy, safe and diverse housing options)

- *A mix of housing types that meet the needs of a diverse population is important*

The Board respectfully submits this recommendation to the City of Billings Mayor and City Council for consideration.

Respectfully Yours,

Woody Woods, President
Yellowstone County Board of Planning

Planning Board

Date: 04/13/2021
Title: Yellowstone Landing Commercial Park Subdivision - Preliminary Major Plat
Presented by: David Green
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of Yellowstone Landing Commercial Park to the City Council 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 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.
2. To protect public health and safety and to ensure proper documentation for the proposed phasing of the subdivision, prior to final plat approval the applicant will include the Exhibit and Declaration of Restriction on Transfer documents for future phases.
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.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On March 1, 2021, Performance Engineering, agent for Aviation Properties, LLC, applied for preliminary major plat approval for Yellowstone Landing Commercial Park. The proposed subdivision creates 10 lots for commercial development. The subject property is generally located on the north side of Highway 3 and east of A J Way. The property is currently zoned Heavy Commercial (CX). The proposed lots will be developed in compliance with the zoning as the property is developed.

VARIANCE REQUESTED

The applicant is not requesting a variance from the subdivision regulations.

PROCEDURAL HISTORY

- Pre-application meeting January 28, 2021
- Preliminary plat application submitted to Planning Division on March 1, 2021
- Departmental review meeting March 18, 2021
- Preliminary plat resubmittal March 25, 2021
- Planning Board plat review April 13, 2021
- Planning Board public hearing April 27, 2021
- Preliminary plat to City Council May 24, 2021
- 60 working-day preliminary plat review period ends May 25, 2021

PLAT INFORMATION

General location: North side of Highway 3 and east of A J Way

Legal Description: COS 2037, Tract 14A
Owner/Subdivider: Aviation Properties, LLC
Engineer and Surveyor: Performance Engineering
Existing Zoning: CX
Existing land use: Farm land
Proposed land use: Commercial
Gross and Net area: 25.96 acres / 21.62 acres
Proposed number of lots: 10
Lot size: Max: 4.13 acres
Min.: 0.86 acres
Parkland requirements: Parkland dedication is not required with commercial subdivisions.

STAKEHOLDERS

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on April 27.

ALTERNATIVES

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on May 25, 2021. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

FISCAL EFFECTS

This subdivision will have no fiscal effects on the Planning Division.

Attachments

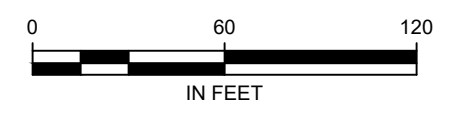
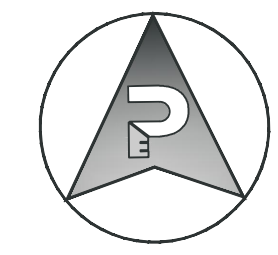
Preliminary Plat
Findings of Fact
SIA

PRELIMINARY PLAT OF YELLOWSTONE LANDING COMMERCIAL PARK SUBDIVISION

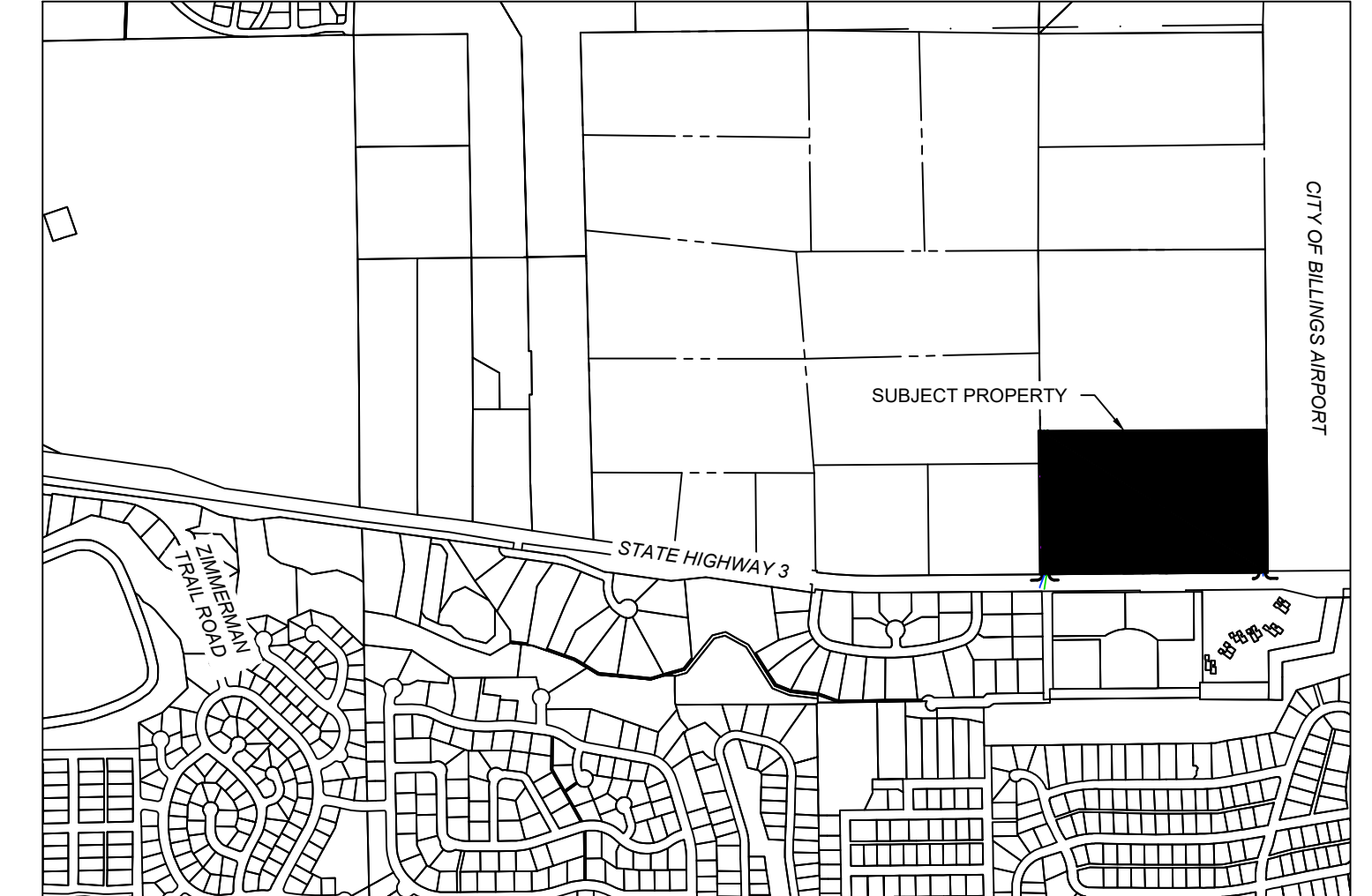
BEING TRACT 14A OF AMENDED PLAT OF TRACTS 13 AND 14 OF CERTIFICATE OF SURVEY 2037
(DOCUMENT NO. _____)

LOCATED IN A PORTION OF THE EAST 1/2 OF SECTION 26, T. 1 N., R. 25 E., P.M.M
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : AVIATION PROPERTIES, LLC
PREPARED BY : PERFORMANCE ENGINEERING, LLC
DATE : MARCH 2021



VICINITY MAP
NOT TO SCALE



SITE DATA	
# OF LOTS	10
MAXIMUM LOT AREA	± 4.00 ACRES
MINIMUM LOT AREA	± 0.80 ACRES
PARKLAND AREA	N/A
LINEAL FEET OF STREETS	± 2,510
NET ACREAGE	21.620
GROSS ACREAGE	25.956

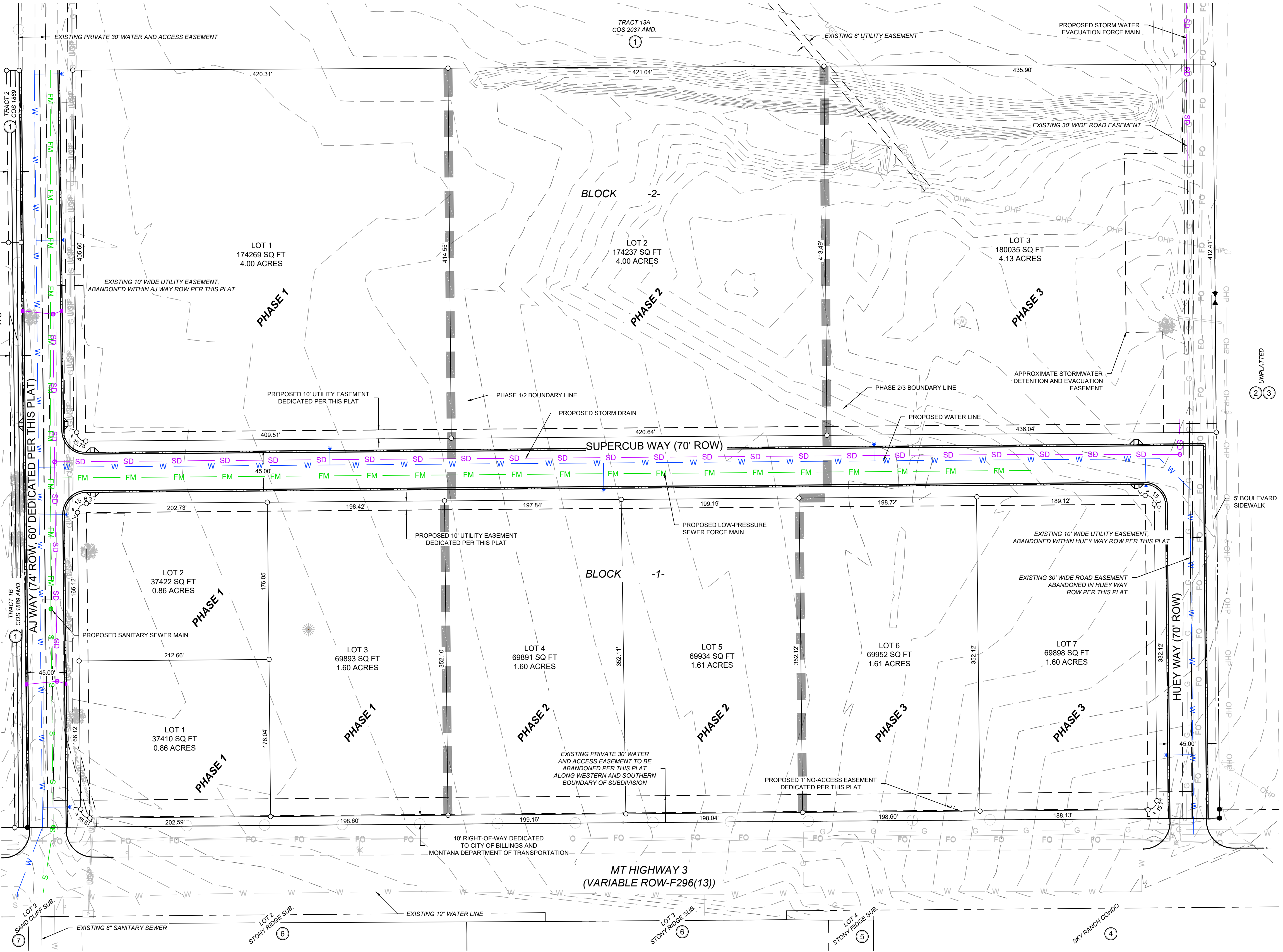
PROPERTY OWNERS		
NUMBER	NAME	MAILING ADDRESS
1	AVIATION PROPERTIES, LLC	6309 JELLISSON ROAD BILLINGS, MT 59101
2	CITY OF BILLINGS	210 N 27TH ST. BILLINGS, MT 59101
3	CITY OF BILLINGS (AIRPORT)	PO BOX 1178 BILLINGS, MT 59103
4	SKY RANCH CONDOMINIUM	101 SKY RANCH DRIVE BILLINGS, MT 59106
5	STONY RIDGE DEVELOPMENT	PO BOX 7113 BILLINGS, MT 59103
6	SKYLINE PARTNERSHIP	PO BOX 7113 BILLINGS, MT 59103
7	JAMES AND BECKIE BELEY	3382 STONEY RIDGE RD. BILLINGS, MT 59106

EXISTING LAND USE : AGRICULTURE/VACANT

EXISTING ZONING : HEAVY COMMERCIAL-LIGHT INDUSTRIAL

PROPOSED LAND USE : COMMERCIAL

PROPOSED ZONING : HEAVY COMMERCIAL-LIGHT INDUSTRIAL



MT HIGHWAY 3
(VARIABLE ROW-F296(13))

C:\Users\taylor\kaspernick\Dropbox (PEC Billings)\PEC Billings Team Folder\Aviation Properties\20-117 BFS Subdivision\CADD\Plan\20-117 YLCP Preliminary Plat.dwg 3/29/2021 9:45:11 PM PEC-STANDARD.LUTB

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Yellowstone Landing Commercial Park 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 Billings Subdivision Regulations (Section 23-303(H), BMCC).

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 as dry land farm ground, it has been rezoned and is annexed into the City. This proposed development will remove about 21.9 acres of dry land farming out of production. Being dryland farming there are no ditches or water rights to be transferred to new owners. All drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities.

2. Effect on local services

- a. **Utilities** – Public water services to the subject property will be provided by the City of Billings. This subdivision will connect to an existing 12-inch water line in Highway 3. Twelve-inch water lines will be installed in all internal roads with stubs to each lot. All water line construction shall be installed, by the subdivider, in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Division.

Fire hydrants will also be installed, by the subdivider, as required by the City of Billings Fire Department. The City Fire Department will review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings. The sanitary sewer system for the Subdivision will be installed by the subdivider and will consist of an 8-inch low-pressure sanitary sewer force main and gravity sewer main. A gravity sewer main will be constructed along AJ Way from a new connection to the existing manhole in Stoney Ridge Road to the northern extents of the Subdivision. A low-pressure sanitary sewer force main will be constructed along Supercub Way to the extent necessary to serve Lot 6 of Block 1.

Each lot will be provided with individual sewer service connections. All sewer line construction shall be installed, by the subdivider, in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

Private utility providers shall use the provided easement outside the public right of way, these easements are shown on the face of the plat.

- b. Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. Each lot will be required to have a detention facility on the lot. In the event of a 50-year storm event they will be allowed to do a controlled discharge into the main detention facility to the east. Stormwater is required to dissipate by means of infiltration that meets the requirements of City of Billings stormwater management manual. It has been proposed that in the event of a 50-year storm and overburden of water, the system will be designed to discharge, by pumping, into a coulee north of the subdivision located on City of Billings property through an easement. This easement would require permission granted by the City of Billings/Logan International Airport. Other methods of storm water management shall also be reviewed. All proposed drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual*.
- 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** – Access to the lots in this proposed subdivision will be from Highway 3. Each individual lot will be accessed from inside the subdivision from either AJ Way, Supercub Way or Huey Way. AJ Way is an existing street and has a 74-foot wide right-of-way. The two new internal streets, Supercub Way and Huey Way will have 70-foot-wide rights-of-way and be built, by the subdivider, to a City of Billings standard 45-foot top back of curb to top back of curb width. Sidewalks will be installed at time of lot construction with 5-foot wide boulevard sidewalks. Road construction will include installation of accessible ramps at the intersections. All proposed streets construction will be reviewed and approved by City Engineering before installation.
- e. Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 2308 8th Avenue North (Station #1).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

- f. Schools** – This subdivision is a commercial subdivision and will have no impacts on the school system.
- g. Parks and Recreation** – This subdivision is a commercial subdivision and is not required to provide parkland dedication.

- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #1)**
- i. Historic features** – No known historic or cultural assets exist on the site.
- j. Phasing of Development** - The applicant is proposing to develop this subdivision in phases. Specifics of the proposed phasing and what improvements will be installed with each phase is identified in the SIA under the heading X. Phasing of Improvements.

Montana subdivision regulations require developers proposing to do phasing in the subdivision to set a date when they plan to proceed with each phase. This developer has provided proposed dates for phase 2 to begin, January 2025. Phase 3 is to begin by January 2029.

At or before this date the applicant is required to go through a public hearing to open the phases. At that public hearing, there is the possibility of additional conditions of approval being added to the original conditions of approval. Should the applicant not meet these dates they must propose new dates, at a public hearing, for the phases to begin.

Each phase will need to have a Certificate and Release for the phases to be submitted with the final plat, these documents need to be included at final plat. **(Condition #2)**

3. Effect on the natural environment

The subject property is relatively level land adjacent to dryland farming uses to the west and north. Across Highway 3 there is residential and to the east is future commercial development and the Billings Airport. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants will be installed 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 76-3-603 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 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

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

Prosperity (promoting equal opportunity and economic advancement): A diversity of available jobs can ensure a strong Billings' economy (p.9)

Prosperity (promoting equal opportunity and economic advancement): Successful businesses that provide local jobs benefit the community. (p.9)

3. 2018 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP shows a future bike lane along Highway 3. There are no identified trails within the proposed subdivision.

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 the Heavy Commercial (CX) zoning district. All building development on the lots shall comply with current zoning when applying for a 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 has provided private utility easements as requested by private utility providers 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 Highway 3. All existing and new proposed streets are dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Yellowstone Landing Commercial Park Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several 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 proposes the Planning Board forward a recommendation of conditional approval of the preliminary plat of Yellowstone Landing Commercial Park Subdivision to the City Council and adopt the Findings of Fact as presented in the staff report.

**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT
DISTRICTS
YELLOWSTONE LANDING COMMERCIAL PARK SUBDIVISION**

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(City of Billings)**

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**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENT DISTRICTS**

YELLOWSTONE LANDING COMMERCIAL PARK SUBDIVISION

This agreement is made and entered this ____ day of _____, 20____, by and between *Aviation Properties, LLC*, whose address for the purpose of this agreement is **6309 Jellison Road, Billings, Montana, 59101**, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____ day of _____, 20____, the Board of Planning recommended conditional approval of a preliminary plat of *Yellowstone Landing Commercial Park Subdivision*; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20____, the City Council conditionally approved a preliminary plat of *Yellowstone Landing Commercial Park Subdivision*; and

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

WHEREAS, the provisions of this agreement shall be effective and applicable to *Yellowstone Landing Commercial Park Subdivision* 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 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 has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City’s Subdivision Regulations (Section 23.1101, BMCC):

1. *No variances are requested as part of this Subdivision.*

II. Property Conditions and Information for Lot Purchasers

- A.** Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development. If sidewalk is not constructed within 5 years from the date of each subdivision phase opening, the City has the right to construct the sidewalk and assess the property owners.
- B.** 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 lot owners 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.
- C.** 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. Additional geotechnical studies may be required by the City of Billings Building Department and Engineering Division at the time of individual lot development to acquire a Building Permit.
- D.** No water rights have been transferred to the lot owners.
- 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.** 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.
- G.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best

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

- H. Lot owners should be aware of Agreement between Subdivider and Neighboring Property Owners entered into September 2016, of which a copy shall be provided by the Subdivider prior to property closing and an abstract is recorded under Document No. 3790799 at the Yellowstone County Clerk and Recorder's Office. Terms and duration of the Agreement are binding to Lot Owners and include requirements pertaining to building color, lighting, noise, and landscaping. Any requirements not explicitly addressed in said agreement shall comply with the current City of Billings Zoning Code.
- I. Lot owners shall be aware of and comply with Federal Aviation Administration requirements pertaining to building requirements as agreed to in the Perpetual Air Rights Easement for the Property.

III. Transportation

A. Streets

- Subdivider will execute a private contract to construct public streets, curb and gutter, and some sidewalks within the public Right-of-Way (ROW) dedicated in conjunction with the Subdivision. The improvements will consist of constructing a collector roadway (45' TBC-TBC) from State Highway 3 to the Subdivision extents along AJ Way, and a local commercial roadway (45' TBC-TBC) along the interior of the Subdivision. Dedicated ROW widths will be per the City of Billings Subdivision Regulations.
- Standard curb and gutter will be installed along roadways within the Subdivision. Extent of curb and gutter within Montana Department of Transportation (MDT) Right-of-Way will be determined based on findings from the Traffic Impact Study and MDT approval.
- All streets will be provided with asphalt concrete driving surface.

B. Sidewalks

- Individual lot owners will be responsible for the construction of the sidewalks along their lot frontages at the time of lot construction and shall be included in each building permit.
- Sidewalks shall be 5-foot wide with a 5-foot boulevard planting strip between the sidewalk and the curb. Subdivider will install, within the private contract, corner intersection handicap ramps and aprons.
- An 8 to 10-foot sidewalk or trail along the north side of State Highway 3 will be constructed in the future. Subdivider and/or individual lot owners waive the right to protest being included in a Special Improvement District (SID) for the proportionate share of said cost. All of the lots within *Yellowstone Landing Commercial Park Subdivision* can be assessed for installation of the sidewalk/trail along the State Highway 3 frontage of the

subdivision. The Subdivider shall be responsible for the maintenance of the sidewalk/trail after construction.

C. Street Lighting

- No street lighting is proposed for the development; however, street lighting is included in the waiver of right to protest.

D. Traffic Control Devices

- Subdivider will install necessary traffic control devices within or adjacent to the Subdivision in conformance with the City of Billings and Montana Department of Transportation standards.
- Street name signs for streets within the Subdivision, or located immediately adjacent thereto, shall be furnished and installed by the subdivider in accordance with the specifications of the City of Billings standards.
- Subdivider shall provide a Traffic Impact Study (TIS) to MDT and City Engineering for review and approval identifying any off-site contributions. Subdivider is responsible for the cost of the TIS and any off-site contributions identified in the TIS.

E. Access

- The Subdivision will be accessed via two approaches off State Highway 3. The approaches will be located at, or in the immediate vicinity of, the existing paved approaches accessing the Subdivision. A 1-foot no-access easement is proposed along the south property line of those lots adjacent to State Highway 3.
- Approaches will be designed to comply with MDT rules and regulations and shall be approved by MDT prior to construction.
- Improvements to State Highway 3 and approach sizing will be determined based on a TIS prepared for the Subdivision by the Subdivider and submitted to the City of Billings and MDT.

F. Billings Area Bikeway and Trail Master Plan

- The Billings Area Bikeway and Trails Master Plan does not identify any pathways or trails internal or connecting to the Subdivision.

G. Public Transit

- Met Transit provides service to the City of Billings, with the closest route including a pick-up and drop-off area located in the Airport, approximately 1.85 miles from the Subdivision. No improvements are required to ensure public transit service.

IV. Emergency Service

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.
- Should a terminated roadway during Subdivision phasing exceed 150' in length and there be no other approved means for apparatus turnaround on individual lots, a fire apparatus turnaround shall be installed at the termination point of roadways between each Subdivision phase.
- No fire apparatus turnaround is required along AJ Way as the roadway extends as a private road north of the Subdivision and fire apparatus' are able to turnaround outside Subdivision extents.

V. Storm Drainage

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A complete stormwater management plan shall be submitted to the Engineering Division for review and approval at the time of development.

- Stormwater runoff from improvements made within dedicated ROW will be conveyed via curb and gutter, inlets, and piping installed by the Subdivider to the eastern portion of the Subdivision where it will be detained in accordance with the Stormwater Management Manual requirements. Said improvements are referred to as the Subdivision Collection and Storage System subsequently.
- Individual lots are required to provide on-site stormwater detention in accordance with the Stormwater Management Manual requirements (Individual Lot Storm Infrastructure), and are allowed to discharge to the Subdivision Collection and Storage System at rates necessary to evacuate the stormwater volume corresponding to the 50-year, 24-hour storm event.
- Stormwater volumes collected in the Subdivision Collection and Storage System are to be evacuated from the Subdivision within the timeframe called for in the Stormwater Management Manual.
- The stormwater detention area and outfall shall be maintained by a Homeowner's Association (HOA). Subdivider shall provide an HOA

Storm Water Facility Maintenance Agreement for review and approval by the City of Billings Engineering Division. This agreement shall outline the maintenance responsibilities of the storm water facilities.

VI. Utilities

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 water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is 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 in effect at the time building permits are issued.

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, regulations of and as approved by the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality.

A. Water

- 12-inch water mains to serve the Subdivision shall be installed by the Subdivider along AJ Way, Supercub Way, and Huey Way, and connect to the existing 12-inch water main located in State Highway 3.

B. Sanitary Sewer

- The sanitary sewer system for the Subdivision will be installed by the Subdivider and will consist of a low-pressure sanitary sewer force main (size to be determined by Subdivider and approved by the Public Works Engineering Division) and 8-inch gravity sewer main. The 8-inch gravity sewer main will be constructed along AJ Way from a new connection to the existing manhole in Stoney Ridge Road to the point where depth of cover of the pipeline becomes infeasible. From this point, low-pressure sanitary sewer force main will be constructed along AJ Way to the northern extent of the subdivision and Supercub Way to the extent necessary to serve Lot 7 of Block 1.
- Should the City extend a sanitary sewer main along the subdivision frontage on State Highway 3 east of AJ Way, the Subdivider waives the right to protest inclusion in a Special Improvement District to assess the proportionate cost of those improvements.

C. Power, Telephone, Gas, and Cable Television

- Existing power, natural gas, and communication utilities exist within the Subdivision boundary. Mainlines for each utility will be installed by the private utility companies within the dedicated 10' utility easements on the front of each lot.

VII. Parks/Open Space

There is no parkland requirement for proposed Yellowstone Landing Commercial Park Subdivision, as this is a commercial subdivision [MCA 76-3-621(3)(b)].

VIII. Irrigation

No irrigation rights, infrastructure, or amenities are affected by the Subdivision.

IX. Soils/Geotechnical Study

At the time of individual lot development, the City of Billings may require a geotechnical investigation or study per Building Permit requirements.

X. Phasing of Improvements

Phasing of the Subdivision is proposed. The improvements made during each phase, and the anticipated schedule of each phase, are as follows:

Phase I - Lots 1, 2, and 3 of Block 1, and Lot 1, Block 2 (2021)

- Roadway, curb and gutter, water main, fire hydrants, gravity sanitary sewer, and low-pressure force main shall be constructed to the northern extents of the Subdivision and to the eastern boundary of Lot 1, Block 2.
- The Subdivision Collection and Storage System, minus inlets within portions of Subdivision roadway not being constructed, shall be constructed during Phase 1.

Phase II – Lots 3 & 4 of Block 1, and Lot 2 of Block 2 (2025)

- Roadway, curb and gutter, water main, fire hydrants, and low-pressure force main shall be constructed to the eastern boundary of Lot 2, Block 2.

Phase III – Lots 5 & 6 of Block 1, and Lot 3 of Block 2 (2029)

- Roadway, curb and gutter, water main, and fire hydrants, shall be constructed along Supercub Way and Huey Way to its access point and approach onto State Highway 3.
- Low-pressure force main shall be constructed to the extents necessary to provide service to Lot 7 of Block 1.

XI. 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 Engineer and Utility Department Manager.

XII. Legal Provisions Applying to Subdivider

- A.** Subdivider agrees to guarantee all public improvements for a period of two years 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 provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees 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.

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

“SUBDIVIDER”

Aviation Properties, LLC

By: _____

Title: _____

STATE OF MONTANA)
 : ss
County of)

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 *Aviation Properties, LLC*, 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: _____

Waiver of Right to Protest

FUTURE SPECIAL IMPROVEMENT DISTRICTS

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 special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements which the City of Billings 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:

Yellowstone Landing Commercial Park Subdivision

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

Aviation Properties, LLC

By: _____

Title: _____

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 *Aviation Properties, LLC*, the person who executed the forgoing 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: _____

Planning Board

Date: 04/13/2021
Title: Lake Hills Subdivision, 39th Filing - Preliminary Major Plat Review
Presented by: David Green
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of Lake Hills Subdivision, 39th Filing to the City Council, 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 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.
2. 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.
3. 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.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On March 1, 2021, WWC Engineering, agent for Ron Hill and John Bruckner, applied for preliminary major plat approval for Lake Hills Subdivision, 39th Filing. The proposed subdivision creates 20 lots from the existing 16 lots for residential development. The subject property is generally located along both sides of Gleneagles Boulevard north of Black Diamond Road. The property is zoned Neighborhood 3 (N3). The proposed lots will be developed in compliance with the zoning as the property is developed.

PROCEDURAL HISTORY

- Pre-application meeting January 21, 2021
- Preliminary plat application submitted to Planning Division on March 1, 2021
- Departmental review meeting March 18, 2021
- Preliminary plat resubmittal March 25, 2021
- Planning Board plat review April 13, 2021
- Planning Board public hearing April 27, 2021
- Preliminary plat to City Council May 24, 2021
- 60 working-day preliminary plat review period ends May 25, 2021

PLAT INFORMATION

General location: Located along both sides of Gleneagles Boulevard north of Black Diamond Road

Legal Description: Portions of Lake Hills Subdivision, 16th and 17th Filings

Owner/Subdivider: Ron Hill

Engineer and Surveyor: WWC Engineering
Existing Zoning: N3
Existing land use: Vacant Subdivision
Proposed land use: Residential
Gross and Net area: 4.87 acres / 4.87 acres
Proposed number of lots: 20
Lot size: Max: 14,800 square feet
Min.: 9,600 square feet
Parkland requirements: Parkland dedication was met with previous filings.

STAKEHOLDERS

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on April 27.

ALTERNATIVES

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on May 25, 2021. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

FISCAL EFFECTS

This plat will have no fiscal impacts on the City/County Planning Division.

Attachments

Findings of Fact
Proposed Plat
SIA

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Lake Hills Subdivision, 39th Filing. 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 Billings Subdivision Regulations (Section 23-303(H), BMCC).

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 was originally platted in 1958 as a county subdivision and these lots have been within the Lake Hills Golf course for many years. There are no agricultural water user facilities within this proposed subdivision. It will not have a negative effect on the agricultural industry.

This subdivision does not contain any ditches or water shares, and therefore will not affect agricultural water user facilities.

2. Effect on local services

a. Utilities – Public water services to the subject property will be provided by the County Water District of Billings Heights. There is an existing 12-inch water line in Gleneagles Boulevard. This work will be funded by SID 1416. Each lot will be provided with individual water service connections. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the County Water District of Billings Heights.

Fire hydrants will also be installed as required by the City of Billings Fire Department. The City Fire Department with review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by connecting to the existing 15-inch sewer main located in Gleneagles Boulevard and Sierra Granda Boulevard. A new sewer main from the existing main will run in the roadways within the subdivision, it will be funded by SID 1416. Each lot will be provided with individual sewer service connections. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

Private utility providers shall use the provided easement outside the public right of way, these easements are shown on the face of the plat.

b. Storm water – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. A stormwater master plan is in place for this subdivision. All proposed

stormwater management will be reviewed and approved by City of Billings Engineering Department to ensure it meets the master planned stormwater plan for Lake Hills Subdivision. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual*.

- 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** – Access to the lots in this proposed subdivision is from Gleneagles Boulevard. Sierra Granda Boulevard and Black Diamond Road connect to Gleneagles Boulevard within this subdivision. Gleneagles Boulevard is within an existing 80-foot right of way. Gleneagles Boulevard will be constructed to a 49-foot wide, back of curb to back of curb road with 5-foot wide boulevard sidewalks. Sierra Granda Boulevard is within a 60-foot-wide right of way and will be built to a 49 foot back of curb to back of curb. Black Diamond Road is within a 50-foot-wide right of way and will be constructed to 34-foot wide, back of curb to back of curb road with boulevard sidewalks. Sidewalks will be installed at the time of individual lot development. Road construction will include installation of accessible ramps at the intersections.
- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

- f. **Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Sandstone Elementary School, Castle Rock Middle School, and Skyview High School). School District #2 did not respond to request for comments at the time of the writing of this report.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision have been met with previous filings of Lake Hills Subdivision.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. (**Condition #1**)

3. Effect on the natural environment

The subject property is relatively level land adjacent to urban development mostly on the east and south sides, there is less on the west and north. A geotechnical study was performed for the subdivision a summary of the information from that study is included in the SIA under the heading IX. Soils/Geotechnical Study. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants will be installed 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 76-3-603 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 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

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

Essential Investments: Infill development and development near existing City infrastructure may be the most cost effective. (p.6)

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired. (p.8)

Home Base (healthy, safe and diverse housing options) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. (p.9)

2. Billings Heights Neighborhood Plan

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for low-density residential development. The subdivision meets the following goals of the Heights Neighborhood Plan:

Issue: Urban Sprawl

Goal: Encourage infill housing.

Objectives: To preserve and conserve resources and curb urban sprawl.

This subdivision will be building houses in an already established neighborhood and subdivision, reducing sprawl to new land.

Issue: Residential Development

Goal: To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods.

Objectives: To encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood.

This subdivision provides low-density residential single-family development in a neighborhood with existing low-density single-family development.

3. 2018 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision. Gleneagles Boulevard is identified as having a future bike lane on it.

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 the Neighborhood 3 (N3) zoning district. All building development on the lot shall comply with current zoning when applying for a 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 has provided private utility easements as required by private utility providers 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 Gleneagles Boulevard that will be constructed with this project. All streets are dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Lake Hills Subdivision, 39th Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several 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.

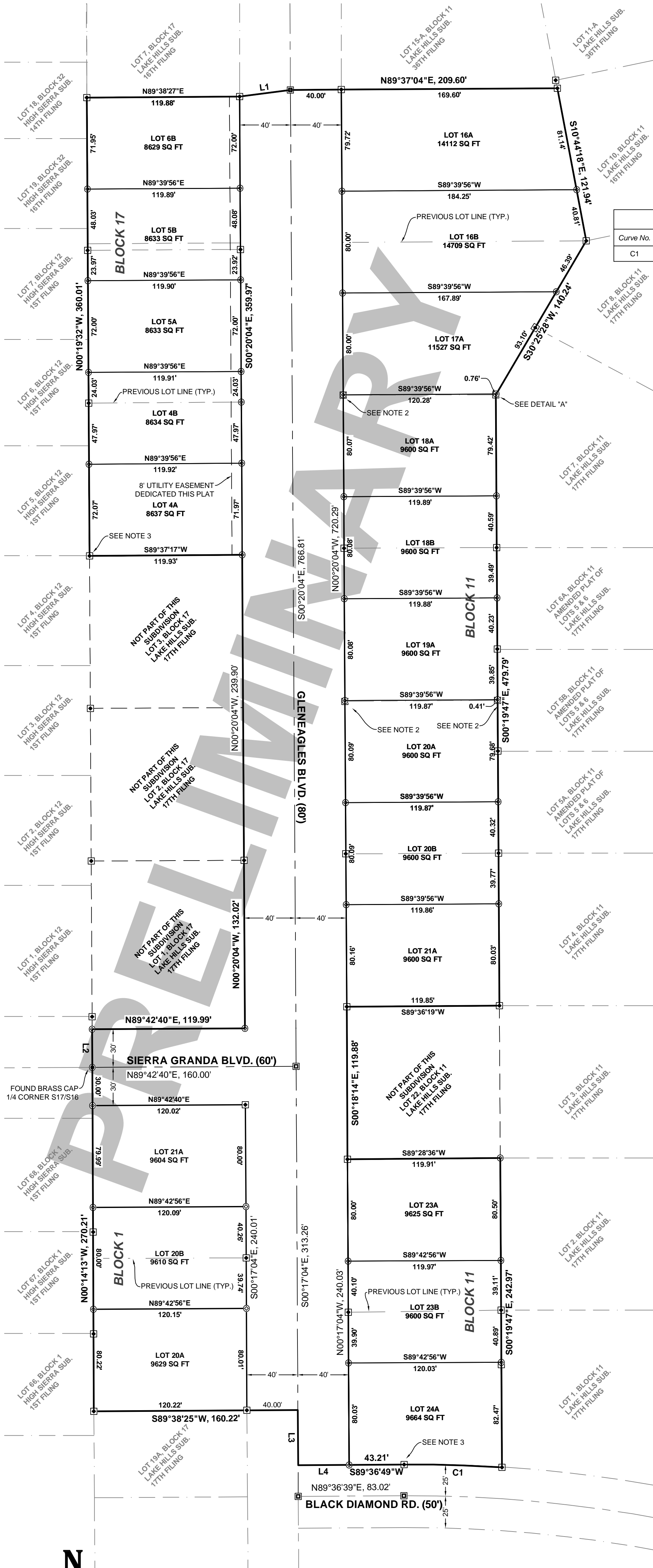
RECOMMENDATION

The Planning Board is forwarding a recommendation of conditional approval of the preliminary plat of Lake Hills Subdivision, 39th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

PLAT OF LAKE HILLS SUBDIVISION, 39TH FILING

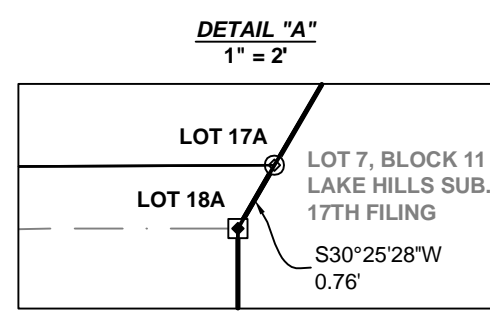
BEING LOT 6A, BLOCK 17, LOTS 15-16, BLOCK 11 OF LAKE HILLS SUBDIVISION, 16TH FILING, DOCUMENT NO. 612466,
 LOTS 4-6, BLOCK 17, LOTS 20-21, BLOCK 1, LOTS 17-21, LOTS 23-24, BLOCK 11, OF LAKE HILLS SUBDIVISION, 17TH FILING, DOCUMENT NO. 612467,
 WITHIN NW1/4 AND SW1/4 OF SECTION 16, T01N, R26E, P.M.M.
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: RON S. HILL
 DATE SURVEYED: JANUARY 2021
 PREPARED BY: WWC ENGINEERING



Line No.	Length	Bearing
L1	40.24'	N82°40'57"E
L2	30.00'	N0°19'32"W
L3	43.24'	N0°17'04"W
L4	40.00'	S89°42'56"W

Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C1	1110.00'	76.95'	3°58'19"	N88°24'27"W	76.94'



LEGAL DESCRIPTION AND PROPERTY OWNER CERTIFICATE OF DEDICATION

State of Montana)
) SS
 County of Yellowstone)

KNOW ALL BY THESE PRESENTS: That we, the undersigned owners, do hereby certify that we, have caused to be surveyed, subdivided, and platted into lots blocks roads and alleys and other divisions and dedications, as shown by this plat hereunto included, the following described tract of land, to wit:

The parcel situated in the NW1/4 and SW1/4 of Section 16, T01N, R26E, P.M.M., City of Billings, Yellowstone County, Montana, and more particularly described as Lot 6A of Block 17 and Lots 15 and 16 of Block 11, Lake Hills Subdivision, 16th Filing, Document No. 612466, Lots 4-6, Block 17, Lots 20-21, Block 1, Lots 17-21 and Lots 23-24, Block 11 of Lake Hills Subdivision, 17th Filing, Document No. 612467, said tract being 4.56 acres in area, more or less, exclusive of the previously dedicated Sierra Granda Boulevard and Gleneagles Boulevard rights-of-way.

The above described tract of land is to be known and designated as LAKE HILLS SUBDIVISION, 39TH FILING, Yellowstone County, Montana. The undersigned do hereby grant unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair, removal of lines over, under and across the areas designated on the plat as Utility Easement to have and hold forever.

DATED THIS ____ DAY OF _____, 2021.

Ron S. Hill, Living Trust

Trustee, Ron S. Hill

ACKNOWLEDGMENTS

State of Montana)
) SS
 County of Yellowstone)

on this ____ day of _____, 2021, before me, the undersigned a notary public for the State of _____, personally appeared Ron S. Hill, Trustee of Ron S. Hill Living Trust, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public for the State of _____

CERTIFICATE OF CITY ATTORNEY

This Subdivision Plat has been reviewed by the City Attorney's Office and is acceptable to form.

Dated this ____ day of _____, 2021

Reviewed by _____

ERRORS AND OMISSIONS REVIEW

Reviewed for errors and omissions in calculations and drafting this ____ day of _____, 2021, pursuant to section 76-3-611(2)(a), M.C.A.

Examining Land Surveyor

Reg. No. _____

CERTIFICATE OF COUNTY TREASURER

I hereby certify, pursuant to Section 76-3-611(1)(b), M.C.A. that all real property taxes and special assessments assessed and levied on the land described on this Subdivision Plat and encompassed by the proposed division have been paid.

Dated this ____ day of _____, 2021

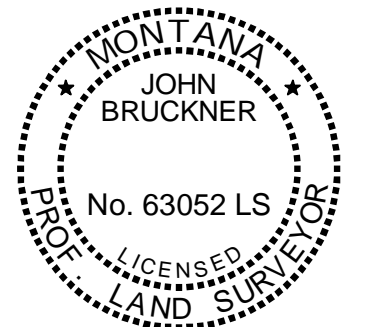
TREASURER
 YELLOWSTONE COUNTY, MONTANA

CERTIFICATE OF SURVEYOR

The undersigned, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of January 2021, a survey was performed under his supervision of a tract of land to be known as LAKE HILLS SUBDIVISION, 39TH FILING, in accordance with the request of the owner thereof and in conformance with Montana Subdivision and Platting Act, said subdivision being in accordance with the Landowner's Certificate and as shown on the plat, that the monuments found and set are of the character and occupy the positions hereon.

Dated the ____ day of _____, 2021

John Bruckner
 Registration Number 63052 LS



SUBDIVISION IMPROVEMENTS AGREEMENT

Document No. _____

CERTIFICATE OF CITY ENGINEER'S OFFICE

I hereby certify that I have examined the annexed plat and find that it conforms with Section 76-4-125(1)(d) MCA, removing sanitary restrictions since the plat is inside a master planning area and is provided with municipal facilities for the supply of water and disposal of sewage and solid waste.

Dated this ____ day of _____, 2021

CITY ENGINEER'S OFFICE

NOTICE OF APPROVAL

STATE OF MONTANA)
) SS
 County of Yellowstone)

This plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of this board.

Date _____

Executive Secretary

CERTIFICATE OF CITY COUNCIL APPROVAL

The City Council of the City of Billings, Yellowstone County, Montana does hereby certify that the accompanying plat for LAKE HILLS SUBDIVISION, 39TH FILING has been duly examined and have found the same to conform to the law and hereby approve it.

Dated this ____ day of _____, 2021

CITY OF BILLINGS, MONTANA

BY: _____

Attest: _____
 City Clerk

CERTIFICATE OF FILING BY CLERK AND RECORDER

QTR.	SEC.	TWP.	RGE.
16	16	1N	26E

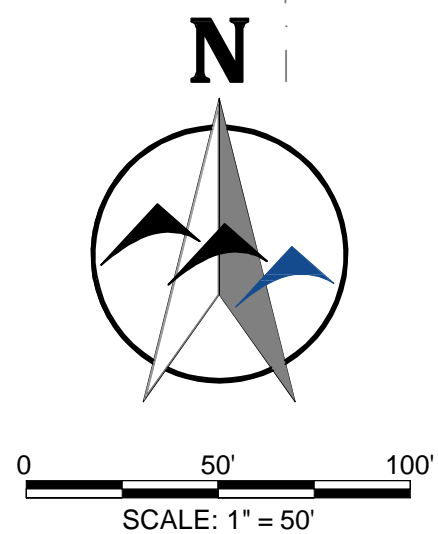
LAKE HILLS SUBDIVISION, 39TH FILING

JOB#: 2020-388

WWC ENGINEERING

550 S. 24TH ST. W., SUITE 201
 BILLINGS, MT 59102
 (406) 894-2210

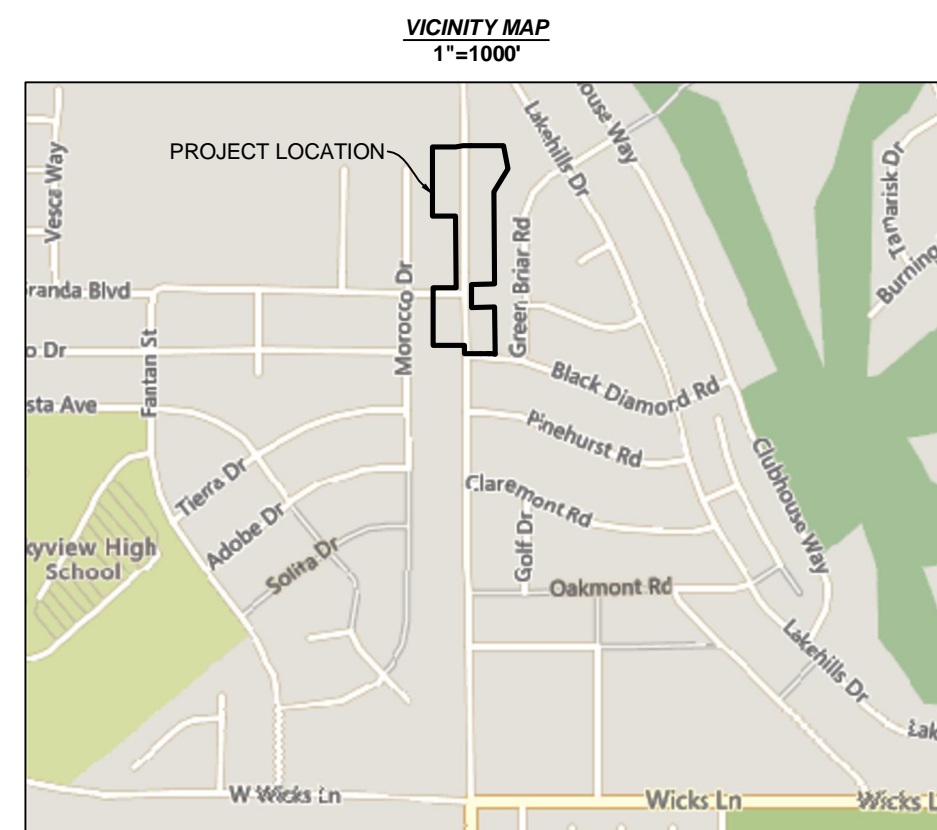
DATE: 01/20/21 BY: JPB CHECKED: AMR DATE: JAN 2021 SCALE: 1" = 50'



- LEGEND**
- FOUND REBAR
 - FOUND YELLOW PLASTIC CAP (YPC)
 - SET 5/8" REBAR W/ PURPLE PLASTIC CAP (BRUCKNER 63052 LS)
 - FOUND BRASS CAP
 - FOUND CENTERLINE MONUMENT
 - SET CENTERLINE MONUMENT

- SURVEYORS NOTES**
- GROUND DISTANCES, INTERNATIONAL FEET
 - FOUND CORNERS AT OLD LOT CORNERS WERE REMOVED FOR CLARITY AT NOTED LOCATIONS.
 - DOUBLE MONUMENTS WERE FOUND AT THESE LOCATIONS. FOUND 1/2" REBAR WERE ACCEPTED AND HELD.

BASIS OF BEARING
 Coordinate System (MT83-BLGS-IF)
 Lambert Conformal Conic Projection
 (Single Parallel)
 North American Datum 1983(2011)
 Standard Parallel & Grid Origin: 45°47'00"
 Central Meridian: 108°25'00"
 False Northing: 50,000m
 False Easting: 200,000m
 Standard Parallel Scale: 1.0001515



**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENTS DISTRICTS**

Lake Hills Subdivision, 39th Filing
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CITY OF BILLINGS

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**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENT DISTRICTS**

Lake Hills Subdivision, 39th Filing

This agreement is made and entered into this _____ day of __, 2021, by and between Ron S. Hill Living Trust, whose address for the purpose of this agreement is **P.O. Box 50636; Billings, Montana 59105**, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on __ day of __, 2021, the Board of Planning recommended conditional approval of a preliminary plat of Lake Hills Subdivision, 39th Filing; and

WHEREAS, at a regular meeting conducted on __ day of __, 2021, the City Council conditionally approved a preliminary plat of Lake Hills Subdivision, 39th Filing; and

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

WHEREAS, the provisions of this agreement shall be effective and applicable to Lake Hills Subdivision, 39th Filing 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 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

A. No variances are being requested for this subdivision.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

A. Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development. If sidewalk is not constructed within 5 years, the City has the right to construct the sidewalk and assess the property owners.

B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey and Geotechnical Engineering Report for Residential Lots Gleneagles-Lake Hills Drive, prepared by Rimrock Engineering (October 16, 2015) indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction. Refer to Section IX for discussion of the geotechnical study completed for some of the lots within the subdivision. All permitted structures within city limits are required by the City of Billings to obtain and follow a geotechnical report prior to construction.

C. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is possible that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. Temporary and permanent fencing may alleviate these concerns. Continued development in the area will also further alleviate these interactions. 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.

D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvements district 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 filled 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. The Subdivider and subsequent contractors/builders acknowledge that a Stormwater Pollution and Prevention Plan (SWPPP) may be required to be 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 Association with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

F. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

III. TRANSPORTATION

Streets

- Rights-of-way widths of 60 feet for Sierra Granda Boulevard, 80 feet for Gleneagles Boulevard and 50 feet for Black Diamond Road have already been dedicated in previous filings.
- The Owner shall construct public streets, and curb & gutter within the Subdivision through SID 1416. Gleneagles Boulevard and Sierra Grande Boulevard shall be constructed as 49 feet back of curb to back of curb. Black Diamond Road will be constructed as 34 feet back of curb to back of curb. These access 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, and city subdivision regulations.
- The construction costs have been funded and no additional monetary security is required.

Sidewalks

- The corner intersection handicap ramps will be installed through SID 1416.
- Individual lot owners will be responsible for the construction of the sidewalks adjacent to their lot at the time of lot construction and shall be included in each building permit.
- Sidewalks shall be 5-foot wide with a 3-foot to 10-foot boulevard planting strip between the sidewalk and the curb. Sidewalk will tie into existing previously constructed sidewalks.

Street Lighting

- No street lighting is proposed for the development; however, street lighting is included in the waiver of right to protest.

Traffic Control Devices

- Traffic control devices are not required for this subdivision but are included in the waiver of right to protest.
- SID 1416 will furnish and install street name signs for streets within the subdivision or located immediately adjacent thereto in accordance with the specifications of the City of Billings Public Works and Fire Departments.

Access

- Access to the lots will be from drive approaches installed at the time of lot development from streets built with this Subdivision. Access permits shall be obtained from City Engineering.

Billings Area Bikeway and Trails Master Plan (BABTMP)

- This subdivision is located within the jurisdiction of the BABTMP, but no trail corridors are identified within this subdivision area.

Public Transit

- This subdivision does not require improvements to ensure public transit service. The nearest transit stop is at the intersection of Wicks Lane and Gleneagles Boulevard.

IV. EMERGENCY SERVICE

The Billings Fire Department currently provides fire protection for the subdivision.

At the time of future lot development construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to meet fire suppression requirements. Prior to 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 twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence 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 apparatus access and water supply.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A master plan is in place for Lake Hills Subdivision and all future stormwater improvements will be reviewed and approved by the Engineering Division to comply with said plan. The new storm drainage improvements shall be constructed as part of SID 1416. The construction costs have been funded through the establishment of SID 1416 and no additional monetary security is required.

VI. UTILITIES

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 water mains and sanitary sewers to the County

Water District of Billings Heights and Public Works Department – Distribution and Collection Division, respectively. The extension/connection of/to water mains and sanitary sewers is 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 construction fees in effect shall be submitted with the applications.

It is acknowledged that the properties subject to this Subdivision Improvements Agreement shall be subject to the appropriate water and wastewater local and interior construction fees in effect at the time of payment. Fees shall be paid for the lots in each phase as applied for in the extension application and as per the first paragraph above.

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, regulations of and as approved by the County Water District of Billings Heights, City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality.

Water

The County Water District of Billings Heights serves the property. SID 1416 will extend water main along the length of Gleneagles Boulevard, Black Diamond Road, and Sierra Granda Boulevard through the subdivision. New water main will connect to 12" water main at the north and south end of the project, on Glen Eagles Boulevard. New water services will be installed for all lots in the subdivision.

Sanitary Sewer

Sanitary sewer mains and services will be extended from those that are existing in the subdivision. An existing 15" sanitary main passes through a portion of the Subdivision on Gleneagles Boulevard and Sierra Granda Boulevard. SID 1416 will extend sanitary mains across the front of lots within SID 1416 for sewer services to be installed. Sanitary sewer already extends into 9 existing lots within the subdivision. These services on the west side of Gleneagles will be extended 10 feet to accommodate dry utilities. New sewer services will be installed for all lots without sanitary sewer service in the subdivision as part of SID 1416.

Power, Telephone, Gas, and Cable Television

Private utility facilities (power, natural gas, telephone, and cable) will be installed during construction and located within the right-of-way and utility easements shown on the plat.

VII. PARKS/OPEN SPACE

There is no parkland requirement for this subdivision as the parkland requirement has been previously met.

VIII. IRRIGATION

No irrigation ditch, field laterals, or irrigation easements exist in this subdivision.

IX. SOILS/GEOTECHNICAL STUDY

According to the Geotechnical Engineering Report for Residential Lots Gleneagles-Lake Hills Drive, prepared by Rimrock Engineering (October 16, 2015), some soils found in this area consist of potentially compressible clay soils and silty sands which are expected to be compressible and potentially collapsible with increased moisture. Shale and sandstone shale bedrock at or near foundation and concrete slab elevations may be encountered.

Subsurface conditions vary from one location to another and the structural characteristics may vary from one structure to another. Currently all permitted structures within city limits are required by the City of Billings to obtain and follow a geotechnical report prior to construction.

X. PHASING OF IMPROVEMENTS

There are no intended phasing improvements.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements through Special Improvements District No. 1416. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district and the improvements shall be installed as approved by the City Engineer and the City of Billings Public Works and County Water District of Billings Heights.

XII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

- A. Subdivider agrees to guarantee all public improvements for a period of two years 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 provisions of this Agreement.
- C. The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees 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.

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

“SUBDIVIDER”

Ron S. Hill Living Trust

By: _____

Its: _____

STATE OF MONTANA)

: ss

County of Yellowstone)

On this ___ day of _____, 2021, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____, 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 the City of Billings, this _____ day of _____, 2021.

“CITY”
CITY OF BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)

: ss

County of Yellowstone)

On this ____ day of _____, 2021, before me, a Notary Public in and 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: _____

Waiver of Right to Protest

FUTURE SPECIAL IMPROVEMENT DISTRICTS

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 special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements which the City of Billings 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:
Lake Hill Subdivision, 39th Filing

Signed and dated this _____ day of _____, 2021.

Ron S. Hill Living Trust

By: _____

Title: _____

STATE OF MONTANA)

: ss

County of Yellowstone)

On this ___ day of _____, 2021, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who executed the forgoing instrument as the _____ of Ron S. Hill Living Trust known to me to be 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 at: _____

My commission expires: _____

Planning Board

Date: 04/13/2021
Title: Bitterroot Heights Subdivision - Preliminary Major Plat
Presented by: David Green
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of Bitterroot Heights Subdivision, 3rd Filing to the City Council, 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 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.
2. 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.
3. 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.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On March 1, 2021, PEC Engineering, agent for BCJM Properties, LLC, applied for preliminary major plat approval for Bitterroot Heights Subdivision, 3rd Filing. The proposed subdivision creates 71 lots for residential development. The subject property is generally located on the west side of Bitterroot Drive and north of Mary Street. The property is zoned Neighborhood 2 (N2). The proposed lots will be developed in compliance with the zoning as the property is developed.

VARIANCE REQUESTED

The applicant is not requesting a variance from the subdivision regulations

PROCEDURAL HISTORY

- Pre-application meeting January 28, 2021
- Preliminary plat application submitted to Planning Division on March 1, 2021
- Departmental review meeting March 18, 2021
- Preliminary plat resubmittal March 25, 2021
- Planning Board plat review April 13, 2021
- Planning Board public hearing April 27, 2021
- Preliminary plat to City Council May 24, 2021
- 60 working-day preliminary plat review period ends May 25, 2021

PLAT INFORMATION

General location: West side of Bitterroot Drive and north of Mary Street

Legal Description: COS 3217, Tract 2A-1, and a portion of Lot 1, Block 7, Bitterroot Heights Subdivision, 2nd Filing

Owner/Subdivider: BCJM Properties, LLC
Engineer and Surveyor: PEC Engineering
Existing Zoning: N2
Existing land use: Vacant Lane
Proposed land use: Residential
Gross and Net area: 23.82 acres / 17.89 acres
Proposed number of lots: 71
Lot size: Max: 19,442 square feet
Min.: 8,743 square feet
Parkland requirements: Parkland dedication was met with the 1st and 2nd filings.

STAKEHOLDERS

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on April 27.

ALTERNATIVES

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on May 25, 2021. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

FISCAL EFFECTS

This subdivision will have no fiscal impact on the Planning Division.

Attachments

Findings of Fact
Preliminary Plat
SIA

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Bitterroot Heights Subdivision, 3rd Filing. 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 Billings Subdivision Regulations (Section 23-303(H), BMCC).

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 dry land grass and shrubs. There are no water rights being transferred to subdivision property owners. Ditches existing near this development are for the benefit of other properties. All 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.

2. Effect on local services

- a. Utilities** – Public water services to the subject property will be provided by the County Water District of Billings Heights. There is an 8-inch water line the existing subdivision 1st and 2nd filings. That pipe size will be continued through the 3rd filing. There will be a stub out to each lot for the individual lots to have access to water. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the County Water District of Billings Heights.

Fire hydrants will also be installed as required by the City of Billings Fire Department. The City Fire Department will review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by connecting to the existing 8-inch sewer main located in the existing 1st and 2nd filings of this subdivision. All sanitary sewer mains will be 8 inches with services stubbed to each lot. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department.

All telephone, gas, electrical power, and cable television lines that are placed within the public right-of-way shall be installed prior to surface improvements. An 8-foot utility easement is provided along the front lot lines of selected lots for utility services as shown on the plat of Bitterroot Heights Subdivision, 3rd Filing.

- b. Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. A stormwater master plan is in place for this subdivision. In accordance

with the Stormwater Management Plan developed for Bitterroot Heights Subdivision 1st, Filing, a stormwater detention facility for Bitterroot Heights Subdivision has been constructed in the north-central portion of the property to serve ultimate build-out of all of Bitterroot Heights Subdivision. The detention facility is located on lands dedicated as parks and will be maintained by a Park Maintenance District.

All proposed stormwater management will be reviewed and approved by City of Billings Engineering Department to ensure it meets the master planned stormwater plan for Bitterroot Heights Subdivision. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual*.

- 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** – Access to the lots in this proposed subdivision is from Strapper Lane and a connection to Hawthorne Lane. All new streets will be in a 56-foot-wide right of way and will be constructed to 34-foot wide, back of curb to back of curb road with 5-foot wide boulevard sidewalks. Sidewalks will be installed at the time of individual lot development. Road construction will include installation of accessible ramps at the intersections. Hawthorne Lane will be improved by increasing the paved width from 26 feet to 30 feet.
- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

- f. **Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Beartooth Elementary School, Medicine Crow Middle School, and Skyview High School). School District #2 did not respond to request for comments at the time of the writing of this report.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision have been met with previous filings of Bitterroot Heights Subdivision.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit

(CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. (**Condition #1**)

3. Effect on the natural environment

The subject property is relatively level land adjacent to urban development on the east. A geotechnical study was performed for the subdivision a summary of the information from that study is included in the SIA under the heading IX. Soils/Geotechnical Study. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants will be installed 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 76-3-603 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 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

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

Essential Investments: Infill development and development near existing City infrastructure may be the most cost effective. (p.6)

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired. (p.8)

Home Base (healthy, safe and diverse housing options) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. (p.9)

2. Billings Heights Neighborhood Plan

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for low-density residential development. The subdivision meets the following goals of the Heights Neighborhood Plan:

Issue: Urban Sprawl

Goal: Encourage infill housing.

Objectives: To preserve and conserve resources and curb urban sprawl.

This subdivision will be building houses in an already established neighborhood and subdivision, reducing sprawl to new land.

Issue: Residential Development

Goal: To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods.

Objectives: To encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood.

This subdivision provides low-density residential single-family development in a neighborhood with existing low-density single-family development.

3. 2018 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision. Gleneagles Boulevard is identified as having a future bike lane on it.

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 the Neighborhood 2 (N2) zoning district. All building development on the lot shall comply with current zoning when applying for a 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 will provided private utility easements as required by private utility providers 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 Strapper Lane and new internal streets will provide access to individual lots. All streets are dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Bitterroot Heights Subdivision, 3rd Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several 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 the Planning Board forward a recommendation of conditional approval of the preliminary plat of Bitterroot Heights Subdivision, 3rd Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF
BITTERROOT HEIGHTS SUBDIVISION, 3RD FILING
 BEING TRACT 2A-1 OF COS 3217, 2ND AMENDED AND A PORTION OF LOT 1 OF BLOCK 7 OF
 BITTERROOT HEIGHTS SUBDIVISION 2ND FILING
 LOCATED IN THE SE ¼ OF SECTION 11, TOWNSHIP 01 N, RANGE 26 E, P.M.M., CITY OF BILLINGS,
 YELLOWSTONE COUNTY, MONTANA



PREPARED FOR : BCJM PROPERTIES, LLC

PREPARED BY : PERFORMANCE ENGINEERING, LLC

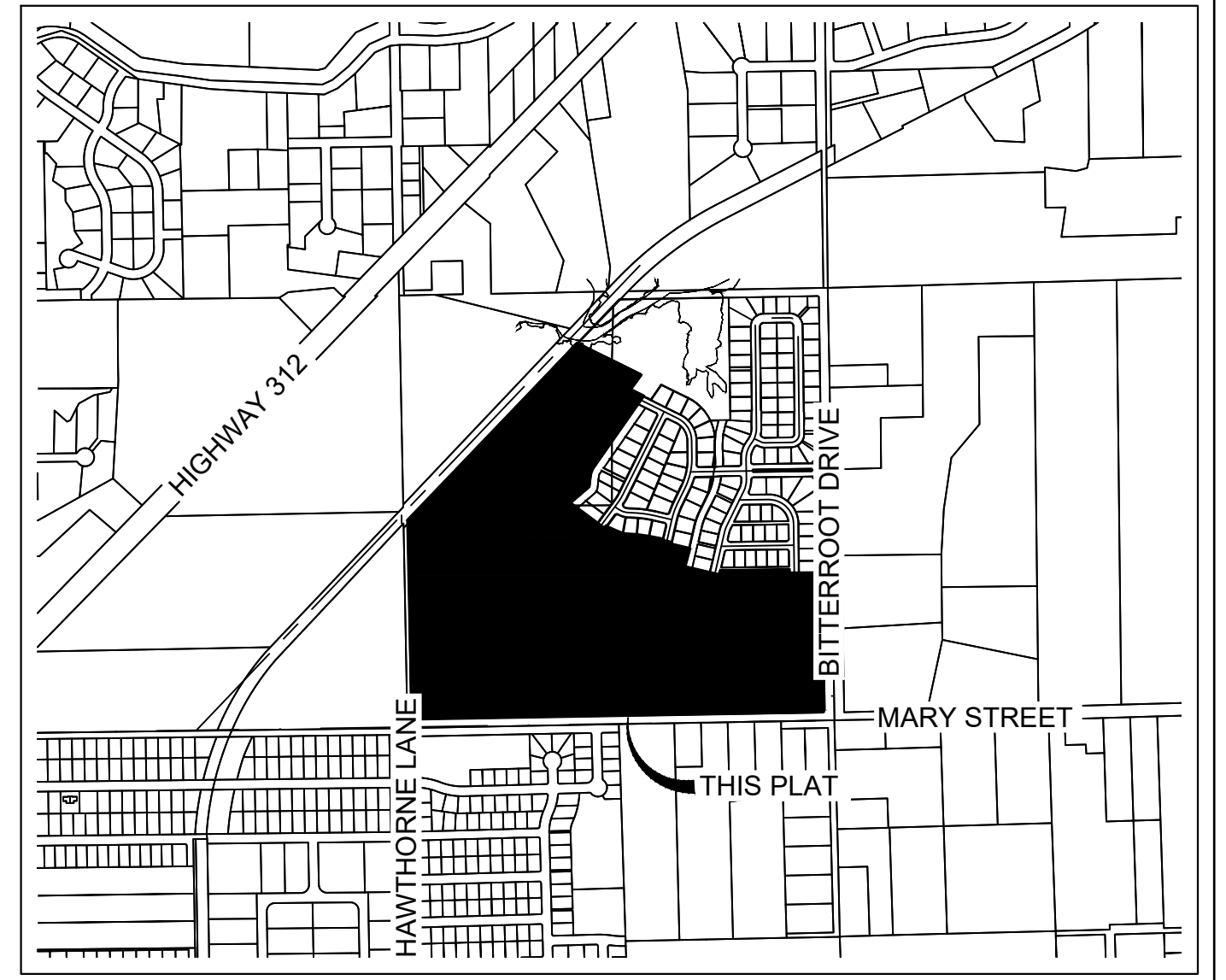
SITE DATA

EXISTING LAND USE: VACANT URBAN
 EXISTING ZONING: R2
 PROPOSED LAND USE: RESIDENTIAL
 PROPOSED ZONING: R3
 TOTAL LOTS IN SUBDIVISION: 80
 GROSS AREA: 79.064 AC
 RIGHT-OF-WAY: 6.510 AC
 LINEAL FEET OF STREETS: 5,191 LF
 NET AREA OF LOTS: 72.554 AC

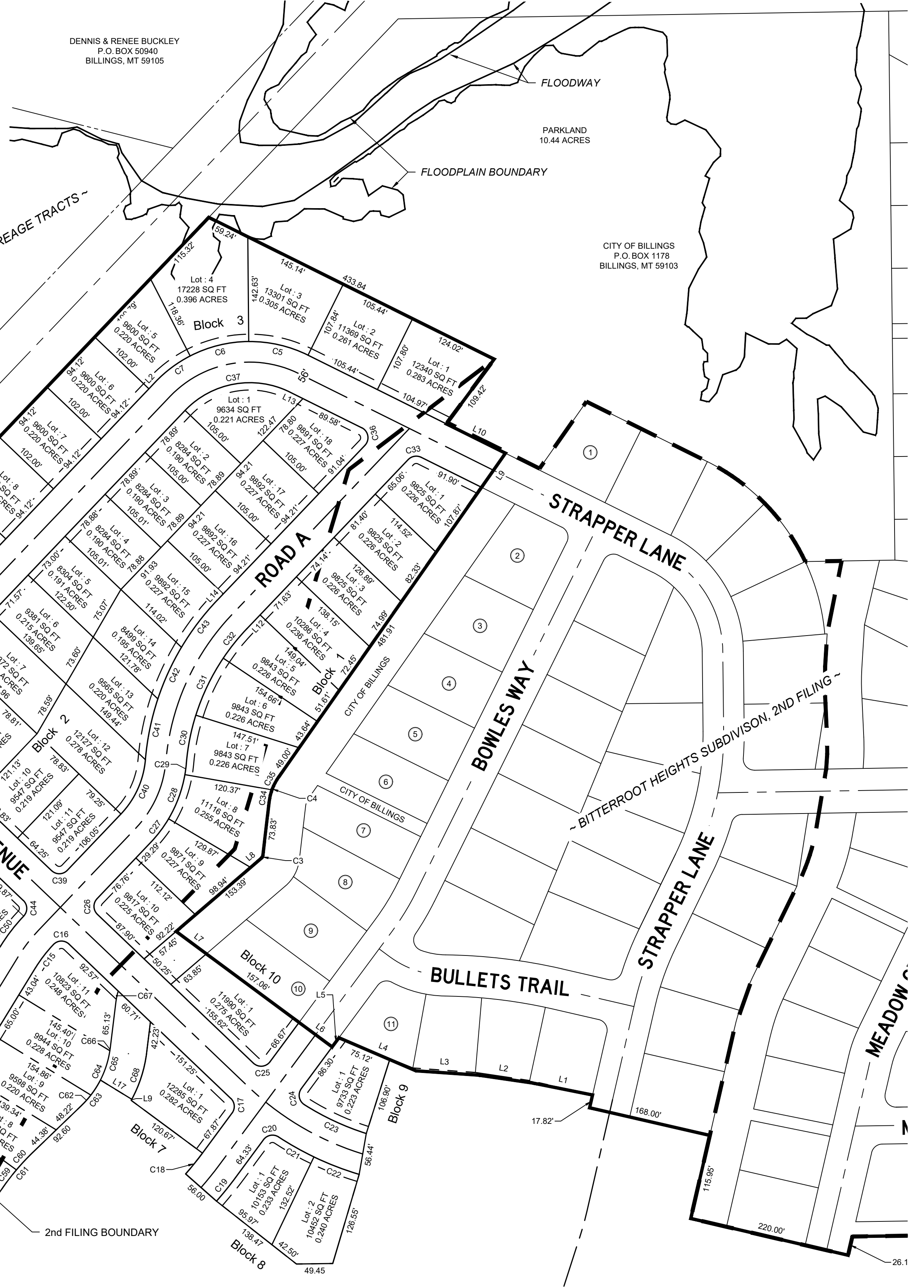
PARKLAND TO DATE
 REQUIRED: 9.201 AC
 DEDICATED: 12.441 AC
PARKLAND THIS PLAT
 REQUIRED: 2.035 AC
 DEDICATED: 0.204 AC
 EXCESS PARKLAND DEDICATED: 1.409 AC

ADJOINING LANDOWNER INFORMATION

- | | |
|--|--|
| 1 JOEY KIERNAN & LINDA R LOFF
1346 EUBANKS AVENUE
ATLANTA, GA 30344 | 7 KENNETH C & SHELEAH THOMSON
2526 BOWLES WAY
BILLINGS, MT 59105 |
| 2 GENEVIEVE WINK
2620 BOWLES WAY
BILLINGS, MT 59105 | 8 TROY E & VICTORIA H RUFF
2522 BOWLES WAY
BILLINGS, MT 59105 |
| 3 LINDSAY M MILLER
2614 BOWLES WAY
BILLINGS, MT 59105 | 9 MARTY W & CARLA L EDWARDS
2518 BOWLES WAY
BILLINGS, MT 59105 |
| 4 BRANDON E COOK
2610 BOWLES WAY
BILLINGS, MT 59105 | 10 DENNIS & SUSAN DIRKS
2514 BOWLES WAY
BILLINGS, MT 59105 |
| 5 MARC E & LISA D NEIHAUS
2606 BOWLES WAY
BILLINGS, MT 59105 | 11 TROY R & CAMMIE GUPTILL
1428 BULLETS TRAIL
BILLINGS, MT 59105 |
| 6 ROBERT M, TAMARA M, & CODY J HOOPER
2602 BOWLES WAY
BILLINGS, MT 59105 | |



VICINITY MAP



FRED R & DANIELLE K SCHMIDT
BILLINGS, MT 59103

HAPPY COWS LLC
2500 AIREWAY DRIVE
BILLINGS, MT 59106

DENNIS & RENEE BUCKLEY
P.O. BOX 50940
BILLINGS, MT 59105

CITY OF BILLINGS
P.O. BOX 1178
BILLINGS, MT 59103

16' ROW DEDICATED THIS PLAT

40' EX. HAWTHORNE LANE ROW

306 LLC
1715 S 11TH ST
BILLINGS, MT 59101

UNPLATTED

Line Table

Line #	Length
L1	87.85
L2	74.75
L3	12.69
L4	85.41
L5	108.67
L6	86.30
L7	25.12
L8	56.00
L9	51.29
L10	19.68
L11	1.63
L12	56.64
L13	89.70
L14	16.00
L15	26.03
L16	20.09
L17	12.10
L18	9.14
L19	18.42
L20	50.10

Curve Table

Curve #	Length	Radius	Delta
C1	15.80	9.73	93.06
C2	15.67	10.00	89.78
C3	3.73	5.00	42.74
C4	36.10	73.00	28.34
C5	83.62	178.00	26.92
C6	82.96	178.00	26.70
C7	59.41	178.00	19.12
C8	4.36	178.00	1.40
C9	66.46	178.00	21.39
C10	67.74	178.00	21.80
C11	23.56	15.00	90.00
C12	53.38	128.00	23.89
C13	65.00	128.00	29.10
C14	10.21	128.00	4.57
C15	40.42	191.00	12.12
C16	23.56	15.00	90.01
C17	21.70	15.00	82.87
C18	36.49	432.00	4.84
C19	41.21	488.00	4.84
C20	22.70	15.00	86.70
C21	55.46	418.00	7.60
C22	66.10	418.00	9.06
C23	93.53	362.00	14.80
C24	24.64	15.00	94.12
C25	25.43	15.00	97.13
C26	23.56	15.00	90.00

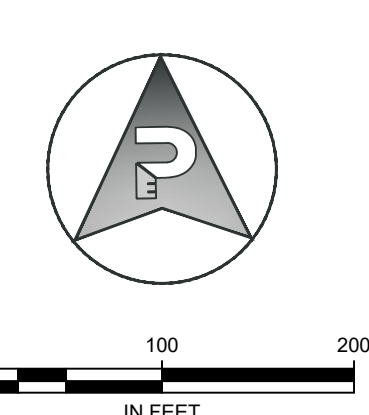
Curve Table

Curve #	Length	Radius	Delta
C27	40.33	178.00	12.98
C28	64.44	178.00	20.74
C29	15.75	178.00	5.07
C30	66.66	302.00	12.65
C31	86.47	302.00	16.41
C32	51.48	302.00	9.77
C33	19.04	15.00	72.75
C34	16.73	73.00	13.13
C35	19.37	73.00	15.21
C36	28.08	15.00	107.25
C37	154.90	122.00	72.75
C38	23.57	15.00	90.02
C39	23.56	15.00	90.00
C40	82.60	122.00	38.79
C41	84.64	358.00	13.55
C42	77.40	358.00	12.39
C43	80.52	358.00	12.89
C44	23.56	15.00	89.99
C45	23.55	15.00	89.98
C46	23.56	15.00	90.00
C47	39.58	472.00	4.80
C48	60.59	472.00	7.36
C49	23.56	15.00	90.00
C50	52.28	247.00	12.13
C51	23.56	15.00	90.00
C52	54.80	528.00	5.95

Curve Table

Curve #	Length	Radius	Delta
C53	57.26	528.00	6.21
C54	23.56	15.00	90.00
C55	94.97	122.00	44.60
C56	23.56	15.00	90.00
C57	76.94	76.59	57.56
C58	4.83	5.00	55.36
C59	30.41	320.00	5.44
C60	32.47	320.00	5.81
C61	62.88	320.00	11.26
C62	18.66	130.00	8.22
C63	42.93	130.00	18.92
C64	66.40	130.00	29.27
C65	42.14	130.00	18.57
C66	3.59	130.00	1.58
C67	13.41	70.00	10.97
C68	68.75	180.00	21.88

Block 11
 Lot: 1
 2354644 SQ FT
 54.055 ACRES



PRELIMINARY PLAT OF BITTERROOT HEIGHTS SUBDIVISION, 3RD FILING

BEING TRACT 2A-1 OF COS 3217, 2ND AMENDED AND A PORTION OF LOT 1 OF BLOCK 7 OF BITTERROOT HEIGHTS SUBDIVISION 2ND FILING
 LOCATED IN THE SE ¼ OF SECTION 11, TOWNSHIP 01 N, RANGE 26 E, P.M.M., CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA



PREPARED FOR : BCJM PROPERTIES, LLC

PREPARED BY : PERFORMANCE ENGINEERING, LLC

SITE DATA

EXISTING LAND USE: VACANT URBAN
 EXISTING ZONING: N2
 PROPOSED LAND USE: RESIDENTIAL
 PROPOSED ZONING: N3

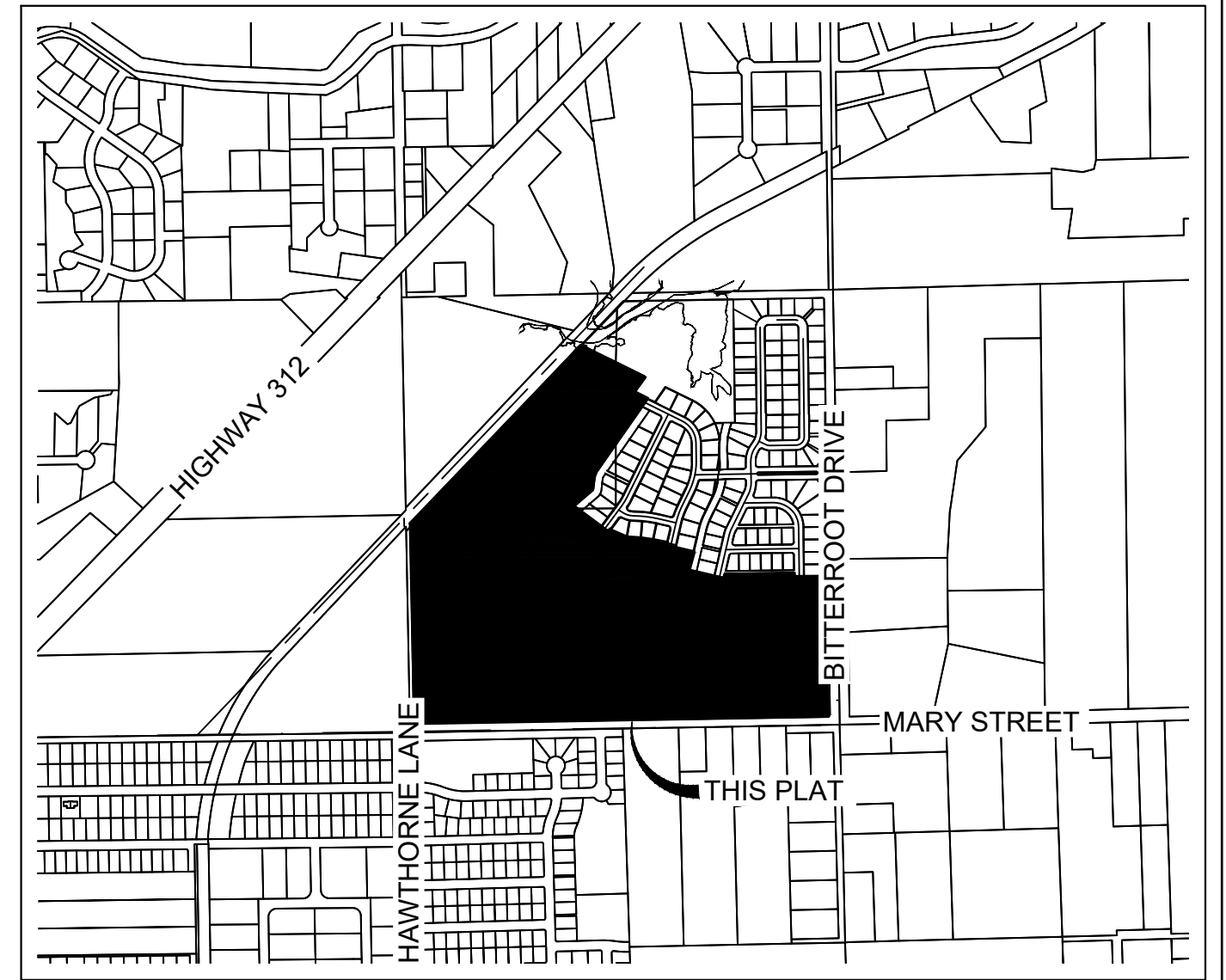
TOTAL LOTS IN SUBDIVISION: 80

GROSS AREA: 79.064 AC
 RIGHT-OF-WAY: 6.510 AC
 LINEAL FEET OF STREETS: 5,191 LF
 NET AREA OF LOTS: 72.554 AC

PARKLAND TO DATE
 REQUIRED: 9.201 AC
 DEDICATED: 12.441 AC

PARKLAND THIS PLAT
 REQUIRED: 2.035 AC
 DEDICATED: 0.204 AC

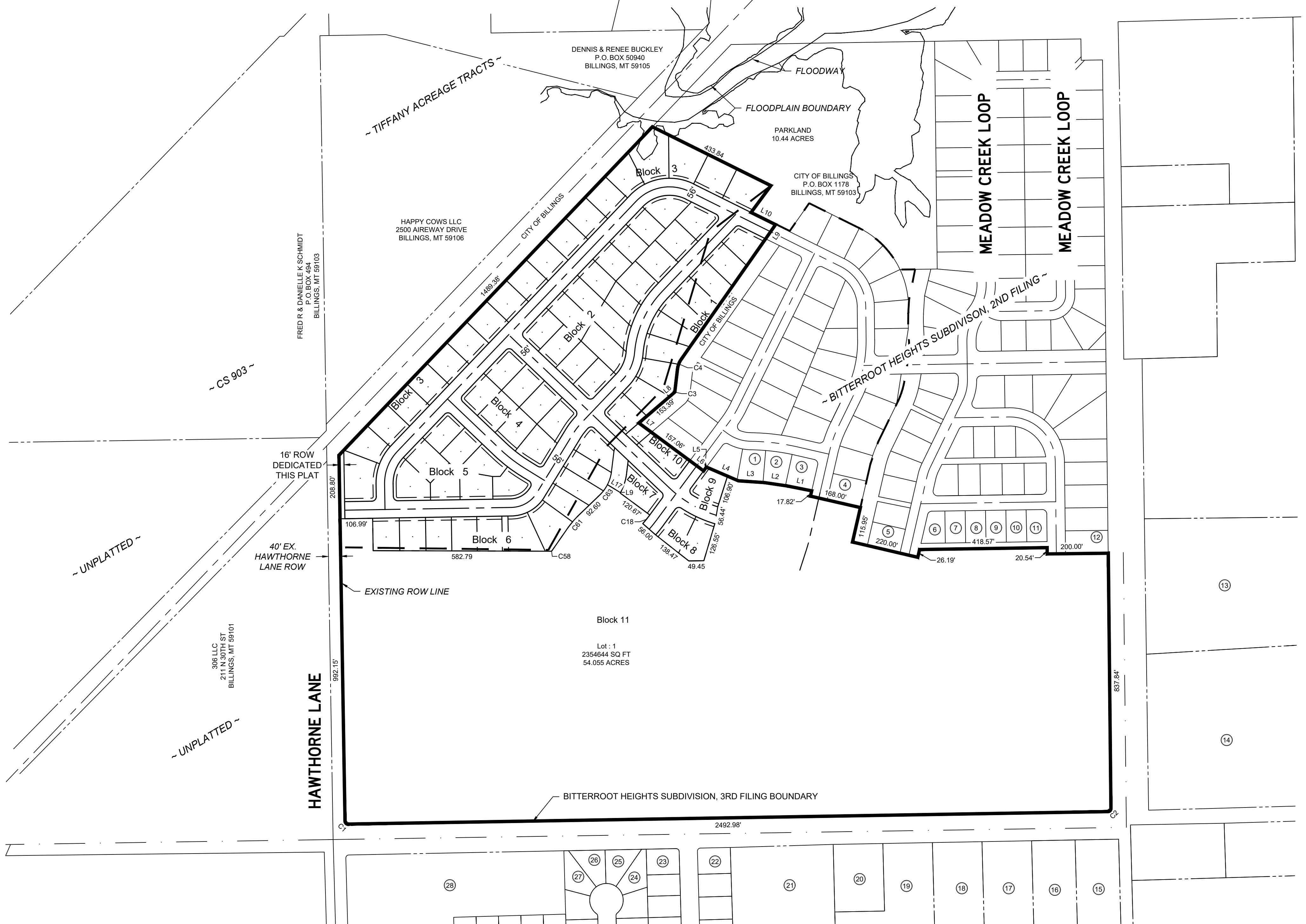
EXCESS PARKLAND DEDICATED: 1.409 AC



VICINITY MAP

Line #	Length
L1	87.85
L2	74.75
L3	85.41
L4	108.67
L5	86.30
L6	56.00
L7	51.29
L8	19.68
L9	56.64
L10	89.70

Curve #	Length	Radius	Delta
C1	15.80	9.73	93.06
C2	15.67	10.00	89.78
C3	3.73	5.00	42.74
C4	36.10	73.00	28.34
C18	36.49	432.00	4.84
C58	4.83	5.00	55.36
C61	62.88	320.00	11.26
C63	42.93	130.00	18.92



ADJOINING LANDOWNER INFORMATION

- | | | | |
|---|--|--|--|
| 1 BRET & SHELLEY R BARNES
1432 BULLETS TRAIL
BILLINGS, MT 59105 | 8 CURTIS A & ANGELA R SCHMIDT
1516 MUSTANG VALLEY DRIVE
BILLINGS, MT 59105 | 15 ROBERT C & BETTE M WOLFF
825 CRIST DRIVE
BILLINGS, MT 59105 | 22 KELLY R SELPH
2347 COLUMBINE DRIVE
BILLINGS, MT 59105 |
| 2 JAMES & SHAWNA FRIEDE
1436 BULLETS TRAIL
BILLINGS, MT 59105 | 9 ELIZABETH LOCKWOOD
1520 MUSTANG VALLEY DRIVE
BILLINGS, MT 59105 | 16 ROBERT C & BETTE M WOLFF
825 CRIST DRIVE
BILLINGS, MT 59105 | 23 COLTON T JAMES
2346 COLUMBINE DRIVE
BILLINGS, MT 59105 |
| 3 COREY S. JOHNSON
1440 BULLETS TRAIL
BILLINGS, MT 59105 | 10 JOSH S ROBERSON
1524 MUSTANG VALLEY DRIVE
BILLINGS, MT 59105 | 17 M P SOUZA
1512 MARY STREET
BILLINGS, MT 59105 | 24 CHRISTOPHER W GRUDZINSKI
2341 HYACINTH DRIVE
BILLINGS, MT 59105 |
| 4 DANIEL B & DEANNA L HANSARD
2513 STRAPPER LANE
BILLINGS, MT 59105 | 11 KALEN J YOUNG
1528 MUSTANG VALLEY DRIVE
BILLINGS, MT 59105 | 18 BRENT & CHERYL CATHEY
200 BRIDLE PATH ROAD
BILLINGS, MT 59105 | 25 CODY W MARTINEZ
2347 HYACINTH DRIVE
BILLINGS, MT 59105 |
| 5 TRAVIS J & HILLARY B TRYAN
2508 MEADOW CREEK DRIVE
BILLINGS, MT 59105 | 12 AMANDA M & KAI S SLATES
2505 SPRING GULCH WAY
BILLINGS, MT 59105 | 19 JOSEPH M & NARDA ALLEN
1432 MARY STREET
BILLINGS, MT 59105 | 26 BRYAN GROTH JOHN
2346 HYACINTH DRIVE
BILLINGS, MT 59105 |
| 6 TERILL J & VIRGINIA M NORVILLE
1508 MUSTANG VALLEY DRIVE
BILLINGS, MT 59105 | 13 RICHARD & JONI PENTLAND
2495 BITTERROOT DRIVE
BILLINGS, MT 59105 | 20 SARA WRIGHT
1430 MARY STREET
BILLINGS, MT 59105 | 27 DAVID JOHN RUFF
2340 HYACINTH DRIVE
BILLINGS, MT 59105 |
| 7 MARK STEVEN & ALESIA E FOWLER
1512 MUSTANG VALLEY DRIVE
BILLINGS, MT 59105 | 14 MDT
PO BOX 201001
HELENA MT, 59620 | 21 JOSEPH M ALLEN
1414 MARY STREET
BILLINGS, MT 59105 | 28 KALISPELL ASSEMBLY OF GOD CHURCH
225 SUMMIT RIDGE DRIVE
KALISPELL, MT 59901 |



**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT
DISTRICTS**

Bitterroot Heights Subdivision, 3rd Filing

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(City of Billings)**

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**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENT DISTRICTS**

Bitterroot Heights Subdivision, 3rd Filing

This agreement is made and entered this ____ day of _____, 20____, by and between **BCJM Properties, LLC**, whose address for the purpose of this agreement is **2409 Nina Clare Rd., Billings, MT 59102**, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____ day of _____, 20____, the Board of Planning recommended conditional approval of a preliminary plat of *Bitterroot Heights Subdivision, 3rd Filing*; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20____, the City Council conditionally approved a preliminary plat of *Bitterroot Heights Subdivision, 3rd Filing*; and

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

WHEREAS, the provisions of this agreement shall be effective and applicable to *Bitterroot Heights Subdivision, 3rd Filing* 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 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 has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City’s Subdivision Regulations (Section 23.1101, BMCC):

1. No variances have been requested at this time.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

- A.** Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development. Sidewalks shall be 5-foot boulevard style walk.
- B.** 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.
- C.** Much of the area of this subdivision was previously mined for gravel and has since been reclaimed. There exists the potential for variable soils conditions and groundwater levels within the subdivision area. Assessment and mitigation of these conditions, if necessary, shall be the responsibility of the lot owner. Additional geotechnical studies may be necessary at the time of individual lot development.
- D.** No water rights have been transferred to the lot owners.
- 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 by the completion of the conditions set forth in the Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- F.** A Park Maintenance District has been created for the maintenance of the boulevard improvements, maintenance of drainage channels and detention facilities, and future park maintenance. The maintenance of the park, drainage, and boulevard improvements will be performed by the City, but paid for by funds received through the Park Maintenance District. The overall master plan for Bitterroot Heights Subdivision anticipates that approximately 380 lots will be created at full build-out. Development (construction) of the subdivision park will be required when at least 51% of the proposed lots are sold. Development of the park will be the responsibility of the Subdivider.
- G.** 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.

- H. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined with Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.
- I. Lot owners should be aware that portion(s) of this property lie within the floodplain/floodway, as depicted on the FEMA maps for this area. Please be advised that special development restrictions may apply within these specified areas.
- J. If sidewalk is not constructed within 5 years, the City has the right to construct the sidewalk and assess the property owners.

III. TRANSPORTATION

A. Streets

- Subdivider will execute a private contract to construct public streets, and curb and gutter within the Subdivision. The improvements will consist of 34-foot from back of curb to back of curb residential streets with 56-foot rights-of-ways.
- Standard curb and gutter will be installed on all of the interior streets being constructed within the Subdivision.
- All streets will be provided with an asphalt concrete driving surface.
- Hawthorne Lane will be improved by increasing the paved width from 26 feet to 30 feet.

B. Sidewalks

- Individual lot owners will be responsible for the construction of the sidewalks adjacent to their lot at the time of lot construction and shall be included in each building permit.
- Sidewalks shall be 5-foot wide with a 5-foot boulevard planting strip between the sidewalk and the curb at corner intersection handicap ramps and aprons.
- Subdivider will install, within the private contract, corner intersection handicap ramps and aprons.
- Subdivider to install sidewalks and trails fronting parkland/open space areas.

C. Street Lighting

- No street lighting is proposed for the development; however, street lighting is included in the waiver of right to protest.

D. Traffic Control Devices

- Subdivider will install necessary traffic control devices within or adjacent to the Subdivision in conformance with the City of Billings standards.
- Street name signs for streets within the Subdivision, or located immediately adjacent thereto, shall be furnished and installed by the subdivider in accordance with the specifications of the City of Billings standards.

E. Access

- Subdivision access is limited to a single access to Bitterroot Drive via a public street (Empire Drive) located approximately 1,500 feet north of Mary Street and a single access to Mary Street via a public street (Hawthorne Lane) located approximately 2,600 feet west of Bitterroot Drive. Hawthorne Lane will be improved by increasing the paved width from 26 feet to 30 feet.
- An update to the Traffic Accessibility Studies submitted for the 1st and 2nd Filings shall be performed.

F. Billings Area Bikeways and Trail Master Plan

- The Bitterroot Heights Subdivision, 3rd Filing is within the planning area for the Billings Area Bikeway & Trail Master Plan. The Trail Plan indicates a proposed multi-use trail along the south side of Five Mile Creek with a connection to Mary Street within the old railroad right-of-way. The Plan designates Mary Street as a “primary bikeway” and designates Bitterroot Drive as an “arterial bikeway”.
- Parklands dedicated with Bitterroot Heights Subdivision, 1st and 2nd Filings have been master-planned to include provisions for necessary connections through subdivision property. Construction of the multi-use path through parklands dedicated with Bitterroot Heights Subdivision, 1st and 2nd Filings will be undertaken with development of the park and will commence when 51% of the total planned lots in all the filings are platted. In addition, 8-foot wide gravel maintenance paths have been constructed in the Public Open Space dedicated with the 2nd Filing.
- Ownership of trail corridor through Bitterroot Heights Subdivision, 1st and 2nd Filings will be by the City of Billings Parks Department. Maintenance will be the responsibility of the City of Billings Parks Department through establishment of a Park Maintenance District.

G. Public Transit

- Met Transit provides service to the Billings Heights, with the closest route at the intersection of Bench Boulevard and Pemberton Lane, approximately 1 mile from the 3rd Filing. No improvements are required to ensure public transit service.

IV. EMERGENCY SERVICE

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.
- The Subdivider shall provide a permanent 2nd access to the Subdivision by improving Hawthorne Lane to a 30-foot asphalt road.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A complete stormwater management plan shall be submitted to the Engineering Division for review and approval at the time of development.

In accordance with the Stormwater Management Plan developed for Bitterroot Heights Subdivision 1st, Filing, a stormwater detention facility for Bitterroot Heights Subdivision has been constructed in the north-central portion of the property to serve ultimate build-out of all of Bitterroot Heights Subdivision. The detention facility is located on lands dedicated as parks and will be maintained by a Park Maintenance District.

Existing natural drainages that traverse the Bitterroot Heights Subdivision will be retained and improved for conveyance of stormwater runoff to the detention facility. The existing west drain has been re-routed with the 2nd Filing to drain to the existing detention facility, in accordance with the Stormwater Management Plan developed for the 1st Filing. The improved natural drainages will be contained within Public Open Space dedicated as parks and will be maintained by a Park Maintenance District.

Where not contained within street rights-of-way, storm drainage facilities will be located within dedicated rights-of-way or on public property. Where storm drain outfalls run between residential lots, a 20-foot wide right-of-way will be provided and a 5-foot concrete pathway will be constructed within the right-of-way.

VI. UTILITIES

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 water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is 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 design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Billings Public Works Department, County Water District of Billings Heights, Fire Department and the Montana Department of Environmental Quality.

A. Water

Subdivider shall enter into a private contract to extend water mains from those that are existing in the Subdivision. Water will be provided by County Water District of Billings Heights. Each water main will be 8 inches with services stubbed to each lot. Construction drawings shall be reviewed and approved prior to installation.

B. Sanitary Sewer

Subdivider shall enter into a private contract to extend sanitary sewer mains from those that are existing in the Subdivision. All sanitary sewer mains will be 8 inches with services stubbed to each lot. Construction drawings shall be reviewed and approved prior to installation.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines within the public right-of-way shall be installed prior to surface improvements. 8-foot utility easements are provided along the front lot lines of selected lots for utility services as shown on the plat of Bitterroot Heights Subdivision, 3rd Filing.

VII. PARKS/OPEN SPACE

- The parkland requirement for the Bitterroot Heights Subdivision, 3rd Filing is 2.051 acres (11% of net area). The parkland requirement for the anticipated build-out of Bitterroot Heights Subdivision (all filings) is 7.96 acres (11% of net area). A total of 12.441 acres of parkland has been dedicated to the City with Bitterroot Heights Subdivision, 1st and 2nd Filings. Additional parklands will be dedicated with future filings.
- The City and the Subdivider agree that the requirement for park dedication is satisfied by the conveyance of parklands to the City.
- The overall master plan for Bitterroot Heights Subdivision anticipates that approximately 380 lots will be created at full build-out. Development of the subdivision Park Master Plan, adopted by City Council, will be required when at least 51% of proposed lots are sold. The development of the park will be the responsibility of the Subdivider.

VIII. IRRIGATION

- No irrigation facilities are affected by the development of Bitterroot Heights Subdivision, 3rd Filing.
- No water rights have been transferred to the lot owners. Irrigation ditches that exist near this development are for the benefit of other properties. Ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

IX. SOILS/GEOTECHNICAL STUDY

- A geotechnical investigation was performed for the area of Bitterroot Heights Subdivision, 2nd Filing and can be obtained from the City Engineering Department office.

X. PHASING OF IMPROVEMENTS

- Phasing is not proposed for this Subdivision.

XI. 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 Engineer and Utility Department Manager.

XII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

- A.** Subdivider agrees to guarantee all public improvements for a period of two years 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 provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees 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.

