

## MEETING NOTES

<b>Date</b>	September 27, 2021
<b>Project</b>	Alkali Creek Rezone
<b>Project Number</b>	20006040
<b>Attendees</b>	Anna Vickers, Kolten Knatterud, David Mitchell, Adam Simmons, 406-208-0362, 406-252-1761, 406252-2028, 406-661-9200, 406-671-9467, 406-861-0003, 406-861-4520

Tony Nave, Jerry Glover, Autumn Maddox, Beverly Stonemach, Gary Coch, Sharon Shannon, Shannon Bobby Triam, Henry and Peggy Hilling, Sonya and Mike, John and Barbara Tircoff, Lee Webber, Jerry Copp, Max Griffin, Melissa, Janine Griffin

Kolten: Everyone that received the first invitation, there will be a second meeting tomorrow night in the IMEG office. And you are welcome to that meeting at 5:30 tomorrow. We'll do development team introduction and summary of project. We'll open up to questions and concerns and respond as best we can. I'm Kolten and Anna will be taking minutes.

I'm Max Griffin. And I'm David Mitchell and Max is my father-in-law. My wife Ali and I and max and his wife are developing the property.

Kolten: For the folks logged in this is the property north of airport along alkali creek road. It's about 80-83 acres. The proposed development would have two accesses off of Alkali Creek Road. One being located further to east closer to light blue area on north side of creek itself and second access would be west of where Alkali Creek crosses Alkali Creek Road. With regards to the colors on the map, February went through a zoning code update. The zoning code that was previously from the 70s. So now you will hear from the city about Project ReCode. As part of new code City of Billings rewrote regulations on annexing into the City. Prior you could take the property and zone the entire area as one zoning. The rules are if you are annexing over 10 acres of property must have two zoning types. If you are annexing over 40 acres at least one of the zoning types must be a multifamily or the city calls an NX. The majority is the purple or pink which is N3 which is the largest zoning the city of billings has which is 15,000 or larger sq ft lot. We are showing one area as green which is neighborhood mixed used commercial district. This is corner stores, restaurants, small pockets that go within a subdivision. These are auxiliary residential usages. The blue area is NX1 which is not desired by the group. But this is the lowest multifamily allowed. This NX1 allows up to fourplexes. We want to clarify that neither of the bigger districts are requested. The group is asking for the least dense which is to satisfy the city. The idea is this would likely be patio homes or duplexes. But again, the district allows up to fourplexes. This meeting is the first step in the annexation in rezone process. We are having this meeting tonight, then having another tomorrow night. Then we will submit and go to the zoning board which will allow additional public comment or opportunity. We are looking

at the council decision being in the month of January. At this time, I'd like Max or David to add anything left out.

Max: We've lived out here for as long as Tony Nave maybe not. We are wanting to build a quality neighborhood. People know us and we don't build anything cheap. We are being required to put multifamily in is one we don't take lightly. We are gearing this multifamily towards patio homes. They are at the entrance we feel this is important to the neighborhood. We like being able to separate this area due to the natural creek. We thought best location, that we could put the zoning we are required to have. We widened entrance to 100' so we can buffer area and eliminate being too tight. We are going to put trees in the area to make it look nice. Make the folks in the area to have a backyard they can enjoy.

Kolten: What I would like to do now is anyone that has a comment please state your name and then you could present any questions, concerns or comments and we will try to address.

Tony Nave: I think a lot of the concerns are not with your intentions but what can be done legally. Concerns is we could see by law that fourplexes that are two and a half story in height. I understand the intent isn't to do that, but my comment would be if your intent is to keep it to duplex/patio homes would you consider adding subdivision covenants to make them enforceable by the covenants. And that would alleviate my concerns.

Max: That certainly something we would take a look at. We're really invested in that area for the last 40 years. I think that's a good suggestion we can take a look at that.

John: Max, I have a question when setting up patio homes will that be setup under HOA that you will be in charge of? Or whoever is in demise? That will be under HOA.

Max: And all common ground and preferably all ground would be commonly taken care of.

John: How is water and sewer being paid for?

David: On June 28 the city approved an allotment to our property line. That does not force anyone to be part of the water of sewer. The city is paying for that.

Melissa: Do we have to connect?

Kolten: The sewer and water would be available, but the City does not intend to force annexation upon anyone. If you have a source of water and sewer that works fine for you, you are not forced to annex unless you want to.

David: They will probably stub in something?



Kolten: In conversations with the city their plans are to have a manhole and a fire hydrant that if any of the streets did want to extend then they could. But there is no plan currently.

John: Is there any conversations about Mr. Boyer what his plans are?

David: My only conversation has been with his agent that his intent was to sell 3-4 acres parcels and keep in the county.

Melissa: I wanted to ask about the complex again. I missed the first part.

Kolten: As part of the annexation because we are annexing over 40 acres, we are required to provide multi-family and we are using NX1 which is least dense which the max unit size is a fourplex. So highest density is a fourplex and right now it's patio home or duplex. And there was even conversation into putting this in the covenants. That will be explored further.

Lee: Will the multi-family be owned by the people that live there?

David: Any multi-family there would be some renters there just as any multi-family. But our intention is not to do fourplexes.

Melissa: So, in regards you are building complex, and you are increasing traffic by a lot. My concern is that you know 2-4 kids per family and are you allowing pets. I can see a lot of issues. We already have enough wrecks. My question is there other roads put in? What are we looking at here?

David: I don't think we can put any more roads on Alkali Creek Road. As far as allowing pets, whatever is allowed per city is whatever we allowed. And as far as kids we can't prohibit kids.

Melissa: There is motorcycles going 100 mph. I'm concerned about kids and pets being hit.

Kolten: The yellow puts a path in the yellow area. (Referring to provided zoning map.)

Melissa: You are extending walkway on the bridge or what?

Kolten: This will only be in our development. I will say as part of the subdivision process, we are required to do a traffic impact study. To make sure we have met turning lanes, stop lights, etc. Schools are allowed to comment on whether they have capacity to take on the students. So, the city has those processes in place to address your concerns.

Sonya and Mike: The walkway stops at about Strawberry and ends then. This could be a way to extend the walkway and provide safer transportation.



David: We can't control the sidewalk and walk path, we can only control what's on our property. We are putting sidewalk in our property. You should bring your concerns regarding the sidewalk extension up to the city.

Adam: We have this section of county road that isn't maintained, and it bring up lowest quality from the county. It would be good to have things be all maintained. The county doesn't do any of the stuff but the city does.

Max: We are hoping that anyone that moves in the area will share the concerns that you all have a trail system in that area will be a wonderful idea. We will certainly put ours in and do the best we can.

Adam: I'm hoping it will encourage the rest of us to connect.

Kolten: I do know as part of 3000 ft extension the city is putting in, the city is not going to try and save any of the existing asphalt. The city is going to put in a new full road surface for 3000 feet they are installing. They are planning on that.

Adam: You said the traffic study has been completed and submitted. When will that be shared with you?

Kolten: When it becomes fully public available is the first public meeting that all of that will be public data. It will be available through city website in a couple months. We can discuss that internally if there is any interest in seeing that. The interesting part of that area is the inner belt loop is not numbers as of today plus what city says will be added with inner belt loop project plus what the city says will be added with this project.

Tony: I would like to comment that as one of the residents that has been out here longest. I'm very pleased with what I see on the majority of this subdivision. I think this will be a real asset to the community. It's a beautiful add to the community. Some of the road issues are not your concerns. I like everything except the multi-family.

Max: Thank you Tony; and Ali and David will live there so they'll be very conscience.

Dan: I had a couple of comments. We talked to one of the people from the survey companies that they said one of the 5000 cars per day from inner belt loop. And that will put a lot of pressure on alkali creek road. I'm interested on the rental thing, are you selling the lots to individual people and other contractors to build whatever they want? Is there possibility you could have 29 different contractors? Are you just selling lots over where your big lots are at or are you doing model homes?

David: We are having a design and architecture review committee. That will have an approval of colors and pitches. As far as the smaller area. We don't think we'll have 29 different home builders.



Max: We'll have pretty strict covenants on building types, heights, sizes, and make sure this is a great representation for the neighborhood behind it.

Dan: I see you're starting one building down in the bottom there. What is your timeline to start? What is timeline to break ground?

Kolten: We will be going through the review periods and our hope is to have annexation, rezone, and preliminary plat approval in early January. At that time, it's when infrastructure can be put in the ground. The goal is early 2022 is when infrastructure is put in and allow for spring 2022 and allow final plat to be filed and building construction to be started. The one place you see is David and Ali's home that is being constructed. There will be no more houses going up until final plat is filed.

Dan: Has anyone had any concerns of the water from Alkali Creek? With the high water?

Melissa: My concern is the ground paction and the water. And my concern is when putting sheets of metal down with a hammer and you don't have to use it. It's a big concern there may be no ground under that.

Kolten: The floodplain and wetland are concerns are going through the process with county floodplain and the army core of engineers. The yellow path is within 100-year floodplain area. We cannot do anything there. If you walk the site, you will see what it is floodplain. The floodplain does align well if the bench and the survey data does corroborate that. With the regards to soils, you are correct. There is clay and gumbo soil. Rimrock Geotech has done a number of soil borings out there. They have made recommendations for structural fill, peers, etc. You're right the standard footing is not acceptable.

Melissa: The culverts are huge. And I would take that into account. And when someone's house floods? Who's responsible? Is it the city or the county?

Max: Having been out there I've seen all the floods. One of the good notes is the airport has put in some of the retention ponds. We've been through some bad floods.

Melissa: The flood rolls down the hill.

Dan: Max and David, I wanted to wish you guys and say I hope everything comes out good.

New: Is this the only NX1 development you are going to do? I know you have 3 phases.

Max: I think we've met the requirement.

Kolten: Yes, that's correct. We have met the requirement. The reason that nothing is being shown south of there we get back into the canyons and a lot of unknown as to



what should be city and what should stay in county. Not going into gullies or one of the bluffs.

New: I want to speak, and I've been down here 44 years now. Flooding is mitigated because of ponds at airport. And they built a drainage tube down from sun valley road that's 28inch pipe and a 32-inch pipe. And a lot of problems will be solved by that. I think this development will add to everyone's property value if we can maintain the looks and control that it will add to property value.

Melissa: I think it's a great plan. I'm happy for you guys and I'm excited. I think it's great that you guys are building and not someone else.

Max: We will be your neighbors there and in future.

Sonya and Mike: Question about preserving the night sky?

Kolten: As part of the initial development no streetlights are required because it is a residential development. If any streetlights were put in and probably put in on alkali creek road. There would be night sky requirements for the city street lights. As far as this development there are no streetlights proposed on those interior streets.

John: How long will it take to do first phase?

Max: I'm not planning on being around through whole project.

David: Kolten we anticipate all infrastructure done by next summer? As far as built out, 30-40 lots within the first year hopefully.

Dan: It'll take 5-10 years. I think it'll be fine.

Bobby: I just have a curious question about the Russian olive trees. They are through the area. Will they stay or not?

David: Let me ask if you like Russian olive trees? We are working with Army Corp of Engineers, and we have improve the embankments and will have to remove some of the Russian olive trees. We do plan to plant trees.

Bev: I have a question. When the city comes through with the water and sewer and we live not directly on alkali. If one or two of us wanted to take advantage of that we would have to pay to have it run up here? Have it run from alkali to our driveway and pay to have it run into our house?

Kolten: Not knowing exactly where your home is to speak generally.

Bev: We are on prickly pear.



Kolten: I guess if you and a number of your neighbors were interested in having that run is the city would have to include that as part of their project and determine value of the section and do what's called a RSID which is a residential subdivision improvement district. You can pay it one time. Or over 20 years of taxes. But it's cheaper to do it with the existing project. The city would expect the property owners to pay.

Bev: How would we find out?

Kolten: Travis Harris is running project. My recommendation would be to reach out and see the process.

Melissa: This doesn't apply to everyone?

Kolten: No, it would have to be a neighborhood lead project. If you are utilizing city services, you'll have to connect. And pay city taxes.

Bev: We would be annexed in?

Kolten: That's where it gets interesting. The city likely won't do it if it's just you. Extending water main to just one person is not feasible. There is a certain percentage of people that would need to want to annex.

Bev: Is it 75% or 50%?

Kolten: That's a city of Billings call I don't know the magic number. You'd need to find out from them.

Tony: I'm signing off.

Kolten: Before we end meeting does anyone have any additional comments? Additional meeting tomorrow at our office if you want any further comments.

Guest: That's in Wells Fargo building on 27<sup>th</sup>?

Kolten: Yes, 13<sup>th</sup> floor, suite 1312.

Question: In regard to building process, how long are you planning on living or owning out there?

David: My wife and I have our own home. And the remaining lots will be sold off and we will probably be there long term.





## MEETING NOTES

<b>Date</b>	September 28, 2021
<b>Project</b>	Alkali Creek Rezone
<b>Project Number</b>	20006040

### Sign in Sheet

Name	Phone #	Email
Bobbie & Dan Tryan	406-208-0362	<a href="mailto:dantryan@msn.com">dantryan@msn.com</a>
Lee Webber	406-861-2195	<a href="mailto:Lee.webber@DNOW.com">Lee.webber@DNOW.com</a>
Michael Glunt & Sonya Smith	406-202-1731	<a href="mailto:Mike_glunt@hotmail.com">Mike_glunt@hotmail.com</a>
Melissa	406-860-7717	<a href="mailto:melissakernie@yahoo.com">melissakernie@yahoo.com</a>

### Main Points & Concerns

- Concerns on NW1
  - Can it go somewhere else?
  - Like patio homes-no fourplexes
- Can larger lots have shop?
- How park is being maintained
- Can we be forced to annex?
- Cell & Internet reliability
- Will property taxes go up?
- Concerns about crime rate & drugs
- Nice to have Griffins doing this
- Would like noise ordinance
- Concerns about streetlamps
- Concern about sidewalk along Alkali
- Concerns about vinyl privacy fences
- Making fencing wildlife friendly



**Matt Suek-The Timbers Meeting Notes with Tony Nave-Project # 20006040-September 20, 2021**

Tony Nave-252-1761 (Home Phone)

Alkali Creek & Foothill Creek Sunvalley 3<sup>rd</sup> Filing-1518 Alkali Creek-Where he lives.

Former Clerk & Recorder, retired in 2011

Questions

- Density & Subdivision Plan-No exhibit provided
- County resident-Worried about annexation. Wants to stay
  - We will provide update on how annex. effects neighbors
- Current home building & septic situation
  - David & Ali-building currently hooked to city water & sewer
- Opposition to 5,000 SF lots
  - Tony expressed he and others will express opposition to 5,000 SF lots. Doesn't fit with what is there already. Used to be R96. Matt Suek provided subdivision phasing with ariel and zoning exhibit with descriptions of NX1, N3 NMW.

## Anna M. Vickers

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**From:** Anna M. Vickers  
**Sent:** Monday, September 27, 2021 6:45 PM  
**To:** 'gordon forster'  
**Cc:** Kolten L. Knatterud  
**Subject:** RE:  
**Attachments:** 2021-09-15.Timbers Zone Exh.pdf

Hi Gordon,

Thank you for submitting your comment. I will be sure to add this to our records for the rezoning. You may have received a second letter there will be an in person meeting held tomorrow at our office in Billings. The address is 175 N27th Suite 1312 (Wells Fargo Building). This will be held in person if you would like to attend you are welcome to attend. I have attached our zoning exhibit for you as well. Just a few quick notes, the City of Billings does require that any parcel that is annexed into the City of Billings over 40 acres in size to have some form of multifamily within. Our developers have chosen the smallest multifamily designation allowed within the City of Billings zoning code. This designation is NX1 and allows for 4plexes as the maximum density. However, it is our developer's intent to keep this area as duplexes or patio homes. You will see this small area in light blue on the attached exhibit. The remainder of the lots are intended as single family homes with the smallest lot size being 18,000 square feet. I hope this helps alleviate some of your concerns. Again, we really do appreciate your comments and intend to add them to our records and submittal to the City of Billings.

Wishing you well!

**Anna M. Vickers**  
Land Use Planner



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**From:** gordon forster <[bearbutte1@LIVE.COM](mailto:bearbutte1@LIVE.COM)>  
**Sent:** Monday, September 27, 2021 6:36 PM  
**To:** Anna M. Vickers <[Anna.M.Vickers@imegcorp.com](mailto:Anna.M.Vickers@imegcorp.com)>  
**Subject:**

**CAUTION:** Email originated outside of the organization.

Re: zone change , The Timbers

I appreciate the opportunity to express my concern with the proposed zoning of Phase 1 of the above proposal. This area with lots sold would be fine with the exception, to me, are way too small for what one can build on it. We purchased our home on HillTop Road with 12000 sf and that is the smallest in this neighborhood. This zone q would change the complexion of this entire area. Too I am aware of other landowners that would like to zone their properties with this small area allowed.

Thank you for accepting these thoughts concerning the zone change.

Gordon Forster , 1532 FootHill Dr.

## Anna M. Vickers

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**From:** Anna M. Vickers  
**Sent:** Thursday, October 7, 2021 3:34 PM  
**To:** morscheckbonnes@gmail.com  
**Cc:** Kolten L. Knatterud  
**Subject:** Alkali Creek Zoning

Hi Bonne,

Thank you for reaching out regarding the zoning information. I'm sorry you were not available for the two meetings we held. The zoning explanations are listed out below.

- Zone NX1 (Aqua): Mixed Residential 1 – single-family, two-family, and small scale three to four unit homes. The Multi-family homes are intended to match the scale of the neighborhood single-family homes with similar characteristics such as building width, parking, and garage locations.
- Zone N3 (Magenta): Suburban Neighborhood Residential – single-family homes of the largest lot size allowed in City of Billings zoning with one primary dwelling. This includes wide lots and attached garages.
- Zone NMU (Lime): Neighborhood Mixed-Use - located primarily along neighborhood corridor this area is designed to be highly walkable and accessible to pedestrians, ground story use focuses on daily needs for the adjacent neighborhood residents such as personal services, small restaurants, or corner store.

Other important notes from the meeting were as follows.

- Your house will not be required to annex into the City of Billings just because this subdivision will be in the City of Billings.
- Traffic studies have been performed and will be made available to the public when the City of Billings reviews the subdivision and releases information.
- The yellow area is a park with a walking path. All roads within our subdivision will have walking paths. Connecting to existing City paths outside of the property will be the City's responsibility if they chose to do so.

Cordially,  
**Anna M. Vickers**  
Land Use Planner



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