

**APPLICATION FORM**

**COUNTY ZONE CHANGE** County Zone Change # 715 - Project # PZX-23-00069

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: Agricultural

Proposed Zoning: Light Industrial

Property Tax ID # D00905, D00904, D00907 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: T1S - R25E - SEC 27 - NWSE,  
T1S - R25E - SEC 27 - SESW+SWSE, Parcel # 1281-000-001

Address or General Location (If unknown, contact County Public Works): 8522 South Frontage RD  
and surrounding acreage

Size of Parcel (Area & Dimensions): 125.889 acres Approx. 4,000ft X 1,500 ft

Present Land-Use: Agriculture

Proposed Land-Use: Light Industrial

Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No

If yes, please attach to application

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): SAMM LLC.

(Recorded Owner) 2225 South 64th St. W Billings, MT 59106

(Address) (406) 281-0329 sams@sparksinc.us

(Phone Number) (email)

Agent(s): Sam Sparks

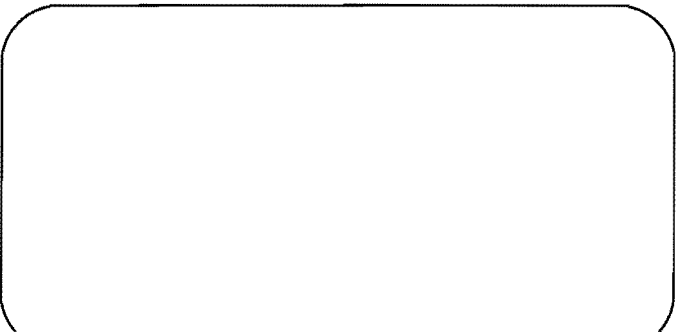
(Name) 2225 South 64th St. W Billings, MT 59106

(Address) (406) 281-0329 sams@sparksinc.us

(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 3/30/2023  
(Recorded Owner)



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

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

1. **Present Zoning:** Agriculture
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: We are changing the zoning from agriculture to light industrial to include approximately 125 acres.
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** T1S-R26E-SEC 27, NWSE,  
T1S-R26E-SEC 27, -SESW+SWSE, Parcel # 1281-000-001
5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
6. **A copy of the meeting notice.** please attach to this form
7. **A brief synopsis of the meeting results.** please attach to this form
8. **The undersigned affirm the following:**
  - 1) The pre-application neighborhood meeting was held on the 23, day of MARCH, 2023
  - 2) The zone change application is based on materials presented at the meeting.

**Owner (s):** SAMM LLC Telephone: (406) 281-0329 (406) 656-0980  
**Address:** 2225 South 54th St W Email: sams@sparksinc.us  
Billings, MT 59106

**Agent (s):** Sam Sparks + Michelle Sparks Telephone: (406) 281-0329 (406) 281-0328  
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Billings, MT 59106 michelleandsam@charter.net



# County Zoning Change

When: March 23, 2023

Where: 8522 S Frontage Rd  
Meeting to be held at East Driveway

Time: 5PM

Contact Info: Sam Sparks 406-281-0329

Legal Description:

S27, T01 S, R25 E, C.O.S. 1281 PARCEL1

S27, T01 S, R25 E NWSE SWSW N2SW (LESS SURVEYS RY&HWY)  
107.737 ACRES

S27, T01 S R25 E, SESW & SWSE

The existing lot is agriculture and is being purposed to change to light industrial.

## Pre-Application Meeting Results

8522 South Frontage Rd – East Driveway

3/23/2023

We conducted a pre-application neighborhood meeting on Thursday March 23, 2023. The meeting information was sent out based on the address list we received. Only two of the owners within the 300 feet radius came to the meeting. One being Shirley Wagner who had nothing to say. The Neibauer's also came who informed us of what he measured the water table to be. Several other local residents also attended the meeting. The biggest concerns were water and storm water. Travis West, from Engineering West, addressed those issues. Another concern was irrigation water that crosses the property. We assured those concerned the irrigation water would continue to be available. A concern was that the property was a large area turning into light industrial and that there was no definite plan on who the future owners might be and how they would be regulated. Travis West told them there was a document concerning light industrial that was fairly comprehensive including low lighting, buffer zones, and accesses to the property.

## **Zone Change Application/11 County Zone Change Criteria**

### **1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?**

#### **Land Use**

- The requested zoning is consistent and compatible with the neighborhood character and with the existing growth patterns in the area both east, west and north of the subject property.
- This proposal is sensitive to the neighborhood to the south and their desire for buffering to the future needs for land for the Canyon Creek School.

#### **Economic Development**

- The goal is to create an attractive and accessible access and entry along the South Frontage Road.
- The development is sensitive to the desires of the existing local neighborhoods in close proximity to the subject parcel and to promote a safe and healthy environment for the Canyon Creek School students.

#### **Aesthetics**

- The goal is to create a safe, inviting, and attractive subdivision on the South Frontage Road.

#### **Open Space & Recreation**

- The subject parcel is situated in such a way as to create a natural low area on the southern boundary of the property that lends itself to a recreation/park area. This area also serves as a buffer area for some of the residences to the south.

#### **Transportation**

- The transportation within the subdivision will be safe and allow for good circulation and to avoid congestion.
- Entrance to the subdivision and all access points off the South Frontage Road will be coordinated with the Montana Department of Transportation.
- Through the design process, the development will be both attractive, safe and functional.

**2. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the existing zoning will fit in with the existing zoning and land uses of the immediate area.**

I am a builder and developer of properties. I bought the property, currently zoned for agricultural purposes, with the intent to create an outstanding development along the South Frontage Road. The section to the east of the subject parcel has developed and is in the process of additional development and the property to the west of the subject parcel, starting at Duck Creek Road is and has been in the process of development for the past few years. This development sits between the two areas that are currently being or have been developed and is a logical, safe and functional expansion for the area.

**3. Is the new zoning designed to secure from fire and other dangers?**

We plan on putting dry hydrants in two locations of the property. That will add fire water to this subdivision and the existing surrounding areas.

**4. Will the new zoning promote public health, public safety and general welfare?**

Yes, the traffic patterns will be routed in a safe manner through the subdivision away from the residential areas. The storm water will flow to the south side of the property through the existing low areas. There will be a berm around the storm water retention ponds to ensure the water cannot leave the property.

**5. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?**

The roads will be coordinated with the Montana Highway Department and the county road commission to ensure safe and easy passage. Water in light industrial use will be minimal as with sewer. There is a buffer zone around the school and plans for park areas.

**6. Will the new zoning provide adequate light and air?**

Yes, there will be adequate light and air. We will be sensitive to the areas around us.

**7. How will the new zoning effect motorized and non-motorized transportation?**

Being that this is on the South Frontage Road and in between two exits on I-90, the state transportation system works perfectly for this property. We will be working with MDT to ensure proper approaches are installed with safety and flow patterns in mind. Non-motorized transportation will also be able to use these routes. It will keep trucks and other commercial vehicles off of routes used for the school and pedestrian transportation that is currently being used.

**8. Will the new zoning be compatible with urban growth in the vicinity of cities or towns?**

Yes, light industrial can assist in serving the current refineries and keeping the traffic on the South Frontage Road and I-90.

**9. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?**

The property is currently zoned agricultural. The center (about 1/3 of the property) is not currently being used because of unsuitable land. The southern portion of the property is in a flood zone. Those areas will be used more appropriately. The South Frontage Rd current residency will be demolished as the current residents can no longer tolerate the noise of I-90 or the South Frontage Rd.

**10. Will the new zoning conserve the value of buildings?**

The buildings within the proximity of the land currently are zoned commercial, a school, and residential on the outside of a 300 foot buffer zone.

**11. Does the new zoning encourage the most appropriate use of land throughout Yellowstone County?**

Yes, because it is located on the South Frontage Road and I-90 with very heavy traffic and noise, residential use is not practical. The busyness and noise will not impact light industrial businesses. The proximity to I-90 is close enough for warehouses to be positively impacted. Small fabrication business can service refineries and the new gas plant without the traffic having to use any of the local, city, and county roads.

**12. Will the new zoning, as nearly as possible, be compatible with the zoning of nearby cities and towns?**

The zoning will be perfect for the zoning that is already in existence on the I-90 corridor and the nearby cities and towns.

## Pre-Application Meeting Results

8522 South Frontage Rd – East Driveway

3/23/2023

We conducted a pre-application neighborhood meeting on Thursday March 23, 2023. The meeting information was sent out based on the address list we received. Only two of the owners within the 300 feet radius came to the meeting. One being Shirley Wagner who had nothing to say. The Neibauer's also came who informed us of what he measured the water table to be. Several other local residents also attended the meeting. The biggest concerns were water and storm water. Travis West, from Engineering West, addressed those issues. Another concern was irrigation water that crosses the property. We assured those concerned the irrigation water would continue to be available. A concern was that the property was a large area turning into light industrial and that there was no definite plan on who the future owners might be and how they would be regulated. Travis West told them there was a document concerning light industrial that was fairly comprehensive including low lighting, buffer zones, and accesses to the property.

Zone Change Neighborhood Meeting – 3/23/2023

8522 South Frontage Rd

**Travis:** I am Travis West with Engineering West; I am the engineer that is representing and working with Sam on this development and proposed zoning change. What we need to do is park of our zoning change is to have this meeting to hear any concerns, comments you guys might have about this because we want to make sure we get those and submit those to the zoning department and that will be then given to the county commissioners who really are the decision makers in this zoning change. So we want to make sure you state your name, whatever comments/concerns you have so we can get those on record and to the commissioners so you guys are heard and everybody understands your concerns.

**Sam:** Okay you want me to talk now?

**Travis:** Sure

**Sam:** I am not a meeting leader. Anybody else need a map? Okay so on your map here I am just going to talk about that a little bit and describe it. (Pointing at map) This is South Frontage Rd. We picked this weird shape because down through there is a ditch that runs through and we had previously drawn the high points for a road and a few potential roads that could go in, so that is why it is not square and it is kind of all over the place. What we are proposing is light industrial along South Frontage Rd. Travis I don't know what to say next other than what are some comments.

**Joy:** I have a question.

**Travis/Sam:** Yes

**Joy:** Okay well that is not the map proposed to Brent Lipp

Sam: Parden me?

Joy: That is not the same map proposed to Brent Lipp, with the school.

Sam: This is the zoning change map, and this map doesn't have anything to do with a subdivision.

Travis: There was some previous earlier concept plans as we were going through this. Do we want to do residential or mixed use. Mr. Sparks did have an exact idea of what he wanted to do. So, this is the latest greatest, he is going with light industrial here and this is for a zone change. So currently this is zoned agricultural and in order to do any type of commercial development here we have to go through the zoning change process.

Joy: Well why did you tell Mr. Lipp that there's going to be residential?

Sam: What our thought is, is down here it will be residential. I wanted to make sure the school had the opportunity to let us know what it is that they want. If they want a piece of property or what they want.

Travis: Part of the early discussions was maybe the school, if they needed to expand for room, that maybe they would be interested in purchasing this so we didn't want to include that in the zoning. That also allows a buffer for a lot of the residents around here so we don't put it right next door. We wanted a buffer between that. So that was a couple ideas we had, that is why you see up here is also not proposed in the zone change either because of that buffer. We like that buffer between the houses over here.

Scott: How long have you owned the land, Sam?

Sam: About a year.

Scott: When you say light industrial, what is your vision for that.

Sam: So, what I call light industrial, I am a manufacturer, I used to build arctic pipe and fab pipe, fab welding shop, that kind of deal. Warehouses you have to be light industrial, not commercial. I don't have the total definition of light industrial.

Travis: I have the definition here.

Joy: So, production of some sort.

Scott: Light industrial from heavy industrial?

Travis: If this zoning change were to pass, it would allow a variety of businesses, warehouses, light industrial uses related to wholesale plus other businesses, and light industries. It requires

low intensity lighting, industrial development. The traffic is proposed to come off of the Frontage Road and directly west so they are not going by the residential.

Joy: So directly through the school?

Travis: No, no

Joy: But it would be coming out by the school.

Travis: There will be an access but they will come out here and here.

Sam: The board told me I had to take Danford all the way to ???

Travis: You still may, we don't know.

Sam: I basically told them that is the last thing I want to do; it goes right through Shirley's front yard.

Joy: Well, it wouldn't I can tell you that. That land is grandfather cloused in and agricultural land. It will never be sold for anything else.

Sam: Around 1890, they dedicated it as a road.

Travis: There is a road dedication along this section of land. The county public works made a comment that you might have to extend Danford all the way through which we do not want to do. This is all flood plan down here and stuff like that.

Sam: That is the last thing we want to do.

Travis: But they just made a comment about it.

Sam: The road commission said I had to and I said you can't

Travis: It doesn't make any sense.

Sam: It makes no sense, we do not want to do that at all. By keeping a good buffer away from Shirley's, I don't think we are going to have to. I have only talked to them briefly and no decisions have been made, nothing. I didn't know when I bought this property that Danford went through there at all. I also don't want to pay for Danford to go through. On half of my property, and half of Wagner property, there is an easement for Danford road for 60 feet. 30 feet on each

side right down the property line that was made in 1890. The estimate was put in around \$160 to build that entire road including moving fences and relocating bridges. So, I mean, it doesn't make sense today, but I don't know what they are going to say, it is not mine. They are claiming it is theirs. I don't know, but that is a whole different topic.

Travis: Right, that is not concerning the zoning change.

Sam: Yes, this has nothing to do with that.

Travis: If we were to develop this, this is when we will have to develop those issues, through a subdivision.

Sam: We don't want to go through any of your guys' property at all.

Julie: Was the open cut mining included in that.

Travis: No, I do not believe so.

Sam: What was that, I didn't hear it.

Travis: Open cut mining, is it allowed?

Sam: We are not doing mining.

Did Not Say Name: If you develop this, are you going to have city water and sewer.

Sam: No, at least not at this time.

Joy: Well how does that affect our water systems.

Dilys: Yeah, we have wells.

Sam: You have wells and there will be wells here.

Joy: No, how does that affect our wells going dry from you taking all the water.

Dilys: Yeah, they had that problem at Crystal Springs, it took all those people down on Duck Creek.

Travis: That would be part of the subdivision process, this is kind of a 2-part thing. One is zoning change, it that was approved, then we will look at how many lots and the development. If a

subdivision occurs, in that process the department of environmental quality along with Riverstone Health will review the water and sewer for the exact reasons you talked about.

Sam: Also, DNRC

Travis: Yes, DNRC for water rights. They will look at those to make sure that is it not a problem. In my experience, the closer you are the Yellowstone, the Aquaphor is very strong versus other places as you get farther away from the Yellowstone where you could have problems with smaller Aquaphor's.

Dilys: They had a lot of water and Crystals Springs took it all.

Travis: Those are issues that DNRC are going to look at. Like is said DEQ, depth of the wells, how many wells to make sure any of the drain fields are not going to pollute existing wells or proposed wells. We do what is call non degradations calculations. So those are all getting reviewed and has to be approved before anything can be installed.

Ken: Do you know what the water table is around now?

Travis: It is around about 35 feet, as far as the wells?

Ken: No, no the actual water table.

Travis: So last summer, some of you probably noticed we had a bunch of pipes around. One of my gals from the office was always out here, every week we measured the water. Everything up here is fairly good and dry for the most part. We do have a problem down there, where we are not proposing zoning because this is really shallow, high ground water. This really isn't set up for development because of the very high ground water.

Joy: What is the pit down for that is down there?

Sam: I demoed a machine. The water table down there in some points is 1 foot. It is really high, there is a lot of water down there.

Joy: Well, what are you proposing to put in the pit?

Sam: We will have a water collection that will come from the property.

Travis: He is referring to storm water.

Sam: Storm water, as it rains, we are hoping it will go down there.

Travis: It will be a retention pond, that will help recharge the ground water as well.

Joy: You are having a retention pond that sits next to danford drainage which our cattle drink out of. So it has to be clean water and it has to be purified before it is sent back to the river.

Travis: It is not going to go to the river.

Joy: Well, that drainage does flow into the Yellowstone River.

Travis: We are not proposing to dump that into the drainage ditch. It is held on site; it goes through a pond and filters down into the ground just like the storm water does now.

Joy: Well as close as the hole is to the drainage that ditch comes up high every year in the spring, there is going to be an issue because it actually goes over the banks that are there.

Travis: The ditch does now?

Joy: Uh yeah in the summer.

Travis: It gets full of water plus whatever it rains.

Kevin: Yeah, it comes up probably 3 to 4 feet.

Travis: In the ditch?

Kevin: Yes.

Ken: Years ago, one of my sprinklers blew up, I live next door over there. I thought the well was going dry, I didn't know the sprinkler head had broken and the pump wouldn't let any water come into the house. I measured down and we were 15 feet down until we hit water. My well is at 35 feet and I have never run out of water. No, mine is 32 and the house next doors is 35.

Dilys: What about if your business is commercial here, are they going to be on well water?

Travis: Yes, that is the proposal.

Ken: Did you know John Deere is going in next door over there?

Travis: I have heard rumors but I haven't heard for sure.

Ken: They bought the property, CBO but they haven't tried for a zone change yet.

Scott: Whereabouts is that located?

Dilys: Right on the other side of our property.

Ken: I am a Neibauer and that is my property so right on the other side of that and near Furniture Row.

Scott: That plat of land by furniture row over there?

Ken/Dilys: Yes

Ken: This side between my 2<sup>nd</sup> house and Furniture row. They bought it from a Yost. Where that ditch is over there, that is the property line and this way. There is actually a cement ditch this way, that's not the property line, it is past that. If you look there is still a triangle that is past that ditch.

Ken: I am zoned highway commercial, the house on the other side of me is also mine and that is residential but I am highway commercial.

Did not say name: What about the cleanliness of that water, if it is light industrial do you have parking lots and trucks and all that stuff.

Travis: Typically, each lot, I don't know how many lots will be created in here, but each lot will hold its own storm water on their own property. Retention ponds and things like that. The way you usually do a retention pond is you have grass; you will notice there will be grassy swales. The grass helps filter the oil and grease come off parking lots before it gets into any ground water. The retention pond that sam is referring to is since this is really the low spot of the property, because we have the roadways and we have to do something with those, so those will go through the grassy swales of the roads before it ever gets to here and then it has to go through a proposed retention pond to store it. We can not take the runoff of this development and put it on the neighbors, we can not do that. It has to be held on site per DEQ requirements. We will likely hold a 100 year storm event on site so it doesn't cause the ditches to overflow.

Scott: When you say on site do you mean each individual property?

Travis: Typically yes, each property will hold on site, that is the way we would design each lot, would have its own retention pond and for the roads, this would be an ideal area to collect all the road runoff as it goes through the development.

Sam: Travis would we berm around that down there?

Travis: We sure could prevent anything from running off, yes. We have done that before because you are going to have a lot of material here off your roads that you could use to berm and prevent any runoff that naturally flows off of the property too. If it is grass, grass doesn't allow it to runoff as quickly as pavement or asphalt. What you are seeing is a 12-acre tract here, we are proposing through a boundary line relocation 1 commercial tract here to be developed. That storm water will be held on that property.

Charlie: I know in one of the original proposals that we saw around showed housing which how does the school feel about light industrial versus some residential. The liability of the school starts to go away when it is all light industrial.

Joy: I did have a chance to talk to Brent Lipp today and he was not happy about it because he was told that there would be housing development in here for the school to bring in some of the school and not all the industrial.

Sam: This is where we think there could be some housing

Travis: In this area here, we have some concepts of some residential lots to help support that.

Sam: Not down here in the flood plain

Travis: Again, I don't think we are that far down in the concept in making that. We are just looking at the zoning change and we don't even know for sure how these are going to be developed.

Charlie: Well, if you put in for a zoning change for light industrial and don't include any residential, how will that play out.

Travis: We wouldn't be able to do residential.

Sam: On the northern part, but all of this is not going to be light industrial

Charlie: The portion you have for residential is pretty small.

Travis: Do I understand your comment, you would like to see more residential?

Charlie: I am speaking more for the interest of the school.

Sam: That is something we can talk about, what we are trying to do right now is get our light industrial, we made up boundary lines quickly, all of it can be changed again. I am trying to get it in from of them so I can get this frontage turned to light industrial. Their recommendation is just picking a spot and anything can be changed later. You can't really build over here, it is mostly up here that you can build.

Joy: You only have one access onto the South Frontage Rd?

Travis: At this time.

Sam: Yes, but that can also change.

Travis: Ideally, we are looking at another a little further down, we have talked to MDT and they have been out here regarding this approach. Their standards are 500 feet. You have to be 500 feet before the next approach. So ideally when we go into a development, there will probably be another approach over here with the road system.

Kevin: So, Sam you are not going to get rid of our ditch

Sam: No, your ditch will be always be there. Your water will always be your water. I cannot take your water

Joy: How? How will it be our water always? Are you planning on enclosing it in or what?

Sam: I don't know but I know I can not take your water away and I have no plan on taking your water.

Kevin: He pointed to here and he was to put a road through here, that right by where the ditch is.

Sam: The ditch is here? I thought it came from here?

Dilys: There's a lot.

Kevin: It actually comes down and kind of follows this dark green.

Sam: I thought it was over here.

Dilys: There is a ditch down here and there a ditch right behind my house. There's a ditch and it comes down and there's a ditch over here. We have the farmers using this ditch.

Travis: Where does the water come from.

Kevin: It comes from up here; it comes under the road and then comes down. That's where we get our water to irrigate here.

Sam: This is the Wagner property there, and their water comes from here.

Travis: So these ditches will have an easement on it, not now on the zoning but if we propose to split the property up. These easements will be shown on the survey and the plat and we will design around that.

Dilys: Yeah, call the ditch company. Greg Neibauer, he lives across the way, his son is one of the ditch helpers here so he can tell you exactly.

Travis: If you have a historical water right in the ditch, that has to be secured and preserved in the subdivision. I understand this is more of a drain ditch here, right?

Sam: Does anyone know what this is right here?

Travis: This is just kind of a drainage because it just starts and is just a drainage ditch. When they flooded this, it is just what caught it?

Scott: It must have been.

Dilys: Yeah, I think this is just a drainage ditch.

Scott: So how many acres is this piece here?

Travis: This is probably, well

Sam: Say that again?

Travis: How many acres is proposed in the zone change

Sam: I'm not sure I don't think you gave me that.

Travis: The whole property is 198 acres, close to 200 acres. You are probably look at around 150 acres.

Kevin: The one that you send Shirley showed 107 point something.

Sam: Yes, but that took out some. This house here is probably about a 10-acre piece. There is a total of 198 acres.

Kevin: I know, in the one that you proposed for your deal. It showed 107 acres that you wanted to change.

Sam: I'm not sure which one you're talking about.

Kevin to Joy: Do you have it?

Sam: Oh yeah, lets look at it.

Travis: It might be on there

Joy: This is the one you are talking about.

Travis: That is the same one that we have here.

Sam: Does it have acreage on it?

Julie: I think it said it on the legal description.

Travis: Oh, it very well could have been on the legal description, that would make sense.

Sam: The legal description should be of the whole property though.

Travis: But you have more than 107 acres.

Sam: There is 3 pieces, he could calculate that.

Travis: Yes, I can calculate that.

Scott: So, what is it then?

Sam: He would have to calculate it.

Scott: No I mean the legal request.

Travis: The application hasn't been submitted yet.

Scott: The reason why I ask is because this is a big chunk of ground right here and then you have these little pieces back here. When you look at your imagination for development, what do you suspect that customers are going to be?

Sam: Light industrial, warehouse type thing.

Scott: But what are you looking for on this one?

Sam: Pretty much the whole thing kind of the same.

Scott: That's a big big big big player right there.

Joy: I was shown this one with all the warehouses on it.

Scott: Your problem is going to be getting everybody to agree that this is a good thing for Billings in this area. We are cooperating and listening but you have a lot of ideas here.

Sam: Not right now.

Scott: You are talking residential, light industrial, manufacturing.

Travis: Not regarding this meeting right now, right now we are proposing the zone change to light industrial.

Sam: Light industrial only right now.

Scott: I'm just trying to make it clear when the word gets out, we all know what is really going on.

Sam: It is simply light industrial and nothing else.

Travis: There are a lot of options under that but it is light industrial.

Sam: This other property is not involved in this really.

Scott: Your challenge is to get everybody in this community that neighbors and borders the property to realize and accept that this is a good thing for this part of West Billings. And then make sure the fore fathers, the city dads, and the county elected officials agree with that.

Sam: Yes

Scott: But that piece of property there, when you drive down the interstate, that is an interesting big piece of property right. Under the name of agriculture, was it 15 years ago, Danny W. had the 10 acres that is below our place. He wanted it changed at the county meeting, same situation like this, and it took them 10 minutes to decide no. They said we are not going to do it. It was a preliminary request, he wanted to change it from agriculture and all the realtors and everybody was at the meeting all standing there just waiting to see what would happen. What happened was Julie and I and our neighbor and said what we thought. The county commissioners just said no. It was really simple. I am a business man and I am a capitalist, I get what you are trying to do here but it has to be a little bit more detailed. You have 107 acres based on that one letter that was sent to you (Wagner's) right? It wasn't officially sent to anyone else that borders the property.

Sam: The letter was sent to everyone within the 300 feet of the property border.

Joy: It wasn't either because we checked with our neighbors, none of them on Danford Ave. got this letter.

Sam: None of Danford are within 300 feet.

Joy: Why weren't they sent to them?

Travis: The zoning regulations require him to submit this to the county, they then give him an address list of people who get the letters. 300 feet within this boundary. There is over 300 feet of separation here so these people don't get the letters because there is greater than 300 feet of the proposed zoning change not of the entire property.

Joy: So, what is this proposed to be?

Travis: It is to stay Ag as it is currently.

Scott: So probably nobody got a letter

Joy: Exactly.

Travis: It was done according to the rule of the county.

Scott: Yeah, but it's a little sticky.

Joy: I did speak with Monica regarding that.

Scott: That's what I'm looking at this, it's multiple dimensions. You got some proposed residential in here, theoretical.

Sam: Nothing yet.

Scott: Yeah, like I said, theoretical.

Travis: You have to go through a zoning change on it.

Scott: Manufacturing over here and light industrial over here, you have 3 concepts.

Sam: Light industrial, that is it. That is the only zone change we are going through, light industrial.

Travis: So light industrial covers some of that, manufacturing and that's like an umbrella term.

Scott: But on 107 acres, of raw land if a big player came.

Sam: Oh, but I am not a big player.

Scott: But I am just saying to buy that 107 acres it changes everything. Just making it real, there's 3 different concepts here. We are just trying to flush out what you are trying to do.

Sam: What I am trying to achieve -

Scott: What you are trying to achieve is to get this land that is now agriculture, turned in for a zone change which is challenging if everybody doesn't agree on it. Because if we don't than the county has to decide, do we agree with the developer or the people around it. Back to residential like you said, the county is challenged with tax base for the school that has been here for 50/60 years and they can't get enough tax base off of this vague development, what good is that. It doesn't make sense. It's different if you have a crystallized intelligence but this is vague.

Julie: The zoning request is light industrial, which once it is changed It could be a lot of things.

Chuck: My name is Chuck Platt and I am a realtor, Diamond Real estate. I was involved in the sale of the Zeiler Property which was 60 acres and I was involved in a corner property where the trucking outfitter is. Basically, what they did, was they split their property up, the appeal is the frontage. That is what people want so you can be seen by the interstate. If you look at the

property behind Tractor and Equipment, that is the same kind of deal and zoning we are talking about.

Scott: The thing is though, Chuck, I get that. I knew Zeiler and the Cornburgs, they subdivided it but it has taken then 20-30 years to get it sold.

Chuck: You're talking about the Cornburgs?

Scott: Well, yeah, they are building that RV there now. But the thing is on this proposal, it would be different if you say you were only going to develop the front versus a bunch of manufactured.

Chuck: There are limitations on the building.

Scott: But I am saying if you continue to Furniture Row, like the Midway RV and develop it like that in the front and then develop the back more light industrial that would make more sense.

Chuck: I think the zoning that we are talking about covers those things.

Scott: Once you change it from Ag anything could probably go.

Travis: It would be limited to whatever is approved for the zoning.

Scott: I always think bigger than one guys idea with all due respect. I think the Billings Community, the valley, the people drive by here and think, how they feel about our town, when you go out in Lockwood you see all that, the sprawl, the ghettoization of Billings. There is no planning and ideas, if that's the way we are going to do it that's fine, its back door deal with the county commissioners. They are going to do what they want. We are here as a democracy trying to flush out and do what is best for all of us. With all do respect, you can't stop progress.

Travis: So, what I'm hearing is you would like to see more of a concept.

Scott: When you have 107 acres and they say they want to put in a culvert manufacturer, you can't stop it but is there any other way .

Travis: Well as a group, you guys are here, obviously the Frontage Road leads to commercial. Up and down the frontage road it is all commercial. So maybe something like that and in the back residential. I am just asking, just curious. We don't want to fight; everybody has to live around what is proposed here. As a designer, an engineer I am just trying to figure out what is most acceptable between both parties. What can both parties live with here.

Joy: Well, we have to think of the school too, the children, how that is going to affect them. We have already seen that issue.

Travis: You will see the traffic issue more if we into residential. If we do residential traffic is going to come out down here and go by the school. The commercial will funnel straight that way and out. So, you would not have the traffic around the school for light industrial.

Scott: So, Chuck did they have to put in city water over there.

Chuck: No, Zeilers already had city water and then they had to connect to what they have done in Billings –

Travis: Typically the regulation for city water and sewer is the property has to be within 500 feet of a city water and sewer services in order to force the developer in bringing the services over. Anything outside of 500 feet DEQ does not have the jurisdiction and that is why you typically see the wells and the drain fields. It is just cost prohibited to bring it that far.

Charlie: So, with industrial, I know residential subdivisions you can't just have one artery going into the survey, you have to have one going in and out. Is it the same with industrial?

Travis: Yes. It comes into a minor and major subdivision. The way the planning classifies a minor subdivision is 5 lots or less and anything over 5 lots is considered a major subdivision. Then you have to look at more than one access, what we have an access here, access here, likely if developed there will be another access here. And then obviously an access that just naturally fits here again. So, there is multiple accesses for whatever gets finalized in the design. Fire protection is also looked at in subdivisions. On site hydrants and stuff like that to fight any fire protection whether it be commercial or residential.

Taylor: So, pending a zoning change what would the time line look like at developing this.

Sam: If we subdivide this it would take a long time. We could sell little pieces up front quickly. But to subdivide that, how long would you think Travis?

Travis: You are looking at probably a year.

Sam: I have never seen it done in a year but that would be the quickest.

Travis: Yes, and then if the subdivision requires water rights it takes longer because that process itself takes about 9 months.

Charlie: So, Sam do you currently have people interested in putting in buildings.

Sam: I do, but I can't tell you who, but I currently have somebody that is a distributor for building products. They want to be able to access the frontage road and the problem with this property is there is no power or gas up along the front. It runs on the southern border. So I would have to run a line for power all the way back here and then they will do it around the whole thing. There is power but it is Yellowstone Valley Electrical and their agreement with Northwestern Energy is they won't power this. So northwestern energy has the poles that run right down this property and then they go underground right at the edge of Shirley's house. So I would pull power from here up to here and then they will pull it over here and wherever.

Travis: And that is underground power.

Sam: Yeah.

Scott: I think the other thing people are wondering is you are talking about several lots inside this.

Sam: Yes, we have no idea yet how many lots there will be but that is a subdivision process which is totally different.

Travis: Then you get notified and have an opportunity to speak at that, there will be a public hearing to look at the concept plan and get an idea of how many lots there will be and things like that.

Charlie: By changing it to light industrial, does that then open it up for the special zoning district process or is this not necessarily a special zoning.

Travis: This is not a special zoning district process, no.

Sam: It is already zoned as agriculture.

Travis: It is zoned so it is just a zone change to light industrial.

Joy: Well according to the plat that you gave Mr. Lipp, there is already 12 big commercial things on your map.

Sam: All we gave him was a tentative drawing showing the outline of our property, that is all he has.

Joy: With warehouses or some kind of buildings.

Sam: So, there was some houses here.

Joy: No, I'm talking like this.

Sam: This is just a concept drawing we drew.

Travis: We have had several different versions.

Sam: These are only concept drawings. The reason I met with him is because we are pondering housing down through this area here, but not today and we don't even know what yet.

Travis: Is Mr. Lipp with the school?

Sam: He is the superintendent of the school, yes. I wanted to give him and the school district the opportunity.

Travis: They might be interested in purchasing some of this to be able to expand the school because without that I think they are pretty limited with where they are at.

Sam: Right because we didn't even know where to start and we tried to get the schools input early but it is really hard for them to do.

Chuck: When you contacted the school, they were the first people you contacted.

Sam: Right, I tried to contact them to get an idea of where they are headed and what they need. We don't want to tube block them; we want to work with them.

Scott: So what do you think would use more water, the residential or the light industrial.

Travis: Residential will, because with residential, the domestic is not a lot, typically a 3-4 bedroom house uses 300-350 gallons a day domestically. It is the irrigation in residential that uses a lot of water. In industrial there is landscaping that requires part of the zone requirements. There is a 30-page landscaping booklet that has to apply to the light industrial that they will have to follow on each site. It is going to be a lot less because Industrial has more parking lot and things like that but they will have buffer of land that is required but it is a lot less water.

Typically, you have your office workers and it is just using a lot less water. My experience in residential development, most our water usage is in that green grass, half acre to an acre that is getting watered every day with the sprinklers. So, if you are worried about water, residential will definitely consume a lot more.

Scott: Can I ask you a question Chuck, what is your relationship with this meeting?

Chuck: I am a real estate worker.

Scott: I know but do you work with Sam?

Chuck: Yes.

Sam: He is Diamond Real Estate; his signs are all along the property here.

Scott: Yes, I know that's why I brought the question up.

Scott: So he must have found a good client to make a potential reason to develop this right?

Sam: Yeah, that's the one I just told you about, I have a potential client.

Scott: Like I said, there are objectives and subjective and there is about everything. I mean you can't stop it all I am just trying to flush out what the big idea is.

Sam: I want to be able to sell property to the potential client now, I have also had a lot of people that are just down the road.

Scott: Let me ask you this, it sounds like you got a deal, you got a deal but you don't have a deal as long as it is agriculture.

Sam: Yeah, that is correct.

Scott: So, can you be transparent and tell us who the guy is.

Sam: I can't just because I am not allowed to, they have asked me not to.

Chuck: It is not under contract.

Sam: They do not want me to disclose that. It is not that I am trying to hide it.

Scott: But wouldn't it be good for all of us to know.

Sam: But I can't, I really can't say who it is because that is what they have asked. It is a building supplier.

Chuck: They have about 20-foot-tall side walls.

Scott: Where would they go on this land?

Travis: This tract right here, these 12 acres. The way this is going to get created is not through subdivision because this land comes with a few different lots, tracts of land. So, through a boundary line relocation that is the first step to create this.

Dilys: So where is the tract for that big tall building?

Travis: Oh, just over here, so if you look at it, this is the 12 acres. Then after that, if he decides to split it, it has to go through the subdivision process.

Charlie: So you are not really committed on how you are going to subdivide it, you are waiting to see what a potential buyer wants? Would that be accurate?

Sam: In order to subdivide it, we have to have a master plan, this is not a master plan this is just a line to show where we could put the light industrial.

Travis: So obviously, this frontage is ideal for light industrial.

Scott: What is the projected cost per acre once it is zoned and up and running if I wanted to buy 10 acres.

Sam: If you wanted to buy 10 acres.

Scott: After you surveyed and put the roads in, what is it going to cost me?

Sam: I can't really answer that I would have to pencil it down.

Scott: Chuck, give me a ballpark number

Chuck: Probably before you put the services in, about \$2.00 a foot, \$80,000 an acre. That might be on the low end of things.

Travis: \$2 a square foot and \$80,000 an acre.

Chuck: That is just initially, you know as things start to sell prices go up.

Travis: So as far as the zoning change goes, Sam is not required to have a concept plan or show where the boundaries are going to be, it is just identifying an area of the land through a legal description like this, meets and bounds and then proposing to have it changed and then from there you start figuring out what the best way to subdivide this and what size lots do we want or what does the market want. That is kind of the process of this.

Charlie: So if there is some discussion of residential, wouldn't it be wisest to have residential and Light industrial in the front end?

Sam: We don't know what it is going to be though.

Travis: For me, I like to hear your guys comments.

Sam: We don't want to mislead anybody or say something that won't be as we don't really know. I'm looking to retire one of these days so I am looking to get the most out of the property as I can get. You guys are right here, residential land if it is in a farm isn't that valuable dollar wise. Right, once you subdivide it, residential land is very valuable. There is a lot of front-end work that has to take place. So, these houses right along here if you guys want to purchase something through here to stop anything from happening your more than welcome. I think, but maybe I'm wrong, can they do just a boundary line relocation and move this way.

Travis: Yes

Scott: That really drops back there.

Sam: This is totally our retention area only. If I dig at that green grass the water table is one foot below the surface.

Travis: Yes, you could do that, if you had a neighbor approach you, you could do a boundary line relocation.

Sam: This up above this ditch right here is pretty good, this area right here is where its low. That's why down there we are thinking nothing but retention water. If anybody wants to protect their stuff by moving their lot line over, I would definitely entertain any of that. Because I get those are beautiful homes, I know that and I know you guys don't want stuff in front of you. That is all still open we would love to do that so you guys can protect your stuff, no problem with that at all.

Charlie: It seems like you guys were very receptive to our points tonight. Are there any salient points that we would like to all say together.

Kevin: I would like to say something, we can't change progress. Progress is progress. I think a lot of us out here moved out here to get away from it and what you are going to propose. I understand progress is progress and could move to town without packing a bag that way.

Scott: Do you know for a fact John Deere bought that C&B?

Dilys: Yes

Ken: Gary Yost sold the property and they kicked us out of it. C&B didn't want that building they wanted a nicer building. I talked to one of the guys there and he said they are planning in 2-3 years they are going to have a forklift business or something in there.

Scott: So that will be right there next to furniture row then?

Ken/Dilys: Yep

Ken: Yeah, it is right next to my house

Sam: I talked to them they said they were going to put a whole John Deere complex. They were originally just going to have material handling equipment rental and they were going to start that right away. But now it has gone to architects and engineers, the whole thing will be a giant John Deere dealership.

Ken: They haven't put in for a zone change there either.

Sam: No, because when I went in, I mentioned it to the zone people and they didn't know anything about it yet.

Scott: That is the reality of it, it is here and it is coming.

Dilys: Yeah, like our house is zoned commercial and our other house next door is residential so we have 2 different taxes.

Ken: I have the body shop on the commercial property right there

Travis: Any further comments, concerns or questions?

Julie: So, I guess the only people that will be notified when it goes in front of the county commissioner is the Wagner's then?

Sam: If you would like a letter, well I guess we don't send any more letters the county does.

Travis: Would you like to be contacted? We have their emails, and phone numbers we can contact them.

Travis: Sam is kind of heading up the zoning change and the application, we are helping out as much as we can. We will be more further involved, we are doing the engineering, water and sewer, the roads, the subdivision but whatever help he needs with the application.

Joy: Once the application gets processed shouldn't we hear something back?

Travis: Yeah, that will be an open meeting at that at the court of adjustments, the committee that hears that. The commissioners meeting will also be an open meeting.

Didn't say name: Is that your house?

Dilys: Oh, that tan one, that is just the rental, we rented that out.

Sam: Anybody have any more comments?

Travis: Okay, Thank you.

Sam: Alright, well thank you everybody and thank you for coming. If anybody has any comments or questions you can write my number down and you can call me or email me.

Travis: My contact is on the maps; you can contact me too.

Sam: My name is Sam sparks and my number is 406-281-0329.

Sam: Hey Travis, are these the actual 12 acres shape they are talking about buying?

Travis: No, not exactly, it is a little bit more of a square

Rich: Has the school expressed any interest in purchasing some land from you?

Sam: I went to the school right when school started and I haven't heard from them again yet.

Rich: But they are aware of it

Sam: Oh yes they are aware, and we aren't even sure the total concept yet but I did try to make it available to them if they are interested because I know they have to come up with money if they want to do some.

Sam: Anything Else?

Travis: Okay I think we are good then, thank you.

Meeting Adjourned.