

ORDINANCE 23-5840

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON C/S 1889,  
TRACTS 2 AND 3

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

**Section 2. DESCRIPTION.** **C/S 1889, Tracts 2 and 3,** is presently zoned **Agricultural (A)** and is shown on the official zoning map within this zone.

**Section 3. ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **C/S 1889, Tracts 2 and 3,** is hereby changed from **Agriculture (A)** to **Public 3 (P3)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Public (P3)** as set out in the Billings, Montana City Code.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 5. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 12<sup>th</sup> day of June, 2023.

PASSED, ADOPTED and APPROVED on second reading this 26<sup>th</sup> day of June, 2023.



CITY OF BILLINGS

BY: William A. Cole  
William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk  
Zone Change 1026 – 3648 AJ Way

1 M  
Consent

**City Council Regular**

Date: 06/26/2023  
Title: Second Reading Zone Change 1026 - 3648 AJ Way - A to P3  
Presented by: Monica Plecker  
Department: Planning & Community Services  
Presentation: No

COUNCIL ACTION APP 11-0  
ORD 23-5840

JUN 26 2023

  
CITY CLERK

**RECOMMENDATION**

Staff recommends the City Council approve Zone Change 1026 on second reading including adoption of the 10 review criteria. The City Council held a hearing on June 12, 2023 and approved unanimously the zone change on first reading. Not approving this second reading action would be consistent with the action taken by City Council on June 12th.

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

This is a zone change request for property at 3648 AJ Way from Agriculture (A), a county zone district, to Public 3 - Civic Campus (P3- Civic) on C/S 1889, Tracts 2 and 3, a 40.001 acre parcel(s) of land. The proposed zoning would facilitate the Department of Montana Military Affairs in the development of an Army National Guard facility. In order for these two parcels to be developed, they will be annexed into the City of Billings. This will give access to municipal water and sewer, among other utilities. When properties are annexed into the City, they must also go through a concurrent process to have the property re-zoned to a zone recognized by the City. In this case, the applicant is seeking a zone change to Public 3 Campus (P3). The P3 district is intended for public and civic uses involving multiple structures that are developed in a campus-like environment. P3 zoning is available for medical campuses, educational campuses, and civic campuses with three (3) or more principal buildings. The Army National Guard facility, more specifically known as the Limited Army Aviation Support Facility (LAASF) would be considered a civic campus in accordance with zoning and buildings will likely be constructed over the course of several years. But once the project is completed it will achieve the campus feel as intended by the district.

The following is background information on the proposed facility and operations provided by the Army National Guard: *"The Planned Action is to construct a government-owned permanent Limited Army Aviation Support Facility (LAASF) in Billings, Montana. A larger, Montana Army National Guard (MTARNG) owned facility would accommodate a permanent hangar and would include backup/emergency generator, paved parking, unheated aircraft storage, and fire detection, alarm, and suppression equipment. This large, long-term permanent facility includes space for training rooms, office space, hangar, etc. and would accommodate the emerging growth needs and coverage requirements of the Montana Army National Guard (MTARNG) aviation assets. The permanent facility would better accommodate on-the-ground drill and training activities. The LAASF would be staffed by up to 14 full-time personnel, including mechanics, flight operations specialists, and a mixture of each of the following: avionics, technical supply, production control officer, maintenance test pilot, quality assurance officer, Officer in Charge (OIC), instructor pilot, and maintenance supervisor. During the drill weekends, up to 90 personnel are stationed in Billings. These weekends commence on either Thursday or Friday and conclude on Sunday evenings. Typical start/end times are Thursdays, 10AM -- 11PM; Fridays, 7AM -- 11PM; Saturdays, 7AM -- 11PM; and Sundays, 8AM -- 330PM. The proposed LAASF would support six helicopters (including but not limited to the Chinook, Blackhawk, and Lakota). Flights occur primarily during the day. On weekdays, 2 to 3 helicopter training flights per day originate from LAASF for a total of 10 to 15 flights per work week. The LAASF supports 2 to 3 flights per day on drill weekends for a total of 14 to 21 flights during a drill week. While most flights are single-aircraft operations, some multi-ship operations occur. Multi-ship flights depart the airspace immediately and do not use the traffic pattern. The LAASF operates one additional Saturday per month that includes two to three flights. Flights follow flight paths that are approved by Air Traffic Control. Flight paths originate at the LAASF facility and travel over the airport north of Highway 3."*

Planning staff recommended approval and adoption of the findings for the 10 review criteria for Zone Change 1026. The Zoning Commission concurred with the staff recommendation and also recommends approval to the City Council for Zone Change 1026. The Zoning Commission found that the proposed P3 zone is compatible with nearby existing aviation facilities and would not be overly intrusive to nearby low-density residential developments considering existing aviation activity.

**STAKEHOLDERS**

Planning staff notified the surrounding owners, published a legal ad and posted the property as required by the zoning regulations. A pre-application neighborhood meeting was conducted by the applicant on March 27, 2023, at 3465 AJ

Way - Unit 111, and 16 persons signed the attendance sheet. The pre-application meeting notes and sign in sheet are attached.

The Zoning Commission held a public hearing on May 2nd. Prior to the hearing, staff provided a presentation and overview of the proposed zone change. Additionally, the Army National Guard Lieutenant Colonel John Gehring provided background information and presentation to the Zoning Commission. He also introduced Colonel Rob Oleson, Lee Elder with SMA Architecture, and Holly Manning with Robert Peccia and Associates who are part of the design team. Lieutenant Colonel Gehring provided an overview of the project and operation that would occur. He explained the Montana Army National Guard has been conducting business in a leased hangar space on adjacent property. He stated the Dept of the Army has authorized this permanent aviation presence in Billings. This facility will help provide response for this area and Eastern Montana. In the past 12 months, the Montana Army National Guard has rescued 92 people in eastern Montana. This facility will serve as a projection platform. He stated transparency on this project is important. The Army National Guard is in the process of trying to obtain an additional 98 acres. With the governor's approval, the City could anticipate future applications for these properties as efforts move forward in build out of a campus. Lee Elder then shared conceptual images of the proposed structure. He noted at this time these are conceptual, but wanted to provide transparency. He iterated the importance of annexing and completing a zone change is to gain access to city services. He shared additional information related to the site plan. He answered an earlier question from the Board asking if there would be direct access to the Billings Airport. He stated they have not formalized access but are considering what that may look like and further coordinate with the City.

Commissioner Greg McCall asked if this property did not have to follow the PND process for newly annexed property. Staff clarified the PND did not apply to this property. Commissioner David Goss asked about the specific training that would occur on site. LC Gehring clarified up to 6 aircraft are authorized for, mostly Blackhawks. Commissioner Goss further clarified his question and asked if outside Guards would be coming in for training similar to a training program he was familiar with in Oregon. LC Gehring explained that training exercises here would be for Montana Army National Guard members who have already completed flight school.

The Public Hearing was opened. There was no public testimony. The Zoning Commission voted to recommend approval of Zone Change 1026 with the findings to City Council. The motion passed unanimously.

The City Council held a public hearing on June 12, 2023. Planning staff provided an overview of the annexation and zone change. Colonel Oleson and Lieutenant Colonel (LTC) John Gehring represented the Montana Army National Guard (MTARNG). Other project team members in attendance were Holly Manning with Robert Peccia and Associates and Lee Elder with SMA Architecture. Following staff's presentation, LTC Gehring provided an overview of the operations related to this project and also informed City Council that with the passing of House Bill 5, an additional 98 acres would be acquired soon and a Readiness Center and Maintenance facility would be planned for that area. Lee Elder showed visuals of the facility and provided an overview of the intentional design of the building massing and siting to alleviate noise and create a buffer.

Council Member Purinton asked the applicants to speak to what is being done in regards to neighbors and noise. Colonel Oleson responded with several details related to their identified flight corridors. He acknowledged there are resident concerns and shared that MTARNG has met with the neighbors to better understand their concerns. He noted there had been concerns about low flying aircraft from the west and they have changed their flight paths to the west as a result. Their flight corridors are FAA compliant. Further information was shared regarding the additional 98 acres creating a campus of 138 acres total. Mayor Cole inquired as to what a typical month is like at the proposed facility. LTC Gehring explained the Limited Support Army Aviation Facility would be staffed by up to 14 full-time employees and host trainings once per month, but it was later stated that trainings occur 8 times per year. Trainings occur from Friday thru Sunday. 90 personnel are usually onsite during these trainings. Over time as the Readiness Center is completed upwards of 500 personnel may be on site for training purposes. Council Member Neese inquired about grounds maintenance and whether the MTARNG would be maintaining the grounds to avoid nuisances like weeds and such. It was confirmed the guard is responsible for maintaining the grounds and they will do so to avoid things like tumbleweeds. Council Member Neese asked about the facility and whether it would be open to the community. Colonel Oleson stated the facility in Helena hosts school groups once per week and once per year they host an open house. He envisions something similar.

Morgan Tuss, a nearby landowner along Highway 3, provided testimony during the public hearing. Her family raises quarter horses and lives on property located approximately one mile west. The property has had a residential use for approximately 70 years. Morgan expressed concern related to noise, lighting, traffic, pollution, utilities, etc. She stated she would have preferred the land develop as residences but understands the P3 zoning is better than some other alternatives. She would like to see continued work and coordination to mitigate concerns continue with the MTANG as the development occurs. She was not opposed to the zone change or annexation, but wanted to express some concerns related to the aforementioned items.

Wesley Dunn provided testimony in support. He stated he was in full support and believes the MTARNG presence could possibly reduce or deter crime. He would like to see a state guard similar to the guard in Texas. He is a statesman. Mr Dunn did express concern that there may be inadequate utilities and urged council to look closer at the discrepancies staff discussed in the presentation.

The public hearing was closed. CM Shaw made a motion to conditionally approve the annexation as recommended by staff. It was seconded by Council Member Boyett. Council Member Purinton asked for a response to testimony received by Morgan Tuss related to noise, traffic, pollutants, wastewater, etc. Colonel Oleson referred to some of his earlier information about the flight corridors and a noise study that has been conducted. Related to lighting, he explained the building entries are recessed reducing lighting and the outdoor lighting has downward facing shields. Lighting needs to be minimal during nighttime because they fly with night vision goggles and don't want the light. Rarely should there be lighting concerns, he said. There is smaller security lighting but the landscaping is key to minimizing this, too. Lee Elder stated the design is intentional to minimize some concerns. Lee also expanded that a traffic study had been completed. Holly Manning with Robert Peccia spoke in regard to utility development. In regard to water she stated they would work with the city on potential improvements related to water. In regard to sewer flow she mentioned there are some limitations regarding how fast and how much waste water can be sent but they are proposing individual lift stations and small diameter forced mains similar to Yellowstone Landing. The biggest concern is stormwater because of the rims and their fragility. She said their plan is to take stormwater generated from the development and pump it to Alkali Basin to the north and be in compliance with the MS4 permit. Council Member Neese was curious of the airport expressed any comments related to impacts to their operations. He also asked for clarification about flight paths and the influence of the airport. Staff provided some clarifying information on the staff report. Colonel Oleson stated they have proposed their flight paths and their corridors. The airport accepted roughly 90 percent of that. Colonel Oleson explained there are some times when corridors have to be deviated from. With helicopters being so maneuverable they would give way to other air traffic. Mayor Cole asked planning staff about the traffic study. He wanted staff to talk about AJ Way and what may be done in the future. Mayor Cole asked if there was opportunity with the annexation to contribute towards intersection improvements or other improvements for AJ Way. Planning staff clarified there is opportunity for additional language in the annexation but cautioned the Council that any language considered should propose a proportionate share. Planning staff also clarified Highway 3 is the jurisdiction is MDT and any improvements should be coordinated with MDT. LTC Gehring provide clarification regarding personnel numbers on training weekends. This specific facility is 14 employees with 90 personnel. When the Readiness Center is constructed the MDT trigger will be tripped as it related to the traffic study. Council voted unanimously to annex the property.

Council Member Shaw moved to approve and adopt the findings of Zone Change 1026, seconded by Council Member Purinton. There was no additional discussion. The item was also approved unanimously.

## ALTERNATIVES

The City Council may take one of the following actions:

- Follow the Zoning Commission recommendation and adopt the findings of the ten review criteria as recommended by the Zoning Commission for Zone Change 1026; or,
- Deny the zone change and adopt different findings from the Zoning Commission of the ten review criteria for Zone Change 1026; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

Staff recommends council approve this item on second reading to be consistent with first reading action.

## FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

## SUMMARY

Prior to taking any action on this zone change, the City Council shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy and neighborhood plans? The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

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

- Infill development and development near existing City infrastructure may be the most cost-effective
- Neighborhoods that are safe and attractive and provide essential services are much desired

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

**Prosperity** (promoting equal opportunity and economic advancement)

- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses

The proposed zoning would allow for the development of a military facility that would serve the region and promote safety. There is only one other facility in the state that serves this role, and a facility like this in Billings will provide faster response times to this part of the state. Additionally, this activity is being located in proximity to an area of the city that already has established aviation operations. The proposed zone aligns with allowed development on adjacent parcels. The P3 district allows civic campuses.

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

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

**3. Whether the new zoning will promote public health, public safety and general welfare?**

Public health and public safety are promoted by the proposed zoning. This is not unique to the P3 zone, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-500.1 in the P3 district promote the minimum standards to ensure public health and safety and promote general welfare. Public health and public safety will be promoted by the proposed zone change.

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

**Transportation:** The proposed zoning itself will have no appreciable effect on the adjacent transportation network, however once the property is developed there will be some impact to nearby roadways. The property will be served by AJ Way, a public road that is accessed by Highway 3. Montana Highway 3 is a National Highway System (NHS) non-interstate route that extends from Billings to Great Falls. In the project vicinity, Highway 3 generally runs east to west providing access to several public streets and numerous residential driveways. Currently, the facility has a single travel lane in each direction with left-turn lanes at Rod & Gun Club Road (eastbound), Zimmerman Place (westbound), Apache Trail (westbound). Highway 3 also has right-turn lanes at its intersections with Rod & Gun Club Road (westbound) and a roundabout at Zimmerman Trail.

The Billings Area Transportation Plan classifies Highway 3 as a Principle Arterial. Principle arterial roadways are built to carry higher volumes of traffic generally between 30,000-55,000 (ADT). Today traffic volumes in the corridor are approximately 11,500 Average Daily Traffic (ADT). Projections indicate that traffic will increase to approximately 17,000 ADT by the year 2040.

Generally the Level of Service (LOS) through the corridor operates at A or B which is well above the average LOS for the Billings community.

The Army National Guard (ANG) will have an estimated 14 full-time employees. Additionally, the ANG will host monthly trainings 1 weekend per month. Staff has identified no concerns with access from AJ Way and Highway 3 that would create a negative finding given the above-mentioned information specific to the function of Highway 3.

**Water and Sewer:** The City provides water and sewer to the property. The utilities will be provided in accordance with the accompanying annexation agreement that is mutually agreed upon between the City of Billings and the Property Owner. This agreement is a strict condition of approval for annexations. Water will be extended to the property via AJ Way.

**Schools and Parks:** Schools and parks should not be negatively affected by the proposed zoning. The proposed development does not include residential uses, therefore, additional students due to this zone change would not be anticipated. It should be acknowledged that with new jobs in the community the school district may realize some increase in student population, however, the zone change does not have a direct correlation to this.

**Fire and Police:** The subject property is served by city public safety services. The property is currently served by the Billings Fire Department and upon annexation will continue to be served. The nearest fire station is Fire Station 1 which is located approximately 3.9 miles away. The Police and Fire Departments expressed no concerns with the zone change.

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

Similar to criteria 2 and 3, the proposed P3 zone, like all zones, requires minimum setbacks to allow for adequate

separation between structures and adequate light and air. This parcel is presently vacant therefore any new structure(s) will be required to meet the standards required by Section 27-500.1.

6. Will the new zoning effect motorized and non-motorized transportation?

The new zoning itself will not impact motorized and non-motorized transportation. Once developed, there will be increased volume to the transportation network, both motorized and non-motorized. At this time the facility will house up to 14 full-time employees and will host trainings once per month with an estimated 90 personnel. AJ way provides direct access to the property and upon annexation of these parcels the access will be in the same location. Highway 3 provides access to AJ way. Highway 3 is a principal arterial road and a United States (US) highway. Principal arterial roads are built to carry higher volumes of traffic generally between 30,000-55,000 (Average Daily Traffic - ADT). Today, traffic volumes in the corridor are approximately 11,500 ADT. Projections indicate that traffic will increase to approximately 17,000 ADT by the year 2040, well under the designed capacity. Over time, some improvements may need to be made along Highway 3. These may include traffic management facilities like turn lanes. The addition of improvements such as these will need to be coordinated with the Montana Department of Transportation. Also in the vicinity is the Skyline Trail which is under construction and is located south of Highway 3. The Skyline Trail is a multi-use trail that will extend from the intersection of Highway 3 and Zimmerman Trail through Airport Road along the south side of Highway 3. The City has received federal funding to pave a 10-foot trail that would replace an unimproved/primitive trail that is presently in place. Users of the trail system will observe more air traffic, but the development of the parcel would not obstruct access to the trail.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing uses in the vicinity. This property is near the Billings Flying Service, the Billings Airport and other undeveloped P2 zoned land owned by the City of Billings. The Billings Flying service is a commercial heliport. The use of this property for the Army National Guard close to a heliport and municipal airport does not create compatibility concerns. The proposed Army National Guard facility will also be adjacent to agricultural lands, some that have single family residences. These residences will remain in Yellowstone County. Based on existing activity from the Billings airport and Billings Flying service, there are no additional findings to suggest the P3 zone for the use of the National Guard would not be suitable next to agricultural zoned land.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow a civic campus to be used by the Army National Guard. The proposed zoning is compatible with the adjacent zoning and existing development and uses in the vicinity. The property is suitable for the proposed use and will fit in with the already existing and established aviation uses in the vicinity (Billings Airport and Billings Flying Service). Further, this use is compatible with the character of the surrounding districts of Public 2 (P2), Heavy Commercial (CX), Agriculture (A), and Light Industrial (I1).

9. Will the new zoning conserve the value of buildings?

The property is currently vacant, therefore the new zoning will not have an impact on the value of buildings for the parcel. Any new structures will need to be in compliance with zoning and building codes, therefore, there are no concerns related to the conservation of value of buildings on the parcels subject to the zone change.

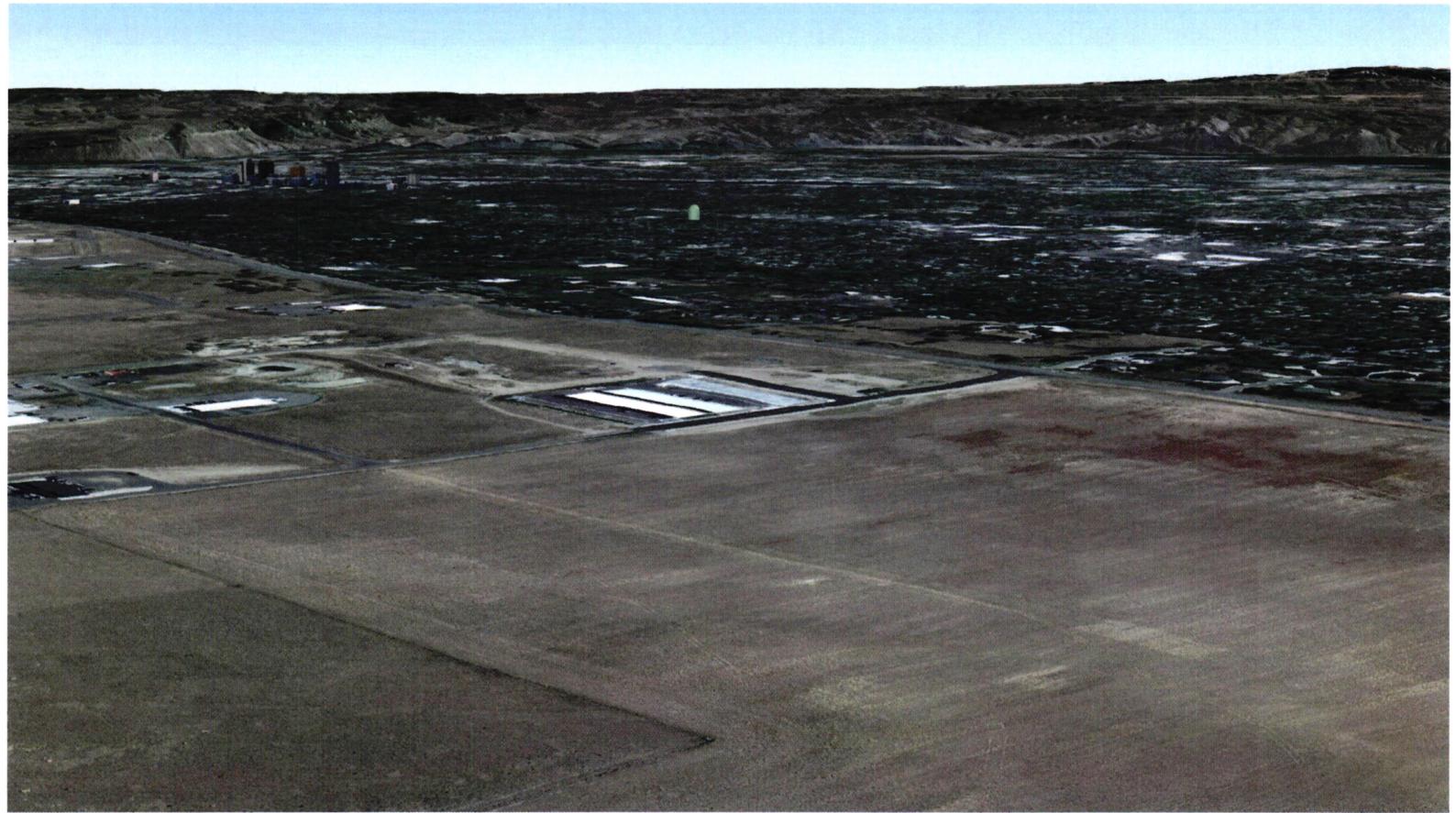
10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

In order for the property to be annexed into the City it requires the property be rezoned to a zone recognized by the City. The Department of Military Affairs owns the property and intends to develop it for the Army National Guard. The landowner has chosen the P3 zone as the most appropriate zone and intends to develop the property in accordance with the requirements of the zoning. A use like this near already established aviation operations and businesses does encourage the most appropriate use throughout the City of Billings.

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#### Attachments

Application Letter and Preapplication Notes  
Zoning Map and Site Photos  
Zoning History  
Application and Pre app certification  
Ordinance



## 3648 AJ Way | Zone Change

3 April 2023

## NARRATIVE

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## DOCUMENTS

Neighborhood Meeting Mailing  
Neighborhood Meeting Sign-In/Attendees

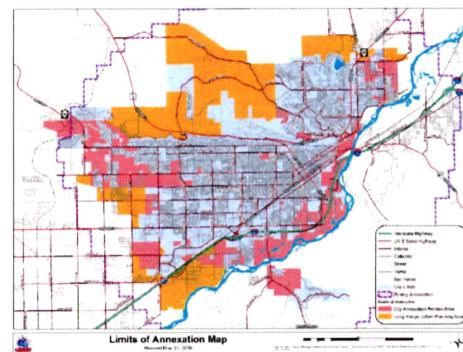
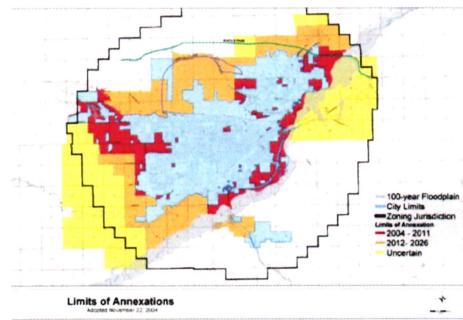
## PLANS

Annexation Map

# INTRODUCTION

## Overview

This is a proposal to change the zoning of these two parcels from County Agricultural to P3 Public Civic Campus zoning. The reason for the proposed zone change is that these parcels are also proposed to be annexed into the City of Billings. Agricultural zoning is not allowed within city limits, so this zone change is an accompanying piece of that process. Annexation of these properties into the city provides the parcels with city utilities, and in-turn, provides the benefit of these parcels to the city. These parcels are owned by the Department of Military Affairs, and the uses that will happen on site will provide public safety and resources to the community.



## Growth Policy

The zoning objectives of '3648 AJ Way' were designed in line with the 2016 City of Billings' Growth Policy, and Municipal Code. These documents and others are referenced throughout the application. In the Growth Policy the Limits of Annexation maps have these parcels slated to be annexed from 2012-2026, or within the Long Range Urban Planning Area. To quote the growth policy - **'Shallow bedrock and unstable slopes can pose difficulties for construction.'** A principal reason for annexation is to connect to city utilities to limit the impacts to construction, and negative impacts that independent water, wastewater, and stormwater systems may have on the neighbors and geology.

## Neighborhood Plans

There are no Neighborhood Plans for this area.

## DECISION CRITERIA

### 27-1628 D

**1. Whether the new zoning is designed in accordance with the growth policy**

These parcels fit the primary objectives listed within the Growth Policy. For Essential Investments – Under 'Locations for Investments' Infill and contiguous County properties is the primary objective. For Public Services the first objective is Public Safety. Integrated Water Systems is the first objective for Infrastructure, and Public services is the first objective of the Business category. For Regulation objectives 2-6 will be met on these sites.

**2. Whether the new zoning is designed to secure from fire and other dangers**

Yes, P3 zoning will be served by the City of Billings' emergency services, including police and fire. Future site development will conform to City of Billings' public safety, building, and land use requirements in compliance with the Municipal Code, as well as all applicable building codes to help secure safety from fire and other dangers.

**3. Whether the new zoning will promote public health, public safety and general welfare**

Yes, all future development will require site plan review and compliance with the City's Municipal Code which ensures the promotion of public health, safety and general welfare. This proposed zoning change allows for additional civic campus alternatives and provides open space. It is anticipated that this project will increase support facilities, facilitating decreases in emergency response times.

**4. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements**

Yes, The City conducts extensive planning for municipal transportation, water, sewer, parks, and other facilities and services provided by the City. The adopted plans allow the City to consider existing conditions and identify enhancements needed to provide additional service needed by new development. The development of public infrastructure improvements to serve the property will be required to conform to the City of Billings' adopted standards which require properties to construct public infrastructure and/or pay impact fees, assessments, and taxes to support transportation, water, sewer, school, parks, and other public requirements.

**5. Whether the new zoning will provide adequate light and air**

Yes, The Municipal Code includes requirements for providing adequate light and air including park and recreation requirements, maximum building height, on-site open space requirements, lot coverage, and

## DECISION CRITERIA (Cont.)

setback requirements. Future development of the property will be subject to these provisions and that of the Building Codes which have standards for ingress and egress, ventilation, and related subjects that further support the provision of adequate light and air.

**6. Whether the new zoning will affect motorized and nonmotorized transportation**

Neutral, with the change in zoning there will be no direct change in transportation with this zone change. It is noted that improvements at AJ Way and Highway 3 will be needed because of existing and planned growth in the future. The zone change of these parcels does not directly impact the area transportation. Future developments will conduct the required Traffic Impact Studies to determine the impact to area transportation networks.

**7. Whether the new zoning will promote compatible urban growth**

The P3 zoning promotes more growth than the agricultural county zoning. The P3 zoning is also compatible with future plans from the 2016 Growth Policy. In the Public Preferred Scenario of the growth Planning Scenarios it has these parcels listed as Heavy Commercial High Density / Industrial Light. Public P3 Civic Campus is not listed as a zone in that plan but it fits similar to those uses. (See images to left)

**8. Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses**

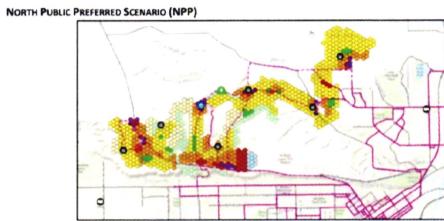
Yes, the proposed P3 can support many types of urban development that serve the immediate area and broader region. With adjacent P2, I1, and CX zoning the P3 uses will fit well with those uses.

**9. Whether the new zoning will conserve the value of buildings**

There are no existing buildings on the site to evaluate when considering how the values of buildings are being conserved. Any proposed new or expanded structures will be required to meet setbacks set forth in the Municipal Code, which will alleviate potential negative impacts to the values of adjacent buildings on bordering parcels in the event of future development on the subject property. Any future development on the property will be subject to standards in the P3 zoning which will ensure the conservation of adjacent building values.

**10. Whether the new zoning will encourage the most appropriate use of land throughout the city.**

Yes, with adjacent P-2, CX, and I1 zoning we feel this P3 zoning fits the mix of all those zones. Additionally this zoning fits the projected uses of the Growth Policy as mentioned in the Overview.



## NEIGHBORHOOD MEETING MINUTES

1. Peter Rudd from SMA noted the lots and description of the sites that have a proposed zone changes from AG to P3. A map was passed around showing the lot locations. Discussed P3 as multi building campus.
2. Barbara Ramlow:  
Will each lot be a separate campus  
Response: No, currently anticipating a single campus.
3. Alice Lahren:  
How can we be comfortable without knowing what building will be built?  
Response: The first phase will be a Limited Army Air Support Facility.
4. Howard Evans:  
Who do you represent?  
Response: SMA, the State of Montana and The Department of Military Affairs.  
What will be done to mitigate noise? Could there be a berm?  
Response: Too early in the design phase to tell. Trees have been considered.
5. Morgan Tuss:  
What exit/entry will be allowed to handle future development.  
Response: A second entry has been discussed, but too early to give a firm answer
6. Richard King (Chair of Rimrock Neighborhood Task Force):  
Is there any activity by the county, master planning program that would help define the future of this area outside your property?  
Response: Not that we are involved in or have knowledge of.
7. Paul Scarpari:  
What happen in Phase 1? Will there be barracks?  
Response: Phase 1 is the LAASF; no barracks..
8. Howard Evans:  
Why in the City?  
Response: We would guess it is due to the availability of site utilities including sewer and water  
Is the zone change county or city.  
Response: Likely a concurrent Zone Change and annexation through the City of Billings. Need to confirm.
9. Paul Scarpari:  
How large will the building and pad be  
Response: Too early to tell.

## NEIGHBORHOOD MTG. MIN. (Cont.)

What impact will there be: Lights? Noise?

Response: Will need to wait until the later meeting when more specific building details are available, but there will be noise and lights.

10. Jim Helus:

How will the watershed be handled so water doesn't need to be handled? They have had flooding in the basement.

Response: This is a significant design concern and is being addressed with the site design.

11. Theresa Helus: I want to make a few comments – not questions:

AJ Way traffic has become hazardous to the traffic on Highway 3.

Lights on current industrial buildings are too bright.

12. Kevin Moser:

Will there be road upgrades due to this project? Would it be done prior to highway deaths?

Response: Road improvements, if made, will be before or concurrent with facility construction, based on traffic needs.

13. Michael Tuss: I want to make a few comments:

Cut off light fixtures are recommended. Blaine's lighting did a poor job of this.

Air craft have been flying over my house and rattling my windows. Will this be an issue? Army copters have been more respectful than Blaine's

Round abouts made traffic noise levels high. Suggest lowering speed limit on Highway 3.

Response: None

14. Howard Evans:

Will the building comply with Zoning P3?

Response: Yes

I am questioning P3 Zoning

15. Paul Scarpari:

Dates for follow up meeting?

Response: More are coming but nothing has been scheduled.

16. Howard Evans:

Can we get the master Plan? Is this a public document?

Response: Will verify

Can that be provided?

Response: Will verify

When will the application be made?

Response: Will verify.

Who pays for City Services?

Response: Normally, this would be City system development fees.

## NEIGHBORHOOD MTG. MIN.(Cont.)

17. Morgan Tuss: Comment  
I would hope for a P3 zoning vs Industrial.
18. Barbara Ramlow:  
Will there be a round about?  
Response: Not Sure about infrastructure scope at this time.
19. Jeff Biscoe:  
I am from "Discovery Field" outdoor learning facility. Barracks will be just across the fence line, will there be a drill sergeant out there yelling obscenities? Can you plant a tree line now?  
Response: This barracks is not in the current scope of work.
20. Alice Lahren: Comment  
Current Trail that is under construction will make turning problems. North side development may create more issues.  
Response: None.
21. Howard Evans:  
The other lots that are industrial in this area will they take part in the road improvements.  
Response: This is not in the scope of our project. We are unsure of the answer at this time.



architecture + design



HELENA

920 Front Street, Suite 101  
Helena, MT 59601  
P 406 442 4933



BOZEMAN

428 East Mendenhall Street  
Bozeman, MT 59715  
P 406 219 2216



## City Zone Change Neighborhood Meeting

To Whom it May Concern,

Hello, we would like to invite you to a Neighborhood Meeting for the Zone Change of parcels D04590 & D04589 located at 3648 AJ WAY. The parcels previously stated are in the process of annexation into the City of Billings with an accompanying zone change from County Agricultural Zoning to City of Billings' Public zoning. This zone change is occurring as Agricultural Zoning is not allowed within the City of Billings, and the Public zoning accommodates the future needs of the site and community.

**When: 6:00pm, March 27<sup>th</sup>, 2023**

**Location of Meeting: Warehouse Unit 111**

**3465 AJ Way**

**Billings, MT 59106**

Address: 3648 A J WAY

Tract 3 D04590

Legal Description: S26, T01 N, R25 E, C.O.S. 1889,

PARCEL 3

Owner Contact: The Department of Military Affairs  
PO Box 4789  
Fort Harrison, MT 59636-4789  
Contact: David Brown  
Email: david.a.brown588.nfg@army.mil  
Phone: (406)437-4210

Tract 2 – D04589

Legal Description: S26, T01 N, R25 E, C.O.S. 1889,

PARCEL 2

Owner Contact: Lupine Holdings LLC  
421 Rimrock Road  
Billings, MT 59102-1024  
Contact: Erin Herring  
Email: erin@flybfs.com  
Phone: (406)860-2256

## MEETING SIGN-IN SHEET

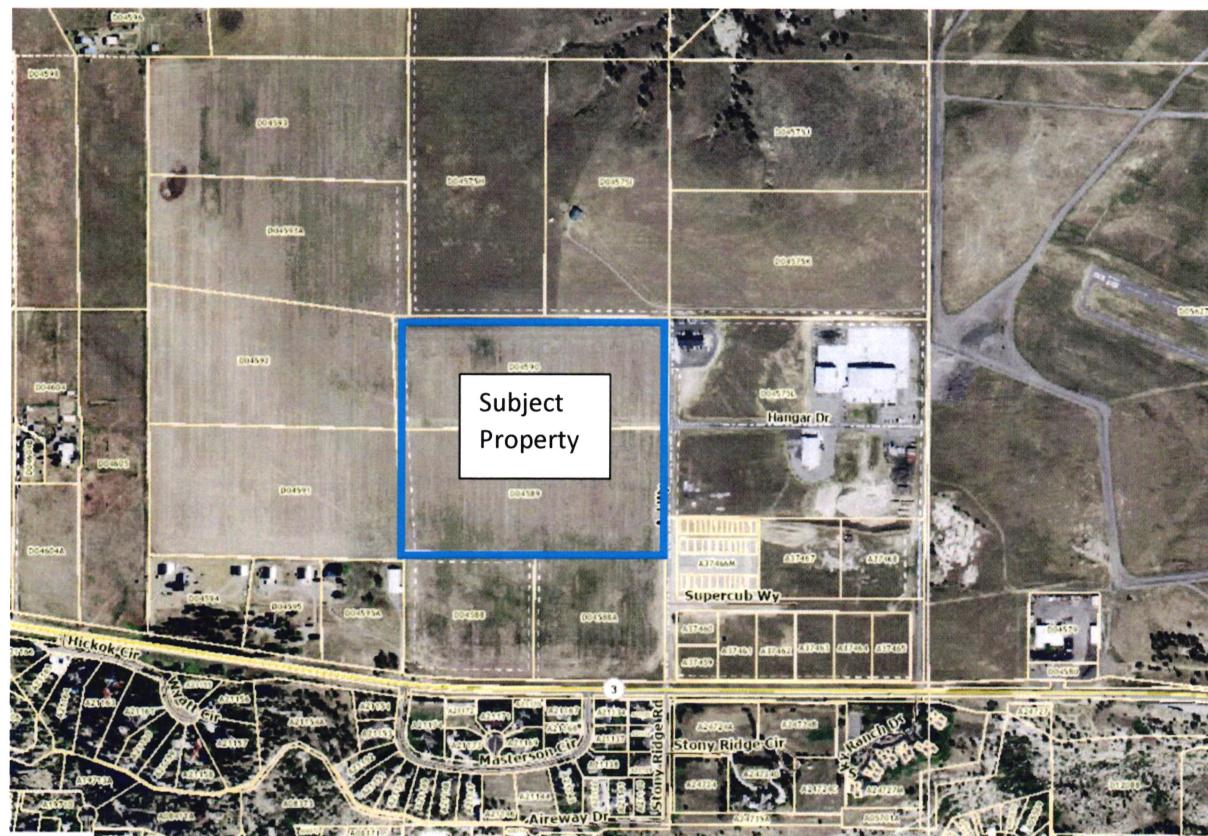
Project:	Zone Change	Meeting Date:	3-27-2023
Facilitator:	Peter Rudd - SMA	Place/Room:	

Name	Title	Company	Phone	Fax	E-Mail
Kevin Moser			690-1718		moser.construction@yahoo.com
P. Vande Vreugte			406-545-0777		dvandevreugte@bresnan.net
Paul R. Scarpaci			406-391-5301		PAUL.SCARPAKI@GMAIL.COM
Barbara Ramlow			406-534-2102		erksider00@gmail.com
Howard Evans			208-3538		rimTop1@aol.com
Jim & Theresa Helius			406-245-6320		thelius@charter.net
Simon Harper			406-860-8912		SIMON@BRESNAN.NET
Lyle Gabrian			406-259-1823		lgabrian@bresnan.net
Richard King	Chair: RNTF		406-690-0796		King350@aol.com
Dice Lahren			406-850-8677		adlahren@bresnan.net
Norma Boyd			406-865-1991		ncleveland@hotmail.com
Joe Boyd			406-860-3434		Joe.boyd79@gmail.com
Michael Tuss	Resident		406-545-8972		mrtussmt@gmail.com
Morgan Tuss	Resident		406-498-2067		morgan.tuss@gmail.com
Jeff Biscoe	owner/ President		406-839-2999		jeffbiscoe@gmail.com





## Zoning Map



Aerial Image



Subject Property



Looking northwest from AJ Way



Subject Property Looking South West



Looking South from AJ Way



Looking North East from AJ Way

**City Zone Change 1026 – 3648 AJ Way**  
**Chart of Zoning History**

<b>SUBJECT PROPERTY</b>	<b>Application</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
3648 AJ Way	NA				
<b>SURROUNDING PROPERTY</b>	<b>Application</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
2300 Block Hwy 3	County ZC 669	4/2016	A-1 to P and CI	Y	Helipad and Ancillary Aviation Businesses
Hwy 3	County ZC 676	11/2016	A-1 to HC	Y	
Hwy 3	County ZC 680	4/2017	CI to HC	Y	

## **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:** County- A- Agriculture 10+ acres
2. **Written description of the Zone Change Plan** including existing and proposed new zoning:  
Plan to annex both parcels and change from Agriculture zoning to P3-Public-Campuses - Medical, Civic, Educational (Annexation Petition is filed separately)
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:**  
S26, T01N, R25E, COS 1889, Tract 2  
S26, T01N, R25E, COS 1889, Tract 3
5. **Neighborhood Task Force Area** Yes // No . If Yes, Name of Task Force and mailing address of Chairperson:  
Rimrock Neighborhoods Task Force, Chairperson- Richard King (108 Sky Ranch Drive, Billings MT 59106)
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
7. **A copy of the meeting notice.** please attach to this form
8. **A brief synopsis of the meeting results including any written minutes or audio recording.** please attach to this form
9. **The undersigned affirm the following:**
  - 1) The pre-application neighborhood meeting was held on the 27th, day of March, 2023.
  - 2) The zone change application is based on materials presented at the meeting.

**Owner (s):** Department of Military Affairs      Telephone: 406-324-3109

Address: 1956 Mt Majo Street, PO Box 4789      Email: john.w.gehring2.mil@army.mil  
Fort Harrison, MT 59636-4789

**Agent (s):** Lee Elder (SMA)      Telephone: 406-219-2216

Address: 428 E. Mendenhall St.      Email: lee@sma.design  
Bozeman, MT 59715

# APPLICATION FORM

**CITY ZONE CHANGE** Billings Zone Change # \_\_\_\_\_ - Project # P2X-23-00065

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

Present Zoning County A-Agriculture 10+ acres

Proposed Zoning: City P3- Public- Campuses -Medical, Civic, Educational

TAX ID# 81-0302402 CITY ELECTION WARD 1-after annexation

Legal Description of Property: S26, T01N, R25E, COS 1889, Tract 2 and S26, T01N, R25E, COS 1889, Tract 3

Address or General Location (If unknown, contact City Engineering): 3648 AJ Way, Billings, MT 59106

Size of Parcel (Area & Dimensions): 40.01 acres and the 20 acre parcel directly south of this address.

Present Land-Use: Vacant- Agriculture

Proposed Land-Use: Public- Campus- MT Army National Guard -Limited Army Aviation Support Facility

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): The Department of Military Affairs (LTC John Gehring)

(Recorded Owner) 1956 Mt Majo Street, PO Box 4789 Fort Harrison, MT 59636-4789

(Address) 406-324-3109 john.w.gehring2.mil@army.mil

(Phone Number) (email)

Agent(s): Lee Elder (SMA)

(Name) 428 E. Mendenhall St. Bozeman, MT 59715

(Address) 406-219-2216 lee@sma.design

(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.

GEHRING.JOHN.WESLEY.12420

Digitally signed by

GEHRING.JOHN.WESLEY.1242064956

Date: 2023.03.28 15:05:13 -06'00'

Signature: 64956

Date: 28MAR2023

(Recorded Owner)

Date Stamp

Zone Change Application Packet 2023/2024