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## BOARD OF COUNTY COMMISSIONERS

YELLOWSTONE COUNTY, MONTANA

Tuesday, August 27, 2013

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SUBJECT: Zone Change #644 – 1020 64<sup>th</sup> Street West  
THROUGH: Candi Millar, AICP, Planning Director  
FROM: Nicole Cromwell, AICP, Zoning Coordinator

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### REQUEST

The applicant is requesting a zone change request from Agriculture-Open Space (A-1) to Agriculture-Suburban (A-S) on a 40 acre parcel of land, Tracts 9 and 10, C/S 1759. The property is generally located at 1020 64<sup>th</sup> Street West south of Grand Avenue. The applicant conducted a pre-application neighborhood meeting on June 20, 2013, at Sanderson Stewart, 1300 N Transtech Way. The owners are Janet and Mark Dolar and Sanderson Stewart is the agent. The Zoning Commission conducted a public hearing on August 19, 2013, and is forwarding a recommendation of approval on a 3-0 vote.

### APPLICATION DATA

OWNER: Janet and Mark Dolar  
AGENT: Lauren Waterton, Sanderson Stewart  
LEGAL DESCRIPTION: C/S 1759, Tracts 9 and 10  
ADDRESS: 1020 64<sup>th</sup> Street West  
SIZE OF PARCEL: 40 acres  
EXISTING LAND USE: 1 single family dwelling, agricultural and accessory buildings  
PROPOSED LAND USE: Same with possible future development of additional single family dwellings  
EXISTING ZONING: A-1  
PROPOSED ZONING: A-S

### APPLICABLE ZONING HISTORY

#### Subject Property

None

#### Surrounding Properties

1 Surrounding Property approved for zone changes from A-1 to A-S in 2009.

### SURROUNDING LAND USE & ZONING

NORTH: Zoning: A-1  
Land Use: Agricultural land  
SOUTH: Zoning: Outside zoning jurisdiction  
Land Use: Single family homes and AJ Mini-storage  
EAST: Zoning: A-1 & A-S  
Land Use: Agricultural land and single family homes  
WEST: Zoning: A-1

Land Use: Agricultural

## **REASONS**

The subject property is located on the west side of 64<sup>th</sup> Street West between Grand Avenue and Central Avenue. The property is on the boundary of the County zoning jurisdiction and un-zoned property south of these lots is developed for mini-storage warehousing. The property was developed with 2 single family homes but 1 home was recently used for Billings Fire Department training and no longer exists. The 2<sup>nd</sup> home on the property has been sold and will be moved to a new location. The applicant intends to subdivide the 40-acre property to provide between 14 and 16 lots for residential homes. A subdivision will require construction of access roads, installation of water and septic systems, as well as providing protection from fire hazards and preservation of water rights and access to nearby agricultural water users. To the north, east, and west are active agricultural lands. Of the 37 properties within 1,500 feet, 10 lots are less than 10 acres in area.

Sixty-Fourth Street West is a principal arterial street. There are no traffic counts available for this section of 64<sup>th</sup> Street West, however other sections south of this location carry between 500 and 1,500 vehicle trips per day, according to the 2013 traffic count program coordinated by the Planning Division. The posted speed limit of this section of the road is 50 mph. There is a proposed on-street bike lane for this section of 64<sup>th</sup> Street West. Tract 9 has a regulated 100-year flood plain of Hogan's Slough that runs from the northwest to the southeast. Any new occupied structures must meet the flood plain requirements. The subject property is not within the limits of annexation for the City of Billings. The West Billings Neighborhood Plan indicated this area of the County should develop as lower density residential subdivisions or as agricultural uses.

A neighborhood meeting was conducted by the applicant on June 20<sup>th</sup>, 2013, at Sanderson Stewart at 1300 N Transtech Way. The minutes of the meeting are included as Attachment B. The applicant shows in the meeting minutes that issues of concern are the potential number of new dwelling units, covenants and restrictions, water shares, and new access roads. The Planning Division was contacted by Connie Wardell of 514 64<sup>th</sup> Street West about the proposed zone change. Ms. Wardell lives just north of the AJ Ministorage warehouses. Ms. Wardell did not provide any written comments concerning the application.

Planning staff reviewed the application and forwarded a recommendation of approval for the proposed zone change based on the 11 criteria for zone changes. The Zoning Commission concurred with the staff recommendation. The property is adjacent to an arterial street and is in an area west of the city limits not anticipated to be annexed. Hogan's Slough flood plain limits the usable area of Tract 9 (west 20 acres) of the property. All new drain fields and zoning compliance will be assured prior to any new residential construction on the site. There are nearby residential subdivisions of similar density with either no zoning in place or R-150 zoning in place. These include the Billabong Subdivision, Saige Subdivision, Cold Stone Subdivision, Lamm Subdivision, Hardy Boys Subdivision, CC Subdivision, and several certificates of survey with residential lots ranging from 1 acre to 5 acres. The proposed zoning will be identical to the adjacent zoning to the northeast on the east side of 64<sup>th</sup> Street West. Zoning districts to the north and east are A-1 districts. The West Billings Neighborhood Plan anticipated low density residential development and agricultural uses in this area. The proposed zoning conforms to the goals and policies of the neighborhood plan and the 2008 Growth Policy.

The Zoning Commission concurred with the staff recommendation based on the testimony received and the 11 criteria for zone changes.

### **RECOMMENDATION**

The Zoning Commission voted 3-0 to recommend approval of Zone Change #644.

### **ZONING COMMISSION PUBLIC HEARING AND DISCUSSION**

The Zoning Commission conducted a public hearing on this application on August 19, 2013. The applicant, Janet Dolar, and the agent, Lauren Waterton of Sanderson Stewart, were in attendance to testify in favor of the proposed zone change. Connie Wardell, Donald See, Susan Sprague, Candace Phillips and Robert Dunn testified in opposition to the zone change. Neil Schlaeppi testified in favor of the zone change.

Ms. Waterton stated the reason for the proposed zoning is to create a new subdivision for lots of less than 10 acres in area. She stated the Dolars own four 20 acre tracts but are requesting to change only the eastern 2 parcels from A-1 to A-S for the new subdivision. She stated the western 40 acres will remain as open land and in the A-1 district. Ms. Waterton stated the subdivision plan for the 40 acres is not yet finalized but may provide up to 16 residential lots. She stated the applicant has had a pre-application meeting with the Planning Division and County agencies. She stated County Public Works has requested the new subdivision use the existing drive approach as the only access point for the new subdivision. She stated they might be required to provide an emergency access road but this would not be a public road and would be gated. Ms. Waterton stated that as development moves outside the city limits in this area of the County, the proposed zoning is appropriate. She stated the zoning could allow lots as small as 1 acre, but given the groundwater, flood plain and other natural restrictions on the land, the lots will probably be in the range of 1.5 to 3.5 acres in area.

Vice Chair Al Littler asked if the Dolars are considering alternative water and wastewater systems for the new lots. Ms. Waterton stated the engineers are working through all the alternatives for water and wastewater and these would include specialized drainfields for septic systems.

Donald See of 725 64<sup>th</sup> Street West stated he attended to pre-application meeting for the zone change. He stated the staff has found this application to be conforming to the Growth Policy, but he is not sure what the Growth Policy states for this rural area of the County. He stated he was chagrined to learn the proposed zoning would allow 1 acre lots. He stated this size lot would be too small for this area. He stated he was concerned the subdivision could be approved with larger lots of 3 to 5 acres and then it could change without notice to 1 acre lots.

Connie Wardell of 514 64<sup>th</sup> Street West testified in opposition to the zone change. She stated the application is in no way conforming to the adopted Growth Policy. She stated the zoning directly conflicts with several of the stated goals of the Growth Policy. Ms. Wardell presented testimony on specific goals and objectives and how the requested zone change is in conflict with those goals. She stated the requested zoning and land use is not compatible with the existing uses. She stated the current owners have not communicated well with the neighbors. She stated the Dolars put up a no trespassing sign and a barricade across their driveway. She stated the historic barn on the property was removed without notice to the neighbors and the house has been pulled off the foundation and has not been demolished or removed. She stated she was concerned with impacts

to groundwater, riparian areas and agricultural water users from the new homes. She stated she was concerned with the impacts to traffic on 64<sup>th</sup> Street West. She stated it is difficult now for farmers to move equipment from field to field because of the increased traffic on 64<sup>th</sup> Street West. She stated adding another 40 cars to this dangerous road will result in more conflict. Ms. Wardell stated she was surprised Planning staff recommended approval based on the numerous conflicts with the goals and objectives of the Growth Policy. She asked the Zoning Commission to recommend denial of the zone change. She stated it might be appropriate to re-zone the property in the future when the city and county have the funding available to improve the road, provide water and sewer service, and otherwise reduce the impact from the dense subdivision.

Sue Sprague of 1240 Burlington testified in opposition to the zone change. She stated she is the sister of Candace Phillips who owns property directly south of the Dolars property. She stated her sister has many horses and this many new residences near the horses would be bad for them. She was concerned with the water rights to the property and how these might be compromised by the Dolar's subdivision. She stated the new neighbors would not be used to rural activities and would complain about the sights and smells of the area after moving in.

Candace Phillips of 616 64<sup>th</sup> Street West testified in opposition to the zone change. She stated her property is the family home and has been there over 50 years. She stated she does not want 40 new houses right next to her property. She stated this would not be compatible with her horse farm or with the other rural activities in the area.

Robert Dunn of 6305 Terra Vista Drive testified in opposition to the zone change. Mr. Dunn stated he thought the Planning staff report was sloppy and had numerous errors. For example, he stated the posted speed limit on 64<sup>th</sup> Street West is not 55 mph but 50 mph. He stated the staff report lists 14 lots in the proposed subdivision and then 15 lots later on in the report. He stated the report states there might be up to 1,000 vehicles per day using 64<sup>th</sup> Street West but does not list a source for this information. He stated he was opposed to the zone change because the lots would be too small for the area and does not believe the staff adequately reviewed the application.

Janet Dolar stated she is the applicant and wanted to clarify a few points of opposition. She stated she thought there was a quite a bit of character defamation from some of the testimony. She stated the barn was sold to a person who dismantled the structure and will be using it as a barn in another location. She stated 1 of the homes was sold to a couple from Columbus and will be moved soon to its new location. She stated the other home on the property was too far gone to salvage so they offered the structure to the Billings Fire Department for training. She stated the Fire Chief was receptive to the proposal and it helped several new firefighters gain real structure fire experience. She stated the reason they put up no trespassing signs and the barricade on the driveway was because they had 2 burglaries since they bought the property 1 year ago. She stated this was not done to be un-neighborly as some people have accused. She stated 1 neighbor was upset because she did not want them to continue feeding the feral cat on the property. She stated she started feeding the cat herself and so far it has become tamer. She asked the Zoning Commission to approve the request for the zone change.

Neil Schlaeppi of 6606 Grand Avenue testified in favor of the zone change. He stated although he would prefer the land to stay in agricultural use, he liked his new neighbors the Dolars and understood their desire to subdivide the property. He stated this is the future of this area of the

County as the city moves further west. He stated many of the farmers in the area are older and the land is now too valuable to sell as agricultural land. He stated the new subdivision will benefit all the surrounding owners by raising property values.

Lauren Waterton provided rebuttal to testimony in opposition to the zone change. She stated she understood the concerns of the neighbors. She stated although the zoning could allow lots as small as 1 acre, this property could never have those size lots with the natural restrictions of the flood plain, ground water and soils. She stated the subdivision plan is not yet finalized so that is why the number of lots has varied from 14 to 16. She stated when the subdivision is submitted for approval, there will be additional hearings and conditions of approval that will ensure the protection of the water and agricultural uses. She stated the Dolar's subdivision could not divert or in any way impinged on the water rights of their neighbors. She stated this would be against the law. She stated the Dolars are invested in the property and are there on a daily basis. She stated Dolars want to do a good subdivision with larger lots and nice homes.

Chair Dennis Cook closed the public hearing. Member Ole Shafer made a motion to recommend approval to the County Commissioners and it was seconded by Vice Chair Al Littler. Mr. Littler stated he understood all the concerns of the neighbors. He stated he lives at 48<sup>th</sup> Street West and Custer Avenue and has been there since it was all cornfields. Mr. Littler stated he has experienced new subdivisions surrounding his home and the same concerns with ground water, wells and septic systems. Mr. Littler stated he also is a supporter of private property rights and the right for every owner to decide what is the highest and best use of their property. He stated the Growth Policy supports this type of zoning in West Billings. He stated he agreed with the staff's findings of the 11 criteria for the zone change. The motion carried with a 3-0 vote.

## **RECOMMENDATION**

The Zoning Commission recommends approval of Zone Change #644 on a 3-0 vote.

## **PROPOSED COUNTY COMMISSION DETERMINATIONS**

The Board of County Commissioners, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?*

The proposed zoning complies with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).  
*This zone change would allow for additional area for single family dwellings adjacent to existing residential uses that are similar to the surrounding development in the area.*
- Goal: New development that is sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).  
*This property is near similar residential subdivisions of homes on lots of 2.5 to 5 acres. 10 of the 37 lots within 1,500 feet are less than 10 acres in area.*

2. Is the new zoning designed to secure from fire and other danger?  
The subject property is currently served by BUFSA and the Yellowstone County Sherriff. The nearest fire station is Fire Station #7 at 54<sup>th</sup> St West and Grand Avenue 1.5 miles east of the subject property. Development of the property for additional dwelling units will be reviewed by County agencies.

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

*Transportation:* The new zoning could increase traffic on 64<sup>th</sup> Street West, a principal arterial street. The current average daily traffic is likely less than 1,000 vehicle trips per day based the traffic counts on other sections of 64<sup>th</sup> Street West obtained through the Traffic County Program coordinated by the Planning Division. If the subdivision creates more than 500 additional trips per day, a traffic accessibility study will be required. If the property were developed to the maximum density of 1 dwelling unit per acre, then an additional 390 vehicle trips would be an average increase in traffic. This increase would not warrant a traffic study.

*Water and Sewerage:* The property will be served by on site water and waste water systems. Riverstone Health and the MT DEQ will ensure all new systems are installed and constructed to protect the public health and local ground water.

*Schools and Parks:* The property is within the Billings School District #2. Elementary students would attend Central Heights Elementary at 120 Lexington Drive (east of 24<sup>th</sup> St West). It would be anticipated there might be an impact on the school system depending on the number and type of dwellings constructed. The development would not necessarily increase demand for parks. There are several neighborhood and community parks in the area both in the city and county.

*Fire and Police:* The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of development.

4. Will the new zoning promote health and general welfare?

The new zoning will allow development of a large acreage property for several single family dwellings. There are similar subdivisions to the north, west and east. Property improvements will require approval of all new water and waste water systems that will ensure public health.

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

The proposed zoning would require minimum setbacks, maximum building heights, and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

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

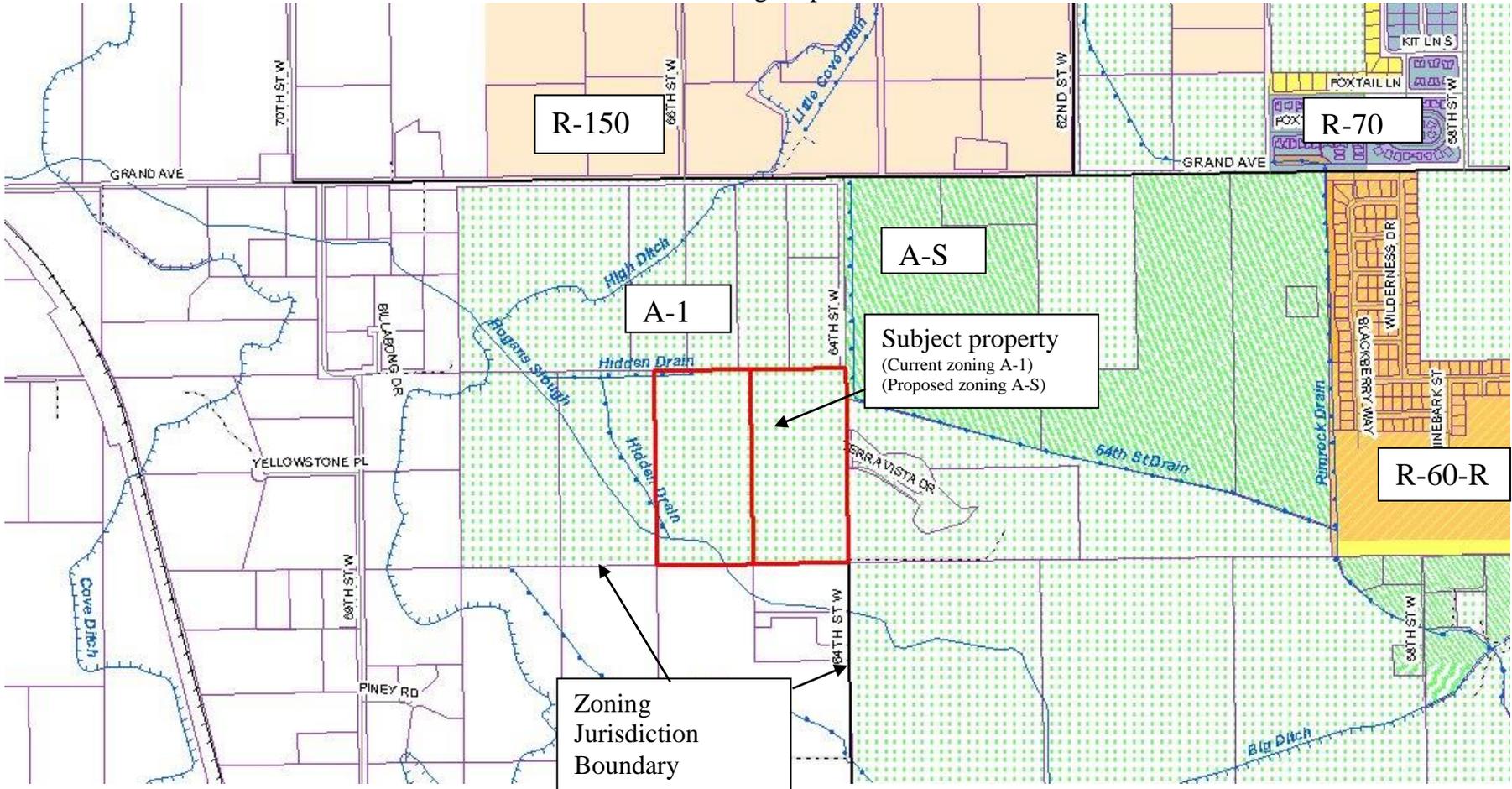
The proposed zoning itself will not generate more traffic on 64<sup>th</sup> Street West. The proposed subdivision will add to the existing traffic on 64<sup>th</sup> Street. Sight distance is a concern on this part of the road. The posted speed limit is 50 mph and traffic entering or stopped to turn on to adjacent property can cause traffic congestion. The street does not have sidewalks and there are plans to develop an on-street bike lane on this arterial street.

7. Will the new zoning be compatible with urban growth in the vicinity?  
The proposed zoning is compatible with nearby developments. The closest urban development is 1 mile to east south of Grand Avenue (Trails West Subdivision).
8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?  
The subject property is in an area that has existing larger lot single family subdivisions and is in character with those uses. The property is suitable for single family uses given its location in proximity to similar subdivisions.
9. Will the new zoning conserve the value of buildings?  
The new zoning allows single family dwellings. The value of existing buildings on the site and in the surrounding subdivisions will be conserved by similar zoning and development.
10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?  
The property is suitable for residential development at the proposed density.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?  
The proposed zoning is not adjacent to the City of Billings.

## **ATTACHMENTS**

- Attachment A: Zoning Map  
Attachment B: Applicant Letter & Pre-application neighborhood meeting minutes  
Attachment C: Site Photographs

Attachment A - Zone Change #644  
Zoning Map



**Attachment B - Zone Change #644**  
Applicant Letter & Pre-application neighborhood meeting minutes

**CATTLE RANCH ESTATES SUBDIVISION**  
TRACTS 9 AND 10 COS 1759  
ZONE CHANGE APPLICATION FROM AGRICULTURAL OPEN  
TO AGRICULTURAL SUBURBAN

**STATEMENT OF PROPOSAL**

Mark and Janet Dolar own approximately 80 acres on the west side of Billings, adjacent to 64th<sup>th</sup> Street West, between Central Avenue and Grand Avenue. The property owners are requesting a zone change for 40 acres located on the eastern half of their property. The owners would like to create up to 15 parcels within the 40 acres. In order to do so, a zone change from Agricultural Open to Agricultural Suburban is requested. The Agricultural Suburban zoning designation provides for low density residential development, similar to what is proposed for this parcel.

**RESPONSES TO APPLICATION QUESTIONS**

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

The primary goals and objective of the 2008 Growth Policy are divided into eight primary elements. The goals of the Land Use Element are described below.

***Goal 1. Predictable land use decisions that are consistent with neighborhood character and land use patterns.***

The land use of the proposed Agricultural Suburban (AS) zoning will be compatible and predictable with the surrounding neighborhood character. Within the vicinity, there are numerous small subdivisions and larger acre properties, particularly to the north along Grand Avenue. The proposed zone change would allow a similar type of development to occur on the property with similar land use patterns.

***Goal 2. New developments that are sensitive to and compatible with the character of adjacent City Neighborhoods and County Townsites.***

The Agricultural Suburban Zone District is compatible with the surrounding area and fits the type of land use patterns in the vicinity. The southern boundary of this property borders the limits of the zoning jurisdiction for Yellowstone County. Properties to the south and west are of similar density to what would be permitted in Agricultural Suburban zoning. Assuming the property is developed under the proposed zoning, the property would be divided into 15 single family lots, for an average lot size of 2.6 acres.

***Goal 3. Growth management tools available to rural townsites.***

The project area is located within the City of Billings Zoning Jurisdiction and is adjacent to the limits of the Long Range Urban Planning Area. It is intended to remain in the County and not seek annexation. The proposed use is consistent with the rural character and small subdivisions along Grand Avenue and 64<sup>th</sup> Street West.

***Goal 4. Contiguous development focused in and around existing population centers separated by open space.***

The proposed zoning for this property uses low density AS zoning, keeping density in a rural character.

***Goal 5. Affordable housing for all income levels dispersed throughout the City and County.***

The new AS zoning would allow create more housing choices on the west end of Billings. Although there are single family homes available on the west end of Billings, there are few affordable options available for Billings working class on the west end. This zoning designation would increase the availability of housing in the area.

***Goal 6: More housing and business choices with each neighborhood.***

The new AS zoning would allow increase housing choices. Currently, on Billings' west end, there are very few options for affordable work-force type housing. This zoning would increase the availability of housing on Billings west end.

**1B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.**

The AS zoning would provide the density at a rural level of one unit per two acres. The owners are seeking to subdivide the property into no more than 15 lots. With the average lot size approximately 2 acres and common open space as part of the development, the subdivision will fit into the existing development pattern in the neighborhood.

The current zoning allows one unit per 10 acres. The new AS zoning would allow only single-family residences on two acre lots, which would be consistent with the zoning within the area. As the west end in Billings continues to grow, additional land for residential purposes is needed.

# CATTLE RANCH ESTATES SUBDIVISION

ZONE CHANGE PROPOSAL  
WITHIN  
BILLINGS, MONTANA



PREPARED FOR : MARK AND JANET DOLAR  
PREPARED BY : SANDERSON STEWART

JUNE, 2013  
BOZEMAN, MONTANA

EXISTING ZONING



PROPOSED ZONING



LEGEND	
	AGRICULTURE OPEN
	AGRICULTURAL SUBURBAN
	RESIDENTIAL 15000
	OUTSIDE ZONING JURISDICTION

DOLAR PROPERTY, CERTIFICATE OF SURVEY NO. 1759  
 NEIGHBORHOOD ZONE CHANGE MEETING  
 JUNE 20, 2013  
 5:00 P.M. - SANDERSON STEWART  
 1300 NORTH TRANSTECH WAY, BILLINGS

NAME	ADDRESS	PHONE	EMAIL
<i>Robert Farnhill</i>	<i>6302 Grand</i>	<i>652-8149</i>	<i>AUTUMN@GMAIL.COM</i>
<i>Stephen Lee</i>	<i>725 64th</i>		
<i>Bernice Bee</i>	<i>"</i>	<i>652-5154</i>	
<i>Laurel + Bob Dorn</i>	<i>6305 Terra Vista Dr.</i>	<i>670 6183</i>	
<i>Scott + Sherry Heflin</i>	<i>10321 Terra Vista Dr.</i>	<i>655-0954</i>	
<i>Janet Dolan</i>	<i>1020 64th ST W.</i>	<i>406-702-2379</i>	
<i>Mark Dolan</i>			
<i>Seth Dohay</i>			
<i>Yvonne + Vivian Sokolowski</i>	<i>6606 Grand</i>		<i>656-4312</i>
<i>Janice Sokolowski</i>	<i>1526 Grand</i>		
<i>Paul Davis</i>	<i>1300 N Transtech</i>	<i>656-5455</i>	<i>pdavis@sandersonstewart.com</i>

## MEETING MINUTES

<b>PROJECT:</b> Certificate of Survey 1759 – Tracts 9 and 10			
<b>Project No:</b> 12037.01			
<b>Meeting Location:</b> Sanderson Stewart Conference Room		<b>Meeting Date:</b> June 20, 2013; 5:00 PM	
<b>Meeting Subject:</b> Pre-application neighborhood meeting for proposed zone change.		Prepared by: PJD	
<b>Attending:</b> See attached sign-in sheet			
<b>Date of Issue:</b> July 1, 2013			

**MINUTES:**

The meeting was called to order at approximately 5:00 PM and Pat Davies of Sanderson Stewart gave an overview of the area proposed for the zone change. The purpose of the proposed zone change was to change the zoning from Agricultural Open (10-acre minimum) to Agricultural Suburban (1-acre minimum) on Tracts 9 & 10 of Certificate of Survey No, 1759 to allow for the parcels to be subdivided into smaller parcels for a residential subdivision.

**THE MEETING WAS THEN OPENED TO QUESTIONS:**

A question was asked in regard to allowable densities and allowed uses for Agricultural Suburban zoning. It was discussed that this zoning allows for a maximum density of 1 dwelling unit per acre. It was also discussed the zoning code allows for non-residential uses, but it was the intent of the landowner to develop a residential development with single-family homes.

The proposed development was discussed. It is proposed to consist of approximately 14 single-family lots ranging from 1.5 to 5 acres in size. The lots would be served from on-site drainfields and cisterns. Streets meeting County specifications would provide access to the subdivision and a dry-hydrant for fire protection would be required to meet fire protection requirements. Tracts 7 and 8

located to west would not be developed at this time and are not included in the proposed zone change.

A question was asked in regard to the future access of the development. It was discussed the proposed access location is similar in location to the existing access for the house. The site distance requirements for this proposed access has been reviewed and determined to be adequate for the posted speed limits. Some of the residents noted concern of the speeds observed by some drivers along 62<sup>nd</sup> Street along with the current configuration of the road. It was noted that access related items would be reviewed further during the subdivision process.

General questions were asked in regard to extending City services such as water and sanitary sewer to the west in the future. It was explained that services would most likely be extended to the west in the future but these extensions would be triggered by future development and would require the process of annexation to the City of Billings. It was also discussed that this parcel is not currently in the City's limits of annexation.

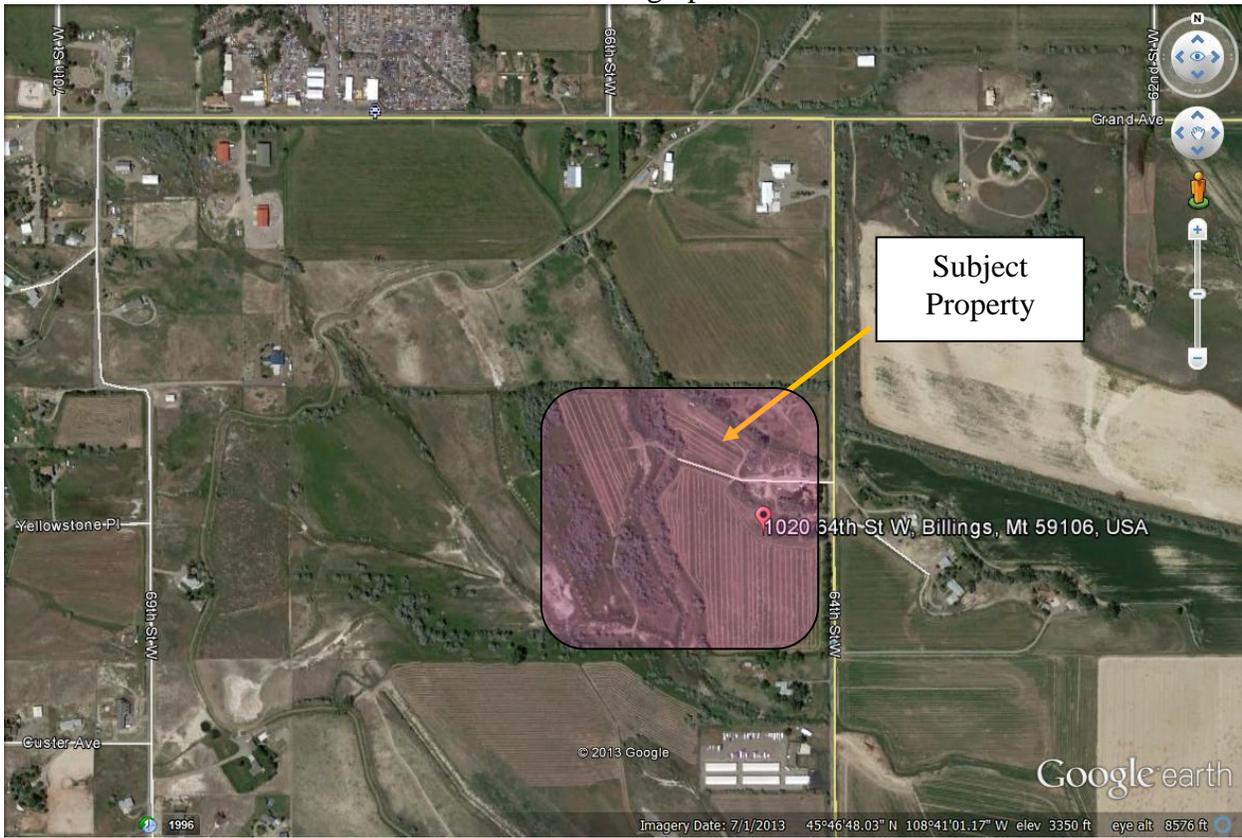
A question was asked whether covenants and restrictions would be created for the property. It was discussed CCR's would be created during the subdivision process and they intent was to create a high quality single-family residential development.

A question was asked as to what would happen to the existing irrigation ditch shares for the property. It was discussed that a pond/irrigation system may be considered that would utilize the shares for an irrigation system that serves the residential lots. The shares could possibly be transferred to an home owner's association that would pay the annual details. This would be further explored with in the subdivision process and coordinated with the respective ditch company(s). Some of the shares would be retained for Tracts 7 & 8 which are not proposed for development.

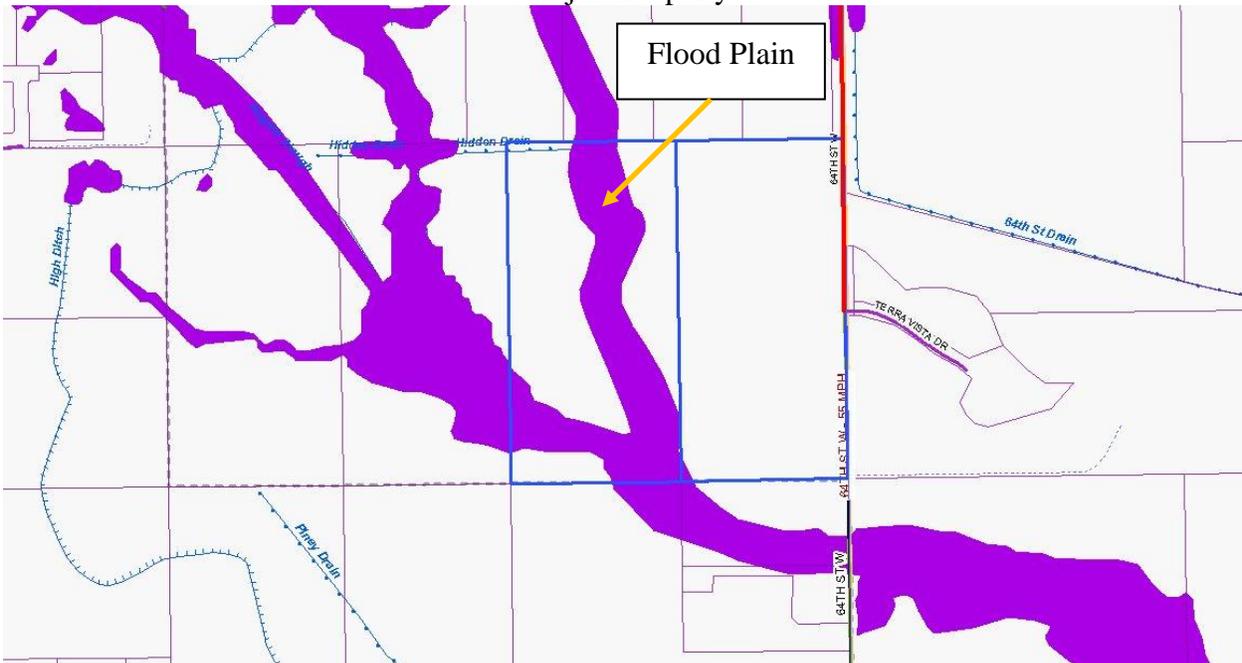
It was discussed that the zone change application would be submitted on July 1, 2013, with a public hearing at the zoning commission on August 12, 2013, and a public hearing and action at the Board of County Commissioners meeting on August 27, 2013, unless otherwise changed. Landowners immediately adjacent to the proposed zone change would be notified by mail.

The meeting was adjourned at approximately 6:30 and some follow-up discussions occurred after the meeting between the attendees.

**Attachment C – Zone Change #644**  
**Site Photographs**



**Subject Property**



**Attachment C – Zone Change #644, continued**  
**Site Photographs**



Subject Property



View north along 64<sup>th</sup> St West

**Attachment C – Zone Change #644, continued**  
**Site Photographs**



View south along 64<sup>th</sup> Street West



View east across 64<sup>th</sup> Street West