ORDINANCE No. 16-119

AN ORDINANCE ESTABLISHING THE LOCKWOOD TARGETED ECONOMIC DEVELOPMENT DISTRICT (TEDD), CREATING THE LOCKWOOD TEDD, AND ADOPTING THE LOCKWOOD TEDD PLAN WITH A TAX INCREMENT FINANCING PROGRAM PURSUANT TO TITLE 7, CHAPTER 15, PART 42 AND 43 OF THE MONTANA CODE ANNOTATED

WHEREAS, in Yellowstone County there is an unincorporated area of urban development commonly referred to as "Lockwood."

WHEREAS, a portion of Lockwood is zoned either Industrial or Agricultural Open.

WHEREAS, in accordance with MCA § 7-15-4210, on April 21, 2015, the Yellowstone County Board of Commissioners passed Resolution No. 15-22 (Resolution of Necessity), declaring the Lockwood TEDD described below as "infrastructure deficient" as described in MCA § 7-15-4279.

WHEREAS, Resolution 15-22 generally established boundaries of the Lockwood TEDD, as described in the following attached Exhibits "A" and "B" and determined the existence of infrastructure deficiencies in the area.

WHEREAS, on October 25, 2016, the Yellowstone County Board of Commissioners passed Resolution No. 16-118, a Resolution of Intent to Establish the Lockwood TEDD, creating the Lockwood TEDD and Adopting the Lockwood TEDD Plan with a Tax Increment Financing Program Pursuant to Title 7, Chapter 15, Part 42 and 43 of the Montana Code Annotated.

WHEREAS, Yellowstone County is interested in fostering redevelopment, growth and retention of secondary, value adding industries as part of the County’s overall goal to promote, stimulate, develop and advance the general welfare, commerce, economic development and prosperity of the citizens of Yellowstone County and the State of Montana. Therefore, pursuant to MCA § 7-15-4212, Yellowstone County caused a Comprehensive Development Plan to be prepared.

WHEREAS, Yellowstone County is interested in using Tax Increment Financing as authorized in MCA §§ 7-15-4282 through 7-15-4294, to help fund the supportive public infrastructure needed for the development of secondary, value-adding industries in the Lockwood TEDD area.

WHEREAS, pursuant to § 7-15-4279, a local government may by ordinance and following a public hearing authorize the creation of a TEDD in support of value-adding economic development.

WHEREAS, the TEDD Plan for the Lockwood targeted area, including tax incentive provision, has been prepared to guide the industrial development program and public infrastructure projects in the infrastructure deficient area established by Resolution No. 16-118.

NOW, BE IT ORDAINED THE YELLOWSTONE COUNTY COMMISSION AS FOLLOWS:

SECTION 1: The Lockwood TEDD encompasses an area of primarily agricultural use with some industrial sites. The area is approximately 570 acres and is located north of Interstate 90 and 94 and south of the Yellowstone River. The BNSF railroad bisects the area and has a rail spur with access to the Pacific Recycling facility, located within the TEDD boundary.

SECTION 2: The legal description and map of the TEDD are attached as Exhibits "A" and "B."
a. The property to be included in the District consists of a continuous area with an accurately described boundary.

b. The TEDD includes about 20 separately described parcels, more than large enough to afford maximum opportunity, consistent with the sound needs of Yellowstone County as a whole, for the rehabilitation or redevelopment. The TEDD is therefore large enough to host a diversified base of multiple independent tenants.

c. The TEDD is not comprised of any property included within an existing Tax Increment Financing District.

SECTION 3: The area was zoned in accordance with the Lockwood Growth Policy as provided for in MCA § 7-15-4279.

SECTION 4: A plan for the Lockwood TEDD was prepared according to the Montana Code Annotated and is attached as Exhibit “C.”

SECTION 5: The Lockwood TEDD plan was submitted to the Yellowstone County Planning Board for review, and on October 25, 2016, the Planning Board executed a resolution that found the Lockwood TEDD Plan to be in conformity with the Lockwood Growth Policy and found that the TEDD was zoned for uses in accordance with the growth policy.

SECTION 6: Definitions. The following terms wherever used or referred to in this Ordinance shall have the following meanings:

1. “Act” means Title 7, Chapter 15, Parts 42 and 43 of the Montana Code Annotated.

2. “Actual taxable value” means the taxable value of taxable property at any time, as calculated from the assessment roll last equalized.

3. “Base taxable value” means the actual value of all taxable property within an urban renewal area prior to the effective date of a tax increment financing provision. This value may be adjusted as provided in MCA §§ 7-15-4287 or 7-15-4293.

4. “Incremental taxable value” means the amount, if any, by which the actual taxable value at any time exceeds the base taxable value of all property within a TEDD.

5. “Tax increment” means the collections realized from extending the tax levies, expressed in mills, of all taxing bodies which the TEDD area or a part thereof is located, against the incremental taxable value.


7. “Taxes” means all taxes levied by a taxing body against property on an ad valorem basis.

8. “Targeted Economic Development District” means a defined area that supports value-adding economic development and may utilize tax increment financing.

9. “Targeted economic development project” means a project undertaken within or for a TEDD that consists of any or all of the activities authorized by MCA § 7-15-4288.
SECTION 7: It is the desire of the Yellowstone County Board of Commissioners to exercise, within the defined area, the powers conferred by Title 7, Chapter 15, Parts 42 and 43 of the Montana Code Annotated.

SECTION 8: A notice of the public hearing in substantially the form presented in, and attached hereto as Exhibit "D," was published on October 28, 2016 and November 4, 2016. A notice of the public hearing was mailed by certified mail to all property owners in the District based on a list of the geocodes for all real property, the assessor codes for all personal property, and a description of all centrally assessed property located within the TEDD at the time of its creation.

SECTION 9: The Lockwood TEDD is hereby established.

SECTION 10: The Lockwood TEDD Plan, attached as Exhibit "C," is hereby adopted.

SECTION 11: For the purpose of calculating the incremental taxable value for each year of the life of the District, the base taxable value shall be calculated as the taxable value of all real and personal property within the District as of January 1, 2017.

SECTION 12: Yellowstone County is hereby authorized to segregate, as received, the tax increment derived in the TEDD, and use and deposit such increment into the TEDD fund for use as authorized the Montana Code Annotated and as authorized herein or by the Board of County Commissioners from time to time.

SECTION 13: The tax increments received from the TEDD may be used to directly pay costs of approved targeted economic development projects, or to pay debt service on bonds issued to finance targeted economic development projects as defined in the Montana Code Annotated as may from time to time be approved by the Board of County Commissioners. The Board of County Commissioners hereby authorizes the use of tax increment in the TEDD to be used to pay debt service on internal and bank financed loans issued to finance all or a portion of the costs of eligible improvements in compliance with the Montana Code Annotated and subject to any limitations imposed by the Montana Constitution.

SECTION 14: The tax increment financing provision of the TEDD will terminate in accordance with the Montana Code Annotated. After termination of the tax increment financing provision, all taxes shall continue to be levied upon the actual taxable valuation of the taxable property within the TEDD, but shall be paid into funds of the taxing bodies levying taxes within the TEDD.

SECTION 15: The creation of a targeted economic development project or program or the approval of a targeted economic development project or program does not affect, abrogate or supersede any rules, ordinances, or regulations of Yellowstone County relating to zoning, land use regulations or other applicable state, local or federal laws or regulations.

SECTION 16: All parts of ordinances and resolutions in conflict with the subject matter or this ordinance are hereby repealed.

SECTION 17: Should any part of this ordinance be found to be illegal or unenforceable by a Court of Competent Jurisdiction, the remaining portions that are not illegal or unenforceable shall remain in full force and effect.
SECTION 18: This Ordinance shall be in full force and effect thirty days after final passage and adoption by the Yellowstone County Board of Commissioners.

SECTION 19: Pursuant to MCA § 7-15-4291, the Board of County Commissioners agrees that it may distribute up to 50% of the increment in any year to the affected taxing bodies, subject to retaining amounts necessary to service any bonding requirements of the District.

Passed first reading this 7th day of November, 2016.

John Ostlund, Chairperson

James E. Reno, Commissioner

Robyn Driscoll, Commissioner

ATTEST:

Jeff Martin, Clerk & Recorder

PASSED as amended second reading this 22nd day of November, 2016.

John Ostlund, Chairperson

James E. Reno, Commissioner

Robyn Driscoll, Commissioner

ATTEST:

Jeff Martin, Clerk & Recorder
right-of-way to the southwest corner of Seiffert Industrial Subdivision; thence north along the west line of Seiffert Industrial Subdivision to its intersection with the centerline of North Frontage Road; thence southwesterly along the centerline of the North Frontage Road right of way to a point which is the intersection of the North Frontage Road right of way and the extension of the south boundary line of Tract 1, Certificate of Survey No. 3376; thence westerly along the south boundary line to the southwest corner of Tract 1, Certificate of Survey No. 3376; thence northerly along the west boundary line of Tract 1, Certificate of Survey No. 3376 to the southeast corner of Lot 1, Block 1, Great Plains Subdivision; thence northwesterly to the southwest corner of Lot 1, Block 1, Great Plains Subdivision and the south boundary line of Section 18; thence westerly along south boundary line of Section 18 to a point which is the intersection of the south boundary line of Section 18 and the east boundary line of Lot 2C, Johnson Lane Materials Subdivision; thence northeasterly to the southeast corner of Lot 5, Johnson Lane Materials Subdivision; thence northerly to the northeast corner of Lot 5, Johnson Lane Materials Subdivision; thence westerly to the southwest corner of Lot 1, Block 1, Weaver Flats Subdivision to the northwest corner of Lot 1, Block 1, Weaver Flats Subdivision; thence westerly to the southwest corner of Tract 2, Certificate of Survey No. 3477; thence northerly to the northeast corner of Lot 2, Block 1, Weaver Flats Subdivision; thence northwesterly to the northwest corner of Lot 2, Block 1, Weaver Flats Subdivision; thence southeasterly to the southwest corner of Tract 1, Certificate of Survey No. 3477; thence easterly to the southeast corner of Tract 1, Certificate of Survey No. 3477; thence northerly to the southwest corner of Government Lot 9; thence easterly to the southwest corner of Tract 1B, Certificate of Survey No. 2807; thence northeasterly to the northwest corner of Tract 1B; thence northeasterly to the northeast corner of Tract 1B; thence northeasterly along the east boundary line of Tract 1A, Certificate of Survey No. 2807 to the southwest corner of the tract of land described as survey overlap of Certificate of Survey No. 1225 and Certificate of Survey No. 2868; thence southerly to a point which is the intersection of the west line of the tract of land described as survey overlap of Certificate of Survey No. 1225 and Certificate of Survey No. 2868 and the east right of way line of the Montana Rail Link right of way; thence northeasterly to the southwest corner of Tract 5, Certificate of Survey No. 1225; thence easterly to the northwest corner of Tract 4A1, Certificate of Survey No. 1225; thence southerly to the southwest corner of Tract 4A1; thence easterly to the southeast corner of Tract 4A1; thence northerly to the northeast corner of Tract 4A1; thence easterly to the Point of Beginning; parcels containing 570.83 acres, more or less, subject to any existing easements and/or rights of way, whether of record or apparent on the ground.
# Parcels

Land owners and property descriptions are listed below.

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<tr>
<th>Owner Last Name</th>
<th>Legal Description</th>
<th>Geocode</th>
<th>Tax ID</th>
<th>Property Address</th>
<th>Mailing Address</th>
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<th>Zoning</th>
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<td>D06449</td>
<td>3255 N Frontage Rd</td>
<td>455 Highway 195, Suite A</td>
<td>Georgetown, TX 78633</td>
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<td>Lockwood Irrigation District</td>
<td>S17, T01 N, R27 E, PORTION OF SWNWNWNE L YING WEST OF DITCH BETWEEN COS 652 2ND</td>
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<td>Terry L. Seiffert</td>
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<td>Michael Stanhope</td>
<td>PINE HILL SUB, S17, T01N, R27 E, BLOCK 1, LOTS 12-15</td>
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<td>Bobolink Rd</td>
<td>Choteau, MT 59422</td>
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</tbody>
</table>
EXHIBIT C

LOCKWOOD TARGETED ECONOMIC DEVELOPMENT DISTRICT
Comprehensive Development Plan

October 2016

PREPARED FOR:
Big Sky Economic Development

FOR PRESENTATION TO:
Yellowstone County Board of County Commissioners

PROJECT FUNDED BY:
Montana Department of Commerce
Big Sky Trust Fund
Community Development Block Grant
Pacific Steel and Recycling
MCL Holdings
Weave Management
Big Sky Economic Development
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1. INTRODUCTION

Overview

Yellowstone County, in conjunction with the Big Sky Economic Development (BSED), is seeking to enhance and expand economic activities through the development of planned, ready-to-go industrial space that supports secondary, value adding industries. This effort would be enriched through the creation of a Targeted Economic Development District (TEDD) on 570 acres of land in the Lockwood area. Yellowstone County intends to use tax increment financing as part of its overall strategy to provide infrastructure in support of value-adding industry.

The purpose of the Lockwood TEDD is to provide planned industrial space in order to attract and retain industrial and manufacturing businesses in Yellowstone County. This Comprehensive Development Plan has been prepared in accordance with Montana Code Annotated, Title 7, Chapter 14, Parts 42 and 43. In accordance with MCA 7-15-4279, the Lockwood TEDD will host a diversified tenant base of multiple, independent tenants. This Comprehensive Development Plan lays the framework to guide the development of the TEDD. The Lockwood TEDD Strategic Plan contains information regarding market analysis, targeted industries, development and implementation strategies.

Purpose

When creating the state statutes for the provision for a TEDD, the Montana Legislature noted that the lack of infrastructure is an impediment to development of value-adding economic development and that local governments often times lack the financial resources to expand infrastructure that would serve such development. In response to those two issues, the legislature authorized the creation of districts that would support value adding industries and determined that tax increment financing can be used to pay for needed infrastructure.

According to MCA 7-15-4279(3)(b) of the, secondary value-adding industry means “a business that produces secondary value-added products or commodities or a business or organization that is engaged in technology based operations within Montana that, through the employment of knowledge or labor, adds value to a product, process, or export service resulting in the creation of new wealth.” These industries will be the primary targeted industries within the Lockwood TEDD.

The Yellowstone County Industrial Park Feasibility Study, completed in 2014, noted that demand for industrial space is strong and will continue to grow through 2030. It is expected to outpace supply, particularly for space associated with value-added commodities. The study also noted that realtors, developers and business owners interviewed for the study, felt that Yellowstone County had missed opportunities for business development because space with infrastructure in place was not readily available.

In response to the needs of the community and recommendations of the Feasibility Study, BSEDA has undertaken the task of identifying a site for planned industrial space that can accommodate the demand for industrial space. In an effort to develop a strategy for funding of needed infrastructure improvements, the area is designated as the Lockwood TEDD, with the intent to use tax increment financing as one option for such funding.
Lockwood Community

Lockwood is an unincorporated community, located directly east of the City of Billings. The population of Lockwood, as reported in the American Community Survey in 2014 as the Lockwood Census Designated Place, is 6,943. This includes the area of the proposed TEDD. Between 2000 and 2014, Lockwood saw a 61.2-percent increase in population, outpacing the growth in the rest of Yellowstone County, which grew by approximately 17-percent.

The American Community Survey also reported that approximately 55-percent of all workers who live in Lockwood travel to work between 15 to 24 minutes, with the mean travel time of 20 minutes. This pattern suggests that Lockwood residents travel to Billings and other parts of Yellowstone County for work. Increasing job opportunities within the Lockwood TEDD would allow a greater percentage of Lockwood residents the opportunity for employment within their community.

Employment of Lockwood residents is spread over multiple industries throughout Yellowstone County. As shown below, “education, health care & social assistance” sector employs the most people, followed by the “retail trade” sector. Manufacturing, transportation, warehousing and utilities, the primary targeted industries of the Lockwood TEDD, make up approximately 15-percent of current employment.

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<tr>
<th>LOCKWOOD EMPLOYMENT BY INDUSTRY</th>
<th>Number</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Source: American Community Survey, 2014</td>
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<tr>
<td>Civilian employed population &gt; 16 years</td>
<td>3,771</td>
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<tr>
<td>Ag, forestry, fishing &amp; hunting, mining</td>
<td>199</td>
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<tr>
<td>Construction</td>
<td>363</td>
<td>9.6%</td>
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<tr>
<td>Manufacturing</td>
<td>268</td>
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<tr>
<td>Wholesale trade</td>
<td>184</td>
<td>4.9%</td>
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<tr>
<td>Retail trade</td>
<td>659</td>
<td>17.5%</td>
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<tr>
<td>Transportation, warehousing, and utilities</td>
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<td>7.7%</td>
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<tr>
<td>Information</td>
<td>30</td>
<td>0.8%</td>
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<td>Finance and insurance, and real estate</td>
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<tr>
<td>Prof, scientific, mgmt., admin, &amp; waste mgmt.</td>
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<td>Education, health care, &amp; social assistance</td>
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<td>Arts, entertain., rec., accommodation, &amp; food</td>
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<td>Other services, except public administration</td>
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<td>Public administration</td>
<td>88</td>
<td>2.3%</td>
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Tax Increment Financing

Yellowstone County intends to use tax increment financing within the Lockwood TEDD, which encompasses an area of approximately 570 acres. For the purposes of measuring any incremental value, the base year is 2016, with values as of January 1, 2016.

Tax increment financing (TIF) is a public financing method that promotes economic development by allowing cities and counties to use new property tax revenues from investment in the TEDD to
invest in public infrastructure. In 2013, the Montana Legislature authorized the use of TIF within targeted economic development districts.

TIF uses future increases in property values to pay for improvements within the district, thus improving and enhancing the district. This allows taxes from the district to be invested in the infrastructure that supports the business development and investment in that area.

Taxes that are derived from the base assessed value within the TEDD continue to be distributed to those taxing entities that levy mills within the district. TIF can be used to support these taxing entities through the funding of infrastructure that is required to connect to services that are located outside of the district. For example, it will be necessary to install water and sewer mains outside of the district boundary that will connect to the Lockwood Water and Sewer District system and enable service to be provided to the district.

Additionally, TIF generated within the district can help fund public services and facilities in proportion to services they provide within the district.

2. SITE ANALYSIS

Site Description

The Lockwood TEDD is located in an area of primarily agricultural use with some industrial sites. The area is approximately 570 acres and is located north of Interstate 90 and 94 and south of the Yellowstone River. The BNSF railroad bisects the area and has a rail spur with access to the Pacific Recycling facility, located within the TEDD boundary.

Access to the area is provided by local roads, including Johnson Lane, Coulson Road and the Frontage Road. The Interstate 90 interchange at Johnson Lane connects the TEDD to the greater transportation network.
The Montana Department of Transportation is currently in the planning and design phase for the Billings Bypass project. This project will provide a 5-mile long, two lane limited access roadway connection across the Yellowstone River between Interstate 90 and Old Highway 312. There are several roadway improvements within Lockwood that are associated with this project. The Interstate 90 interchange at Johnson Lane will be reconstructed to accommodate the new bypass. Alternative alignments are still under consideration. Additionally, a new intersection with the bypass and

![LOCKWOOD TEDD BOUNDARY](image)

*Figure 1: Lockwood TEDD Boundary*
Coulson Road will be constructed, which will create direct access to the southern portion of the Lockwood TEDD. An additional access point to the bypass from the TEDD area will be considered as design of the bypass progresses.

Legal Description

The legal description of the Lockwood TEDD is as follows:

A tract of land situated in Sections 7, 8, 17, 18, 19 and 20, Township 1 North, Range 27 East, P.M.M., Yellowstone County, Montana; more particularly described as follows:

Beginning at the northeast corner of Tract 4A2, Certificate of Survey No. 1225; thence southerly along the east boundary line of Certificate of Survey No. 1225 to the southeast corner of Tract 3B, Certificate of Survey No. 1225; thence westerly to the centerline of the Watson Road right of way; thence northerly along the centerline of the Watson Road right of way to a point which is the intersection of the centerline of Watson Road right of way and the northern most corner of Tract 3A, Certificate of Survey No. 2807; thence southwesterly along the west boundary line of Tract 3A and Tract 3B, Certificate of Survey No. 2807, to the northwest corner of Tract 1, Certificate of Survey No. 3540; thence easterly along the north boundary line of Tract 1 to the northeast corner of Tract 1, Certificate of Survey No. 3540; thence southerly, westerly and southwesterly along the east boundary lines of Certificate of Survey No. 3540 to the southeast corner of Tract 2, Certificate of Survey No. 3540; thence easterly along the south boundary line of Tract 1, Certificate of Survey No. 3092 to the southeast corner of Tract 1, Certificate of Survey No. 3092; thence southerly to the northeast corner of Certificate of Survey No. 632; thence westerly along the north boundary line of Certificate of Survey No. 632 to the northwest corner of Certificate of Survey No. 632; thence southerly along the east boundary line of Tract 1, Certificate of Survey No. 2009; thence westerly along the south boundary line of Tract 1 to the northeast corner of the Lockwood Irrigation District Parcel lying east of ditch between Certificate of Survey No. 632 and Certificate of Survey No. 2009; thence southwesterly to the intersection of Lockwood Irrigation District Parcel and Tract 2, Certificate of Survey No. 2009; thence south along the east boundary line of Tract 2 to the southeast corner of Tract 2; thence westerly to a point which is the intersection of the south boundary line of Tract 2 and the centerline of the Coulson Road right of way; thence southwesterly along the centerline of the Coulson Road right of way to a point which is the intersection of the Coulson Road right of way and the east boundary line of Lot 1, Block 1, Great Plains Subdivision; thence southerly to the northwest corner of Tract 1, Certificate of Survey No. 3376; thence easterly to the northeast corner of Tract 1, Certificate of Survey No. 3376; thence northeasterly to the southwest corner of Lot 5, Seiffert Industrial Subdivision; thence northerly along the west boundary line of Seiffert Industrial Subdivision to the northwest corner of Lot 4, Seiffert Industrial Subdivision; thence easterly along the north boundary line of Seiffert Industrial Subdivision to the northeast corner of Lot 1, Seiffert Industrial Subdivision; thence northerly to the northwest corner of Tract 1, Certificate of Survey No. 1734; thence easterly to the northeast corner of Tract 1, Certificate of Survey No. 1734; continuing east along the north boundary line of Pine Hill Sub until it intersects with the west boundary of the interstate right-of-way; thence southwesterly along the west boundary line of the interstate right-of-way to the southeast corner of Tract 1, Certificate of Survey No. 1734; thence westerly to the southwest corner of Tract 1, Certificate of Survey No. 1734; thence
southwesterly along the west boundary line of the interstate right-of-way to the southwest corner of Seiffert Industrial Subdivision; thence north along the west line of Seiffert Industrial Subdivision to its intersection with the centerline of North Frontage Road; thence southwesterly along the centerline of the North Frontage Road right of way to a point which is the intersection of the North Frontage Road right of way and the extension of the south boundary line of Tract 1, Certificate of Survey No. 3376; thence westerly along the south boundary line to the southwest corner of Tract 1, Certificate of Survey No. 3376; thence northerly along the west boundary line of Tract 1, Certificate of Survey No. 3376 to the southeast corner of Lot 1, Block 1, Great Plains Subdivision; thence northerly to the southwest corner of Lot 1, Block 1, Great Plains Subdivision; thence northwesterly to a point which is the intersection of the west boundary line of Lot 1, Block 1, Great Plains Subdivision and the south boundary line of Section 18; thence westerly along south boundary line of Section 18 to a point which is the intersection of the south boundary line of Section 18 and the east boundary line of Lot 2C, Johnson Lane Materials Subdivision; thence northerly to the southeast corner of Lot 5, Johnson Lane Materials Subdivision; thence northerly to the northeast corner of Lot 5, Johnson Lane Materials Subdivision; thence westerly to the southwest corner of Lot 1, Block 1, Weaver Flats Subdivision; thence north along the west boundary of Lot 1, Block 1, Weaver Flats Subdivision to the southwest corner of Tract 2, Certificate of Survey No. 3477; thence northerly to the northeast corner of Lot 2, Block 1, Weaver Flats Subdivision; thence northwesterly to the northwest corner of Lot 2, Block 1, Weaver Flats Subdivision; thence northeasterly to the northwest corner of Tract 2, Certificate of Survey No. 3477; thence southeasterly to the southwest corner of Tract 1, Certificate of Survey No. 3477; thence easterly to the southeast corner of Tract 1, Certificate of Survey No. 3477; thence northerly to the southwest corner of Government Lot 9; thence easterly to the southwest corner of Tract 1B, Certificate of Survey No. 2807; thence northeasterly to the northwest corner of Tract 1B; thence northeasterly to the northeast corner of Tract 1B; thence northeasterly along the east boundary line of Tract 1A, Certificate of Survey No. 2807 to the southwest corner of the tract of land described as survey overlap of Certificate of Survey No. 1225 and Certificate of Survey No. 2868; thence southerly to a point which is the intersection of the west line of the tract of land described as survey overlap of Certificate of Survey No. 1225 and Certificate of Survey No. 2868 and the east right of way line of the Montana Rail Link right of way; thence northeasterly to the southwest corner of Tract 5, Certificate of Survey No. 1225; thence easterly to the northwest corner of Tract 4A1, Certificate of Survey No. 1225; thence southerly to the southwest corner of Tract 4A1; thence easterly to the southeast corner of Tract 4A1; thence northerly to the northeast corner of Tract 4A1; thence easterly to the Point of Beginning, parcels containing 570.83 acres, more or less, subject to any existing easements and/or rights of way, whether of record or apparent on the ground.
# Parcels

Land owners and property descriptions are listed below.

<table>
<thead>
<tr>
<th>Owner Last Name</th>
<th>Legal Description</th>
<th>Geocode</th>
<th>Tax ID</th>
<th>Property Address</th>
<th>Mailing Address</th>
<th>City State ZIP</th>
<th>Zoning</th>
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<tbody>
<tr>
<td>BKPN Properties LLC</td>
<td>GREAT PLAINS SUBD, S19, T01 N, R27 E, BK 1, Lot 1</td>
<td>03103419101160000</td>
<td>C11082</td>
<td>1655 Coulson Rd</td>
<td>1655 Coulson Rd</td>
<td>Billings, MT 59101</td>
<td>Heavy Industrial</td>
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<tr>
<td>G2 Properties LLC</td>
<td>S20, T01 N, R27 E, C.O.S. 3376, PARCEL 1</td>
<td>03103420211040000</td>
<td>D06449</td>
<td>3255 N Frontage Rd</td>
<td>455 Highway 195, Suite A</td>
<td>Georgetown, TX 78633</td>
<td>Controlled Industrial</td>
</tr>
<tr>
<td>JDW Industrial Park 2 LLC</td>
<td>S17, T01 N, R27 E, C.O.S. 2009, PARCEL 1</td>
<td>03103417101200000</td>
<td>D06407</td>
<td>2150 Coulson Rd 1/2</td>
<td>PO Box 22745</td>
<td>Billings, MT 59104</td>
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<td>S17, T01 N, R27 E, FRACTION NWSW LYING N &amp; W OF RR</td>
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<td>D06415A</td>
<td>Coulson Rd</td>
<td>PO Box 22745</td>
<td>Billings, MT 59104</td>
<td>Heavy Industrial</td>
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<td>Lockwood Irrigation District</td>
<td>S17, T01 N, R27 E, PORTION OF SW/NW/NW/LYING WEST OF DITCH BETWEEN COS 632 2ND</td>
<td>03103417201100000</td>
<td>D13115</td>
<td>Coulson Rd</td>
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<td>D06329</td>
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<td>Montana Rail Link</td>
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<td>03103419350010000</td>
<td>D13145J</td>
<td>Coulson Rd</td>
<td>PO Box 16624</td>
<td>Missoula, MT 59808</td>
<td>Rail ROW</td>
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<td>Pacific Hide And Fur Depot</td>
<td>S08, T01 N, R27 E, C.O.S. 3540, PARCEL 2</td>
<td>03103408320010000</td>
<td>D06329B</td>
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Lockwood TEDD Comprehensive Development Plan
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<tr>
<th>Property Name</th>
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<th>Address 2</th>
<th>City</th>
<th>Zip Code</th>
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<td>Seiffert Trust</td>
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<td>PO Box 31181</td>
<td>Billings, MT 59107</td>
</tr>
<tr>
<td>Terry L. Seiffert</td>
<td>S17, T01 N, R27 E, C.O.S. 1734, PARCEL 2, AMND</td>
<td>03103417301100000</td>
<td>D06414 3333 N Frontage Rd</td>
<td>PO Box 31181</td>
<td>Billings, MT 59107</td>
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<tr>
<td>Roger and Peggy Webb</td>
<td>S08, T01 N, R27 E, C.O.S. 3540, PARCEL 1</td>
<td>03103408401010000</td>
<td>D06329A Coulson Rd</td>
<td>PO Box 1132 Ginger Way</td>
<td>Billings, MT 59105</td>
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<tr>
<td>Town And Country Supply Assoc.</td>
<td>S08, T01 N, R27 E, C.O.S. 1225, PARCEL 3A</td>
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<td>D06336 Watson Rd</td>
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<td>Laurel, MT 59044</td>
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<td>Town And Country Supply Assoc.</td>
<td>S08, T01 N, R27 E, 1225, PARCEL 3B</td>
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<td>Laurel, MT 59044</td>
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<td>Town And Country Supply Assoc.</td>
<td>S08, T01 N, R27 E, C.O.S. 1225, PARCEL 4A, AMD TR 4A</td>
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<td>Laurel, MT 59044</td>
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<td>PO Box 367</td>
<td>Laurel, MT 59044</td>
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<tr>
<td>Michael Stanhope</td>
<td>PINE HILL SUB, S17, T01N, R27 E, BLOCK 1, BLOCK 1, LOTS 12-15</td>
<td>03-1034-17-4-18-01-0000</td>
<td>C04920 Bobolink Rd</td>
<td>PO Box 819</td>
<td>Choteau, MT 59422</td>
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</table>
Compliance with Growth Policy

As required by MCA 7-15-4279, the TEDD must be zoned in accordance with the area growth policy. The Lockwood TEDD is located within the Lockwood Planning Boundary. The Lockwood Growth Policy was adopted by the Yellowstone County Commission on May 17, 2016 and is intended to reflect public values within Lockwood. The document should be considered when land use applications and infrastructure investment proposals are presented.

In creating the growth policy, the Lockwood community contemplated the development of the Lockwood TEDD. Of the 11 growth guidelines identified in the document, one specifically addresses the TEDD:

A Targeted Economic Development District (TEDD) may be used to foster secondary, value adding economic development. Properties within the general area of the TEDD may be initially zoned as agriculture with the intent to rezone to an industrial zoning district when and if the TEDD is implemented.

--Lockwood Growth Policy, 2016

In accordance with the Lockwood Growth Policy, the properties within the Lockwood TEDD are zoned Agricultural, Controlled Industrial, or Heavy Industrial.

The Lockwood Growth Policy noted two previous planning documents, from which specific goals are still applicable to the Lockwood community. These documents are the Lockwood Community Plan (2006) and the Yellowstone County & City of Billings Growth Policy (2008). The City of Billings Growth Policy (2016) updates the City elements of the 2008 Growth Policy, therefore elements related to the unincorporated portions of the County are still applicable.

Goals from the 2006 Lockwood Community Plan that apply to the Lockwood TEDD, include the following:

Infrastructure: Continue to research and support the improvement and INSTALLATION of community infrastructure that will better serve Lockwood.

--Lockwood Community Plan, 2006
Goals from the 2008 Yellowstone County Growth Policy that apply to the Lockwood TEDD include the following:

**Economic Development:** Coordinated economic development efforts that target business recruitment, retention, and expansion.

--Yellowstone County & City of Billings Growth Policy, 2008

Supporting a diversified economy that includes industrial development and manufacturing is important to the economy of Yellowstone County. Planning for industrial development can pave the way for business development and expansion and provide predictability for business and property owners.
Compliance with Zoning

The area of the Lockwood TEDD is zoned Heavy Industrial, Controlled Industrial and Agricultural. Based on the Guideline Statement in the Lockwood Growth Policy, this area is zoned in accordance with the growth policy.

Figure 3: Area Zoning

A1 - Agricultural Open Space
HC - Highway Commercial
CI - Controlled Industrial
EGC - Entryway General Commercial
HI - Heavy Industrial
Various Residential
3. GOALS OF THE LOCKWOOD TEDD

The goals of Yellowstone County in creating the Lockwood TEDD are as follows:

- Support the expansion of existing industry, and the recruitment of new industry, within Yellowstone County by facilitating the provision and development of planned, ready-to-go industrial space.

- Provide a locally-driven funding tool that can be used to partner with private industry and developers to fund the construction and maintenance of key infrastructure investments that are needed to foster the growth of value-added industry.

- Foster economic and employment opportunities within Yellowstone County and the Lockwood community through the development of secondary value-adding industries.

- Create a planned industrial area in Lockwood that attracts industry and leads to additional private investment in the Lockwood area.

- Implement a development plan centered around the growth of industrial businesses, while supporting non-motorized transportation facilities with the Billings Bypass.

4. INFRASTRUCTURE ANALYSIS

In order for a local government to create a TEDD, a Resolution of Necessity must be adopted. According to MCA 7-15-4280, this resolution must find that:

1. One or more infrastructure-deficient areas existing in the local government; and
2. The infrastructure improvements of the area are necessary for the welfare of the residents of the local government.

April 21, 2015, the Yellowstone County Board of County Commissioners adopted the Resolution of Necessity declaring an infrastructure deficient area known as the Lockwood Concept Targeted Economic Development District Study Area. The following infrastructure deficient conditions were identified:

- **Water System**: A public water system is not available in the area, and will require expansion of the Lockwood Water and Sewer District, main extensions, and increased filtering capacity.

  The Lockwood Water and Sewer District serves the community of Lockwood. However, the service area does not include the Lockwood TEDD area. The closest water service line is located at the intersection of Johnson Lane and the North Frontage Road. New service lines, modifications to the treatment facility and potentially new water rights as demand increases will be necessary to service the Lockwood TEDD area. Preliminary estimates indicate that water service to the Lockwood TEDD, not including treatment facility upgrades or water rights acquisition, will likely be over $4,000,000.
• **Sewer System:** a public sewer system is not available in the area. Main extensions, upgrades of an existing lift station and expansion of the Lockwood Water and Sewer District may be required. Renegotiation of the agreement with the City of Billings for additional treatment capacity would be required in conjunction with District expansion.

The Lockwood Water and Sewer District transmits wastewater from Lockwood to the City of Billings' treatment plant. This agreement between the District and the City limits the amount that can be transmitted to the plant. Expansion of the District to include the Lockwood TEDD area would require installation of new service lines, upgrades to an existing lift station at Johnson Lane and potentially an additional lift station within the TEDD area. Preliminary cost estimates for the sewer main extensions and lift station improvements will likely be over $5,000,000.

• **Transportation:** both on- and off-site transportation upgrades, including rights-of-way, will be required for traffic circulation, safety and access. Rail trans-loading facilities and multi-modal opportunities are not available.

Roads to and within the TEDD area will require improvement to the minimum standards for a Commercial Collector road, as specified by Yellowstone County Subdivision Regulations. Specifically, Coulson Road will initially provide primary access to the TEDD area and will need to be improved to a County standard road. Road improvements to service the TEDD area will likely be over $4,000,000.

Montana Department of Transportation (MDT) is currently working on design plans for the Billings Bypass, a project that will connect Interstate 90 at Johnson Lane with Highway 312, north of Billings. The proposed bypass will cross the Yellowstone River adjacent to the Lockwood TEDD. The final design will have to consider access points to serve the area and the future industrial development. Such access points will need to be funded in conjunction with MDT.

Non-motorized transportation has been identified as a key issue in Lockwood. There are no sidewalks or multi-use trails within the Lockwood TEDD area. Providing multi-modal access in conjunction with the Billings Bypass – particularly with the bridge over the Yellowstone – has been identified as an important element in the development of a plan for the Lockwood TEDD.

• **Utilities:** electric and gas service for ordinary industrial users is available with right-of-way and line expansions. Heavy load industrial users would require supply, transmission line and substation expansions and redundancy.

Electric power is provided by Yellowstone Valley Electric Company. As noted in the Statement of Infrastructure Deficiency, service for future industrial users would require
substantial upgrades to the transmission lines within the Lockwood TEDD area. Industrial users typically have high electrical demands. Additional transmission lines to create redundancy and possibly a new substation would be required to adequately serve the area with new industrial users. Costs for additional transmission lines, not including a new substation are approximately $400,000.

Natural gas is available in the vicinity. However, main lines would need to be extended to serve the Lockwood TEDD area.

- **Broadband Connectivity:** the area has limited access to broadband service and upgrades would be required. Critical information infrastructure would have to incorporate redundancy to assure reliable service. Broadband service would need to be extended from Johnson Lane to serve the Lockwood TEDD area.

- **General improvements:** additional infrastructure and public service deficiencies will be identified over time. As the TEDD area is developed, improvements and provisions for lighting, storm water drainage systems, and emergency services will need to be addressed.

5. **TARGETED ECONOMIC DEVELOPMENT ACTIVITIES**

**Targeted Industries**

A local government may create a TEDD in support of value-adding economic development, by development of infrastructure within the district that would encourage the location and retention of value-adding projects. The Lockwood TEDD will target businesses that produce products defined in MCA 7-15-4279 (a):

"secondary value-added products or commodities" means products or commodities that are manufactured, processed, produced, or created by changing the form of raw materials or intermediate products into more valuable products or commodities that are capable of being sold or traded in interstate commerce.

Additionally, the Lockwood TEDD will also support secondary value-adding industry, defined in MCA 7-15-4279 (b):

"secondary value-adding industry" means a business that produces secondary value-added products or commodities or a business or organization that is engaged in technology-based operations within Montana that, through the employment of knowledge or labor, adds value to a product, process, or export service resulting in the creation of new wealth.

The Industry Cluster Analysis and Marketing Plan completed in 2013 for Big Sky Economic Development, identified the industries that should be prioritized for recruitment and retention in the Yellowstone County region. The following industry sectors identified in that study that produce...
secondary value-added products or are a value-adding industry, and therefore appropriate for the Lockwood TEDD are as follows:

<table>
<thead>
<tr>
<th>Upstream and Midstream</th>
<th>oil and gas exploration and production</th>
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<tr>
<td>Oil and Gas</td>
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<tr>
<td></td>
<td>pipeline companies</td>
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<td>refineries</td>
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<td>petroleum marketing companies</td>
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<td>Health Care Services</td>
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<td>and Supply Chain</td>
<td>medical supply wholesaling and distribution</td>
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<td>medical equipment manufacturing</td>
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<tr>
<td>Manufacturing</td>
<td>value added food products</td>
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<td></td>
<td>machinery and equipment</td>
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<td>chemicals, guns</td>
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<td>Warehousing and Distribution</td>
<td>distribution hubs to serve the region</td>
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<tr>
<td></td>
<td>shipping and logistics companies</td>
</tr>
<tr>
<td></td>
<td>distribution and warehousing</td>
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Examples of the types of businesses that may be targeted for the TEDD include:

- Pea Processing Facility
- Bulk Commodity Distribution Facility
- Malting Plant
- Feed Pellet Manufacturing
- Shingle Manufacturers
- Asphalt Manufacturing
- Fertilizer Manufacturers
- Ceramic Capacitors Manufacturing (found in laptops and cell phones)
- Catalytic Converter Manufacturing
- Galvanizing Plant
- Bolt/fastener manufacturers
- Steel Painting/Powder-coating Facilities
- Prosthetic manufacturing
- New to market medical device manufacturing
- Transloading Operation
- Fly Ash Operations
- Co-Packer for Regional Manufacturers
- Shipping and Labeling Companies
Capital Improvements Plan

A capital improvements plan to identify the specific infrastructure needs for the development of the Lockwood TEDD will be required. This will include infrastructure improvements, costs associated with the improvements and timing of the improvements. Infrastructure design and development could include water and sewer service main extensions, treatment plant upgrades, road improvements, utilities, multi-modal transportation, and communication infrastructure such as cell towers and broadband fiber.

Recruitment

Once the Lockwood TEDD is established, efforts to recruit secondary, value-adding industries will be necessary. A recruitment work plan will be developed and implemented in partnership with the Lockwood TEDD Advisory Board, BSED, business and property owners, developers and industry representatives. These key partners will work to implement the goals of this plan by identifying opportunities to expand local businesses and to assist with new business formation. Meeting with industry representatives and commercial real estate brokers on a regular basis to understand current prospects and to represent the opportunities within the Lockwood TEDD should also be developed. BSED will use other local and state business incentive tools to recruit industry.

Financing

The infrastructure improvements needed to support the recruitment and expansion of value-adding industries in the Lockwood TEDD will require a variety of available financing mechanisms. Construction of public infrastructure may be financed using proceeds from tax increment financing, private developer payments, and/or grant and loan programs.

Tax Increment Financing

Yellowstone County could use tax increment financing to fund some or all of the public infrastructure needed to support the value-adding industry development within the Lockwood TEDD. The private industrial development that will generate the property taxes needed to finance the infrastructure, will also need that infrastructure to develop. Therefore, initial investment by private entities for public infrastructure will be necessary to start development within the TEDD. Once property taxes have increased enough to generate revenue for the TEDD, there are several mechanisms that Yellowstone County can use to pay for expansion of needed infrastructure.

- Tax Increment Bonds – Revenues from the tax increment would be pledged to pay bond principal and interest annually. The terms of the bond would be dependent on tax increment revenues available. The amount of tax increment realized each year must exceed the amount of the bond payment to be made each year, by as much as two times and the County must maintain an adequate reserve account.

Tax increment districts are authorized by Montana law for a period of 15 years. However, the time period may be extended up to 25 years to coincide with the term of a tax increment bond.
- Annual Tax Increment Appropriations – Smaller projects may be financed by annual tax increment receipts by appropriation. Funds would be determined each year based on the amount of the annual increment minus prior commitments, including debt service administrative costs.

- Revolving Loan Funds – The Montana statutes allow for loan programs that use TIF funds. Such funds may be loaned for the construction of private infrastructure or other activities in support of the goals of the TIF district. As principal and interest payments are made, the funds may be loaned again.

- Conventional Financing – Yellowstone County may borrow funds from commercial lending institutions in order to finance public infrastructure improvements. Annual tax increment revenues will pay principal and interest on the loan. A conventional loan agreement will not, however, extend the authorized 15-year time period for a TEDD.

- Developer Reimbursement Agreements – Because the initial investment for the improvements and extensions of public improvements will likely be funded by private entities, Yellowstone County could enter into reimbursement agreements with private entities for eligible expenses. Such expenses would include public utility and road improvements that serve the TEDD District to support value adding industries.

Federal and State Grants

Yellowstone County may pursue other funding sources in conjunction with the TIF program. Federal and state grants are available to assist local governments in financing capital improvements. Potential sources include the following:

- Treasure State Endowment Program (TSEP) is a state funded program to assist local governments finance capital improvements to sewer and water facilities. Grants can be requested up to $500,000 and a match from the local government is usually required. The match may be in the form of another grant.

- The Montana Intercap Program (INTERCAP) is a loan program to assist with costs associated with infrastructure, and the acquisition and installation of equipment or personal and real property.

- Community Development Block Grant (CDBG) is a federally funded program that provides assistance to communities for things such as public facilities, economic development and planning grants.

- Transportation Alternatives Program (TA Program) is a federal program to assist local government develop transportation alternatives, including on- and off-road pedestrian and
bicycle facilities, infrastructure projects that improves access to public transportation, recreational trail improvements, and safe routes to schools.

- The Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant program is a federal program that funds the building and repairing of critical pieces of road, rail, transit and port facilities.

**Unused Tax Increment**

In accordance with MCA 7-15-4291, Yellowstone County "may enter into agreements with the other affected taxing bodies to remit to such taxing bodies any portion of the annual tax increment not currently required for the payment of the costs listed in 7-15-4288 MCA or pledged to the payment of the principal of premiums, if any, and interest on bonds to in 7-15-4289."

**6. PROGRAM ADMINISTRATION**

The Lockwood TEDD program will be managed by an advisory board, which may include representatives from the community, property owners within the TEDD, and/or taxing entities. The board will report to the Yellowstone County Board of County Commission. Decisions concerning annual work plans and budgets, programs, recruiting and other actions will be made directly by the Yellowstone County Board of County Commissioners. The Lockwood TEDD Advisory Board will prepare an annual work plan and budget, including anticipated revenues, project priorities and financing strategies. Once the work plan and budget have been reviewed and set by the Board of County Commissioners, it will be the responsibility of the Advisory Board to implement the work plan and oversee/manage the budget.

Each annual work plan will include the following elements:

- Anticipated increment revenue
- Financing strategies anticipated, including:
  - Tax increment
  - Debt financing
  - Additional funding sources
- Project priorities and associated costs
- Administrative budget, including staff and consulting services
- The Yellowstone County Board of County Commissioners will review the work plan and determine whether any changes are necessary before setting the budget. Once the budget is set, the TEDD Advisory Board, in conjunction with the County, will be responsible for:
  - Developing financing strategies
  - Working with the County, property owners, and developers to identify public infrastructure projects for the future
  - Reviewing proposed infrastructure development projects for the future
• Following all local government procurement rules with respect to:
  o Preparing bid and proposal requests
  o Reviewing proposals from engineers, contractors, and other vendors
  o Making recommendations to the BOCC regarding contractor selection
• Monitoring projects
• Conducting market analysis, engineering studies, and project feasibility analyses

TEDD Program Criteria

Yellowstone County can use tax increment financing in conjunction with other funding mechanisms to support the development of secondary value-adding industry within the Lockwood TEDD. Infrastructure projects identified for funding will need to meet criteria that have been established based on the goals of this plan. The following criteria may be used to evaluate requests for improvement projects using tax increment financing. Future criteria may be added as District needs warrant.

• Project Location. The project must meet one of the following criteria:
  o Be located within the Lockwood TEDD area, or
  o May be outside of the TEDD area but provide vital and necessary connection from public infrastructure to the TEDD area
• Job Creation. Projects that demonstrate an increase in the number of jobs within the area.
• Taxable Valuation. Projects that demonstrate an increase in the valuation of the property, which will increase the tax base.
• Value-Adding. Projects must be engaged in value-adding industries as defined in MCA 7-15-4279 (a) and (b).

7. PLAN AMENDMENTS

While this plan provides flexibility to accommodate different approaches and variances in development, changes may be necessary. Amendments to this plan, including changes to the District boundary, may be made by resolution by the Yellowstone County Board of County Commissioners.
STATE OF MONTANA  
County of Yellowstone  

I certify that this instrument is a true, complete, and correct copy of the original on file in my office. Witness my hand and seal of office.

JAN 2 6 2017  
Date  
JEFF MARTIN, County Clerk & Recorder  
By: [Signature]  
Deputy