



Leading Quality Addiction Treatment in the Northern Rockies

February 24, 2006

Mayor Ron Tussing
P.O. Box 1178
Billings, Montana 59103

Re: Revisions to the Proposed Residential Treatment Facility, 8th Ave. No, 17th St.

Dear Mayor Tussing and Council Members,

By letter dated Friday February 16, 2006, the Rimrock Foundation invoked its right to request a "reasonable accommodation" to build the 4-plex denied under Special Review #795. Our request was made based upon the federal and state Fair Housing provisions as defined by The Fair Housing Amendments Act of 1988 and the Montana Human Rights Act.

We are taking this opportunity to further explain our reasoning for the need to provide low cost Community Residential Treatment Services at the Foundation's North Park property location. As you know, the Rimrock Foundation serves people with disabilities – specifically those persons recovering from alcohol or drug addictions and those with concurrent mental disorders.

Currently no Residential level services exist in south central or eastern Montana. This means the closest facility now providing this level of care for minorities, low income populations and other disadvantaged groups is at MCDC in Butte. Without the ability to readily access low cost health services, these disadvantaged groups have no reasonable alternatives for addiction treatment. As I'm sure you are most aware, our law enforcement officers, the County jail, emergency responders, hospitals and others are under considerable pressure to respond to our Community's growing addiction problems which are overwhelming our limited resources.

As directed by the City Council at their meeting on January 27th, Rimrock Foundation presented a compromise to the neighbors in North Park at a meeting on February 7th in which ten neighbors and five City Council members attended

As part of Rimrock Foundation's compromise, we are proposing to build one 4-plex of two rather than three stories to mitigate the impact of height on the surrounding area

and to utilize earth tone materials and colors to further reduce visibility. The original three story residential treatment center had exterior grade heights of 27'-4" on the north side and 37'-8" at the patio which gave an average height of 32'-6". **Please see Schedule I to review the City of Billings Zoning Commission conditions as approved.**

The two story building compromise would be 8'-2" shorter than the original three story building and repositioned closer to the mature Silver Leaf poplars. The 4-plex will be set into the hillside on the upper [north] portion of the tract and the streetside [17th] will be bermed, then planted with pine trees to reduce visibility from the street. Subsequent units [not a part of this proposal] will be of duplex design at the request of the neighbors and Rimrock Foundation will continue to work with the North Park Task Force to address their concerns about this planned development. **Schedule II details the proposed significant changes to our original plan which was presented at a public forum held on February 7, 2006.**

In agreeing to these revisions, the Foundation is now expecting it will incur about a possible 25% increase in costs associated with the project. It was also clarified for the neighbors that the Foundation must have one 4-plex in order to assure a large enough footprint to house two counseling offices and a dining facility. The sixteen person occupancy also represents the minimum critical mass that must be accommodated for the operation to be financially viable.

Your suggestion to design the facility so it can be quickly renovated into a 4-plex should we sell the property is acceptable to us and will be done. We believe this additional compromise offers even more assurance to our neighbors that this facility would not be turned into a commercial business.

Enclosed with this report is a revised site plan and excerpts of a report by David J. Moen, Certified Independent Appraiser asserting that a 4-plex is a conforming use of the property.

The Council can be assured we will develop the property according to the compromises we have detailed in this letter and in the memo to the Council dated February 9, 2006. In doing this, we can avoid expense to the City and halt the damages accruing to the Foundation by not being able to build.

Thank you for your assistance.

Sincerely,

David W. Cunningham
Chief Executive Officer
Rimrock Foundation

Schedule I

Billings Zoning Commission Conditions

- One 4-plex apartment building to be operated as a Community Residential Facility for more than 8 persons.
- Location of the building shall be as shown on the submitted site plan – adjacent to the northern property line.
- The facility shall be licensed by the State of Montana and provide 24 hour supervision of the residents.
- Install a 6 foot tall sight obscuring fence or wall along the test property line. A continuous evergreen hedge may be substituted.
- Provide adequate street lighting, curbing and sidewalk along the east boundary of the property.
- Maintain as many of the existing Silver Leaf Maple trees as possible – and install at least 4 canopy trees in the front yard.
- Infill requirements to meet city long range planning.

Schedule II

Proposed Compromise Change to Rimrock Foundation's Residential Facility

- Lowered the height of the building by one story.
- Angled the building to nest into the existing land contours.
- Turned two 4-plexes into four 2-plexes.
- Added berms along North 17th street.
- Added hedge and coniferous trees along alley.
- Added shade trees and coniferous trees along North 17th Street.
- Reduced number of parking spaces to minimum required and separated the parking lots.
- Will minimize exterior lighting and use lights with cutoffs in parking areas and pedestrian lights in walkways.
- Increased estimated cost of the facility by an estimated 25% due to compromise solution.