

February 25, 2014

Boyer Land, LLC
Jim Boyer, President
2810 Central Avenue
Billings, MT 59102

Dear Property Owners:

On February 24, 2014, the Billings City Council conditionally approved the preliminary plat of Silver Creek Estates, subject to the following conditions of approval:

1. To minimize effects on agricultural water users, a 20-foot wide ditch easement for Hi-Line Ditch shall be provided from the bank on the south side of the ditch (where applicable for this subdivision) and a 10-foot wide easement shall be provided from the bank on the north side of the ditch. Both easements shall be shown on the final plat. Also notes shall be added to Sections II. and VIII. of the final Subdivision Improvements Agreement (SIA) specifying the ditch easement requirements and indicating that no structures, including fences shall be erected within the ditch easements shown on the plat, and the easement area should be kept free of yard waste, grass clippings, and other debris.
2. To minimize effects on agricultural water users, the final storm water management plan shall be in compliance with the existing written agreements between the subdivider and the effected ditch companies, the High Ditch Company and the Big Ditch Company. If alternative plans are proposed, updated agreements shall be necessary.
3. To minimize effects on local services, the last two sentences of Section VI.A. of the final SIA shall be deleted and replaced with: "The subdivider shall complete a water main connection out to 50th Street West, and then north up 50th to where the proposed street connection will be made from the Mont Vista Subdivision, during the adjacent phase of the subdivision (Phase III), to provide for a future connection to the West."
4. To minimize effects on local services, Section VI.B. of the final SIA shall be deleted and replaced with: "Silver Creek Estates will be served by connecting to existing sewer mains at two locations. The first location is the existing sewer main in the 20-foot wide park dedication at the northwest corner of River Rock Estates Subdivision. A new sewer main from this connection location will be constructing within a 20-foot wide dedicated linear park between Lots 11 and 12, Block 1 up to Silver Creek Trail. The second location is at the existing sewer main in 50th Street West near the southwest corner of Silver Creek Estates. A new sewer main will be constructed from this connection location within a 20-foot wide public right-of-way across Lot 29, Block 1 up to Silver Creek Trail."

5. To minimize effects on local services, the final storm water management plan shall provide evidence that the proposed storm water detention areas providing mitigation for Silver Creek Estates (including any area to be used for Silver Creek detention in River Rock Estates) are sized to handle the calculated storm water runoff amounts based on percolation rates determined by adequate geotechnical analysis of the soils.
6. To minimize effects on local services, the two detention pond lots shall be combined into one larger lot unless infeasible due to grades. The one lot shall be developed by the subdivider with grass and irrigation to City standards, and deeded to the City. Alternatively, if two detention ponds are needed, then the ponds shall be owned and maintained by the Homeowners' Association, and a permanent storm water easement for them shall be shown on the final plat.
7. To minimize effects on local services, a one-foot no-access strip shall be shown on the final plat along the Cove Avenue and Leroy Lane frontages.
8. To minimize effects on local services, a new section to the final SIA shall be added as recommended by City Engineering specifying the required cash contribution for the mitigation of offsite traffic impacts created by this subdivision. It shall state:

Section III.H. Offsite Traffic Impacts

A traffic study has been submitted to and approved by the City Engineers' office. Motor vehicle traffic generated by the subdivision is estimated to have an aggregate impact of \$35,500 on nearby major intersections and arterial streets. The City and subdivider agree that this amount represents the full contribution from this subdivision to improvements at the intersections of Rimrock Road & 46th Street West, Rimrock Road and Shiloh Road, and Shiloh Road and Poly Drive; and that no additional assessments will be made against the lots within this subdivision for improvements at those intersections. Payment of the \$35,500 may be apportioned over the various phases identified in Section X., *Phasing* of this agreement based on the number of lots in a phase compared to the total number of lots in the subdivision. Payment for each phase shall be made prior to approval of the Private Contract for public improvements serving that phase.

9. To minimize effects on local services, the subdivider shall expand the Park Maintenance District (PMD) created for the River Rock Park, to include the lots in this subdivision. This shall be done as each phase is released, with the first phase lots included prior to final plat approval, if the PMD has been established by that time. To ensure expansion of subsequent phases, the Parks Department shall be required to sign the release document for the subsequent phases of development. Additionally, park improvements on the 3.66 acres of parkland dedicated for Silver Creek Estates within River Rock Park shall be funded by the creation of a Special Improvement District (SID). The SID shall be created no later than when building permits have been issued for 130 dwelling units in Silver Creek Estates, and shall include all lots within Silver Creek Estates. Section VII. of the final SIA shall be updated to specify these requirements.

10. To minimize effects on local services the subdivider shall provide a letter from the US Postal Service stating their approval of the final mailbox locations prior to final plat approval.
11. To minimize effects on public health and safety, a note shall be added to Section II. of the final SIA stating that “Property owners should be aware that the Hi-Line Ditch and the Cove Ditch are natural drainage ways and may overtop in large storm events. Precautions should be taken to protect properties abutting the ditches.”
12. To minimize effects on public health and safety, a note shall be added to Sections II.C. and IX. of the final SIA indicating sites must be properly excavated with an appropriate fill zone, followed by proper compaction, and placement of geotextile and geogrid between subgrade and structural fill. Verification from a geotechnical engineer that the site has been prepared according to the report must be provided prior to foundation approval.
13. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
14. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

If you have questions please contact Juliet Spalding at (406) 247-8684 or by email at spaldingj@ci.billings.mt.us.

Sincerely,

Thomas W. Hanel, Mayor

Pc: Travis Copper, PE, KLJ