



**YELLOWSTONE COUNTY BOARD OF PLANNING**  
**CITY OF BILLINGS AND**  
**YELLOWSTONE COUNTY, MONTANA**



**AGENDA**

July 14, 2015 MEETING TIME: 6:00 p.m.  
1st Floor Large Conference Room, Miller Building  
2825 3rd Avenue North, Billings, Montana 59101

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA\*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MEETING MINUTES: JUNE 23, 2015**

**Attachments**

PLN Minutes\_2015\_06\_23

4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
  - 4a) **Comments on items not on agenda and requests to add items to future agendas**
  - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).

- a. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). **Please see the attached guidelines for the criterion. Thank you for participating!**

- 1. **Public Hearing. Motion/Recommendation to PCC: Lockwood Non-Motorized Plan, Lora Mattox, Transportation Planner**

8. **NEW BUSINESS:** (Agenda items new to this meeting).

- a. **Plat Review/Discussion. Holly's Subdivision Amended Lot 1, Block 1, County Subsequent Minor, Dave Green, Planner I**

**Attachments**

Findings of Fact

Attachments

Preliminary Plat

9. **OTHER BUSINESS:**

10. **ADJOURNMENT**

**FUTURE AGENDA ITEMS FOR TUESDAY, JULY 28, 2015**

- 1. **Public Hearing. Motion/Recommendation to BOCC.** Holly's Subdivision Amended Lot 1, Block 1, County Subsequent Minor, Dave Green, Planner II

12. **FUTURE AGENDA ITEMS FOR TUESDAY, AUGUST 11, 2015**

- 1. **Plat Review/Discussion:** Keller Place Sub., Amending Lot 3A, Block 1, Dave Green, Planner II. Jeff Winkler of HGFA Architects, on behalf of Skip King, 3-lot subsequent minor subdivision located on the west side of Johnson Lane just south its intersection with Old Hardin Road in Lockwood. It is currently Entryway General Commercial (EGC) and the site of the Verizon Wireless retail store. The proposal would create two additional lots for retail uses.

2. **Plat Review/Discussion:** Curley Willow Subdivision, Lot 4 Condominiums, a 2-acre 5 unit commercial County Subsequent Minor Subdivision generally located off of South 56th St W south of the Frontage Road. Brandon Fleury, owner.
  
3. **Plat Review/Discussion:** Amended Plat of Lots 5-11, and 15-18, Block 2, Pike Subdivision. Levi Britton, property owner. The property is generally located west of 80<sup>th</sup> Street West and north of King Avenue West. The original plat was created in 1972, but the subject lots remain vacant. The proposal would plat a new road to serve the lots instead of the original layout which provides access via a large cul-de-sac named Canyon Drive, and also via S. 82<sup>nd</sup> Street W., which was platted but not built due to environmental constraints. The new road would be built to serve all of the subject lots in a less constrained area. Because this reorganization affects more than five lots, it must be reviewed as an amended plat which follows the minor subdivision review process in accordance with Chapter 3.6 of the County Subdivision Regulations. Dave Green, Planner II

### Public Hearing Participation Guidelines

The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: **Address the Planning Board directly. You must state your name and address before commenting.** This is an opportunity to explain how you will be affected by the decision and why that is an important consequence.

1. Be informed of the process and the requirements of the Board. If you are commenting about a subdivision, please limit your comments to the review criteria.

**By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). These criteria include:**

- Effect on agriculture and agricultural water user facilities
- Effect on local services
- Effect on the natural environment
- Effect on wildlife and wildlife habitat
- Effect on public health and safety

2. Provide specific information about why you are concerned about the pending application, how the decision will impact the review criteria listed above, and provide suggestions on how to minimize or eliminate the impact.
3. Respect the right of others to participate. Wait until the previous speaker has completed their comments before making your own comments. Do not talk over the person commenting or with other people in attendance.
4. The public hearing is not an opportunity to question or accuse the applicant or their agent. If you have questions of the Board, the applicant or the agent, ask the question directly to the Board during the public hearing portion of the meeting. The Board will respond or request the applicant or agent to respond after the public comment portion of the hearing is closed.
5. After the public comment portion of the hearing is closed, no further comments are allowed unless you are addressed directly by a Board member.
6. You should expect the Board to make a balanced recommendation in accordance with its statutory responsibilities. The Board's ability to make reasonable and thoughtful recommendations is dependent on a fair consideration of everyone's interests.

*Thank you for participating.*

**Planning Board Meeting I (2nd Tuesday)**

**3.**

**Meeting Date:** 07/14/2015

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**Information**

**Subject**

**MEETING MINUTES: JUNE 23, 2015**

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**Attachments**

PLN Minutes\_2015\_06\_23

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# CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

**Board Attendance Roster:** Please note: “E” stands for excused absence, “A” stands for un-excused absence, “1” stands for present.

**BYLAWS, YELLOWSTONE COUNTY BOARD OF PLANNING, (Amended. May 25, 2004)**

**Section 4. Absences and Removal**

- A. Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence.
- B. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term. Schedule: (\*\* denotes a Wednesday meeting)

1	Position	01/13/2015	01/27/2015	02/11/2015	02/24/2015	03/10/2015	03/24/2015	04/14/2015	04/28/2015	05/12/2015	05/26/2015	06/09/2015	06/23/2015	07/14/2015	07/28/2015	08/11/2015	08/25/2015	09/08/2015	09/22/2015	10/13/2015	10/27/2015	11/10/2015	
Dave Goodridge	Mayor/Billings Ward I	-	-	-	-	1	1	-	1	E	E	E	1										
Patrick Klugman	Mayor/Billings Ward II	1	1	1	-	1	1	-	1	1	1	1	1										
Donna Forbes	Mayor/Billings Ward III	1	1	E	-	1	1	-	1	1	1	1	E										
Darell Tunnicliff	Mayor/Billings Ward IV	1	1	1	-	-	1	-	1	1	1	1	1										
Dick Clark (President)	Mayor/Billings Ward V	1	E	1	-	1	1	-	1	1	1	1	1										
Vacant	YC District 1	-	-	-	-	-	-	-	-	-	-	-	-										
Dennis Cook	YC District 2	1	1	1	-	-	E	-	1	1	1	1	1										
Lisa Sukut	YC District 3	1	E	E	-	-	E	-	E	1	E	1	1										
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-										
Don Reed	YC District 5	E	E	1	-	-	1	-	1	E	1	1	1										
Dean Clark	YC District 6	E	E	1	-	1	1	-	1	1	1	1	1										
Al Littler	YC District 7	1	1	1	-	1	E	-	E	E	E	E	1										
Clint McFarland	Y County Cons. District	1	1	1		1	1	-	E	1	1	1	1										
Scott Reiter	Ex-Officio S.D. 2 Facilities Director	E	E			1	1	-	1	-	E	E	1										
Supt. Terry Bouck	Ex-Officio S.D. 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

# CITY/COUNTY PLANNING BOARD

*“Serving Billings, Broadview and Yellowstone County”*

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**June 23, 2015**

*To be approved by a motion on July 14, 2015*

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## **1. Call the Meeting to Order**

President Dick Clark called the meeting to order at 6:00 p.m. on Tuesday, June 23, 2015, in the Miller Building 1<sup>st</sup> Floor conference room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

### **Introduction of Planning Board Members and Planning Department Staff**

President Clark called for introductions of the members of the Planning Board and staff. Attending Planning staff members are: Wyeth Friday, Planning Division Manager; Dave Green, Planner I; Scott Walker, Transportation Planning Coordinator; Tammy Deines, Planning Clerk

**Attending:** Toby Liecht, Blueline Engineering; Jolene Rieck, Peaks to Plains Design; Mary Kay Rottrop

- 2. Approval of the Agenda-**President Clark called for approval of the June 23, 2015 meeting agenda. Planning Clerk Deines requested an agenda item under “Other Business” to discuss the “Agenda Quick” software and the meeting packets.

### **Motion**

**Dean Clark made a motion and it was seconded by David Goodridge to approve the June 9, 2015 meeting agenda with discussion item to discuss the “Agenda Quick” Software and the meeting packets.**

**The motion carried with a unanimous voice vote.**

## **3. Meeting Minutes for May 27, 2015**

### **Motion**

**Donna Forbes made a motion and Clint McFarland seconded the motion to approve the May 27, 2015 minutes.**

**The motion carried with a unanimous voice vote.**

- 4. Public Comment:** President Clark asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion.

There were no Public Comments given during this time.

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**5. Disclosure of Conflict of Interest – Board members and Planning Staff.** There were no disclosures of conflict of interest.

**6. Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff.** The Ex Parte Communication Binder is available at the Sign-In and Agenda station. There was none.

### **7. OLD BUSINESS-**

**7a. Public Hearing Guidelines-**President Clark reviewed the public hearing participation guidelines provided on the agenda.

### **7b. Public Hearing. Motion/Recommendation Aspen Ridge Subdivision 2nd Filing, Wyeth Friday, Planning Division Manager**

#### **INTRODUCTION**

On May 1, 2015, owner, Superior Builders, LLP, applied for preliminary major plat approval for Aspen Ridge Subdivision, 2<sup>nd</sup> Filing. The proposed plat creates 15 lots from a 28-acre parcel of land. The subject property is generally located in Lockwood, on the south side of San Marino Drive, between Tanglewood Drive and Noblewood Drive. The property is zoned Residential-9,600 (R-96). The Yellowstone County Board of Planning conduct a public hearing on Tuesday, June 23, 2015. The Board of County Commissioners will act on the proposal on July 14, 2015.

#### **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Aspen Ridge Subdivision, 2<sup>nd</sup> Filing, and adopt the Findings of Fact as presented in the staff report.

Wyeth Friday noted the following items as an update from the plat review:

- **Stormwater Management Facilities**
  - Developer retains ownership of Lot 9, Blk. 2 with stormwater maintenance easements placed on the lot.
  - County Public Works proposed condition to pipe stormwater conveyance on northeast side of subdivision along existing alley.
- **Clarification and condition proposed by Planning to ensure pedestrian pathways are constructed in the First and Second filings of Aspen Ridge.**

#### **PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize effects on local services, prior to final plat approval two stormwater facilities easements shall be created for the stormwater facilities on Lot 9, Block 2.
2. A County RSID for maintenance of the stormwater facilities in the

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- easements also shall be established or expanded prior to final plat approval. The final SIA must reflect these arrangement for the stormwater management.
2. To minimize effects on local services, prior to final plat approval the conveyance of stormwater in the 20’ stormwater easement along the northeast boundary of the subdivision adjacent to the existing alley shall be piped from the new stormwater facilities proposed on Lot 9, Block 2, to the existing stormwater detention pond located in an easement on proposed lots 2, 3, and 4, Block 2. The design of the piping system shall be reviewed and approved by County Public Works.
  3. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plat approval.
  4. To minimize effects on local services, provide the pedestrian pathway connectivity required by Section 4.6 C. 15 of the County Subdivision Regulations, and meet the requirements of the Aspen Ridge Subdivision, 1st Filing Subdivision Improvement Agreement, prior to final plat approval the 5-foot wide pedestrian walkway/trail shall be constructed along the east side of Tanglewood Drive and the north side of San Marino Drive in the existing walkway/trail easement in Aspen Ridge Subdivision, 1st Filing, and the 5-foot wide pedestrian walkway/trail shall be constructed in the walkway/trail easement along the north side of San Marino Drive to the cul-de-sac in the 2nd Filing.
  5. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
  6. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana

### **Discussion**

President Clark called for discussion. Al Littler asked if the County or City has any maintenance through an RSID. Wyeth Friday said an Ad Hoc Committee assesses the needs on an annual basis and usually the County will contract for the work to be done. Al Littler commented the residents have to hire a private contractor to maintain the detention pond and the covered pipes. Wyeth Friday said his understanding is that County Public Works Department preferred covered pipes due to the potential for swales diverted by homeowners.

Don Reed asked where the stormwater goes after it leaves this neighborhood. He said the roads were not developed as collector streets and may not handle traffic loads from future developments. His preference would be to develop Noblewood Drive to handle more traffic and to build an exit onto Noblewood Drive. Wyeth Friday clarified and said the ponds retain the water until it dissipates. He said Noblewood Drive will be built to County collector standards and the proposal is to fully construct Noblewood Drive with the next

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filing. Don Reed said Becraft Lane and Old Hardin Road should also be built to County collector standards.

In response to a question by Dick Clark, Wyeth Friday said he will find out what materials will be required for the pedestrian path.

David Goodridge asked regarding the parkland dedication, and Wyeth Friday explained it would not be for the area along the roadway.

### **Public Hearing**

At 6: 31 p.m. President Clark opened the public hearing and asked for anyone that wished to speak in favor or against Aspen Ridge Subdivision, 2<sup>nd</sup> Filing.

### **Toby Liecht, Blueline Engineering, 2110 Overland Ave, Suite 119B, Billings, Montana**

Mr. Liecht said they are required by DEQ to hold the stormwater on site. They have proposed a swale with a culvert approved by the County. Don Reed voiced concern with the need for an access to Noblewood Drive, and asked how long it will be before the implantation of the next phase. Mr. Liecht responded it will be done as soon as possible but it depends on development. Patrick Klugman asked if there has been any consideration to build the pedestrian trail to Heritage Trail standards. Mr. Liecht said they typically use gravel but will build it to Heritage trail standards if needed. Patrick Klugman said an asphalt trail would be better for the greater community. Al Littler said he likes the plan of a swale but typically homeowners will build over it and cause issues if maintenance is needed.

### **Mary Kay Ruttrop (no address given)**

Ms. Ruttrop said she and her hey own property south of this parcel . She asked regarding the future plans for the end of Noblewood Drive. She said their hope is Noblewood will be built towards the west and run into Eagle Cliff Meadows Subdivision. Wyeth Friday referred to the functional classification map and said Noblewood Drive is expected to go through to Ford Road. The direction is unknown and will be decided as development takes place. Ms. Ruttrop said they hope to have some input at some time Wyeth Friday explained they will be notified of any development through the public notices.

### **Motion**

**Don Reed made a motion and it was seconded by Darell Tunncliff to forward a recommendation to the Board of County Commissioners of conditional approval with the Findings of Fact and conditions presented by staff.**

**The motion carried with a unanimous voice vote.**

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## **Discussion**

President Clark called for discussion on the motion. Patrick Klugman asked if the request for a paved pedestrian trail will be brought forward. Wyeth clarified and said staff will work to address this through the SIA; the proposed Condition of Approval is to complete it prior to final plat approval. Darrell Tunncliff asked what the solution is for these issues.

Wyeth Friday said Lockwood created a pathway and lighting district to make pedestrian improvements along the streets. He commented it will take some time to accomplish this, and they are working on prioritization of projects for the future. Darrell Tunncliff said the global issue is that the County has different standards than the City and an action plan may be more rewarding than discussion points.

## **7c. Public Hearing. Motion/Recommendation Clear Creek Subdivision 2nd Filing, Amended Lot 5, Block 1, Dave Green, Planner I.**

### **INTRODUCTION**

On May 1, 2015, owners Robert and Dorothy Labert applied for preliminary subsequent minor plat approval for Clear Creek Subdivision, 2<sup>nd</sup> Filing, Amended Lot 5, Block 1. The proposed plat creates 2 lots from a 3.8-acre parcel of land. The subject property is generally located on the south side of Pine Ridge Lane, just north of the Highway 87 N/ Highway 312 intersection in the Heights. The property is zoned Community Commercial (CC) and there are a mixture of commercial and residential uses in the immediate vicinity. The Board of County Commissioners will act on the proposal on July 14, 2015.

### **RECOMMENDATION**

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Clear Creek Subdivision, 2<sup>nd</sup> Filing, Amended Lot 5, Block 1, and adopt the Findings of Fact as presented in the staff report.

### **PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

- To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plat approval.
- Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
- The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

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### **Discussion**

President Clark called for questions and discussion. There was none.

### **Public Hearing**

President Clark opened the public hearing and asked if there is anyone present wanting to speak in favor or against the Clear Creek Subdivision 2<sup>nd</sup> Filing Amended L5 B1.

### **Toby Liecht, Blueline Engineering, 2110 Overland Ave., Billings, Montana**

Mr. Liecht represents the property owners Robert and Dorothy Labert. Per one of the Board member’s request, he clarified the ownership of the existing house on the property.

### **Motion**

**Al Littler made a motion and Darell Tunncliff seconded the motion to forward a recommendation to the Board of County Commissioners of conditional approval of Clear Creek Subdivision, 2<sup>nd</sup> Filing with the Findings of Fact and conditions presented by staff.**

**The motion carried with a unanimous voice vote.**

## **7d. Public Hearing. Motion/Recommendation Lone Tree Industrial Park Subdivision, Dave Green, Planner I.**

### **INTRODUCTION**

On May 1, 2015, the Planning Division received an application for review and approval of a seven-unit condominium subdivision on Tract 3A of Certificate of Survey. The property is located on the north side of King Avenue West, between South 64<sup>th</sup> Street West and South 72<sup>nd</sup> Street West, the general address is 6875 King Avenue West. The property is not within the County zoning jurisdiction and therefore, in accordance with Chapter 8 of the County Subdivision Regulations, this condominium development must be reviewed as a “subdivision for rent or lease.” The Board of County Commissioners will act on the proposal on July 7, 2015.

### **RECOMMENDATION**

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of the Lone Tree Industrial Park and adopt the Findings of Fact as presented in the staff report.

### **PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on public health and safety, prior to final plat approval the subdivider shall receive approval from the MDEQ / RiverStone Health for the proposed cistern and septic system.

## **CITY/COUNTY PLANNING BOARD**

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2. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

### **Discussion**

President Clark called for questions and discussion. Dick Clark noted that there is a lot of commercial growth in this area. Patrick Klugman commented this application will not move forward if it is not up to DEQ's standards.

### **Public Hearing**

President Clark opened the public hearing and asked if there is anyone present wanting to speak in favor or against the Lone Tree Industrial Park.

### **Quentin Eggart, Eggart Engineering, 720 Lohwest Lane, Billings, Montana**

Mr. Eggart explained DEQ approval is needed to install the septic tank, and without the approval the buildings would be considered as "cold storage". Currently, there is an electrician planning to use one building and the others are planned to be used for recreational storage.

President Clark asked if there is anyone else wanting to speak in favor or against the Lone Tree Industrial Park Subdivision. There was none. President Clark closed the public hearing at 7:01 p.m.

### **Motion**

**David Goodridge made a motion and Patrick Klugman seconded the motion to forward a recommendation to the Board of County Commissioners of conditional approval of Lone Tree Industrial Park Subdivision with the Findings of Fact and conditions presented by staff.**

**The motion carried with a unanimous voice vote.**

## **8. NEW BUSINESS-**

### **8A. Discussion. Lockwood Non-Motorized Plan, Scott Walker Transportation Coordinator**

Scott Walker introduced this agenda item and stated the Transportation Advisory Board met and is recommending to move this plan through the review system. He said Lockwood constituents contacted Staff with a request to review this plan and forward it with a recommendation to the governing bodies; as they would like to have this document recognized by PCC. He introduced consultant Jolene Rieck, Peaks to Plains Design.

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### **Jolene Rieck, Peaks to Plains Design, Billings, Montana**

Ms. Rieck opened with a PowerPoint presentation and said she along with Chuck Strum, Interstate Engineering, are the consultants for this study. She gave a brief history of the Lockwood Public Safety District. The ultimate spending authority is the Yellowstone County Board of County Commissioners. The Mission is to effectively eliminate fatalities and serious injuries with walking and bicycling in the Lockwood area. They determined the US Department of Transportation assigns a statistical life value of \$9.2 million dollars. Using this statistic as a basis, Lockwood has lost over 20 million in economic impacts due to loss of life. The study considered Lockwood’s demographics including population; income, and health. The study looks at crash and injury data. Ms. Rieck noted that less than 2% of all of the roads in Lockwood have sidewalks. There has been a lot of public involvement and outreach, including LPDS Advisory Board Meetings; and Open House, and postings on the Yellowstone County Web site.

### **LPDS Work Plan:**

- **Education**-Bicycle Safety Class, Distribution of Reflective arm bands
- **Enforcement**-development of ordinance for sidewalks; update county road standards collaborate with City County Planning; speed study on Highway 87
- **Encouragement**-street lights; recognize businesses that have put in infrastructure, and a helmet give away with leverage of partnerships
- **Engineering**-US Highway 87 sidewalk from Old Hardin Road to Peters Street, school bus stop gathering areas; Evaluate re-opening of the cut through path at East Ridge Estates, Becraft sidewalk
- **Evaluations**-Annual review of non-motorized transportation plan; bicycle pedestrian counts; parent and student surveys, Partnerships & Funding Sources-identify possible grant sources with a 6 month rolling time frame request non-infrastructure funding from Yellowstone County; participate in meeting involving tax entities.

The next step is to complete the sidewalk around Highway 87 prior to school opening in the fall. LPDS Meetings are held the 1st Wednesday of the month at 7:00 p.m. at the Lockwood School Building. This plan will be brought forward for a motion and recommendation from Planning Board on July 14, 2015, City Council on July 6, 2015 and July 13, 2015; the Board of County Commissioners on July 6, 2015 and July 14, 2015; and presented to PCC at the July 21, 2015 meeting.

### **Discussion**

President Clark called for questions and discussion. Al Littler asked if there are any reliance on RSIDs for funding. David Goodridge asked about grants for lighting and in was noted NorthWest Energy and Yellowstone Valley Electric have provided some support. Don Reed complemented the consultants for the job they have done with this plan.

Woody Woods, Lockwood Water and Sewer District, explained that this document aims to fix 40 years of development. He stressed the need to address issues and said they have worked with the County to find ways to get the sidewalks put in to make Lockwood a safe community and to find any available help to move forward.

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Darell Tunnicliff said he appreciated Ms. Rieck’s presentation and asked that more agenda items of this type are scheduled as they are of great value.

David Goodridge asked if it is possible to build incentives in the SIAs wherein sidewalks can be a part of the developer’s parkland dedication. Wyeth Friday explained parkland dedications of land are to be used for park facilities. He cautioned and explained that the sidewalk is a part of the transportation corridor and there should be a distinction as oftentimes the sidewalks are in the right of-way.

Dick Clark asked about incorporation for Lockwood. Don Reed stated currently the number one priority is trails and sidewalks Woody Woods commented the demographics of Lockwood is changing and has more younger people that are more in tune with amenities. He said they are dealing with these on a step by step basis and an incorporation or charter may come into play in the future.

Darell Tunnicliff commented on the need for a thought process how to mitigate some of these problems and change the circumstances. Patrick Klugman said the Growth Policy addresses some of the items and potentially have some of the regulations changed. Wyeth Friday said the Board can supporting this plan or could bring forward additional statements to the Board of County Commissioners requesting changes to the regulations. Al Littler said the answer lies within the Legislature changing the laws to address the jurisdictional problems between the City and the County. Discussion followed on City and County regulations and development standards.

### **OTHER BUSINESS-**

1. **Planning Board Packets:** Discussion was held on the new “Agenda Quick” software staff is using to deliver agendas, minutes and supporting documents. It was the consensus of the Board members to have staff poll the Board to determine preference for digital information, hard copies or a combination of both.

**ADJOURNMENT:** 8:50 p.m.

**ATTEST: DRAFT. To be approved on June 14, 2015**

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*Richard Clark, President, Yellowstone County Board of Planning*

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*Candi Millar, Planning Board Executive Secretary and Planning and Community Services Department Director*



**YELLOWSTONE COUNTY BOARD OF PLANNING**  
CITY OF BILLINGS AND  
YELLOWSTONE COUNTY, MONTANA



**Planning Board Meeting I (2nd Tuesday)**

**8. a.**

**Meeting Date:** 07/14/2015

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**Information**

**INTRODUCTION**

On June 1, 2015, the owners' agent Tom Llewellyn on behalf of the Holly Huennekens Trust, applied for preliminary subsequent minor plat approval for Holly's Subdivision, Amended Lot 1, Block 1. The proposed plat creates 4 lots from a 25.25-acre parcel of land. The subject property is generally located at 7625 Neibauer Road. The property is outside of zoning and there is a mixture of farming and residential uses in the immediate vicinity. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, July 28, 2015. The Board of County Commissioners is scheduled to act on the proposal on August 11, 2015.

**RECOMMENDATION**

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Holly's Subdivision, Amended Lot 1, Block 1, approve the variance requested, and adopt the Findings of Fact as presented in the staff report.

Planning staff recommends the following conditions of approval:

1. To minimize the effects on surrounding property owners, the applicant will add language in the SIA under Conditions That Run With The Land to inform future property owners, should they use water from the Big Ditch to irrigate their property, that they will control irrigation water from flooding onto adjacent property.
2. To ensure proper transfer or retention of water shares currently on Lot 1, in the SIA under an Irrigation Facilities heading, the applicant will clarify what water shares exist with Lot 1 and what will be done with them as per Section 4.13 of the Yellowstone County Subdivision Regulations (YCSR).
3. To ensure the Big Ditch company has proper access to perform maintenance on the Big Ditch, prior to final plat approval the applicant will contact the Big Ditch Company to determine what size the easement needs to be for maintenance purposes, and provide documentation with signatures from the Big Ditch representative on the easement width. The proper easement, as per the Big Ditch Company, will be depicted on the Final Plat.
4. To minimize the effects on the natural environment and provide safe services to lot owners, prior to final plat approval the subdivider will receive approval from MDEQ for the use of septic systems, and wells or cisterns.
5. To minimize the effects on the existing ditches on the site, any construction of culverts for ditch crossings or trenches for the installation of utilities will require approval from the ditch company affected prior to construction or trenching.
6. To clarify the SIA and what is being built for access to the proposed lots, the applicant will revise

the Transportation section of the SIA to clarify what lots have a paved private road on them, which lots have a dirt drive way as access, and how Lot 1C is required to have a separate access across the existing ditch while Lots 1A and 1B are using the dirt drive way. All accesses, roads and driveways must meet County Standards as specified in the YCSR and by the Yellowstone County Public Works Department.

7. To ensure proper fire suppression system installation, prior to final plat approval the applicant must provide written verification from the Laurel Fire Department that the systems has been tested and the Fire Department has accept the 10,000 gallon dry hydrant system.
8. To ensure the future maintenance of the dry hydrant system, an RSID will need to be created for maintenance of the 10,000 gallon dry hydrant system.
9. To meet YCSR and ensure proper storm water management practices, prior to final plat approval the applicant will submit proposed storm water management information to the MDEQ for review and approval.
10. To minimize the effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be approved by the County Weed Department.
11. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
12. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

## **VARIANCES REQUESTED**

The applicant has requested a variance from Section 4.4 D of the Yellowstone County Subdivision Regulations, which states “No Single lot may be divided by a public road, alley, or access easement”. Staff is recommending approval of this variance request. Further explanation and analysis may be found in Attachment A.

## **PROCEDURAL HISTORY**

- A pre-application meeting was held on April 16, 2015, to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on June 1, 2015.
- A departmental review meeting was conducted on June 18, 2015.
- The preliminary plat was resubmitted with revisions based on department reviews on June 25, 2015.
- The Planning Board will review the plat on July 14, 2015.
- The Planning Board will conduct a public hearing on July 28, 2015, and forward a recommendation to the Board of County Commissioners.
- The Board of County Commission is scheduled to consider the preliminary plat on August 11, 2015.
- The 60 working-day preliminary plat review period ends August 24, 2015.

## **PLAT INFORMATION**

General location:	7625 Neibauer Road
Legal Description:	Holly’s Subdivision, Amended Lot 1, Block 1
Subdivider/Owner:	Holly Huennekens Trust
Engineer and Surveyor:	Red Lodge Surveying, Inc

Existing Zoning:	Outside Zoning
Existing land use:	Agriculture
Proposed land use:	Residential
Gross/Net area:	25.25 acres
Proposed number of lots:	4
Lot size:	Max: 7.0 acres Min.: 4.25 acre
Parkland requirements: subdivision	No parkland dedication is required for this subsequent minor

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### **Attachments**

Findings of Fact  
Attachments  
Preliminary Plat

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## FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for Amended Lot 1, Block 1, Holly's Subdivision. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

### **A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA) (Section 3.2(H)(2), YCSR)**

#### **1. Effect on agriculture and agricultural water users' facilities**

The subject property is currently used for agricultural purposes and does have water shares from existing ditches. This proposed subdivision is in an area that is predominantly farmland and farm houses with out buildings. The Big Ditch is on the western border of the proposed subdivision with the Burlington Northern rail road tracks on the eastern border of the property. Future property owners can obtain pumping permits from the Big Ditch Company if they would like to water their property using ditch water. This parcel of land in the recent past has been irrigated using the Big Ditch as a water source. There has been some issue with water flowing from the subject property to the neighboring property to the east. The applicant will add language in the SIA under Conditions That Run With The Land to inform future property owners, should they use water from the Big Ditch to irrigate their property, of their obligation to control irrigation water from flooding onto adjacent property owners land (**Condition #1**).

In the original Holly's Subdivision it was stated in the SIA that there are irrigation rights with this property from the High Ditch and the Big Ditch. Two shares from the High Ditch and one share from the Big Ditch transferred to Lot 2. All remaining shares transferred to Lot 1.

There is no mention in the submitted SIA of what will be happening to the water shares that transferred to Lot 1. In the SIA under an Irrigation Facilities heading the applicant will clarify what water shares exist with Lot 1 and what will be done with them as per Section 4.13 of the Yellowstone County Subdivision Regulations (**Condition #2**).

This proposed plat shows a 50 foot easement from the centerline of the irrigation ditch for the Big Ditch Company to access their ditch for maintenance purposes. There is a note on the face of the plat that says: "Note: The Big Ditch is covered by a working easement to properly maintain the ditch. The ditch superintendent states they need approximately 50 feet on the low side (east side) and 45 feet on the high side (west side) from the ditch centerline for proper maintenance". On the original plat of Holly's Subdivision there is a note on the plat that says: "Note: The Big Ditch is covered by a working easement to properly maintain the ditch. The ditch superintendent states they need approximately 60 feet on the low side (east side) and 45 feet on the high side (west side) from the ditch centerline for proper maintenance". Then on the original plat it

shows a 50 foot easement from the centerline of the Big Ditch on the low side (east side). At the department review meeting the Big Ditch representatives asked for a 35 foot easement on the east side from the ditch bank edge for maintenance purposes. As a condition of approval the applicant will contact the Big Ditch Company to determine what size the easement needs to be for the ditch company to properly access the ditch for maintenance purposes and provide documentation with signatures from the Big Ditch representative on what was agreed upon. The proper easement, as per the Big Ditch Company, will be depicted on the Final Plat (**Condition #3**).

## **2. Effect on local services**

a. **Water and Sewer** –The properties will be required to use wells or cisterns for water and individual septic systems will be used for each of the lots. Locations for water wells or cisterns and septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ). These systems will be constructed as approved by the MDEQ and as shown on approved plans. The subdivider will need to receive approval from MDEQ for the use of septic systems, and wells or cisterns before final plat approval (**Condition #4**).

b. **Streets and roads** – The proposed subdivision is located on the north side of Neibauer Road between South 72<sup>nd</sup> Street West and South 80<sup>th</sup> Street West and on the west side of the existing railroad tracks belonging to Burlington Northern Railroad. Access to the proposed lots will be from a new private road into the subdivision called Holly's Lane. The proposed new paved section of road ends at an existing ditch that is to remain in place. A cul-de-sac end will be built south of this existing ditch and on the edge of the cul-de-sac is where a 10,000 gallon dry hydrant for fire suppression will be installed.

The paved portion of Holly's Lane will provide access to lots 1D and 1C. Lot 1C will have to place a culvert in the existing irrigation ditch or build a bridge over it to get from the paved cul-de-sac to Lot 1C. Lots 1B and 1A are accessed by use of a dirt drive way being built from the cul-de-sac end of Holly's Lane. That dirt drive way will have a culvert or bridge installed separate from the one installed for use by Lot 1C to get across the ditch that is on the north edge of the proposed cul-de-sac. Any construction of culverts for getting over the ditch or trenches for the installation of utilities will require approval from the ditch company that is affected (**Condition #5**). From the cul-de-sac end of Holly's Lane there will be an access and utility easement where a drive way will be built to provide access to lots 1B and 1A. In the SIA under Transportation, there is confusion about which lots have the paved portion of Holly's Lane and which ones have a dirt drive way. As a condition of approval the applicant will revise the transportation section of the SIA to clarify what lots have a paved private road on them, which lots have a dirt drive way as their access and how Lot 1C is required to have a separate access across the existing ditch than Lots 1A and 1B that are using the dirt drive way. All accesses, roads and driveways must meet County Standards as specified in

the YCSR and by the Yellowstone County Public Works Department (**Condition #6**).

- c. **Fire and Police Services** – The property is within the Laurel Urban Fire Service Area’s jurisdiction and the Laurel Fire Department will provide fire service. It is the subdivider’s responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service needs. The applicant will be installing a 10,000 gallon dry hydrant water tank for fire suppression. The Laurel Fire Department has specifications for proper tank installation for their use. As a condition of approval the applicant will need a letter from the Laurel Fire Department that they have tested and accept the system (**Condition #7**). An RSID will need to be created to maintain the 10,000 gallon dry hydrant tank (**Condition #8**).

The Yellowstone County Sheriff’s Department has indicated that they are able to provide law enforcement services to the proposed subdivision.

- d. **Utilities** – The two existing lots in the existing Holly’s Subdivision are currently being served with power and telephone from facilities along Neibauer Road. These utilities will be extended further into the proposed subdivision using the Utility and Access Easement shown on the plat. Any construction of culverts for getting over the ditch or trenches for the installation of utilities will require approval from the ditch company that is affected (**Condition #5**).
- e. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- f. **Storm water drainage** – All storm water drainage shall satisfy storm water management requirements and specifications of MDEQ. The applicant will submit proposed storm water drainage information to the MDEQ for review and approval (**Condition #9**).
- g. **School facilities** – The proposed subdivision is located in the Laurel School District for Elementary School, Middle School and High School. Laurel Public Schools provided information for this subdivision stating that the elementary, middle and high school all have additional capacity for students. They also indicated that the proposed subdivision is on an existing bus route.
- h. **Parks and recreation** – This proposed four-lot subsequent minor subdivision is not required to provide parkland dedication as outlined in the Yellowstone County Subdivision Regulations (YCSR) Section 10.8 A and B.
- i. **Historic features** – No known historical or cultural assets exist on the site.

### **3. Effects on the natural environment**

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. A weed management plan will be completed and a property inspection done prior to final plat approval (**Condition #10**).

There are no apparent or known natural hazards on the property.

### **4. Effects on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. Montana Fish, Wildlife, and Parks (FWP) suggests that future homeowners should be made aware that unless they take steps to deter animals such as fencing their yards they may experience damage problems. A note to this effect is found within the SIA to help inform future landowners.

### **5. Effects on public health and safety**

Plans and designs for use of the proposed individual septic systems must be reviewed and approved by MDEQ before construction can take place on the proposed lots. Fire and emergency services are provided for this proposed subdivision by emergency agencies in Laurel. There should be minimal effects on public health and safety as a result of this subdivision.

### **B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-616, MCA) (Chapter 9, YCSR)**

An environmental assessment determined there will be no adverse effect on the land as it has been used as farm land for years and therefore has been disturbed from its natural state and this proposed subdivision does not disturb any natural features or habitat.

### **C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2014 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? (Section 3.2 (H)(4), YCSR)**

#### **1. Yellowstone County – City of Billings 2008 Growth Policy Update**

- **Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)**

*This subdivision will create 4 lots for large lot residential development, consistent with the immediately surrounding neighborhood.*

- **Goal: New developments that are sensitive and compatible with the character of adjacent County townsites. (p. 6)**

*There are similarly sized lots adjacent to the subject property.*

#### **2. 2014 Billings Urban Area Long Range Transportation Plan**

The subject property is on the western boundary of the study area of the Transportation Plan. The subject property has frontage on Neibauer Road which is a principal arterial road. No additional right-of-way is needed with this plat.

**3. Billings Area Bikeway and Trail Master Plan (BABTMP)**

The subject property is on the western edge of the study area of the BABTMP. The BABTMP identifies a trail along the edge of the Big Ditch. No improvements are proposed with this plat.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [76-3-608(3)(b), MCA and Section 3.2(3)(a), YCSR]**

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

**E. Does the subdivision conform to sanitary requirements? [Section 4.8(C) and 4.9 (C), YCSR]**

The subdivider will need to receive approval from MDEQ for the use of septic systems, and wells or cisterns before final plat approval.

**F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2(H)(3)(e), YCSR]**

The subdivision is outside the County's zoning jurisdiction. The proposed lots sizes are in compliance with County Subdivision Regulations, and MDEQ.

**G. Does the subdivision provide for necessary planned utilities? [76-3-608(3)(c), MCA and Section 3.2 (H)(3)(b), YCSR]**

Utility easements are a part of the 60 foot wide utility and access easement shown on the face of the plat. This should provide adequate area for the utility companies to provide services to the proposed lots.

**H. Does the proposed subdivision provide for legal and physical access to all lots? [76-3-608 (3)(d), MCA and Section 3.2 (H)(3)(c)(d), YCSR]**

Legal and physical access will be provided for the proposed lots from Holly's Lane and an access and utility easement. Holly's Lane will connect to Neibauer Lane to provide access for the entire proposed subdivision.

**CONCLUSIONS OF FINDINGS OF FACT**

- The Amended Lot 1, Block 1, Holly's Subdivision does not create adverse impacts that warrant denial of the subdivision.

- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal. Impacts identified can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the 2008 Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

### **RECOMMENDATION**

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Holly's Subdivision, Amended Lot 1, Block 1, approve the variance requested, and adopt the Findings of Fact as presented in the staff report.

### **ATTACHMENTS**

A: Variance Request

B: Aerial view of the property

C: Preliminary Plat and Associated Documents

## Attachment A

### Staff Analysis and Recommendation

County Planning, Public Works, and Legal staffs have reviewed this request from Section 4.4 (D) of the Yellowstone County Subdivision Regulations and are recommending its approval. The proposed subdivision has one access, Holly's Lane, off of Neibauer Road to serve the four building lots. The access road will be constructed to County paved road standards, and will be less than the maximum allowable length (1000 feet) for a dead end road. The original intent of the regulation in question, Section 4.6 (D), was to prevent bisecting a lot with a road or access and utility easement and creating a small unusable piece of ground. In order for Holly's Lane to meet Neibauer Road at a 90 degree angle for good visibility and to safely enter Neibauer Road it will cut across a pie shaped corner of proposed Lot 1D. This will separate a small corner of proposed Lot 1D between the utility and access easement, Holly's Lane, and the Big Ditch. For public safety reasons this proposed access angle is the best solution for future residents.

Therefore, staff is supportive of the proposed variance, and recommends that the Planning Board recommend its approval to the Board of County Commissioners.

## Applicants variance submittal

### VARIANCE

- Subject property: Lot 1 Holly's Subdivision
- Request: A variance to : Yellowstone County Subdivision Regulation (YCSR) Chapter 4, Section 4.4 (D). Division of a Right of Way: No single lot may be divided by a public road, alley or access easement.
- Reason for request: The new access to the lots in the amended plat of Lot 1 Holly's Subdivision is necessary for the new lots. The configuration of the tract of land is such as there is no other way to gain access and provide a safe approach to Neibauer Road.
- Questions:
1. This will provide a safe entrance to and from the amended subdivision
  2. The west boundary of the property has the BBWA ditch and is at an angle that will not provide a safe access to Neibauer Road.
  3. There will not be any cost to the taxpayer as it is part of the subdivision.
  4. The subdivision is in a non-zoned area and will have no effect of the current regulations.
  5. The proposed amended plat will provide a design that meet the access concerns and the new lots in the subdivision without interfering with adjoining property (BBWA ditch and their easement).





**PRELIMINARY PLAT OF  
AMENDED PLAT OF  
LOT 1, BLOCK 1 OF HOLLY'S SUBDIVISION**

**BEING LOT 1, BLOCK 1 OF HOLLY'S SUBDIVISION, DOCUMENT NO. 3700826,  
LOCATED IN THE SW1/4 OF SECTION 24, T.1S., R.24E., P.M.M.,  
YELLOWSTONE COUNTY, MONTANA**



SCALE 1"=100'  
0 100 200

TRACT B  
C.O.S. NO. 617  
MILLER REVOCABLE TRUST  
1120 CHERRY HILLS DR.  
LAUREL, MT 59044

SURVEYED BY: RED LODGE SURVEYING, INC.  
15 TWO WILLOW LANE, STE B  
RED LODGE MT 59068  
DURING MARCH 2015

LANDOWNER: HOLLY D. HUENNEKENS TRUST  
COMMISSIONED BY: HOLLY D. HUENNEKENS

UNPLATTED  
YELLOWSTONE BOYS AND GIRLS RANCH  
1732 S. 72ND ST W  
BILLINGS, MT 59106

QUARTER CORNER  
OF SECTIONS 23 & 24  
FOUND YPC  
VIA SANDERSON STEWART

**CERTIFICATE OF DEDICATION AND LEGAL DESCRIPTION:**

I, the undersigned landowner do hereby certify that I have caused to be surveyed, subdivided and platted into lots, as shown by the plat hereto annexed, the following described land located in the SW1/4 of Section 24 T.1S., R.24E., P.M.M., Yellowstone County, Montana, the perimeter boundary of which is described as follows:  
That part of the SW1/4 of Section 24, T.1S., R.24E., P.M.M., Yellowstone County, Montana, described as Lot 1, Block 1, of Holly's Subdivision, on file in the office of the Clerk and Recorder of Yellowstone County under Document No. 3700826. Containing 25.25 acres more or less and all according to the attached plat. Subject to easements and/or rights-of-way of record, apparent on the ground, and/or reserved per this survey.

Holly D. Huennekens - Trustee of the Holly D. Huennekens Trust Dated October 10, 1991

STATE OF MONTANA )  
                          )ss  
County of Yellowstone )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015  
by Holly D. Huennekens - Trustee of the Holly D. Huennekens Trust Dated October 10, 1991

Residing at \_\_\_\_\_  
Notary Public for the State of Montana

My Commission Expires \_\_\_\_\_  
(Print notary name)

**CERTIFICATE OF APPROVAL BY COUNTY COMMISSIONERS:**

We hereby certify that we have examined the annexed and foregoing Plat of Amended Plat of Lot 1, Block 1 of Holly's Subdivision, and find that said plat conforms with the requirements of the laws of the State of Montana, it is therefore approved and accepted.

IN WITNESS WHEREOF, We have executed this CERTIFICATE OF APPROVAL

this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**BOARD OF COMMISSIONERS:**

Commissioner \_\_\_\_\_ Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

ATTEST: \_\_\_\_\_  
County Clerk & Recorder

**SURVEYOR'S CERTIFICATION:**

I hereby certify that the hereto annexed plat is a true representation of a survey performed by me or under my direct supervision.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015  
William H. Karas, PLS  
Montana Reg Number 13602 LS

STATE OF MONTANA )  
                          )ss  
County of Carbon )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015  
by William H. Karas.

Notary Public for the State of Montana

**CERTIFICATE OF COUNTY ATTORNEY:**

This document has been reviewed by the County Attorney's office and is acceptable as to form.

Reviewed By \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015

**COUNTY TREASURER'S OFFICE:**

I hereby certify that all real property taxes and special assessments have been paid per Montana Code Annotated 76-3-611(1)(b) / 76-3-207(3).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015:

Yellowstone County Treasurer by: \_\_\_\_\_  
Deputy

**YELLOWSTONE COUNTY PLANNING BOARD:**

This Plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of this board.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015

President \_\_\_\_\_ Executive Secretary \_\_\_\_\_

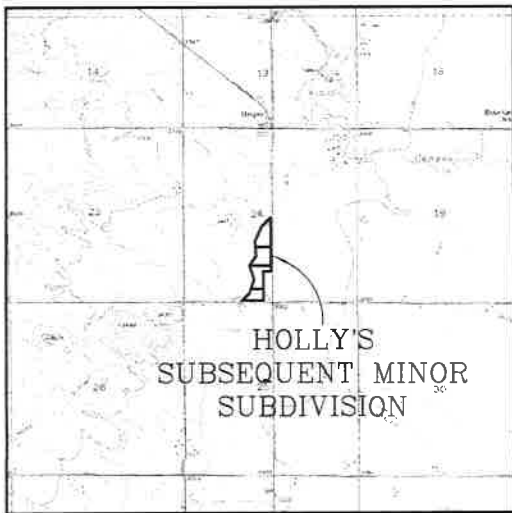
**CERTIFICATE OF RIVERSTONE HEALTH:**

This Certificate of Survey has been reviewed and approved by RiverStone Health

Representative for RiverStone Health \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015

**VICINITY MAP**



SCALE 1"=3000'

NOTE: THE BIG DITCH IS COVERED BY A WORKING EASEMENT TO PROPERLY MAINTAIN THE DITCH. THE DITCH SUPERINTENDENT STATES THEY NEED APPROXIMATELY 50 FEET ON THE LOW SIDE (EAST SIDE) AND 45 FEET ON THE HIGH SIDE (WEST SIDE) FROM THE DITCH CENTERLINE FOR PROPER MAINTENANCE

R=200.00'  
A=61.30'  
CD=61.06'  
CB=N6°34'07"E  
D=17°33'37"

CORNER OF  
SECTIONS 23, 24, 25 & 26  
FOUND YPC  
VIA SANDERSON STEWART

TRACT 2  
C.O.S. NO. 2190  
ROBERT B. AND PHYLLIS D. WALTER  
2405 S 64TH ST W  
BILLINGS, MT 59106

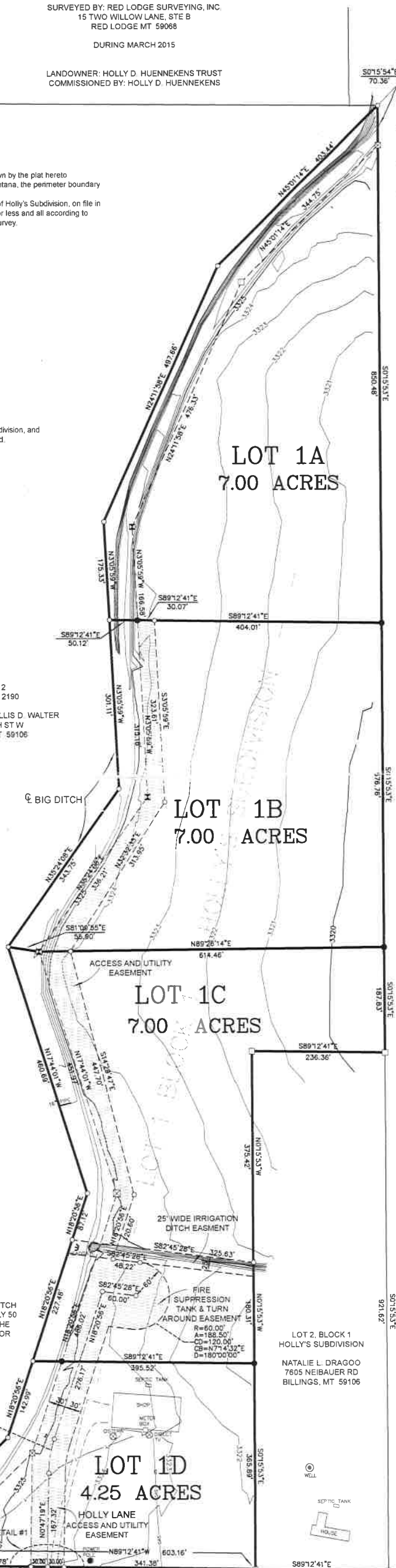
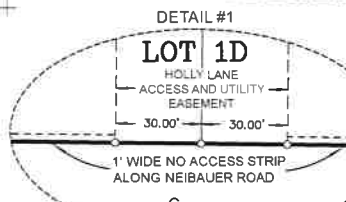
TRACT 2  
C.O.S. NO. 2144  
ROBERT J. ROBERTS  
7700 NEIBAUBER RD  
BILLINGS, MT 59106

TRACT 1  
AMENDED C.O.S. NO. 2144

LOT 1, BLOCK 1  
GREENWOOD SUBDIVISION  
BRIAN KELLEHER  
7604 1/2 NEIBAUBER RD  
BILLINGS, MT 59106

TRACT A-1  
C.O.S. NO. 617 AMENDED  
ROBERT J. AND MARY JANE MILLER  
2344 S 72ND ST W  
BILLINGS, MT 59106

LOT 2, BLOCK 1  
HOLLY'S SUBDIVISION  
NATALIE L. DRAGOO  
7605 NEIBAUBER RD  
BILLINGS, MT 59106



**LEGEND**

- SET 1-1/4" GREEN PLASTIC VIA RED LODGE SURVEYING AND UNDERSIGNED PLS
- FOUND YELLOW PLASTIC VIA SCHWARTZ 9756 LS
- ⊗ FOUND 1-1/2" ALUMINUM CAP VIA SANDERSON STEWART
- ⊗ FOUND 2" ALUMINUM CAP VIA SANDERSON STEWART
- NO MONUMENT SET OR FOUND
- ⊕ SECTION AND QUARTER CORNER
- ⊕ VERTICAL DATUM ASSUMED
- CONTOUR INTERVAL = 1'

TRACT B  
C.O.S. NO. 617

MILLER REVOCABLE TRUST  
1120 CHERRY HILLS DR  
LAUREL, MT 59044

BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY