

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

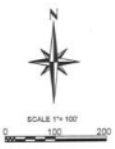
VARIANCE

- 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



TRACT 8
C.O.S. NO. 617
MILLER REVOCABLE TRUST
1120 CHERRY HILLS DR.
LAUREL, MT 59044

SURVEYED BY RED LODGE SURVEYING, INC.
15 7TH WILLOW LANE, STE B
RED LODGE, MT 59068
DURING MARCH 2015

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

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

QUARTER CORNER
OF SECTIONS 23 & 24
FOUND VPC
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 attached, the following described land located in the SW1/4 of Section 24, T.1S., R.24E., P.M.M., Yellowstone County, Montana, the precise 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 the survey.

Holly D. Huebenking - Trustee of the Holly D. Huebenking Trust Dated October 10, 1991
STATE OF MONTANA)
County of Yellowstone)
This instrument was acknowledged before me this _____ day of _____, 2015
by Holly D. Huebenking - Trustee of the Holly D. Huebenking Trust Dated October 10, 1991
Notary Public for the State of Montana _____
(Print name) My Commission Expires _____

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 _____
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. Kays, PLS
MONTANA Reg. Number 13822 LS
STATE OF MONTANA)
County of Carbon)
This instrument was acknowledged before me this _____ day of _____, 2015
by William H. Kays.

CERTIFICATE OF COUNTY ATTORNEY

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

Received 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 70-4-1101(d) / 70-3-207(D).

Dated this _____ day of _____, 2015
Yellowstone County Treasurer by: _____ Deputy

YELLOWSTONE COUNTY PLANNING BOARD

This plat has been approved in form by the Yellowstone County Board of Planning and conforms to the recommendations of the board.

Dated this _____ day of _____, 2015
President _____
Deputy Secretary _____

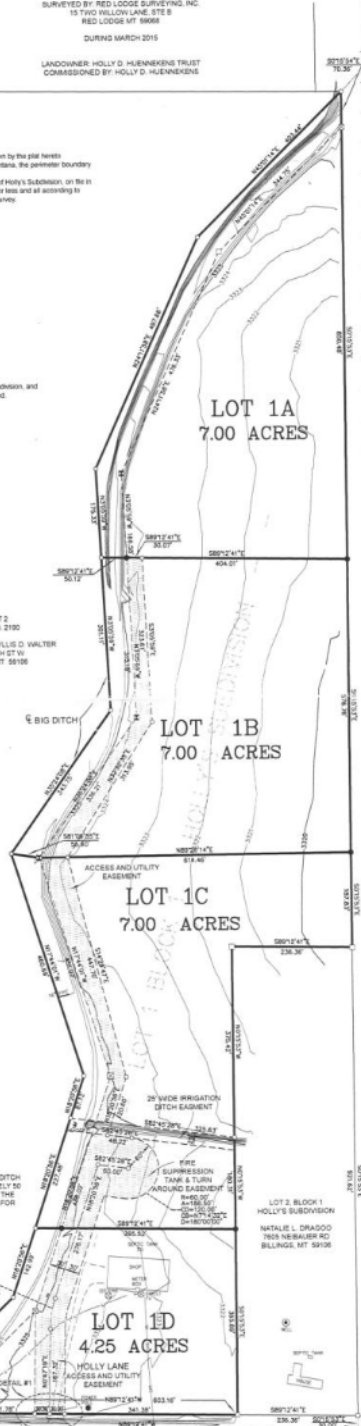
CERTIFICATE OF RIVERSTONE HEALTH

This Certificate of Survey has been reviewed and approved by Riverstone Health.

Representative for Riverstone Health _____
Dated this _____ day of _____, 2015



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 40 FEET ON THE HIGH SIDE (WEST SIDE) FROM THE DITCH CENTERLINE FOR PROPER MAINTENANCE.



- LEGEND**
- SET 1-1/4" GREEN PLASTIC CAP VIA RED LODGE SURVEYING IN AND UNDESIGNATED PLS
 - FOUND YELLOW PLASTIC CAP VIA SCHWARTZ 9738 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 ASSURED
 - CONTOUR INTERVAL = 1'

TRACT 8
C.O.S. NO. 617
MILLER REVOCABLE TRUST
1120 CHERRY HILLS DR.
LAUREL, MT 59044

TRACT 1A
C.O.S. NO. 617 AMENDED
ROBERT S. AND MARY ANNE WELLS
2344 S. 72ND ST W
BILLINGS, MT 59106

TRACT 2, BLOCK 1
HOLLY'S SUBDIVISION
NATALIE L. DRAGOOD
7305 NEBAULER RD
BILLINGS, MT 59106

