

Suburban Subdivision Design Standards Committee

**Infrastructure Standards Draft Language**

**January 23, 2017**

**Yellowstone County Subdivision Regulations**

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**Comment [FW1]:** Changes have been proposed in these sections of the YCSR.

DRAFT

## Yellowstone County Subdivision Regulations

### [Chapter 2.0 DEFINITIONS.](#)

[SIDEWALK: A minimum 5 foot wide concrete walkway for non-motorized traffic only built to Yellowstone County standards and provided within a road right-of-way, an easement, or within park land, as applicable.](#)

### **Chapter 4.0 DEVELOPMENT REQUIREMENTS.**

#### **Section 4.1 General.**

All subdivisions approved by the governing body must comply with the provisions of this Chapter, except where granted a variance pursuant to Section 11.1, Variances, of these Regulations. The requirements contained in this Chapter apply to subdivisions within areas of Yellowstone County as outlined in Section 1.4 of these Regulations, except when otherwise separately specified.

#### **Section 4.2 Conformance with Zoning.**

In addition to the standards outlined in this Chapter, the design and development of a subdivision must conform to any applicable zoning regulations as found in the Unified Zoning Regulations (Article 27, BMCC).

#### **Section 4.3 Improvement Design.**

Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body must be prepared by a professional engineer or professional land surveyor as their respective licensing laws allow in accordance with the Montana Subdivision and Platting Act (MSPA) and these regulations.

#### **Section 4.4 Lots.**

- A. **Regulation of Lots:** Each lot must contain a building site that conforms to Yellowstone City-County Health Department regulations, the Unified Zoning Regulations where applicable, the regulations of this Chapter and other applicable State or local regulations.
  
- B. **Dimensions, Orientation and Topography:** The lot size, depth, shape and orientation shall be appropriate for the location, contemplated use of the subdivision and the zoning of the property. Flag lots shall be discouraged except in cases where they are necessary due to topography or other physical constraints on the property. Areas of lots with more than 25% grade for building sites shall be subject to a geotechnical analysis. Areas within the subdivision with a slope of 25% or greater shall be identified on the face of the preliminary and final plats.
  
- C. **Frontage:** Residential lots shall have a minimum of thirty-two (32) feet of frontage on a public right of way, public road easement, private access easement, or private driveway easement. Lots in commercial and industrial districts shall have a minimum lot width frontage of forty-four (44) feet on a public right of way, public road easement, private easement, or private driveway easement, or through a reciprocal access easement.
  
- D. **Division by Rights-of-Way:** No single lot may be divided by a public road, alley, or access easement.
  
- E. **Rural Lot Limitations:** Residential or commercial lots not served by public sewer or public water systems shall not be less in area than what is required by Montana Department of Environmental Quality regulations. There is nothing contained in this Chapter that shall be construed as preventing the MDEQ or the County environmental health regulatory agency from requiring that all or any portion of a subdivision shall not be built upon, or that the proposed lot sizes must be increased to ensure protection of public health.

Subdivisions that are developing in the County but are within the City of Billings Annexation Petition Area or Long Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public water or sewer system, should consider in designing water and/or sewer systems the future connection to the public systems. Designing the systems to connect to a public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system.

- F. **Corner Lots:** Design of corner lots must meet the following requirements:
  - 1. Corner lots must be of sufficient size to provide a building site while meeting the clear vision requirements specified in the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines.

2. Residential corner lots adjacent to a street identified as a Principal or Minor Arterial must have vehicular access only to an internal street in the subdivision identified as a Collector or Residential street, except when limited by topography or other physical constraints of the property.

G. **Double Frontage Lots:** Double frontage lots (See Figure 2.1) are allowable when they are necessary due to topography and when a one (1) foot wide no-access easement is provided for separation of residential development from railroad or major street rights-of-way.

1. Residential Areas: For any residential subdivision where an arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for lots to back up to the arterial street and provide a one (1) foot wide no-access easement to prevent vehicle access to the arterial street.
2. Commercial Areas: For any commercial subdivision where an arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for shared accesses to the arterial street or access via internal roads with a one (1) foot wide no-access easement to prevent uncontrolled vehicle access to the arterial street.

#### Section 4.5      **Blocks.**

A. **Size and Orientation:** Length, width and shape of blocks shall be determined with consideration of the following:

1. Provision of adequate building sites suitable to the needs of the type of use contemplated;
2. Needs for convenient and necessary access, circulation, traffic control and traffic safety, and public safety;
3. Limitations or opportunities created by the topography.

B. **Rights-Of-Way for Internal Non-motorized Connections:** Public rights-of-way for internal non-motorized connections within blocks will be required when ~~needed~~essential to provide circulation or safe access to schools, parks, playgrounds, shopping, transportation and other community facilities. Pathways or sidewalks shall also be installed ~~from~~ the end of cul-de-sacs or dead ends to the property boundary of the subdivision to make connections to other cul-de-sacs or streets in adjacent neighborhoods, where deemed appropriate by the Board of County Commissioners.

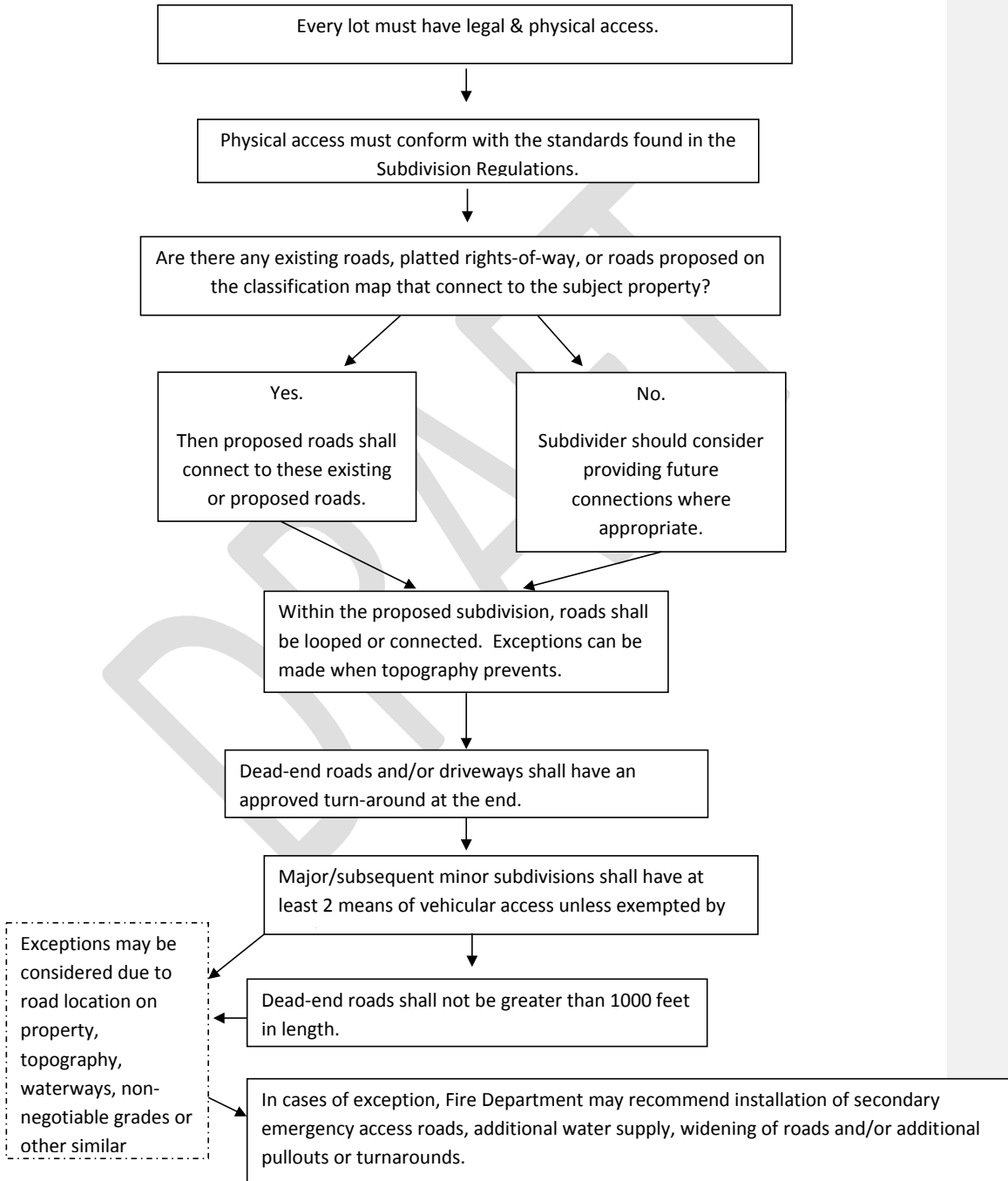
C. **Block Numbering:** All blocks shall be identified with Arabic numerals.

**Section 4.6 Streets and Roads.**

A. **Road Network Performance Standards:** When evaluating a subdivision's road network, subdividers and reviewing agencies shall take into consideration the following criteria. These criteria were developed to ensure that all new lots are provided access that is safe, convenient and effective for future lot owners. The proposed road network shall also enable emergency service providers to protect life and property under severe emergency situations.

1. Every lot shall have documented legal and physical access.
2. Physical access shall be provided in conformance to the standards found in the subdivision regulations.
3. There shall be right-of-way and road connections made when existing roads or platted roads outside of the subdivision connect to the subject parcel.
4. Proposed roads shall be looped or connected to other roads whenever possible. Exceptions can be made when there are topographic features that prevent connections or when the legal status of the road prevents connection.
5. Dead end roads and/or driveways greater than 150 feet in length must have an approved turn-around at their terminus.
6. Major and subsequent minor subdivisions shall have at least two means of vehicular access unless exempted in Section 4.6.B.5.
7. Dead end roads shall not be more than 1000 feet in length.
8. When access roads cannot be installed as required above in #6 & #7 due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the fire department having authority may recommend additional fire protection measures, including, but not limited to, the installation of a secondary fire apparatus access road, additional water supply, widening of roads, and/or additional pullouts or turnarounds.

**Figure 4.6.A.1. Road Network Evaluation Flowchart**



## **B. Streets and Roads, General:**

The arrangement, type, extent, width, grade, and location of all streets shall be designed with consideration to any adopted area plans including, but not limited to, the Growth Policy and Transportation Plan, and must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them.

1. Relation to Undeveloped Areas: When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land. Street right-of-way within the proposed subdivision shall be provided to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions.
2. Relation to Developed Areas: The subdivider shall arrange the streets to provide for the continuation of streets between adjacent developed properties when such continuation is necessary for the convenient movement of traffic, effective provision of emergency services and efficient provision of utilities. Such provision may be waived where the adjacent land use is incompatible with the proposed subdivision, or when prevented by topography or other physical conditions.
3. Separation of Through and Local Traffic: Whenever a subdivision abuts or contains an existing or proposed highway, Arterial street or Collector street, the subdivider may be required to provide frontage roads, reverse frontage lots with a no-access strip preventing access along the rear property lines, planting or fencing screens, shared accesses, or other treatment as may be necessary to adequately protect residential properties and to separate through and local traffic.
4. Distance between Parallel Right-of-Way: Where a subdivision borders on or contains a railroad, limited access highway, canal, stream or ditch right-of-way, the subdivider may be required to provide a street or easement approximately parallel to and on each side of the right-of-way at a distance sufficient to allow for the operations and maintenance of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.
5. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utility easements, all major subdivisions and subsequent minor subdivisions shall provide at least two means of vehicular access built to the standards of this Chapter and designed to ensure public health and safety.

Exceptions to the requirement to provide at least two means of vehicular access may be made for major and minor subdivisions that meet all of the following criteria:

- Access is provided by a cul-de-sac with an approved turnaround that is 1,000 feet or less in length; and
- The subject cul-de-sac is served by a local, collector, or arterial road that is not classified as a dead end road; and
- The subject cul-de-sac serves no more than 12 lots, or no more than 20 lots that are zoned residential.

Provision of a second means of vehicular access may be required for any subdivision when deemed necessary for public health, safety and welfare.

When not otherwise exempt, if a second means of vehicular access built to County road standards cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency secondary access road, built to the standards detailed in Section 4.14 of these Regulations.

6. Dead-end Roads: Dead-end access roads in excess of one hundred fifty (150) feet shall not be permitted without an approved turn around at the terminus. Where such roads terminate, the subdivider shall provide a “cul-de-sac” or “hammerhead-T” turnaround conforming to the design standards outlined in Figure 4.6.C.4. In cases where a dead-end road may be extended in the future, a right-of-way easement or dedication may be required to be provided.

7. Right-of-Way and Half Street Developments: A minimum 60-foot right-of-way or road easement must always be provided when developing. If the property is being developed on only one side of an existing or proposed road corridor and dedicated right-of-way or a road easement is required, the property owner developing must secure the additional 30-foot half right-of-way or easement from the adjacent property owner. If the additional 30-foot half right-of-way or easement is not able to be secured, the property owner developing shall provide a full 60-foot right-of-way on the subject property.

The property developing must build the sidewalk, swale, and portion of the shoulder and roadway as determined by the County Public Works Department to meet the applicable road design standards. The additional improvements on the remaining portion of the right-of-way or road easement will be constructed at the time the adjacent property develops. Half streets are allowed when they are essential to the subdivision, are beneficial to the County, or when the County Public Works Department is satisfied that the other half of the street will be dedicated to the public when the adjoining property is subdivided. When an existing half street is adjacent to a tract to be subdivided, the other half of the street must be platted within the new subdivision.

8. Street Continuity: Streets that are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerlines shall coincide and shall have matching names. In cases where straight continuations are not physically possible, such

centerline shall be continued by a centerline offset of not less than one hundred twenty-five (125) feet.

9. Tangent for Reverse Curves: A tangent shall be introduced where necessary between reverse curves on Arterial and Collector streets as determined by a Professional Engineer licensed in the State of Montana.
10. Deflected Street Lines to be Curved: When continuing street lines deflect from each other at any one point by more than five (5) degrees, they shall be connected by a curve with a radius adequate to ensure stopping sight distance at the center line of a street in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines.
11. Intersections: Local streets shall be laid out so as to intersect as nearly as possible at right angles and no local street shall intersect any other local street at less than eight (80) degrees. Such angle of 80 degrees or greater shall be retained for at least fifty (50) feet back from the intersection. Any street intersection involving an arterial and/or collector streets shall intersect at ninety (90) degrees, shall be retained for at least one hundred (100) feet back from the intersection. Not more than two (2) streets shall intersect at any one point unless warranted by design by a Professional Engineer licensed in the State of Montana and reviewed by the County Public Works Department.
12. Lot Corners at intersections: Lot corners at all street intersections shall be rounded with a minimum radius of ten (10) feet.
13. Sight distance: The alignment of all streets and roads must provide adequate sight distances in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines. Intersections must be designed to provide adequate visibility for traffic safety based on the designed operating speeds of the intersecting roadways.
14. Approach Permits: The subdivider shall obtain the applicable approach or access permits for all new accesses to County roads. For any new vehicular access onto a state controlled road or highway, the subdivider shall obtain an approach permit approved by the Montana Department of Transportation (MDT).
15. Street/Road Names and Addressing: New streets/roads aligned with existing streets/roads shall have the same name as the existing street/road. All new street/road names shall be approved by the Yellowstone County GIS Department prior to final plat approval in order to avoid duplication and confusion with names of existing roads. County lot addresses are assigned by County GIS in conjunction with issuance of an approach permit by County Public Works.
16. Street/Road Signs and Traffic Control Devices: Street or road signs and traffic control devices of the size, shape, and height in conformance with the standards contained in the *Manual on Uniform Traffic Control Devices* must be placed at all intersections.

17. Central Mail Delivery: When required by the United States Postal Service, the developer must provide a cluster/gang mailbox for mail delivery.
18. Road Design and Improvement Standards: All streets and roads, existing or proposed, within and adjacent to a proposed County subdivision shall meet the design and improvement standards outlined in Section 4.6.C. of this Chapter, as well as the design specifications required by the County Public Works Department.
19. Street/Road Maintenance: The subdivider shall establish a new Rural Special Improvement District (RSID) or expand an existing adjacent RSID prior to final plat approval to provide funds for ongoing maintenance for all new public improvements associated with the subdivision. These improvements may include, but not be limited to, new roads, bridges, culverts, street signs, sidewalks, pathways and any other public improvements resulting from the subdivision.

#### C. Road and Street Performance Standards for Subdivisions

1. General: The design and improvement standards contained in this section shall apply to all construction and reconstruction of streets and roads within subdivisions in Yellowstone County.
2. Improvement Design: All street improvements shall be designed by and constructed under the supervision of a professional engineer, competent in civil engineering, licensed in the State of Montana. All improvements shall meet or exceed the right-of-way and construction standards for the type of street to be constructed found within these Regulations, the adopted transportation plan, and adopted policies of the County Public Works Department.
3. Plans and Specifications: Plans and specifications for all public or private streets shall be prepared by a professional engineer, competent in civil engineering, licensed in the State of Montana. A complete set of plans and specifications certified with the responsible Professional Engineer's embossed seal shall be provided to the County Public Works Department prior to initiation of any street improvement construction. The subdivider shall provide professional engineering services for construction inspections, and post-construction certifications. Record drawings shall be submitted to the County Public Works Department upon completion of construction. Post Construction Certifications shall include, but not be limited to, the following:
  1. Compaction test results;
  2. Certification that all required improvements are complete;
  3. Certification that the subdivider knows of no defects from any cause in those improvements;

4. Certification that these improvements are free and clear of any encumbrance or lien;
5. The method by which the one year guarantee is to be provided;
6. A schedule of actual construction costs shall be filed with the Public Works Department.

4. Road and Traffic Studies (see Figure 4.6.C.1)

- A. Road Evaluation Study for Unpaved Roads: If existing or proposed roads leading to and/or within the proposed subdivision are unpaved, prior to preliminary plat review, a Road Evaluation Study (RES) shall be done by a licensed engineer to determine the viability of roads serving a proposed subdivision. Roads serving a subdivision are defined as the primary road or roads leading to the subdivision, and any on-site or proposed new roads serving the subdivision. Expedited plats are exempt from the RES requirement.

The RES should determine the probable impact the proposed subdivision will have on the existing and proposed road network by describing the following characteristics of the existing roads leading to the subdivision and any on site or proposed new roads serving the subdivision.

- Road surface, section thickness, base type and thickness
- Existing type of traffic and traffic loads; expected type and load from proposed subdivision
- Topography
- Stormwater provisions—existing and possible impacts to roads
- Maintenance records for existing roads – grading, dust control, etc.
- Accident data for existing roads
- Sight distances for existing and proposed roads
- Grades of existing and proposed roads

Probable impacts from the subdivision shall be mitigated and a mitigation plan shall be proposed. If there significant impacts to existing and proposed roads identified in the RES or as determined by County Public Works Department, a more detailed Traffic Impact Study shall be completed as described below in B.

- B. Traffic Impact Study: A Traffic Impact Study (TIS) shall be prepared by a licensed engineer specializing in traffic applications and submitted with the preliminary plat application for any new residential, institutional, commercial or industrial development which will generate five hundred (500) or more vehicular trips per day, as referenced in the most current edition of the Trip Generation manual of the Institute of Transportation Engineers. A vehicular trip is defined as a one-way journey of a person in an automobile or a transit vehicle. A TIS may also be

required when significant impacts are identified by the RES.

If the study indicates a need for road surface improvements, installation of traffic signals, intersection improvements, or other on or off-site road improvements to facilitate traffic loads or flow generated by the entire proposed development, the subdivider shall be responsible for his/her proportional share of those improvements. The study shall include, but not be limited to the following:

- a. Trip generation, using the Institute of Transportation Engineers Trip Generation Manual;
  - b. Trip distribution;
  - c. Traffic assignment;
  - d. Capacity analysis;
  - e. Evaluation; and
  - f. Recommended access plan, including access points, modifications and any mitigation techniques.
  - g. Land use and trip generation in the form of a table of each type of land use, the number of units or square footage, as appropriate, the trip rates used (daily and peak) and resulting trip generation.
  - h. Traffic graphics, which show:
    - AM peak hour site traffic;
    - PM peak hour site traffic;
    - AM peak hour total traffic;
    - PM peak hour total traffic;
    - Total daily traffic (with site generated traffic shown separately).
  - i. AM and PM capacity analysis with an AM and PM peak hour capacity analysis provided for:
    - All major drive accesses that intersect collector or arterial streets or roads; and
    - All arterial-arterial, collector-collector and arterial-collector intersections within one mile of the site.
  - j. Capacity. Indicate the levels of service (before and after development) of existing and proposed streets and roads, including appropriate intersections, to safely handle any increased traffic. Describe any anticipated increased maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.
  - k. Bicycle and Pedestrian Pathways, Lanes and Routes. Describe bicycle and pedestrian pathways, lanes or routes to be developed with the development.
  - l. Traffic Calming. Detailed drawings of any proposed traffic calming installations, including locations and turning radius templates.
5. **Street and Road Right-of-Way Dedication:** All streets or alleys within, or providing access to, the proposed subdivision shall be dedicated to the public and accepted by the County except when an approved public access easement or private road is provided in accordance with these Regulations.

6. Access easements: Where access to or within a subdivision is proposed using access easements the subdivider must obtain or provide proper easements of sufficient width to satisfy the requirements of Table 4.6.C.1. The easement shall meet the following:
- a. Easements must be granted by all property owners whose land the easement(s) cross in a signed and notarized document to be recorded with the final plat.
  - b. The location of any road easement must be shown on the plat if it is within the subdivision or on a supplemental exhibit if it is off site. The existence of easements must be noted on the face of the final plat and on any deeds or other instruments conveying lots within the subdivision.
  - c. All newly created easements shall be written so that they are easements appurtenant that run with the benefited land.
7. Private Roads: Private roads may be allowed within a subdivision if access is restricted with a permanent gate or some other acceptable means at the subdivision entrance. A private road easement shall be provided meeting the criteria listed under Section 4.6.C.6 above. A mechanism for maintenance of any private roads shall be established prior to final plat approval and referenced in the Subdivision Improvement Agreement.

8. Right-of-Way and Street Widths: Street right-of-way and surface widths for all roads, public or private, within the Unified Zoning Jurisdiction with the exception of property in Agricultural Open Space (A-O) and Agricultural Suburban (A-1) Zoning Districts, shall be provided as shown in Table 4.6.C.1., ~~below~~.

Street right-of-way and surface widths for all roads, public or private, on property in the Agricultural Open Space (A-O) and Agricultural Suburban (A-1) Zoning Districts or outside of the Unified Zoning Jurisdiction shall be provided as shown in Table 4.6.C.1

9. Shoulders: Shoulders shall be required on both sides of all roads where no curb and gutter ~~or parking lanes are~~ required. ~~The S~~shoulders within the Unified Zoning Jurisdiction with the exception of property in Agricultural Open Space (A-O) and Agricultural Suburban (A-1) Zoning Districts, shall be a minimum two feet wide as per the applicable stormwater requirements, and graveled, and must meet the specifications of County Public Works. Refer to cross sections in Figure 4.6.C.1., Figure 4.6.C.2. and Figure 4.6.C.3 as applicable for shoulder requirements.

Shoulders on roads in the Agricultural Open Space (A-O) and Agricultural Suburban (A-1) Zoning Districts or outside of the Unified Zoning Jurisdiction shall be two (2)

[feet wide and graveled, and must meet the specifications of County Public Works.](#) (See Figure 4.6.C.2. or Figure 4.6.C.3.)

10. **Alleys:** Proposed alleys in both residential and commercial subdivision shall meet the following standards:
  - a. The width of an alley shall be a minimum of twenty (20) feet.
  - b. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed to permit single unit truck movement.
  - c. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the end.
11. **Grading/Cut and Fill:** All streets and alleys within or adjacent to the subdivision shall be excavated or filled to the grade established by these Regulations.
12. **Base Construction:** The type of base required will vary depending on the nature of the existing material and with the particular type of traffic to be accommodated, and shall be reviewed by County Public Works according to County specifications unless otherwise warranted by Engineering design. (See Figures 4.6.C.2. and 3.)
13. **Street surfacing:** All roads within or adjacent to the subdivision shall be paved if they connect to an existing paved road (See Figure 4.6.C.2.). Also, paving shall be required on all subdivision streets [within the Unified Zoning Jurisdiction, except for those in the Agricultural Open Space or Agricultural Suburban Zoning Districts](#) (See Figure 4.6.C.1.). Standards for such paved surfacing shall be according to County specifications unless otherwise warranted by Engineering design.

Standards for gravel surfaced roads shall be according to County specifications unless otherwise warranted by Engineering design. (See Figure 4.6.C.3.)
14. **Street Grades:** All street grades shall conform to the requirements of the County. Street grades shall not exceed the following, with due allowance for reasonable vertical curves and intersection treatment.

<u>Street Type</u>	<u>Percent Grade</u>
Arterial	4
Collector	7

**Table 4.6.C.1. Required Dedications and Street Improvements for Subdivisions**

Street Type	Right-of-Way	Road Width	Lane Width	Parking Width	Turn lane width	Median Width	Sidewalk/Pathway Minimum Width
<b>Principal Arterial</b>							
• 6 lanes w/center turn-lane	120'	92'*	12'/14'**	---	14'	---	5'
• 4 lanes w/center turn-lane	120'	92'*	12'/14'**	---	14'	---	5'
<b>Minor Arterial</b>							
• 4 lanes w/median	100'	68'*	12'	---	---	14'	5'
• 2 lanes w/median	100'	52'*	12'	---	---	14'	5'
<b>Commercial Collector</b>							
• 2 lane	80'	44'*	14'	8'	---	---	5'
• 2 lanes w/center turn lane	80'	42'*	14'	---	14'	---	5'
<b>Residential Collector</b>							
• 2 lane	70'	40'*	12'	8'	---	---	5'
• 2 lanes w/center turn lane	80'	50'*	12'	8'	14'	---	5'
<b>Commercial Local Access</b>	60'	28'****	12	n/s	---	---	5'
<b>Residential Local Access</b>	56'/60'***	28'****	12	n/s	---	---	5'
<b>Cul-de-Sac 100-1000 feet</b>	56'/60'***	28'****	12	n/s	---	---	5'
<b>Cul-de-Sac &lt;100 feet</b>	40'	24' min.	10	n/s	---	---	---

Comment [P2]: remove last row

\* Widths to be provided if warranted by a RES or TIS.  
 \*\* Interior lane(s) is 12 feet and the outside lane is 14 feet.

\*\*\* ~~56-60~~ feet minimum is required for all subdivisions, unless otherwise specified in Table 4.6.C.1 for the Street Type, ~~within the zoning jurisdiction. 60 feet is required for subdivisions outside the zoning jurisdiction.~~

\*\*\* Roads in the Agricultural Open Space or Agricultural Suburban Zoning Districts, or roads outside of the Unified Zoning Jurisdiction will be built 28' wide to include a 24' paved or gravel driving surface, 2' shoulders, and drainage swales (See Figure 4.6.C.2. or Figure 4.6.C.3.). All roads within the Unified Zoning Jurisdiction, except for those in the Agricultural Open Space or Agricultural Suburban Zoning Districts, will be built 28' wide to include 24' paved driving surfaces, 2' minimum shoulders, drainage swales, and a 5' sidewalk outside of the drainage swales (See Figure 4.6.C.1.).

15. ~~Sidewalks: Pedestrian Sidewalks~~ pathways shall be installed with all streets within the Unified Zoning Jurisdiction with the exception of property zoned Agricultural Open Space or Agricultural Suburban, where a majority of the lots are less than 25,000 square feet in area. In lieu of, or in combination with, the required pathways, the subdivider may construct an approved multi-use bicycle/pedestrian path or trail that is connected and accessible to all lots. Required pathway Sidewalk widths shall follow those listed in Table 4.6.C.1. and meet Yellowstone County Public Works design standards. It is recommended that pathway, multi-use path, or trail designs follow the standards provided in the adopted Heritage Trail Plan.

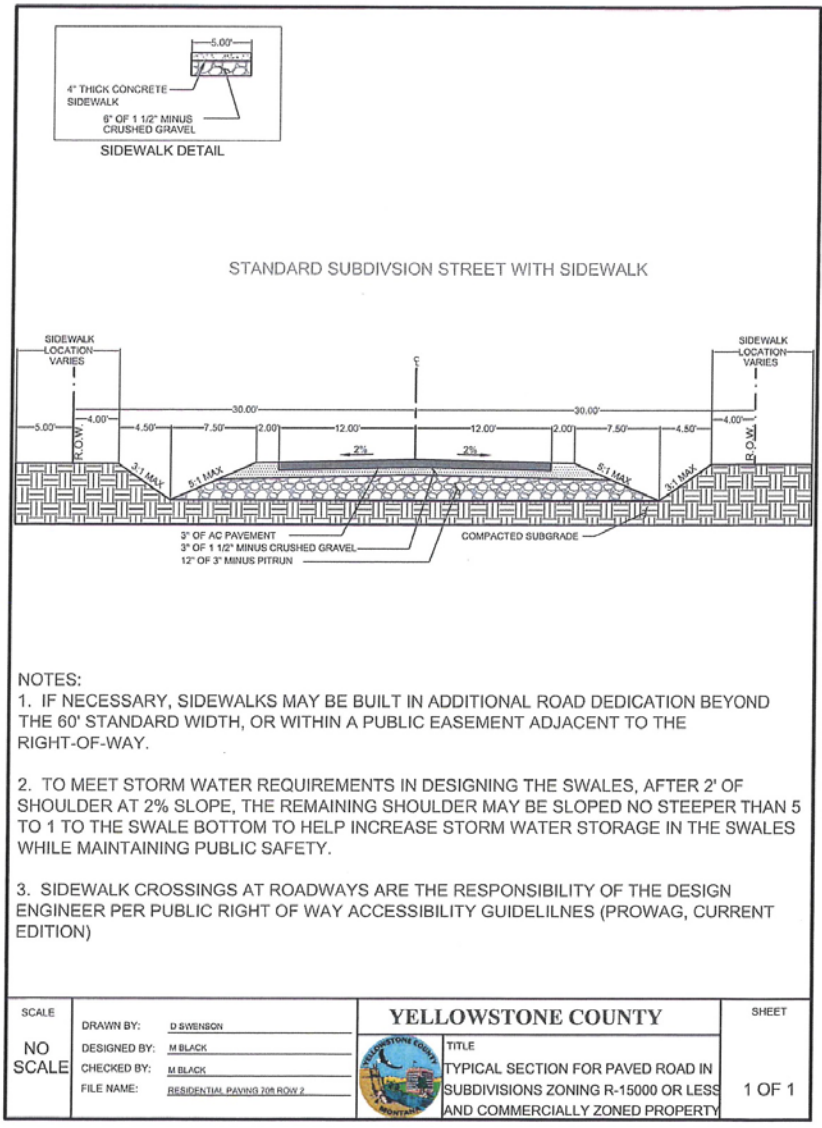
16. Access Driveways: Access driveways are defined as an access serving one or two lots and not more than five dwellings. Accesses serving more than two lots or five dwellings shall be considered a road, and shall be built to the road standards outlined in these Regulations. An approach permit is required for all new access driveways. New driveways shall meet the following standards:

- a. In residential subdivisions, the maximum driveway width shall be thirty (30) feet. The minimum distance between driveways shall be twenty-five (25) feet.
- b. In commercial and industrial subdivisions, the maximum driveway width may be up to fifty (50) feet when approved by the County. The minimum distance between driveways shall be twenty-five (25) feet.
- c. In any allowable location, no driveway width shall be less than twelve (12) feet wide.
- d. Only one driveway shall be provided to any single residential lot unless otherwise approved by the Board of County Commissioners or designee. Additionally, in

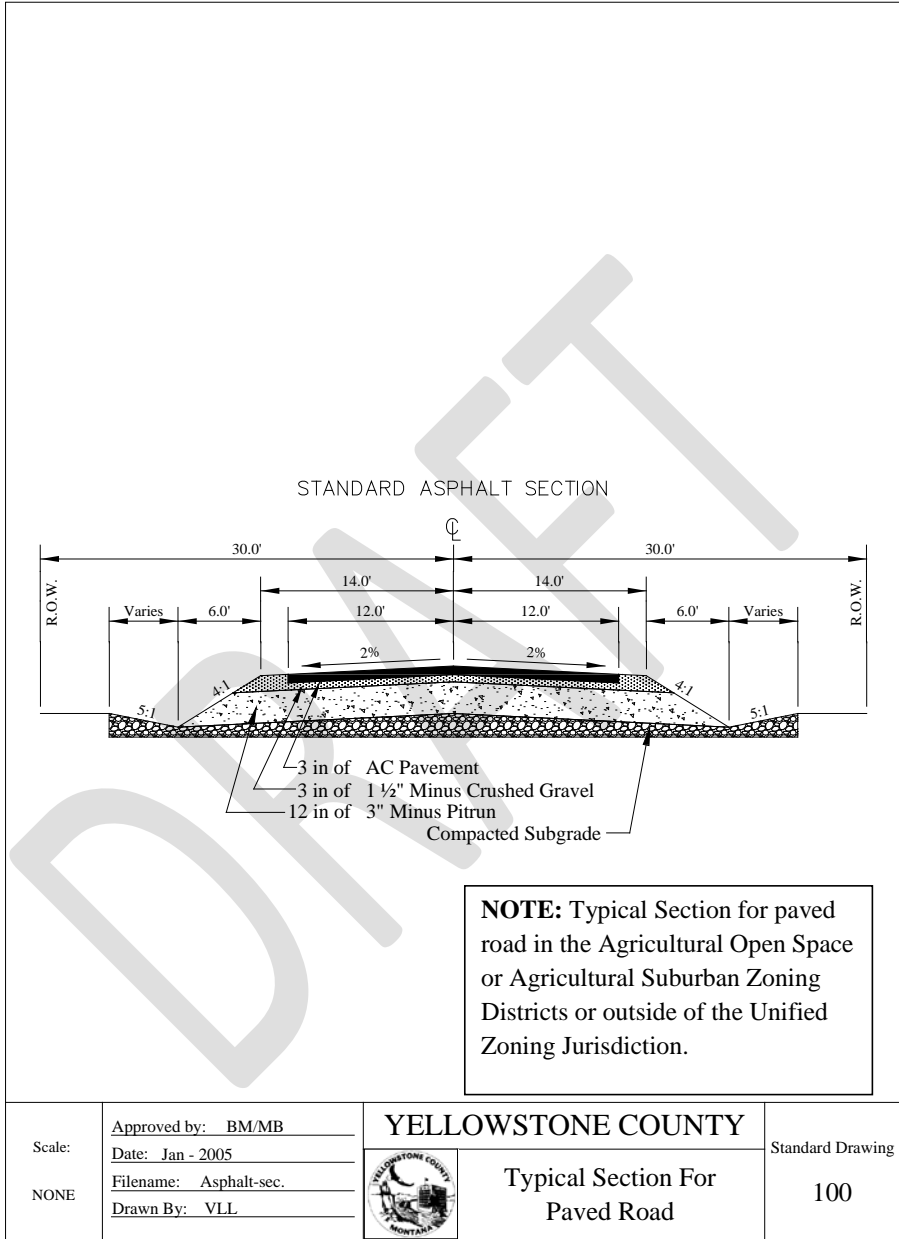
cases where a lot fronts on a collector or arterial road currently carrying or projected to carry more than 500 vehicles trips per day or where site distances warrant, the County may require shared access drives among lots. The County may permit more than one driveway for commercial lots.

- e. In cases where an access driveway is in excess of 150 feet in length, it shall have a minimum unobstructed width of twenty (20) feet, and shall have an approved turn-around at its terminus (See Figure 4.6.C.5 for acceptable design standards for driveway turn-arounds).

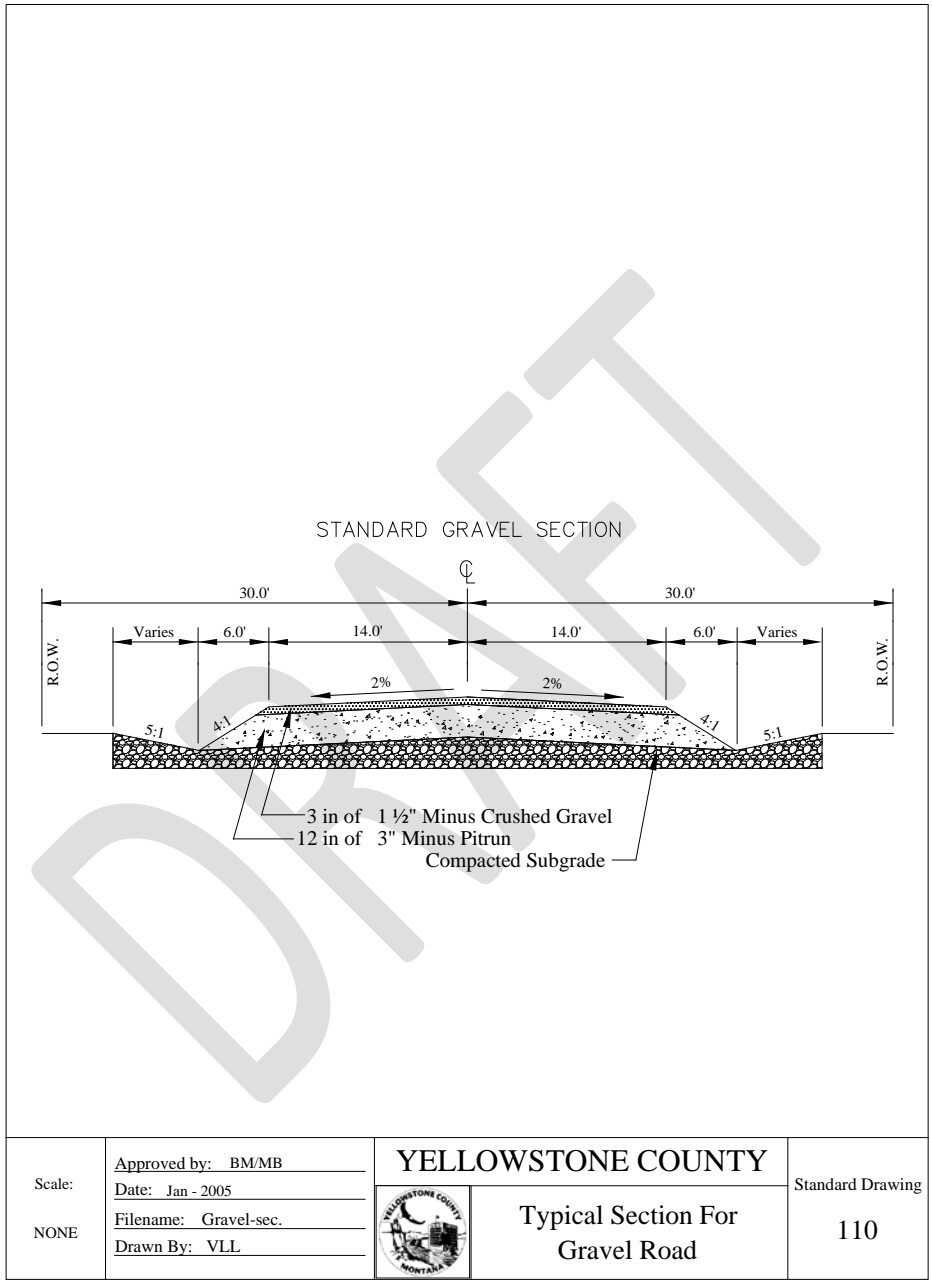
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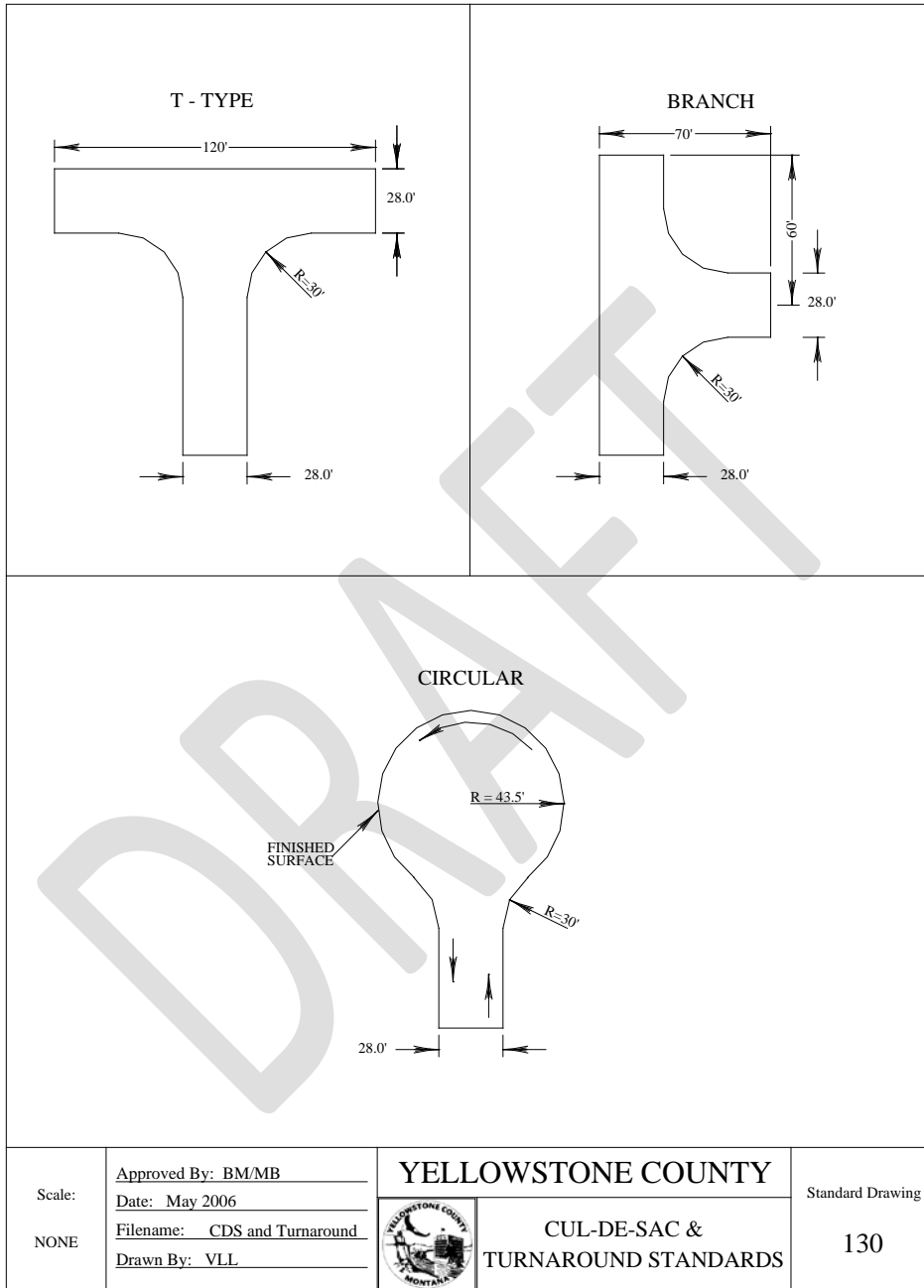
**DRAFT Figure 4.6.C.1.**



**Figure 4.6.C.2.**



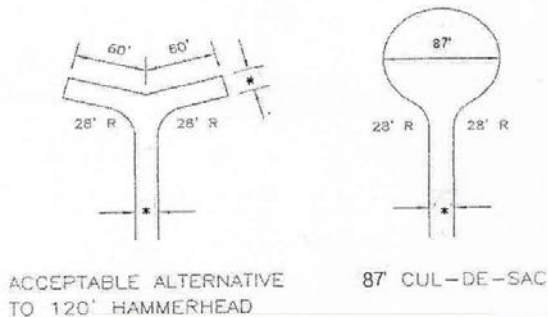
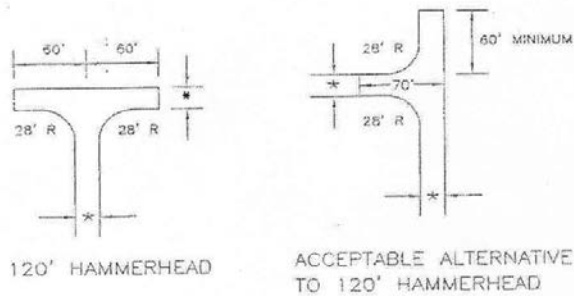
**Figure 4.6.C.3.**



**Figure 4.6.C.4. Turn-around standards for Roads**

D. **Multi-Use Trails, General:** When applicable, subdivisions shall be reviewed for consistency with the currently adopted Billings Area Bikeway and Trail Master to provide multi-use trail routes for safe, convenient non-motorized transportation routes throughout the County.

1. It is recommended that all new subdivisions provide a 20-foot-wide multi-use trail easement across the property if the Heritage Trail Plan indicates that a proposed multi-use trail route crosses the subdivision property.
2. If the Heritage Trail Plan indicates that a proposed trail route crosses the subdivision property, and a segment of the corridor has already been provided on adjacent property, then it is recommended that the subdivision provide a 20-foot wide trail easement to connect to the trail segments at the property lines to provide for a continuous trail route.
3. When parkland dedication is required and the Heritage Trail Plan indicates that a proposed trail route crosses the subdivision property, dedication of linear park land including a trail easement may be considered as all, or a portion of, the required parkland dedication (See Sections 10.2 and 10.4 of these Regulations).



\* = Twenty (20) feet minimum  
unless otherwise required.

**Figure 4.6.C.5. Turn-around Standards for Access Driveways**

**Section 4.7 Storm Drainage Facilities.**

A. **General:** Facilities and design for storm water drainage shall be provided in accordance with standards set by the Montana Department of Environmental Quality (MDEQ). The subdivider shall provide a storm water collection and conveyance system which is designed and constructed in accordance with MDEQ standards and which may be connected to an existing storm drainage system. If there is no existing storm drainage system in the area or if the existing system has insufficient capacity to carry the additional discharge, the subdivider shall provide an onsite area for retention or detention with controlled outlet capacity, if needed. Such on-site retention or detention and controlled outlet shall be utilized only if specifically approved by the MDEQ.

B. **Drainage Discharge:** Discharge of storm drainage is subject to the following:

1. Storm drain systems shall not discharge into sanitary sewer facilities.
  2. Storm drain systems shall not discharge into agricultural water user's facilities without the written permission of the appropriate irrigation district.
  3. Stormwater detention or retention ponds may be located within public park land at the discretion of the County Park Board. Such areas shall not count toward the park land dedication requirement unless they are approved by the County Park Board, designed to serve as an amenity to the park, and fit into the planned uses and improvements to the park (See Chapter 10 of these Regulations).
- C. **Easements:** Easements may be required between lots and along public rights-of-way to manage storm drainage in subdivisions.
- D. **Location of Facilities:** If any onsite retention or detention facility is used it shall be included as part of the lots, public right-of-way or parkland. No separate parcels shall be created exclusively for such facilities.
- E. **System Maintenance:** If any onsite retention or detention facilities are utilized, unless otherwise provided, a special maintenance district shall be created prior to filing the final subdivision plat in order to provide funds for the maintenance of such facilities.
- F. **Future Improvements:** If any onsite retention or detention facility is used, a waiver of right to protest the creation of a future storm drain system special improvement district shall be executed by the subdivider and recorded and filed with the final plat.
- G. **Municipal Separate Storm Sewer System (MS4):** Yellowstone County is part of a program to reduce pollutants in storm water runoff from construction activities that result in a land disturbance of greater than or equal to one (1) acre, within the MS4 boundary and outside the city limits in Billings. A map of the MS4 boundary is available in the Public Works Department. Development inside the MS4 boundary may be required to follow the procedures described below.

Any person or person that perform(s) construction activities within the MS4 boundary that result in a land disturbance of greater than or equal to one (1) acre, shall obtain a permit or permission from MDEQ and abide by all of their rules, requirements, and conditions. This shall include construction plan submittal to MDEQ. A copy of the submittal, along with any responses or replies from MDDEQ shall also be submitted to the Yellowstone County Public Works Department. [The final DEQ approved storm water management plan for all subdivisions shall be provided with the final plat and recorded as part of the final DEQ documents when the final plat is recorded.](#)

**Section 4.8 Sanitary Sewer System.**

- A. If the subdivision is within the service area of a public sanitary sewer system, and sanitary sewer services are within 500 feet of the boundary of the subdivision, the subdivider shall install complete sanitary sewer system facilities in accordance with the requirements of the sewer district involved and the Montana Department of Environmental Quality (MDEQ). If the boundary of the subdivision is more than 500 feet from sanitary sewer services, the subdivider will sign a waiver of right to protest future sanitary sewer infrastructure improvements and assessments.

The subdivider shall submit an application for extension of sanitary sewer services and plans and specifications for the proposed facilities to the sewer district involved and to the Montana Department of Environmental Quality (MDEQ) and shall obtain necessary approvals prior to final plat approval.

- B. If any boundary of the subdivision is within 500 feet of a public sanitary sewer system, the subdivider must connect to the sewer district and install sanitary sewer system facilities.

The governing body may grant a waiver of the requirement to connect to a public system if the subdivider demonstrates that connection to the public system is physically or economically impractical, or if the district or utility refuses to provide service. For purposes of this Section, a connection is economically practical if the cost is less than or equal to three times the cost of installation of an approvable system on the site.

Subdivisions that are developing in the County but are within the City of Billings Annexation Petition Area or Long Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public sewer system, should consider in designing sewer systems the future connection to the public systems. Designing the systems to connect to a public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system.

- C. Where individual septic systems are proposed, the systems must, at a minimum, meet the standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Subdivisions/Onsite Subsurface Wastewater Treatment), and obtain approval by the Montana Department of Environmental Quality and/or the Yellowstone County Environmental Health Department, as required below.

1. For lots less than 20 acres, MDEQ approval shall be obtained prior to the submittal of the final plat application.
2. For lots equal to or greater than 20 acres, Yellowstone City-County Health Department approval is required prior to the submittal of the final plat application.

D. Where the subdivision may reasonably expect sanitary sewer service from the City of Billings public sewer system or other public sanitary sewer system at a future date, as determined by the Yellowstone County Board of Planning, a waiver of right to protest the creation of a future sanitary sewer system special improvement district shall be executed by the subdivider and filed and recorded with the final plat. However, subdivisions that are developing in the County but are within the City of Billings Annexation Petition Area or Long Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public sewer system, should consider in designing sewer systems the future connection to the public systems. Designing the systems to connect to a public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system.

#### **Section 4.9 Water Supply System.**

- A. If the subdivision is within the service area of a public water supply system, the subdivider shall install complete water system facilities in accordance with the requirements of the water district involved and the Montana Department of Environmental Quality (MDEQ).

The subdivider shall submit an application for extension of water services and plans and specifications for the proposed facilities to the water district involved and to the Montana Department of Environmental Quality (MDEQ) and shall obtain necessary approvals prior to final plat approval.

- B. If any boundary of the subdivision is within 500 feet of a public water supply system, the subdivider must connect to the water district and install water supply system facilities.

The governing body may grant a variance from the requirement to connect to a public system if the subdivider demonstrates that connection to the public system is physically or economically impractical, or if the district or utility refuses to provide service. For purposes of this Section, a connection is economically practical if the cost is less than or equal to three times the cost of installation of an approvable system on the site.

Subdivisions that are developing in the County but are within the City of Billings Annexation Petition Area or Long Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public water system, should consider in designing water systems the future connection to the public systems. Designing the systems to connect to a

public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system.

- C. Where individual water supply systems are proposed, the systems must, at a minimum, meet the standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Subdivisions/Onsite Subsurface Wastewater Treatment), and obtain approval by the Montana Department of Environmental Quality and/or the Yellowstone County Environmental Health Department, as required below.
1. For lots less than 20 acres, MDEQ approval shall be obtained prior to the submittal of the final plat application.
  2. For lots equal to or greater than 20 acres, Yellowstone City-County Health Department approval is required prior to the submittal of the final plat application.

D. Where the subdivision may reasonably expect water supply service from the City of Billings public water system or other public water system at a future date, as determined by the Yellowstone County Board of Planning, a waiver of right to protest the creation of a future water system special improvement district shall be executed by the subdivider and filed and recorded with the final plat. However, subdivisions that are developing in the County but are within the City of Billings Annexation Petition Area or Long Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public water system, should consider in designing water systems the future connection to the public systems. Designing the systems to connect to a public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system.

#### **Section 4.10 Utilities.**

- A. All new utilities serving the subdivision including electricity, cable television, and telephone shall be placed underground, with the exception of fire hydrants, cable closures, alignment markers, etc. Easements for utilities shall be clearly indicated on the plat.
1. Easements across lots or centered on common rear or common side lot lines shall be provided for public utilities and shall be at least 16 feet wide; easements located along perimeter lot lines shall be at least 8 feet in width. The width of an easement may vary depending upon the utility company serving the subdivision.
  2. Utility facilities shall be designed by utility firms in cooperation with the subdivider, subject to applicable laws and rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities.

- B. Where a subdivision is proposed partially or wholly within an airport influence area and noise zone, as defined in Article 5-400, Billings Montana City Code, or as identified by the City of Laurel, a perpetual air rights easement shall be executed. Maps depicting the various zones can be found on file with the County Planning Board.

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