



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



**AGENDA**

January 23, 2018 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.
  - a. **Introduction: Matt Macrow, Planning Board City Ward II.** President Tunnicliff
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. **MOTION. MEETING MINUTES:**JANUARY 9, 2018.
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. **Staff Presentation. Update/Discussion. Household Travel Survey.** Lora Mattox, Transportation Planner
  
2. **Presentation/Public Hearing. Motion/Recommendation to PCC. 2017-2021** Transportation Improvement Plan, (TIP), Amendment I. Scott Walker, Transportation Coordinator, presenting.
  
3. **Motion/Recommendation to BOCC. Whitehorse Subdivision Lot 2,** a 12-lot County Subdivision generally located on Hesper Road. NEXCO LLC, owner; Scott Aspenlieder, Performance Engineering, Agent. Dave Green, Planner II, presenting.
  
4. **Public Hearing. Motion/Recommendation to BOCC. The Nines Subdivision, an 89-lot County Subdivision, generally located on 64th Street West.** PC Coleman LLC, owner, Bryan Alexander, Sanderson Stewart, agent. Dave Green, Planner II, presenting.
  
5. **Public Hearing. Motion/Recommendation to BOCC. Southview Sanctuary Estates Major Subdivision.** A 10-lot major subdivision generally located south of Kautzman Road east of 56th Street West. 2K enterprises LLC, owner. EEC, Inc. Engineer/Surveyor. Planning Division Manager Monica Plecker presenting
  
8. **NEW BUSINESS:** (Agenda items new to this meeting).
  
9. **OTHER BUSINESS:**
  - a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
  
10. **ADJOURNMENT**

## **FUTURE AGENDA ITEMS FOR TUESDAY, FEBRUARY 13, 2018**

- a. **Plat Review. Lakehills Subdivision, 36th Filing.** A 28-lot City Major, generally located at the intersection of Gleneagles Boulevard and Lake Hills Drive. Ron S. Hill Living Trust, Sheila Siemion, owner. Performance Engineering and Consulting, engineer. Dave Green, Planner II, presenting.
  
- b. **Presentation/Discussion. 2017 Complete Streets Progress Report.** Lora Mattox, Transportation Planner, presenting.
  
- c. **Presentation. Discussion. City and County Subdivision Review Process and Procedures.** Planning Staff

### 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 2 (4th Tuesday)**

**Meeting Date:** 01/23/2018

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**Information**

**Subject**

**MOTION. MEETING MINUTES:**JANUARY 9, 2018.

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**Attachments**

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# CITY/COUNTY PLANNING BOARD

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**JANUARY 9, 2018**

*To be approved by a motion on January 23, 2018*

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

President Tunncliff called the meeting to order at 6:00 p.m. on Tuesday, January 9, 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 Tunncliff called for introductions of the members of the Planning Board and staff.

**Attending Planning staff members:** Wyeth Friday, Director, Planning & Community Services; Monica Plecker, Planning Division Manager; Dave Green, Planner II; Tammy Deines, Planning Clerk

**Others in Attendance:** Robbie Neihart; Scott Aspenlieder, Performance Engineering; Kelly Coleman; Tyler M Kerns, EEC; Darren Swenson, Yellowstone County Public Works; Mike Black, Yellowstone County Public Works.

**Approval of the November 28, 2017 Agenda.** Amendment: Item 7b. Presentation. Discussion. 2017 Complete Streets Progress Report will be continued until a February meeting.

**Motion: Board member Saldivar made a motion and it was seconded by Board member Goodrich to approve the January 9, 2018 meeting agenda as amended. The agenda was approved with a unanimous voice vote.**

**Approval of Minutes: November 28, 2017.** The December 12, 2017 and the December 26, 2017 meetings were canceled due to a lack of agenda items.

**Motion Board member Saldivar made a motion and Board member Cook seconded the motion to approve the November 28, 2017 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

3. **Public Comment:** President Tunncliff 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.

## **5-6. 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 were no Conflicts of Interest and no Ex Parte Communications reported by the Board.

7. **OLD BUSINESS:** There is no Old Business.

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### 8. NEW BUSINESS

**7b. . Presentation/Discussion. 2017-2021 Transportation Improvement Plan, (TIP), Amendment I.** Scott Walker, Transportation Coordinator, presenting. (Public Hearing on January 23, 2018).

Scott Walker said the amendment process is needed due to changing costs or timing of projects. He continued with the presentation below highlighting the projects and funding sources that have changed.

#### **Interstate Maintenance Funding:**

- West Billings Interchange to Pinehills (Lockwood) Interchange: Moved to June 2018 letting previously in 2021

#### **National Highway System Funding:**

- 27th St. – 1st Ave S. to Airport: Moved to May 2019 letting previously in 2018
- Main St – Billings: Moved to February 2020 letting previously in 2018
- Billings Bypass – Yellowstone River Bridge: Moved to May 2020 letting (Previously outside of 5-year program)

#### **National Highway Freight Program Funding:**

- I-90 Yellowstone River Bridge: New funding source added to the project, \$32.8 million between the years 2021 & 2022

#### **Bridge Program Funding:**

- 2012 Scour Mitigation: Moved to November 2018 letting previously in 2021
- I-90 Yellowstone River Bridges: no change to year; \$10,000,000 moved out of Bridge into Freight Program

#### **Highway Safety Improvement Program Funding:**

- Billings Horizontal Curve Warning: Moved to March 2018 letting previously in 2019
- Roundabout King & 56th: Moved to February 2019 letting previously in 2017

#### **New Safety Projects:**

Frontage Road & Wise Lane Intersection – Installation of ITS intersection warning system on both roads warning vehicles on Frontage Road and vehicles on Wise Lane that a conflicting vehicle is present to mitigate intersection related crashes.

- King Ave. E – Shoulder rumble strips on all curves and replace existing curve signing

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- Yellowstone River Rd – Replace existing chevrons with standard size chevrons
- Lake Elmo Drive – Install standard delineation through curve
- South Frontage Road (West of Sugar Ave) – Replace one directional large arrow with curve warning signs, speed advisory plaques & chevrons
- Garden Ave – Corridor wide signing upgrade
- Nahmis Ave – Install delineation through entire corridor
- Story Road – Replace/relocate curve warning signs with speed advisory plaques

### **Billings District Safety Improvements:**

- Johnson Lane – Install panel delineation through curve at RP 1.2
- Old Highway 312 – Install panel delineation through the entire cluster segment from RP 2.3-3.1
- I-90 W King Ave Lighting – Install roadway lighting from top of the King Ave W Interchange bridge to the east and tie into S. Billings Blvd existing lighting, install panel delineation on the median side between the two interchanges

### **Urban Pavement Preservation Funding:**

**2019 letting at the earliest:** South Frontage Road; Shiloh Road; Blue Creek Road; Billings Boulevard; King Ave E; Hardin Road; Grand – 24th to Zimmerman

### **Review Schedule**

<b>Board/Commission</b>	<b>Action</b>
Planning Board #2	PH/Recommendation - Tuesday, January 23 <sup>rd</sup>
Council Work Session	Presentation – Tuesday, January 16th at 5:30 p.m.
Council Meeting	Action - Monday, February 12th at 6:30 p.m.
County Discussion	Discussion - Monday, February 5th at 2:00 p.m.
Commissioner Meeting	Presentation/Action - Tuesday February 6th at 9:30 a.m. Both meetings held in the County Commissioners Board Room, 4th Floor, County Courthouse
PCC	Final Action – Tuesday, February 20th at 12:00 p.m. - 4th Floor County Courthouse, Commissioner Board

**8b. Plat Review. Discussion. Whitehorse Estates Subdivision, 1<sup>st</sup> Filing** , a 12-lot County Subdivision generally located on Hesper Road. NEXCO LLC, owner; Scott Aspenlieder, Performance Engineering, Agent. Dave Green, Planner II, presenting. Public Hearing on January 23, 2018.

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### INTRODUCTION

On December 1, 2017, the Planning Division received an application for preliminary major plat approval for Whitehorse Estates Subdivision, 1st Filing. The proposed plat creates 12 lots for residential development. The subject property is generally located on the northwest corner of Hesper Road and South 48th Street West. The property is zoned Agriculture Suburban (AS). The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, January 23, 2018. The Board of County Commissioners will act on the proposal on February 13, 2018.

### RECOMMENDATION

**Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Whitehorse Estates Subdivision, 1st Filing, adopt the Findings of Fact as presented in the staff report and deny the variance request.**

### 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 the natural environment, prior to final plat approval the applicant will obtain approval from the MDEQ for the proposed wells, septic systems and storm water management and meet the requirements of Yellowstone County Storm Water Management.
2. To ensure maintenance of the new public road, prior to final plat approval the applicant will create an RSID-M for the maintenance of the road inside the subdivision.
3. To minimize the effects on public health and safety and to ensure proper maintenance, prior to final plat approval the applicant will add language in the SIA under IV. Emergency Service stating the establishment of an RSID-M for the dry hydrant system. The Whitehorse Estates Subdivision shall not receive final plat approval until the proposed dry hydrant has been installed on the Hesper Road frontage. The new tank shall be tested and approved by the BUFSA.
4. To clarify the type of emergency service the BUFSA does provide to this county subdivision, prior to final plat approval the applicant will modify the first sentence in the SIA under Emergency Service to read: "The Billings Urban Fire Service Area (BUFSA) currently provides fire protection for the subdivision."
5. To ensure correct procedure for providing a cash in lieu contribution for park land, prior to final plat approval the applicant will follow the YCSR Section 10.6 to meet the requirements to determine the correct amount of the cash contribution to the County for park land. The estimated land amount will be provided by a third party land appraiser

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Reviewed by Planning Staff

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and that appraisal will be reviewed and approved by the County Parks Board before a cash in lieu contribution is made to the County Parks Department.

6. To minimize the effects on local services, prior to final plat approval the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.

7. To minimize the effects on the local environment, prior to final plat approval the applicant is required to obtain a weed management plan and a property inspection shall be done by the County Weed Department.

8. To ensure the placement of easements for private utility providers, prior to final plat approval the applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision.

9. To ensure proper maintenance and to minimize the effects on existing agricultural water user facilities, prior to final plat approval HOA documents shall be submitted to outline the HOA's responsibility for the construction and maintenance of the open lateral ditch running through the subdivision.

10. 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.

11. 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.

**VARIANCE REQUEST:** The applicant is asking for a variance from the requirements of YCSR Section 4.6.B.1 Relation to Undeveloped Areas. This regulation requires that a developer provide road connections to surrounding undeveloped lots for future connections. Specifically, the applicant has not proposed east/west connections for future connection extending from the proposed dead-end street. Staff is recommending that the Planning Board recommend denial of the variance request to the BOCC.

Dave Green gave the reasoning behind the staff recommendation for denial of the variance request:

- In County Subdivision Regulations Section 4.6.B., 1 Relation to Undeveloped Areas, it states; When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land.
- By providing future access it would be beneficial to future home owners safety.

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- The required road would require increasing the cost of the RSID if they are installed, but they are short sections and with additional development and increase in lots the cost would go down. The connections to the east and west could both be dedicated public easement similar to the 60-foot road and utility easement shown on the proposed plat for Hesper. The easement would not take away from overall lot acreage causing them to go below the 1-acre size.
- The purpose of these regulations is to provide for future growth and address connectivity for vehicle and pedestrian access for convenience and safety. By not providing a future connection to the east and west, this development creates an 'island' with no connection within neighborhoods that are next to each other.

### **Discussion**

President Tunncliff called for discussion and questions from the members of the Board. Board member Woods asked for clarification on the requirement for an east-west connection to the adjacent parcels and Dave Green stated only one connection each direction is required. Board member Bass asked what will take place if the variance request is denied. Dave Green responded the applicant will have to return with a plat depicting the right-of-way for the connection to be build according to County requirements for residential road standards.

President Tunncliff called for presentation by the applicant.

### **Scott Aspenlieder, Performance Engineering, 7100 Commercial Avenue, Billings, Montana**

Mr. Aspenlieder stated the applicant is happy to provide connectivity to the west for pedestrian access but reluctant to provide vehicular connectivity, especially to the east. There is disagreement with the safety aspect as there is not a lot of reason to add asphalt to the cul-de-sac roads. Their larger concern is Parcel 3 to the east, which is a 20-acre Agricultural-Open parcel. The new owner is building a single-family house and maintaining pasture land. They feel a connection to a property intended for agricultural-open uses will provide no benefit to the community at large.

President Tunncliff commented on the reasoning for an access and the intent of development. Board member Woods asked regarding an easement for a connection to the west. Staff explained that an RSID would have to be considered for improvements. It was noted that by nature, the east parcel differs from the west parcel; and the western parcel is under consideration for denser development. Director Friday explained the mechanism for developing the road. Board member Goodrich suggested creation of an easement similar to a frontage road on the two southern lots. Scott Aspenlieder responded that this may be a consideration from a developer's standpoint but he would advise against it as it may create traffic issues. Mr. Aspenlieder spoke to the proposed density in the area in the future.

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**8c. Plat Review. Discussion. The Nines Subdivision, an 89-lot County Subdivision, generally located on 64th Street West. PC Coleman LLC, owner, Bryan Alexander, Sanderson Stewart, agent. Dave Green, Planner II, presenting. Public Hearing on January 23, 2018.**

### **INTRODUCTION**

On December 1, 2017, the Planning Division received an application for preliminary major plat approval for The Nines Subdivision. The proposed plat creates 88 lots for residential development. The subject property is generally located at 1245 South 64th Street West, which is north of Hesper Road and the Elder Grove School. The property is outside of zoning. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, January 23, 2018. The Board of County Commissioners will act on the proposal on February 13, 2018.

**VARIANCE REQUEST:** The applicant is asking for a variance from the requirements of YCSR. The applicant is requesting a variance from YCSR Section 4.6 B 8, Street Continuity, also from Section 4.6.B., 15 Street/Road Names and Lot Addresses. These regulations require developers to continue a street name when one of the proposed new streets lines up with an existing street.

### **RECOMMENDATION**

Staff recommends the Planning Board recommend the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of The Nines Subdivision and adopt the Findings of Fact as presented in the staff report. Staff is recommending denial of the requested variance.

### **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 the applicant will create new RSID's for maintenance of roads for this subdivision and will provide for the RSID(s) to be expanded with each phase.
2. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will expand the RSID-M for the dry hydrant system in DeWitt Subdivision to include all of Phase I within this subdivision.
3. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will create an RSID-M for the dry hydrant system that will be built in Phase II. This RSID-M will be for both Phase II and III.

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4. To provide for adequate maintenance of privately maintained lands and systems within the subdivision and to minimize the effects on local services, prior to final plat approval the applicant will submit HOA documents that within them specifically outline the homeowners’ responsibility to maintain the community wells, community septic systems, irrigation infrastructure and private parks within the subdivision.
5. To minimize the effects on local service, prior to final plat approval the applicant will coordinate with the USPS for locating and provided the correct amount of space for safely delivering the mail to the residents.
6. To minimize the effects on the local environment, prior to final plat approval the applicant is required to obtain a weed management plan and a property inspection shall be done by the County Weed Department.
7. To provide needed private utility infrastructure, prior to final plat approval the applicant will coordinate with the private utility providers to determine needed utility easements and show them on the final plat.
8. 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.
9. 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.

Dave Green explained the reasoning for the recommendation of denial of the variance request:

- Both the City and County have road-naming standards calling for continuation of road names across subdivisions, staff believes the proposed subdivision “The Nines” should name proposed Crooked Stick Lane the same as the street it aligns with on the west side of S 64th St W, O’Donnell Lane. **Yellowstone County Subdivision Regulations Section 4.6.B., 8 Street Continuity**, states “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.
- **County Subdivision Regulations Section 4.6.B., 15 Street/Road Names and Lot Addresses** states “New streets/roads aligned with existing streets/roads shall have the same name as the existing street/road. All new street names and lot addresses 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.

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- **Yellowstone County Road Naming Standards. Section A**, states “To reduce confusion, no two roads shall be given the same primary name, and road names should apply throughout the entire length. When roads extend from one subdivision to the next, existing road names should be extended.”

### **Discussion**

President Tunnickliff called for discussion and questions from the members of the Board. Board member Woods asked if sidewalks will be constructed in this subdivision. Dave Green responded the SIA states sidewalks will be provided on the primary streets on one side or the other of the streets.

President Tunnickliff called for presentation by the applicant.

### **Bryan Alexander, Sanderson Stewart, 1500 N. Transtech Way, Billings, Montana**

Mr. Alexander stated there a total of nine private parks which will include community wastewater systems; and a variety of home sights including patio homes and single family homes. They are working on the process to allow the irrigation infrastructure to use irrigation water from the Big Ditch. However, they may use the proposed domestic water system for irrigation as well. Sidewalks will be provided on the inner loop of roadways to provide east to west pedestrian connectivity. As for the variance request, the applicant would like to avoid through traffic on the private road, O'Donnell Lane.

Board member Woods asked regarding a future connection to the City water system. Mr. Alexander stated they are contemplating a 4" water system as the City Services are quite a distance away. Board member Woods voiced concern with this setup as it the 4" water system will be inadequate and may be costly for future connections to the City's system. Board member Bass asked about the naming of the lower road and Mr. Alexander stated it will be identified as “Amen Corner Lane”. Board member Saldivar asked if a public boulevard walkway will be provided for every lot. Mr. Alexander said they will only be provided through the west core of the subdivision in order to maximize pedestrian connectivity. President Tunnickliff asked how they plan to transport and distribute irrigation water throughout the lots. Mr. Alexander said water would be obtained from the Big Ditch through a closed conduit system and channeled to separate non potable water systems with a booster pump at each lot. A screening and filtering system at the head gate and individual filters at service connection for each lot will mitigate weed issues. Homeowners Association will be formed and will be responsible for maintenance of the water system, community water system, and irrigation system.

**8d. Plat Review/Discussion. Southview Sanctuary Estates Major Subdivision. A 10-lot major subdivision generally located south of Kautzman Road east of 56th Street West. 2K enterprises LLC, owner. EEC, Inc. Engineer/Surveyor. Planning Division Manager Monica Plecker presenting. Public Hearing on January 23, 2018.**

**INTRODUCTION**

On December 1, 2017, the Planning Division received a preliminary plat application for Southview Sanctuary Estates Major Subdivision, being Tract 12B of Amended C/S 974. The proposed plat creates 10 lots for residential development. The subject property is generally located south of Kautzman Rd., east of 56th Street West. A portion of the property is zoned for residential use only as a part of Special Zoning District #20. Access will be provided by the construction of Southview Sanctuary Estates Drive, a paved public road connecting to 56th Street West and Elk River Road. A 30,000-gallon dry hydrant will be constructed and installed as a part of this development. The Yellowstone County Board of Planning will review the plat at this meeting and conduct a public hearing on Tuesday, January 23, 2018. The Board of County Commissioners will act on the proposal on February 13, 2018.

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Southview Sanctuary Estates, C/S 974, Tract 12 B, 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 the natural environment, prior to final plat approval the applicant will obtain approval from the MDEQ for the proposed wells, septic systems and storm water management from the MDEQ and meet the requirements of Yellowstone County Storm Water Management.
2. To minimize effects on local services prior to final plat approval, the applicant will create new RSID's for maintenance of roads for this subdivision.
3. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will expand the RSID-M for the dry hydrant system in Curly

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Willow Subdivision to include the subdivision in its entirety and pay in full the proportional reimbursement.

4. To provide for maintenance within the private parks and to minimize the effects on local services, prior to final plat approval, the applicant will submit HOA documents that within them specifically outline homeowners' responsibility to maintain the parks within the subdivision.

5. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS for locating and provided the correct amount of space for safely delivering the mail to the residents.

6. To provide needed private utility infrastructure prior to final plat approval, the applicant will coordinate with the private utility providers to determine needed utility easements and show them on the final plat.

7. 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.

8. 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 Tunnicliff called for discussion and questions from the members of the Board. In response to question by Board member Woods, Ms. Plecker stated sidewalks will not be provided in this subdivision as it is located in an unzoned area and they are not required.

President Tunnicliff called for presentation by the applicant.

### **Tyler Kerns, EEC, 720 Lohwest Lane, Billings, Montana**

Mr. Kerns concurred with Ms. Plecker's statement and pointed out there are no sidewalks on South 56<sup>th</sup> Street West or on Elk River Road. There were no further questions.

## **9. OTHER BUSINESS**

**9a. Resignation. Francisco Saldivar, BOCC Planning Board District 7.** Planning Board President Darell Tunnicliff recognized Board member Saldivar and presented him with a certificate of service in appreciation of his work as a valued member of the

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Planning Board. Francisco has accepted a new position and will be moving out of state. The Commissioner’s office will legally advertise this position as open for applications.

### **Nomination Committee Recommendation for 2018 planning Board Officers.**

The Nominating Committee’s recommendation is for Darell Tunncliff to serve another term as Planning Board President and Francisco Saldivar to hold the office of Planning Board Vice President for the 2018 term.

**For the office of President:** The Nomination Committee’s recommendation is for Darell Tunncliff to serve as President for the 2018 term. There were no further nominations from the floor. The nominations are closed.

**Motion was made by Board member Woods and seconded by Board member Cook to elect Darell Tunncliff to serve as Planning Board President for the 2018 term. The motion carried with a unanimous voice vote.**

**For the office of Vice President:** The Nomination Committee’s recommendation is for Francisco Saldivar to serve as Vice President for the 2018 term. **Motion was made by Board member Cook and seconded by Board member Goodrich to nominate Board member Woody Woods to serve as Planning Board President. The motion carried with a unanimous voice vote.** The nominations are closed.

**Motion by Board member Boucher and seconded by Board member Saldivar to elect Board member Woody Woods to serve as Planning Board Vice President for the 2018 term. The motion carried with a unanimous voice vote.**

Director Friday pointed out the Board vacancies in City Ward V, BOCC Planning District 3, BOCC Planning District 4, BOCC Planning District 6 and the Yellowstone County Conservation District. Staff will work on a community outreach and Board members are encouraged to reach out to interested citizens.

## **10. OTHER BUSINESS/ANNOUNCEMENTS**

**Standing Item. Long Range Strategic Issues and an overview of future City and County issues and projects.**

- **Transportation Project Update:** Director Friday said Transportation Staff will present updates to the Board on the “Complete Streets” Progress Report and the results of the “Travel Demand Survey” at the next meeting.

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- **Project Recode:** Ms. Plecker said the four working groups will be meeting on Wednesdays during the month of January. to review the City and County Zoning Regulations. Board member Woods asked about the process to review the jurisdictional boundary and Ms. Plecker stated this topic will be discussed as a part of the Project Recode working group and the County Growth Policy Update.
- **Subdivision Review Process:** Board member Goodrich brought forward concerns expressed by two Engineering firms who have been feeling discouraged with the paperwork process in subdivision review. Director Friday and Division Manager Plecker said they are aware and have worked to strengthen communications and clarify the review process. Director Friday acknowledge a separate area of concern related to noticing of meetings and the notification radius. Staff agreed to an agenda item to present the current subdivision review process to the Planning Board at a future meeting and also consider providing a training session with new engineering firms and developers.

**ADJOURNMENT:** 7:45 p.m.

DRAFT-To be approved by a motion on January 23, 2018.

**Planning Board Meeting 2 (4th Tuesday)**

**Meeting Date:** 01/23/2018

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**Information**

**Subject**

**Staff Presentation. Update/Discussion. Household Travel Survey.** Lora Mattox, Transportation Planner

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**Attachments**

2017 Billings-Yellowstone County Household travel survey

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The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The main title is centered in a large, bold, black sans-serif font.

# 2017 BILLINGS-YELLOWSTONE COUNTY HOUSEHOLD TRAVEL SURVEY

CITY/COUNTY PLANNING BOARD

JANUARY 23, 2018

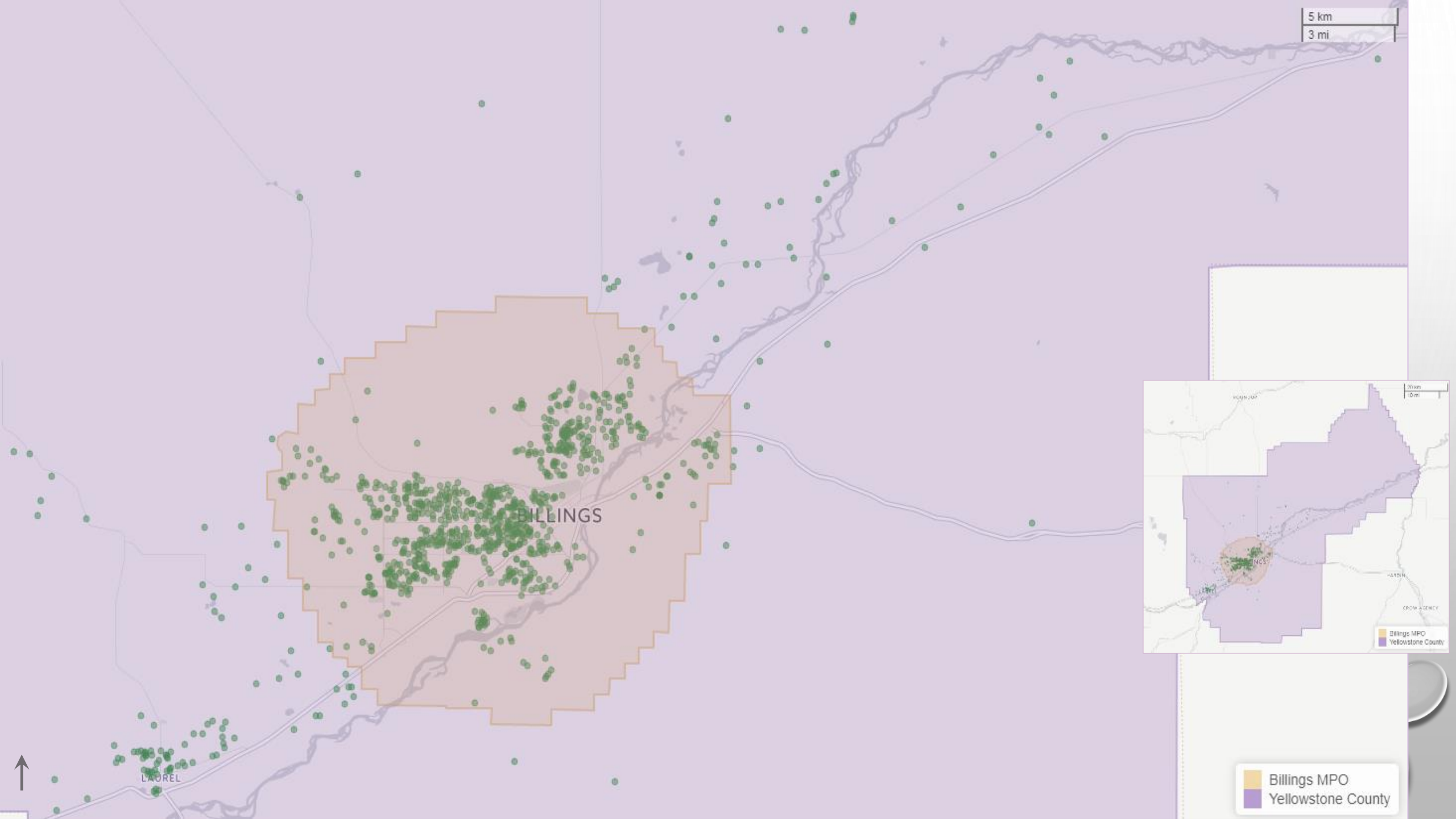
# EXECUTIVE SUMMARY

- JOINT BETWEEN BILLINGS MPO AND MDT (\$140,000 PROJECT TOTAL)
- INVITED 20,000 HOUSEHOLDS TO PARTICIPATE
- GOAL – 1100 COMPLETED SURVEYS – REACHED 1,066
- SURVEY TIME (TRAVEL DATES) – MAY 2-JUNE 8, 2017
  - SCHOOL IN SESSION, NOT SUMMER BREAK
  - TUESDAY – THURSDAY

# SELECTED CHARACTERISTICS

- A TYPICAL SURVEYED HOUSEHOLD IN THE REGION MAKES 7.9 TRIPS A DAY AND A TYPICAL PERSON MAKES 3.6 TRIPS PER DAY.
  - AFTER APPLYING WEIGHTS, THE AVERAGE NUMBER OF HOUSEHOLD TRIPS RISES TO 8.0 PER DAY AND THE AVERAGE PERSON TRIP RATE FALLS TO 3.43
- THE MAJORITY OF TRIPS MADE (89.7 PERCENT) IN THE REGION ARE AS THE DRIVER OR PASSENGER OF AN AUTOMOBILE, VAN OR TRUCK
- NON-MOTORIZED TRIPS (BY BIKE OR WALKING) ACCOUNT FOR 6.9 PERCENT OF THE TOTAL
- TRIPS MADE USING A PRIVATE VEHICLE TAKE 15.6 MINUTES AND COVERED 5.7 MILES ON AVERAGE COMPARED TO TRANSIT TRIPS WHICH TAKE 23.4 MINUTES AND COVERED 2.8 MILES.
- WORK TRIPS TAKE AN AVERAGE OF 16 MINUTES IN THE REGION
- THE AVERAGE DISTANCE TRAVELED WAS 5.3 MILES
- WORK TRIPS ACCOUNT FOR 13.7 PERCENT OF ALL TRIPS MADE IN THE REGION
- TRIPS NOT CATEGORIZED AS WORK, SCHOOL, SHOPPING, OR RECREATIONAL ACCOUNT FOR 22.5 PERCENT OF ALL TRIPS MADE (THESE INCLUDE ESCORTING MINORS, AND NON-MANDATORY ERRANDS AND MAINTENANCE ACTIVITIES).

5 km  
3 mi

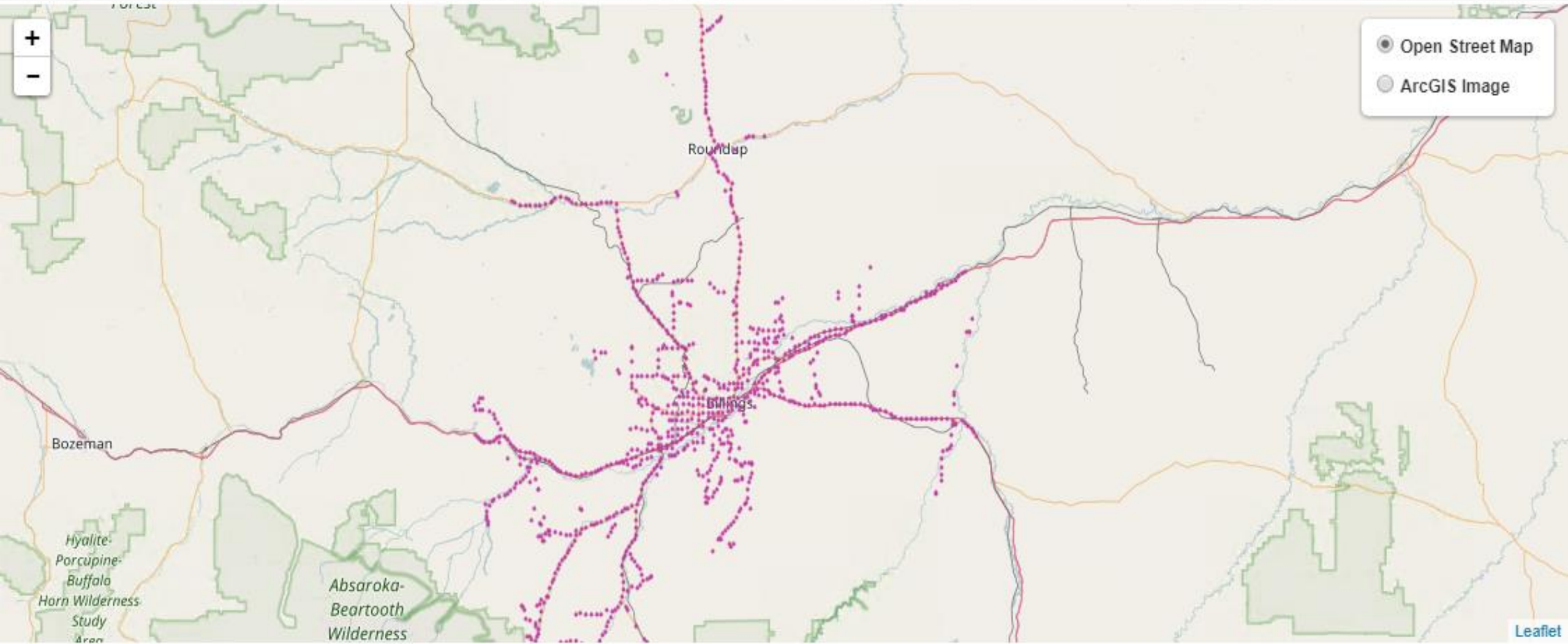


BILLINGS

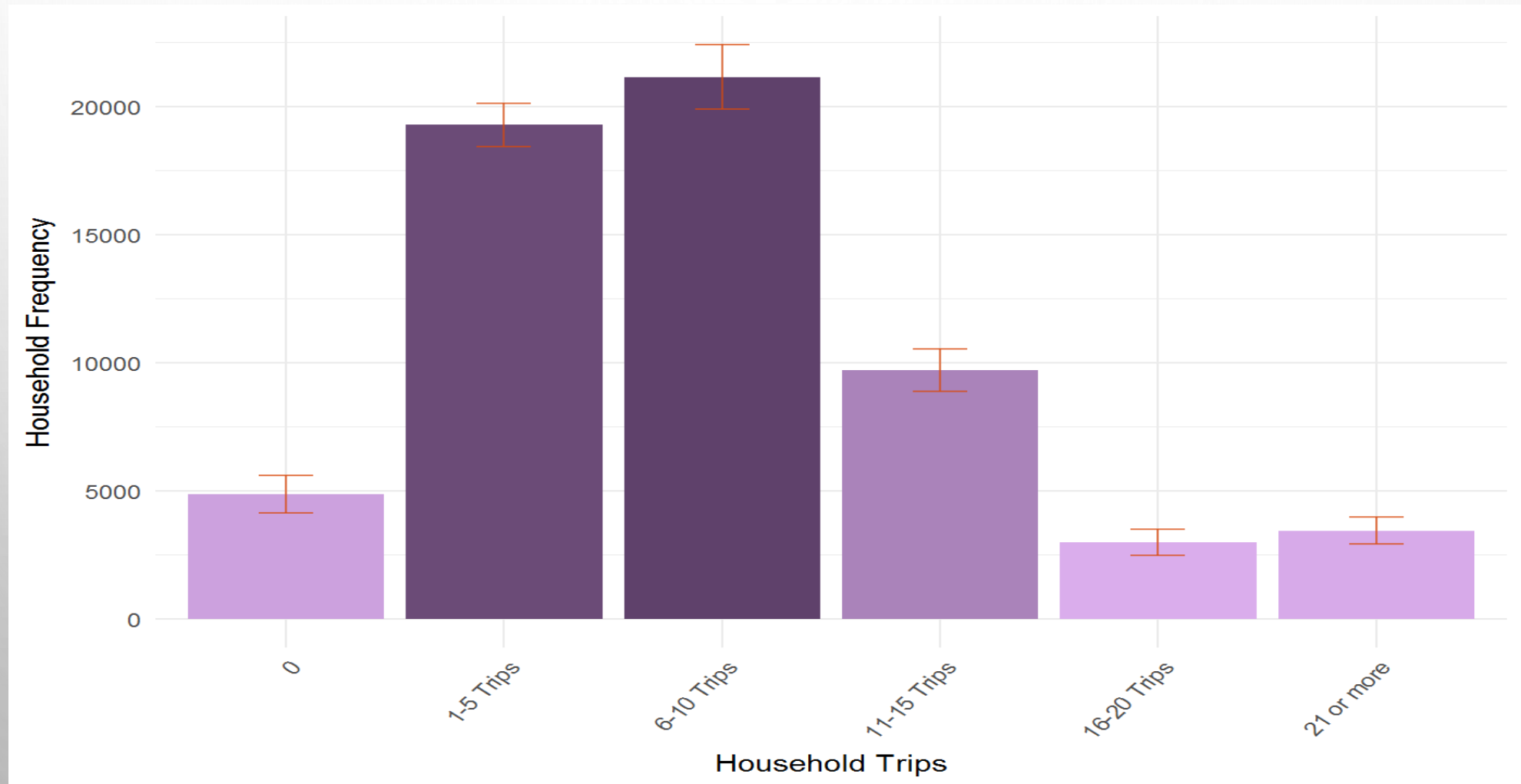
LAUREL

Billings MPO  
Yellowstone County

# CAPTURED GPS POINTS



# VOLUME OF HOUSEHOLD TRIPS



# MODE SHARE

<b>Mode</b>	<b>Weighted</b>	<b>Surveyed</b>
Not Ascertained	0.21% *	0.26% *
Walk	5.36%	4.54%
Bicycle	1.57%	1.26%
Motorcycle / moped	0.17% *	0.24% *
Auto / van / truck (as the driver)	71.96%	74.13%
Auto / van / truck (as the passenger)	17.78%	17.22%
Carpool / vanpool	0.48%	0.45%
School bus	1.03%	0.98%
MET Public transit - local bus	1.03%	0.45%
Private bus or shuttle	0.05% *	0.05% *
Airplane	0.04% *	0.02% *
Something Else	0.3%	0.41%

# TRIP DURATION

<b>Mode</b>	<b>Weighted</b>	<b>Std. Error</b>	<b>Surveyed</b>
Not Ascertained	61.73 *	47.09 *	73.27 *
Walk	11.98	0.91	12.05
Bicycle	41.07	25.32	30.44
Motorcycle / moped	16.99 *	12.81 *	19.5 *
Auto / van / truck (as the driver)	15.64	0.8	15.63
Auto / van / truck (as the passenger)	17.41	2.92	16.65
Carpool / vanpool	18.75	4.67	17.5
School bus	19.72	2.77	21.27
MET Public transit - local bus	23.4	6.42	24.55
Private bus or shuttle	47.62 *	38.64 *	40.5 *
Airplane	64 *	0 *	64 *
Something Else	55.82	29.56	45.34

# AVERAGE TRIP DISTANCE

<b>Mode</b>	<b>Weighted</b>	<b>Std. Error</b>	<b>Surveyed</b>
Not Ascertained	4.71 *	1.52 *	5.36 *
Walk	0.48	0.07	0.54
Bicycle	1.83	0.27	1.74
Motorcycle / moped	4.92 *	8.46 *	5.57 *
Auto / van / truck (as the driver)	5.71	0.34	5.7
Auto / van / truck (as the passenger)	4.57	0.47	4.74
Carpool / vanpool	10.31	4.7	9.08
School bus	2.73	0.4	2.84
MET Public transit - local bus	2.79	0.97	3.86
Private bus or shuttle	9.86 *	7.23 *	8.45 *
Airplane	213.86 *	0 *	213.86 *
Something Else	13.33	8.14	15.57

	Strongly Disagree		Disagree		Undecided		Agree		Strongly Agree	
	Weighted	Surveyed	Weighted	Surveyed	Weighted	Surveyed	Weighted	Surveyed	Weighted	Surveyed
Billings roadways are congested at morning and evening rush hours.	0.99% *	0.84% *	9.52%	9.19%	5.09%	5.25%	58.31%	59.76%	25.94%	24.86%
Congestion is when I am surrounded by vehicles on the road, but all the vehicles are still traveling at a reasonable speed.	6.36%	5.82%	46.31%	47.28%	9.67%	8.82%	33.94%	34.71%	3.72%	3.38%
Congestion is when I have to drive below the speed limit because of other vehicles around me.	1.42% *	1.22% *	11.66%	12.1%	7.42%	7.41%	57.13%	59.29%	22.36%	19.98%
Congestion is when I have to sit through more than one cycle at a traffic light.	0.77% *	0.75% *	4.35%	4.5%	3.89% *	2.63% *	41.53%	42.78%	49.21%	49.16%
Given that current transportation needs are greater than the amount of money available to address them, I support paying more taxes or fees for transportation system improvements.	10.56%	10.13%	14.97%	16.7%	31.46%	31.14%	34.75%	34.62%	8.26%	7.41%
It should be a high priority to add and improve public transit (bus) services in the Billings area	5.34%	4.97%	17.1%	17.64%	27.71%	29.46%	29.65%	31.33%	20.09%	16.51%

	Strongly Disagree		Disagree		Undecided		Agree		Strongly Agree	
	Weighted	Surveyed	Weighted	Surveyed	Weighted	Surveyed	Weighted	Surveyed	Weighted	Surveyed
It should be a high priority to add and improve bicycle facilities, like bicycle lanes, trails/paths, and racks	11.48%	11.63%	17.2%	18.2%	19.92%	19.98%	28.77%	30.02%	22.53%	20.08%
It should be a high priority to add and improve pedestrian facilities, like sidewalks, trails/paths, and crosswalks	4.16%	4.22%	11.03%	11.73%	15.48%	15.85%	40.99%	43.06%	28.24%	25.05%
It should be a high priority to add and improve roadways for vehicles	1.38% *	1.03% *	4.35%	4.13%	9.48%	9.1%	51.98%	55.07%	32.71%	30.58%

If I knew I would encounter N minutes of congestion on my way to or from work, I would choose an alternate route. (CONGCHOICE)

	Weighted	Std. Error	Surveyed
Less than 3 minutes	2,204.78	448.33	35
5 minutes	11,797.04	1,300.66	210
10 minutes	22,399.34	1,091.76	395
15 minutes	15,023.33	833.60	255
20 minutes	5,115.30	611.93	89
More than 20 minutes	3,861.13	683.20	65
Other: _____	1041.08 *	375.73 *	17 *

If taxes or fees were raised to improve transportation in the Billings area, what would you want to see the additional revenues used for? (Select all that apply) (TAXES)

	Weighted	Std. Error	Surveyed
Maintain our existing transportation corridors, including streets, roads, sidewalks, bike lanes, and crosswalks	44256.51	1098.42	783
Build new transportation corridors	21547.34	1160.2	384
Widen existing transportation corridors	27607.47	1019.83	505
Improve public transit (bus)	15188.84	1136.55	255
Improve bicycle facilities, such as trails/paths and lanes	14213.07	1235.3	234
Improve pedestrian facilities, such as sidewalks and crosswalks	16795.51	1100.51	258
Improve safety and reduce crashes	27498.82	1265.34	485

How comfortable are you, if at all, travelling through roundabouts in the Billings area, whether you are driving, walking, or biking? (ROUNDABOUTFEEL)

	Weighted	Std. Error	Surveyed
I dont know	56.12 *	57.6 *	1 *
I prefer not to answer	63.46 *	481 *	3 *
Very comfortable	29898.43	1400.36	515
Somewhat comfortable	15034.67	1294.99	268
Neither comfortable nor uncomfortable	3965.43	642.61	68
Somewhat uncomfortable	5260.43	701.65	91
Very uncomfortable	5540.94	731.71	89

Which type of intersection in the Billings area do you generally think is easier to get through, whether you are driving, walking, or biking? (INTERSECTION)

	Weighted	Std. Error	Surveyed
I dont know	56.12 *	57.6 *	1 *
I prefer not to answer	63.46 *	481 *	3 *
Intersection with a roundabout	20819.88	1306.02	369
Intersection with stop signs (4-way stop or 2-way stop)	4370.92	544.02	87
Intersection with a traffic light (stop light)	32332.67	1713.69	542
Uncontrolled intersections (no stop signs, traffic lights, or roundabouts)	2176.43	504.91	33

How many days did you ride a bicycle in the last 30 days? (BIKETRIPS)

	Weighted	Std. Error	Surveyed
I dont know	369.65 *	150.75 *	8 *
I prefer not to answer	235.6 *	472.87 *	6 *
0	47595.1	975.52	825
1	2982.2	502.56	46
2	1659.46	349.29	30
3	1047.54 *	280.61 *	17 *
4	918.92 *	351.1 *	13 *
5	1854.06	349.48	32
6	353.94 *	160.07 *	6 *
7	175.2 *	101.39 *	3 *
8	228.75 *	128.87 *	4 *
9	75.76 *	60.26 *	2 *
10	753.46 *	226.71 *	15 *
12	282.42 *	160.18 *	4 *
13	25.11 *	25.35 *	1 *
15	326.93 *	163.5 *	6 *
18	31.94 *	32.09 *	1 *
20	569.78 *	202.68 *	10 *
25	195.33 *	99.35 *	4 *
28	120.58 *	84.66 *	2 *
30	38.98 *	39.39 *	1 *

---

What was the primary reason for you to ride a bicycle over the last 30 days? (BIKEREASON)

	Weighted	Std. Error	Surveyed
I dont know	493.73 *	231.76 *	7 *
I prefer not to answer	302.02 *	483.88 *	6 *
Commuting to work or school	1592.41 *	367.77 *	27 *
Recreation	4755.28	721.75	80
Exercise/for my health	4138.12	635.66	77
Personal errands (to the store, post office, and so on)	1346.88 *	401.09 *	20 *
Required for my job	165.57 *	118.5 *	2 *
Didnt bicycle	47046.71	982.18	817

---

When you ride a bicycle, is it mostly on... (BIKETERRAIN)

	Weighted	Std. Error	Surveyed
I dont know	123.84 *	76.44 *	3 *
I prefer not to answer	224.08 *	451.19 *	5 *
Bike lanes on paved roads	4900.26	754.58	83
Shoulders of paved roads	4065.67	484.96	77
Paved roads, not on shoulders or lined bike lanes (riding in the same lane as cars or other vehicles)	3359.14	705.61	62
Bike paths, walking paths, or trails (defined as paths where cars are not allowed to drive)	6102.29	644.15	107
Unpaved roads (for example dirt, gravel, sand)	1173.01 *	310.5 *	21 *
Sidewalks	4027.68	709.72	51
Didnt bicycle	35864.75	979.68	627
Other	0 *	0 *	0 *

---

What keeps you, if anything, from riding a bicycle more often? Select all that apply.

(NOBIKEWHY)

---

	Weighted	Std. Error	Surveyed
Personal health or disability	7726.26	875.88	127
Lack of safe / comfortable bicycle facilities	8722.79	949.4	149
Weather	12147.35	1196.36	215
Safety while biking next to / with cars	13448.48	1059.1	227
Safety while biking through intersections	8248.43	843.74	139
Work schedule, family obligations	10967.07	1266.65	181
Distance to destination is too far	10833.01	867.48	189
Needing to carry bulky items	8238.25	879.71	145
Not interested in bicycling	11492.37	983	216
Nothing keeps me from riding more often	2448.03	478.28	48
No bicycle available	16175.36	971.41	269

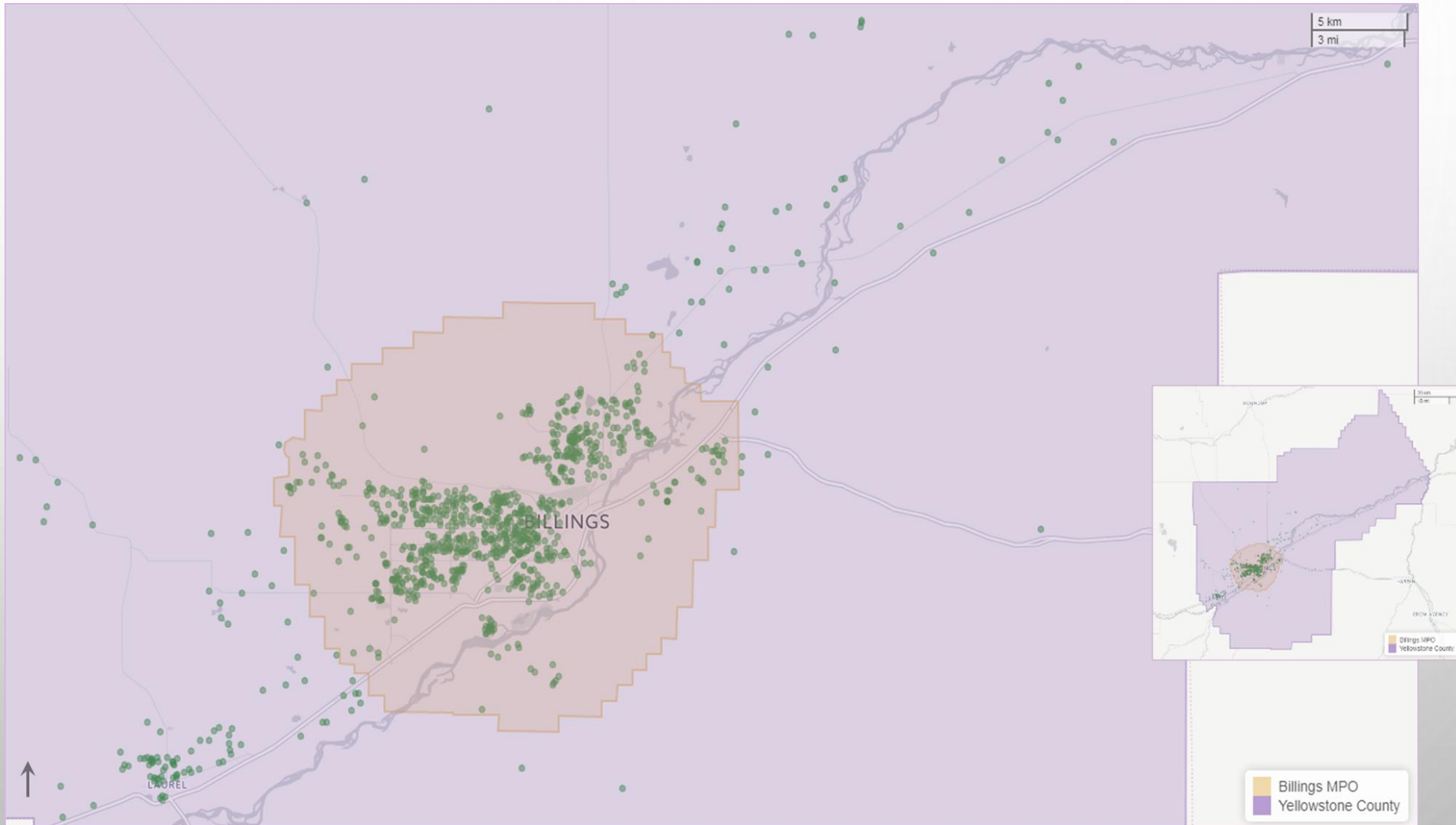
How many of the last 30 days did you use public transit? (TRANSTRIPS)

	Weighted	Std. Error	Surveyed
I dont know	288.75 *	133.88 *	5 *
I prefer not to answer	137.72 *	470.67 *	5 *
0	56623.86	706.87	995
1	250.54 *	113.05 *	5 *
2	721.53 *	372.53 *	7 *
3	58.78 *	60.03 *	1 *
4	50.94 *	51.65 *	1 *
5	142.5 *	83.89 *	3 *
6	273.56 *	204.73 *	3 *
8	70.32 *	79.22 *	1 *
9	298.65 *	318.26 *	1 *
12	330.41 *	305.84 *	2 *
15	360.57 *	232.22 *	4 *
18	42.42 *	42.87 *	1 *
26	168.92 *	181.82 *	1 *

What keeps you, if anything, from using public transit more often? Select all that apply. (NOPUBTRANSWHY)

	Weighted	Std. Error	Surveyed
I dont know	0 *	0 *	0 *
I prefer not to answer	0 *	0 *	0 *
Bus doesnt go where I need it to go	15628.45	1274.29	264
Bus doesnt run when I need it to	12730.88	1008.83	214
Work schedule, family obligations	12267.51	1156.56	213
Personal health or disability	2688.56	636.31	34
Weather	955.67 *	289.19 *	17 *
Safety	1463.56 *	398.36 *	20 *
Distance to bus stop is too far	7741.29	1592.47	138
Needing to carry bulky items	4903.96	672.9	81
Nothing keeps me from using public transit more often	18563.79	1708.84	317
Other, specify:	0 *	0 *	0 *

# QUESTIONS



**Planning Board Meeting 2 (4th Tuesday)**

**Meeting Date:** 01/23/2018

---

**Information**

**Subject**

**Presentation/Public Hearing. Motion/Recommendation to PCC.** 2017-2021 Transportation Improvement Plan, (TIP), Amendment I. Scott Walker, Transportation Coordinator, presenting.

---

**Attachments**

2017\_2021 TIP Amd 1\_DRAFT

---

# **BILLINGS URBAN AREA**

## **TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

**-DRAFT-**



**FY 2017-2021**  
**Amendment 1-February 20, 2018**

**\*\*This document is funded in part through grants from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation. The contents of this document do not necessarily reflect the official views or policy of the U.S. Department of Transportation.**

**Prepared by:**

Yellowstone County Board of Planning  
Billings Metropolitan Planning Organization

**In Cooperation with:**

City of Billings  
Yellowstone County  
Yellowstone County Board of Planning  
Montana Department of Transportation  
Federal Highway Administration  
Federal Transit Administration

	<b>FY 2017-2021</b>	<b>FY 2017-2021 Amd 1</b>
<b>Reviewed By:</b>	<b>Approval</b>	<b>Approval</b>
Technical Advisory Committee	03/02/2017	12/14/2017
Yellowstone County Board of Planning	03/28/2017	01/23/2018
Billings City Council	04/10/2017	02/12/2018
Yellowstone County Commissioners	03/21/2017	02/05/2018
<b>Approved By:</b>		
Billings Policy Coordinating Committee	04/25/2017	02/20/2018
Montana Department of Transportation	05/26/2017	
Federal Highway Administration	05/18/2017	
Federal Transit Administration	05/18/2017	

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**METROPOLITAN TRANSPORTATION PLANNING PROCESS  
SELF-CERTIFICATION**

The Billings Metropolitan Planning Organization for the Billings, Montana, urbanized area hereby certifies that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- I. 49 U.S.C. Section 5303 and 23 U.S.C. 134 and CFR 450.334;
- II. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C 2000d-1 ) and 49 CFR, Part 21;
- III. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded projects (49 CFR part 26);
- IV. The provision of the Americans With Disabilities Act of 1990 (42U.S.C. 12101 *et seq.*) and the U. S. DOT implementing regulation (49 CFR Parts 27, 37 and 38);
- V. The provisions of 49 CFR part 20 regarding restrictions on influencing certain activities; and
- VI. Sections 174 and 176(c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504, 7506(c) and (d)), 40 CFR, part 93.
- VII. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity.
- VIII. 23 CFR, part 230, regarding the implementation of an equal employment opportunity on Federal & Federal-aid highway construction contracts.
- IX. The Older Americans Act as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in program or projects receiving Federal financial assistance.
- X. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender.
- XI. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR, part 27 regarding discrimination against individuals with disabilities.

**Billings, Montana**

**Metropolitan Planning Organization**

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**Darell Tunnicliff, President, Yellowstone County Planning Board**

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**Date**

## **INTRODUCTION**

### **PREFACE**

The Yellowstone County Board of Planning (YCBP) is the metropolitan planning organization (MPO) for the Billings metropolitan planning area. The Transportation Improvement Program (TIP) is the funding mechanism for transportation projects requesting federal dollars in the Billings urbanized area. All MPO's are required by the current Federal Highway Bill SAFETEA LU to produce a TIP and update it at least every four years. SAFETEA LU was signed into law by President Bush in 2005, and extended by President Obama through June 2012. The act and extensions authorized highway, highway safety, transit, and other surface transportation programs.

On July 6, 2012 Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) was signed into law. The law provides federal program funding through the end of Federal Fiscal Year 2014 and brings program structure changes that will be fully addressed in future long range transportation plans and TIPs. The Fixing America's Surface Transportation Act (FAST Act) was signed into law on December 4, 2015, and authorizes federal transportation funding for federal fiscal years 2016 through 2020. This document contains a list of all surface transportation projects requesting the use of federal funds. Local jurisdictions working through the Billings MPO's Policy Coordinating Committee (PCC) determine how the area's transportation system is developed and expanded.

### **PURPOSE OF THE TIP**

The TIP is a short-range program of highway and transit projects in the Billings metropolitan planning area and is prepared by YCBP staff in cooperation with state and local agencies. The basic purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicating regional priorities, and demonstrating a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the planning area that are exempt from the TIP approval process such as projects that do not utilize federal funds.

### **THE TIP PROCESS**

The development of the TIP document is the responsibility of the Billings MPO and provides an opportunity for local officials to determine priorities and spending for federal highway and transit funds. Any transportation project located in the Billings metropolitan planning area must be included in the TIP prior to receiving federal funds. TIP projects must be included in the area's 20 year Transportation Plan, and are proposed for the TIP by local elected officials, transit operating officials, or state highway agencies. The TIP is reviewed and endorsed annually by the Billings MPO's PCC and may be modified through the TIP amendment process. The PCC includes a Billings City Council representative, the Chair of the Yellowstone County Commission, the President of the Yellowstone County Board of Planning and the District Administrator of the Montana Department of Transportation. After PCC endorsement, the TIP is submitted to the Montana Department of Transportation (MDT) and to the Federal Highway Administration and Federal Transit Administration for federal review of the document and approval of conformity and fiscal constraint determination.

## **FEDERAL REGULATIONS**

The Transportation Improvement Program (TIP) is a required planning program for federally assisted highway and transit improvements for the Billings metropolitan planning area and the Montana Department of Transportation (MDT) over a five-year period. The principal focus is given to the first two years of the program, the Biennial Element, which contains projects that could be implemented between October 1, 2016 – September 30, 2018 (FFY 2017 & 2018).

The TIP is prepared annually and is in conformance with 23 CFR, Part 450 324-330.

**FINANCIAL RESOURCES**

A range of federal funding sources is available to the Billings planning area for the purposes of funding transportation system improvements. Following is a list of those sources which, when available to the Billings area, are shown in the Transportation Improvement Program. Project implementation is indicated as expected to occur during the pertinent program year. Billings has had a favorable history of receiving federal earmarks as reflected in the table below.

BILLINGS FEDERAL EARMARK HISTORY –2017 through 2021

<b>Project</b>	<b>Earmark</b>
<b>Billings Bypass</b>	<b>\$22,445,600</b>
<b>Zimmerman Trail</b>	<b>\$ 6,242,553</b>

**FUNDING SOURCES**

- Surface Transportation Program Urban (STPU)
- Surface Transportation Program Primary (STPP)
- National Highway System (NHS)
- Interstate Maintenance (IM)
- Highway-Railway Crossing Program (RRX)
- Highway Safety Improvement Program (HSIP)
- Bridge Replacement and Rehabilitation Program (HBRRP)
- Urban Pavement Preservation (UPP)
- Transportation Alternatives Program (TAP)
- State Funded Construction (SFC)
- Congestion Mitigation Air Quality (CMAQ)
- Montana Air Congestion Initiative (MACI)
- FTA Section 5339 (Formerly Sec. 3)
- FTA Section 5307 (Formerly Sec. 9)
- FTA Section 5310 (Formerly Sec. 16)
- Congressionally Directed Funds (MT, NCPD, DEMO)

**AIR QUALITY CONSISTENCY**

Billings was designated as a non-attainment area for both Total Suspended Particulates (TSP) and Carbon Monoxide (CO) on March 3, 1978, (Federal Register, Vol. 44, No. 150, page 45421, August 2, 1979). As such, Billings was required to prepare a Transportation Control Plan (TCP). The TCP identified strategies to mitigate the TSP and CO problems. The TCP is the Billings element of Montana's State Implementation Plan (SIP). The TIP is required to be, and is, consistent with the TCP as discussed in the Billings conformity statement.

In 1987 the standard for TSP was dropped, and a new standard for particulate matter under 10 microns in size (PM - 10) was adopted (7/1/87 at 52 FR 24854). The Environmental Protection Agency (EPA), has also adopted the PM 2.5 standard and Billings is considered to be in compliance with both of these new standards.

### **CONFORMITY OF THE BILLINGS AREA TRANSPORTATION IMPROVEMENT PROGRAM WITH THE 1990 CLEAN AIR ACT**

A portion of the Billings Urbanized Area, (Billings), was designated non-attainment for carbon monoxide (CO) on 3/3/78 (43 FR 8962) with a secondary classification of "unclassified". EPA approved the Billings CO Control Plan on 1/16/86 (51 FR 2397). Billings was then re-designated as "Not Classified" on 11/6/91 (56 FR 56697). The area meets the qualifications of the Clean Air Act (CAA) for classification as an attainment area for ozone.

The Billings "not classified" carbon monoxide (CO) nonattainment area was re-designated by the Environmental Protection Agency (EPA) to attainment for the CO National Ambient Air Quality Standards (NAAQS) with an approved limited maintenance plan effective April 22, 2002. Under a CO limited maintenance plan, the motor vehicle emissions budgeted may be treated as essentially non-constraining for the length of the maintenance period because growth would need to exceed reasonable expectations to create a violation of the NAAQS for transportation-related CO. Therefore conformity demonstration using regional emissions analysis is not required; however, individual projects may still be required to conduct "hot spot" analysis.

As demonstrated in the following sections, the Transportation Improvement Program (TIP) satisfactorily meets the requirements established by the 1990 amendments to the CAA regarding the conformity of TIP's.

- The most recent estimates of CO mobile source emissions have been developed by the Analytical Services Section, Montana Department of Environmental Quality and are based upon development and transportation data provided by the Yellowstone County Board of Planning.
- EPA has approved the second 10-year carbon monoxide (CO) maintenance plan for the Billings area. This second 10-year CO maintenance plan meets the requirements of CAA section 175A(b) and is also a Limited Maintenance Plan (as was the maintenance plan with the original 2002 EPA approval.) The second 10-year CO maintenance plan continues to correctly reflect the Limited Maintenance Plan transportation conformity requirements. The EPA-approved Billings second 10-year CO maintenance plan is available at the Planning office.

### **TRANSPORTATION CONTROL MEASURES**

Specific Transportation Control Measures have not been proposed for Billings recently, however, the SIP completed in 1986 included the widening of Exposition Drive (Main Street) and the signalization at Main Street and First Avenue North. Both of these projects were completed in 1983.

There are no Transportation Control Measures (TCM's) in the State Implementation Plan (SIP) and therefore there are no specific TCM's recommended for implementation in this TIP.

**TIP CONFORMITY**

As a prerequisite for receiving Federal-aid transportation funds through the TIP, a determination must be made that the proposed transportation projects do not cause or contribute to violations of the carbon monoxide ambient air quality standards. An analysis, which meets the EPA conformity determination regulations specified in 40 CFR Part 51 was performed in conjunction with the development of the Billings Urban Area 2014 Long Range Transportation Plan. The plan was found to conform at the federal level November 10, 2014. The analysis appears in Section 4, pages 4-24 through 4-27 of the Plan document and is titled "Air Quality/Conformity". As the transportation projects in the TIP are contained in the Transportation Plan's analysis, a separate analysis for the TIP is not necessary.

There are no new regionally significant projects in this 2017-2021 Billings Urban Area TIP.

40 CFR part 93, subpart A - §93.126 Highway and Transit projects included in subpart A are exempt from the requirement to determine conformity. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A project will not be exempt if the MPO in consultation with other agencies, the EPA, FHWA, or FTA concur that it has potentially adverse emissions impacts for any reason.

**REGIONALLY SIGNIFICANT PROJECTS**

**(Table 1): REGIONALLY SIGNIFICANT PROJECTS**

Project	Scope	Comments
Billings Bypass (aka North Bypass)	Location/Environmental	New Construction

**ENERGY CONSERVATION CONSIDERATIONS**

Energy impact analyses have been conducted as a part of the urban transportation planning process. In addition, increased attention has been given to energy conservation and contingency planning on a project specific basis.

As part of the 2014 update of the Billings Urban Area Transportation Plan, energy conservation was considered in each of the proposed alternative transportation networks.

The City of Billings has a well-developed transit system, and ride-sharing opportunities have been examined. Transit facilities and highway system proposals will continue to be considered in a comprehensive method through the adopted Transportation Planning process.

The detailed energy conservation analysis of specific projects has been conducted for each of the major highway construction projects recommended in the 2009 update of the Billings Urban Area Transportation Plan.

**PROGRAMMING OF NON-URBAN SYSTEM,  
FEDERAL AID AND STATE FUNDING**

Proposed projects involving federal-aid funding, other than urban system funding, that are proposed within existing rights-of-way and which are determined to not significantly change traffic patterns, may not be considered to be of appropriate scale to warrant a modification to a currently valid TIP.

When there is knowledge of such projects prior to the annual adoption of the TIP, each project will be included in the program. Generally, projects falling within this category are those which serve to preserve and maintain the integrity of the existing plant or facility such as: overlays to improve or maintain surface conditions; bridge expansion joints and deck repairs necessary to maintain structural and surface sufficiency; slope repair necessary to maintain drainage adequacy; etc. Projects of this nature will be identified by MDT with appropriate justification when requesting program approval of federal highway funds. Local urban area officials will be advised by the Department through the local planning process of the Department's intent to expend federal funds (non-urban system) for such improvements in their area.

(Table 2) -TRANSPORTATION REVENUE ESTIMATES (2017-2021)

BILLINGS, MONTANA																	
YEAR	SURFACE TRANS PROGRAM (STP) (URBAN)*	CMAQ LOCAL	MONTANA AIR CONGESTION INITIATIVE (MACI)*	EARMARKS (MT/NCPD/ DEMO)	TRANSPORTATION ALTERNATIVES (TA)	NATIONAL HWY SYSTEM (NHS) INTERSTATE MAINTENANCE (IM)	STATE HSIP UPP RRP MDT-MACI BR BH STPX	GAS TAX		TRANSIT SEC 5307		TRANSIT SEC 5310	TRANSIT SEC TRANSAD/5311	TRANSIT SEC 5339	OTHER FUNDS (LOCAL)	TOTAL	
<b>CARRYFORWARD</b>	\$ 12,025,043	\$ 2,030,257	\$ -	\$ 4,330,809													<b>\$ 18,386,109</b>
2017								CITY	\$ 1,766,830	OPER.	\$ 1,751,140		\$ 265,000		OPER.	\$ 2,484,104	<b>\$ 6,267,074</b>
	\$ 2,489,770	\$ 1,539,717	\$ 2,243,869		\$ 1,319,061	\$ 17,423,976	\$ 6,699,513	COUNTY	\$ 300,443	CAP		\$ 160,000		\$ 420,000	CAP	\$ 145,000	<b>\$ 32,741,349</b>
2018								CITY	\$ 1,766,830	OPER.	\$ 1,760,812		\$ 70,000		OPER.	\$ 2,484,104	<b>\$ 6,081,746</b>
	\$ 2,489,770	\$ 1,539,717	\$ 750,000		\$ 700,000	\$ 11,186,690	\$ 7,199,875	COUNTY	\$ 300,443	CAP		\$ 160,000		\$ 420,000	CAP	\$ 145,000	<b>\$ 24,891,495</b>
2019								CITY	\$ 1,766,830	OPER.	\$ 1,796,028		\$ 70,000		OPER.	\$ 2,484,104	<b>\$ 6,116,962</b>
	\$ 2,489,770	\$ 1,539,717	\$ 5,356,770		\$ 700,000	\$ 11,152,893	\$ 6,699,513	COUNTY	\$ 300,443	CAP		\$ 160,000		\$ 420,000	CAP	\$ 145,000	<b>\$ 28,964,106</b>
2020								CITY	\$ 1,766,830	OPER.	\$ 1,831,948		\$ 70,000		OPER.	\$ 2,484,104	<b>\$ 6,152,882</b>
	\$ 2,489,770	\$ 1,539,717	\$ 750,000		\$ 700,000	\$ 39,234,085	\$ 7,318,664	COUNTY	\$ 300,443	CAP		\$ 160,000		\$ 420,000	CAP	\$ 145,000	<b>\$ 53,057,679</b>
2021								CITY	\$ 1,766,830	OPER.	\$ 1,868,586		\$ 70,000		OPER.	\$ 2,484,104	<b>\$ 6,189,520</b>
	\$ 2,489,770	\$ 1,539,717	\$ 1,521,000		\$ 700,000	\$ 81,388,104	\$ 30,172,800	COUNTY	\$ 300,443	CAP		\$ 160,000		\$ 420,000	CAP	\$ 145,000	<b>\$ 118,836,834</b>
<b>TOTAL</b>	<b>\$ 24,473,893</b>	<b>\$ 9,728,842</b>	<b>\$ 10,621,639</b>	<b>\$ 4,330,809</b>	<b>\$ 4,119,061</b>	<b>\$ 160,385,748</b>	<b>\$ 58,090,365</b>		<b>\$ 10,336,365</b>		<b>\$ 9,008,514</b>	<b>\$ 800,000</b>	<b>\$ 545,000</b>	<b>\$ 2,100,000</b>		<b>\$ 13,145,520</b>	<b>\$ 307,685,756</b>

Given current funding uncertainties and unknown impacts of future congressional or other Federal actions, Federal funding available may affect the programming of projects.

\*Includes Non-Federal Match

TABLE 3(a) - TRANSPORTATION PRIORITY LIST BILLINGS, MONTANA				
PROJECT	TYPE OF WORK	PHASE	ESTIMATED COST	FUNDING SOURCE
<b>SURFACE TRANSPORTATION PROGRAM-URBAN (STPU)</b>				
BILLINGS BYPASS - FIVE MILE ROAD	New Construction	CN	\$4,469,283	STPU
		TOTAL	\$4,469,283	
BILLINGS BYPASS - YELLOWSTONE RIVER	New Construction	CN	\$11,364,209	STPU
		TOTAL	\$11,364,209	
BILLINGS BYPASS - FIVE MILE RD TO US 87	New Construction	CN	\$3,796,681	STPU
		TOTAL	\$3,796,681	
<b>CONGESTION MITIGATION AIR QUALITY (CMAQ) Local Match</b>				
BILLINGS BYPASS - YELLOWSTONE RIVER	New Construction	CN	\$5,000,000	CMAQ
		TOTAL	\$5,000,000	
BILLINGS BYPASS - FIVE MILE RD TO US 87	New Construction	CN	\$2,500,000	CMAQ
		TOTAL	\$2,500,000	
<b>MONTANA AIR CONGESTION INITIATIVE (MACI) State Match</b>				
27th St-1ST AVE S to AIRPORT	Signal Optimization	CN	\$4,503,600	MACI
		TOTAL	\$4,503,600	
UNDERPASS AVE IMPROVEMENTS	Study	OT	\$472,172	MACI
	Intersection Improvements	PE	\$1,167,609	MACI
		RW	\$51,585	MACI
		IC	\$51,585	MACI
		CN	\$771,000	MACI
		TOTAL	\$2,513,951	
AIRPORT RD & MAIN ST - BLGS	Study	OT	\$286,332	MACI
		TOTAL	\$286,332	
BILLINGS SIGNAL UPGRADES	Signal Optimization	OT	\$320,869	MACI
		TOTAL	\$320,869	
LOCKWOOD SIGNALS - BILLINGS	Signal Optimization	OT	\$18,948	MACI
		TOTAL	\$18,948	
DOWNTOWN STATE SIGNALS BLGS	Signals	PE	\$250,000	MACI
		CN	\$6,272,824	MACI
		TOTAL	\$6,522,824	
1ST AVE SOUTH - ADA(BLGS)	Signals	PE	\$300,911	MACI
		CN	\$2,774,138	MACI
		TOTAL	\$3,075,049	
ZOO DRIVE SIGNALS - BILLINGS	Signals	OT	\$50,000	MACI
		TOTAL	\$50,000	
STATE AVENUE SIGNALS - BILLINGS	Signals	OT	\$45,395	MACI
		TOTAL	\$45,395	
JOHNSON LANE SIGNALS - BILLINGS	Signals	OT	\$12,970	MACI
		TOTAL	\$12,970	
MAIN STREET SIGNALS - BILLINGS	Signals	OT	\$217,895	MACI
		TOTAL	\$217,895	
MDT-MACI	Statewide CMAQ - Various	PE/OTHER	\$1,000,000	MACI
		TOTAL	\$1,000,000	
MDT-MACI	Statewide CMAQ - ADA Compliance	PE/OTHER	\$1,750,000	MACI
		TOTAL	\$1,750,000	
<b>EARMARKS/DISCRETIONARY GRANTS</b>				
ZIMMERMAN TRAIL	Rockfall Mitigation	CN	\$988,521	MT
		TOTAL	\$988,521	
ZIMMERMAN TRAIL	Roadway Improvements	PE	\$1,263,180	MT
		CN	\$4,958,454	MT
		TOTAL	\$6,221,634	
BILLINGS BYPASS	New Construction	OT/ENV	\$4,689,600	NCPD
		PE	\$9,909,000	MT/NCPD
		RW	\$7,847,000	MT
		TOTAL	\$22,445,600	
<b>INTERSTATE MAINTENANCE (IM)</b>				
VARIOUS PROJECTS	Pavement Preservation	PE/CN	Per Project	IM

TABLE 3(b)-TRANSPORTATION PRIORITY LIST					
BILLINGS, MONTANA					
PINEHILLS INTCH-PRYOR CR INTCH (only portion in MPO area)	Pavement Preservation	PE	\$30,307		IM
		CN	\$857,250		IM
		TOTAL	\$887,557		
I-90 Yellowstone River-Billings	Replace Bridges	IC	\$386,894		IM
		RW	\$386,894		IM
		CN	\$11,105,000		IM
		TOTAL	\$11,878,788		
Mossmain Intch - West Blgs Intch	Mill Fill	PE	\$102,908		IM
		CN	\$11,570,000		IM
		TOTAL	\$11,672,908		
W Blgs Intch- Pinehills Intch	Mill Fill	PE	\$102,908		IM
		CN	\$7,054,400		IM
		TOTAL	\$7,157,308		
<b>NATIONAL HIGHWAY SYSTEM - (NH)</b>					
MDT PREVENTIVE MAINTENANCE	Pavement Preservation	ALL	Per Project		NH
BILLINGS - NW	Pavement Preservation	PE	\$88,960		NH
		CN	\$4,946,400		NH
		TOTAL	\$5,035,360		
MAIN ST - BILLINGS	Pavement Preservation	PE	\$551,170		NH
		CN	\$5,355,985		NH
		TOTAL	\$5,907,155		
AIRPORT RD - ZIMMERMAN TRAIL	Pavement Preservation	PE	\$75,690		NH
		CN	\$9,595,000		NH
		TOTAL	\$9,670,690		
27th St-1ST AVE S to Airport	Pavement Preservation	PE	\$2,150,000		NH
		RW	\$850,000		NH
		IC	\$126,712		NH
		CN	\$7,661,595		NH
		TOTAL	\$10,788,307		
BILLINGS BYPASS	New Construction	PE	\$2,000,000		NH
		IC	\$3,188,004		
		TOTAL	\$5,188,004		
EXPOSITION DR & 1ST AVE N BLGS	Intersection Improvement	OT/PE	\$376,989		NH
		CN	\$1,257,185		NH
		TOTAL	\$1,634,174		
MT3-ZIMMERMAN TR INTR SCT IMPRV	Intersection Improvement	PE	\$970,847		NH
		RW	\$94,032		NH
		IC	\$62,688		NH
		CN	\$1,503,080		NH
		TOTAL	\$2,630,647		
1st AVENUE NORTH - BILLINGS	Major Rehabilitation	PE	\$1,416,872		NH
		RW	\$64,605		NH
		IC	\$64,605		NH
		CN	\$13,010,100		NH
		TOTAL	\$14,556,182		
UNDERPASS AVE IMPROVEMENTS	Intersection Improvements	CN	\$6,100,000		NH
		TOTAL	\$6,100,000		
AIRPORT RD & MAIN ST - BLGS	Intersection Improvements	PE	\$600,000		NH
		RW	\$64,482		NH
		IC	\$161,206		NH
		CN	\$9,712,500		NH
		TOTAL	\$10,538,188		
BILLINGS BYPASS - YELLOWSTONE RIVER	New Construction	CN	\$31,378,100		NH
		TOTAL	\$31,378,100		
BILLINGS BYPASS - FIVE MILE RD TO US 87	New Construction	CN	\$9,733,319		NH
		TOTAL	\$9,733,319		
<b>NATIONAL HIGHWAY FREIGHT PROGRAM (NHFP)</b>					
I-90 Yellowstone River - Billings	Replace Bridges	CN	\$32,880,300		NHFP
		TOTAL	\$32,880,300		
<b>BRIDGE (BH, BR)</b>					
2012 Scour Mitigation (Yellowstone River (Dick Johnson Bridge))	Mitigation	PE	\$79,000		BH
		CN	\$520,000		STPB
		TOTAL	\$599,000		
I-90 Yellowstone River-Billings	Replace Bridges	PE	\$6,500,000		BR
		CN	\$27,400,000		BR
		TOTAL	\$33,900,000		

TABLE 3(c)-TRANSPORTATION PRIORITY LIST				
BILLINGS, MONTANA				
BILLINGS BYPASS - YELLOWSTONE RIVER	New Construction	CN	\$5,000,000	BR
		TOTAL	\$5,000,000	
<b>SURFACE TRANSPORTATION PROGRAM-URBAN PAVEMENT PRESERVATION (UPP)</b>				
6TH AVE N- 27TH TO 32ND (BLGS)	Pavement Preservation	PE	\$91,914	UPP
		IC	\$19,175	UPP
		CN	\$692,060	UPP
		TOTAL	\$803,149	
DIVISION STREET - BILLINGS	Pavement Preservation	PE	\$73,257	UPP
		IC	\$28,480	UPP
		CN	\$806,801	UPP
		TOTAL	\$908,538	
SOUTH FRONTAGE ROAD - BILLINGS	Pavement Preservation	PE	\$65,000	UPP
		CN	\$602,819	UPP
		TOTAL	\$667,819	
KING AVE E - BILLINGS	Pavement Preservation	PE	\$26,000	UPP
		CN	\$71,342	UPP
		TOTAL	\$97,342	
GRAND - 24TH TO ZIMMERMAN	Pavement Preservation	PE	\$77,850	UPP
		CN	\$1,272,800	UPP
		TOTAL	\$1,350,650	UPP
HARDIN ROAD - BILLINGS	Pavement Preservation	PE	\$26,000	UPP
		CN	\$214,500	UPP
		TOTAL	\$240,500	UPP
SHILOH ROAD - BILLINGS	Pavement Preservation	PE	\$45,500	UPP
		CN	\$134,200	UPP
		TOTAL	\$179,700	UPP
BLUE CREEK ROAD - BILLINGS	Pavement Preservation	PE	\$77,900	UPP
		CN	\$803,000	UPP
		TOTAL	\$880,900	UPP
BILLINGS BLVD - BILLINGS	Pavement Preservation	PE	\$26,000	UPP
		CN	\$28,600	UPP
		TOTAL	\$54,600	UPP
VARIOUS PROJECTS 2017-2021	Pavement Preservation	PE/CN	\$2,500,000	UPP
			\$2,500,000	
<b>SURFACE TRANSPORTATION PROGRAM - OTHER</b>				
27th STREET RR CROSSING	Railroad Crossing Study	OT	\$300,000	STPX
		TOTAL	\$300,000	
SF 169 RIMROCK & 62ND ST W	Intersection Improvement Study	OT	\$130,000	STPX
		TOTAL	\$130,000	
<b>HIGHWAY SAFETY (HSIP)</b>				
SF 129-RNDABOUT KING 56TH	Roundabout	PE	\$705,817	HSIP
		RW	\$165,000	HSIP
		IC	\$308,984	HSIP
		CN	\$3,066,400	HSIP
		TOTAL	\$4,246,201	
SF 139-RNDABOUT CENTRAL/56TH	Roundabout	PE	\$914,891	HSIP
		RW	\$230,000	HSIP
		IC	\$126,988	HSIP
		CN	\$2,159,737	HSIP
		TOTAL	\$3,431,616	
SF 139 13TH/PARKHILL SIGNAL	Signal	PE	\$65,780	HSIP
		CN	\$235,488	HSIP
		TOTAL	\$301,268	
MT3-ZIMMERMAN TR INTR SCT IMPRV	Intersection Improvement	CN	\$1,928,411	HSIP
		TOTAL	\$1,928,411	
SF-149 HILLCREST RIGHT TURN LN.	Intersection Improvement	PE	\$30,098	HSIP
		CN	\$300,975	HSIP
		TOTAL	\$331,073	
SF 129 BILLINGS HORIZONTAL CURVE SIGNAGE	Signage	PE/CN	\$1,126,611	HSIP
		TOTAL	\$1,126,611	
SF 169 FRNTG RD WISE LN INTX	Intersection Improvement	PE	\$15,800	HSIP
		CN	\$82,000	HSIP
		TOTAL	\$97,800	

**TABLE 3(d)-TRANSPORTATION PRIORITY LIST  
BILLINGS, MONTANA**

SF 169 BLGS AREA SAFETY IMPRV	Signage	PE	\$21,300	HSIP
		CN	\$73,143	HSIP
		<b>TOTAL</b>	<b>\$21,300</b>	
SF 169 I90 W KING AVE LIGHTING	Roadway Lighting	PE	\$44,800	HSIP
		CN	\$298,664	HSIP
		<b>TOTAL</b>	<b>\$343,464</b>	
SF 169 BLGS DISTRICT SFTY IMPRV (only portion within MPO)	Signage	PE	\$3,500	HSIP
		CN	\$8,800	HSIP
		<b>TOTAL</b>	<b>\$12,300</b>	
SF 149 - KING INTCH SFTY IMPRV	Safety	PE	\$32,776	HSIP
		CN	\$10,707	HSIP
		<b>TOTAL</b>	<b>\$43,483</b>	
VARIOUS SAFETY PROJECTS	Safety	ALL	\$4,500,000	HSIP
			\$4,500,000	
<b>OTHER FUNDING</b>				
ANNUAL OPERATION AND MAINTENANCE	Various Projects	OTHER	\$225,000	LOCAL
MDT-MACI	Equipment Purchase	OTHER	\$220,562	CMAQ/LOCAL
TRANSPORTATION ALTERNATIVES PROGRAM	Various Projects	OTHER	Per Project	TA
STATE FUNDED MAINTENANCE	Various Projects	OTHER	\$1,746,000	STATE
		<b>TOTAL</b>	<b>\$2,191,562</b>	
CN Estimates Include CE Costs				

## ADVANCEMENT OF PROJECTS

It is mutually agreed that the first two years of this program is the best estimate of the project phase that will be undertaken during the Biennial timeframe. Occasionally, projects advance through the design process faster than anticipated. An approved project may accelerate into the next logical phase providing that the funding source does not change from that, which was initially identified in the TIP. Federal, State, and local governments have agreed that a TIP revision is not required in order to accelerate a specific project phase, so long as other planned work is not unduly delayed. The priorities with regard to the FTA Section 5307 projects in the Biennial Element are: 1) Operating Assistance.

- The priorities with regard to the FTA Section 5310 projects in the Biennial Element are: 1) Replacement vehicles for MET Special Transit.
- The priorities with regard to the FTA Section 5339 projects are: 1) Assistance for bus/bus facilities

## PRIVATE ENTERPRISE PARTICIPATION

Both the City of Billings and Yellowstone County have locally developed policies and procedures to examine opportunities for private sector participation in the provision of transit services and related support services. The City of Billings adopted resolution 86-15346 which states said policy and provides a process for implementation. The Council approved that resolution on July 7, 1986. Further, a Private Transportation Enterprise Participation Policy (PEP) and implementing procedures were adopted by the MPO's Technical Advisory Committee on April 24, 1986; by the Policy Coordinating Committee on May 8, 1986; and by the Yellowstone County Planning Board on May 13, 1986.

The City's MET Transit Department has examined various opportunities for private sector provision of services. The Department utilizes private tire firms to handle parts of servicing of the tire inventory. The Department also contracts with various private firms for radiator repair, air compressor rebuilds, as well as glass, bodywork on the vehicles, and occasional component rebuilds.

The required TIP documentation related to the PEP process is as follows:

- a) The City of Billings MET Transit System solicited the possible interest or involvement of the private sector in providing leased tires for the MET Transit fleet of coaches. In the spring of 1993, 1996, 2001, 2006 and 2011, and 2016 a Request for Bids was sent to potentially interested private vendors and was also advertised in a local newspaper and a national transit journal. Bids are evaluated based on cost and ability to perform. Three firms requested bid packages. The current contract for the tire lease is in effect through August 31, 2017 with four additional one-year renewal options.
- b) No other proposals were received from the private sector.
- c) There are no known impediments to holding service out for competition.
- d) There are no known private sector complaints.

The Yellowstone County-City of Billings Planning Division has and will continue to follow its adopted policy and procedures regarding private sector participation. The mailing list of private providers has been updated and used to provide notice about TAC and PCC meetings, including those that deal with the Unified Planning Work Program, (UPWP), projects and process as well as the TIP process. Through these mailings the private providers are aware of the development of the proposed transit capital and operating projects as well as the proposed paratransit capital projects for the five years covered in the TIP.

## **FEDERAL TRANSIT ADMINISTRATION PROJECTS**

The Federal Transit Act funded projects, including FTA Section 5339 grant projects, (Biennial Element) are intended to insure the continued efficient operation, maintenance and administration of the MET Transit system fleet and facilities, including meeting federal regulations such as the Americans with Disabilities Act (ADA). The operating grants are for the fiscal years of July 1, 2016 to June 30, 2018 and the Section 5339 grant projects will permit Bus and Bus Facilities projects in Fiscal Years 2017-2018 through 2019-2020.

The vehicle purchases for MET Special Transit are projects to enable the City to continue providing the required specialized demand-responsive paratransit service for citizens who are unable to use the MET Transit System due to their disabling conditions. The projects to purchase vehicles for other entities will address some of the transportation needs of developmentally impaired or disabled residents.

<b>(Table 4) -TRANSPORTATION PROJECT PRIORITY LIST BILLINGS, MONTANA</b>	
<b>SECTION/PROJECT</b>	<b>PROJECT ESTIMATE</b>
<b>FTA SECTION 5307 (INCLUDES LOCAL FUNDS)</b>	
OPERATING PROJECT (7-1-2016 TO 6-30-2017)	4,235,244
OPERATING PROJECT (7-1-2017 TO 6-30-2018)	4,244,916
OPERATING PROJECT (7-1-2018 TO 6-30-2019)	4,280,132
OPERATING PROJECT (7-1-2019 TO 6-30-2020)	4,316,052
OPERATING PROJECT (7-1-2020 TO 6-30-2021)	4,352,690
<b>TOTAL</b>	<b>\$21,429,034</b>
<b>FTA SECTION 5310(INCLUDES LOCAL FUNDS)</b>	
REPLACEMENT VEHICLES-TRANSIT (FY2017)	192,000
REPLACEMENT VEHICLES-TRANSIT (FY2018)	192,000
REPLACEMENT VEHICLES-TRANSIT (FY2019)	192,000
REPLACEMENT VEHICLES-TRANSIT (FY2020)	192,000
REPLACEMENT VEHICLES-TRANSIT (FY2021)	192,000
* DEPENDENT ON FUNDING AND APPLICATION APPROVALS BY MDT	
<b>*TOTAL</b>	<b>\$960,000</b>
<b>FTA SECTION 5311* #Funds transferred to 5307</b>	
OPERATING PROJECT (2017)	390,000
OPERATING PROJECT (2018)	0
OPERATING PROJECT (2019)	0
<b>FTA SECTION 5339 (INCLUDES LOCAL FUNDS)</b>	
CAPITAL PROJECTS 2017	525,000
CAPITAL PROJECTS 2018	525,000
CAPITAL PROJECTS 2019	525,000
CAPITAL PROJECTS 2020	525,000
CAPITAL PROJECTS 2021	525,000
<b>TOTAL</b>	<b>\$2,625,000</b>
<b>TRANSADE (STATE FUNDED)</b>	
OPERATING PROJECT (2017)	\$70,000
OPERATING PROJECT (2018)	\$70,000
OPERATING PROJECT (2019)	\$70,000
OPERATING PROJECT (2020)	\$70,000
OPERATING PROJECT (2021)	\$70,000
<b>TOTAL</b>	<b>\$350,000</b>
<b>TOTAL</b>	<b>\$25,754,034</b>

(Table 5) - MULTI-YEAR STAGING PROGRAM						
CALENDAR YEARS 2017-2021						
BILLINGS, MONTANA						
PROJECTS	2017	2018	2019	2020	2021	>2021
BILLINGS BYPASS						
BILLINGS BYPASS						
TRANSPORTATION ALTERNATIVES PROJECTS (VARIOUS)	Per Project -----					
ZIMMERMAN TRAIL						
MT3-ZIMMERMAN TR. INTERSECT. IMPROVE.						
1ST AVENUE NORTH - BILLINGS						
MDT PREVENTIVE MAINTENANCE (NH )	Per Project -----					
MDT PREVENTIVE MAINTENANCE (IM)	Per Project -----					
STP URBAN PAVEMENT PRESERVATION(UPP)	Per Project -----					
ADA COMPLIANCE	Per Project -----					
2012 SCOUR MITIGATION						
I-90 YELLOWSTONE RIVER-BILLINGS						
SF 129-RNDABOUT KING 56TH						
SF 129 BILLINGS HORIZONTAL CURVE SIGNAGE						
SF 139-RNDABOUT CENTRAL/56TH						
SF 139-13TH/PARKHILL SIGNAL						
27TH ST. - 1ST AVE S TO AIRPORT						
PINEHILLS INTCH-PRYOR CR INTCH						
MOSSMAIN INTCH - WEST BLGS INTCH						
WEST BLGS INTCH - PINEHILLS INTCH						
AIRPORT RD-ZIMMERMAN TRAIL						
6TH AVE N-27TH TO 32ND (BLGS)						
DIVISION STREET - BILLINGS						
KING AVE E - BILLINGS						
SOUTH FRONTAGE ROAD - BILLINGS						
SHILOH ROAD - BILLINGS						
BLUE CREEK ROAD - BILLINGS						
BILLINGS BLVD - BILLINGS						
HARDIN ROAD - BILLINGS						
GRAND - 24TH TO ZIMMERMAN (BLGS)						
SF-149 HILLCREST RIGHT TURN LN						
SF-149 KING INTCH SFTY IMPRV						
DOWNTOWN STATE SIGNALS BLGS						
1ST AVE S - ADA (BLGS)						
BILLINGS-NW						
MAIN ST BILLINGS						
EXPOSITION DR & 1ST AVE						
UNDERPASS AVE IMPROVEMENTS						
AIRPORT RD & MAIN ST						
SF 169 RNDABOUT RIMROCK RD & 62ND ST. W						
SF 169 FRNTG RD WISE LN INTX						
SF 169 BLGS AREA SAFETY IMPRV						
SF 169 I90 W KING AVE LIGHTING						
SF 169 BLGS DISTRICT SFTY IMPRV						

	PRELIMINARY ENGINEERING
	RIGHT OF WAY/UTILITIES
	CONSTRUCTION

(Table 6) - HIGHWAY/TRANSIT MULTI-YEAR IMPROVEMENT PROGRAM FISCAL YEAR 2017

BILLINGS, MONTANA																
PROJECT DESCRIPTION	UPN	PHASING	STP URBAN (STPU)	CMAQ LOCAL	MT. AIR CONGESTION INITIATIVE (MACI)	EARMARKS (MT, NCPD, DEMO)	TRANSPORTATION ALTERNATIVES PROGRAM (TA)**	NATIONAL HWY SYSTEM (NHS) INTERSTATE MAINTENANCE (IM) NATIONAL HWY FREIGHT (NHFP)	HSIP UPP BRIDGE STPX	TRANSIT SEC 5307	TRANSIT SEC 5310**	TRANSADA	5311 TRANSFER	TRANSIT SEC 5339**	OTHER FUNDS*	TOTAL
Estimated carryover balance			\$ 12,025,043	\$ 2,030,257		\$ 4,330,809	\$ -									
Estimated allocation			\$ 2,489,770	\$ 1,539,717	\$ -	\$ -	\$ 700,000	\$ 17,423,976	\$ 6,699,513	\$ 1,751,140	\$ 160,000	\$ 70,000		\$ 420,000	\$ 2,629,104	
Estimated beginning balance			\$ 14,514,813	\$ 3,569,974	\$ -	\$ 4,330,809	\$ 700,000				\$ 160,000					
<b>BILLINGS BYPASS</b>	4199	IC						\$ 3,188,004								\$ 3,188,004
MT3-ZIMMERMAN TR INTRSCCT IMPRV	8888	RW/IC						\$ 156,720								\$ 156,720
ADA COMPLIANCE		ALL			\$ 500,000											\$ 500,000
TRAFFIC MITIGATION		ALL			\$ 250,000											\$ 250,000
UNDERPASS AVE IMPROVEMENTS	8669	PE			\$ 1,167,609											\$ 1,167,609
ZOO DRIVE SIGNALS - BILLINGS	9261	OT			\$ 50,000											\$ 50,000
27TH STREET RR CROSSING STUDY	9354	OT							\$ 300,000							\$ 300,000
STATE AVENUE SIGNALS - BILLINGS	9259	OT			\$ 45,395											\$ 45,395
JOHNSON LANE SIGNALS - BILLINGS	9260	OT			\$ 12,970											\$ 12,970
MAIN STREET SIGNALS - BILLINGS	9265	OT			\$ 217,895											\$ 217,895
MDT-PREVENTATIVE MAINTENANCE - IM		ALL						\$ 1,500,000								\$ 1,500,000
MOSSMAIN INTCH - WEST BLGS INTCH	9198	PE						\$ 102,809								\$ 102,809
W BLGS INTCH - PINEHILLS INTCH	9199	PE						\$ 102,809								\$ 102,809
PINEHILLS INTCH-PRYOR CR INTCH (only portion in MPO)	8986	CN						\$ 857,250								\$ 857,250
MDT-PREVENTATIVE MAINTENANCE - NH		ALL						\$ 1,000,000								\$ 1,000,000
BILLINGS - NW	8721	CN						\$ 4,946,400								\$ 4,946,400
27th St-1st Ave S to Airport	7910	IC/RW						\$ 976,712								\$ 976,712
AIRPORT RD - ZIMMERMAN TRAIL	8987	CN						\$ 2,227,383								\$ 2,227,383
EXPOSITION DRIVE & 1ST AVE N.	7908	OT/PE						\$ 376,989								\$ 376,989
MDT-URBAN PVMT PRES (UPP)		ALL							\$ 500,000							\$ 500,000
6TH AVE N- 27TH TO 32ND (BLGS)	9003	IC/CN							\$ 692,060							\$ 692,060
DIVISION STREET - BILLINGS	9004	IC/CN							\$ 835,281							\$ 835,281
TRANSPORTATION ALTERNATIVES-VARIOUS LOCATIONS		ALL					\$ 700,000									\$ 700,000
TA BROADWATER AVE PATH-BILLINGS	8701	IC/CN					\$ 499,061									\$ 499,061
BECAFT LANE SIDEWALK - LOCKWOOD	9158	PE					\$ 120,000									\$ 120,000
1ST AVENUE NORTH - BILLINGS	9022	PE						\$ 1,388,900								\$ 1,388,900
AIRPORT RD & MAIN ST - BLGS	8718	PE						\$ 600,000								\$ 600,000
SAFETY PROJECTS VARIOUS		ALL							\$ 500,000							\$ 500,000
SF 169 RNDABOUT RIMROCK RD & 62ND ST. W	9383	OT							\$ 130,070							\$ 130,070
SF 169 FRNTG RD WISE LN INTX	9384	PE							\$ 15,800							\$ 15,800
SF 169 BLGS AREA SAFETY IMPROV	9420	PE							\$ 21,300							\$ 21,300
SF 169 I90 W KING AVE LIGHTING	9421	PE							\$ 44,800							\$ 44,800
SF 169 BLGS DISTRICT SFTY IMPRV	9423	PE							\$ 3,500							\$ 3,500
SF 129 RNDABOUT KING 56TH	8052	CN							\$ 3,066,400							\$ 3,066,400
SF 139 13TH/PARKHILL SIGNAL	8610	CN							\$ 235,488							\$ 235,488
SF 139-CENTRAL & 56TH RNDABOUT	8611	RW/IC							\$ 354,814							\$ 354,814
TRANSIT OPERATING (7/16-6/17)		Operating								\$ 1,751,140		\$ 70,000	\$ 195,000		\$ 2,484,104	\$ 4,500,244
VEHICLE REPLACEMENTS**		Purchase									\$ 160,000				\$ 40,000	\$ 200,000
BUS & BUS FACILITIES CAPITAL (7/16-6/17)		Capital												\$ 420,000	\$ 105,000	\$ 525,000
Adjustments			\$ (420,017)													\$ (420,017)
<b>TOTAL</b>			\$ (420,017)	\$ -	\$ 2,243,869	\$ -	\$ 1,319,061	\$ 17,423,976	\$ 6,699,513	\$ 1,751,140	\$ 160,000	\$ 70,000	\$ 195,000	\$ 420,000	\$ 2,629,104	\$ 32,491,646

\*Local Match for Transit and Zimmerman Trail \*\*Dependent on Funding & Application Approvals by MDT

(Table 07) - HIGHWAY/TRANSIT MULTI-YEAR IMPROVEMENT PROGRAM FISCAL YEAR 2018

BILLINGS, MONTANA															
PROJECT DESCRIPTION	UPN	PHASING	STP URBAN (STPU)	CMAQ LOCAL	MT. AIR CONGESTION INITIATIVE (MACI)	EARMARKS (MT, NCPD, DEMO)	TRANSPORTATION ALTERNATIVES PROGRAM (TA)**	NATIONAL HWY SYSTEM (NHS) INTERSTATE MAINTENANCE (IM) NATIONAL HWY FREIGHT (NHFP)	HSIP UPP BRIDGE STPX	TRANSIT SEC 5307	TRANSIT SEC 5310**	TRANSADA	TRANSIT SEC 5339**	OTHER FUNDS*	TOTAL
Estimated carryover balance			\$ 14,934,830	\$ 3,569,974		\$ 4,330,809									
Estimated allocation			\$ 2,489,770	\$ 1,539,717	\$ -	\$ -	\$ 700,000	\$ 11,186,690	\$ 7,199,875	\$ 1,760,812	\$ 160,000	\$ 70,000	\$ 420,000	\$ 2,629,104	
Estimated beginning balance			\$ 17,424,600	\$ 5,109,691	\$ -	\$ 4,330,809	\$ 700,000				\$ 160,000				
ZIMMERMAN TRAIL***	6040	CN				\$ 4,958,454									\$ 4,958,454
MT3-ZIMMERMAN TR INTRSTC IMPRV	8888	CN						\$ 1,503,080	\$ 1,928,411						\$ 3,431,491
ADA COMPLIANCE		ALL			\$ 500,000										\$ 500,000
TRAFFIC MITIGATION		ALL			\$ 250,000										\$ 250,000
MDT-PREVENTATIVE MAINTENANCE - IM		ALL						\$ 1,500,000							\$ 1,500,000
W BLGS INTCH - PINEHILLS INTCH	9199	CN						\$ 7,054,400							\$ 7,054,400
MDT-PREVENTATIVE MAINTENANCE - NH		ALL						\$ 1,000,000							\$ 1,000,000
MDT-URBAN PVMT PRES (UPP)		ALL						\$ 500,000							\$ 500,000
KING AVE E - BILLINGS	9505	PE						\$ 26,000							\$ 26,000
SOUTH FRONTAGE ROAD - BILLINGS	9501	PE						\$ 65,000							\$ 65,000
GRAND - 24TH TO ZIMMERMAN (BLGS)	9509	PE						\$ 77,850							\$ 77,850
HARDIN ROAD - BILLINGS	9506	PE						\$ 26,000							\$ 26,000
SHILOH ROAD - BILLINGS	9502	PE						\$ 45,500							\$ 45,500
BLUE CREEK ROAD - BILLINGS	9503	PE						\$ 77,900							\$ 77,900
BILLINGS BLVD - BILLINGS	9504	PE						\$ 26,000							\$ 26,000
TRANSPORTATION ALTERNATIVES-VARIOUS LOCATIONS		ALL					\$ 700,000								\$ 700,000
1ST AVENUE NORTH - BILLINGS	9022	RW/IC						\$ 129,210							\$ 129,210
SAFETY PROJECTS VARIOUS		ALL						\$ 1,000,000							\$ 1,000,000
SF 169 RNDABOUT RIMROCK RD & 62ND ST. W	9383	OT						\$ 130,070							\$ 130,070
SF 139-CENTRAL & 56TH RNDABOUT	8611	CN						\$ 2,159,737							\$ 2,159,737
SF 149 - KING INTCH SFTY IMPRV	8941	CN						\$ 10,707							\$ 10,707
SF 129 BILLINGS HORIZONTAL CURVE SIGNAGE(only portion in	7990	CN						\$ 1,126,700							\$ 1,126,700
TRANSIT OPERATING (7/17-6/18)		Operating								\$ 1,760,812		\$ 70,000		\$ 2,484,104	\$ 4,314,916
VEHICLE REPLACEMENTS**		Purchase									\$ 160,000			\$ 40,000	\$ 200,000
BUS & BUS FACILITIES CAPITAL (7/17-6/18)		Capital											\$ 420,000	\$ 105,000	\$ 525,000
<b>TOTAL</b>			\$ -	\$ -	\$ 750,000	\$ 4,958,454	\$ 700,000	\$ 11,186,690	\$ 7,199,875	\$ 1,760,812	\$ 160,000	\$ 70,000	\$ 420,000	\$ 2,629,104	\$ 29,834,935

\*Local Match  
 \*\*Dependent on Funding & Application Approvals by MDT  
 \*\*\*CN costs includes local match

(Table 08 - HIGHWAY/TRANSIT MULTI-YEAR IMPROVEMENT PROGRAM FISCAL YEAR 2019

BILLINGS, MONTANA															
PROJECT DESCRIPTION	UPN	PHASING	STP URBAN (STPU)	CMAQ LOCAL	MT. AIR CONGESTION INITIATIVE (MACI)	EARMARKS (MT, NCPD, DEMO)	TRANSPORTATION ALTERNATIVES PROGRAM (TA)**	NATIONAL HWY SYSTEM (NHS) INTERSTATE MAINTENANCE (IM) NATIONAL HWY FREIGHT (NHFP)	HSIP UPP RRP BRIDGE STPX	TRANSIT SEC 5307	TRANSIT SEC 5310**	TRANSADA	TRANSIT SEC 5339**	OTHER FUNDS*	TOTAL
Estimated carryover balance			\$ 17,424,600	\$ 5,109,691		\$ (627,645)									
Estimated allocation			\$ 2,489,770	\$ 1,539,717	\$ -	\$ -	\$ 700,000	\$ 11,152,893	\$ 9,565,516	\$ 1,796,028	\$ 160,000	\$ 70,000	\$ 420,000	\$ 2,629,104	
Estimated beginning balance			\$ 19,914,370	\$ 6,649,408	\$ -	\$ (627,645)	\$ 700,000				\$ 160,000				
BILLINGS BYPASS (Five Mile Road)	4199	CN	\$ 4,469,283												\$ 4,469,283
ADA COMPLIANCE		ALL			\$ 500,000										\$ 500,000
TRAFFIC MITIGATION		ALL			\$ 250,000										\$ 250,000
UNDERPASS AVE IMPROVEMENTS	8669	RW/IC			\$ 103,170										\$ 103,170
MDT-PREVENTATIVE MAINTENANCE - IM		ALL						\$ 1,500,000							\$ 1,500,000
MDT-PREVENTATIVE MAINTENANCE - NH		ALL						\$ 1,000,000							\$ 1,000,000
27th St-1st Ave S to Airport	7910	CN			\$ 4,503,600			\$ 7,661,595							\$ 12,165,195
MDT-URBAN PVMT PRES (UPP)		ALL							\$ 500,000						\$ 500,000
KING AVE E - BILLINGS	9505	CN							\$ 71,342						\$ 71,342
SOUTH FRONTAGE ROAD - BILLINGS	9501	CN							\$ 602,819						\$ 602,819
SHILOH ROAD - BILLINGS	9502	CN							\$ 134,200						\$ 134,200
BLUE CREEK ROAD - BILLINGS	9503	CN							\$ 803,000						\$ 803,000
BILLINGS BLVD - BILLINGS	9504	CN							\$ 28,600						\$ 28,600
HARDIN ROAD - BILLINGS	9506	CN							\$ 214,500						\$ 214,500
TRANSPORTATION ALTERNATIVES-VARIOUS LOCATIONS		ALL					\$ 700,000								\$ 700,000
BECRAFT LANE SIDEWALK - LOCKWOOD	9158	CN					\$ 601,500								\$ 601,500
I-90 YELLOWSTONE R-BILLINGS	7972	RW/IC						\$ 765,610							\$ 765,610
AIRPORT RD & MAIN ST - BLGS	8718	RW/IC						\$ 225,688							\$ 225,688
2012 SCOUR MITIGATION	7960	CN							\$ 520,000						\$ 520,000
SAFETY PROJECTS VARIOUS		ALL							\$ 1,000,000						\$ 1,000,000
SF 129 RNDABOUT KING 56TH	8052	CN							\$ 3,066,400						\$ 3,066,400
SF 139-CENTRAL & 56TH RNDABOUT	8611	CN							\$ 2,159,737						\$ 2,159,737
SF-149 HILLCREST RIGHT TURN LN.	8904	CN							\$ 300,975						\$ 300,975
SF 169 FRNTG RD WISE LN INTX	9384	CN							\$ 82,000						\$ 82,000
SF 169 BLGS AREA SAFETY IMPRV	9420	CN							\$ 73,143						\$ 73,143
SF 169 BLGS DISTRICT SFTY IMPRV	9423	CN							\$ 8,800						\$ 8,800
TRANSIT OPERATING (7/18-6/19)		Operating								\$ 1,796,028		\$ 70,000		\$ 2,484,104	\$ 4,350,132
VEHICLE REPLACEMENTS**		Purchase									\$ 160,000			\$ 40,000	\$ 200,000
BUS & BUS FACILITIES CAPITAL (7/18-6/19)		Capital											\$ 420,000	\$ 105,000	\$ 525,000
<b>TOTAL</b>			\$ 4,469,283	\$ -	\$ 5,356,770	\$ -	\$ 1,301,500	\$ 11,152,893	\$ 9,565,516	\$ 1,796,028	\$ 160,000	\$ 70,000	\$ 420,000	\$ 2,629,104	\$ 36,921,094
*Local Match for Transit **Dependent on Funding & Application Approvals by MDT															

(Table 09) - HIGHWAY/TRANSIT MULTI-YEAR IMPROVEMENT PROGRAM FISCAL YEAR 2020

BILLINGS, MONTANA															
PROJECT DESCRIPTION	UPN	PHASING	STP URBAN (STPU)	CMAQ LOCAL	MT. AIR CONGESTION INITIATIVE (MACI)	EARMARKS (MT, NCPD, DEMO)	TRANSPORTATION ALTERNATIVES PROGRAM (TA)**	NATIONAL HWY SYSTEM (NHS) INTERSTATE MAINTENANCE (IM) NATIONAL HWY FREIGHT (NHFP)	HSIP UPP RRP BRIDGE STPX	TRANSIT SEC 5307	TRANSIT SEC 5310**	TRANSADE	TRANSIT SEC 5339**	OTHER FUNDS*	TOTAL
Estimated carryover balance			\$ 15,445,087	\$ 5,109,691		\$ (627,645)									
Estimated allocation			\$ 2,489,770	\$ 1,539,717	\$ -	\$ -	\$ 700,000	\$ 39,234,085	\$ 7,318,664	\$ 1,831,948	\$ 160,000	\$ 70,000	\$ 420,000	\$ 2,629,104	
Estimated beginning balance			\$ 17,934,857	\$ 6,649,408	\$ -	\$ (627,645)	\$ 700,000				\$ 160,000				
<b>BILLINGS BYPASS (Yellowstone River)</b>	4199	CN	\$ 11,364,209	\$ 5,000,000				\$ 31,378,100	\$ 5,000,000						\$ 52,742,309
ADA COMPLIANCE		ALL			\$ 500,000										\$ 500,000
TRAFFIC MITIGATION		ALL			\$ 250,000										\$ 250,000
MDT-PREVENTATIVE MAINTENANCE - IM		ALL						\$ 1,500,000							\$ 1,500,000
MDT-PREVENTATIVE MAINTENANCE - NH		ALL						\$ 1,000,000							\$ 1,000,000
<b>MAIN ST - BILLINGS</b>	8717	CN						\$ 5,355,985							\$ 5,355,985
MDT-URBAN PVMT PRES (UPP)		ALL							\$ 500,000						\$ 500,000
TRANSPORTATION ALTERNATIVES-VARIOUS LOCATIONS		ALL					\$ 700,000								\$ 700,000
SAFETY PROJECTS VARIOUS		ALL							\$ 1,000,000						\$ 1,000,000
<b>SF 169 190 W KING AVE LIGHTING</b>	9421	CN							\$ 298,664						\$ 298,664
2012 SCOUR MITIGATION	7960	CN							\$ 520,000						\$ 520,000
TRANSIT OPERATING (7/19-6/20)		Operating								\$ 1,831,948		\$ 70,000		\$ 2,484,104	\$ 4,386,052
VEHICLE REPLACEMENTS**		Purchase									\$ 160,000			\$ 40,000	\$ 200,000
BUS & BUS FACILITIES CAPITAL (7/19-6/20)		Capital											\$ 420,000	\$ 105,000	\$ 525,000
<b>TOTAL</b>			\$ 11,364,209	\$ 5,000,000	\$ 750,000	\$ -	\$ 700,000	\$ 39,234,085	\$ 7,318,664	\$ 1,831,948	\$ 160,000	\$ 70,000	\$ 420,000	\$ 2,629,104	\$ 69,478,010

\*Local Match for Transit    \*\*Dependent on Funding & Application Approvals by MDT

(Table 10) - HIGHWAY/TRANSIT MULTI-YEAR IMPROVEMENT PROGRAM FISCAL YEAR 2021

BILLINGS, MONTANA															
PROJECT DESCRIPTION	UPN	PHASING	STP URBAN (STPU)	CMAQ LOCAL	MT. AIR CONGESTION INITIATIVE (MACI)	EARMARKS (MT, NCPD, DEMO)	TRANSPORTATION ALTERNATIVES PROGRAM (TA)**	NATIONAL HWY SYSTEM (NHS) INTERSTATE MAINTENANCE (IM) NATIONAL HWY FREIGHT (NHFP)	HSIP UPP RRP BRIDGE STPX	TRANSIT SEC 5307	TRANSIT SEC 5310**	TRANSADA	TRANSIT SEC 5339**	OTHER FUNDS*	TOTAL
Estimated carryover balance			\$ 6,570,648	\$ 5,109,691		\$ (627,645)									
Estimated allocation			\$ 2,489,770	\$ 1,539,717	\$ -	\$ -	\$ 700,000	\$ 81,388,104	\$ 30,172,800	\$ 1,868,586	\$ 160,000	\$ 70,000	\$ 420,000	\$ 2,629,104	
Estimated beginning balance			\$ 9,060,418	\$ 6,649,408	\$ -	\$ (627,645)	\$ 700,000				\$ 160,000				
<b>BILLINGS BYPASS (Five Mile Rd to US 87)</b>	4199	CN	\$ 3,796,681	\$ 1,500,000				\$ 9,733,319							\$ 15,030,000
ADA COMPLIANCE		ALL			\$ 500,000										\$ 500,000
TRAFFIC MITIGATION		ALL			\$ 250,000										\$ 250,000
<b>UNDERPASS AVE IMPROVEMENTS</b>	8669	CN			\$ 771,000			\$ 6,100,000							\$ 6,871,000
MDT-PREVENTATIVE MAINTENANCE - IM		ALL						\$ 1,500,000							\$ 1,500,000
<b>MOSSMAIN INTCH - WEST BLGS INTCH</b>	9198	CN						\$ 11,570,000							\$ 11,570,000
I-90 YELLOWSTONE R - BILLINGS	7972	CN						\$ 27,505,000	\$ 27,400,000						\$ 54,905,000
MDT-PREVENTATIVE MAINTENANCE - NH		ALL						\$ 1,000,000							\$ 1,000,000
<b>EXPOSITION DR &amp; 1st AVE</b>	7908	CN						\$ 1,257,185							\$ 1,257,185
<b>1ST AVENUE NORTH - BILLINGS</b>	9022	CN						\$ 13,010,100							\$ 13,010,100
MDT-URBAN PVMT PRES (UPP)		ALL							\$ 500,000						\$ 500,000
<b>GRAND - 24TH TO ZIMMERMAN (BLGS)</b>	9509	CN							\$ 1,272,800						\$ 1,272,800
TRANSPORTATION ALTERNATIVES-VARIOUS LOCATIONS		ALL					\$ 700,000								\$ 700,000
AIRPORT RD & MAIN ST - BLGS	8718	CN						\$ 9,712,500							\$ 9,712,500
SAFETY PROJECTS VARIOUS		ALL							\$ 1,000,000						\$ 1,000,000
TRANSIT OPERATING (7/20-6/21)		Operating								\$ 1,868,586		\$ 70,000		\$ 2,484,104	\$ 4,422,690
VEHICLE REPLACEMENTS**		Purchase									\$ 160,000			\$ 40,000	\$ 200,000
BUS & BUS FACILITIES CAPITAL (7/20-6/21)		Capital											\$ 420,000	\$ 105,000	\$ 525,000
<b>TOTAL</b>			\$ 3,796,681	\$ 1,500,000	\$ 1,521,000	\$ -	\$ 700,000	\$ 81,388,104	\$ 30,172,800	\$ 1,868,586	\$ 160,000	\$ 70,000	\$ 420,000	\$ 2,629,104	\$ 124,226,275

\*Local Match for Transit \*\*Dependent on Funding & Application Approvals by MDT

(Table 11) - BIENNIAL ELEMENT OCTOBER 1, 2016 - SEPTEMBER 30, 2018 (HIGHWAY)							
BILLINGS, MONTANA							
PROJECT/PHASE	PROJECT NUMBER	PROJECT DESCRIPTION	TOTAL ESTIMATED COST	FEDERAL FUNDS AND SOURCES	NON-FEDERAL FUNDS AND SOURCES	RECIPIENT OF FUNDS	RESPONSIBLE IMPLEMENTING AGENCY
AIRPORT RD - MAIN STREET PE/RW/IC	NH UPN8718	INTERSECTION IMPROVEMENTS	825,688	714,881 FHWA	110,807 STATE MATCH	MDT	MDT
AIRPORT RD - ZIMMERMAN TRAIL CN	NH UPN8987	PAVEMENT PRESERVATION	2,227,383	1,928,468 FHWA	298,915 STATE MATCH	MDT	MDT
ZIMMERMAN TRAIL RW/CN	MT1001() UPN6040	ROADWAY IMPROVEMENTS	4,182,584	3,621,281 FHWA	561,303 STATE MATCH	MDT	MDT
BECRAFT LANE SIDEWALK CN	TA UPN9158	BIKE/PED SIDEWALK	561,521	486,165 FHWA	75,356 STATE MATCH	MDT	MDT
TRANSPORTATION ALTERNATIVES PROJECTS-VARIOU ALL	TA	BIKE/PED TRAILS	700,000	606,060 FHWA	93,940 STATE MATCH	MDT	MDT
SAFETY PROJECTS VARIOUS ALL	HSIP	SAFETY	500,000	450,000 FHWA	50,000 STATE MATCH	MDT	MDT
SF 129 RNDABOUT KING 56TH CN	HSIP UPN8052	SAFETY	3,066,400	2,759,760 FHWA	306,640 STATE MATCH	MDT	MDT
SF 139 13TH/PARKHILL SIGNAL CN	HSIP1099() UPN8610	NEW SIGNAL	201,980	181,782 FHWA	20,198 STATE MATCH	MDT	MDT
SF 129 BILLINGS HORIZONTAL CURVE SIGNAGE CN	HSIPSTWD UPN7990	SIGNAGE UPGRADE	1,126,700	1,014,030 FHWA	112,670 STATE MATCH	MDT	MDT
SF 139-CENTRAL & 56TH RNDABOUT RW/IC/CN	HSIP56() UPN8611	INSTALL ROUNDABOUT	2,514,551	2,263,096 FHWA	251,455 STATE MATCH	MDT	MDT
SF 169 ROUNDABOUT RIMROCK & 62ND ALL	HSIP UPN	INSTALL ROUNDABOUT	3,655,843	3,290,259 FHWA	365,584 STATE MATCH	MDT	MDT
SF 149 HILLCREST RIGHT TURN LN CN	HSIP UPN8904	INTERSECTION IMPROVEMENT	300,975	270,878 FHWA	30,098 STATE MATCH	MDT	MDT
SF 169 ITS INTERSECTION DETECTION ALL	HSIP UPN	INTERSECTION IMPROVEMENT	73,000	65,700 FHWA	7,300 STATE MATCH	MDT	MDT
SF 169 KING AVE E RUMBLE STRIPS ALL	HSIP UPN	INSTALL RUMBLE STRIPS	11,000	9,900 FHWA	1,100 STATE MATCH	MDT	MDT
SF 169 YELLOWSTONE RIVER RD CHEVRONS ALL	HSIP UPN	SIGNAGE	6,000	5,400 FHWA	600 STATE MATCH	MDT	MDT
SF 169 JOHNSON LANE DELINEATION ALL	HSIP UPN	DELINEATION	700	630 FHWA	70 STATE MATCH	MDT	MDT
SF 169 LAKE ELMO DRIVE DELINEATION ALL	HSIP UPN	DELINEATION	420	378 FHWA	42 STATE MATCH	MDT	MDT
SF 169 SOUTH FRONTAGE ROAD SIGNAGE ALL	HSIP UPN	SIGNAGE	6,700	6,030 FHWA	670 STATE MATCH	MDT	MDT
SF 169 OLD HIGHWAY 312 DELINEATION ALL	HSIP UPN	DELINEATION	3,500	3,150 FHWA	350 STATE MATCH	MDT	MDT
SF 169 GARDEN AVE SIGNAGE ALL	HSIP UPN	SIGNAGE	26,000	23,400 FHWA	2,600 STATE MATCH	MDT	MDT
SF 169 NAHMIS AVE DELINEATION ALL	HSIP UPN	DELINEATION	7,500	6,750 FHWA	750 STATE MATCH	MDT	MDT
SF 169 STORY RD SIGNAGE ALL	HSIP UPN	SIGNAGE	3,000	2,700 FHWA	300 STATE MATCH	MDT	MDT
SF-149 KING INTCH SFTY IMPRV CN	HSIP UPN8941	REFLECTIVE BACKING	10,707	9,636 FHWA	1,071 STATE MATCH	MDT	MDT
Not all Earmarks require 13.42% match							

(Table 11-1) - BIENNIAL ELEMENT JULY 1, 2017-JUNE 30, 2019 (TRANSIT)					
BILLINGS MONTANA					
PROJECT/FUNDING SOURCE	TOTAL EST COST	FEDERAL FUNDS AND SOURCES	NON-FEDERAL FUNDS AND SOURCES	RECIPIENT OF FUNDS	RESPONSIBLE IMPLEMENTING AGENCY
<b>FTA SECTION 5307</b>					
OPERATING PROJECT (7-1-16 TO 6-30-17)	4,235,244	1,751,140	2,484,104	CITY	CITY
OPERATING PROJECT (7-1-17 TO 6-30-18)	4,244,916	1,760,812	2,484,104	CITY	CITY
<b>FTA SECTION 5310*</b>					
REPLACEMENT VEHICLES(2017)	200,000	160,000	40,000	STATE	VARIOUS LOCAL
REPLACEMENT VEHICLES (2018)	200,000	160,000	40,000	STATE	VARIOUS LOCAL
<b>FTA SECTION 5311* #Funds transferred to 5307</b>					
OPERATING PROJECT (2017)	390,000	195,000	-	CITY	CITY
OPERATING PROJECT (2018)	-	-	-	CITY	CITY
<b>FTA SECTION 5339</b>					
CAPITAL/VEHICLES (2017)	525,000	420,000	105,000	CITY	CITY
CAPITAL/VEHICLES (2018)	525,000	420,000	105,000	CITY	CITY
<b>TransADE State Funded</b>					
OPERATING PROJECT (2017)			70,000	CITY	CITY
OPERATING PROJECT (2018)			70,000	CITY	CITY
*Dependent on Funding & Application Approvals by MDT					



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



**Planning Board Meeting 2 (4th Tuesday)**

**Meeting Date:** 01/23/2018

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**Information**

**INTRODUCTION**

On December 1, 2017, the Planning Division received an application for preliminary major plat approval for Whitehorse Estates Subdivision, 1st Filing. The proposed plat creates 12 lots for residential development. The subject property is generally located on the northwest corner of Hesper Road and South 48th Street West. The property is zoned Agriculture Suburban (AS). The Yellowstone County Board of Planning will conduct a public hearing at this meeting, Tuesday, January 23, 2018. The Board of County Commissioners will act on the proposal on February 13, 2018.

**RECOMMENDATION**

Staff recommends the Planning Board recommend the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Whitehorse Estates Subdivision, 1st Filing, adopt the Findings of Fact as presented in the staff report, and deny the variance request.

**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 the natural environment, prior to final plat approval the applicant will obtain approval from the MDEQ for the proposed wells, septic systems and storm water management and meet the requirements of Yellowstone County Storm Water Management.
2. To ensure maintenance of the new public road, prior to final plat approval the applicant will create an RSID-M for the maintenance of the road inside the subdivision.
3. To minimize the effects on public health and safety and to ensure proper maintenance, prior to final plat approval the applicant will add language in the SIA under IV. Emergency Service stating the establishment of an RSID-M for the dry hydrant system. The Whitehorse Estates Subdivision shall not received final plat approval until the proposed dry hydrant has been installed on the Hesper Road frontage. The new tank shall be tested and approved by the BUFSA.
4. To clarify the type of emergency service the BUFSA does provide to this county subdivision, prior to final plat approval the applicant will modify the first sentence in the SIA under Emergency Service to read: "The Billings Urban Fire Service Area (BUFSA) currently provides fire protection for the subdivision."
5. To ensure correct procedure for providing a cash in lieu contribution for park land, prior to final plat approval the applicant will follow the YCSR Section 10.6 to meet the requirements to determine the

correct amount of the cash contribution to the County for park land. The estimated land amount will be provided by a third party land appraiser and that appraisal will be reviewed and approved by the County Parks Board before a cash in lieu contribution is made to the County Parks Department.

6. To minimize the effects on local services, prior to final plat approval the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.

7. To minimize the effects on the local environment, prior to final plat approval the applicant is required to obtain a weed management plan and a property inspection shall be done by the County Weed Department.

8. To ensure the placement of easements for private utility providers, prior to final plat approval the applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision.

9. To ensure proper maintenance and to minimize the effects on existing agricultural water user facilities, prior to final plat approval HOA documents shall be submitted to outline the HOA's responsibility for the construction and maintenance of the open lateral ditch running through the subdivision.

10. 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.

11. 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 is asking for a variance from the requirements of YCSR Section 4.6.B.1 Relation to Undeveloped Areas. This regulation requires that a developer provide road connections to surrounding undeveloped lots for future connections. Specifically, the applicant has not proposed east/west connections for future connection extending from the proposed dead-end street. Staff is recommending denial of the variance request.

Further explanation and analysis can be found in Attachment A.

## **DISCUSSION/STAKEHOLDERS**

Planning staff gave a brief presentation and overview of the proposed subdivision. President Tunnicliff asked if there were any questions from the board for staff. Staff was asked for clarification of the requirements for connecting to undeveloped land on the east and west. Staff reviewed with the Board the section in Yellowstone County Subdivision Regulations that require subdividers to provide future connections to undeveloped land to provide future connectivity.

President Tunnicliff asked if the agent or the applicant wished to speak to the Board. Scott Aspenlieder from Performance Engineering stood to speak on behalf of the applicant. Mr. Aspenlieder stated the applicant would be happy to provide connectivity to the west for pedestrians with a paved path, but did not want to provide vehicular connectivity to the west and especially not to the east. Mr Aspenlieder stated they disagree with staff that there would be a safety issue with no connection to future development and there is not a lot of reason to build more paved roads. Parcel 3 to the east, which is currently a 20-acre Agricultural-Open zoned parcel, belongs to someone that is planning to build a house and have

horse pasture. Mr Aspenlieder said he and his client feel a connection to a property intended for agricultural-open uses will provide no benefit to the community at large.

President Tunnichliff commented on the reasoning for an access and the intent of future development. Board member Woods asked about whether an easement could be provided for a connection to the west. Staff explained it could be done with either an easement or dedication for the roadway. It was noted the east parcel differs from the west parcel in zoning, and the western parcel has been rezoned in consideration for future development. Director Friday explained the mechanism for developing the road and it would be most likely that the future road connections would be required to be built with the Whitehorse Estates Subdivision development. Board member Goodridge suggested creation of an easement similar to a frontage road on the two southern lots just north of Hesper Road. Scott Aspenlieder responded that this may be a consideration from a developer's standpoint but he would advise against it as it would create traffic issues and he believed the County would not allow it.

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## **Attachments**

Findings of Fact

Attachment A

Draft SIA

Proposed Plat

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## **FINDINGS OF FACT**

The City/County Planning staff has prepared the Findings of Fact for the Whitehorse Estates Subdivision, 1<sup>st</sup> Filing. 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 about 16.7 acres of agricultural land would be taken out of production when this proposed subdivision is built out. There is an existing lateral ditch that comes off of the Big Ditch. This ditch will be re-routed to provide irrigation water to the property owners within this subdivision. Other perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities but it will take land out of agricultural production.

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

- a. **Water and Sewer** – This subdivision is not near any services provided by a municipality. The applicant is proposing individual water wells for each lot. It will be designed to meet the requirements of Section 4.9 of the Yellowstone County Subdivision Regulations (YCSR). It will also meet the requirements set out by MDEQ for a community water system. Individual septic systems are proposed for each of the lots. Locations and design of the septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ) prior to final plat approval. **(Condition #1)**
  
- b. **Streets and roads** – The proposed subdivision is located on the west side of 48<sup>th</sup> Street West north of Hesper Road. Forty Eighth Street West and Hesper Road are paved county roads. The applicant will be building a paved road into the proposed subdivision, Secretariat Circle, that will provide access to each individual lot. The proposed road inside the subdivision is the maximum length allowed for a dead end street, 1000 feet. The proposed street will be a public road and will be built to County Road Standards. The road will be maintained by the creation of an RSID-M with the final plat. **(Condition #2)** The applicant has requested a variance from the subdivision regulations requiring future connections to undeveloped land that is directly adjacent to the subject property. Attachment A lists the requested variance, the applicants reason they would like the variance and the review and recommendation from county staff.
  
- c. **Fire and Police Services** – The property is within the Billings Urban Fire Service Area (BUFSA). It is the subdivider's responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service's needs. There is a 30,000-gallon dry hydrant system located on Hesper Road approximately 1300 feet from the beginning of the new proposed internal road entrance. The applicant indicates in the SIA

that the dry hydrant tank construction documents have been approved. In the SIA the under IV. Emergency Service there is no reference to the need to create an RSID-M for the dry hydrant system, this language needs to be added. The tank will need to be installed, tested and approved for use by BUFSA prior to final plat approval. **(Condition #3)**

In the SIA under IV. Emergency Service the first sentence states: The Billings Urban Fire Service Area (BUFSA) currently provides fire protection and paramedic services for the subdivision. The applicant needs to modify that sentence to remove reference to paramedic services. **(Condition #4)**

The Yellowstone County Sheriff's Department has indicated they be able to provide law enforcement services.

- d. **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.
- e. **Storm water drainage** – The management of storm water runoff shall be designed to satisfy storm water management requirements and specifications of MDEQ and Yellowstone County. The applicant is proposing to use the standard County Road Cross section with road side swales and natural percolation to handle the storm water requirements. **(Condition #1)**
- f. **School facilities** – The proposed subdivision is located in Elder Grove School District for elementary and middle school. Students in the subdivision will go to West High School in Billings School District #2. Elder Grove School responded that they have minimal capacity for additional students in elementary and they are over capacity in the middle school. The proposed subdivision is on an existing Elder Grove bus route. Staff did not receive comments from West High School. Some previous subdivisions have received a response from West that indicated they were over capacity.
- g. **Parks and recreation** – This subdivision is required to provide parkland dedication for the 12 lots. The applicant would be required to provide 0.76 acres of land for parkland for this proposed subdivision. The applicant is choosing to provide a cash in lieu contribution in place of the parkland dedication. The applicant will follow the requirements of Section 10.6 of the YCSR to determine the cash contribution amount. The County Parks Board will review the comparative market analysis prepared by a 3<sup>rd</sup> Party appraiser prior to a check being provided for the cash in lieu contribution. **(Condition #5)**
- h. **Historic features** – No known historical or cultural assets exist on the site.
- i. **United States Postal Service (USPS)** - The USPS has responded that they will require a centralized delivery box system just off of Hesper Road. The location will need enough

space that the delivery vehicle will be able to pull off the road safely. The applicant will coordinate that location with the USPS prior to final plat approval. (**Condition #6**)

- j. **Irrigation** – There is an existing irrigation ditch that runs through the subdivision. In the SIA it is stated that there are water rights to this land and they will be relocating the irrigation lateral ditch along the back of the properties for the future home owners to use as irrigation water. They are proposed to be open surface ditches for the homeowners use. Prior to final plat the applicant needs to outline how these ditches will be constructed and the costs of maintenance in HOA documents. (**Condition #9**)

### **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 #7**)

MDEQ will review and approve the new proposed septic systems and storm water management facilities to ensure any impacts of the development are mitigated.

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) responded to a request for review and comment on the proposed subdivision. It is suggested 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 paragraph 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 septic systems and public water supply will be reviewed and approved by MDEQ prior to final plat approval. Fire and emergency services are provided for this proposed subdivision. Effects on public health and safety should be minimal.

### **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 was not required for this subdivision because it is within a zoned area of the County.

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

- 1. **West Billings Plan** – The proposed subdivision is in an area of Billings that is zoned and surrounding property is developed for residential uses. The Future Land Utilization Map from the West Billings Plan shows the area where this subdivision is proposed as a Residential Development area.

2. **Yellowstone County 2008 Growth Policy**

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

*This subdivision will create 12 lots with all lots just over 1 acre for single family residences, 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 many similarly sized lots containing single-family homes in the surrounding neighborhood near the subject property.*

- **Goal: More housing and business choices within each neighborhood. (p. 6)**

*The proposed subdivision will create 12 additional lots in this area for housing.*

3. **2014 Billings Urban Area Long Range Transportation Plan**

The subject property is within the boundary of the study area of the Transportation Plan. 48<sup>th</sup> Street West and Hesper Road are identified as a principle arterial streets. There is adequate road dedication for the proposed street type along southern edge of the proposed subdivision. New lots will be served by an internal private street; the appropriate amount of right-of-way is being provided with this plat.

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

The subject property is within the jurisdiction of the BABTMP. There is a proposed long-range bike lane along Hesper Road. This subdivision will not be required to install any bike lanes along Hesper Road. There are no bike lanes identified within the proposed subdivision.

**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 shall receive approval from MDEQ for the proposal for individual water wells and individual septic systems for the new lots.

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

The subdivision is in the County's zoning jurisdiction; the proposed lots do meet the requirement for lot size required by existing zoning. In the SIA under Conditions That Run With The Land there is a paragraph notifying the future lot owner they are required to obtain a Zoning Compliance Permit prior to any construction on individual lots.

**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 shall appear on the face of the final plat as requested by private utility companies. The applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision. **(Condition #8)**

**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 Hesper Road and the new internal subdivision road, Secretariat Circle.

**CONCLUSIONS OF FINDINGS OF FACT**

- The Whitehorse Estates Subdivision 1<sup>st</sup> Filing, 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 parts of four different plans, the West Billings Plan, 2008 Yellowstone County Growth Policy, 2014 Transportation Plan and the BABTMP.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

**RECOMMENDATION**

Staff recommends that the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of Whitehorse Estates Subdivision, adoption of the Findings of Fact as presented in the staff report and denial of the requested variance.

## Attachment A

### Staff Analysis and Recommendation

County Planning, County Public Works, County GIS and County Legal staffs have reviewed this request for a variance from regulation that requires developers to provide a possible future connection to undeveloped land next to their proposed subdivision. The applicant is requesting a variance from Section 4.6.B.1 Relation to Undeveloped Areas of the Yellowstone County Subdivision Regulations, staff is recommending denial.

The County has this regulation in place to provide for future movement between developments without requiring people to go out on main arterial streets to move within a residential neighborhood.

In **County Subdivision Regulations Section 4.6.B., 1 Relation to Undeveloped Areas**, it states; 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.

By providing future access it would be beneficial to future home owners safety. By providing connections within proposed subdivision, in the future when the surrounding land develops people living in the subdivision will be able to travel between developments without having to go onto main roads to get to their neighbors. Without the internal connections, people would be required to go out onto Hesper, including children on bikes or walking, to get to the neighbor in another development to the east or west. There are no physical barriers to these connections as this land is farm land without any major grade changes to the east or west.

The required road would require increasing the cost of the RSID if they are installed, but they are short sections and with additional development and increase in lots the cost would go down. The connections to the east and west could both be dedicated public easement similar to the 60-foot road and utility easement shown on the proposed plat for Hesper. The easement would not take away from overall lot acreage causing them to go below the 1-acre size.

The purpose of these regulations is to provide for future growth and address connectivity for vehicle and pedestrian access for convenience and safety. By not providing a future connection to the east and west, this development creates an 'island' with no connection within neighborhoods that are next to each other. This will make movement within the neighborhoods not possible and require people to go onto main arterial roads to get to neighbors' homes. Children will not be able to walk safely in a 'neighborhood' or get to a friend's house that is not on their street. Public safety and law enforcement services also are hindered in reaching residence when there is only one way into a neighborhood and/or access to adjoining neighborhoods is blocked.

Therefore, staff is recommending denial of the proposed variance, and recommends that the Planning Board recommend denial to the Board of County Commissioners.

December 21, 2017

Yellowstone County Planning Department  
2825 3<sup>rd</sup> Avenue North  
4<sup>th</sup> Floor (Miller Building)  
Billings, MT 59101

To Whom it May Concern:

Whitehorse Estates Subdivision, 1<sup>st</sup> Filing, a 12-lot proposed residential development, is submitting this written petition respectfully requesting a variance from Section 4.6.B.1 in the Yellowstone County Subdivision Regulations which states "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". The variance is requested for the following reasons:

Per Yellowstone County Subdivision Regulations Section 11.1.A the following are addressed:

1. *The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;*

**Response: Granting of this requested variance will have no detrimental effects to the public health, safety, or general welfare or injurious to other adjoining properties. Granting this variance would eliminate the possibility of vehicular access to the adjoining properties through the proposed development. By eliminating this possibility, the adjoining landowners would not be exposed to vehicular traffic to their land which could cause safety concerns and degradation of the land.**

2. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;*

**Response: The proposed development will be zoned Agricultural Suburban which requires lots to be greater than 1 acre. If the strict letter of the regulation was enforced and the developer was required to provide access to the adjoining undeveloped areas to the east and west it would reduce the total acreage of the development. The proposed lot configuration is very close to providing each lot**

the minimum 1 acre area and could fall below the 1 acre threshold for the zoning. Although the road could be created by means of an easement the landowner would pay taxes on land that they cannot use and does not benefit them in anyway.

3. *The variance will not result in an increase in taxpayer burden;*

**Response: The result of not providing access to adjoining undeveloped land will have no effect on the taxes of the proposed development or adjoining undeveloped land. In fact, minimizing the linear feet of roadway will minimize the tax assessment for street maintenance through County RSIDs.**

4. *The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations; and*

**Response: This requested variance will not in any manner place the subdivision in nonconformance with the adopted zoning regulations. In fact, if this variance is not granted it could place the subdivision in nonconformance with the adopted zoning regulations.**

5. *The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.*

**Response: The adjoining land to the east of the development is owned by another party and his intention is to only build a single-family residence on his tract. Providing vehicular access to the adjoining land to the east would contribute to the possibility of someone driving through his land. The land to the west is also currently undeveloped and at this time the landowner does not know if he will develop it as a single-family residence. Providing access to the west may limit the landowner on his development options if or when he decides to develop it.**

Feel free to contact PEC Project Manager Robert Neihart with any questions or concerns at (406) 384-0080 or [rob@performance-ec.com](mailto:rob@performance-ec.com).

Sincerely,

Robert Neihart, PE  
Project Manager

**SUBDIVISION IMPROVEMENTS AGREEMENT**  
**Whitehorse Estates Subdivision, 1<sup>st</sup> Filing**

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## SUBDIVISION IMPROVEMENTS AGREEMENT

### Whitehorse Estates Subdivision, 1<sup>st</sup> Filing

This agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between NEXCO LLC., whose address for the purpose of this agreement is 2680 Overland Ave., Suite F Billings, MT 59102, hereinafter referred to as “Subdivider,” and YELLOWSTONE COUNTY, Montana, hereinafter referred to as “County.”

#### WITNESSETH:

WHEREAS, the plat of *Whitehorse Estates Subdivision, 1<sup>st</sup> Filing*, located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

WHEREAS, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *Whitehorse Estates Subdivision, 1<sup>st</sup> Filing*; and

WHEREAS, a Subdivision Improvements Agreement is required by the County prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to *Whitehorse Estates Subdivision, 1<sup>st</sup> Filing* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

#### I. VARIANCES

Subdivider has requested one variance from the Yellowstone County Subdivision Regulations. The variance requested is Section 4.6.B.1 in the Yellowstone County Subdivision Regulations.

#### II. CONDITIONS THAT RUN WITH THE LAND

- A. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

- B. Shares of water will be transferred from the Big Ditch to Lots 1-12 in the proposed subdivision and divided equally among all lots. The ditch that currently runs through the proposed subdivision will be rerouted so that all lots have access to the open ditch.
- C. There is attached hereto a Waiver waiving the right to protest the creation of a rural special improvement district (RSID) for maintenance of the interior roads within the Whitehorse Estates Subdivision, 1<sup>st</sup> Filing, which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and residents of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and resident specifically agree that they are waiving valuable rights and do so voluntarily.
- D. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- E. Culverts and associated drainage swales shall not be filled in or altered by the Subdivider or subsequent owners.
- F. When required by road improvements, all fences and ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G. Future lot owners need to be aware they are inside county zoned area and are required to obtain a zoning compliance permit before construction on the lots from City/County Planning Division.
- H. Future maintenance of all public improvements shall be done though one (1) or more RSID(s) created as part of the SIA for this subdivision.

### **III. TRANSPORTATION**

#### **A. Streets**

- The proposed subdivision fronts Hesper Road which is twenty-four-foot (24ft) wide asphalt with 2-foot (2ft) gravel shoulders. A sixty-foot (60ft) half width county road easement exists on Hesper Road from Whitehorse Subdivision.
- Residential streets will have an asphalt pavement width of 24-ft with 2-ft gravel shoulders. The streets will be built to County Standards as outlined in the Yellowstone County Subdivision Regulations, Figure 4.6.C.3.

- The street is being dedicated as public right-of-way to Yellowstone County as part of this subdivision.
- Maintenance of said road will be funded through the creation of a RSID. The public dedication documents and RSID waiver will be filed with the final plat documents.

**B. Access**

- The development has one access location on Hesper Road in which the approach is 24-foot wide within the proposed 60-foot road dedication of this subdivision and has been built to Yellowstone County Road Standards. Access to each lot will require an approach permit from the County.

**C. Billings Area Bike Trail Master Plan**

- Hesper Road has long range bike lanes proposed. Subdivider is not required to install bike lanes as part of this development.

**IV. EMERGENCY SERVICE**

The Billings Urban Fire Service Area (BUFSA) currently provides fire protection and paramedic services for the subdivision.

A new 30,000-gallon dry hydrant and water storage tank will be located in the southwestern part of Lot 4 of Whitehorse Estates Subdivision for fire protection as part of the original subdivision. Fire protection will be provided via BUFSA. Plans for the dry hydrant have been submitted to the Billings Fire Department (BFD) and are approved. The dry hydrant shall be installed by the developer, tested and inspected by the BFD prior to construction of any vertical structures within the development. Subdivider will provide Yellowstone County with a surety/bond to be held until the dry hydrant is installed upon which the surety/bond will be released.

**V. STORM DRAINAGE**

All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by MDEQ, or its designee prior to final plat approval. Stormwater will be collected and routed along drainage swales along the proposed interior road of the subdivision.

**VI. UTILITIES**

The Subdivision Improvements Agreement does not constitute an approval of sanitary improvements. The property owner shall make application for sanitary improvements to the Yellowstone County Sanitarian and Montana Department of Environmental Quality. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

**A. Water**

Public water service is not available to lots within the Whitehorse Estates Subdivision 2<sup>nd</sup> Filing. Individual on-site water wells shall be installed as approved by the Department of Environmental Quality and the Department of Natural Resources and Conservation.

**B. Sanitary Sewer**

Public sanitary sewer disposal facilities are not available to lots within the Whitehorse Estates Subdivision, 1<sup>st</sup> Filing. Individual on-site sewer systems shall be installed as approved by the Department of Environmental Quality.

**C. Power, Telephone, Gas, and Cable Television**

Power, natural gas, telephone, and cable will all be located within the access and utility easements.

**VII. PARKS/OPEN SPACE**

There will be no dedicated parkland for the proposed Whitehorse Estates Subdivision, 1<sup>st</sup> Filing. Cash-in-lieu will be paid in place of the 5% of the net land, proposed per Section 10.6 Yellowstone County Subdivision Regulations. The net acreage of the subdivision is 15.14 acres, requiring a total of 0.76 acres of dedicated parkland.

**VIII. IRRIGATION**

The subdivision is located within the Big Ditch Company boundary. Each lot will receive shares for water from the Big Ditch Company, prorated for the size of the lot based on the original allotment associated with the original tract. Lots will have access to Big Ditch Company facilities and each lot within the subdivision will be assessed annually by the Big Ditch Company. An HOA will be created to pay for the construction and maintenance of the open ditch lateral running through the subdivision. The original ditch will be rerouted so each lot has access to the ditch.

**IX. WEED MANAGEMENT**

- A. All noxious weeds on the latest Yellowstone County Noxious Weed List shall be controlled on all properties within the subdivision.
- B. See filed Weed Management Plan for the Whitehorse Estates Subdivision.

**X. SOILS/GEOTECHNICAL STUDY**

- A. Soil data was obtained from the NRCS web soil survey. Soils consisted of Keiser silty clay loam, McRae loam, and Toluca clay loam.

- B. Assessment of a specific lot and mitigation efforts, if any, of these conditions shall be the responsibility of the lot owner.

**XI. PHASING IMPROVEMENTS**

There is no phasing of improvements.

**XII. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be designed by and constructed under the supervision of a professional engineer competent in civil engineering, licensed in the State of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C of the Yellowstone County Subdivision Regulations.

**XIII. LEGAL PROVISIONS**

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
  
- G.** Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.







# PRELIMINARY PLAT OF WHITEHORSE ESTATES SUBDIVISION 1ST FILING

BEING LOT 2 OF WHITEHORSE SUBDIVISION, LOCATED IN THE S 1/2 OF THE SE 1/4 OF SECTION 16, TOWNSHIP 01 SOUTH, RANGE 25 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA

S16, T01 S, R25 E, N2SW  
(LESS C/S 2975) 78.873 AC (99)  
  
HEIN BOYS REVOCABLE TRUST  
1331 S 56TH ST W  
BILLINGS, MT 59106-2837

EMMONS, PHILLIP NATHAN  
5136 CHEVELLE DR  
BILLINGS, MT 59106-2867

SOLOMON, DENNIS P & SUSAN R  
5108 CHEVELLE DR  
BILLINGS, MT 59106-2867

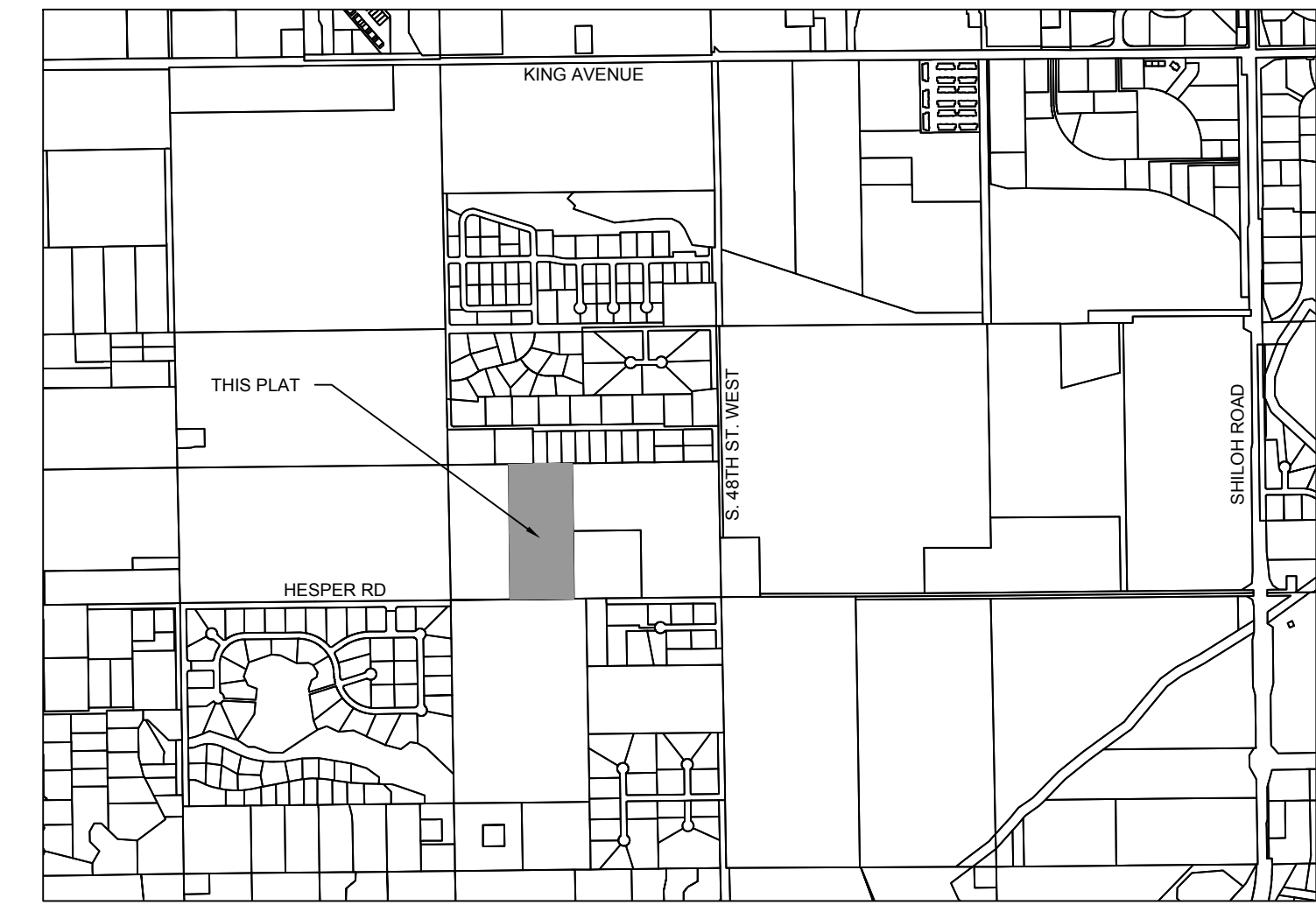
CHEVELLE SUBDIVISION

BRESTER SUBDIVISION E

C.O.S. 2084

1 2 3 4 5 6 7 8

LOT OWNERSHIP DATA		
LOT	OWNER	ADDRESS
1	WASHUT, MATTHEW F & KAREN A	5030 CHEVELLE DR BILLINGS, MT 59106-2870
2	ANDERSON, JAMIE	5000 CHEVELLE DR BILLINGS, MT 59106-2870
3	TURBES, ROBERT & CAROL	4960 CHEVELLE DR BILLINGS, MT 59106-2801
4	MOFFET, BRITT M	4940 CHEVELLE DR BILLINGS, MT 59106-2801
5	GREG SB ENTERPRISE GROUP, LLC	2930 OLD HIGHWAY 10 W LAUREL, MT 59044-9726
6	GREG SB ENTERPRISE GROUP, LLC	2930 OLD HIGHWAY 10 W LAUREL, MT 59044-9726
7	GREG SB ENTERPRISE GROUP, LLC	2930 OLD HIGHWAY 10 W LAUREL, MT 59044-9726
8	GREG SB ENTERPRISE GROUP, LLC	2930 OLD HIGHWAY 10 W LAUREL, MT 59044-9726
9	PRILL, CHRISTOPHER M & CHRISTINE M	1200 BLUEGRASS DR W BILLINGS, MT 59106-2482
10	JORDEN EDWARD D	5233 BLUE HERON DR BILLINGS, MT 59106-3309



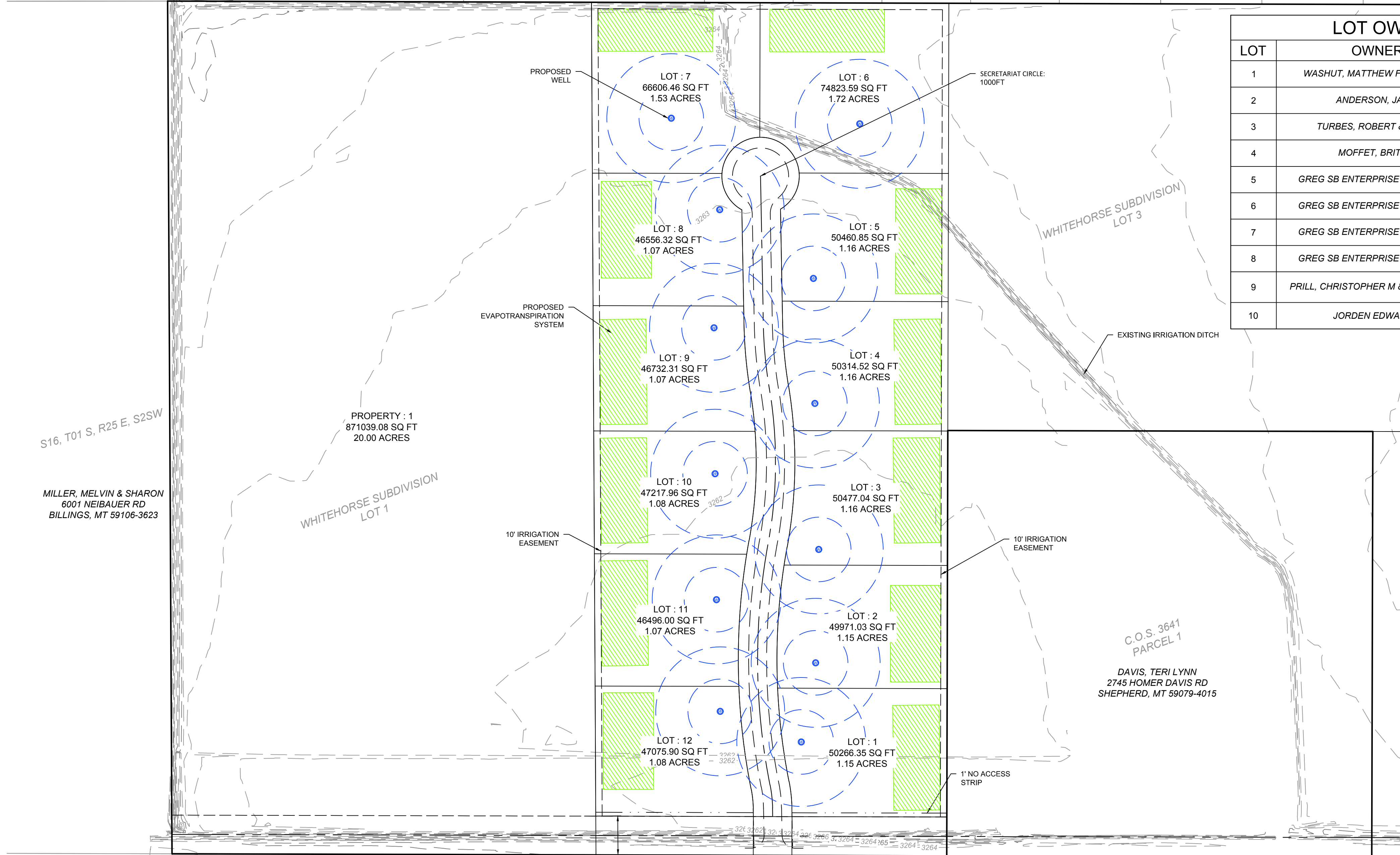
VICINITY MAP

PROPOSED LAND USE: RESIDENTIAL  
 PROPOSED ZONING: AGRICULTURAL SUBURBAN  
 EXISTING LAND USE: AGRICULTURAL  
 EXISTING ZONING: AGRICULTURAL OPEN  
 PROPERTY OWNER: NEXCO LLC.

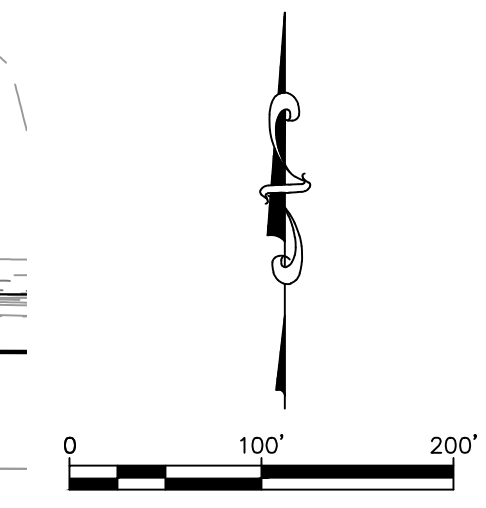
PRELIMINARY PLAT DATE: DECEMBER 2017

SITE DATA	
# OF LOTS	12
MAXIMUM LOT AREA	± 1.72 AC
MINIMUM LOT AREA	± 1.07 AC
GROSS ACREAGE	± 16.70 AC
PARKLAND AREA	N/A
LINEAL FEET OF STREETS	1000 LF
DEDICATED AREA	± 1.56 AC
EASEMENT AREA	± 1.46 AC
NET ACREAGE	± 15.14 AC

PREPARED FOR: NEXCO LLC.  
 PREPARED BY: PERFORMANCE ENGINEERING AND CONSULTING



C.O.S. 3641  
PARCEL 1  
DAVIS, TERI LYNN  
2745 HOMER DAVIS RD  
SHEPHERD, MT 59079-4015



GREENSLEEVES ESTATES  
9 10

S21, T01 S, R25 E, NWNE N2SWNE

BERNHARDT, CHAD  
1922 MARY ST  
BILLINGS, MT 59105-4809

C.O.S. 2224  
FREDERICKS, KENNETH R  
4944 HESPER RD  
BILLINGS, MT 59106-3728

REBECCA SUBDIVISION  
DOHERTY, RICHARD M & BRENDA E  
4855 AMBER LN  
BILLINGS, MT 59106-3777

PROJECT TITLE: WHITEHORSE ESTATES SUBDIVISION 1ST FILING

REVISIONS	7100 COMMERCIAL AVE, SUITE 4 BILLINGS, MT 59101	OFFICE - 406-384-0080 www.performance-ec.com	SHEET
DATE	BY	COPYRIGHT 2016 ©	

PERFORMANCE ENGINEERING & CONSULTING

2016-065 DRAWN BY: TRT CHECKED BY: RDN DATE: 10/27/2017



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



**Planning Board Meeting 2 (4th Tuesday)**

**Meeting Date:** 01/23/2018

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**Information**

**INTRODUCTION**

On December 1, 2017, the Planning Division received an application for preliminary major plat approval for The Nines Subdivision. The proposed plat creates 88 lots for residential development. The subject property is generally located at 1245 South 64th Street West, which is north of Hesper Road and the Elder Grove School. The property is outside of zoning. The Yellowstone County Board of Planning will conduct a public hearing at this meeting, Tuesday, January 23, 2018. The Board of County Commissioners will act on the proposal on February 13, 2018.

**RECOMMENDATION**

Staff recommends the Planning Board recommend the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of The Nines Subdivision and adopt the Findings of Fact as presented in the staff report. Staff is recommending denial of the requested variance.

**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 the applicant will create new RSID's for maintenance of roads for this subdivision and will provide for the RSID(s) to be expanded with each phase.
2. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will expand the RSID-M for the dry hydrant system in DeWit Subdivision to include all of Phase I within this subdivision.
3. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will create an RSID-M for the dry hydrant system that will be built in Phase II. This RSID-M will be for both Phase II and III.
4. To provide for adequate maintenance of privately maintained lands and systems within the subdivision and to minimize the effects on local services, prior to final plat approval the applicant will submit HOA documents that within them specifically outline the homeowners' responsibility to maintain the community wells, community septic systems, irrigation infrastructure and private parks within the subdivision.
5. To minimize the effects on local service, prior to final plat approval the applicant will coordinate with the USPS for locating and provided the correct amount of space for safely delivering the mail to the

residents.

6. To minimize the effects on the local environment, prior to final plat approval the applicant is required to obtain a weed management plan and a property inspection shall be done by the County Weed Department.
7. To provide needed private utility infrastructure, prior to final plat approval the applicant will coordinate with the private utility providers to determine needed utility easements and show them on the final plat.
8. 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.
9. 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 is asking for a variance from the requirements of YCSR. The applicant is requesting a variance from YCSR Section 4.6 B 8, Street Continuity, also from Section 4.6.B., 15 Street/Road Names and Lot Addresses. These regulations require developers to continue a street name when one of the proposed new streets lines up with an existing street. Staff is recommending denial of the variance request.

Further explanation and analysis can be found in Attachment A.

## **DISCUSSION/STAKEHOLDERS**

Planning staff gave a brief presentation and overview of the proposed subdivision. President Tunnickliff asked if there were any questions from the Board. A question was asked for clarification of where sidewalks would be built in the subdivision. Staff clarified that sidewalks were proposed on one side of the main roads within the subdivision. There were no other question from the Board. President Tunnickliff asked if the agent or applicant wished to address the board.

Bryan Alexander from Sanderson Stewart stood to address the board. He stated there would be a total of 9 private parks within the subdivision. Some of the parks will include community wastewater systems and water supply wells within them. The developer is proposing a variety of home sights including patio homes and single family homes. The developer is currently working with the Big Ditch to possibly allow the irrigation infrastructure to use irrigation water for lawns and the parks. He stated sidewalks will be provided on the main inner loop of roadways on one side to provide east to west connectivity. Addressing the requested variance, the applicant believes a different name in this subdivision would help avoid through traffic on the immediately adjacent private road, O'Donnell Lane.

Board member Woods asked about the proposed community water system and a possible future connection to the City water system. Mr. Alexander stated they are contemplating a 4" water system as the City Services are quite a distance away. The applicant didn't feel the need to install a larger pipe system because of the distance to municipal water. Board member Woods voiced concern with this setup as it the 4" water system will be inadequate and may be costly for future connections to the City's system.

President Tunnickliff asked how they will transport and distribute irrigation water throughout the subdivision. Mr. Alexander said water would be obtained from the Big Ditch through a closed conduit system and channeled to separate non potable water systems with a booster pump at each lot. A screening

and filtering system at the head gate and individual filters at service connection for each lot will mitigate weed issues. A Homeowners Association will be formed and will be responsible for maintenance of both the potable community water system and the irrigation system, should both be installed.

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## **Attachments**

Finding of Fact

Attachment A

Draft SIA

Proposed Plat

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## FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for The Nines 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 about 78.3 acres of agricultural land would be taken out of production when this proposed subdivision is built out. Perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities but it will take land out of agricultural production.

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

- a. **Water and Sewer** – This subdivision is not near any services provided by a municipality. The applicant is proposing to install multi-user water supply wells for this subdivision that will serve the proposed lots. It will be designed to meet the requirements of Section 4.9 of the Yellowstone County Subdivision Regulations (YCSR). It will also meet the requirements set out by MDEQ for a community water system. There will be a Home Owners Association (HOA) created to maintain the community water system. This is outlined in the SIA under section VI Utilities. Some community as well as individual septic systems are proposed for this subdivision. **(Condition #4)** Locations and design of the septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ) prior to final plat approval. This is outlined in the SIA under section VI Utilities.
  
- b. **Streets and roads** – The proposed subdivision is located on the east side of South 64<sup>th</sup> Street West just north of Hesper Road. South 64<sup>th</sup> Street West is a paved county road. The applicant will be building paved roads within the subdivision. All rights-of-way will be 60 feet wide with the exception the proposed Crooked Stick Lane, it will be a 70-foot right-of-way. Crooked Stick Lane is the subject of the requested variance applied for with this subdivision application to not continue the O'Donnell Lane street name. Attachment A outlines the request and response and recommendation from County Staff. All streets shall be built to county road standards with drainage swales on both sides. All roads will be public roads dedicated to the county. An RSID-M will be created for maintenance of these roads prior to final plat approval. **(Condition #1)** The RSID-M for the roads will be expanded with each phase to provide maintenance for the newly constructed roads.

This developer is providing a right-of-way for 60<sup>th</sup> Street West on the eastern edge of this proposed subdivision. In the SIA it states that it will be a 70-foot-wide right-of-way as is required for a residential collector street. 60<sup>th</sup> Street West is also shown on the plat as a paved street within a 70-foot right-of-way. The SIA also states that “All Streets shall be built to grade with a satisfactory engineered subbase, base course, and asphalt surface”. Staff is interpreting this to include 60<sup>th</sup> Street West.

Details of the proposed construction of the streets is outlined in the SIA under **XII Phasing Improvements**. Each phase will construct additional roads and infrastructure for the proposed development.

A Traffic Impact Study (TIS) was completed with this proposed development. The TIS is being reviewed by County Public Works. Impacts to surrounding roads and intersections will be evaluated and any concerns raised by the TIS will be addressed with the county at the time of development.

Sidewalks are proposed along several streets within the subdivision as outlined in the SIA under III Transportation B. The roads within the subdivision that are proposed to have sidewalks are; South 64<sup>th</sup> Street West, The south side of Crooked Stick Lane, the north side of Amen Corner Lane and the east side of Medinah Loop and Amen Corner Lane. Sidewalks will be installed along the frontages that are park or public spaces by the developer with each phase.

- c. **Fire and Police Services** – The property is within the Billings Urban Fire Service Area (BUFSA). It is the subdivider’s responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service’s needs. There is a 30,000-gallon dry hydrant within ½ driving mile of the proposed subdivision within Dewitt Subdivision. Proposed Phase I will use the 30,000-gallon dry hydrant tank in the DeWitt Subdivision across South 64<sup>th</sup> Street West. The applicant will be required to expand the RSID-M for maintenance of that system to Phase 1 of The Nines Subdivision. **(Condition #2)** Phase II will require the applicant to construct a 30,000-gallon dry hydrant system that will service the proposed Phase II and III of this subdivision. At the time of its construction the applicant will be required to create an RSID-M to provide maintenance for the new system. **(Condition #3)**

The Yellowstone County Sheriff’s Department will provide law enforcement services to this subdivision.

- d. **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.
- e. **Storm water drainage** – The management of storm water runoff shall be designed to satisfy storm water management requirements and specifications of MDEQ and Yellowstone County. The applicant is proposing to use the standard county road cross

section with road side swales and natural percolation to handle the storm water requirements.

- f. **School facilities** – The proposed subdivision is located in Elder Grove School District for elementary and middle school. Students in the subdivision will go to West High School in Billings School District #2. Elder Grove School responded that they have minimal capacity for additional students in elementary and they are over capacity in the middle school. Staff did not receive comments from West High School. Some previous subdivisions have received a response from West that indicated they were over capacity.
- g. **Parks and recreation** – This subdivision is required to provide parkland dedication for the 88 lots. The applicant would be required to provide 3.7 acres of land for parkland. The applicant will be providing 9.7 acres of private parkland. This parkland will be in the ownership of the HOA and will be maintained by them. The parks will be developed with the phases which includes planting of grass and irrigation systems to keep them in good condition. The applicant will provide HOA documents with the final plat that will include language outlining the homeowners’ responsibilities to take care of the parks within the subdivision. **(Condition #4)** The Yellowstone County Parks Board stated they are satisfied with the proposed private parkland.
- h. **Historic features** – No known historical or cultural assets exist on the site.
- i. **Irrigation** – The applicants’ agent is studying the possibility of a residential irrigation system through a secondary water source provided by the Big Ditch Company. The subdivider, should the system be feasible, will be installing a secondary water system within the subdivision for the purpose of watering lawns and the common areas in the subdivision. This system will be maintained by the HOA.
- j. **Mail Delivery** – Centralized mail boxes are proposed for use within the subdivision. The applicant will coordinate the placement and layout of these centralized mailboxes with the USPS. **(Condition #5)**
- k. **Phasing** – The applicant is proposing to develop this subdivision in phases. Phase I includes Lots 1 through 13 and Lot 27 in Block 1; Lots 1 through 20 in Block 2; Lots 1 through 3 in Block 3; and Lots 1 through 15 and Lots 40 through 41 in Block 4, 54 Lots in total.

Phase II includes Lots 14 through 20 in Block 1; Lots 4 through 8 in Block 3; Lots 16 through 25 in Block 4; and Lot 1 in Block 5, 23 lots in total.

Phase III includes Lots 21 through 26 in Block 1 and Lots 26 through 39 in Block 4, 20 lots in total.

Recent legislation in the state of Montana requires that developers proposing to do phasing in the subdivision are required to set a date when they plan to proceed with each

phase. This developer has provided proposed dates for phase 2 and 3. Phase 2 is proposed to begin in April 2023, and Phase 3 is proposed to begin in April 2025.

At these two dates the applicant is required to go through a public hearing to open the phases. At that public hearing there is the possibility of additional conditions of approval being added to the original conditions of approval. Should the applicant not meet these date they must propose new dates, at a public hearing, for the phases to begin.

Specifics of the proposed phasing and what improvements and contributions will be installed with each phase is identified in the SIA under the heading X. Phasing Improvements.

### **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 #6)**

MDEQ will review and approve the new proposed septic systems and storm water management facilities to ensure any impacts of the development are mitigated.

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) responded to a request for review and comment on the proposed subdivision. It is suggested 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 paragraph 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 septic systems and public water supply will be reviewed and approved by MDEQ prior to final plat approval. Fire and emergency services are provided for this proposed subdivision. Effects on public health and safety should be minimal.

### **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 was required for this subdivision. Because this property has historically been farmed there are no known wildlife habitat areas that would be disturbed by the development. The state historic office replied that there are no known cultural or historic artifacts or structures known to exist on the site. Stormwater runoff would change with the development but the applicant will be required by MDEQ to mitigate those issues with the use of detention ponds and collection systems.

**C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy Update, 2014 Billings Urban Area Long Range Transportation Plan, and the 2017 Billings Area Bikeway and Trails Master Plan Update? (Section 3.2 (H)(4), YCSR)**

1. **West Billings Plan** – The proposed subdivision is in an area of billings that is outside of zoning. The immediate surrounding property is developed for residential uses or is proposed for residential uses. The Future Land Utilization Map from the West Billings Plan shows the area where this subdivision is proposed as a Residential Development area.

2. **Yellowstone County 2008 Growth Policy**

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

*This subdivision will create 88 lots of varying sizes for single family residences, consistent with the immediately surrounding neighborhood and other proposed uses in the area.*

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

*There are existing and also proposed similarly sized lots containing single-family homes in the surrounding neighborhood near the subject property.*

- **Goal: More housing and business choices within each neighborhood. (p. 6)**

*The proposed subdivision will create 88 additional lots in this area for housing.*

3. **2014 Billings Urban Area Long Range Transportation Plan**

The subject property is within the boundary of the study area of the Transportation Plan. South 64th Street West is identified as a principle arterial street. There is adequate road dedication for the proposed street type along the west edge of the proposed subdivision. New lots will be served by internal streets; the appropriate amount of right-of-way is being provided with this plat.

4. **2017 Billings Area Bikeway and Trail Master Plan Update (BABTMP)**

The subject property is within the jurisdiction of the BABTMP. There is a proposed long-range bike lane along South 64<sup>th</sup> Street West. This subdivision will not be required to install any bike lanes along South 64<sup>th</sup> Street West. There are no bike lanes identified within the proposed subdivision.

**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 shall receive approval from MDEQ for the proposal to make use of a community water well systems, individual and community septic systems for the new lots.

**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.

**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 shall appear on the face of the final plat as requested by private utility companies. The submitted SIA states private utilities shall be installed in the street right of ways and within private utility easements where possible. Each lot will be responsible to extend private utilities into the lot upon lot development. Applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision. **(Condition #7)**

**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 subdivision from South 64<sup>th</sup> Street West and from new internal streets.

**CONCLUSIONS OF FINDINGS OF FACT**

- The Nines 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 parts of 4 different plans, the West Billings Plan, 2008 Yellowstone County Growth Policy, 2014 Transportation Plan and the BABTMP.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

**RECOMMENDATION**

Staff recommends that the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plat of The Nines Subdivision and adoption of the Findings of Fact as presented in the staff report. Staff is recommending denial of the requested variance.

## Attachment A

### Staff Analysis and Recommendation

County Planning, County Public Works, County GIS and County Legal staffs have reviewed this request for a variance from regulation that requires developers to continue a street name when one of the proposed new streets lines up with an existing street. The applicant is requesting a variance from Section 4.6.B., 8 Street Continuity and 4.6.B., 15 Street/Road Names and Lot Addresses of the Yellowstone County Subdivision Regulations and County's Road Naming Standards, Section A., staff is recommending denial.

Both the City and County have road-naming standards calling for continuation of road names across subdivisions, staff believes the proposed subdivision "The Nines" should name proposed Crooked Stick Lane the same as the street it aligns with on the west side of S 64<sup>th</sup> St W, O'Donnell Lane.

In **County Subdivision Regulations Section 4.6.B., 8 Street Continuity**, it states "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 **County Subdivision Regulations Section 4.6.B., 15 Street/Road Names and Lot Addresses** it states "New streets/roads aligned with existing streets/roads shall have the same name as the existing street/road. All new street names and lot addresses 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.

On the **County website** at <http://www.co.yellowstone.mt.gov/mapping/addressing.asp>, there is a link to the **County's Road Naming Standards**. Section A states "To reduce confusion, no two roads shall be given the same primary name, and road names should apply throughout the entire length. When roads extend from one subdivision to the next, existing road names should be extended."

Regardless that O'Donnell Lane is a private road or that the residents along O'Donnell Lane do not want more through-traffic, it makes more sense to continue the name of *ODONNELL LN* through the proposed subdivision The Nines, to prevent a "patchwork" of street names as one drives along a continuous street. The residents along O'Donnell Lane can add street signage indicating the address range for O'Donnell Lane west of S 64<sup>th</sup> St W to limit unnecessary traffic. The regulations and policies take into consideration the far future, and there exists the possibility that O'Donnell Lane could be dedicated and/or that potential development west of S 72<sup>nd</sup> St W (and in alignment with O'Donnell Ln) could extend the street west of S 72<sup>nd</sup> St W.

Therefore, staff is recommending denial of the proposed variance, and recommends that the Planning Board recommend denial to the Board of County Commissioners.

November 15, 2017

Mr. Dave Green  
Planning and Community Services  
2825 3rd Avenue North, 4th Floor  
Billings, MT 59101

Reference: The Nines Subdivision, Variance Request  
Section 4.6 B 15

Dear Dave:

A variance is being requested from the Yellowstone County Subdivision Regulation Section 4.6 B 15 to name the proposed collector aligned across the public right-of-way of South 64th Street West from the existing private road O'Donnell Lane to be named "Crooked Stick Lane".

In accordance with Section 11.1.A of the Yellowstone County Subdivision Regulations, the following have been provided:

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties as the proposed Crooked Stick Lane road name will identify the roadway independently from the existing private roadway named O'Donnell Lane.
2. Because the existing O'Donnell Lane is a private road aligned with a proposed/future public collector street corridor, re-naming the roadway differentiates the public roadway from the existing private roadway. Providing an independent road name will reduce inadvertent trips and pass-through trips over the existing private roadway for O'Donnell Lane by having a separate name identity. The hardship for the developer is the potential for angst from existing property owners that maintain the existing O'Donnell Lane and their desire to minimize access to the street.
3. The proposed variance for the road name will not result in an increase in taxpayer burden.
4. The variance will not in any manner place the subdivision in nonconformance with the adopted zoning regulations.  
The subdivision is located outside the zoning jurisdiction.



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Mr. Dave Green  
November 15, 2017  
Page 2

5. The alternative to the requested variance is to name the roadway O'Donnell Lane.

Please consider the requested variance along with the preliminary subdivision plat application and feel free to contact me for any additional information.

Sincerely,



Bryan S. Alexander, PE  
Senior Engineer

BSA/bc

Enc.

P:87043.04\_Green\_Variance\_\_Request\_Ltr\_111517

Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

**SUBDIVISION IMPROVEMENTS AGREEMENT**  
**THE NINES**  
**YELLOWSTONE COUNTY**  
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Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

## **SUBDIVISION IMPROVEMENTS AGREEMENT THE NINES SUBDIVISION**

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between **P3COLEMAN, LLC**, whose address for the purpose of this agreement is P.O. Box 1555, Billings, Montana 59103, hereinafter referred to as "Subdivider," and **YELLOWSTONE COUNTY**, Montana, hereinafter referred to as "County."

### **WITNESSETH:**

**WHEREAS**, the plat of The Nines Subdivision, located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning; and

**WHEREAS**, at a regular meeting conducted on the \_\_th day of \_\_\_\_\_, 20\_\_, the Yellowstone County Board of Planning recommended conditional approval of a preliminary plat of The Nines Subdivision; and

**WHEREAS**, at a regular meeting conducted on the \_\_th day of \_\_\_\_\_, 20\_\_, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of The Nines Subdivision; and

**WHEREAS**, a Subdivision Improvements Agreement is required by the County prior to the approval of the final plat.

**WHEREAS**, the provisions of this agreement shall be effective and applicable to The Nines Subdivision, upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

**I. VARIANCES**

- A. A variance is requested for the road name Crooked Stick Lane.

**II. CONDITIONS THAT RUN WITH THE LAND**

- A. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that owners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C. No water shares have been transferred to the individual lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners unless otherwise noted herein. All water shares associated with the property will be transferred to the homeowners' association.
- D. This subdivision is being built in an area where agricultural activities exist. Activities such as large equipment on roadways, dust, smoke, odors, and noise should be expected from nearby agricultural operations.
- E. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts, which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this agreement. The Subdivider and

owner specifically agree that they are waiving valuable rights and do so voluntarily.

- F. Culverts and associated drainage swales shall not be filled in or altered by the Subdivider or subsequent lot owners.
- G. When required by future road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way at no cost to the County, and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- H. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.
- I. Lot owners should be aware that lots connected to the community water system and/or multiple-user drainfield system shall pay fees for use, operation, and maintenance of said facilities as established by the Homeowners' Association.

### III. TRANSPORTATION

#### A. Streets

The Subdivider agrees to guarantee all improvements for a period of one (1) year from the date of final acceptance by Yellowstone County.

*Rights-of-way widths.* Crooked Stick Lane and South 60th Street West shall have 70-foot rights-of-way. All other streets shall have 60-foot rights-of-way. A 60-foot half right-of-way has been dedicated across the frontage of The Nines Subdivision of South 64th Street.

*Pavement widths and surface types.* All streets shall be built to grade with a satisfactory engineered subbase, base course, and asphalt surface. The internal subdivision streets will be 28-foot-wide (24-foot-wide paved surface with two-foot-wide gravel shoulders) public streets with drainage ditches on both sides. Culverts shall be provided to convey stormwater across roadways and driveways. The engineered design cross-sections of said streets shall be submitted to the Yellowstone County Public Works Department.

**B. Sidewalks**

Sidewalks are proposed along the frontages on the south side of Crooked Stick Lane, north side of Amen Corner Lane, and the east side of Medinah Loop and Amen Corner Lane. Sidewalk on the internal streets identified herein shall be installed at the time of individual lot development (Block 2, Lots 1, 2, 4, 8, 9, 12, 13, 16, 17, and 20; Block 3, Lots 1, 3, and 5 through 8; Block 4, Lots 21 through 27, and Lot 37). The sidewalk shall consist of a five-foot-wide boulevard type sidewalk with a minimum 12-foot-wide boulevard for roadside ditches constructed with the street improvements.

Subdivider shall install sidewalks along street frontages of South 64th Street West, Crooked Stick Lane, and Amen Corner Lane along Lot 6, Block 2 and private parks in Blocks 2, 3, and 4 and install accessibility ramps to future sidewalks at the intersections, which shall be completed with the subdivision improvements.

**C. Traffic Control Devices**

1. No traffic signals are required for this subdivision. Stop signs shall be installed on Crooked Stick Lane at the intersection of 64th Street West and on Amen Corner Lane at the intersection of 64th Street West. Type III *Road Closed* barriers shall be installed at the terminus of the temporary dead ends for each phase.
2. Street name signs for streets within the subdivision shall be furnished and installed in accordance with the current Yellowstone County Public Works standards at the time of construction.
3. The Subdivider shall furnish and install all necessary traffic control devices in accordance with the Manual of Uniform Traffic Control Devices.

**D. Access**

A 60-foot-wide right-of-way shall be dedicated to the public by Subdivider for all internal streets, except for Crooked Stick Lane and South 60th Street West, which are future collector designated streets that shall have 70-foot rights-of-way.

All driveway approaches shall be piped in accordance with the approach standards of Yellowstone County Public Works.

No-access strips are provided along the entirety of South 64th Street West and South 60th Street West except for the accesses for Crooked Stick Lane and Amend Corner Lane. No-access strips are also provided along most of Crooked Stick Lane and Amend Corner Lane to limit access to only those lots that must access directly from the said streets.

The County Public Works Department will issue a permit for an approach to South 64th Street West prior to opening of the dedicated rights-of-way by the County Commissioners, if the required public improvements outlined herein are secured by letter of credit or a letter of commitment to lend funds from a commercial lender.

**E. Billings Area Bikeway & Trail Master Plan (BABTM)**

The subdivision is within the jurisdictional area of the BABTM. South 64th Street West and Crooked Stick Lane are identified with proposed long range bike lanes. Sufficient right-of-way is dedicated with The Nines Subdivision to allow for future bike lane installations. No improvements are required or proposed at this time.

**F. Mail Boxes**

Centralized mail delivery boxes shall be provided for the subdivision as required by the United States Postal Service (USPS). Design and location of the boxes shall be reviewed by the USPS prior to installation.

**G. Survey Monuments**

Survey monuments shall be installed as required by Yellowstone County and the Montana Subdivision and Platting Act.

**H. Maintenance**

Maintenance of the street improvements shall be the responsibility of the Rural Special Improvement District for Maintenance (RSID-M) as described in Section IX of this agreement.

#### **IV. EMERGENCY SERVICE**

##### **A. Fire Protection Facilities**

The subdivision is included within the boundaries of the Billings Urban Fire Service Area (BUFSA). Property within BUFSA is assessed for fire service and is served by the Billings Fire Department.

Fire Protection facilities shall be provided via a dry hydrant system(s) with a 30,000-gallon underground water storage tank. The system(s) shall be capable of providing a minimum of 1,000 gallons per minute at draft.

Phase I of the subdivision is located within one-half road mile of the existing approved 30,000-gallon dry hydrant located on Elder Grove Lane. No new dry hydrant facilities are required for Phase I of the subdivision.

Upon development of Phase II, the Subdivider shall submit plans and specifications of the dry hydrant system to the Billings Fire Department for review and approval prior to installation of the system. The tank shall be installed prior to release of the Declaration of Restriction on Transfers and Conveyances for lots within future phases or prior to construction of any buildings in future phases of the subdivision at the location shown on the plat. The dry hydrant system shall be inspected, acceptance tested, and approved by the Billings Fire Department prior to construction of any buildings in phase 2 or 3 of the subdivision.

##### **B. Maintenance**

Maintenance of the fire protection facilities shall be the responsibility of the Rural Special Improvement District for Maintenance (RSID-M) as described in Section IX. of this agreement. Maintenance shall include the maintenance of all fire protection facilities located within the easement as indicated on the plat, including the underground tank and associated fixtures and appurtenances and maintaining the water level within the tank such that the tank is full at all times. It is agreed that, should the Billings Fire Department need water from the tank to fight fire outside the subdivision, they will do so; and, upon completion of firefighting, they will refill the tank immediately at no cost to the special improvement district.

Lots located within Phase I of the subdivision will be included in the existing RSID-M for maintenance of the existing dry hydrant located on Elder Grove Lane. A new RSID-M will be established at the time of

development of Phase II for maintenance of the dry hydrant to be installed upon development of Phase II. Lots within all future phases of the subdivision shall be included in the RSID-M for the dry hydrant installed during Phase II.

**V. STORM DRAINAGE**

**A. Facilities**

All drainage improvements shall comply with the provisions of Section 4.7 of the Yellowstone County Subdivision Regulations (2017), and a Stormwater Management Plan shall be submitted to and approved by the Montana Department of Environmental Quality (MDEQ), or its designee.

All stormwater facilities located within or adjacent to the subdivision are integral parts of the street drainage system and shall remain so until such time as a storm drain trunk system becomes available and is utilized by the subdivision.

Stormwater improvements of the subdivision shall consist of any collection, conveyance, storage, or discharge facility which is an integral part of each particular phase's drainage system as described in the Stormwater Management Plan approved by the MDEQ Certificate of Subdivision Plat Approval, as filed with the Clerk and Recorder.

**B. Maintenance**

Maintenance of the stormwater facilities within public rights-of-way shall be the responsibility of the Rural Special Improvements District for Maintenance (RSID-M) as described in Section IX. of this agreement. Maintenance shall include all stormwater collection and conveyance facilities including, but not limited to roadside ditches and culverts located within the public rights-of-way as indicated on the plat.

Maintenance of stormwater facilities located within common area lots shall be the responsibility of the Homeowner's Association created at the time of the filing of the final plat. Maintenance shall include the maintenance of all stormwater collection, conveyance, storage, detention/retention, and discharge facilities located within the common area as indicated on the plat.

## **VI. UTILITIES**

### **A. Water**

Municipal public water service is not available in the subdivision at this time. The subdivision will be served by a public community water system for domestic water supply and irrigation supply to a limited number of residential lots. The Montana Department of Environmental Quality approval E.Q. #\_\_\_\_\_ shall be submitted with the final plat. A separate irrigation water system for the subdivision, supplied by the Big Ditch, will provide irrigation to lots and common areas in the subdivision. Installation of said community domestic water system and irrigation water system shall be by the Subdivider constructed prior to final plat or financially guaranteed. Maintenance of said water systems shall be the responsibility of the Homeowners' Association.

### **B. Sewer**

Municipal public sewer service is not available in the subdivision at this time. The subdivision will be served by a combination of multiple-user and individual wastewater disposal systems as approved by Montana Department of Environmental Quality. These systems shall be located and installed as shown on the site layout approved by Montana Department of Environmental Quality approval E.Q. #\_\_\_\_\_, which shall be submitted with the final plat. Installation of said multiple-user systems shall be by the Subdivider constructed prior to final plat or financially guaranteed. Maintenance of said multiple-user systems shall be the responsibility of the Homeowners' Association.

Individual septic, dosing tanks, and individual drainfields to be installed on the individual lots will be the responsibility of the future lot owner at the time of lot development.

### **C. Private Utilities**

All telephone, gas, electrical power, and cable television lines (where said utilities are actually available and existing to subdivision) shall be installed prior to street paving.

The Subdivider shall install private utilities within private utility easements where possible. Extension of private utilities into each lot shall be the responsibility of the individual lot owners. The location of all such off-site facilities within the existing public rights-of-way shall be subject to

approval of the County Public Works Department and shall be installed underground. The Subdivider shall coordinate installation with the various utility companies.

## **VII. PARKS/OPEN SPACE**

3.7 acres of park is required for The Nines Subdivision. 9.7 acres of private park is created with The Nines Subdivision. The private parkland shall remain as a park owned by the Homeowners' Association and not be sold or used for any other purpose other than a park in the future.

### **A. Facilities**

Private parks within the subdivision will be constructed with the subdivision improvements and phased with the development. Each park will have an underground irrigation systems installed and will be seeded with a turf grass mixture as approved by the developer upon final grading associated with street construction.

### **B. Maintenance**

Maintenance of private parkland shall be the responsibility of the Homeowner's Association created at the time of the filing of the final plat.

## **VIII. IRRIGATION**

A. The Nines Subdivision is located within the Big Ditch Company's service area and the property is currently irrigated by water from a ditch lateral. The lateral serving the site originates at an existing head gate from the main canal near its crossing of King Avenue West.

B. No irrigation laterals within the subdivision boundary or in immediately adjacent rights-of-way serve other properties. All irrigation laterals within the subdivision boundary will be removed during development.

C. Irrigation of the common areas and developed lots will be through an irrigation system supplied by the existing Big Ditch lateral. All water shares associated with the property will be transferred to the Homeowners' Association.

## **IX. RURAL SPECIAL IMPROVEMENTS DISTRICT FOR MAINTENANCE (RSID-M)**

A Rural Special Improvements District for Maintenance (RSID-M) shall be created by the Subdivider prior to the filing of the final plat, which shall include, but not be limited to, the maintenance of fire protection facilities, public streets, and roadside stormwater swales located within public rights-of-way, as indicated on the plat.

Prior to filing the final plat, Phase I lots of the subdivision shall be brought into the existing RSID-M for the dry hydrant located on Elder Grove Lane. A separate RSID-M for maintenance of public streets, and roadside stormwater swales located within public rights-of-way, as indicated on the plat shall be created with all subdivision lots included.

Prior to release of the Declaration of Restrictions on Transfers and Conveyances for Phase II, an RSID-M shall be created by the Subdivider for the maintenance of the dry hydrant to be installed in the Phase II improvements. The RSID-M shall consist of all lot owners for Phase II, Phase III, and any potential future subdivision phases.

**X. WEED MANAGEMENT PLAN**

- A.** All noxious weeds on the latest Yellowstone County Noxious Weed List must be controlled on all properties in the subdivision. A Noxious Weed Plan must be filed and updated annually for approval by the Yellowstone County Weed Board. It must contain the noxious weeds being addressed and the plan for control of those weeds. All cost of noxious weed control is the responsibility of the property owners (of record). The right-of-way noxious weed control is the responsibility of the Subdivider. Once the Maintenance District is formed, it then becomes the responsibility of the District.
- B.** A revegetation plan will be submitted as part of the management plan. A seeding recommendation will be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

**XI. SOILS/GEOTECHNICAL STUDY**

A geotechnical study is not required by the Yellowstone County Subdivision Regulations as part of this plat. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

## **XII. PHASING OF IMPROVEMENTS**

The Subdivider does not desire to commence development of all lots within the subdivision, but does desire to file the approved final plat for The Nines Subdivision and to sell and convey lots in said subdivision in phases. In accordance with the foregoing, the Subdivider and County agree as follows:

- A.** *Required improvements.* The first phase of the subdivision shall consist of the development of Lots 1 through 13 and Lot 27 in Block 1; Lots 1 through 20 in Block 2; Lots 1 through 3 in Block 3; and Lots 1 through 15 and Lots 40 through 41 in Block 4 (54 lots total). The second phase of the subdivision shall consist of the development of Lots 14 through 20 in Block 1; Lots 4 through 8 in Block 3; Lots 16 through 25 in Block 4; and Lot 1 in Block 5 (23 lots total). The third phase of the subdivision shall consist of the development of Lots 21 through 26 in Block 1 and Lots 26 through 39 in Block 4 (20 lots total).

The improvements in each phase shall include street improvements, community water improvements, multi-user sanitary sewer improvements, stormwater improvements, private park improvements, dry hydrant (Phase II), and the private utility improvements as described in this agreement.

- B.** *Timing of improvements.* The second phase of the subdivision shall begin after completion and acceptance of Phase I, and the third phase of the subdivision shall begin after completion and acceptance of Phase II. Subsequent phases may be combined or added, in part, to each other so long as improvements are contiguous, but are anticipated to proceed in the aforementioned order. Construction of phased subdivision improvements is anticipated to commence on the following dates:

Phase II	April 2023
Phase III	April 2025

- C.** *Release of lots and restrictions on lot sales.* The phased improvements shall be constructed and installed utilizing private contracts. The Subdivider shall not be entitled to proceed with a phase of the development until the private contract for the improvements required with respect to such phase is executed and/or the necessary funding guarantees have been provided.

Pursuant to the foregoing agreement, the Subdivider shall execute and record a Declaration of Restriction on Transfers and Conveyances for said phased lots, substantially in the form of Exhibit A attached hereto, to be

recorded concurrently with the recording of this agreement. Said Declaration notifies all third parties that said lots may not be legally sold, conveyed, or transferred until a release executed by Yellowstone County and substantially in the form of Exhibit B attached hereto has been recorded in the Office of the Clerk and Recorder of Yellowstone County, Montana. No lots shall be released until a certificate substantially in the form of Exhibit C attached hereto has been executed by the Yellowstone County Public Works stating that the above conditions have been met, which certificate must accompany any request for a release. By the acceptance and recording of the agreement, the County does hereby authorize the Yellowstone County Public Works, County Commissioners, and Clerk of the County to review any requests for release and to execute such certificates and releases as may be necessary to evidence a release from the restriction against sale, conveyance, and transfer of lots in the subdivision.

- D.** *Financial guarantees for improvements.* The phased improvements will be installed by the Subdivider in the future. The Subdivider agrees not to sell or convey any lots in the subdivision to be served by the phased improvements, and Subdivider further acknowledges that no building permits for lots within any phase shall be issued until a private contract has been executed and necessary funding guarantees have been provided for the construction and installation of the complete and final public improvements necessary to serve said lots, and to provide necessary access and traffic circulation for the traffic generated by those lots.

### **XIII. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the Planning Board and Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be designed by and constructed under the supervision of a professional engineer competent in civil engineering, licensed in the State of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C. of the Yellowstone County Subdivision Regulations.

### **XIV. LEGAL PROVISIONS**

- A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B.** The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D.** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G.** Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.



“COUNTY”

COUNTY OF YELLOWSTONE  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Attest: \_\_\_\_\_  
County Clerk and Recorder

STATE OF MONTANA     )  
  : ss  
County of Yellowstone    )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, known to me to be representatives of the Board of Commissioners and the County Clerk and Recorder for Yellowstone County, Montana, the persons who signed the foregoing instrument and acknowledged to me that they executed the same. Witness my hand and seal the day and year hereinabove written.

\_\_\_\_\_  
Notary Public in and for the State of Montana



**WAIVER OF RIGHT TO PROTEST**

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's), which Yellowstone County may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

All of \_\_\_\_\_ Subdivision, according to the plat thereof on file and of record in the office of the Clerk and Recorder of Yellowstone County, Montana

Signed and dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**SUBDIVIDER/OWNER**

**P3COLEMAN, LLC**

By: \_\_\_\_\_  
Kelly Coleman

It's: \_\_\_\_\_

STATE OF MONTANA        )  
                                      : ss  
County of Yellowstone    )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the member of **P3COLEMAN, LLC**, the limited liability company executing the within instrument, and acknowledged to me that they executed the same on behalf of said limited liability company, having first been authorized so to do.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year herein above written.

\_\_\_\_\_  
Notary Public in and for the State of Montana



Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

**EXHIBIT A**  
**DECLARATION OF RESTRICTION ON**  
**TRANSFERS AND CONVEYANCES**

**THE NINES SUBDIVISION**

**THIS DECLARATION** is made this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_,  
by **P3COLEMAN, LLC**, hereinafter referred to as “Declarant.”

**WITNESSETH:**

**WHEREAS**, the Declarant is the owner of all of the lots in The Nines Subdivision, situated in the N½SW¼ of Section 17, Township 1 South, Range 25 East, P.M.M, Yellowstone County, Montana, hereinafter referred to as the “Subdivision;” and

**WHEREAS**, in connection with the filing of the plat for the Subdivision, the Declarant executed that certain Subdivision Improvement Agreement dated \_\_\_\_\_, 20 \_\_\_\_, to Yellowstone County, which Agreement contains restrictions against the sale, conveyance, or transfer of certain lots in the Subdivision until such time as a private contract has been executed and/or the necessary funding guarantees have been provided for the installation and construction of required public improvements; and

**WHEREAS**, in order to more fully evidence the restriction against sale, conveyance, or transfer and to give third parties notice of such restrictions, the Declarant desires to execute and record this Declaration of Restriction.

**NOW, THEREFORE**, in consideration of these premises, the Declarant, for themselves and their successors and assigns, does hereby declare:

1. Except as hereinafter provided, the Declarant does hereby agree and declare that the following described lots shall not be sold, transferred, or conveyed to any third party unless and until a release has been executed and recorded in accordance with the provisions hereinafter appearing:

*Proposed Phase II:*

Lots 14 through 20 in Block 1; Lots 4 through 8 in Block 3; Lots 16 through 25 in Block 4; and Lot 1 in Block 5; all in The Nines Subdivision in Yellowstone County, according to the official plats on file in the office of the Clerk and Recorder of Yellowstone County, Montana.

*Proposed Phase III:*

Lots 21 through 26 in Block 1 and Lots 26 through 39 in Block 4; all in The Nines Subdivision in Yellowstone County, according to the official plats on file in the office of the Clerk and Recorder of Yellowstone County, Montana.

2. It is the express purpose and intent of this Declaration to restrict or preclude sale, transfer, or conveyance of the above-described lots until such time as a private contract has been executed or the necessary funding guarantees have been provided for the construction and installation of those public improvements required under the above-described Subdivision Improvements Agreement which, by reference thereto, is hereby incorporated herein as though fully set forth at this point. It is anticipated, however, that the Declarant will develop The Nines Subdivision in distinct phases, upon providing for the installation and construction of the public improvements necessary to serve the particular phase. In that regard, a release of some but not all of the above-described lots may be executed and recorded from time to time, in accordance with the provisions hereinafter appearing, and upon the recording of said release, the covenants and restrictions contained herein with respect to the lots described in said release shall be deemed canceled and terminated, and of no further force and effect.
3. Upon compliance with the requirements for a private contract or the necessary funding guarantees specified above, a release for the lot or lots affected thereby shall be executed and recorded by Yellowstone County,

pursuant to the provisions contained in Paragraph 3 of the said Subdivision Improvements Agreement. The execution and recording of said release shall be deemed conclusive evidence to all third parties purchasing or acquiring any lot described therein that the restriction against sale, conveyance, or transfer of said lot has been removed.

4. UNTIL SUCH RELEASE IS EXECUTED AND RECORDED, THIS DECLARATION SHALL SERVE AS NOTICE TO ALL THIRD PARTIES PURCHASING OR ACQUIRING ANY OF THE ABOVE-DESCRIBED LOTS OF THE EXPRESS RESTRICTIONS AGAINST ANY SUCH SALE, CONVEYANCE, OR TRANSFER AND OF THE TERMS AND CONDITIONS OF THE SAID SUBDIVISION IMPROVEMENTS AGREEMENT, AND SHALL FURTHER SERVE AS NOTICE THAT YELLOWSTONE COUNTY MAY ENFORCE ANY AND ALL LEGAL RIGHTS AND REMEDIES SPECIFIED IN THE SUBDIVISION IMPROVEMENTS AGREEMENT SHOULD THE TERMS OF THIS DECLARATION BE VIOLATED.
5. The terms, conditions, and restrictions contained in this Declaration shall not preclude or restrict the ability of the Declarant to (a) sell, convey, and transfer all of the above-described lots, or those lots remaining subject to the terms of this Declaration, as one unit or group to a third party, parties, or entities; provided, however, that such sale shall be subject to this Declaration and the lots shall continue to be subject to the restrictions herein provided against the sale, transfer, and conveyance until a release has been executed and recorded; or (b) enter into sale and purchase agreements for individual lots; provided, however, that the deeds or other conveyance documents shall not be delivered to the prospective buyer nor shall the closing under any such sale and purchase agreements occur until such time as a release covering the affected lot has been executed and recorded.
6. The terms and conditions of this Declaration shall run with the land and shall be binding upon and shall inure to the benefit of the Declarant, Yellowstone County, and their successors and assigns.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

“DECLARANT”

P3COLEMAN, LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument as the \_\_\_\_\_ of P3COLEMAN, LLC, and who acknowledged to me that said company executed the same. Witness my hand and seal the day and year hereinabove written.

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Return to:  
Engineering, Inc.  
1300 North Transtech Way  
Billings, MT 59102

## **EXHIBIT B RELEASE**

### **THE NINES SUBDIVISION**

**THIS RELEASE** is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the undersigned, **P3COLEMAN, LLC**, and **YELLOWSTONE COUNTY**, a municipal corporation.

**WHEREAS**, the hereinafter described real property is subject to that certain Declaration of Restriction on Transfers and Conveyances (the "Declaration") dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and recorded this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, under Document No. \_\_\_\_\_ in the office of the Yellowstone County Clerk and Recorder; and

**WHEREAS**, said real property is also subject to the terms of that certain Subdivision Improvements Agreement by and between the undersigned dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and recorded this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, under Document No. \_\_\_\_\_, in the office of the Yellowstone County Clerk and Recorder; and

**WHEREAS**, in accordance with the provisions of said Subdivision Improvements Agreement and the Declaration that a private contract has been executed and/or the necessary funding guarantees have been provided for the installation and construction of all required public improvements to serve the hereinafter described real property.

**NOW, THEREFORE**, in consideration of these premises, the undersigned do hereby declare and agree that all restrictions and conditions contained in said Declaration

are hereby released and discharged, and shall be of no further force and effect, as the same relate to the following real property situated in Yellowstone County, Montana:

Lot(s) \_\_\_\_\_, Block \_\_\_\_\_, in The Nines Subdivision, in Yellowstone County, Montana, according to the official plat on file and of record in the office of the Clerk and Recorder of said County, under Document No. \_\_\_\_\_.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

P3COLEMAN, LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument as the \_\_\_\_\_ of P3COLEMAN, LLC, and who acknowledged to me that said company executed the same. Witness my hand and seal the day and year hereinabove written.

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

COUNTY OF YELLOWSTONE  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Attest: \_\_\_\_\_  
County Clerk

STATE OF MONTANA     )  
  : ss  
County of Yellowstone    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, known to me to be representatives of the Board of Commissioners and the County Clerk and Recorder for Yellowstone County, Montana, the persons who signed the foregoing instrument and acknowledged to me that they executed the same. Witness my hand and seal the day and year hereinabove written.

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_



Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

## CERTIFICATE

### THE NINES SUBDIVISION

The undersigned, the duly authorized representative of the Yellowstone County Public Works, Yellowstone County, Montana, does hereby certify that a private contract has been executed and/or the necessary funding guarantees have been provided to construct and install the public improvements required to serve the following described property in Yellowstone County, Montana:

Lot(s) \_\_\_\_\_, Block \_\_\_\_\_, in The Nines Subdivision, in Yellowstone County, Montana, according to the official plat on file and of record in the office of the Clerk and Recorder of said County, under Document No. \_\_\_\_\_.

This Certificate is being executed to show compliance with the terms of that certain Subdivision Improvements Agreement dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between P3COLEMAN, LLC, and YELLOWSTONE COUNTY, and that certain Declaration of Restriction on Transfers and Conveyances, dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, covering The Nines Subdivision, and to provide the basis for the execution and recording of a Release from the terms of said Declaration pursuant to the terms of said Agreements.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

YELLOWSTONE COUNTY PUBLIC WORKS  
YELLOWSTONE COUNTY, MONTANA

By: \_\_\_\_\_

Title: \_\_\_\_\_



# PRELIMINARY PLAT OF THE NINES SUBDIVISION

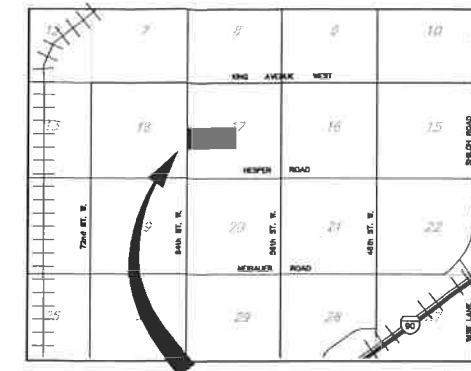
BEING TRACT 2C OF CERTIFICATE OF SURVEY No. 2467 AND NE1/4SE1/4  
SITUATED IN THE N1/2SW1/4 OF SECTION 17, T. 1 S., R. 25 E., P.M.M.  
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : P3COLEMAN, LLC.

OCTOBER, 2017

PREPARED BY : SANDERSONSTEWART

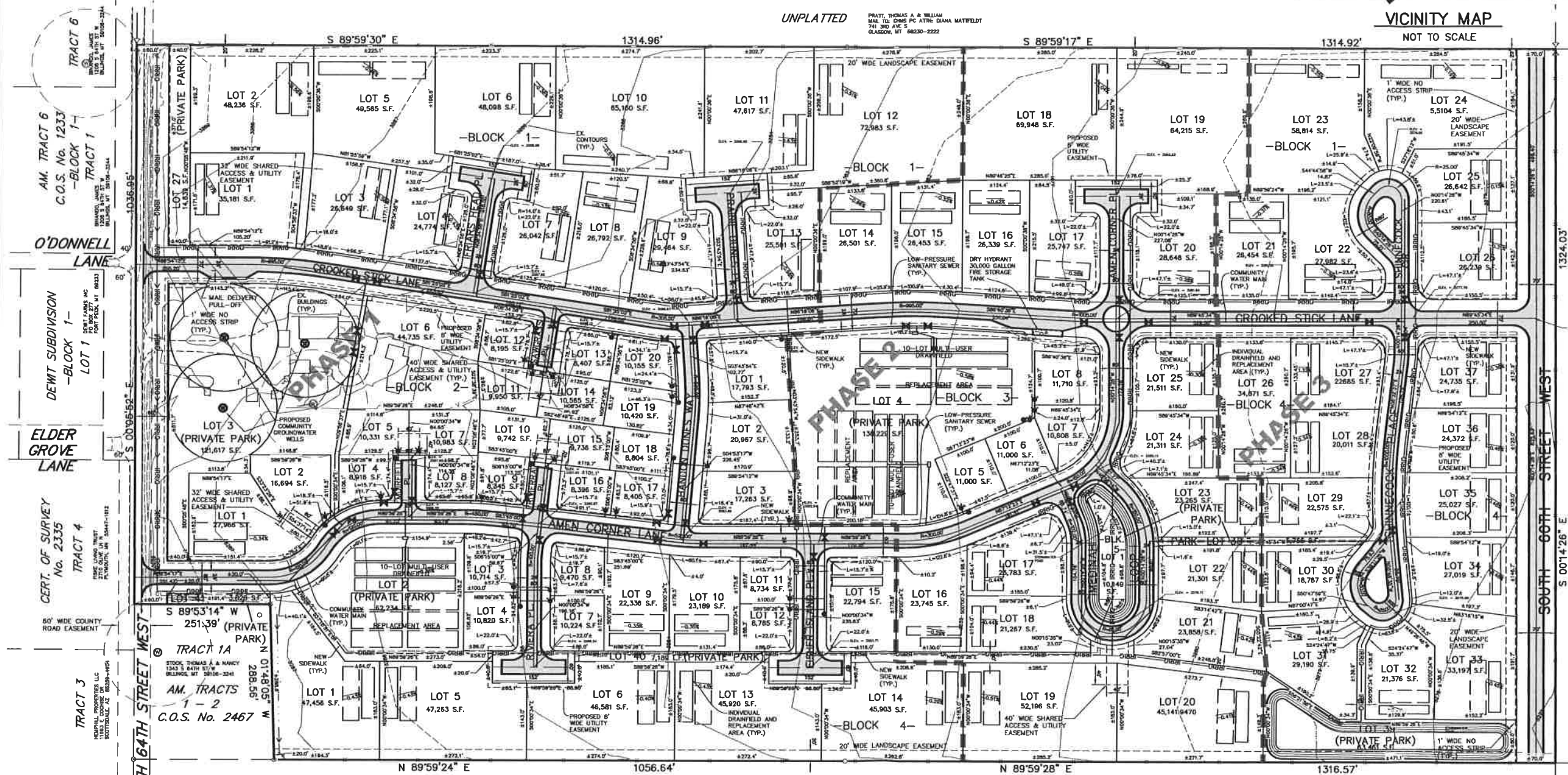
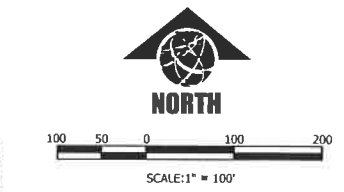
BILLINGS, MONTANA



VICINITY MAP  
NOT TO SCALE

LOT 2  
COLUMBIA & HON  
1130 WOODGATE DR  
BILLINGS, MT 59106-3211

UNPLATTED PRATT, THOMAS A & WILLIAM  
MAIL TO CHRIS PC ATTN: DIANA MATTHEW  
741 3RD AVE S  
GLASSBORO, MT 58230-2222



UNPLATTED MILLER, DONALD W  
2807 S 78th ST W  
BILLINGS, MT 59106-3631

**PLAT DATA**

GROSS AREA	= ±78.3 AC.
NET AREA	= ±62.52 AC.
NUMBER OF LOTS	= 97 (88 RESIDENTIAL, 9 PRIVATE PARK)
MINIMUM LOT SIZE	= 8,127 S.F.
MAXIMUM LOT SIZE	= 72,983 S.F.
LINEAL FEET OF STREETS	= ±8,627 L.F.
PARKLAND REQUIREMENT	= ±3.7 AC.
PARKLAND PROVIDED	= ±9.8 AC.
EXISTING ZONING	= OUTSIDE ZONING JURISDICTION
SURROUNDING ZONING:	
NORTH	= OUTSIDE ZONING JURISDICTION
SOUTH	= OUTSIDE ZONING JURISDICTION
EAST	= AG. SUBURBAN
WEST	= OUTSIDE ZONING JURISDICTION
EXISTING LAND USE	= SINGLE-FAMILY RESIDENTIAL/AG
PROPOSED LAND USE	= RESIDENTIAL

UNPLATTED COOPER, LYNDON S JR  
1324 S 60th ST W  
BILLINGS, MT 59106-2834



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



**Planning Board Meeting 2 (4th Tuesday)**

**Meeting Date:** 01/23/2018

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**Information**

**INTRODUCTION**

On December 1, 2017, the Planning Division received a preliminary plat application for Southview Sanctuary Estates Major Subdivision, being Tract 12B of Amended C/S 974. The proposed plat creates 10 lots for residential development. The subject property is generally located south of Kautzman Rd., east of 56th Street West. A portion of the property is zoned for residential use only as a part of Special Zoning District #20. Access will be provided by the construction of Southview Sanctuary Estates Drive, a paved public road connecting to 56th Street West and Elk River Road. A 30,000-gallon dry hydrant will be constructed and installed as a part of this development. The Yellowstone County Board of Planning reviewed the plat on January 9th and will conduct its public hearing at this meeting on Tuesday, January 23rd.

**RECOMMENDATION**

Staff recommends the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Southview Sanctuary Estates, C/S 974, Tract 12 B, 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 the natural environment, prior to final plat approval the applicant will obtain approval from the MDEQ for the proposed wells, septic systems and storm water management from the MDEQ and meet the requirements of Yellowstone County Storm Water Management.
2. To minimize effects on local services prior to final plat approval, the applicant will create new RSID's for maintenance of roads for this subdivision.
3. To ensure public safety and provide needed fire suppression service, prior to final plat approval the applicant will expand the RSID-M for the dry hydrant system in Curly Willow Subdivision to include the subdivision in its entirety and pay in full the proportional reimbursement.
4. To provide for maintenance within the private parks and to minimize the effects on local services, prior to final plat approval, the applicant will submit HOA documents that within them specifically outline homeowners' responsibility to maintain the parks within the subdivision.
5. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS for locating and provided the correct amount of space for safely delivering the mail to the residents.
6. To provide needed private utility infrastructure prior to final plat approval, the applicant will coordinate with the private utility providers to determine needed utility easements and show them on the final plat.
7. 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.

8. 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**

No variances have been requested as part of this application.

## **DISCUSSION/STAKEHOLDERS**

Staff gave a brief presentation regarding Southview Sanctuary Estates Major Subdivision. The Applicant's agent, Tyler Kerns of EEC, Inc., was available for questions. There were no questions or discussion for staff or the applicant's agent from the Planning Board.

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## **Attachments**

Findings of Fact

Preliminary Plat

SIA

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## FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for Southview Sanctuary Estates Subdivision, Amended Plat of Lot 12B. 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 consisting of approximately 19.324 acres is currently used for agricultural purposes. The subdivision should not affect agricultural water users' facilities as there are no facilities within the plat boundary.

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

- a. **Water and Sewer** – This subdivision is not near any services provided by the City of Billings. The applicant is proposing to install individual wells for this subdivision that will serve all 10 lots. It will also meet the requirements set out by MDEQ for approval of individual wells. Maintenance of the wells will be the responsibility of the individual lot owners. This is outlined in the SIA under section VI. Utilities. Individual septic systems are proposed for each of the lots. Locations and design of the septic systems will be reviewed and approved by the Montana Department of Environmental Quality (MDEQ) prior to final plat approval. **(Condition #1)**
  
- b. **Streets and roads** – The proposed subdivision is located on the east side of 56<sup>th</sup> Street West South of Interstate 90. Fifty Sixth Street West is a paved county road. The proposed street for the subdivision will be a 28' wide public street constructed to County Standards. It will consist of a 24' wide paved surface with a 2' wide gravel shoulder. Right-of-way width will be 60' as shown and dimensioned on the plat. The public street will connect to 56<sup>th</sup> Street to the west and Elk River Road to the northeast. **(Condition #2)**
  
- c. **Fire and Police Services** – The property is within the Billings Urban Fire Service Area (BUFSA). It is the subdivider's responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service's needs. The applicant has proposed the use of an existing dry hydrant within ½ road mile. The RSID-M currently established for the existing hydrant will be expanded to include the 10 new lots. **(Condition #3)**

The Yellowstone County Sheriff's Department will provide law enforcement services.

- d. **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.

- e. **Storm water drainage** – The management of storm water runoff shall be designed to satisfy storm water management requirements and specifications of MDEQ and Yellowstone County. The applicant is proposing to use the standard County Road Cross section with road side swales and natural percolation to handle the storm water requirements. **(Condition #1)**
- f. **School facilities** – The proposed subdivision is located in Billings School District #2, Canyon Creek Elementary School, Canyon Creek Middle School, and West High School will serve residence in this subdivision. School District #2 responded that West High School is over capacity.
- g. **Parks and recreation** – This subdivision is required to provide parkland dedication for the 10 lots. The applicant is proposing private parkland consisting of 7.342 acres in the southeast corner of the subdivision. **(Condition #4)**
- h. **Historic features** – No known historical or cultural assets exist on the site.
- i. **United States Postal Service (USPS)** - The USPS has responded that they will require a centralized delivery box system and that there be enough space that the delivery vehicle will be able to pull off the road safely. The applicant will coordinate that location with the USPS prior to final plat approval. **(Condition #5)**

### **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 has been approved by the Yellowstone County Weed Department.

MDEQ will review and approve the new proposed septic systems and storm water management facilities to ensure any impacts of the development are mitigated.

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) responded to a request for review and comment on the proposed subdivision. It is suggested 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 paragraph 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 septic systems and public water supply will be reviewed and approved by MDEQ prior to final plat approval. Fire and emergency services are provided for this proposed subdivision. Effects on public health and safety should be minimal.

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

A portion of the subdivision is located in Special Zoning District 20. A majority of the property is unzoned, thus an environmental assessment was required.

**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 2008 Growth Policy**

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

*This subdivision will create 10 lots for single family residences. These lots will be smaller than adjacent lots, however, the general vicinity to the east has developed with similar lots sizes and the area to the northwest, known as Curly Willow Subdivision has developed in condominiums.*

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

*There are many similarly sized lots containing single-family homes in the surrounding neighborhood near the subject property.*

- **Goal: More housing and business choices within each neighborhood. (p. 6)**

*The proposed subdivision will create 10 additional lots in this area for housing.*

**3. 2014 Billings Urban Area Long Range Transportation Plan**

The subject property is not within the boundary of the study area of the Transportation Plan, however, 56<sup>th</sup> Street West is identified as a principle arterial street. There is adequate road dedication for the proposed street type along the west edge of the proposed subdivision. New lots will be served by an internal private street; the appropriate amount of right-of-way is being provided with this plat.

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

The subject property is not within the jurisdiction of the BABTMP.

**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 shall receive approval from MDEQ for the proposal for individual well and septic systems

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

A portion of the proposed subdivision lies within the current boundary of Special Zoning District #20. The intent of this zoning district is “to allow residential development on small lots and to control scattered intrusion of uses not compatible with a residential environment.” The proposed lot sizes exceed the minimum lot size requirement.

**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 shall appear on the face of the final plat as requested by private utility companies. The submitted SIA utilities will be placed in the public right of way. **(Condition #8)**

**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 Sanctuary Estates Road that will connect 56<sup>th</sup> street West and Elk River Road.

## **CONCLUSIONS OF FINDINGS OF FACT**

- The proposed 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 the 2008 Yellowstone County 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 to the Board of County Commissioners conditional approval of Southview Sanctuary Estates Subdivision, and the Findings of Fact as presented in the staff report.

# PRELIMINARY PLAT OF SOUTHWEST SANCTUARY ESTATES

BEING LOT 1 OF THE DANWALT SUBDIVISION  
LOCATED IN THE SOUTHWEST 1/4 SECTION 33, TOWNSHIP 1 SOUTH, RANGE  
25 EAST, P.M.M., YELLOWSTONE COUNTY, STATE OF MONTANA

SURVEYED FOR: 2K ENTERPRISES LLC

SURVEYED BY: EGGART ENGINEERING COMPANY

November, 2017

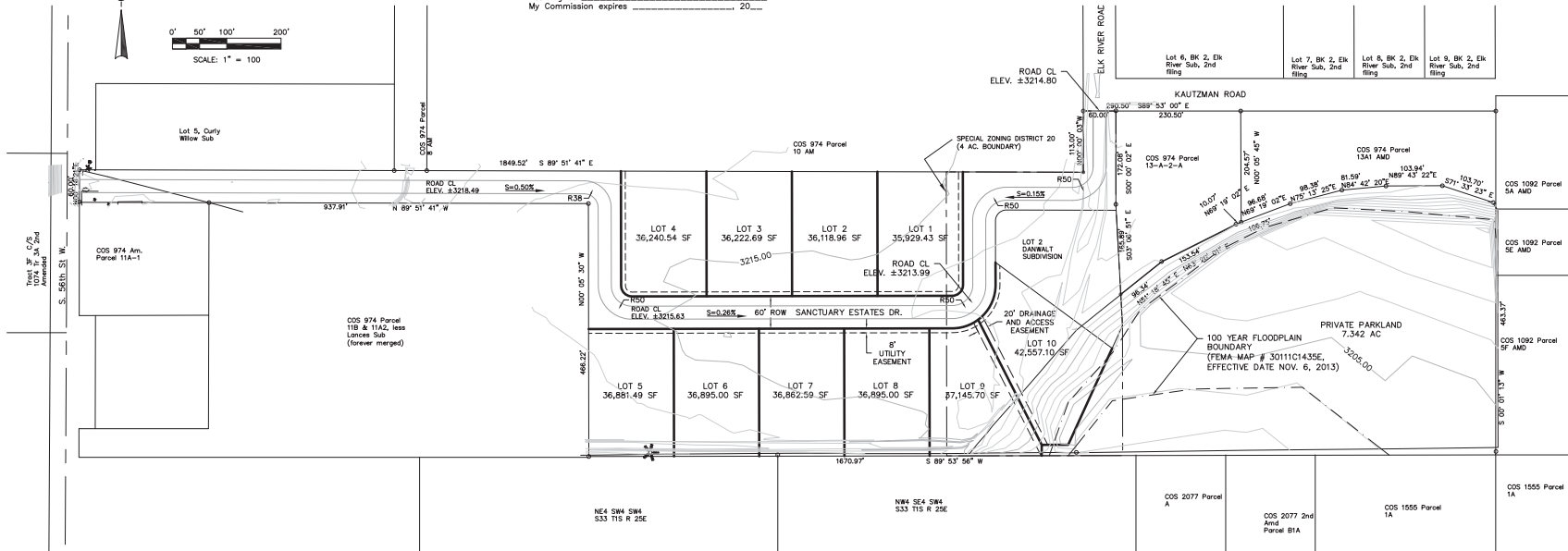
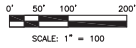
## SUBDIVISION DETAILS:

GROSS AREA: \_\_\_\_\_ 19.324 ACRES  
NET AREA: \_\_\_\_\_ 15.880 ACRES  
ROAD AREA: \_\_\_\_\_ 3.444 ACRES  
NUMBER OF LOTS: \_\_\_\_\_ 10  
MAXIMUM LOT SIZE: \_\_\_\_\_ 7.342 ACRES  
MINIMUM LOT SIZE: \_\_\_\_\_ 0.825 ACRES  
PARKLAND AREA: \_\_\_\_\_ 7.342 ACRES  
EXISTING LAND USE: \_\_\_\_\_ AGRICULTURE  
PROPOSED LAND USE: \_\_\_\_\_ RESIDENTIAL  
ZONING: \_\_\_\_\_ UNZONED / SPECIAL ZONING  
DISTRICT #20 ELK RIVER ROAD

- Notes:**
- PRIVATE PARKLAND FOR USE BY MEMBERS OF THE SOUTHWEST SANCTUARY ESTATES HOMEOWNERS ASSOCIATION.
  - SPECIAL ZONING DISTRICT #20 ELK RIVER ROAD APPLIES TO LOTS 1, 9, AND 10 ONLY; BEING THE ONLY LOTS WHICH CROSS THE 4-ACRE AREA WEST OF ELK RIVER ROAD, AS DESCRIBED IN THE LANGUAGE OF THE SPECIAL ZONING DISTRICT.

**LEGEND**

- LOT LINE
- PROPERTY BOUNDARY
- ZONING BOUNDARY
- UTILITY EASEMENT
- ACCESS AND DRAINAGE EASEMENT
- 100 YEAR FLOODPLAIN



### CERTIFICATE OF SURVEYOR AND PROPERTY DESCRIPTION

This is to certify that Scott Swanson, a Licensed Professional Engineer and Land Surveyor, Montana License No. 13100ES, performed a survey in November, 2017, within the SW1/4 of Section 33, T15S, R25E, P.M.M. in Yellowstone County, Montana, more particularly described as follows, to wit: Lot 1 of Danwalt Subdivision as recorded under document # \_\_\_\_\_ in the office of the County Clerk and Recorder of Yellowstone County, Montana, containing an area of 19.323 Acres. That the monuments found and set are of the character and occupy the position shown hereon, that said survey and the plat hereof shows true and correct dimensions and that the plat conforms with the work on the ground.

By: \_\_\_\_\_ Scott Swanson,  
Licensed Professional Engineer and Land Surveyor Montana  
License No. 13100ES Subscribed and sworn to before me, a  
Notary Public for the State of Montana, this \_\_\_\_\_ Day of  
\_\_\_\_\_, 20\_\_\_\_.

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

Printed Name of Notary \_\_\_\_\_  
Residing at \_\_\_\_\_, 20\_\_\_\_  
My Commission expires: \_\_\_\_\_, 20\_\_\_\_

### CERTIFICATE OF DEDICATION

The undersigned property owner does hereby certify that they have caused to be surveyed, subdivided and platted into lots as shown by the plat hereunto annexed, said subdivision, description of boundaries and dimensions being in accordance with the Certificate of Surveyor and Property Description, and as shown on the annexed plat.

The undersigned hereby grants unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair and removal of their lines over, under and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever. Said tract to be known and designated as SOUTHWEST SANCTUARY ESTATES SUBDIVISION, and the lands included in all streets, avenues, and parks as shown on the annexed plat are hereby granted and donated to the use of the public forever.

Owner of Lot 1, Danwalt Subdivision

2K Enterprises LLC

By: \_\_\_\_\_ (Printed Name)

\_\_\_\_\_, (Signature)

Title: \_\_\_\_\_

STATE OF MONTANA )

County of \_\_\_\_\_ ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of 2K Enterprises LLC, the corporation which executed the forgoing instrument, and acknowledged to me that said corporation executed the same.

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

Printed Name of Notary \_\_\_\_\_

Residing at \_\_\_\_\_, 20\_\_\_\_

My Commission expires \_\_\_\_\_, 20\_\_\_\_

### COUNTY TREASURER'S CERTIFICATION OF TAX PAYMENT

I hereby certify that all real property taxes and special assessments assessed and levied on the land above described are paid pursuant to MCA 76-3-207(3).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Yellowstone County Treasurer

### CERTIFICATE OF RIVERSTONE HEALTH

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

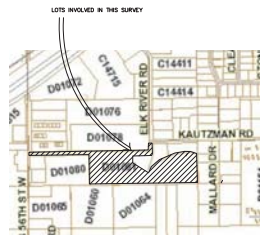
Health officer / Authorized representative  
Yellowstone City/County Health Department

### CERTIFICATE OF COUNTY ATTORNEY

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Reviewed by: \_\_\_\_\_



VICINITY MAP

CLERK AND RECORDER FILING INFORMATION

**SUBDIVISION IMPROVEMENTS AGREEMENT**  
*Southview Sanctuary Estates*

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**Yellowstone County**

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**SUBDIVISION IMPROVEMENTS AGREEMENT**  
*Southview Sanctuary Estates*

**This agreement** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between 2K Enterprises LLC, whose address for the purpose of this agreement is 9216 Kautzman Road, Billings, MT 59101, hereinafter referred to as “Subdivider,” and YELLOWSTONE COUNTY, Montana, hereinafter referred to as “County.”

**WITNESSETH:**

**WHEREAS**, Southview Sanctuary Estates, being Lot 1 of the DanWalt Subdivision, located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning as a major subdivision; and

**WHEREAS**, a Subdivision Improvements Agreement is required by the County prior to the approval of the final plat.

**WHEREAS**, the provisions of this agreement shall be effective and applicable to the single family residential development of Southview Sanctuary Estates, being Lot 1 of the DanWalt Subdivision, upon the filing of the final documents in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

**I. VARIANCES**

Subdivider does not request any variances from the Yellowstone County Subdivision Regulations for this subdivision.

**II. CONDITIONS THAT RUN WITH THE LAND**

- A.** Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- B.** Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C.** No water rights have been transferred to the lot owners.
- D.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E.** Lot owners should be aware that portion(s) of this property lie within the floodplain/floodway, as depicted on the FEMA maps for this area. Please be advised that special development restrictions may apply within these specified areas.

F. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.

G. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.

H. Future maintenance of all public improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.

### III. TRANSPORTATION

#### A. Streets

The proposed street for the subdivision will be a 28' wide public street constructed to County Standards. It consists of a 24' wide paved surface with a two-foot wide gravel shoulders and drainage ditches on both sides. The street will be situated in a 60' right-of-way. The public street will connect to 56<sup>th</sup> street to the west and Elk River Road to the northeast.

No sidewalks are to be provided.

There are no bike trails planned within this residential subdivision.

#### B. Traffic Control Devices

One stop sign will be located at the intersection of the street with 56<sup>th</sup> Street. No other traffic control devices will be necessary.

#### C. Access

Access into the property will be via approaches off of the existing roadways. A 30' access will be installed at the intersection with 56<sup>th</sup> Street and the new road will connect directly into Elk River Road. The approaches shall be installed in accordance with the approach standards of Yellowstone County Public Works. No culverts will be installed at these approaches.

#### D. Billings Area Bike Trail Master Plan (BABTMP)

The subdivision is not within the jurisdiction area of the BABTMP.

#### E. Maintenance

Maintenance of the Street Improvements shall be addressed by the creation of a Rural Special Improvement District for Maintenance (RSID-M) for Southview Sanctuary Estates Subdivision. This RSID-M shall include each individual owner of property within the Southview Sanctuary Estates Subdivision.

### IV. EMERGENCY SERVICE

The proposed street will connect to two existing roadways allowing access throughout the subdivision. There is an existing 30,000 gallon dry fire hydrant located within ½ road mile from the Southview Sanctuary Estates subdivision. The ½ road mile from the existing dry hydrant travels through the entire subdivision, passing each full lot front. Proportional payment has been completed between the new Owner(s) and existing owners of the dry hydrant. The maintenance of the existing dry hydrant is the responsibility of the RSID-M as described in the SIA for Curly Willow Subdivision and Condos on file at the Yellowstone County Clerk & Recorder under Document #3617053. This RSID-M shall be expanded to include the Southview Sanctuary Estates Subdivision. This subdivision is within the BUFSAs boundaries.

**V. STORM DRAINAGE**

This subdivision is subject to review by the Department of Environmental Quality for storm water management. There are no existing storm water facilities within the project limits. Southview Sanctuary Estates Drive will be constructed per Yellowstone County standards which utilize borrow ditches as drainage swales within the public right-of-way. In addition, storm water retention swales will be sized on each lot to provide the necessary storage volume. Storm water will be retained within these two systems for the required storm event(s) and duration as identified by MDEQ Circular 8 - *Montana Standards for Subdivision Storm Drainage*. No approach culverts shall be installed to individual lots. Maintenance of the storm water facilities shall be the responsibility of Southview Sanctuary Estates Subdivision Homeowners Association.

The local FEMA map identifies a 100-year floodplain boundary that encroaches upon the subdivision. The floodplain boundary, as shown on the plat, was located using the FEMA Map #30111C1435E (effective date November 6, 2013). The floodplain boundary, not the necessarily the floodway, crosses the Private Parkland and a small portion of Lot 10.

**VI. UTILITIES**

**A. Water**

No public water is available in the subdivision at this time. The subdivision will utilize individual wells as approved by MDEQ. The maintenance of the water facilities will be the responsibility of the individual lot owners.

The design and permitting of the water facilities will be concurrent with this subdivision review and its approval shall be subject to the approval by MDEQ.

**B. Septic System**

No public sewer is available in the subdivision at this time. The subdivision will utilize individual wastewater disposal systems as approved by MDEQ. The maintenance of the sewer facilities will be the responsibility of the individual lot owners.

The design and permitting of the sewer facilities will be concurrent with this subdivision review and its approval shall be subject to the approval by MDEQ.

**C. Power, Telephone, Gas, and Cable Television**

Utilities will be placed within right-of-way and routed throughout the subdivision to best serve the needs of lots.

**VII. PARKS/OPEN SPACE**

Private Parkland as identified on the Plat will be for sole use by the Southview Sanctuary Estates Subdivision, as identified in the Southview Sanctuary Estates Homeowners Association Documents. Section 10 of the Yellowstone County Subdivision Regulations identifies the required park space for this size and type of development to be 7.5% of the net land area; the lot identified as open space is in excess of 37% of the net land area. Maintenance will be the responsibility of the Southview Sanctuary Estates Homeowners Association. The parkland is restricted from any further subdivision.

**VIII. IRRIGATION**

There are no identified irrigation easements within the plat boundary. Irrigation for landscaping of the lots will be the sole responsibility of individual lot owners.

**IX. WEED MANAGEMENT**

All noxious weeds on the latest Yellowstone County Noxious Weed List shall be controlled on all properties in the subdivision.

A Weed Management Plan has been approved by the Yellowstone County Weed Department. Said weed management plan shall contain the noxious weeds being addressed and the plan for the control of those weeds. All associated cost for noxious weed control is the responsibility of the owner of record.

A re-vegetation plan shall be submitted as part of the management plan. A seeding recommendation can be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

**X. SOILS/GEOTECHNICAL STUDY**

A geotechnical investigation may be required prior to issuance of building permit for the buildings in this subdivision.

**XI. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the Planning Board and Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be designed by and constructed under the supervision of a professional engineer competent in civil engineering, licensed in the state of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C. of the Yellowstone County Subdivision Regulations.

(In the event that all required improvements are not installed and constructed prior to final plat approval, the Subdivider shall provide a monetary security guarantee in the amount of 125% of the estimated total cost by one (1) of the methods listed in Chapter 5 of the Yellowstone County Subdivision Regulations. If using a security, describe the method in this section)

**XII. LEGAL PROVISIONS**

- A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B.** The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D.** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

**G.** Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

DRAFT

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“SUBDIVIDER”

2K Enterprises LLC.

\_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of 2K Enterprises LLC., who executed the foregoing instrument and acknowledged to me that he/she executed the same.

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

DRAFT

This Agreement is hereby approved and accepted by Yellowstone County, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**"COUNTY"**

COUNTY OF YELLOWSTONE  
MONTANA

County of Yellowstone  
Board of County Commissioners

BY: \_\_\_\_\_  
Chairman

BY: \_\_\_\_\_  
Commissioner

BY: \_\_\_\_\_  
Commissioner

ATTEST \_\_\_\_\_  
County Clerk and Recorder

STATE OF MONTANA     )  
  :ss.  
County of Yellowstone    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ known to me to be the Board of County Commissioners and the County Clerk and Recorder, respectively, of Yellowstone County, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of Yellowstone County, Montana.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

Notary Public for the State of Montana  
Residing in \_\_\_\_\_, Montana

My Commission expires: \_\_\_\_\_

**WAIVER OF RIGHT TO PROTEST**

**FOR VALUABLE CONSIDERATION**, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's) which Yellowstone County may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

**Southview Sanctuary Estates**

Signed and dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**"SUBDIVIDER"**

2K Enterprises LLC.

\_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA    )  
  : ss  
County of Yellowstone    )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of 2Ks Enterprises, LLC, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**Return to:**  
City of Billings  
Engineering Division  
2224 Montana Ave.  
Billings, MT 59101

## **20' WIDE DRAINAGE AND ACCESS EASEMENT**

2k Enterprises LLC, herein after referred to as "GRANTOR" is the owner of the following property in the City of Billings, Montana:

Lots 9 and 10 of Southview Sanctuary Estates Subdivision, located in the Southwest  $\frac{1}{4}$  of Section 33, Township 1 South, Range 25 East, P.M.M., Yellowstone County, Montana according to the official plat on file in the office of the Clerk and Recorder of said county, under Document # \_\_\_\_\_.

Any and all owners or future owners of Lot 9, Lot 10 and Private Parkland, Southview Sanctuary Estates Subdivision are hereinafter referred to as the "GRANTEE".

THIS INDENTURE made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the GRANTOR and the GRANTEE.

THE GRANTOR does hereby give, grant and convey unto the GRANTEE, their successors, assigns, and invitees the right, privilege and authority to access, construct, reconstruct, maintain, operate, repair, and improve the 20' Drainage and Access Easement for the purpose of drainage and access within said easement. The 20' wide Drainage and Access easement can be described as follows:

*Beginning at the north end of the common lot line between said Lot 9 and Lot 10, the 20-foot wide easement is centered on the common lot line between said Lot 9 and Lot 10 to the South end of the common lot line between said Lot 9 and Lot 10.*

Grantor shall continue to have the right to use and enjoy the above-described property, subject to the following restrictions:

- A. Grantors and their successors agree not to construct, nor cause to be constructed, within the easement any type of building or structure, or any kind of fixed objects of any kind, shape or form, except as may be licensed by Grantee.
- B. Grantors and their successors agree not to plant nor cause to be planted within the easement any trees, bushes, or any other plantings of a similar nature, except as may be licensed by Grantee.

The grant of this easement shall run with the land and shall be binding to the parties hereto, their successors and their assigns.

Owner of Lots 9 and 10, Southview Sanctuary Estates Subdivision.

Grantor:

2K Enterprises LLC

By: Luke Kuhr: \_\_\_\_\_(Signature)

Title: \_\_\_\_\_

STATE OF MONTANA )

SS:

County of Yellowstone )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me the undersigned Notary Public for the State of Montana, personally appeared Luke Kuhr, known to me to be the \_\_\_\_\_ of 2K Enterprises LLC., the corporation which executed the foregoing instrument, and acknowledged to me that corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate above written.

(SEAL)

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_

## Tyler Kerns

---

**From:** Tretin, Jenn <Jenn.Tretin@centurylink.com>  
**Sent:** Monday, December 18, 2017 09:42  
**To:** Tyler Kerns  
**Subject:** Southview Sanctuary Estate

Good morning Tyler,

As discussed on the phone for the easement for Southview Sanctuary Estates, CenturyLink is fine with the 8' easements to be in the same trench with MDU or Northwestern utilities. If you need anything further, please let me know. Thanks!

Enjoy your day,

### Jenn Tretin

Engineer I | CenturyLink | [www.centurylink.com](http://www.centurylink.com)  
p: 406-255-8324 | e: [jenn.tretin@centurylink.com](mailto:jenn.tretin@centurylink.com)

219 Calhoun Lane | Billings, MT 59101-1367



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## Tyler Kerns

---

**From:** Morton, Tim <Tim.Morton@northwestern.com>  
**Sent:** Monday, December 18, 2017 11:17  
**To:** Tyler Kerns  
**Subject:** RE: SSE Plat

Tyler,

The existing easements you have on the plat will work with NorthWestern Energy.

### Tim Morton

*Construction Engineer*

Office: 406-655-2552

Cell: 406-694-6197

Fax: 406-655-2511

[tim.morton@northwestern.com](mailto:tim.morton@northwestern.com)

---

**From:** Tyler Kerns [mailto:[tylerk@eecmt.com](mailto:tylerk@eecmt.com)]  
**Sent:** Monday, December 18, 2017 11:12 AM  
**To:** Morton, Tim <Tim.Morton@northwestern.com>  
**Subject:** SSE Plat

### Tyler M. Kerns, P.E.

*Licensed Engineer*

[tylerk@eecmt.com](mailto:tylerk@eecmt.com)

P:(406)839.9151

C:(406)698.6914

F:(406)839.9150



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**Planning Board Meeting 2 (4th Tuesday)**

**Meeting Date:** 01/23/2018

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**Information**

**Subject**

**Presentation/Discussion. 2017 Complete Streets Progress Report.** Lora Mattox, Transportation Planner, presenting.

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**Attachments**

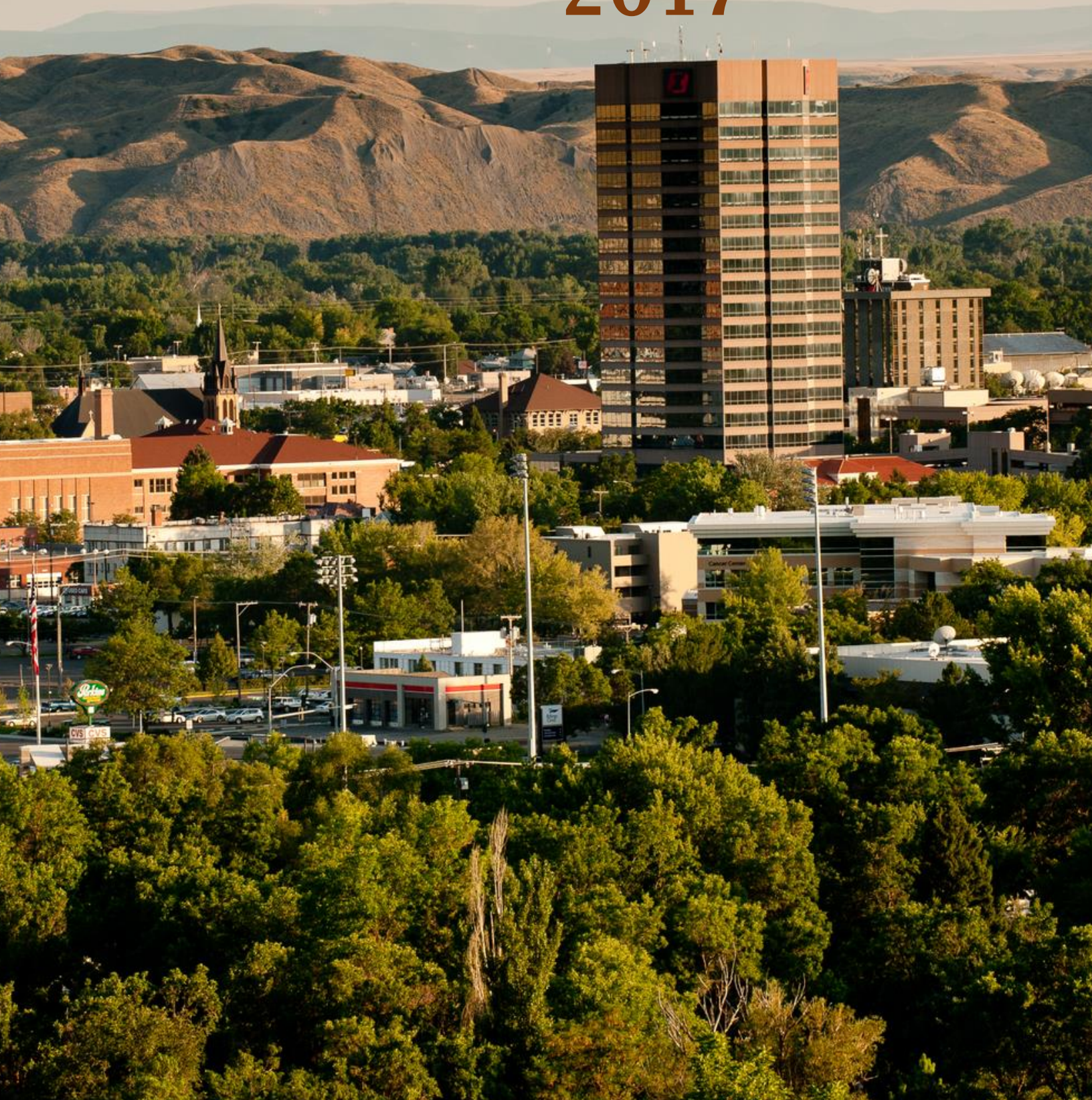
Final CS Progress Report

Planning Board CS Progress Report Presentation

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# City of Billings Complete Streets Progress Report 2017



## Project Credits

Wyeth Friday, City of Billings/Yellowstone County Planning Department  
Scott Walker, City of Billings/Yellowstone County Planning Department  
Lora Mattox, City of Billings/Yellowstone County Planning Department  
Elyse Monat, City of Billings/Yellowstone County Planning Department  
Terry Smith, City of Billings Public Works Engineering Division  
Erin Claunch, City of Billings Public Works Engineering Division  
Aaron Lebsack, City of Billings Public Works Engineering Division  
Debra Hagel, City of Billings MET Transit  
Rusty Logan, City of Billings MET Transit  
Gary Neville, Montana Department of Transportation  
Melissa Henderson, RiverStone Health  
Kathy Aragon, Citizen  
Steve Woodard, Living Independently for Today & Tomorrow (LIFTT)

*A Special Thank You to the Billings City Council and the Healthy By Design Coalition for their continued support.*



*Complete Street Elements being constructed as part of the Grand Avenue and 56<sup>th</sup> Street West reconstruction project as part of the new Ben Steele Elementary School*

## Foreword – Letter from Coalition and Mayor



We are proud to introduce the 2017 City of Billings Complete Streets Policy Progress Report. The purpose of this report is to offer a performance based approach to our transportation systems, ensuring these work for all people of all abilities.

Roadway designs continually evolve with new and innovative opportunities to encourage healthy, active living; reduce traffic congestion, and reinforce predictable transportation behaviors.

Billings' residents enjoy a high quality of life. Passage and meaningful implementation of the Complete Streets Policy helps reinforce the community's commitment to this quality of life by guiding and highlighting design that provides safe, convenient and enjoyable experiences while walking, bicycling, accessing transit and utilizing local transportation systems. Streets that work for all users enhance community life and social connectivity.

Great streets come from conscious design decisions and creative approaches to development of the street as a whole system that serves all users. Well-designed streets, connections, bikeways and trails bolster local economics through enhanced workforce recruitment and retention, increased business sales, relief from congestion, and increased property values for businesses and homeowners alike<sup>1</sup>.

This document examines current and future opportunities for a balanced transportation network. This report captures data from the previous three years while offering a vision for the work ahead. In order to create this balanced approach to our transportation network, we are challenged to think more broadly about the term "complete street" and to explore ways to incorporate these principles into projects that improve the lives of all residents and visitors.

Now is the time to seize the moment and continue our commitment to the vision of a healthy and more livable community. Please join us in adopting this vision.

This report will continue to be updated every three years and is available online at:  
<http://ci.billings.mt.us/2336/Transportation-Resources>.

Sincerely,

MAYOR  
City of Billings

CEO  
Billings Clinic

CEO  
RiverStone Health

CEO  
St. Vincent Healthcare

<sup>1</sup><http://headwaterseconomics.org/wphw/wp-content/uploads/trails-library-property-value-overview.pdf>

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# 1. Introduction



A 1915 photograph of North Broadway - Image provided by the Western Heritage Center

Complete Streets mean something different to each community and project. The Complete Streets Policy for Billings as defined in the Resolution means “a transportation and design approach that requires streets to be planned, designed, operated, and maintained to enable safe, convenient and comfortable travel and access for users of all ages, abilities regardless of their mode of transportation”. Every trip starts and ends with a walk, most have ridden a bicycle in their life, many have used transit, and nearly all have ridden in a car. Whether or not we realize it, we all use multiple modes of transportation, and therefore can benefit from Complete Streets. Complete streets is not a prescriptive “must include” mandate, but can serve as a guide for measuring the performance of transportation corridors for all users.

These measurements of performance have become more critical as competition for grant monies between cities has escalated as funding sources have decreased. Having a Complete Streets Policy can make a City more competitive for limited grant funds. A Complete Streets Policy and the projects that are born from it can also be instrumental in attracting and maintaining a skilled and talented workforce.

In selecting a location to live, quality of life is the most important factor for business owners and residents. A business survey of nearly 1,000 respondents found that in the Rocky Mountain West, **70 percent of business owners move first to a community, then started a business**; more respondents chose

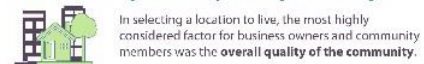


### Key Findings:

#### Jobs Follow People



#### Community Quality Is Top Priority



#### Location Helps Attract Employees



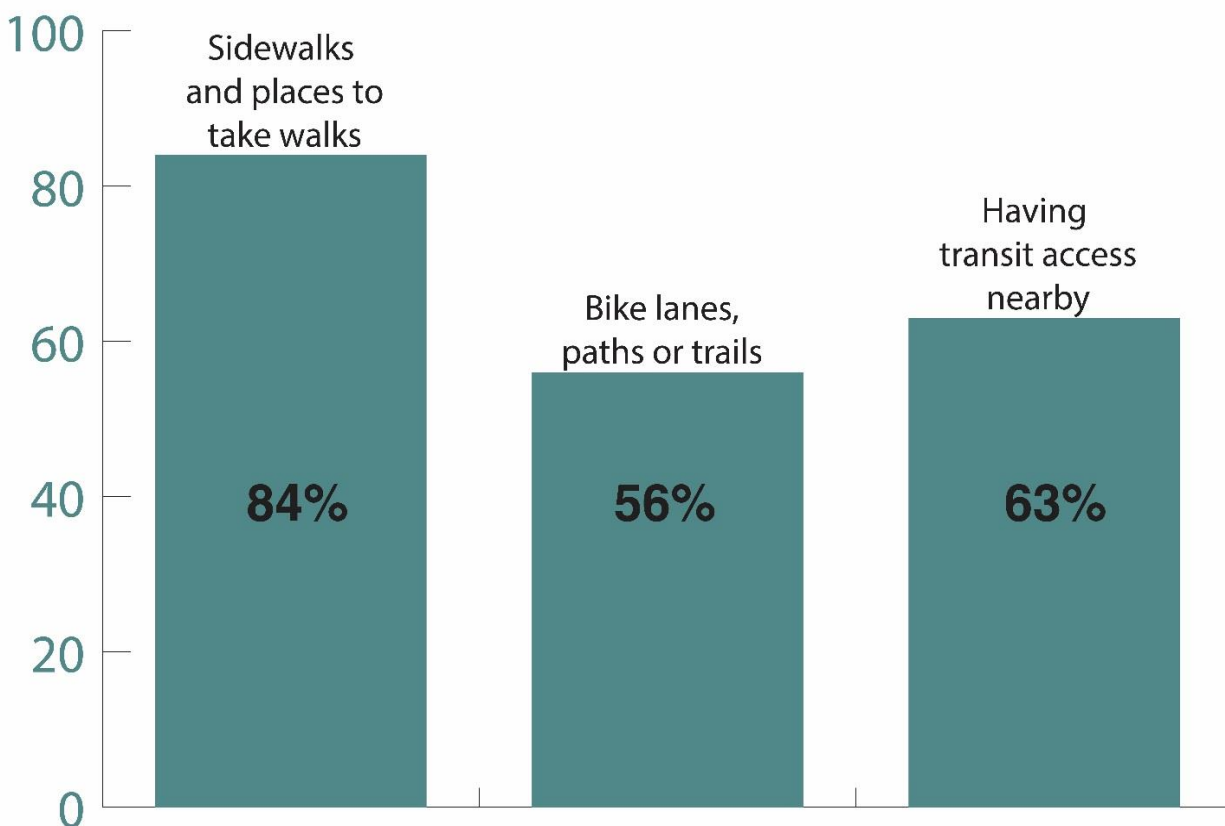
community as more important than the job and people will sacrifice salary for location<sup>1</sup>.

Billings is expected to increase in population by approximately 40,000 people in the next 20 years. This estimate is based on historic growth rates calculated over the last 25-years. This increase in population may lead to an increase in traffic congestion and the need to expand the transportation system to accommodate all users. The City's Complete Streets Policy looks at alternative options in our transportation corridors that will help reduce traffic congestion and give all residents transportation options.

'At the heart of the concept of complete streets is the very real need for communities to invest in strategic place making, which is fundamental to retaining and attracting talent and encouraging private investment and job creation.'

- Steve Arveschoug  
Executive Director,  
Big Sky Economic Development

Figure 1.1 2016 national survey of transportation infrastructure people want to live near.



Source: Jennifer Dill and Nathan McNeil, "Revisiting the Four Types of Cyclists: Findings from a National Survey," *Transportation Research Record*, 2587, 2016. (forthcoming)

A National Association of Realtors® survey found that "people of all ages with places to walk to are more satisfied with the quality of life in their community"<sup>2</sup>. According

<sup>1</sup> [http://communitybuilders.org/wp-content/uploads/2015/07/PV\\_Infographic.pdf](http://communitybuilders.org/wp-content/uploads/2015/07/PV_Infographic.pdf)

<sup>2</sup> Millennials' transportation and housing choices will shape the nation. Joan Mooney. On Common Ground. 2016.

to a primary investigator with the same national survey, **transportation options and walkable neighborhoods are even more critical to smaller cities** due to the diversity of neighborhoods found within a larger city<sup>3</sup>.

“Given the choice, younger people tend to prefer to live in neighborhoods where they can easily walk to shops and restaurants. Mid-sized cities may be in a great position to provide these types of communities within short commute times that young people and families prefer. It seems clear Complete Streets Policies tend to promote the ability to get around without a car.”

- Nathan McNeil

Center for Transportation Studies  
National Association of Realtors  
Study Investigator

### Fiscal Responsibility

The Complete Streets approach of examining design consideration for all users during initial design **prevents future costly retrofitting.**



*Image 1.1 Construction crews building boulevard sidewalks as a requirement for a new subdivision hence preventing increased installation costs in the future*

The Complete Streets Policy ensures inclusion of elements at the time of construction as well as provides flexibility for reconstruction projects. Retrofitting elements like sidewalks, ADA ramps, separated side paths, bus pullouts, etc. can be difficult or prohibitively expensive if right-of-way is limited. The Policy enables limitations to be addressed while still working to accommodate all users in most situations. Planning ahead for these elements with new projects is fiscally responsible and can leverage opportunities with other public and private

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<sup>3</sup> Telephone interview. Nathan McNeil. September 20, 2016

investments including but not limited to: right-of-way dedications, tax increment financing, developer contributions, improvement districts, grants and bonds.

## Inclusion

The Policy was adopted, in part, because “the health, safety and welfare of citizens of and visitors to the City of Billings [are] enhanced by the adoption of a policy that promotes a complete transportation system ...”. All roadway users, including those who walk, bike, drive, move freight, use transit, and respond to emergencies are considered. The policy also specifically calls out the need to accommodate people experiencing disabilities and our growing aging populations.

Health is highly influenced by individual lifestyle behaviors, which can be enhanced or inhibited by our built environment. Physical activity reduces stress, obesity, heart diseases, and depression, while also increasing access to daily needs such as school, employment, groceries, and recreational opportunities, regardless of income or education.

Billings is the largest City in Montana and has one of the highest incomes per capita in the State. However, there are families and individuals who struggle financially. Residents spend approximately 25% of their income on transportation in Billings<sup>4</sup> and not everybody can drive a car. A balanced transportation network helps those who are living and working in the community but do not have access to an automobile and need other transportation options that are safe and accessible.

*Image 1.2 An elderly individual using a walker while crossing a major arterial*



<sup>4</sup> <http://www.locationaffordability.info/lai.aspx>

# 2. Complete Streets for Billings



*Energy Corps AmeriCorps member Elyse Monat, serving with Billings TrailNet, gives a “Take the Hi Road” campaign presentation at a local senior center*

The City first adopted a Complete Streets policy in August of 2011 to ensure all roadway users – drivers, bicyclists, transit vehicles and riders, and pedestrians – are considered during the planning and design of roadway projects. The City updated the Policy in May of 2016 – adding a checklist, among other components, that helps clarify the application of the policy elements and ensures the community is invested in accommodating all users as it improves upon existing infrastructure and builds new infrastructure.

*Image 2.1 Informational card developed by the Planning Division with walking tips and a link to an educational resource*



[www.bikebillings.com](http://www.bikebillings.com)

How  
about  
a  
walk?!

## Actions

Passage of this policy has provided context for additional actions since 2011:

- [www.bikebillings.com](http://www.bikebillings.com)  
A source of information for the traveling public, on the City’s website, with information for people and geared towards demographic interests.
- “Take the Hi Road”  
<https://billingstrailnet.org/take-the-hi-road/>  
A collaboration between Billings TrailNet and the City’s Public Works providing information to encourage respect among road users.
- Kids In Motion  
<http://kidsinmotionvolunt.wixsite.com/kimbillings>  
An active transportation program, started with Billings Metro VISTA Project members, sponsored by St. Vincent Healthcare, facilitated by School District #2, Education Foundation, City of Billings and other community partners. Program emphasis on equity.

## Meaningful Input

The policy has meant more to the community than how projects are vetted and designed. It also has encouraged conversations about our street network and our sense of place as the City of Billings.

City Council revisited and amended the Complete Streets Policy in May 2016. This review and update provided a new opportunity for input from the diverse users of our transportation system. The quote to the right shows an example of some of the input the City received during its update to the Policy.

In order to continue the effort of meaningful dialogue and input, the City Council included a checklist and also a directive to the City Public Works Department to bring to the City Council at a Work Session any major street construction or reconstruction project when it is at the 30 percent design level for review. This effort may provide the opportunity for the Council to review the projects as well as offer another way to engage residents and ask for their input on the plans and elements of a project before it is completed.

The checklist was added to the Policy to ensure consistent review of all projects, which are subjected to the same criteria, which is clearly presented to residents during Council meetings. The checklist includes the following:

### Existing Conditions

- What accommodations for bicycles, pedestrians and transit are included on the existing facility and on facilities that it intersects or crosses?
- If there are no pedestrian or bicycle facilities, how far from the proposed project are the closest parallel walkways and bikeways?
- Are there existing challenges the proposed project could address for bicycle, transit and pedestrian travel?
- Did the project design consider collisions involving pedestrians and bicyclists along the proposed roadway? If so, what are the potential options?

- **Data Collection**

The traffic count program has expanded to bicycle specific mixed traffic counters and a video counter.

- **Enhanced Collaboration**

Transit, Engineering, Planning, Parks, Council and external entities established improved transportation and project discussions.

*'Safe streets and sidewalks are important for everyone, including individuals with disabilities, and the Complete Streets Policy ensures that safety.'*

- Tami Hoar  
Executive Director,  
Living Independently  
for Today and Tomorrow

- Do any adopted plans call for the installation of bicycle or pedestrian facilities on, crossing or adjacent to the proposed facility? If yes, list the applicable plans.

Project Scope:

- What accommodations, if any, are included for bicycle, pedestrians and transit in the proposed project design?
- If the proposed project does not incorporate bicycle and pedestrian facilities, list reasons
- What is the cost of the bicycle and pedestrian improvements and their proportion of the total project cost?
- What agency will be responsible for the maintenance of the bicycle and pedestrian facilities and how will they be budgeted?

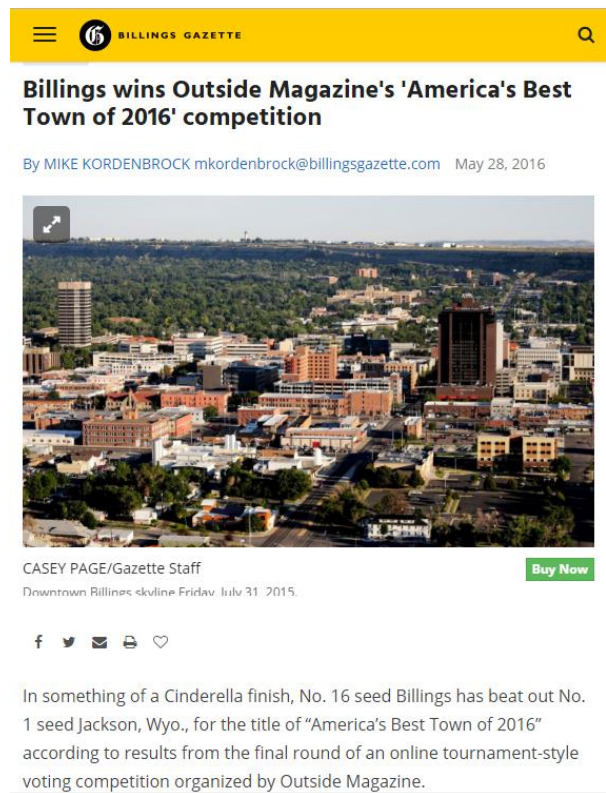


*Image 2.3 Installation of bike lane as part of restriping project of 13<sup>th</sup> Street West in July 2014*

## National Recognition

The City of Billings has been recognized several times since the adoption of the first Complete Streets Policy in 2011. Awards include:

- **Sunset Magazine**  
Awarded best sustainable community runner up because of “its green streak with miles of bike paths.”
- **Outdoor Magazine**  
Billings was named America’s Best Town of 2016 in part because, “It truly is Montana’s Trailhead ... it’s not uncommon to see bikes night and day. People in Billings love to ride bikes.”
- **Chamber of the Year**  
The Association of Chamber of Commerce Executives named Billings Chamber of the Year for its trails and heritage initiative.
- **Smart Growth America**  
Billings’ Complete Streets policy and the Benchmark report were recognized on this national website.



*Image 2.2 Billings Gazette article about winning 'America's Best Town of 2016'*

## Performance Measures

The primary goal of the Progress Report is to track the effectiveness of the Complete Streets policy over time. This can be done by developing performance measures that adequately and consistently document conditions such as traffic counts, crash data and modes of travel.

It is important to keep in mind that the objective of this report is to evaluate the complete transportation network by tracking existing data sources and currently collected measurements and not to create an additional burden on already limited staff and research resources. The performance measures should effectively reflect the vision and goals expressed in the adopted Complete Streets Policy.

The following chapters examine the impacts of Complete Streets for Billings and evaluate the effectiveness through established performance measures.

## Partnerships

Since publication of the 2013 Complete Streets Benchmark Report, the City has partnered with non-profits, community groups, and other governmental organizations to ensure implementation of the Complete Streets Policy and to encourage active transportation. These partnerships include, but are not limited to:

*Figure 2.4 5-2-1-0 messaging utilized by Healthy By Design*

- **Healthy By Design**  
The Healthy By Design Coalition, originally created by Billings Clinic, RiverStone Health, and St. Vincent Healthcare, strives to collaborate with partners across sectors of the community to promote and improve health. Healthy By Design identified the need, and advocated for, a Complete Streets Policy in Billings. The Coalition is comprised of several workgroups focused on making the healthy choice, the easy choice related to physical activity and nutrition. The group also continues to advocate the 5-2-1-0 message, pictured in Figure 2.4.
- **St. Vincent Healthcare**  
St. Vincent Healthcare sponsors Kids In Motion (see explanation above on page 9).
- **AmeriCorps VISTA**  
AmeriCorps VISTA (Volunteers in Service to America) members serve with organizations that help eradicate poverty. The Billings/Yellowstone County Planning Division partnered with AmeriCorps Vista members to bring Kids in Motion (see explanation on page 9) to Billings.
- **Bike-Walk Montana**  
Bike-Walk Montana is a state-wide bicycling and walking advocacy organization whose mission is to make bicycling and walking safe and accessible for all.
- **Billings School District #2**  
School District #2 is a partner in Kids Motion (see page 9).
- **Education Foundation for Billings Public Schools**  
The Education Foundation believes that all students in Billings Public Schools deserve a rigorous, well-rounded education to prepare them for successful careers. To this end, the Foundation partnered with the City on Kids in Motion (see page 9).



- **Billings TrailNet**  
Billings TrailNet is a non-profit, 501c3, grass-roots organization that supports urban trails in and around the Billings Community.
- **Billings Chamber of Commerce**  
The goal of Billings Chamber's trail initiative is to develop the Billings trail system for the economic and healthy community benefits that result from active transportation.
- **Downtown Business Improvement District (BID)**  
The BID is an area of the downtown maintained through the cooperation of the businesses located there and provides for maintenance and general cleanup of the area. It also includes initiatives such as Spare Change for Real Change, Community Innovations, Downtown Resource Officers and the BID Street Team/Purple People.
- **League of American Bicyclists**  
The League of American Bicyclists is a national bicycle advocacy group. The City of Billings has been named a Bronze level Bicycle Friendly Community through the League's Bicycle Friendly America program.
- **Montana Department of Transportation (MDT)**  
MDT administers the Transportation Alternatives Program (TAP) which administers funds for infrastructure for active transportation through a competitive grant process
- **Yellowstone River Parks Association (YRPA)**  
YRPA seeks to make the most of the Yellowstone River and has been supportive of multi-use trails.





*“The first thing people want to learn to do as a child is learn to walk and it's the last thing people want to give up.”*

*Dan Burden*

Complete Streets means so much more than just sidewalk infrastructure; it means assuring ADA curb ramps, crossing enhancements, traffic calming, shorter lane widths and landscaped boulevards (including lighting) that provide a safety buffer between the user and the motorized vehicles. In addition to infrastructure, safety education and programs play a very important role.



2016 Bikeway and Trails Master Plan

### Walkability Evaluation

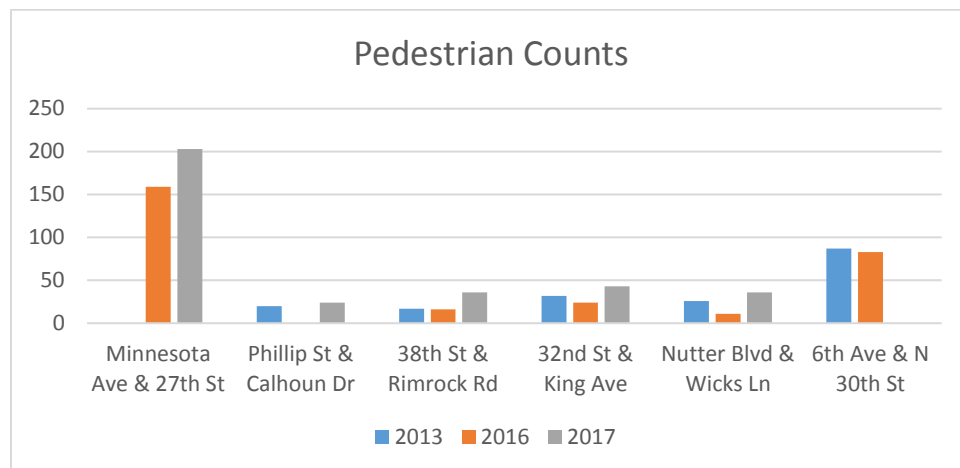
Pedestrian performance measures include a review of existing facilities, pedestrian counts at select intersections (see Figure 3.1), and crash data. In this context, pedestrian means any person using a pedestrian facility whether by walking or rolling with assistance.

### Pedestrian Counts

In an effort to establish consistent pedestrian counts, six Billings intersections have been counted for non-motorized transportation. The first count was completed with the initial Complete Streets Benchmark Report in September of 2013. For this report, counts were completed in May of 2016 and 2017. The months of May and September

were used to capture school age children as well as adults. Please note that due to construction at the intersection of 6<sup>th</sup> Avenue North and 30<sup>th</sup> Street West bicycle and pedestrian counts were not completed during 2017.

*Figure 3.1 Billings Pedestrian Counts by Location*



In addition to providing the sidewalk infrastructure, consideration must be given to sidewalk and public right-of-way “furniture”. A clear path throughway zone is crucial for residents walking with a cane or using a motorized or self-propelled wheelchair. Those with visual impairments must be able to decipher the clear pathway to safely make their way. To ensure this clear zone, signs, fences, table/chairs and even landscaping must be kept outside the throughway zone.

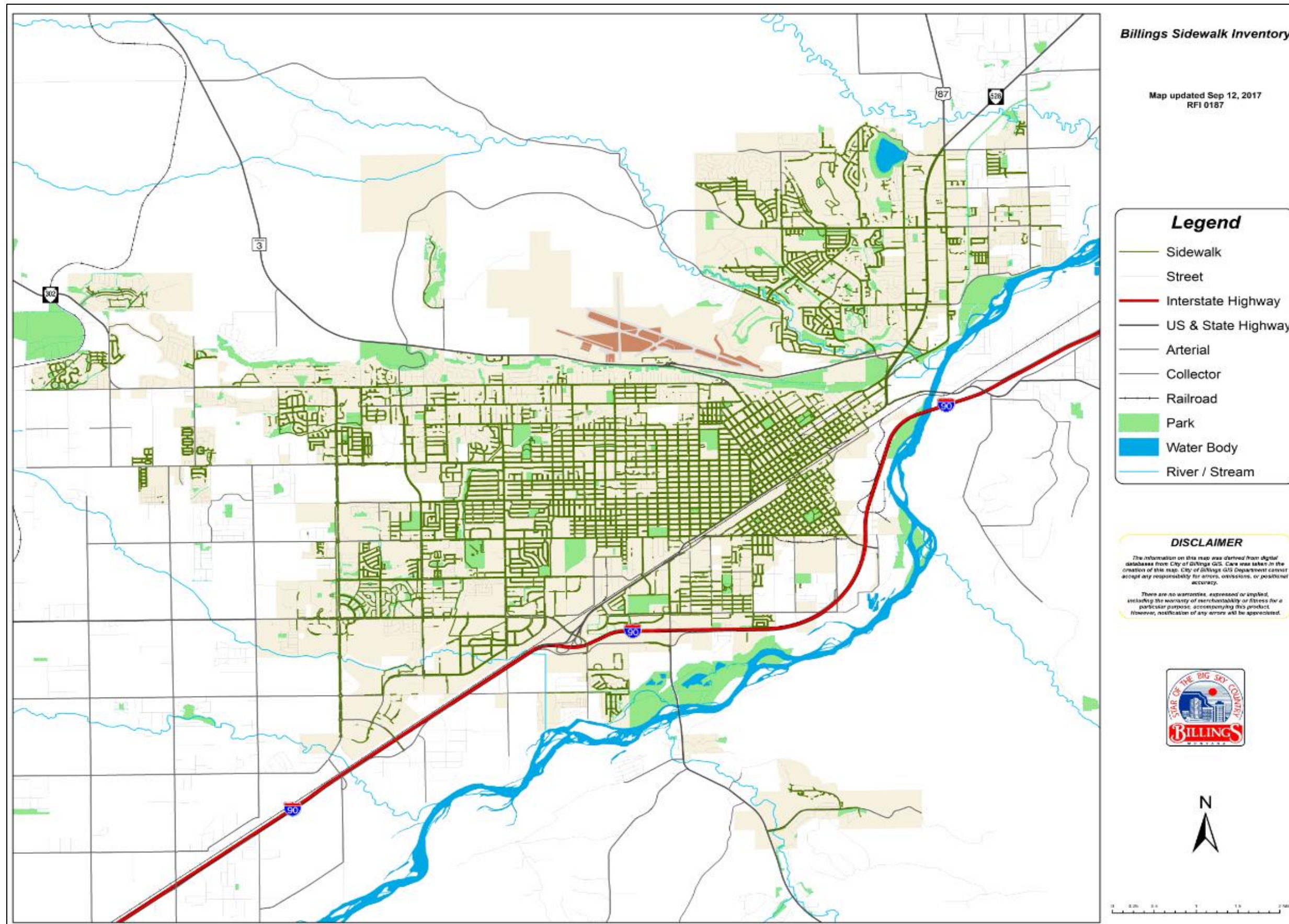
While ensuring quality sidewalks it is important, it’s also important to ensure there is a clear place for people to walk. There have been gaps in the sidewalk infrastructure (*See Map 3.1 - Billings Sidewalk Inventory*) - both in historic neighborhoods and some along the edges of the city. In order to avoid gaps, the City has effectively required sidewalks since incorporation. However, some exceptions have occurred as new areas become incorporated into the city limits. With this discrepancy between city and county public right-of-way development regulations in mind, Yellowstone County recently adopted the Suburban Subdivision Regulations. These regulations apply to the suburban areas of the County within the Zoning Jurisdiction and subdivision development that may be annexed into the City. The regulations focus on road and pedestrian facility standards to enhance safety in county neighborhoods and consistency of neighborhood design.

*Figure 3.2 Two-thirds of Billings’ streets have recorded sidewalks*



Source: City of Billings’ GIS database

Map 3.1 Billings Sidewalk Inventory



## Multi-Use Trails

Shared use pathways, or multi-use trails, serve a variety of users and accommodate people walking, bicycling and using a mobility aid. They are used for recreation purposes and can create transportation corridors through parkland or between neighborhoods. These facilities come in a variety of contexts and can sometimes provide predictability challenges to the traveling public<sup>5</sup>. The League of American Bicyclists does not consider “sidepaths” along a road-way bicycle infrastructure within an urban context. The Federal Highway Administration states that “multi-use trails can be a backbone to the bicycle network, but not a substitute for on-street facilities”<sup>6</sup>.

*Figure 3.3 Trail parallel to Shiloh Road*



### Walking “Tools”

- *Sidewalks*
- *Ramps*
- *Curb Extensions*
- *Narrower Travel Lanes*
- *Shared Use Path*
- *Waiting Islands*
- *Boulevard Strips*
- *Trees*
- *Furnishings*
- *Bollards*
- *Maintenance*
- *Street Blocks - < 660”*
- *Traffic Calming*
- *Sidewalk Oriented Buildings / Windows*
- *Leading Pedestrian Intervals*
- *HAWK Signals*

## Tools

The set of walking tools above helps demonstrate the variety of opportunities to improve walkability. In addition to sidewalks or curb ramps, curb extensions, HAWK signals and narrower travel lanes also enhance the pedestrian infrastructure.

<sup>5</sup> AASHTO Guide for the design of bicycle facilities

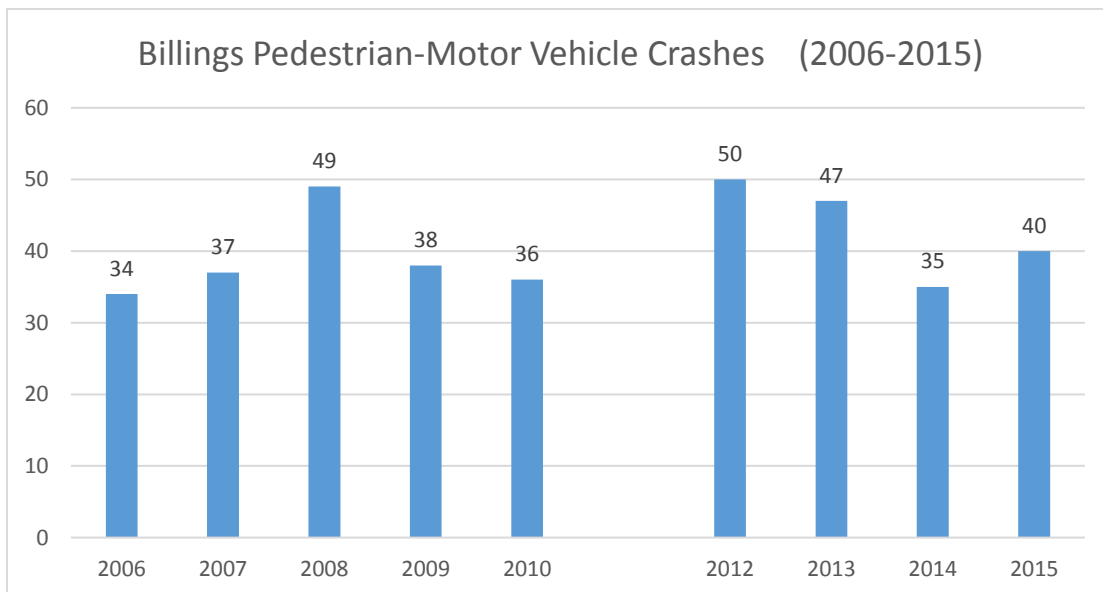
<sup>6</sup> <http://www.fhwa.dot.gov/publications/research/safety/pedbike/05085/chapt19.cfm>

## Data

The crash data shown in Figure 3.4 shows an overall decrease in walk-drive collisions after the implementation of the policy with a slight increase in 2015. These figures include all pedestrian-car collisions and although not calculating a trend, the data highlights the complexity and various factors that affect pedestrian use and behavior in the relationship with crashes with motor vehicles.

Review of the census data reflects that the percentage of pedestrians from 2012 to 2015 has stayed relatively consistent with 3.4% of the population commuting via walking but a decrease in the amount of crashes.

*Figure 3.4 Pre and post policy crashes*



Source: MDT City and Statewide Crash Data (2006-2015)



*A member of the public waits for Downtown Business Improvement District staff finish the installation of two city bike staples so he can park his bicycle.*

Billings first set out to build a safe and connected bike network in 1996 when it published the *BikeNet Plan*. According to the *2016 Billings Area Bikeway and Trails Master Plan*, at the time, the City had less than 5 miles of paved trails and no bike lanes. Since then, the City has installed 24 miles of on-street bike lanes, two miles of shared lane markings, nearly 40 miles of multi-use trails, and more than 10 miles of neighborhood connectors. While Billings has been steadily incorporating much of this bicycle infrastructure through road projects for many years, the Complete Streets Policy and the *2017 Billings Area Bikeway and Trail Master Plan* (BABTMP) have helped lay out a comprehensive vision for the City’s multi-modal transportation system.

Since the adoption of the Complete Streets Policy in 2011, the City has continued to install bicycle infrastructure at a steady rate, and, additionally, has experimented with new treatments such as shared lane markings and thermoplastic shared lane panels shown in Figure 4.1.



Figure 4.1 Shared lane panel install on 32<sup>nd</sup> St. West at Central Ave



Figure 4.2 Yearly Bike Lane Mileage Added & Total  
 Source: 2017 Billings Area Bikeway + Trails Master Plan Update

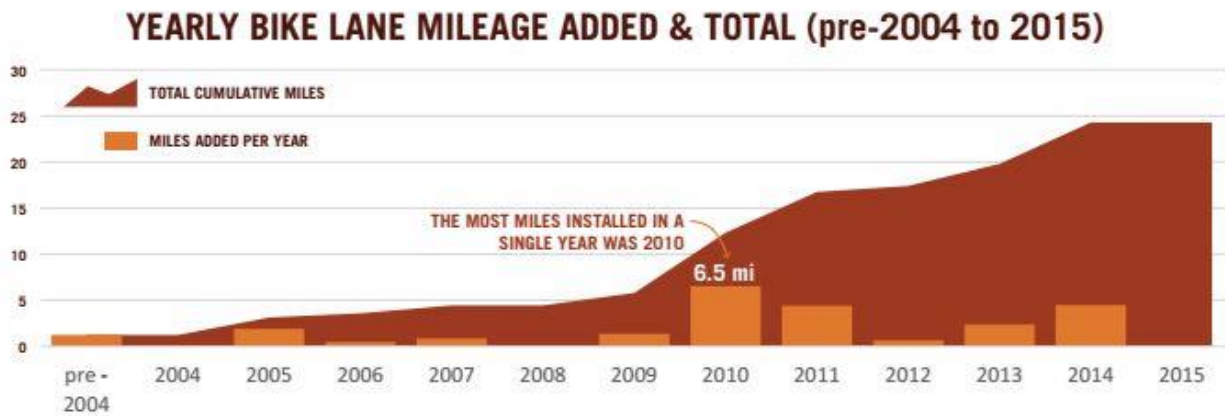


Figure 4.3: Yearly Shared Use Path Mileage Added & Total  
 Source: 2017 Billings Area Bikeway + Trails Master Plan Update

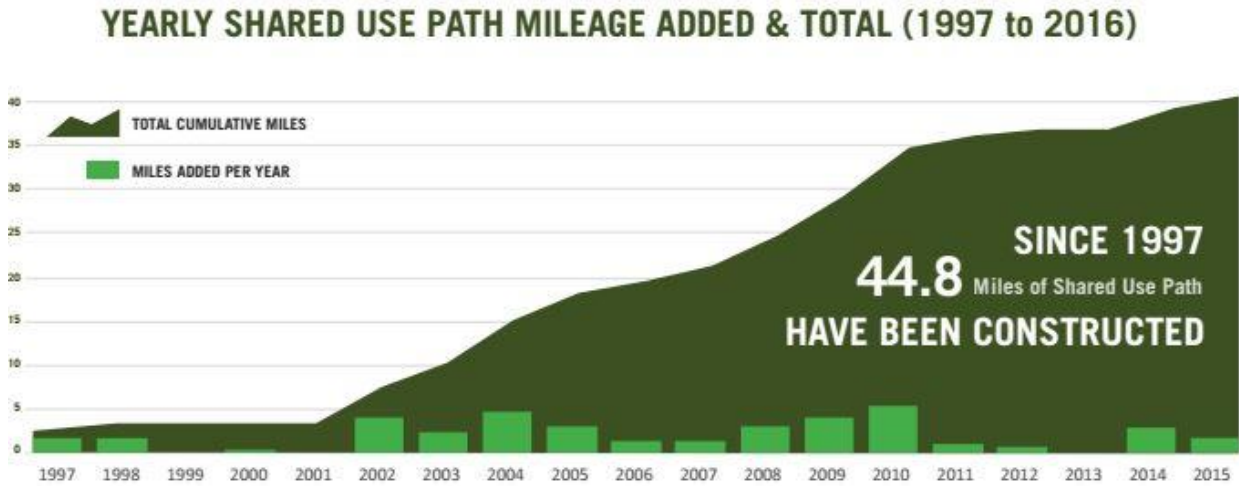


Figure 4.4 Bicycling Counts by Location

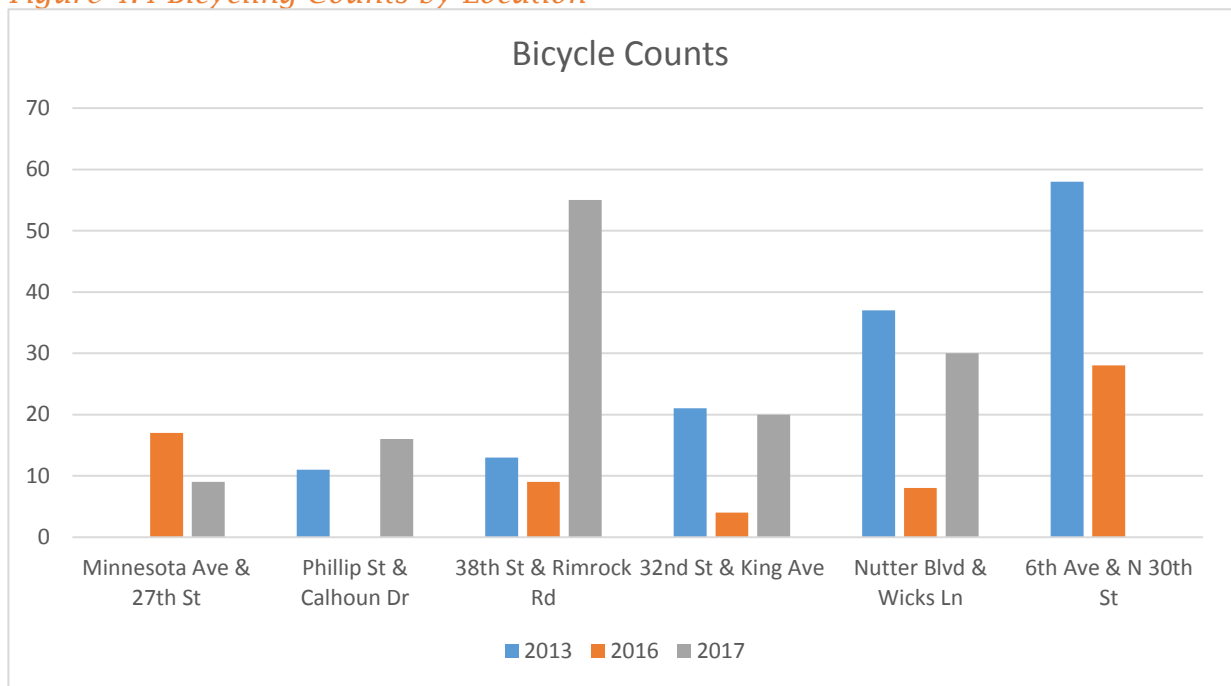
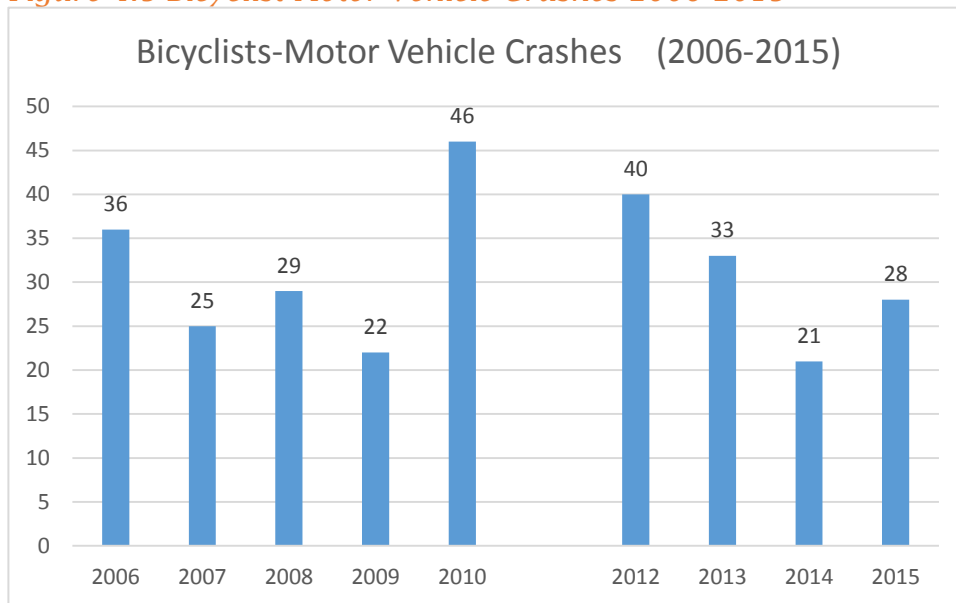


Figure 4.5 Bicyclist-Motor Vehicle Crashes 2006-2015



### Data

The crash data shown in Figure 4.5 shows an overall decrease in bike-drive collisions after the implementation of the policy with a slight increase in 2015 (similar increase as the walk-drive data). These figures include all bicycle-car collisions and although not calculating a trend, demonstrates the difficulty in using crash data alone for analysis due to unknown circumstances, i.e. environmental, economic, etc.

Review of the census data reflects that the percentage of bicyclists from 2012 to 2015 has stayed relatively consistent with 1.0% of the population commuting via bicycle but a decrease in the amount of crashes.



## Community Education and Outreach

### Bicycling Skills for Kids

As described in Chapter 2, the City of Billings has partnered with AmeriCorps VISTA, School District #2, the Education Foundation for Billings Public Schools, local businesses, and community organizations in the development of a grades 4-8 active transportation program presented by St. Vincent Healthcare called *Kids In Motion* (KIM).

KIM combines volunteer-coordinated events with in-class education to empower youth with the skills and confidence needed to ride their bicycle every day. During KIM tune-up clinics, volunteers fix up students' bikes to ensure they have a way to get to school, friends' houses, and the grocery store. KIM's education component then provides kids with the skills needed to confidently and predictably ride their bicycles to these locations.

*Figure 4.5 Broadwater Elementary physical education teacher, Justin King demonstrates how to use a bike light during a KIM event*



### The Future of KIM

KIM continues to expand in reach and scope. The program now includes additional grade levels and incorporates STE (A) M (science, technology, engineering, art, and math) learning into its curriculum. School District #2 administration requested KIM education be incorporated into the 4<sup>th</sup> grade curriculum for the 2017-2018 school year. The program aims to give students the skills needed to understand how the built environment affects their lives.

### Public Outreach

During the summer of 2015, the City of Billings Public Works Department and Billings TrailNet created a cycling and driving etiquette campaign called "Take-the-Hi-Road". *Take the Hi Road's* message of empathy, lawfulness, and respect among all road users was shared with residents through televised Public Service Announcements, presentations, and road signage.

The Planning Division created an active transportation website called [www.bikebillings.com](http://www.bikebillings.com) with information to help all residents, including young families, seniors, and women, feel comfortable biking and walking in Billings. The page also hosts information about policies and planning studies affecting those who bike and walk.

The figure below shows a utility insert that was included in all sewer bills in June 2015. The insert links *Take the Hi Road* and [bikebillings.com](http://bikebillings.com) by directing residents to both websites as well as Billings Department of Public Works' webpage.

*Figure 4.6 Utility insert with Take the Hi Road and City of Billings' information*



Map 1 Billings Bicycle and Trail Recommendations

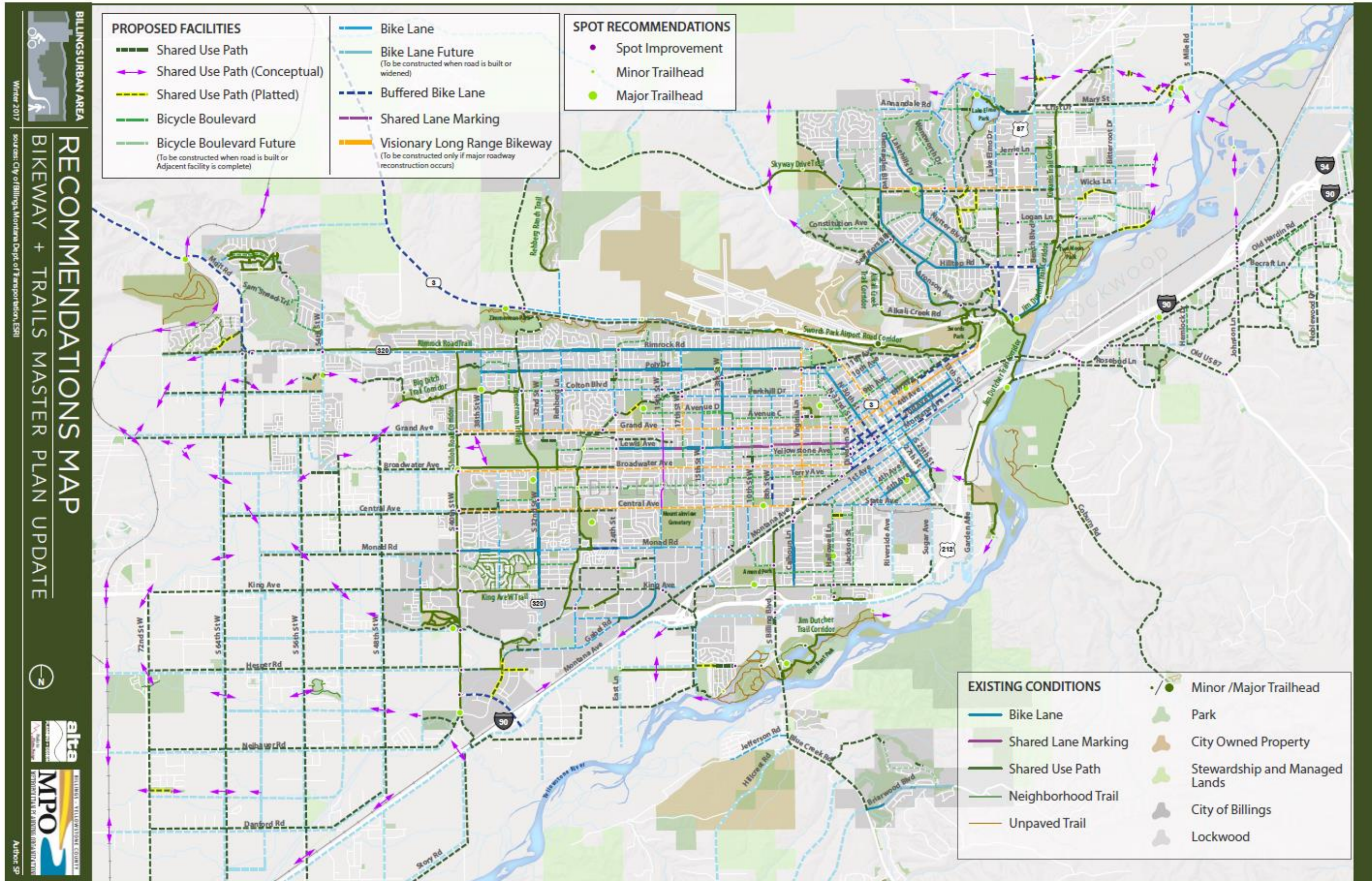


Table 1 City of Billings Major Roadway Projects Completed From 2013 Through Summer 2017

Project Description	Pedestrians	Elderly/Disabled	Bicyclists	Transit	Additional Complete Streets Features
Bench Boulevard -- Lincoln Ln. to Wicks Ln.	New continuous sidewalks on both sides	ADA ramps at intersections	Shared bike lanes from Lincoln Ln. to Hilltop Rd.	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Grand Avenue -- 32nd St. W. to Shiloh Rd.	New continuous sidewalk/trail on both sides	ADA ramps at intersections	Multi-use trail	No specific changes	Street lighting
Calhoun Lane -- King Ave. E. to Underpass Ave.	New continuous sidewalks on both sides	ADA ramps at intersections	On-street bike lanes added	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Arrowhead School Path	Multi-use trail	ADA ramps at intersections	Multi-use trail	No specific changes	
Poly Drive Sidewalks	Bulbouts added at school crossing	ADA ramps at intersections	Maintained existing bike lanes within the bulbout limits		
Shiloh Conservation Area	Multi-use trail	Multi-use trail	Multi-use trail		Benches, informational signs, etc.
Poly & Virginia Bike/Ped	Upgraded pedestrian signals	ADA ramps at intersection	On-street bike lanes added from Virginia Ln. to 13th St. W.	No specific changes	
Poly Drive -- 32nd St. W. to 38th St. W.	New continuous sidewalks on both sides	ADA ramps at intersections	On-street bike lanes added	No specific changes	
Orchard Lane -- King Ave. E. to State Ave.	New continuous sidewalks on both sides	ADA ramps at intersections	Parallel bike lanes on Calhoun	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Exposition Gateway Infrastructure Improvements	New continuous sidewalks on both sides	ADA ramps at intersections	No specific changes	No specific changes	Street lighting
Lewis Avenue Bike Lanes	No specific changes	No specific changes	On-street bike lanes and shared lanes added	No specific changes	
32nd St. W. & Gabel Rd. Traffic Signal Improvements	Installed new traffic signal with pedestrian signals	ADA ramps at intersections	No specific changes	No specific changes	
Ponderosa School Path	Multi-use trail	Multi-use trail	Multi-use trail		
44th Street West Trail	Multi-use trail	Multi-use trail	Multi-use trail		
19th Street West at Parkhill Drive	Sidewalk added along north side	ADA ramps at intersections	No specific changes	No specific changes	
19th Street West/Hoover Avenue at Colton Blvd.	Bulbouts added at school crossing	ADA ramps at intersections	No specific changes	No specific changes	
Wicks Lane Multi-use Path	Multi-use trail	Multi-use trail	Multi-use trail		
Jackson Street Sidewalks	Sidewalk added along west side	ADA ramps at intersections	No specific changes	No specific changes	
Grand Avenue -- 48th St. W. to 58th St. W.	School, Traffic signal at Grand Ave. & 54th St. W., Multi-use trail	ADA ramps at intersections	Multi-use trail	No specific changes	Included multi-use trail along 54th St. W. from Grand Ave. to Rimrock Rd. New street lighting added.
4th Ave. N. & Division St. Capacity Improvements	Upgraded pedestrian signals	ADA ramps at intersection	Upgraded detection to include bicycle detection	No specific changes	
Swords Bypass Trail	Multi-use trail	Multi-use trail	Multi-use trail	No specific changes	
Rimrock Road -- Forsythia Blvd. to Shiloh Rd.	New continuous sidewalk/trail on both sides	ADA ramps at intersections	Multi-use trail	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Annual ADA ramp project	Project aimed at corners, not aimed at providing continuous pedestrian paths	Over 200 ADA ramps installed at intersections	Project intent is providing accessibility at intersections	Provides improved access along MET routes	
Annual Curb, Gutter, Sidewalk Project	Installed over 50,000 lineal feet of new sidewalk	ADA ramps where applicable	Project intent is to install missing curb, gutter, and sidewalk, and was not focused on bicycle improvements	Provides improved access along MET routes	
Broadwater Shared Multi-use trail (TA Project)	Installed approximately 1-mile of shared use path along Broadwater Avenue from 32nd to Shioh	Multi-use trail	Multi-use trail	No specific changes	
<b>Overlays:</b>					
Monad Road -- 32nd St. W. to Shiloh Rd.	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Outside scope of the project	
Monad Road -- 24th St. W. to Lampman Trl.	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Outside scope of the project	
13th Street West -- Grand Ave. to Poly Dr.	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Two-way left turn lane allows traffic to pass when busses are stopped.	
Governors Boulevard -- Babcock Blvd. to Bazaar Exchange	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Outside scope of the project	



*“The bus is important for connecting destinations in Billings and there is opportunity for developers to encourage greater use of transit through location and incentives.”*

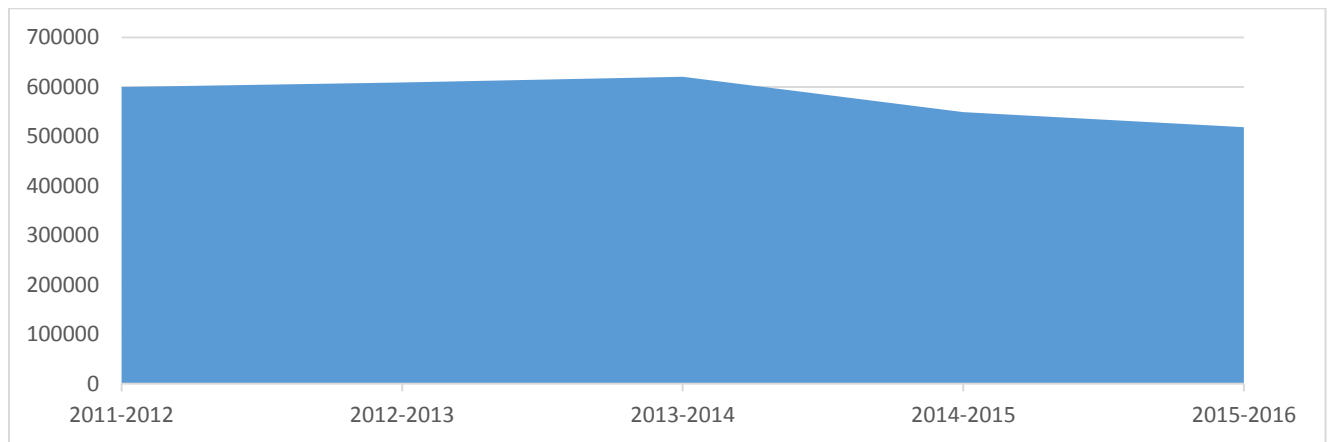
*Billings Beyond Public Comment*

Transit is a central component of a transportation network. People need convenient and comfortable access to and within the transit system. MET Transit currently operates as a flag stop system where an individual can signal for a bus driver to stop at nearly any street corner along the route. MET also utilizes branded signs and bus shelters at specific stops.

Sidewalks and bikeways provide important linkages to transit stops within the catchment area. A lack of sidewalks or pathways to a bus stop can be a barrier for those with or without disabilities in addition to members of the community who may be younger or older users of the transit system. Transportation mobility has been a hallmark of full membership into society<sup>7</sup>.

*Figure 5.1 Annual MET Transit Ridership (FY 2011-2016)*

*Data Source: Billings MET Transit*



*Source: MET Transit*

Individuals without an automobile have unequal access to our transportation system; MET Transit provides a direct service of social equity by providing a viable

<sup>7</sup> The Right to Transportation: Moving Towards Equity

means of transportation. It helps build a prosperous city for everybody by getting people to work, appointments and school. The request for an expanded transit service was the number one transportation comment during the Billings Beyond Growth Policy public comment period.

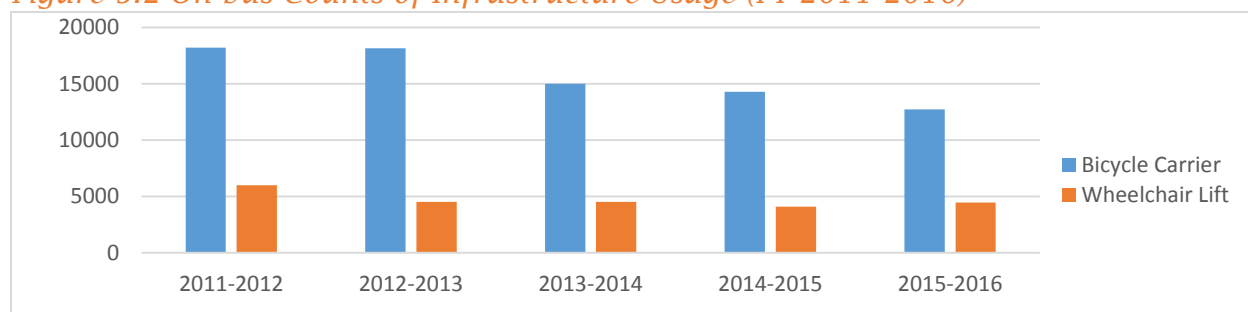
*“Planning and building houses walkable to existing bus routes expands transportation to seniors and people with limited mobility options while creating a more socially cohesive, healthy and economically vibrant community.”*

*League of Women Voters of Billings*

Over the past few years, transit usage has seen a slight decline. This may be due to reduced gas prices, weather, and changes in travel destinations and routes.

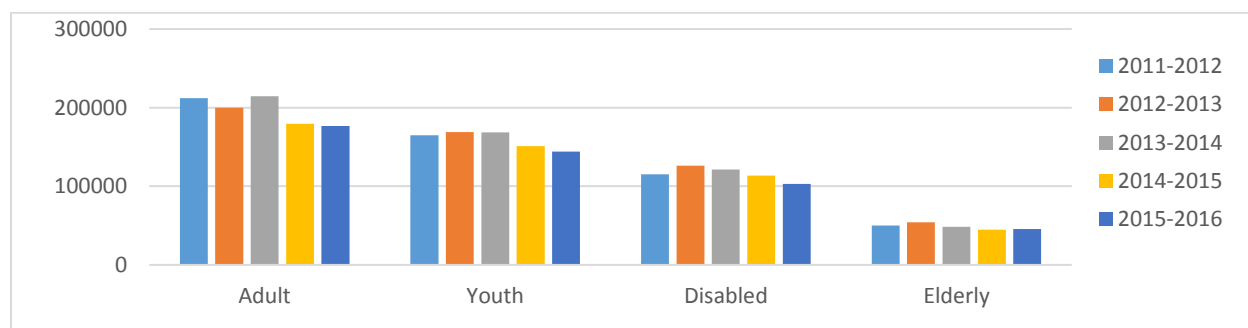
Figure 5.1., above, shows a peak in 2013-2014 during a year of record snow-fall. The usage of on-bus infrastructure and ridership by user type correlates with overall ridership levels, as shown below.

*Figure 5.2 On-bus Counts of Infrastructure Usage (FY 2011-2016)*



Source: MET Transit

*Figure 5.3 Annual MET Transit Ridership by User Type (FY 2011-2016)*



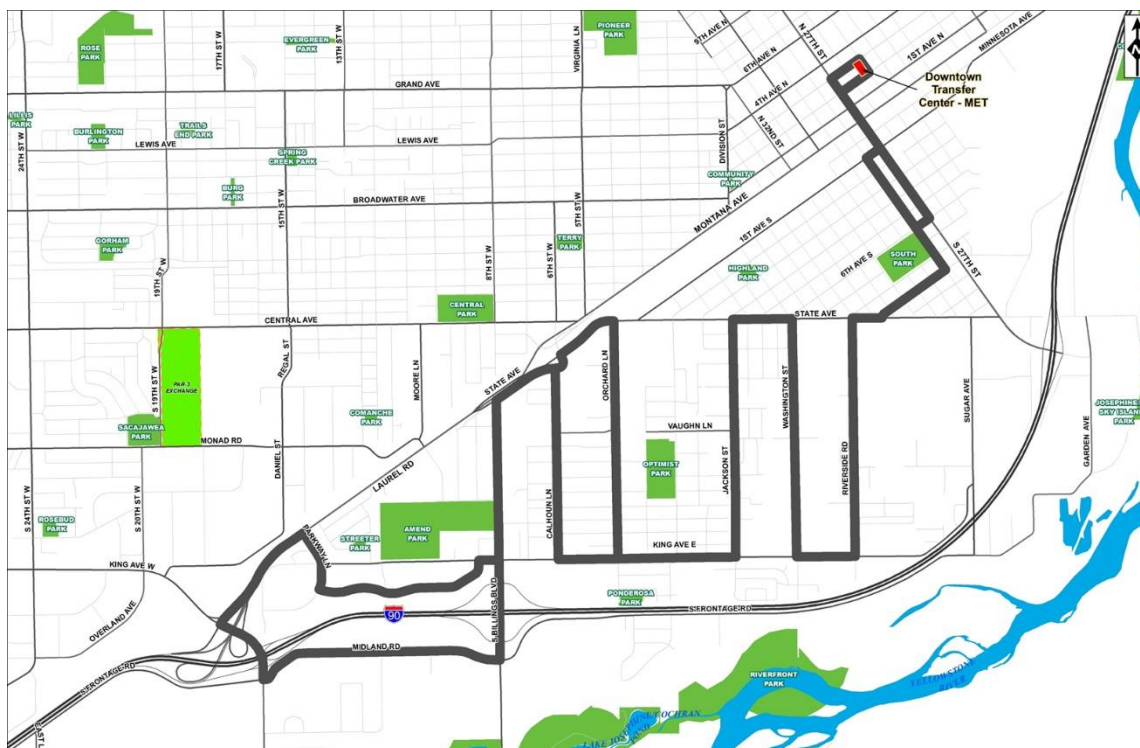
Source: MET Transit

Due to changing land-use and ridership, MET Transit modified its routes in July 2016. MET Transit expanded service in some areas while removing others. While the changes are still new, initial signs show an increase of ridership. Figure 5.4 and 5.5 show changes to Route 19, Southside Loop.

Figure 5.4 Route 19, Southside Loop, before July 2016 route changes



Figure 5.5 Route 19, Southside Loop, after July 2016 route changes



Bus ridership fluctuates each year. Changing the routes may help increase ridership and provide access to new destinations, but within a limited budget and sprawling city, these changes act like a balloon; it pushes out in one area, but is squeezed in another.

The route changes included:

- Eliminating lower performing routes:
  - Rt 2P - Rimrock
  - Rt 4P - Parkhill
  - Rt 6P- Lewis
  - Rt 8P - Miles
- Expanding higher performing routes:
  - Rt 5 - Grand Ave
  - Rt 13 - Westend
  - Rt 19 - Southside Loop
  - Rt 7 - Broadwater

### Transit “Tools”

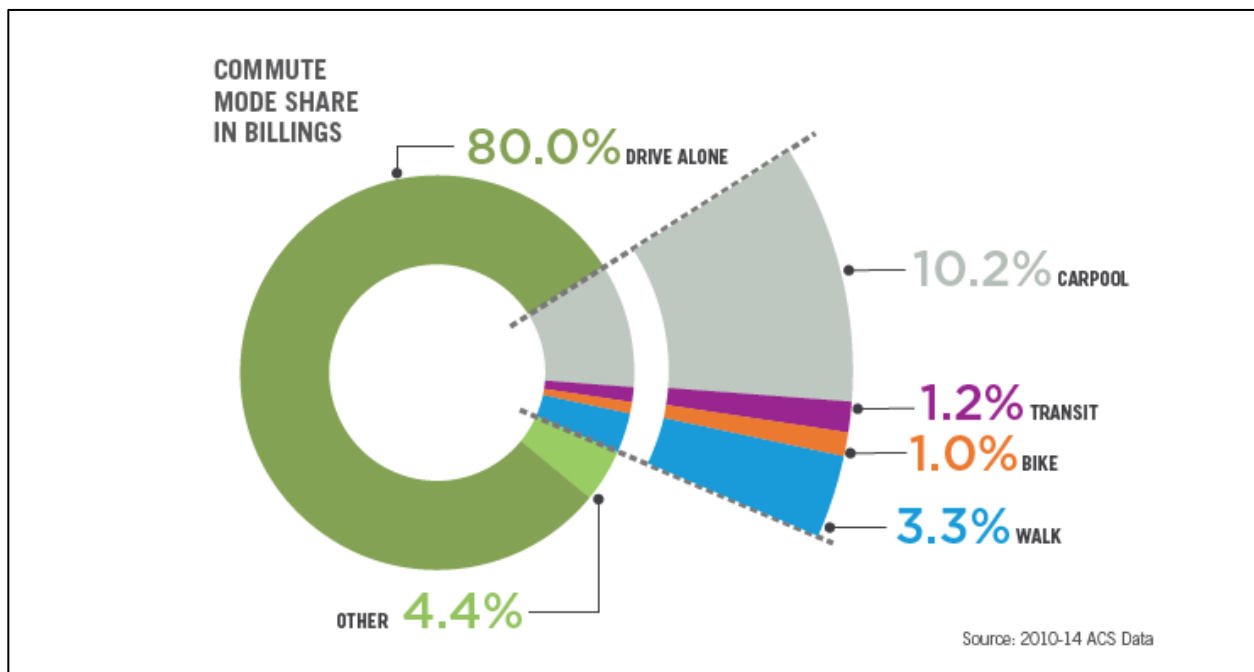
- *Bus Pull-Outs*
- *Bus Pads*
- *Bus Shelters*
- *Bus Benches*
- *Technology*
- *Data Collection*
- *Route Analysis*
- *Coordination between MET and Engineering on street projects*



*“Everything is somewhere else in life and you get there in a car.” E.B. White*

A review of mode split, the percentage of travelers using a particular type of transportation, shows that approximately 80% of trips in Billings are taken in a single occupancy motor vehicle. See Figure 6.1

*Figure 6.1 Mode Share in Billings – 2016 Billings Area Bikeway and Trail Master Plan*



The Complete Streets Policy is not only for non-automobile travel, it also instills a sense of predictable transportation movements, in a sense, it provides a safe travel area for all types of transportation, whether it be bike lanes, sidewalks or transit pull-outs. This type of infrastructure informs all users that a bike, pedestrian or transit rider may be present.

Also, by increasing the choices users have in transportation modes, this may reduce automobile use, thus improving the air quality, reducing congestion, and providing a healthy alternative to driving.

In December of 2016 the Billings Metropolitan Planning Organization (MPO) adopted a Billings Community Transportation Safety Plan (Billings CTSP). The *Vision* of the Billings CTSP was defined as follows:

*The Billings community will achieve zero fatalities and serious injuries through a culture of safety for all travelers.*

This vision ties directly to the Montana Department of Transportation’s Vision Zero policy. The goal for the Billings CTSP is to reduce fatalities and serious injuries by 20% from 70 in 2014 to 56 by 2020.

When reviewing crash data for the MPO, it was determined that the three areas of emphasis that the MPO would concentrate on were: 1. Unrestrained Occupants; 2. Impaired Driving; and 3. Inattentive Driving/Speeding. When reviewing crash data for bicyclists and pedestrians, it was noted that there seemed to be two types of collisions between cars and bike/pedestrians. Some cases were the result of an impaired pedestrian that entered the roadway outside of a crosswalk and was struck. The other prevailing collisions occurred in signalized or defined crosswalks, in these cases; the cause of the crash was often contributed to distracted or impaired driving. The long-term goal is to reduce crashes between automobiles and bicyclists/pedestrians through the reduction of distracted and impaired driving. Table 6.1 demonstrates crash data pre and post adoption of the Complete Streets Policy.

*Table 6.1 City of Billings All Mode Crash Data - 2007 - 2015*

<b>Crash Severity</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>		<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Fatal Crash	5	7	10	7		6	5	8	6
Serious Injury Crash	35	38	37	25		31	40	41	39
Other Injury Crash	801	781	727	712		741	675	728	729
No Injury Crash	1905	1834	1925	1947		1921	1911	1886	1863
Unknown/Other Crash	35	64	48	19		40	66	43	62
<b>Total</b>	<b>2781</b>	<b>2724</b>	<b>2747</b>	<b>2710</b>		<b>2739</b>	<b>2697</b>	<b>2706</b>	<b>2699</b>

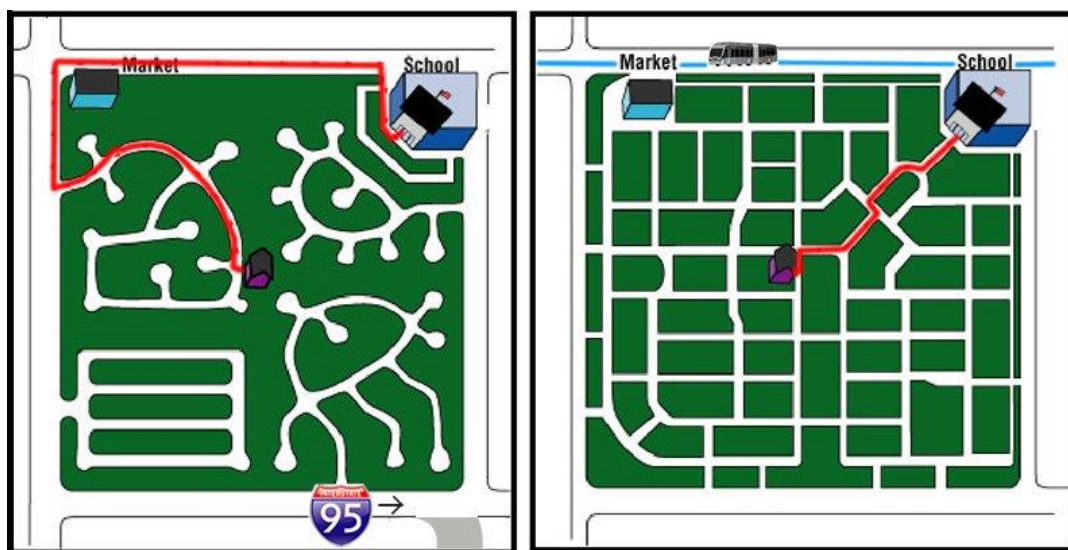
# 7. Connectivity



*“Better connectivity of streets and sidewalks between subdivisions, more of a grid system”  
Billings Beyond Public Comment*

Well-connected street networks foster active and healthy transportation choices. Billings’ historic block pattern of development creates opportunities for people to leave the busy streets and take a side street. This not only reduces automobile congestion with additional travel options, but enhances travel routes along quiet and more direct neighborhood streets. Street connectivity - as measured by the number of four-way intersections and density of intersections - has a statistically positive correlation with the number of people who walk or ride a bicycle and reduces automobile injuries<sup>8</sup>.

*Figure 7.1 Diagram depicting suburban and historic block patterns*



Driving-only transportation pattern

Walkable connected transportation network

<sup>8</sup> Ewing and Cervero

Housing developments that include trail connections between cul de sacs or non-grid streets can shorten the distances between destinations. This allows children to more easily bike or walk to school, a friend’s house, or to a park with family members. This may also increase access to MET Transit stops through easier connections.

Historic development patterns in Billings, as a railroad town, were 300 feet by 300 feet square blocks in the central city, mainly a grid like pattern. A similar block pattern continued until recent decades when the block pattern design continued primarily on arterial streets and not local. Subdivision development took on a cul de sac pattern with dead end streets that was not conducive to connecting bicyclists and pedestrians to outside areas.

In addition to the Suburban Subdivision Regulations discussed in Chapter 3, the 2017 Billings Urban Bicycle and Trail Master Plan update identified several projects and strategies to promote Complete Streets. Goals include the expansion of active transportation facilities within the city, as well as the continued integration of walking into the MET Transit system. This plan update relied heavily on resident feedback and recommendations. Another goal discusses the continued integration of bicycling and walking into the MET Transit system. In addition to the goal, the Plan interviewed several organizations to discuss the current system and gather input; the overwhelming response within these interviews was the desire for better connectivity of the network.

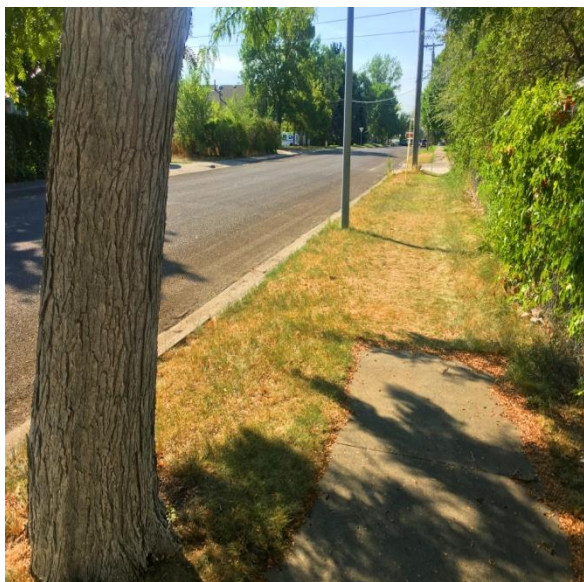
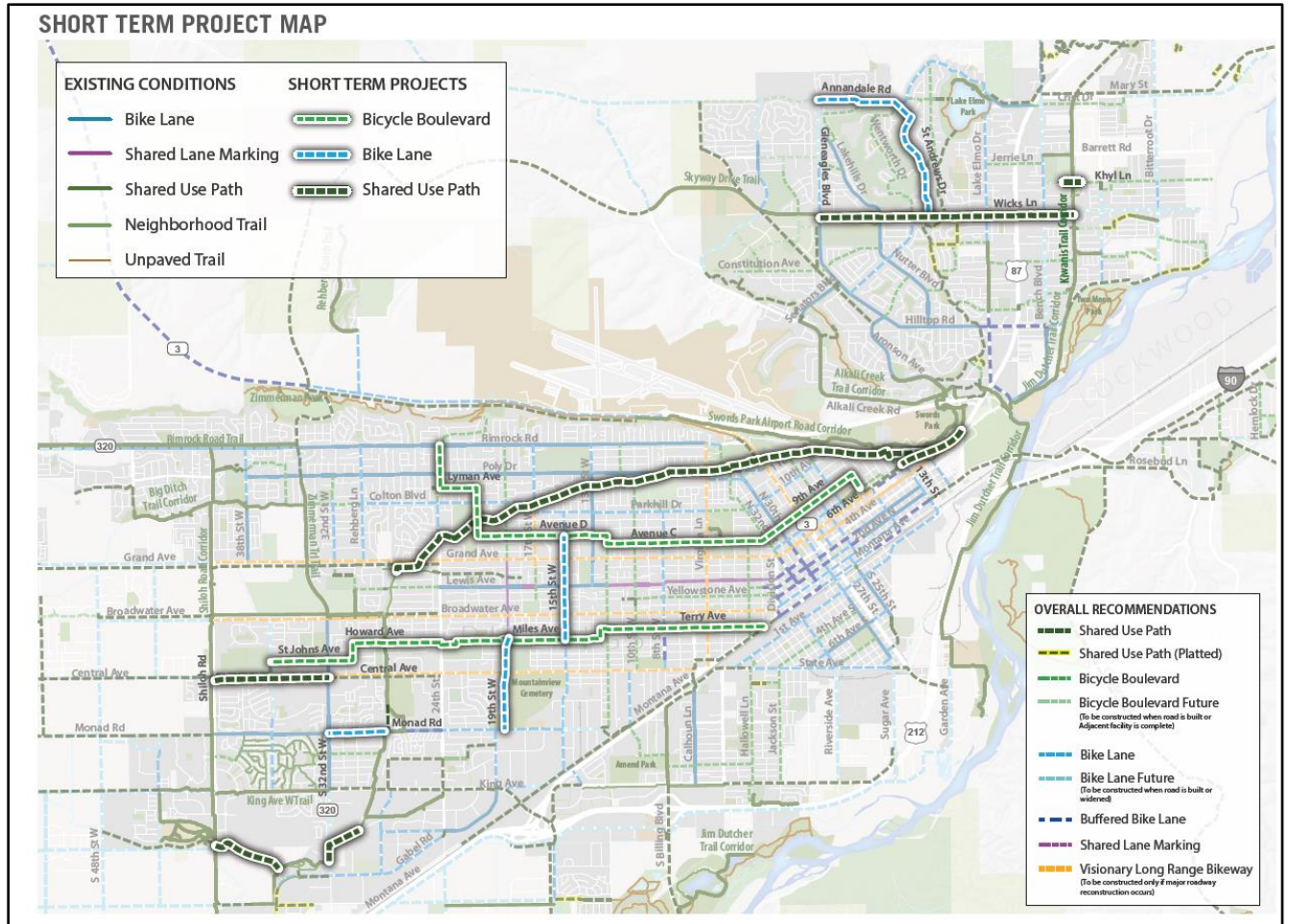
To help meet these connectivity needs, the Public Works Engineering Division identified short-term implementation projects to be funded within the next 5-year Capital Improvement Plan (CIP).

*Figure 7.2 Short Term Project List*

Project Name	Project Notes
6 <sup>th</sup> Ave N Shared use Path	From Expo to 13 <sup>th</sup>
Khyl Lane - Shared use Path	Connecting the street to the Kiwanis Trail
Howard/Terry Bicycle Boulevard	Striping and signage
Lyman/Ave D/Ave C/9 <sup>th</sup> and 24 <sup>th</sup> /Arvin Bicycle Boulevards	Striping and signage
19 <sup>th</sup> St W - Miles to Monad Bike Lanes	Add striping
15 <sup>th</sup> St W - Miles to Ave D Bike Lanes	Through overlay project
BBWA Canal - 6 <sup>th</sup> Ave N to Shiloh Rd	Start the process, full project will take longer than 5 years
Annadale/St Andrews - Bike Lanes	Add striping
Wicks Lane - Gleneagles to Kiwanis - Shared use Path	Add shared use path to south side of the street
Central Ave - 32 <sup>nd</sup> to Shiloh - Shared use Path	With road project
Monad Rd - 32 <sup>nd</sup> to 29 <sup>th</sup> - Bike Lanes	Through overlay project

Source: Billings Bikeway and Trail Master Plan Update - 2016

Figure 7.3 Short Term Project Map



Connectivity Measures

- Development guidelines (Suburban Subdivision Regulations)
- Shared Use Paths (Arterials)
- Bicycle Boulevards (Local Streets)
- Transit-trail connections
- Neighborhood connectivity

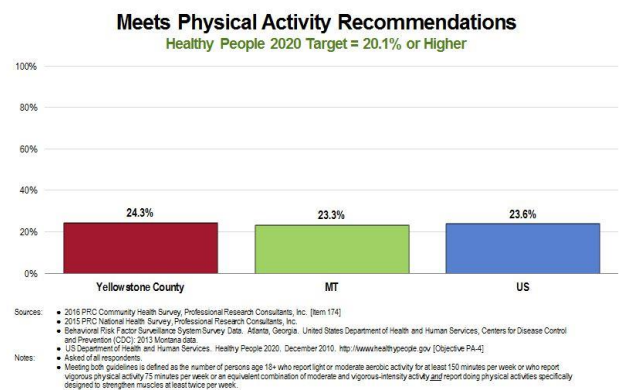
# 8. Community Health

*“The mere existence of sidewalks and bike paths can have positive effects on health and physical activity levels. Studies have shown that more and better quality sidewalks are associated with higher rates of walking and more adults meeting the daily physical activity recommendations.” (Data Driven Case for Complete Streets and Health, Voices for Healthy Kids, 2016)*

According to the Physical Activity Guidelines put forth by the U.S. Department of Health and Human Services, adults should strive to meet one or both of the following recommendations:

1. *Moderate-intensity physical activities for at least 30 minutes on five or more days of the week, or,*
2. *Vigorous-intensity physical activity three or more days per week for 20 or more minutes per occasion<sup>9</sup>*

According to the Centers for Disease Control and Prevention (CDC), meeting these guidelines has been shown to yield substantial health benefits<sup>10</sup>, including reduced risk of cardiovascular disease, type II diabetes, and some cancers; improved bone health, mood, and mental health; decreased risk of falls among seniors; and longer lifespan. However, based on the 2016-17 Community Health Needs Assessment Report, only about a quarter of the population of Yellowstone County meets these recommendations.



<sup>9</sup> <https://health.gov/paguidelines/guidelines/adults.aspx>

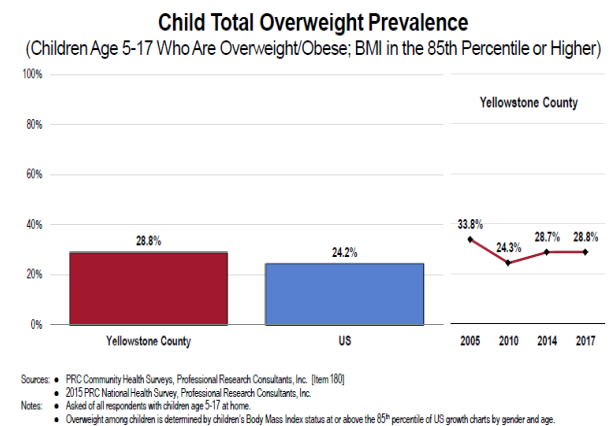
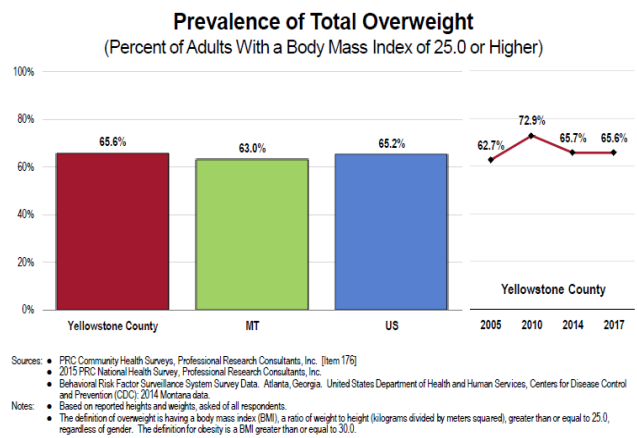
<sup>10</sup> CDC, 2015. <https://www.cdc.gov/physicalactivity/basics/pa-health/index.htm>

As with many locales across the country, nearly two thirds the population of Yellowstone County is overweight with 65.6% of adults reporting a BMI of 25 or more. Approximately one third (29%) of Yellowstone County children age 5-17 years are overweight. The Complete Streets Policy is designed to encourage biking, walking, and other forms of active transportation, thus reducing the percentage of the population that is overweight. Building more trails, sidewalks, and bike lanes changes the built environment of Billings by providing safe places for residents to be active away from vehicular traffic, or in some cases, by allowing residents to be more predictable when around traffic. The safer residents feel while walking, cycling, or rolling, the more likely they are to engage in physical activities. According to one study, residents of “the most walkable neighborhoods were 35 percent less likely to be obese than those living in the least walkable areas” (Voices for Healthy Kids). In addition, “sidewalks are also associated with a lower likelihood of being overweight” (Voices for Healthy Kids).

### Performance Measures

Every three years, Billings Clinic, RiverStone Health, and St. Vincent Healthcare collaborate to administer the Yellowstone County Community Health Needs Assessment (CHNA). The CHNA highlights community needs and areas of opportunities to promote health within the community. The report relies on a combination of primary and secondary data, including a statistically valid phone survey of residents regarding lifestyle and behaviors, key informant surveys, and secondary data specific to Yellowstone County. Since the initial adoption of Complete Streets in 2011, the percentage of overweight adults and children has remained relatively stable, and physical activity among both groups has increased.

While many factors influence individual health and healthy behaviors, as more active transportation infrastructure is built in Billings, the healthy choice will become the easy, and increasingly safer choice, resulting in increased physical activity among residents.



# 9. Economics



*"Economy is the method by which we prepare today to afford the improvements of tomorrow." Calvin Coolidge*

Installing complete street elements in commercial areas can have a beneficial impact to the community's overall economic vitality. A report by Smart Growth America outlined several areas of economic development that were positively influenced by the inclusion of complete street elements. The areas included:

- Higher employment levels;
- New business development; and
- Higher property values and private investment

Not only can complete streets have a positive influence on economic development generators, it provides the means for positive labor force production by providing the transportation network to safely get people to work. A complete street provides the transportation options for all employees whether they travel by car, transit, biking or walking.

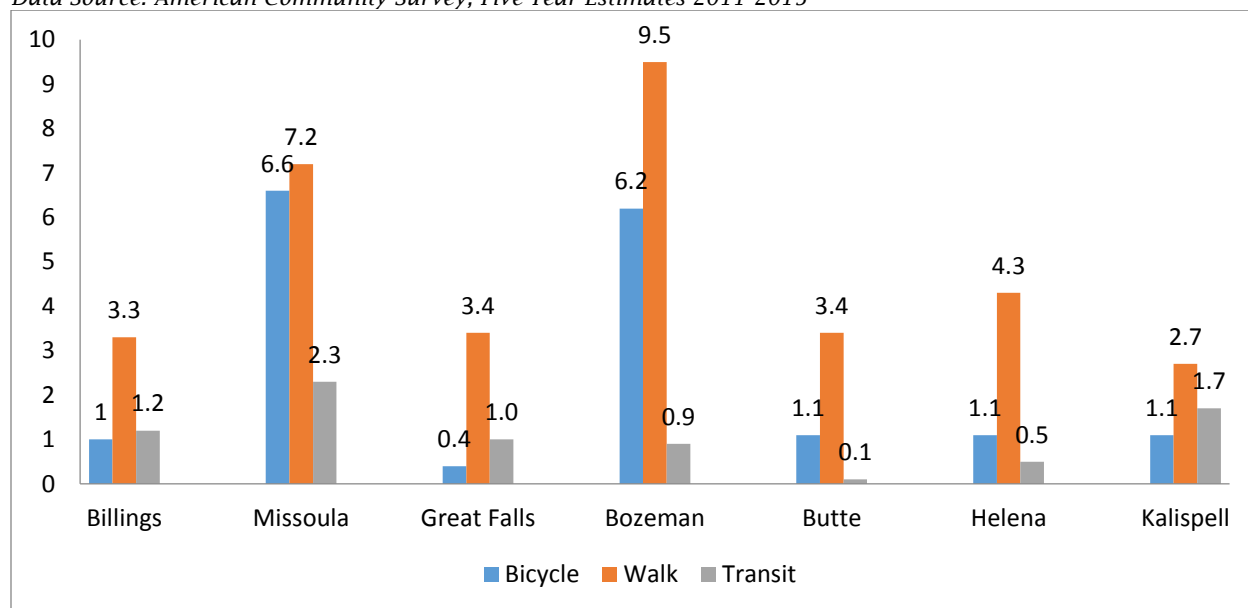
## **Affordability: Reducing Transportation Costs**

The Housing and Transportation (H+T<sup>®</sup>) Affordability Index provides an expanded view of a household's affordability by combining housing and transportation costs. The index sets a threshold of no more than 45% of household income be spent on Housing + Transportation. In the 2013 Complete Streets Benchmark Report, it was reported that Billings had a Housing + Transportation Affordability Index of 51.92%. A review of the most recent data demonstrates that Billings has reduced this percentage to 48%. This percentage represents 25% in housing cost and 23% in transportation costs. Transportation costs include commuting and all travel as part of a household's daily trips. The 2013 report quoted an annual median household income, based on a household of two, as \$51,000, today that number is \$63,540. At 49% H+T<sup>®</sup> that household would spend \$31,135 towards housing and transportation costs per year. The question to think about would be why the decrease of H+T<sup>®</sup> in the last 4-years, is it due to increased non-motorized infrastructure or possibly an economic shift? Additional research would be needed.

A comparison of the multimodal transportation routes for Billings versus other jurisdictions shows that Billings is the largest city in Montana by population it is the second lowest in both bicycling and walking, and third best in terms of transit ridership.

**Figure 9.1 Five Year ACS Commute Share for Montana Population Centers**

Data Source: American Community Survey, Five Year Estimates 2011-2015



## Quality of Life

Periodically, the Billings City Council conducts a citizen survey on varying aspects of resident livability in Billings. In this case, “livability” is used to describe a desirable place, not only where people live but *where* they want to live.

The Billings City Council conducted a Citizen Survey during the 2015-2016 time frame. One question asked how much focus the community should have on the built environment (including buildings, parks, and transportation systems). Of the responses received, 75% stated that the built environment was essential or very important.

The Billings Chamber of Commerce over the last several years has focused on the quality of life of Billings residents. This in turn attracts new businesses and residents to Billings. This area of focus has centered on trails, walking paths, bicycle facilities, public transit and safe traffic conditions. These amenities have shown to contribute to Billings’ competitive edge and appeal over similar cities. The Chamber’s continued work on the non-motorized network has been a valuable tool for a city branded as “Montana’s Trailhead”.



*“The reality about transportation is that it’s future-oriented. If we’re planning for what we have, we’re behind the curve.”*

*Anthony Foxx – United States Secretary of Transportation 2013-2017*

## Complete Streets Policy

In 2016, the City of Billings underwent an extensive review and revision of the 2011 Complete Street Policy. This revision included updated definitions, and provided the city flexibility on when/where to install complete street elements, more opportunity for coordinated planning efforts, a Complete Streets Checklist, and an opportunity for the public and City Council to review Complete Street projects at 30% design.

### Definitions

The definition of “Complete Streets Infrastructure” was updated to meet the goals and objectives of the City of Billings. The definition provided language to refer to adopted plans and studies in regards to types of infrastructure.

### Flexibility

The City of Billings will consider every street project for incorporation of complete street elements. However, in cases of limited rights-of-way, street function (local vs. arterial) and types of user needs, not every street will receive complete street elements or may include only certain elements.

### Coordination

The Policy was developed to act as a guide for the development of local transportation, transit, and design standards. Complete Street elements are encouraged to be considered in all long and short range plans.

### Checklist

The Complete Streets Checklist is used in the consideration of bicycle and pedestrian infrastructure in the planning, design, and construction or reconstruction of all transportation projects.

### 30% Design Review

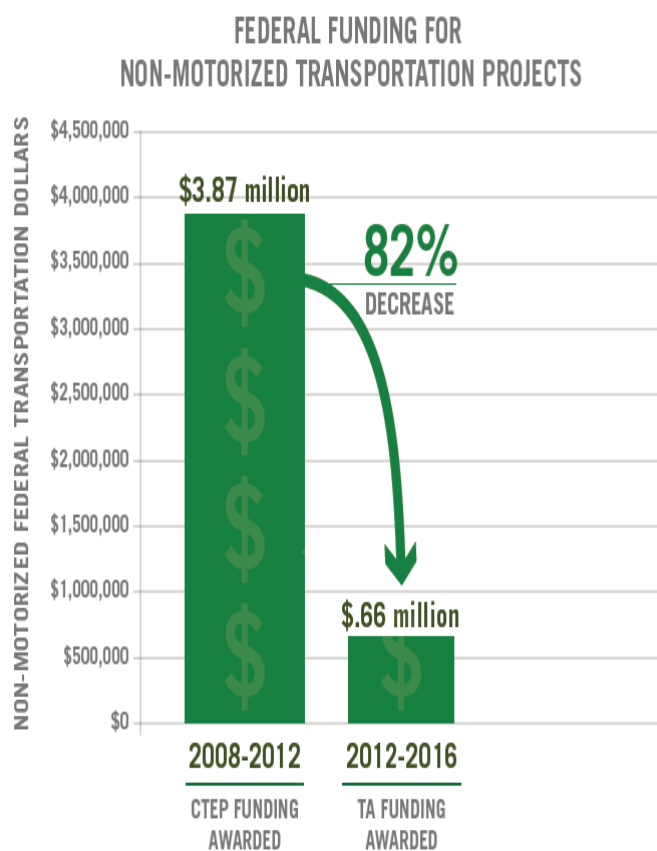
Public Works Engineering will present to the Billings City Council at a work session all construction/reconstruction transportation projects being undertaken on collector and arterial streets at approximately the 30% design phase. This presentation will include a discussion on complete street elements and how they were or were not incorporated with this project. This public forum allows for public input on the project and because it is at the 30% stage, changes may be incorporated.

In addition to the items listed above in the revised Complete Streets Policy, the policy directs the City to continue to collect data on the impacts of the Policy and complete a progress report like this one periodically to demonstrate the effectiveness of the policy.

### Transportation Funding Limitations

The loss of the Community Transportation Enhancement Program (CTEP) funds with the passing of the new transportation bills (MAP-21 and the FAST Act) has significantly impacted the pace and number of project being developed in the community. During the life span of CTEP, the City of Billings and Yellowstone County received in total approximately \$13.3 million dollars for non-motorized transportation projects.

Through the development of the 2016 Billings Bikeway and Trail Master Plan, several options for local funding were provided. This local funding is vital for accessing federal and state funding (local match). One new funding source that could be accessed if approved locally would be a portion of the gas tax. The 2017 Legislative Session passed an increase to the gas tax in the amount of 4.5 cents. Billings since 1983 has been receiving 27 cents/gallon, this will now increase to 31.5 cents/gallon. Table 10.1 highlights both the potential amount of local funds generated as a result of the local option tax, including the percentage that could be available to non-motorized transportation system development and maintenance based on a 3% allocation. At a minimal 3% allocation, by 2023, the city would have more than \$126,000 per year available in non-motorized transportation funds that could be used in a variety of ways.



2016 Billings Bikeway and Trail Master Plan

The funds could be used as gap financing for non-motorized elements in reconstruction or construction of transportation projects and of maintenance of non-motorized facilities. The funds could be used to leverage other grant funding, for example, a 20% local match is required for off-system transportation projects through the Transportation Alternatives Program Grant. Combined with other local funding (Billings TrailNet), this provides an attractive application.

**Table 10.1 - City of Billings Gas Tax Allocation**

<b>Existing 1983 Allocation</b>	<b>2018 (Partial)</b>	<b>2019</b>	<b>2023 Total</b>
\$1,766,830	\$3,311,885	\$3,598,398	\$4,202,121
Source: Montana Department of Transportation			
<b>3.0% Allocation</b>	<b>2018 (Partial)</b>	<b>2019</b>	<b>2023 Total</b>
	\$99,356.55	\$107,951.94	\$126,063.66

*\*\*Note: These figures are an estimate only and represent the potential increase of gas tax and does not reflect the base gas tax received on a yearly basis.\*\**

### Short Term Projects

Through the development of the City of Billings Capital Improvement Program (CIP) and the Billings Area Bikeway and Trail Master Plan, the following is a list of proposed Short-term projects (2018-2022). These projects were developed by the City of Billings Public Works Engineering Division with input from the Billings Bikeway and Trail Master Plan Steering Committee, City Departments, Billings Residents and the Billings City Council. *Please note that these projects are subject to change.*

**Table 10.2 List of Capital Improvement Projects 2018-2022**

Project Name	Type of Project	Location	Year
Midland Road	Reconstruction	S. Billings to Mullowney Lane	2018
Inner Belt Loop	New Construction	Alkali Creek to Highway 3	2018
Central Avenue	Reconstruction	32 <sup>nd</sup> Street West to Shiloh Road	2019
32 <sup>nd</sup> Street West	Reconstruction	King Avenue West to Gabel Road	2021
Wicks Lane	Reconstruction	Main Street to Hawthorne Lane	2021

Source: City of Billings



The Bike Plan identified many future projects for development. However, the Bike and Trail Master Plan Steering Committee and City Engineering worked together to develop a list of short-term projects that could be developed and implemented by Engineering in the next 5-years. These projects are developed with the intent to be included in future CIPs for implementation. The criteria for the development of these projects included:

1. Public Input
2. Proximity to schools
3. Connectivity to existing facilities
4. Network gaps
5. Connections to activity centers
6. Ease of implementation
7. Equity
8. Downtown

These projects are identified in Table 10.3

**Table 10.3 List of Capital Improvement Projects 2018-2022**

<b>Project Name</b>	<b>Project Notes</b>
6th Ave N Shared use Path	From Expo to 13th
Khyl Lane - Shared use Path	Connecting the street to the Kiwanis Trail
Howard / Terry Bicycle Boulevard	Striping and signage
Lyman/ Ave D / Ave C/ 9th and 24th / Arvin Bicycle Boulevards	Striping and signage
19th St W - Miles to Monad Bike Lanes	Add striping
15th St W - Miles to Ave D Bike Lanes	Through overlay project
BBWA Canal - 6th Ave N to Shiloh Rd	Start the process, full project will take longer than 5 years
Annandale / St Andrews - Bike Lanes	Add striping
Wicks Lane - Gleneagles to Kiwanis - Shared use Path	Add shared use path to south side of the street
Central Ave - 32nd to Shiloh - Shared use Path	With road project
Monad Rd - 32nd to 29th - Bike Lanes	Through overlay project
6th Ave N Shared use Path	From Expo to 13th
Khyl Lane - Shared use Path	Connecting the street to the Kiwanis Trail
Howard / Terry Bicycle Boulevard	Striping and signage
Lyman/ Ave D / Ave C/ 9th and 24th / Arvin Bicycle Boulevards	Striping and signage
Source: 2016 Billings Area Bikeway and Trail Master Plan	

This reports serves as a guide to future Complete Streets implementation. It provides the data behind the policy in hopes that it will demonstrate the impact a policy of this type has on the community and its residents.

# Appendices

## Appendix A: Glossary of Terms

**ADA:** Americans with Disabilities Act.

**Arterial:** The highest class of highways and roads. These roadways are intended to server higher volumes of traffic, particularly through-traffic, at higher speeds. They also serve truck movements and should emphasize traffic movement over access to adjacent property. Arterial roadways re further designated as Principal and Minor Arterials.

**Bicycle Boulevard:** Streets with low motorized traffic volumes and speeds, designated and designed to give bicycle and pedestrian travel priority.

**Boulevard Strip:** A physical separation - usually planted with grass - between motorists and pedestrians and other vulnerable roadway users.

**Collector streets:** Collectors represent the intermediate class. As the name suggests, these roadways collect traffic from the local street system and link travel to the arterial roadway system. These roadways provide a balance between through-traffic movement and property access and provide extended continuity to facilitate traffic circulation within an urban community or rural area.

**Commuting mode share:** The percentage of commuting travelers using a particular type of transportation or number of trips using said type.

**Connectivity:** Connections between different types of roadways, route types, and transportation modes. A city where trips can easily be made by multiple modes and in which routes overlap has high connectivity.

**Cross-community arterial corridor connections:** Connections of arterials that run east-west or north-south across Billings, increasing connectivity (primarily for automobiles and arterial bus routes).

**Crossing enhancements:** Any improvement made to a pedestrian or bicycle crossing that increases ease of use and perceived safety of the primary user of the facility, but also for all users of the roadway.

**Curb ramp:** A solid ramp graded down from the level of the sidewalk to the level of the street, providing easier access to streets from sidewalks and to sidewalks from streets for pedestrians and bicyclists, but especially for those using wheelchairs or other mobility devices. Curb ramps also help those with limited range of motion to be able to step up to or down from the sidewalk without the abruptness of the curb face.

**Facilities:** Space on the roadway or nearby that is dedicated to a certain mode. A crosswalk is a pedestrian facility, while a bus stop is a transit facility, although each may serve other users as well.

**Greenway:** Multi-use paths adjacent to or near green, vegetated space.

**Mode share:** The percentage of travelers using a particular transportation type or mode or the number of trips using said type (i.e., 30 percent bicycle mode share means that 30 percent of trips are made by bicycle).

**Multi-modal infrastructure:** Facilities that provide space and safe accommodations for all transportation types or modes.

**Multi-modal transportation system:** The result of connective and cohesive multi-modal infrastructure.

**Parallel multi-use paths:** Also called shared-use paths or sidepaths, these facilities parallel a roadway, similar to the manner in which a sidewalk does.

**Sharrows:** A pavement marking usually placed in the center of the travel lane to indicate to motorists and bicyclists that bicyclists may use the full travel lane.

**Traffic-calming device:** Some physical measure, constructed or painted, put in place on roads for the intention of slowing down or reducing motor-vehicle traffic in order to increase comfort and perceived safety.

**Traffic-calming measures:** Steps taken by transportation officials to improve safety and comfort for all roadway users by decreasing the speed of traffic and increasing ease of use and accessibility and connectivity. Also see “Traffic-calming device” defined above.

## Appendix B: City of Billings Complete Streets Policy *(revised)*

### RESOLUTION NO. 16-10550

#### A RESOLUTION OF THE CITY OF BILLINGS TO ADOPT A COMPLETE STREETS POLICY

WHEREAS, in enacting this resolution, it is the intent of the City Council to encourage healthy, active living; reduce traffic congestion; and improve the safety and quality of life of Billings residents by providing safe, convenient, and comfortable routes for walking, bicycling, and public transportation; and

WHEREAS, the promotion of transportation improvements that are planned, designed and constructed to encourage walking, bicycling, and transit use increase the general safety, health and overall welfare of the citizens of and visitors to the City of Billings; and

WHEREAS, the Billings Urban Area Long-Range Transportation Plan 2009 Update states, as one of its Guiding Principles, “the City will develop a complete streets policy which will design and operate to enable safe access for all users including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities to safely move along and across a complete street”; and

WHEREAS, the 2010 Community Investment Plan: City of Billings City Council and Staff Strategic Priorities identifies one of its goals to be the “development of a comprehensive, multi-modal transportation system” and includes “complete streets” as a priority; and

WHEREAS, Section 61-8-602 of the Montana Code Annotated (MCA) makes bicycle riders rightful road users, and Section 61-8-501, MCA, recognizes pedestrians as rightful road users; and

WHEREAS, the health, safety and welfare of the citizens of and visitors to the City of Billings will be enhanced by the adoption of a policy that promotes a complete transportation system that meets the needs and expectations of all transportation users; and

WHEREAS, the City Council of the City of Billings desires to establish a clear policy ensuring the needs of adjacent land users and all transportation users, including but not limited to pedestrians, bicyclists, transit users, people with disabilities, the elderly, emergency responders, motorists, and freight providers are considered.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that Resolution 11-19097 of the City of Billings is hereby repealed and the following Complete Streets Policy is adopted.

Statement of Intent:

The City of Billings through the adoption of the Complete Streets Policy intends to promote and encourage the development of a multi modal transportation systems that will provide access to all users were practicable.

### COMPLETE STREETS POLICY

**Complete Streets** is a transportation and design approach that requires streets to be planned, designed, operated, and maintained to enable safe, convenient and comfortable travel and access for users of all ages, abilities regardless of their mode of transportation.

**1. DEFINITIONS.** The following words and phrases, whenever used in this Policy shall have the meanings defined in this section unless the context clearly requires otherwise:

“Complete Streets Infrastructure” According to the National Complete Streets Coalition, appropriate elements that make up a complete street would include sidewalks, bicycle lanes, shared – use paths, designated transit lanes, safe and accessible transit stops, safe crossings for pedestrians, including median islands, accessible pedestrian signals, and curb extensions. Additionally, they could include any features identified in the Billings Area Bikeway and Trail Master Plan, and the Manual on Uniform Traffic Control Devices.

- (a) “Street” per Montana Code Annotated 76-1-103 includes streets, avenues, boulevards, road, lanes, alleys, and all public ways.
- (b) “Street Project” means the construction or reconstruction of any Street, and includes the planning, design, approval, and implementation processes.
- (c) “Multi-modal Transportation Network” means all facilities, vehicles and devices designed to facilitate the mobility of people.
- (d) “Users” are individuals who use the Multi-modal Transportation Network. Categories of Users include pedestrians; bicyclists; motor vehicle drivers; public transportation riders and people of all ages and abilities.

## **2. IMPLEMENTATION.**

- (a) The City of Billings shall consider every Street Project an opportunity to incorporate the principles of Complete Streets.
- (b) The City of Billings will work in coordination with other organizations, agencies, and jurisdictions to achieve a safe, convenient and connected Complete Streets Infrastructure within the Multi-modal Transportation Network.
- (c) This policy will be used as a guide to the City of Billings in the development of transportation plans, transit plans, and design standards. As practicable, these documents and tools will be updated to reflect this Complete Streets Policy.
- (d) Implementation of the Complete Streets Policy will consider the adjacent neighborhood, completion of the multi-modal network, priority corridors, and the financial costs of implementation and maintenance of the Complete Streets elements.
- (e) The City will provide periodic training on how to integrate, accommodate, and balance the needs of each category of User. Training will be available to City staff, private industry, other jurisdictions, and community members.
- (f) The Complete Streets Checklist will be used in the routine consideration of bicyclists and pedestrians in the planning, design, and construction or reconstruction of all transportation projects.
- (g) Public Works Engineering (PW) will present to the Mayor and City Council at Work Sessions all Collector and Arterial Street reconstruction and construction projects at approximately 30% design. PW will present the preliminary design representing the intent of the Complete Streets Policy to the Mayor, City Council, and public. The presentation will include Complete Streets Checklist results, recommended design section, alternative improvements if any, construction cost estimates for each alternative, maintenance responsibility, and estimated maintenance costs.

## **3. DATA COLLECTION AND PROGRESS REPORTING.**

- (a) The City will periodically collect, review and report performance data and benchmark measurements to demonstrate the effectiveness of the policy. This

information could include: number of projects completed, number of projects incorporating complete streets infrastructure, actual infrastructure added, number of transit and non-motorized users, community attitudes and perceptions, and safety and health indicators.

- (b) Existing advisory boards and committees such as the Technical Advisory Committee, the Traffic Control Board, the Bicycle and Pedestrian Advisory Committee, the Aviation and Transit Board, Public Works Board, Yellowstone County Board of Health and the Yellowstone County Board of Planning are encouraged to provide ongoing feedback and act as conduit for public participation on the implementation of Complete Streets practices.

PASSED by the City Council and APPROVED this 23rd day of May 2016.



THE CITY OF BILLINGS:

BY: Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

## Complete Streets Checklist

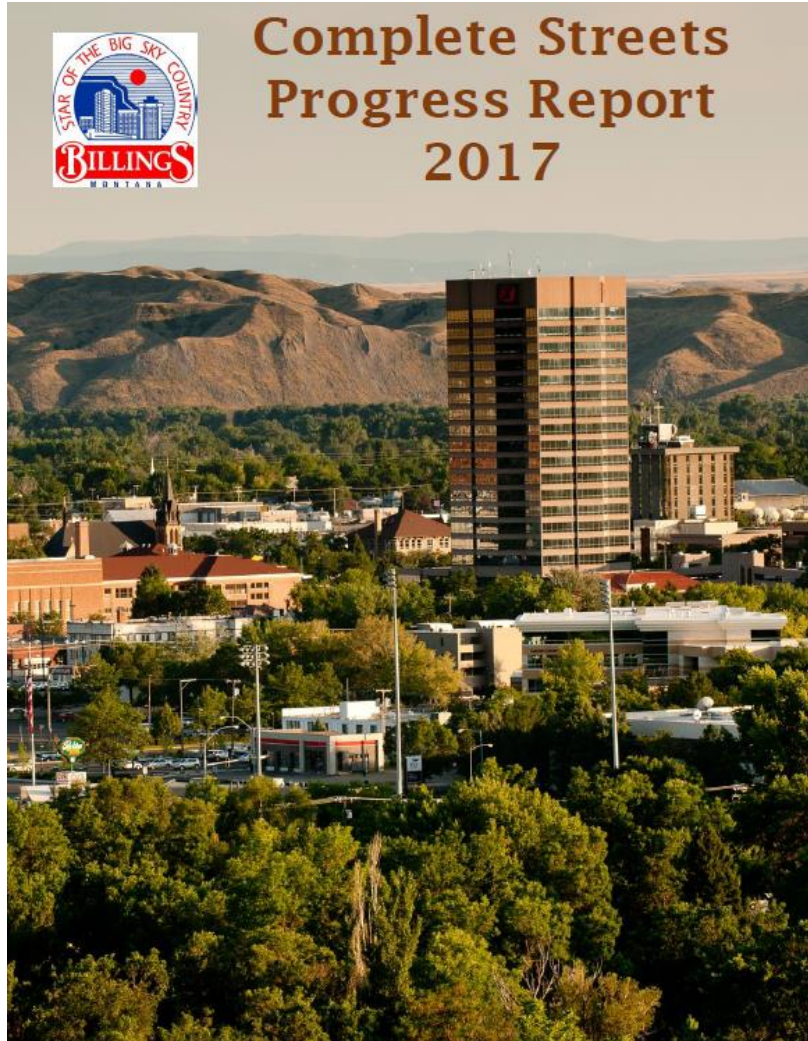
### 1. Existing Conditions

- What accommodations for bicycles, pedestrians, and transit are included on the existing facility and on facilities that it intersects or crosses:
- If there are no pedestrian or bicycle facilities, how far from the proposed project are the closest parallel walkways and bicycle facilities:
- Are there existing challenges the proposed project could address for bicycle, transit, and pedestrian travel:
- What trip generators (current or future) are in the vicinity of the proposed project that potentially attract pedestrians, bicyclists, students, employees, or others:
- Did the project design consider collisions involving pedestrians and bicyclists along the proposed roadway? If so, what are the potential options?
- Do any adopted plans call for the installation of bicycle or pedestrian facilities on, crossing, or adjacent to the proposed facility? If yes, list the applicable plans.

### 2. Project Scope

- What accommodations, if any, are included for bicycle, pedestrians, and transit in the proposed project design?
- If the proposed project does not incorporate bicycle and pedestrian facilities, list reasons.
- Cost of the bicycle and pedestrian improvements and their proportion of the total project cost?
- What agency will be responsible for the maintenance of the bicycle and pedestrian facilities and how will they be budgeted?

# 2017 Complete Streets Progress Report



Planning Board  
January 9, 2018

# Background

- ▶ Complete Streets Policy Adopted in August of 2011
- ▶ Established a Progress Report - Every 3 years
  - ▶ First report - 2013
  - ▶ Tracks policy implementation
  - ▶ Data comparison
  - ▶ Establishes Performance Measures
- ▶ Policy updated - May 2016
  - ▶ Complete Streets Checklist
  - ▶ 30% Design Review



# Contents

- ▶ What Complete Streets means for Billings
- ▶ Walking and Rolling
- ▶ Bicyclists
- ▶ Transit
- ▶ Automobile
- ▶ Connectivity
- ▶ Community Health
- ▶ Economics
- ▶ What's Next?

*Figure 1.1 2016 national survey of transportation infrastructure people want to live near.*



# What Complete Streets means for Billings

## ▶ Actions

- ▶ [www.bikebillings.com](http://www.bikebillings.com)
- ▶ Take the Hi Road campaign
- ▶ Kids in Motion

## ▶ Meaningful Input

- ▶ Data Collection
- ▶ Existing Conditions
- ▶ Enhanced Collaboration

## ▶ National Recognition

- ▶ Sunset Magazine
- ▶ Outdoor Magazine
- ▶ Chamber of the Year
- ▶ Smart Growth America




The screenshot shows a news article from the Billings Gazette. The header is yellow with the Billings Gazette logo and a search icon. The article title is "Billings wins Outside Magazine's 'America's Best Town of 2016' competition". The byline is "By MIKE KORDENBROCK mkordenbrock@billingsgazette.com May 28, 2016". Below the text is a large photograph of the downtown Billings skyline, showing various buildings and a river in the background. Below the photo is a caption: "CASEY PAGE/Gazette Staff Downtown Billings skyline Friday, July 31, 2015." To the right of the caption is a green "Buy Now" button. Below the caption are social media sharing icons for Facebook, Twitter, Email, Print, and Heart. The main text of the article begins with "In something of a Cinderella finish, No. 16 seed Billings has beat out No. 1 seed Jackson, Wyo., for the title of 'America's Best Town of 2016' according to results from the final round of an online tournament-style voting competition organized by Outside Magazine."

**Billings Gazette**

### Billings wins Outside Magazine's 'America's Best Town of 2016' competition

By MIKE KORDENBROCK mkordenbrock@billingsgazette.com May 28, 2016



CASEY PAGE/Gazette Staff  
Downtown Billings skyline Friday, July 31, 2015.

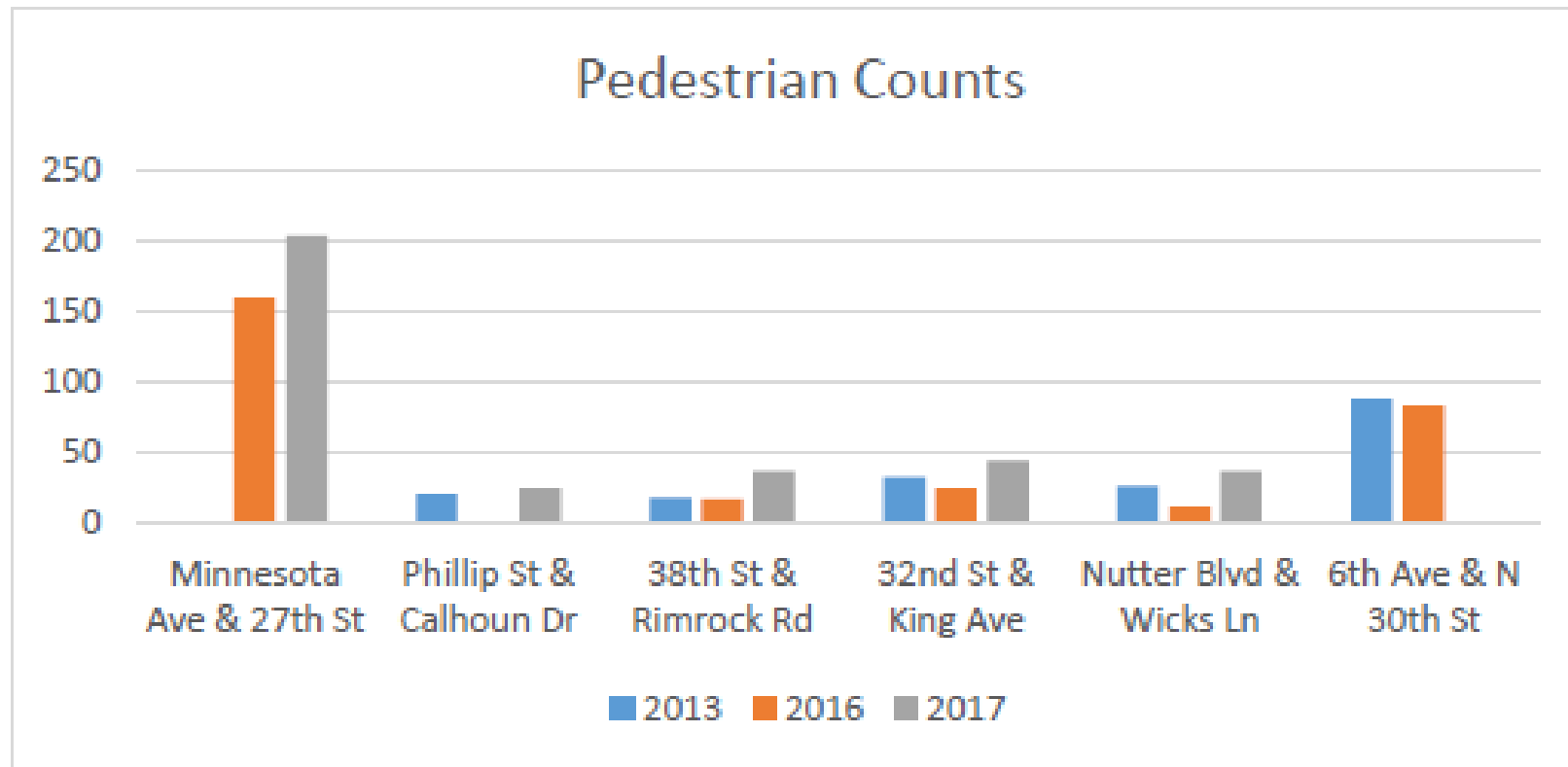
Buy Now

f t e p h

In something of a Cinderella finish, No. 16 seed Billings has beat out No. 1 seed Jackson, Wyo., for the title of "America's Best Town of 2016" according to results from the final round of an online tournament-style voting competition organized by Outside Magazine.

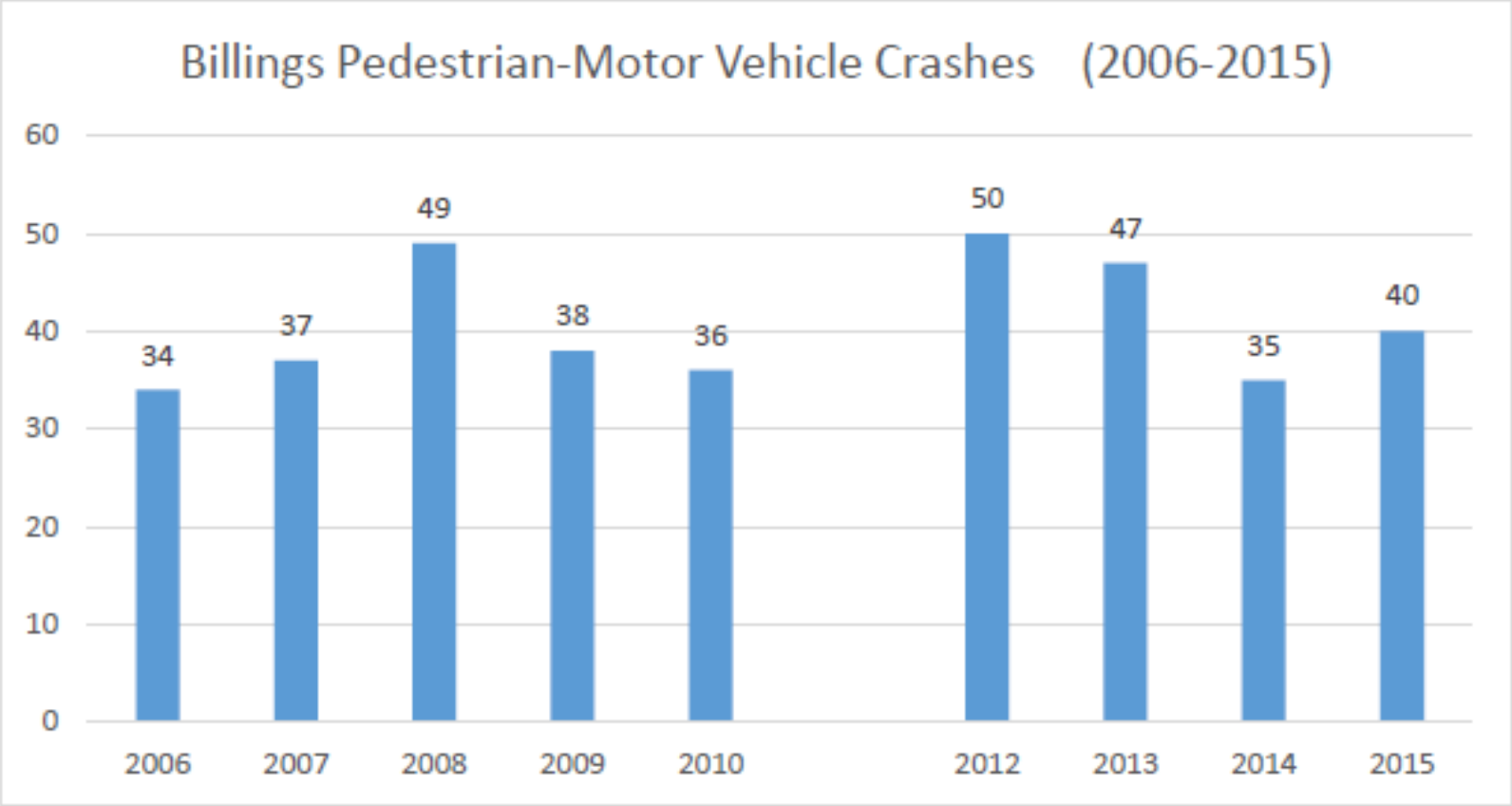
# Walking and Rolling

Figure 3.1 Billings Pedestrian Counts



# Pedestrian-Motor Vehicle Crashes

Figure 3.4 Pre and post policy crash rates



Source: MDT City and Statewide Crash Data (2006-2015)

# Bicycling

Figure 4.4 Bicycling Counts

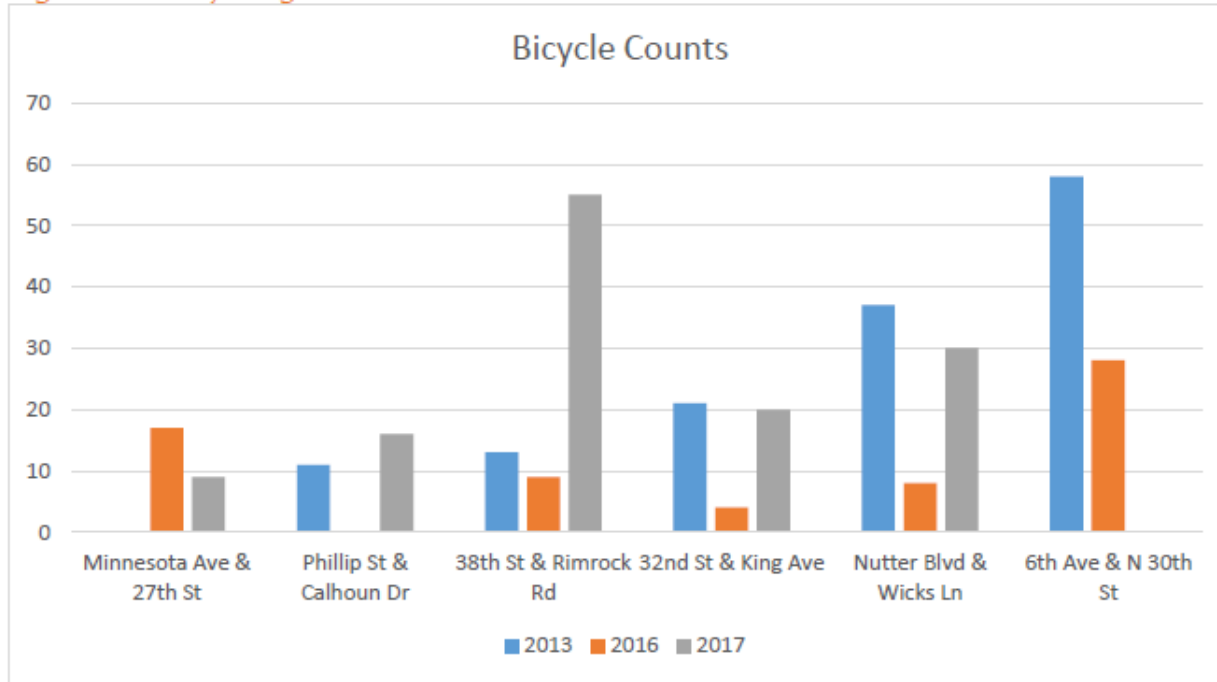
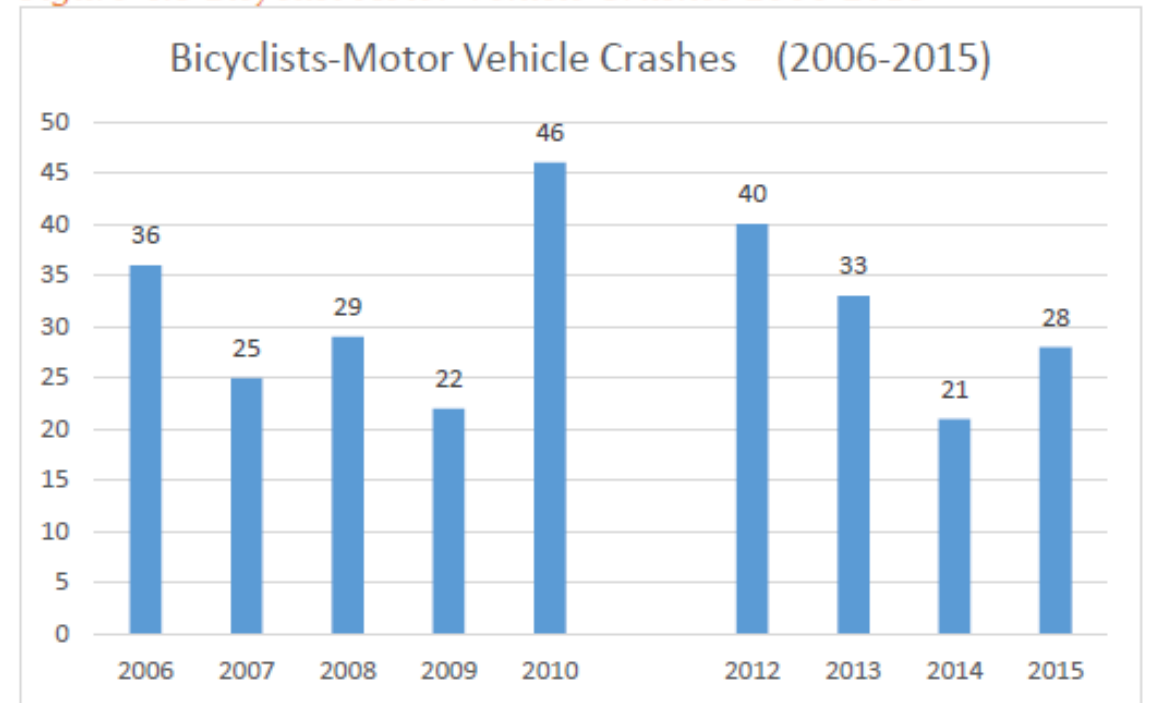


Figure 4.5 Bicyclist-Motor Vehicle Crashes 2006-2015

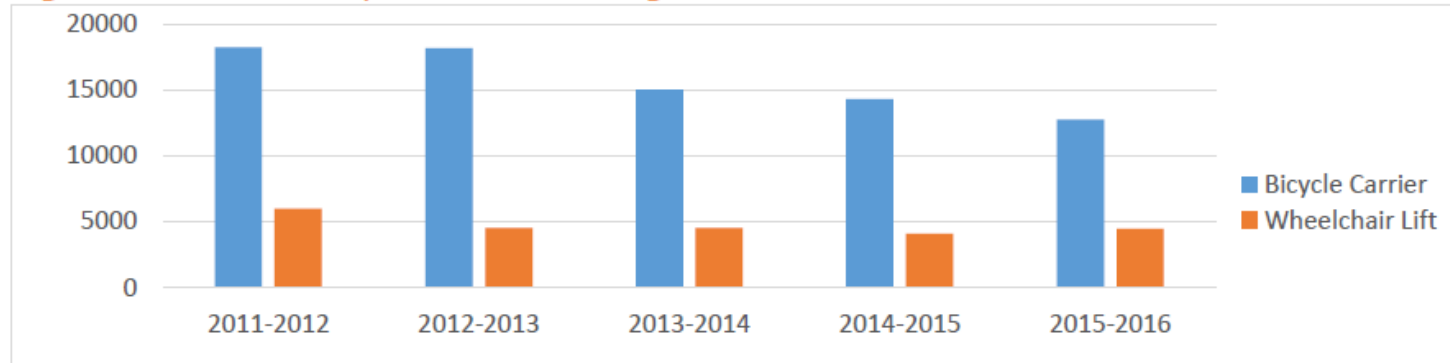


Project Description	Pedestrians	Elderly/Disabled	Bicyclists	Transit	Additional Complete Streets Features
Bench Boulevard -- Lincoln Ln. to Wicks Ln.	New continuous sidewalks on both sides	ADA ramps at intersections	Shared bike lanes from Lincoln Ln. to Hilltop Rd.	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Grand Avenue -- 32nd St. W. to Shiloh Rd.	New continuous sidewalk/trail on both sides	ADA ramps at intersections	Multi-use trail	No specific changes	Street lighting
Calhoun Lane -- King Ave. E. to Underpass Ave.	New continuous sidewalks on both sides	ADA ramps at intersections	On-street bike lanes added	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Arrowhead School Path	Multi-use trail	ADA ramps at intersections	Multi-use trail	No specific changes	
Poly Drive Sidewalks	Bulbouts added at school crossing	ADA ramps at intersections	Maintained existing bike lanes within the bulbout limits		
Shiloh Conservation Area	Multi-use trail	Multi-use trail	Multi-use trail		Benches, informational signs, etc.
Poly & Virginia Bike/Ped	Upgraded pedestrian signals	ADA ramps at intersection	On-street bike lanes added from Virginia Ln. to 13th St. W.	No specific changes	
Poly Drive -- 32nd St. W. to 38th St. W.	New continuous sidewalks on both sides	ADA ramps at intersections	On-street bike lanes added	No specific changes	
Orchard Lane -- King Ave. E. to State Ave.	New continuous sidewalks on both sides	ADA ramps at intersections	Parallel bike lanes on Calhoun	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Exposition Gateway Infrastructure Improvements	New continuous sidewalks on both sides	ADA ramps at intersections	No specific changes	No specific changes	Street lighting
Lewis Avenue Bike Lanes	No specific changes	No specific changes	On-street bike lanes and shared lanes added	No specific changes	
32nd St. W. & Gabel Rd. Traffic Signal Improvements	Installed new traffic signal with pedestrian signals	ADA ramps at intersections	No specific changes	No specific changes	
Ponderosa School Path	Multi-use trail	Multi-use trail	Multi-use trail		
44th Street West Trail	Multi-use trail	Multi-use trail	Multi-use trail		
19th Street West at Parkhill Drive	Sidewalk added along north side	ADA ramps at intersections	No specific changes	No specific changes	
19th Street West/Hoover Avenue at Colton Blvd.	Bulbouts added at school crossing	ADA ramps at intersections	No specific changes	No specific changes	
Wicks Lane Multi-use Path	Multi-use trail	Multi-use trail	Multi-use trail		
Jackson Street Sidewalks	Sidewalk added along west side	ADA ramps at intersections	No specific changes	No specific changes	
Grand Avenue -- 48th St. W. to 58th St. W.	School, Traffic signal at Grand Ave. & 54th St. W., Multi-use trail	ADA ramps at intersections	Multi-use trail	No specific changes	Included multi-use trail along 54th St. W. from Grand Ave. to Rimrock Rd. New street lighting added.
4th Ave. N. & Division St. Capacity Improvements	Upgraded pedestrian signals	ADA ramps at intersection	Upgraded detection to include bicycle detection	No specific changes	
Swords Bypass Trail	Multi-use trail	Multi-use trail	Multi-use trail	No specific changes	
Rimrock Road -- Forsythia Blvd. to Shiloh Rd.	New continuous sidewalk/trail on both sides	ADA ramps at intersections	Multi-use trail	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
Annual ADA ramp project	Project aimed at corners, not aimed at providing continuous pedestrian paths	Over 200 ADA ramps installed at intersections	Project intent is providing accessibility at intersections	Provides improved access along MET routes	
Annual Curb, Gutter, Sidewalk Project	Installed over 50,000 lineal feet of new sidewalk	ADA ramps where applicable	Project intent is to install missing curb, gutter, and sidewalk, and was not focused on bicycle improvements	Provides improved access along MET routes	
Broadwater Shared Multi-use trail (TA Project)	Installed approximately 1-mile of shared use path along Broadwater Avenue from 32nd to Shioh	Multi-use trail	Multi-use trail	No specific changes	
<b>Overlays:</b>					
Monad Road -- 32nd St. W. to Shiloh Rd.	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Outside scope of the project	
Monad Road -- 24th St. W. to Lampman Trl.	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Outside scope of the project	
13th Street West -- Grand Ave. to Poly Dr.	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Two-way left turn lane allows traffic to pass when busses are stopped.	
Governors Boulevard -- Babcock Blvd. to Bazaar Exchange	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Outside scope of the project	

Project Description	Pedestrians	Elderly/Disabled	Bicyclists	Transit	Additional Complete Streets Features
Bench Boulevard -- Lincoln Ln. to Wicks Ln.	New continuous sidewalks on both sides	ADA ramps at intersections	Shared bike lanes from Lincoln Ln. to Hilltop Rd.	Two-way left turn lane allows traffic to pass when busses are stopped.	Street lighting
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Poly Drive Sidewalks	Bulbouts added at school crossing	ADA ramps at intersections	Maintained existing bike lanes within the bulbout limits		
13th Street West -- Grand Ave. to Poly Dr.	Outside scope of the project	Outside scope of the project	On-street bike lanes added	Two-way left turn lane allows traffic to pass when busses are stopped.	

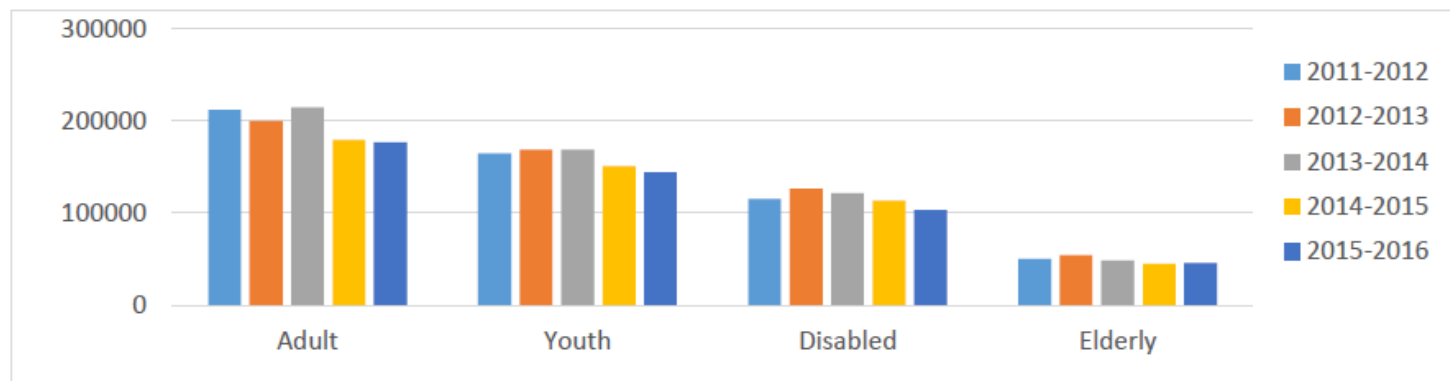
# Transit

Figure 5.2 On-bus Infrastructure Usage (FY 2011-2016)



Source: MET Transit

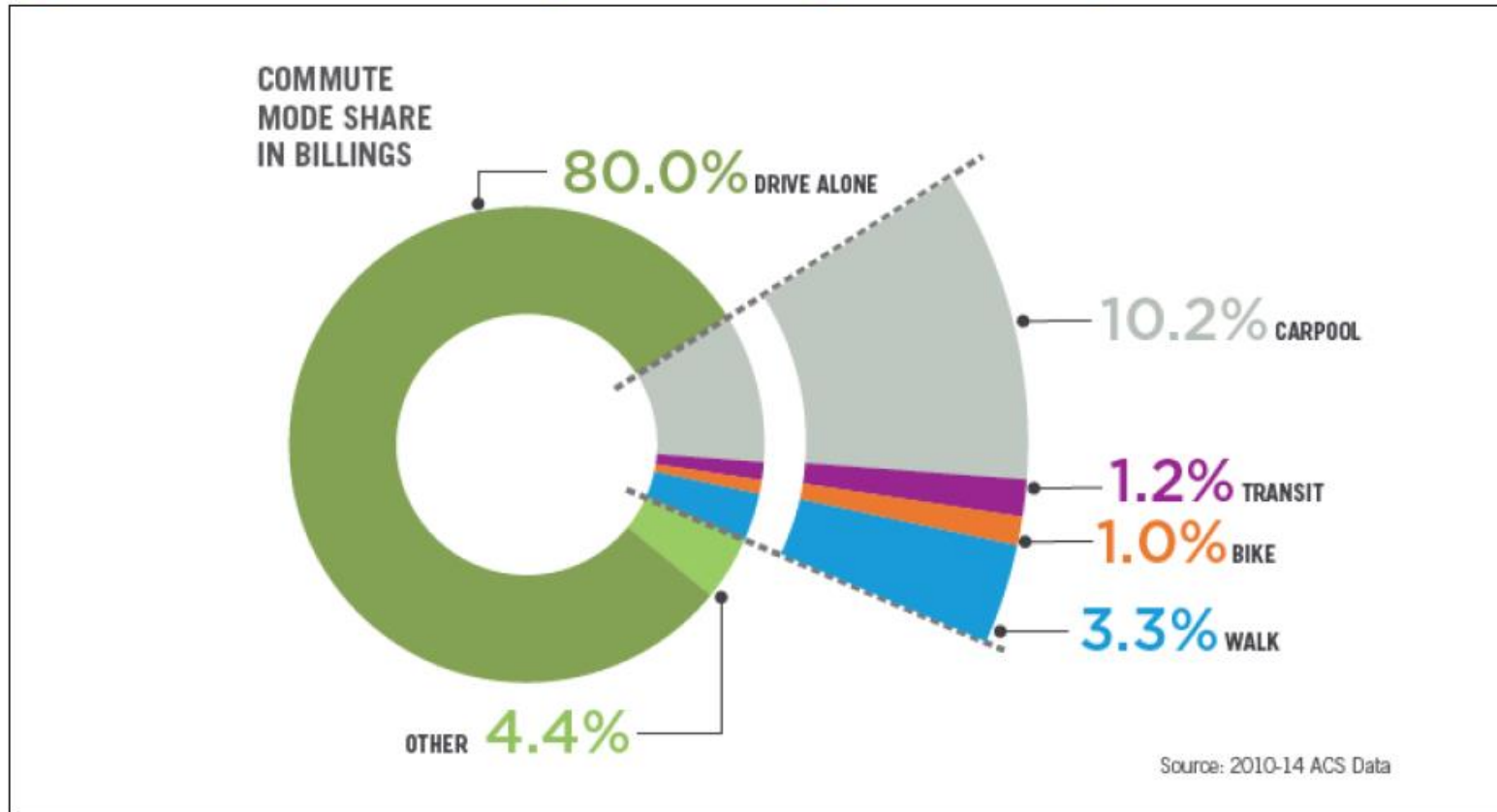
Figure 5.3 Annual MET Transit Ridership by User Type (FY 2011-2016)



Source: MET Transit

# Automobile

Figure 6.1 Mode Share in Billings - 2016 Billings Area Bikeway and Trail Master Plan



# Connectivity

Figure 7.3 Short Term Project Map

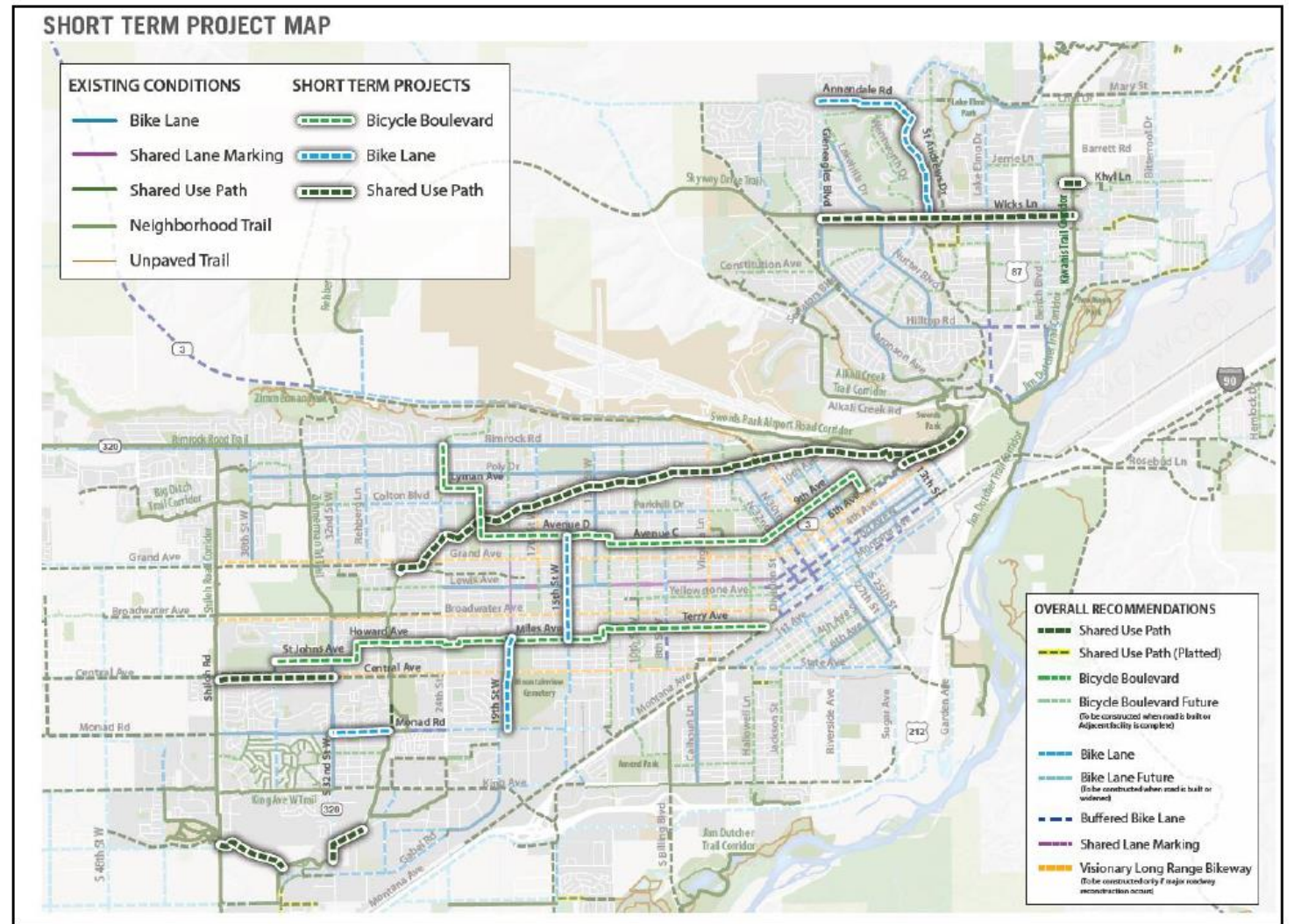
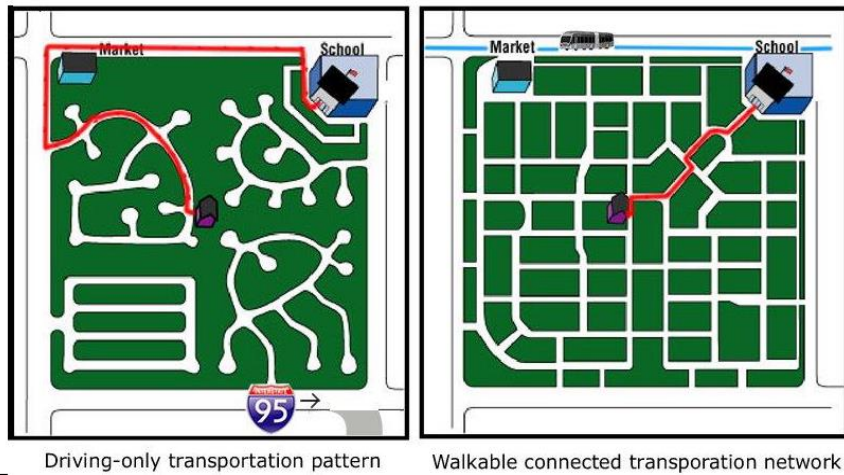


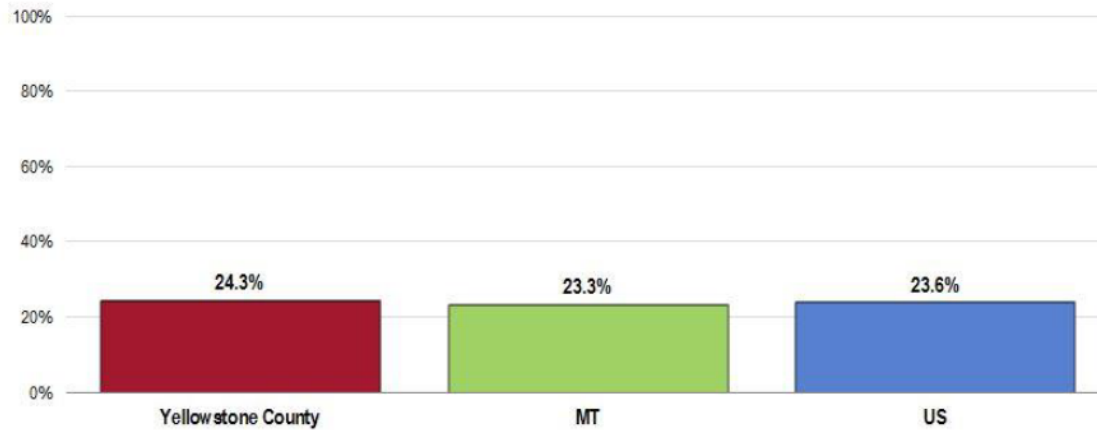
Figure 7.1 Diagram depicting suburban and historic block patterns



# Community Health

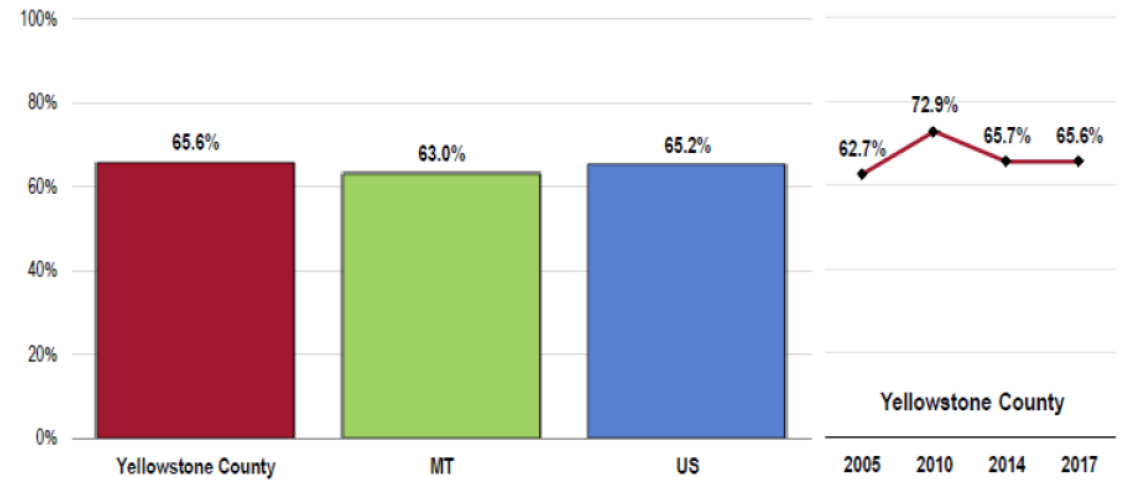
## Meets Physical Activity Recommendations

Healthy People 2020 Target = 20.1% or Higher



## Prevalence of Total Overweight

(Percent of Adults With a Body Mass Index of 25.0 or Higher)



# Economics

- ▶ Reports show that Complete Street Elements can:
  - ▶ Increase employment levels;
  - ▶ Encourage new business development;
  - ▶ Increase property values and private investment;
  - ▶ Getting people to and from work efficiently and safely is a cost savings to the community - fewer crashes, more worker productivity;
  - ▶ People spending less money on transportation can spend more on restaurants, shopping, other goods and services;
  - ▶ Quality of life and creating wealth - people want to live near trails, bike lanes, pedestrian facilities, and also work near them or use them daily



# The Future

- ▶ **2016 Policy Applied Going Forward**
  - ▶ Updated definition of Complete Streets Infrastructure - referenced adopted plans and studies that met goals and objectives of the City
  - ▶ Flexibility - Limited ROW, street function
  - ▶ Coordination - Transportation, transit and design standards
  - ▶ Checklist - Used in consideration in the planning, design, and constructions of bicycle and pedestrian infrastructure
  - ▶ 30% design review - presentation of projects at 30% design stage for Council review
- ▶ **Projects for Inclusion in CIP Process - Applying public input, network gaps, proximity to schools, ease of implementation, connections**
  - ▶ Shared Use Paths on specific corridors
  - ▶ Bike Lanes on specific street sections
  - ▶ Bicycle Blvds. on specific street corridors (parallel to Grand or other Arterials)
- ▶ **Partnerships, Outreach, Education, Funding Mechanisms**

# Questions

