



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



**AGENDA**

July 10, 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.
2. **APPROVAL OF AGENDA\*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MEETING MINUTES:** June 26, 2018. Delayed.
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:** There is no old business.
8. **NEW BUSINESS:** (Agenda items new to this meeting).
  - a. **Plat Review. Discussion. West Meadows Subdivision, Amended. 52-lot County Major.** Wineridge Inc. applicant, Greg Reid, WWC Engineering, agent. Dave Green, Planner II, presenting.

**Attachments**

Attachment A  
Findings of Fact  
Proposed Plat  
SIA

- b. The Lockwood Targeted Economic Development District (TEDD) was created in 2016

**Attachments**

Proposed Expansion Map

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, JULY 24, 2018**

- a. **Public Hearing. Motion/Recommendation. Expansion of the Zoning Jurisdiction for the Lockwood TEDD.** Monica Plecker, Planning Division Manager.
- b. **Public Hearing. Motion/Recommendation to BOCC. West Meadows Subdivision, Amended. 52-lot County Major.** Wineridge Inc. applicant, Greg Reid, WWC Engineering, agent. Dave Green, Planner II, presenting.



**YELLOWSTONE COUNTY BOARD OF PLANNING**  
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**Planning Board Meeting I (2nd Tuesday)**

**8. a.**

**Meeting Date:** 07/10/2018

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## **Information**

### **INTRODUCTION**

On June 1, 2018 WWC Engineering, Greg Reid, agent for Wineridge, Inc, applied for preliminary minor plat approval for West Meadows Subdivision, Amended. The proposed subdivision creates 52 lots. This application will re-plat the single lot created by a previous subdivision that removed existing lots and will include new road alignments. The subject property is generally located east of 80th Street West and south of what will be Central Avenue. The property is outside of zoning. The land is vacant at this time.

### **RECOMMENDATION**

Staff recommends the Planning Board forward a recommendation of conditional approval to the Board of County Commissioners for the preliminary plat of West Meadows Subdivision 2nd Filing, denial of the requested variance, and adoption 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 protect public health and safety, prior to final plat approval the applicant will receive approval from the MDEQ for the proposed water wells, community septic system and the proposed storm water management.
2. To provide for future maintenance of all public roads within West Meadows Subdivision, prior to final plat approval the applicant will either expand an existing RSID-M or create an RSID-M for the public roads.
3. To protect public health and safety, prior to final plat approval, should the variance request be denied, the applicant will add language in the SIA under the heading IV Emergency Service that addresses the installation of a 30,000-gallon dry hydrant system. The language will include the location of the proposed 30,000-gallon dry hydrant system and the system will be shown on the plat, located in a public easement or public right of way. An RSID-M will either be expanded or a new one created for the maintenance of the dry hydrant system. The applicant shall submit for review and approval of the hydrant construction drawings to the Laurel Volunteer Fire Department (LVFD). Additionally, the applicant shall obtain a letter from the LVFD stating the system has been installed correctly and is functioning properly.
4. To minimize the effects on local service, 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.
5. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
6. 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.

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, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

## **VARIANCES REQUESTED**

A variance from Section 4.14(C)(2) of the Yellowstone County Subdivision Regulations (YCSR) has been requested. This requirement is for fire suppression required to be within ½ road mile of the farthest lot in the subdivision.

Staff is recommending denial of the variance request. Further explanation and analysis can be found in Attachment A.

## **PROCEDURAL HISTORY**

- A pre-application meeting was held on March 29, 2018 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on June 1, 2018
- A departmental review comments were returned on June 14, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on June 28, 2018.
- The Planning Board will review the plat on July 10, 2018.
- The Planning Board will conduct a public hearing on July 24, 2018, and forward a recommendation to the Board of County Commissioners.
- The Yellowstone County Board of County Commissioners will be considering the application at its regular meeting on August 21, 2018.
- The 60 working-day preliminary plat review period ends August 27, 2018.

## **PLAT INFORMATION**

General location: Generally located on the east side of 80th Street West and south of what will be Central Avenue

Legal Description: West Meadows Subdivision, Amended

Owner/Subdivider: Wineridge, Inc.

Engineer and Surveyor: WWC Engineering

Existing Zoning: outside of zoning

Existing land use: Vacant Land

Proposed land use: Residential

Gross and Net area: 60.69 acres / 53.86 acres

Proposed number of lots: 52

Lot size:  
Min: 0.56 acres

Max: 2.0 acres

Parkland requirements:

Parkland requirements have been previously met.

Variance requested:  
requires a

A variance has been requested from Section 4.14(C)(2) YCSR which  
fire suppression system within ½ road mile.

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## **Attachments**

Attachment A  
Findings of Fact  
Proposed Plat  
SIA

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## Attachment A

### Staff Analysis and Recommendation

County Planning, County Public Works, County GIS, County Legal and Laurel Volunteer Fire Departments (LVFD) staff have reviewed the request (See Request Letter included below this analysis) for a variance from the regulation that requires developers to provide a dry hydrant system for major and subsequent minor subdivisions. The applicant is requesting a variance from Section 4.14(C)(2) which states an approved, minimum 30,000-gallon underground water storage tank with approved dry hydrant type fittings is required to be located not more than one-half (1/2) road mile from the furthest structure in the subdivision. Staff is recommending denial of this variance request.

Not providing a dry hydrant system within one-half (1/2) road mile of the furthest structure within the subdivision would create a life safety issue where the LVFD would not have a water source that meets current code to fight fires should they occur in the subdivision.

In discussion with the LVFD staff, they stated that the existing fire suppression pond facility has not functioned as required for year-round firefighting. The LVFD staff stated that the pond freezes in the winter and during the summer the LVFD staff have gone out to do routine inspections and the pond has either been very low or not had water in it. It is not being filled from the Cove Ditch during the hot dry times in summer, as was expected. LVFD also stated the pond hydrant is over a mile from the farthest lot in the new subdivision layout. Although the existing system may have been approved with the original plat, it does not meet current code and LVFD wants a system that will meet current code with correct distances to be able to be more effective and reliable for firefighting.

*1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;* The granting of the variance would be detrimental to public health, safety and general welfare. New regulations since this subdivision was originally platted have been updated to reflect a greater need for rural fire suppression water supplies to be closer together to provide the needed water to be able to effectively fight fires.

*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;* There are no particular physical surroundings, shape or topographical condition of the land that would prevent the applicant from installing the required fire suppression tank.

*3. The variance will not result in an increase in taxpayer burden;* The variance will require the home owners to pay into an RSID for maintenance of the fire suppression tank. There is an existing RSID-M for the current fire suppression system and this one would be added to that RSID-M or a new one created.

4. *The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy;* The subdivision is outside of zoning and will not cause a nonconformance with zoning.

5. *The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.* The alternate would be to use the existing fire suppression pond on Monad Road near the entry of the subdivision. This facility does not meet the current code for distance or construction, and is not a reliable water source for firefighting. It is not an acceptable alternative to the requirements of current code.

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

May 11, 2018

**P 2-18-00059**

Monica Plecker  
Planning Division Manager  
2825 3<sup>rd</sup> Ave N  
Billings, MT 59101

**RE: WEST MEADOWS SUBDIVISION 2<sup>nd</sup> FILING VARIANCE REQUEST**

Dear Ms. Plecker:

On behalf of Jerry Krushensky (Owner), WWC Engineering is submitting a request for variance of Yellowstone County Subdivision Regulations (Regulations) Section 4.14(C)(2) – dry hydrant distance from the furthest structure in the subdivision. As per this section, it is required that no structures in the subdivision be located more than ½ mile from the dry hydrant. As part of West Meadows Subdivision, a dry hydrant and 200,000 gallon lined pond were constructed on the north side of Monad Road within the dedicated park area. It is requested that the requirement for the West Meadows Subdivision 2<sup>nd</sup> Filing to install an additional dry hydrant be given a variance, for the reasons outlined herein.

As per the Regulations Section 11.1(A) Parts 1-5, the following outlines information as necessary.

**Part 1:**

Granting of the variance for distance of the furthest structure will not be detrimental to the public health, safety, or general welfare for the following reasons:

1. The distance variance is minimal in comparison to the allowable (3,800 compared to 2,640),
2. This subdivision was previously approved with the single dry hydrant location, which changes to lot boundaries as part of this application do not increase the distance of the further residence from said hydrant, and
3. The lots located beyond ½ mile will be accessed by passing the existing dry hydrant.

**Part 2:**

As the owner of the West Meadows Subdivision 2<sup>nd</sup> Filing was the same owner of the original West Meadows Subdivision, enforcing this regulation to the strict letter of the law would cause him to install two separate dry hydrants within a subdivision. In addition, the original dry hydrant was located where it is as at the time of the project, the regulations did not require hydrants within ½ mile of all structures. If it would have been known to the owner at the time of the original subdivision, the original dry hydrant may have been moved further east to provide coverage for all of the lots. In addition, the original pond was oversized to provide excess water for the area. Because of these reasons, it would be an undue hardship on the owner to construct a second dry hydrant in the subdivision when extra costs incurred on construction of the first hydrant cannot be recuperated.

Ms. Plecker  
May 11, 2018  
Page 2 of 2

**Part 3:**

As a result of this variance, an additional burden is not placed on the taxpayers for potential care or replacement of public utilities.

**Part 4:**

This variance is not in nonconformance with zoning regulations, but rather is a variance to County Subdivision Regulations.

**Part 5:**

The objective of the dry hydrant and water supply system is to have 1) sufficient capacity for fire fighting purposes for rural properties and 2) to have a limited distance that the fire department must travel during in the event of an emergency.

The existing dry hydrant (constructed by the same owner) is connected to a 200,000-gallon lined pond, which is significantly larger than the 30,000-gallon required storage facility. As such, use of the existing lined pond for the West Meadows Subdivision and West Meadows Subdivision 2<sup>nd</sup> Filing will not result in a shortage of water supply.

Further, the distance of the dry hydrant to the further lots on the property has not been changed by the application for the West Meadows Subdivision 2<sup>nd</sup> Filing, but rather the density increased in a portion of the subdivision. In addition, the distance to the furthest lot in the proposed application is 3,800 feet, which is less than ¼ mile longer than the allowable distance.

The Laurel Volunteer Fire Department has been contacted to provide an opinion of this variance, but a response has not been received to date. As soon as a response is provided, the County will be notified of their opinion. Please do not hesitate to contact us should you have any questions or require additional clarification.

Sincerely,



Greg Reid, P.E.  
Billings Branch Manager

cc: Jerry Krushensky

GR/

Attachments: as noted

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## PROPOSED FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for West Meadows Subdivision, 2nd Filing. These findings are based on the preliminary plat application and supplemental documents addressing 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 and 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 vacant land with some grasses and wildland shrubs. There is some housing in the area. The Cove Ditch runs through the land but the land is not used for agricultural purposes. There will be a 66-foot-wide easement placed over the Cove Ditch for maintenance purposes. Maintenance will be done by the Cove Ditch Company. The proposed housing will not interfere with the Cove Ditch or any agricultural water users facilities.

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

a. **Water and Sewer** –The subdivision is not served by a municipal water district. The applicant is proposing cisterns for water on each lot. The system will be required to be reviewed and approved by MDEQ prior to installation or final plat approval. Each cistern will be maintained by the lot owner. **(Condition #1)**

The subdivision is not served by a municipal sewer district. Each lot will have a septic drain area with area for a replacement drain field. Location for each system will be required to be reviewed and approved by MDEQ prior to installation or final plat approval. Each drain field will be maintained by the lot owner. **(Condition #1)**

b. **Streets and roads** – The subdivision has Whistler Way along the west edge, Central Avenue is to the north with Monad Road to the south. The proposed internal roads will be 60-foot-wide road dedications with access for each lot. The applicant will be building the roads to current county road standards with drainage swales alongside the roads. Drive access into each lot will be required to install culverts under the drive to provide for water drainage. The applicant will be providing all needed street signs within the subdivision and any traffic control signs that may be required. The applicant will also either expand existing RSID for road maintenance or create a separate one for the new subdivision roads. **(Condition #2)**

There will be a secondary emergency access out of the proposed new subdivision. Central Avenue will be built to the west to connect with Homewood Park Drive. It will be built to Emergency Secondary Access Road standards outlined in the Yellowstone County Subdivision Regulations. It will proceed north to the southeast corner of Century Hills Ranchettes Subdivision. The emergency access will be gated to prohibit daily use. Access to the proposed subdivision will be from Whistler Way and Central Avenue.

c. **Fire and Police services** – This subdivision is within the Laurel Fire Department jurisdiction. The original subdivision has a fire suppression system installed along Monad Road approximately .38 miles east of South 80<sup>th</sup> Street into the subdivision. It is a lined detention basin that collects water and can be filled with water from the Cove Ditch. There is a pull out area with a fire hydrant for fire trucks to connect to for obtaining water out of the pond. When this was installed the regulations allowed the water source in this location but it does not meet the current regulations. The applicant has asked for a variance from the current fire suppression ‘maximum distance from fire suppression water supply’ which is ½ road mile. The current system is greater than ½ road mile to the farthest lot in the new subdivision layout. Staff is recommending denial of the requested variance. **(Condition #3)** Further explanation and analysis can be found in Attachment A.

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** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and DEQ. Storm water will be handled by drainage along the road sides in swales and through culverts. The applicant will be required to submit proposed stormwater management plans for review and approval to DEQ. **(Condition #1)**

f. **School facilities** – The proposed subdivision is located in the Elder Grove school district for K-8, it is served by West High School for 9-12. Elder Grove School has additional capacity and will be increasing their capacity with a new middle school in the not too distant future. West High School reports that they are over capacity at this time. West did not indicate if there was an existing bus route in the area at this time.

g. **Parks and recreation** – This proposed subdivision currently has parkland dedication from the initial subdivision of the land, the park will remain in place as previously platted.

h. **Postal Service** – The USPS has requested additional boxes be added to the one that already exist on South 80<sup>th</sup> Street and Monad. The applicant will coordinate with the USPS to install the centralized box system to ensure it is located correctly and there is adequate room for the postal person to safely stop to make deliveries. **(Condition #4)**

i. **Historic features** – No known historical or cultural assets exist on the site.

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

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. According to SIA Section IX., Weed Management, the developer will submit a weed management plan prior to final plat approval. **(Condition #5)**

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. A paragraph in the 'Conditions that Run with the Land' section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

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

Plans and designs for the water and septic system will be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Laurel Fire Department and the Yellowstone County Sheriff's department.

#### **B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-603 MCA) (Chapter 9, YCSR)**

An environmental assessment was completed for this subdivision and there were no identified issues with the land. The land does not have unique wildlife habitat on it and does not have any historically significant landmarks or known events that have taken place on the property. The land is identified as grass land good for grazing but not suitable for farming uses. There are no known environmental issues with the land that would preclude it from being developed for residential use.

#### **C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2014 Billings Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]**

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

The subdivision is consistent with the following goals of the Growth Policy:

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

*The subdivision is consistent with the low density residential development surrounding it.*

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

*There is residential development directly adjacent to the subject property.*

- Goal: Controlled weed populations. (p. 9)

*The developer shall complete a weed management plan, and shall provide a re-vegetation plan for any ground disturbed by development.*

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

The subject property is not within the study area of the Transportation Plan.

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

The proposed subdivision is not within the study area of the BBTMP.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act (MSPA) and to local subdivision regulations? [MCA 76-3-608 (3) (b) 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 must receive approval from the MDEQ prior to final approval. New parcels are subject to DEQ review.

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

The proposed subdivision is outside zoning.

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

Utility easements are provided alongside the road right-of-way as requested by private utility companies. The applicant will be required to coordinate the easements needed for the private utility companies. **(Condition #6)**

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

Legal and physical access will be provided for the new proposed lot from Whistlers Way..

**CONCLUSIONS OF FINDINGS OF FACT**

- This 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, and can be mitigated by reasonable conditions of final plat approval and the denial of a variance request.
- The subdivision conforms to some of the goals of the Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.



PLAT OF  
**WEST MEADOWS SUBDIVISION 2ND FILING**  
 BEING REPLAT OF TRACT "A"  
 WEST MEADOWS SUBDIVISION AMENDED,  
 SITUATED IN THE N1/2, NE1/4 OF SECTION 12, T.1S., R.24E., P.M.M.  
 YELLOWSTONE COUNTY, MONTANA

INTERIOR CURVES

Curve Table					
Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C1	518.47	170.18	18°48'23"	N09°43'38"E	169.42
C2	10.00	15.54	89°02'03"	S25°23'12"E	14.03
C3	363.00	43.09	6°48'07"	N66°30'10"W	43.07
C4	363.00	100.43	15°51'05"	N55°10'34"W	100.11
C5	10.00	13.44	76°59'03"	S85°44'33"E	12.45
C6	98.00	43.77	25°35'30"	N42°58'10"E	43.41
C7	98.00	19.60	11°27'26"	N24°26'42"E	19.57
C8	130.00	200.81	88°30'21"	S62°58'10"W	181.44
C9	1029.90	8.97	0°29'56"	S85°04'59"E	8.97
C10	1029.90	216.71	12°03'21"	S78°48'20"E	216.31
C11	1029.90	216.71	12°03'21"	S78°48'20"E	216.31
C13	60.00	86.98	83°03'20"	N10°33'35"W	79.56
C14	20.00	41.74	119°35'03"	N07°42'17"E	34.57
C15	75.00	13.24	10°06'40"	N72°33'08"E	13.22
C16	10.00	14.36	82°16'08"	S68°57'42"W	13.16
C17	303.00	119.80	22°39'12"	N58°34'38"W	119.02
C18	10.00	17.98	103°00'57"	N04°15'27"E	15.66
C19	318.00	164.84	29°42'03"	S40°54'54"W	163.01

Curve Table					
Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C20	318.00	158.77	28°36'20"	S11°45'42"W	157.13
C21	318.00	94.51	17°01'40"	S11°03'18"E	94.16
C22	318.00	20.82	3°45'07"	S21°26'42"E	20.83
C23	208.00	128.60	35°25'28"	S41°02'00"E	126.57
C24	208.00	120.87	33°17'42"	S75°23'35"E	119.18
C25	208.00	18.95	5°13'16"	N85°20'56"E	18.95
C26	12.00	10.72	51°10'51"	N71°40'17"W	10.37
C27	55.00	56.52	58°52'31"	S75°31'07"E	54.07
C28	55.00	61.21	63°45'39"	N43°09'48"E	58.10
C29	55.00	74.31	77°24'49"	N27°25'26"W	68.79
C30	55.00	79.01	82°18'43"	S72°42'48"W	72.40
C31	12.00	10.72	51°10'51"	N57°08'52"E	10.37
C32	148.00	191.00	73°56'26"	S60°17'29"E	178.02
C33	258.00	95.27	21°09'27"	S12°44'33"E	94.74
C34	258.00	260.85	57°55'45"	S26°48'03"W	249.89
C35	158.00	102.17	37°02'56"	N37°14'27"E	100.40
C36	70.00	108.13	88°30'21"	N62°58'10"E	97.70
C37	969.90	64.88	3°49'58"	S70°51'41"E	64.87

Curve Table					
Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C39	310.00	113.63	21°00'05"	N42°08'23"E	113.00
C40	30.00	79.94	152°40'26"	N23°41'48"W	58.31
C41	80.00	76.35	54°40'47"	N72°41'37"W	73.49
C42	35.00	66.51	108°52'44"	N09°05'08"E	56.95
C43	215.00	105.95	28°14'02"	N77°38'31"E	104.88
C44	300.00	41.89	8°00'02"	S84°14'27"E	41.86
C45	300.00	29.74	5°40'46"	S77°24'03"E	29.73
C46	100.00	67.00	38°23'17"	N86°14'42"E	65.76
C47	20.00	40.96	117°21'18"	N08°22'24"E	34.18
C49	90.00	63.56	40°27'56"	N80°28'45"E	62.26
C50	90.00	42.38	26°58'55"	S65°47'50"E	42.00
C51	185.00	52.66	16°18'30"	S47°19'40"E	52.48
C52	185.00	53.30	16°30'26"	S30°55'12"E	53.12
C53	45.00	18.03	22°57'05"	N09°17'03"W	17.91
C54	45.00	91.08	115°57'57"	N78°44'34"W	76.32
C55	470.00	177.72	21°39'54"	N10°15'57"E	176.67
C56	470.00	58.02	7°04'22"	N24°38'05"E	57.99
C57	969.90	351.62	20°46'19"	S58°33'33"E	349.71

INTERIOR CURVES (TIES)

Curve Table					
Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
(C12)	985.53	45.85	2°39'56"	N71°28'20"W	45.85
(C38)	969.90	31.11	1°50'16"	N71°51'32"W	31.11
(C60)	720.00	466.31	37°06'27"	N60°22'48"E	458.21
(C62)	780.00	457.33	33°35'38"	N58°37'23"E	450.82
(C102)	1029.90	146.72	8°09'45"	N62°25'26"W	146.60
(C109)	969.90	318.20	18°47'50"	S57°34'18"E	316.78

INTERIOR LINES

Line Table		
Line No.	Length	Bearing
L1	34.13	N30°58'05"E
L2	41.70	N67°29'48"E
L3	78.81	S51°05'04"E
L4	50.17	S82°11'10"E
L5	39.19	S58°05'47"E
L6	55.91	S39°44'06"E
L7	53.10	S75°11'15"E
L8	96.04	N87°50'18"E
L9	44.17	N41°49'34"E
L10	44.17	S41°49'34"W
L11	50.54	S48°10'23"E

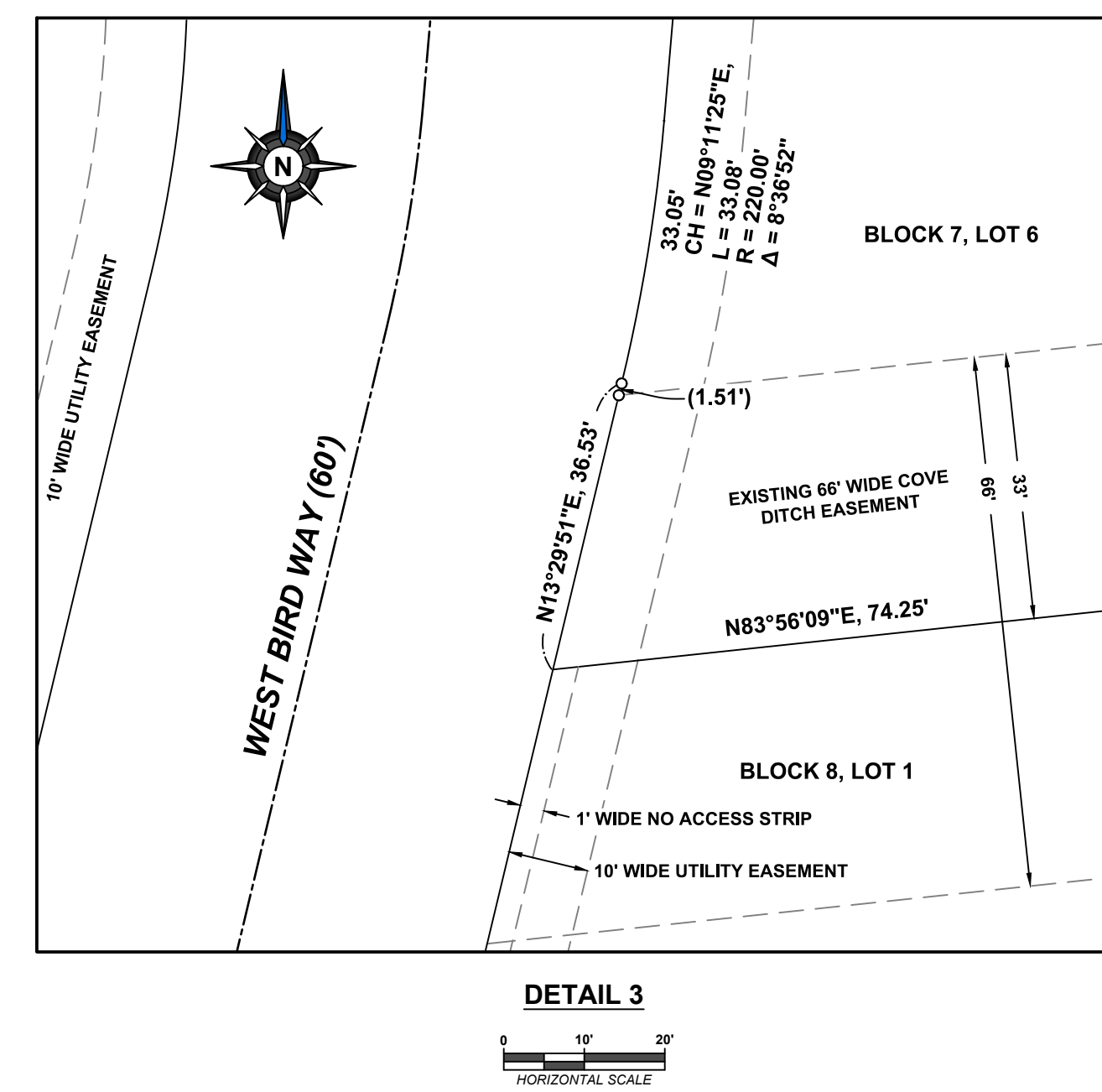
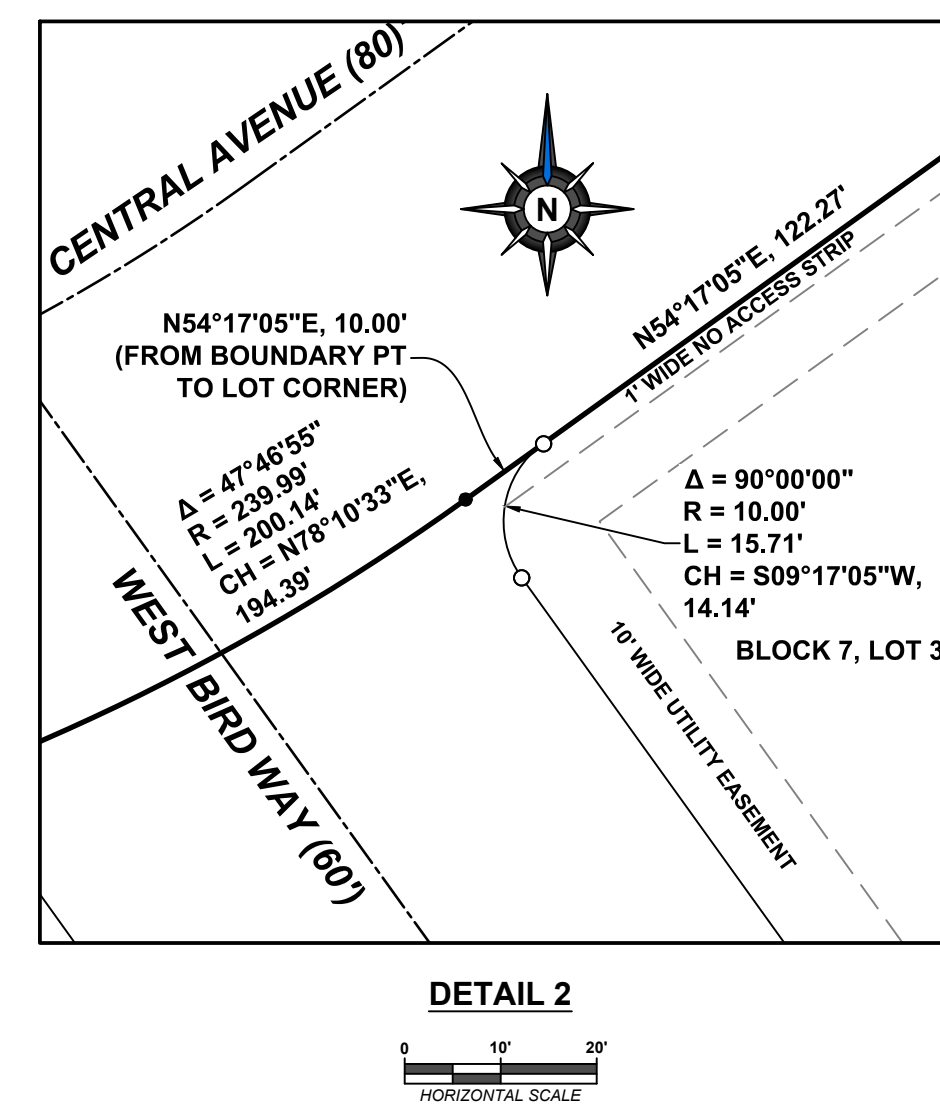
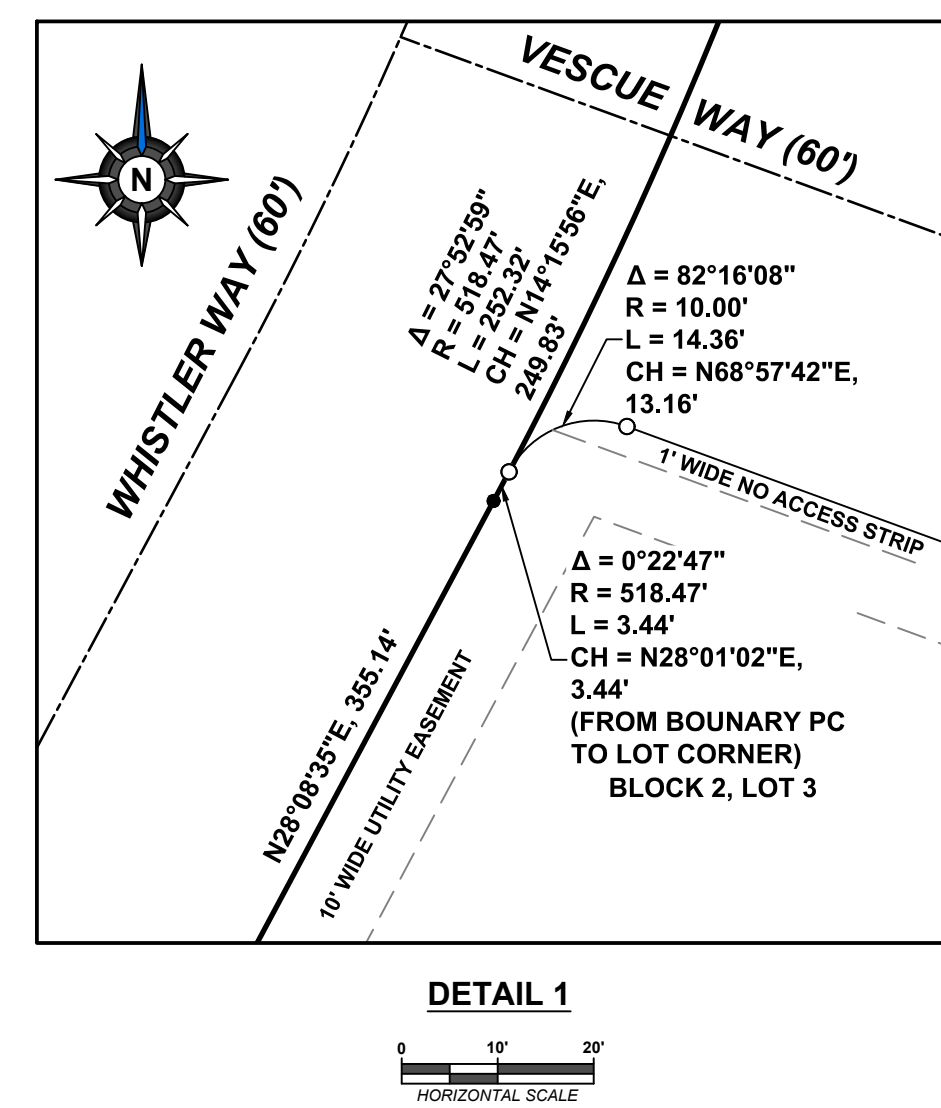
Curve Table					
Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C58	10.00	15.71	89°59'58"	S03°10'24"E	14.15
C59	720.00	510.02	40°35'11"	S62°07'10"W	499.43
C61	780.00	498.79	36°38'22"	N60°08'45"E	490.34
C63	10.00	15.71	90°00'02"	N86°49'36"E	14.15
C64	530.00	108.28	11°42'21"	S54°01'34"E	108.10
C65	530.00	128.89	13°56'02"	N66°50'46"W	128.58
C66	530.00	128.89	13°56'02"	N80°46'48"W	128.58
C67	530.00	80.86	8°44'30"	S87°52'56"W	80.79
C68	130.00	48.03	21°10'08"	N85°54'16"W	47.76
C69	10.00	15.50	88°49'02"	N30°54'41"W	14.00
C70	10.00	16.16	92°36'36"	S59°48'09"W	14.47
C71	12.00	10.72	51°10'51"	N48°18'08"W	10.37
C72	55.00	14.99	15°38'49"	S30°31'07"E	14.95
C73	55.00	84.93	88°28'23"	S82°33'43"E	76.74
C74	55.00	44.60	46°27'40"	N29°58'16"E	43.39
C75	55.00	45.57	47°28'11"	N16°59'40"W	44.28
C76	55.00	33.18	34°33'42"	N58°00'36"W	32.68
C77	55.00	47.79	49°46'57"	S79°49'05"W	46.30

Curve Table					
Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C78	12.00	10.72	51°10'51"	N80°31'02"E	10.37
C79	10.00	15.25	87°23'24"	S30°11'51"E	13.82
C80	80.00	59.24	42°25'37"	N62°43'21"E	57.90
C81	90.00	20.12	12°48'21"	N47°54'43"E	20.08
C82	90.00	92.36	58°47'45"	N83°42'46"E	88.36
C83	220.00	33.08	8°36'52"	N09°11'25"E	33.05
C84	164.00	94.62	33°03'27"	N11°38'45"W	93.32
C85	164.00	94.62	33°03'27"	N44°42'12"W	93.32
C86	120.00	53.44	25°31'01"	S48°28'25"E	53.01
C87	10.00	15.71	90°00'00"	S09°17'05"W	14.15
C88	459.98	161.23	20°04'59"	S64°19'34"W	160.41
C89	459.98	126.06	15°42'09"	S82°13'08"W	125.67
C90	239.99	132.03	31°31'16"	N86°18'22"E	130.38
C91	10.00	12.87	73°44'21"	N72°35'05"W	12.00
C92	180.00	80.16	25°31'01"	S48°28'25"E	79.51
C93	104.00	120.01	66°06'55"	N28°10'29"W	113.47
C94	160.00	24.06	8°36'52"	N09°11'25"E	24.04
C95	10.00	16.01	91°42'53"	N56°50'40"E	14.36

Curve Table					
Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C96	230.00	74.15	18°28'20"	N86°35'21"W	73.84
C97	470.00	155.81	18°59'40"	N86°19'42"W	155.10
C98	470.00	202.32	24°39'49"	N64°29'57"W	200.78
C99	470.00	32.77	3°59'40"	N50°10'13"W	32.76
C100	1029.90	182.80	10°10'10"	N53°15'28"W	182.56
C101	1029.90	180.08	10°10'10"	N63°21'06"W	179.86
C103	70.00	35.02	28°39'50"	S66°16'54"E	34.66
C104	110.00	31.60	16°27'37"	N43°43'10"W	31.50
C105	60.00	81.86	78°10'19"	N74°34'32"W	75.66
C106	120.00	48.33	23°04'32"	S77°52'34"W	48.01
C107	50.00	40.90	46°51'56"	N67°09'11"W	39.77
C108	100.00	48.97	28°03'34"	N57°44'59"W	48.49

BOUNDARY CURVES

Curve Table					
Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C200	300.00	95.64	18°15'59"	S69°22'46"W	95.24
C201	90.00	105.95	67°26'51"	N86°01'48"W	99.94
C202	90.00	96.10	61°10'41"	N82°53'43"W	91.60
C203	225.00	78.28	19°56'00"	S76°28'57"W	77.89
C204	260.00	72.98	16°04'54"	S78°24'30"W	72.74
C205	55.00	66.08	68°50'27"	N75°12'44"W	62.18
C206	100.00	27.54	15°46'41"	N32°54'10"W	27.46
C207	70.00	41.98	34°21'51"	N42°11'45"W	41.36
C208	205.00	45.82	12°48'18"	N52°58'31"W	45.73
C209	200.00	31.10	8°54'32"	N51°01'38"W	31.07
C210	185.00	105.96	32°48'56"	N39°04'26"W	104.52
C211	90.00	39.05	24°51'28"	N10°14'14"W	38.75
C212	45.00	109.11	138°55'02"	N67°16'01"W	84.28
C213	470.00	235.74	28°44'16"	N13°48'08"E	233.28
C214	518.47	252.32	27°52'59"	N14°15'56"E	249.84
C215	10.00	14.83	84°58'27"	S42°35'27"E	13.51
C216	75.00	64.23	49°04'19"	S77°51'22"E	62.29
C217	150.00	71.45	27°17'36"	S66°58'01"E	70.78
C218	70.00	35.02	28°39'50"	S66°16'54"E	34.66
C219	239.99	200.14	47°46'55"	N78°10'33"E	194.40
C220	459.98	287.29	35°47'08"	N72°10'39"E	282.65



**SUBDIVISION IMPROVEMENTS AGREEMENT**  
***West Meadows Subdivision 2<sup>nd</sup> Filing***  
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**(Yellowstone County)**

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## SUBDIVISION IMPROVEMENTS AGREEMENT

*(Name of Subdivision)*

This agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between Wineridge, Inc., whose address for the purpose of this agreement is **P.O. Box 81508, Billings, MT 59108**, hereinafter referred to as "Subdivider," and YELLOWSTONE COUNTY, Montana, hereinafter referred to as "County."

### WITNESSETH:

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 2018, the Board of Planning recommended conditional approval of a preliminary plat of (*Subdivision Name*); and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 2018, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of West Meadows 2<sup>nd</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 West Meadows Subdivision 2<sup>nd</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 requirement 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.** Subdivider has requested, and the County hereby grants, the following variances by the Board of County Commissioners from the strict interpretation of the County's Subdivision Regulations (Chapter 11, Yellowstone County Subdivision Regulations):
  1. A variance for the distance from a dry hydrant to the furthest structure of the proposed subdivision. The furthest lot is located approximately 3,800 linear feet from the dry hydrant.

### **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 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. 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.
- 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.** Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F.** 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.
- G.** Subdivider may obtain water rights from the High Ditch Company or Cove Ditch Company to be used for a community irrigation system that would be operated and maintained through a Homeowners Association of the West Meadows Subdivision 2<sup>nd</sup> Filing. This is not a County required improvement.
- H.** The Burlington Northern Railroad right-of-way is located along the southeast boundary of the site and is in active operation. Noise from the moving trains is clearly audible within the subdivision.
- I.** Future maintenance of all public (or common) improvements shall be done through one (1) or more Rural Special Improvement Districts (RSIDs) created as part of the SIA for this subdivision. The subdivision, is located in a RSID; RSID#773M. A Homeowner's Association (HOA) will also be created for the purposes of maintaining the irrigation supply system for all lots located within the West Meadows Subdivision 2<sup>nd</sup> Filing and the following lots of the West Meadows Subdivision: Lots 1 through 4 of Block 7; Lots 5 through 12 of Block 8; and Lot 1 of Block 9. This HOA will be created prior to completion of Stage I West Meadows Subdivision 2<sup>nd</sup> Filing.

### **III. TRANSPORTATION**

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

#### **A. Streets**

Streets shall be built to grade with a satisfactory engineered subbase, base course, and asphalt surface. The internal subdivision streets will be 28 feet wide (24-foot wide paved surface with 2-foot side 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 Yellowstone County Public Works Department. Staged improvements of streets shall be as outlined in Section XI in this SIA.

1. Interior Curbs and Gutters: Curbs and gutters within the subdivision will not be installed.
2. Street Name Signs: Street name signs for streets within the subdivision or located immediately adjacent thereto shall be furnished and installed in accordance with the specifications of the County Public Works Department and in compliance with MUTCD standards.

#### **B. Traffic Control Devices**

1. No traffic signals are required for this subdivision.
2. The Subdivider shall furnish and install all necessary traffic control devices in accordance with the Manual of Uniform Traffic Control Devices.

#### **C. Access**

A 60-foot wide right-of-way shall be dedicated by Subdivider for all internal streets. A right-of-way-dedication for Central Avenue was completed previously under the West Meadows Subdivision, which includes not only the petitioned right-of-way of Central Avenue, but an additional 10' of dedicated right-of-way. This dedication is not to be changed by this package.

Dedicated rights-of-way are closed until approval by the County Public Works Department. No permits for approaches to the roadway will be issued prior to approval by the County Public Works Department except as outlined herein.

All driveway approaches shall be piped in accordance with the approach standards of Yellowstone County Public Works. ROW culvert sizes are shown MDEQ storm water design report.

The County Public Works Department will issue permits for approaches to the public roadway (Central Avenue and Whistler Way) prior to opening of the dedicated rights-of-way, 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.

A traffic impact study was prepared and submitted with the preliminary plat application.

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

The subdivision is not within the area of the BABTMP.

**E. Survey Monuments**

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

**F. Maintenance**

RSID 773M was adopted in 2012 for purposes of maintenance of all street improvements including signage, surfacing, culverts, weed control, and fire protection facilities located within the dedicated rights-of-way and dedicated park areas as indicated on the plat. The associated estimated costs will be used for maintenance.

**IV. EMERGENCY SERVICE**

Fire Protection Service: The entire West Meadows Subdivision is located within the Laurel Volunteer Fire District (LVFD) and as such, the LVFD provides fire service to the area. A dedicated fire suppressant system (water source) for LVFD use has been constructed at Monad and 80<sup>th</sup> Street West (at the entrance to the larger West Meadows subdivision). The system has designated signage. Costs associated with maintenance of the system are provided in the RSID.

Access to the individual properties via the collector road shall be addressed within the 2012 International Fire Code, Fire Department Access. The driveways leading to the structures located on these individual properties shall provide a minimum unobstructed width of 12 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches when any portion of an exterior wall of the first story of a building is located less than 150 feet from a road. These roads shall be all-weather surface roads.

Driveways leading to structures located on individual properties when any portion of an exterior wall of the first story of a building is located in excess of 150 feet from the road shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches, and roads in excess of 150 feet from the road in length that dead end shall be provided with turnarounds with an inside turning radii of not less than 30 feet and an outside turning radii of not less than 45 feet. These roads shall be all-weather surface roads.

**V. STORM DRAINAGE**

All storm water facilities located within or adjacent to the subdivision are an integral part 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.

All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a storm water management plan shall be submitted to and approved by MDEQ.

## **VI. UTILITIES**

### **A. Water**

Public water service is not available to the subdivision at this time. The subdivision will be served by individual cisterns for each lot. The systems shall be located as shown on the site layout approved by DEQ. Installation and maintenance of said systems shall be the responsibility of the lot purchaser.

### **B. Septic System**

Municipal public sewer service is not available in the subdivision at this time. The subdivision will be served by individual on-site wastewater disposal systems as approved by DEQ. These systems shall be located and installed as shown on the site layout approved by DEQ. Installation and maintenance of said systems shall be the responsibility of the lot purchaser.

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

Telephone, gas, electrical power, and cable television lines (where said utilities are available and existing to the subdivision) shall be installed as required and prior to street paving.

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

As part of the West Meadows Subdivision, the Subdivider made a park contribution of land of 6.4206 acres. The required land contribution is 2.8714 acres for West Meadows Subdivision 2<sup>nd</sup> Filing. The park dedication made as part of the original West Meadows Subdivision was not vacated as part of the West Meadows Amended Subdivision package and is to be considered the park land dedication for the West Meadows Subdivision 2<sup>nd</sup> Filing.

RSID#773M was previously created for maintenance of public infrastructure within the West Meadows Subdivision. The irrigation system in the park of the West Meadows Subdivision 2<sup>nd</sup> Filing will be required to be maintained by the HOA discussed previously.

## **VIII. IRRIGATION**

Concurrent with the recordation of the final plat, the Subdivider shall grant irrigation ditch easements, as depicted on the face of the plat, for the Cove Ditch, which currently exist on the property. The Cove Ditch will be maintained by the Cove Ditch Company. The ditch easements will be 66 feet. There are no definitive plans for water share transfer at this time.

The mitigation efforts to protect the ditches during construction include:

- Maintenance of easements where feasible
- Standard erosion and sediment control measures will be used, and spill prevention best management practices (BMPs), and other BMPs will be used during construction.

## **IX. WEED MANAGEMENT**

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

The weed plan shall include the following and shall be referenced in this SIA:

- A Weed Management Plan must be filed and updated as needed for approval 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 revegetation 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.
- The Subdivider shall provide restoration of the areas disturbed during construction of the improvements outlined herein, as follows:

Dryland Prairie Mix that may be seeded by either broadcast or drill.

## **X. SOILS/GEOTECHNICAL STUDY**

Lot owners should be aware that soil characteristics within the area of this subdivision, as described in 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.

## **XI. STAGING OF IMPROVEMENTS**

The Subdivider does not desire to commence construction of public improvements for all the lots within the subdivision at one time, but does desire to file the approved final plat for West Meadows Subdivision 2<sup>nd</sup> Filing and to sell and convey lots in said subdivision in stages. In accordance with the forgoing, the Subdivider and County agree as follows:

- A.** The first stage of infrastructure shall consist of the development of Lots 6 through 8 Block 1 and Lots 4 through 6 and 17 through 19 Block 2. Lots 1 through 5 of Block 1 and Lots 1 through 3 of Block 2 may be developed prior

to completion of infrastructure in this stage as infrastructure for those lots are included in a stage of construction in the West Meadows Amended Subdivision SIA. This stage shall include Vescue Way in its entirety and White Pine Circle between two temporary gravel turnarounds north and south of Vescue Way.

Stage one will also include completion of the secondary subdivision access on Homewood Park Drive to the Emergency Secondary Access Road standards of the Yellowstone County Subdivision Regulations. This emergency access will begin at the northwest corner of Lot 1 of Block 7 of the West Meadows Subdivision, proceed westward on Central Avenue to the intersection with Homewood Park Drive, then proceed north to the southeast corner of the Century Hills Ranchettes Subdivision. This emergency access road will be gated and chained off to prohibit

The Stage I improvements shall include the Stage I street improvements and the Stage I private utility improvements as described in this agreement.

- B.** The second stage of infrastructure shall consist of the development of Lots 10 through 12 of the West Meadows Subdivision Block 8, Lots 1 through 3 of Block 6, Lots 1 through 6 of Block 5, Lots 1 through 3 of Block 4, Lot 1 of Block 3, Lots 3 through 6 of Block 7, and the three Park areas located on White Pine Circle. This stage shall include White Pine Circle from above Cove Ditch to the intersection with West Bird Way, West Bird Way from the intersection with Central Avenue to the intersection with White Pine Circle, and Central Avenue from the temporary turnaround at the northeast corner of Lot 4 Block 1 to the intersection with West Bird Way.

The Stage II improvements shall include the Stage II street improvements and the Stage II private utility improvements as described in this agreement.

- C.** The third stage of infrastructure shall consist of the development of Lots 7 through 16 of Block 2 and Lots 1 and 2 of Block 7. This stage shall include the remainder of White Pine Circle south of the temporary turnaround located at the southern boundary of Lot 17 Block 2 and the remainder of Central Avenue east of the intersection with West Bird Way.

The Stage III improvements shall include the Stage III street improvements and the Stage III private utility improvements as described in this agreement.

- D.** The fourth stage of infrastructure shall consist of the development of Lots 1 through 6 of Block 8. This stage shall include the remainder of White Pine Circle and the remainder of West Bird Way.

The Stage IV improvements shall include the Stage IV street improvements and the Stage IV private utility improvements as described in this agreement.

All staged improvements shall be installed and constructed utilizing a private contract guaranteed with appropriate monetary securities/guarantees. Said security/guarantee shall be in conformance with the requirements as outlines within the Yellowstone County Regulations.

Stages two and three 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 Stage two and three improvements until the necessary installation of the public improvements to serve said lots and provide necessary access and traffic circulation for the traffic generated by those lots. All stages must either be constructed prior to final plat or have financial guarantees prior to final plat as outlined in Section XII.

Pursuant to the foregoing agreement, the Subdivider shall execute and record a Declaration of Restrictions on Transfers and Conveyances for lots in said Stages two through four, 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 the Yellowstone County and substantially in the form of a Release 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 a Certificate executed by Yellowstone County Department of 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 Department of Public Works and the County Commissioners to review any request 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.

## **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 Planning Board and Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contacting 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 improvement, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvement 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.

**XIII. LEGAL PROVISIONS**

- A.** Subdivider agrees to guarantee all public improvement for a period of one year from the date of the 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 agree 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 improvement prior to final plat approval.



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

STATE OF MONTANA    )  
  : ss  
County of Yellowstone    )

On this \_\_\_\_ day of \_\_\_\_\_, 2018, 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.

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



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



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

**8. b.**

**Meeting Date:** 07/10/2018

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**Information**

**PROBLEM/ISSUE STATEMENT**

The Lockwood Targeted Economic Development District (TEDD) was created in 2016 with the goal of developing planned industrial space with the assistance of Tax Increment Financing. Nineteen parcels within the Lockwood TEDD study area requested and were incorporated into the TEDD at that time. Additional landowners have now asked to be included in the TEDD. Nine of the requesting parcels are currently outside the county's zoning jurisdictional boundary. Therefore, the initial step is to expand the zoning boundary and zone the affected properties as they have requested to move forward with inclusion in the TEDD. The Yellowstone County Board of Planning as per the process must review the request to expand the zoning jurisdiction boundary and make a recommendation to the Yellowstone County Board of County Commissioners on the boundary expansion.

**BACKGROUND**

This petition to amend the current zoning jurisdiction has been initiated by the property owners and has been presented by City County Planning and Big Sky Economic Development on behalf of the property owners. The three zoning types available in the area are in accordance with the most recent Lockwood Growth Plan: Heavy Industrial, Controlled Industrial, and Agricultural/Open Space.

The nine parcels petitioning for zoning are listed below and shown on the attached map:

1. Town & Country Supply Association – S08, T01 N, R27 E, C.O.S. 1225 Tracts 5 & 6 (Heavy Industrial)
2. Todd M. & Trina G. Bressler and Gerald & Linda Green – S08, T01 N, R27 E, C.O.S. 1225, Tract 2 (Heavy Industrial)
3. Todd Allyn Krause & Elizabeth Ann Krause – S08, T01 N, R27 E, C.O.S. 3092, Tract 1 (Agricultural/Open Space)
4. Emily Lou Watson – S08, T01 N, R27 E, C.O.S. 1225, Tract 1B, as amended (Agricultural/Open Space)
5. James T. & Lucy A. Schmid – S08, T01 N, R27 E, C.O.S. 1225, Tract 1A1, as amended (Agricultural/Open Space)
6. James T. & Lucy A. Schmid – S08, T01 N, R27 E, C.O.S. 1225, Tract 1A2, as amended, and the remainder of C.O.S. AM, Tract 3A1 (Agricultural/Open Space)
7. LC Properties, LLC – S17, T01 N, R27 E, NE4NE4 (Less Hwy. and C.O.S. 1409) 37.79 acres (Controlled Industrial)
8. LC Properties, LLC – S17, T01 N, R27 E, C.O.S. 1409 (Controlled Industrial)
9. James Todd Hertz, et al. – S17, T01 N, R27 E, C.O.S. 632, Tracts 1-9, 2<sup>nd</sup> Amended (Controlled Industrial)

On July 3, 2018, the Yellowstone County Board of County Commissioners reviewed and passed the

Resolution to Initiate the Process to Change the Boundary of the Jurisdictional Zoning Area of Yellowstone County. This action required the Planning Board to review the request, hold a public hearing, and forward a recommendation to the Board of County Commissioners for the zoning boundary expansion. The recommendation will be the subject of a public hearing at the Board of County Commissioners following the required 45-day notice period, after which the Board of County Commissioners will vote on the Planning Board's recommendation. If the zoning changes are approved, City County Planning and Big Sky Economic Development will continue with the process to expand the Lockwood TEDD to include the properties. This will involve coming before the Planning Board again for consideration of an amended Comprehensive Development Plan and the expansion of the boundary of the TEDD.

## **FINANCIAL IMPACT**

Not Applicable

## **RECOMMENDATION**

Staff recommends the Planning Board hold a public hearing a forward a recommendation of approval for the zoning jurisdictional boundary change to the Board of County Commissioners.

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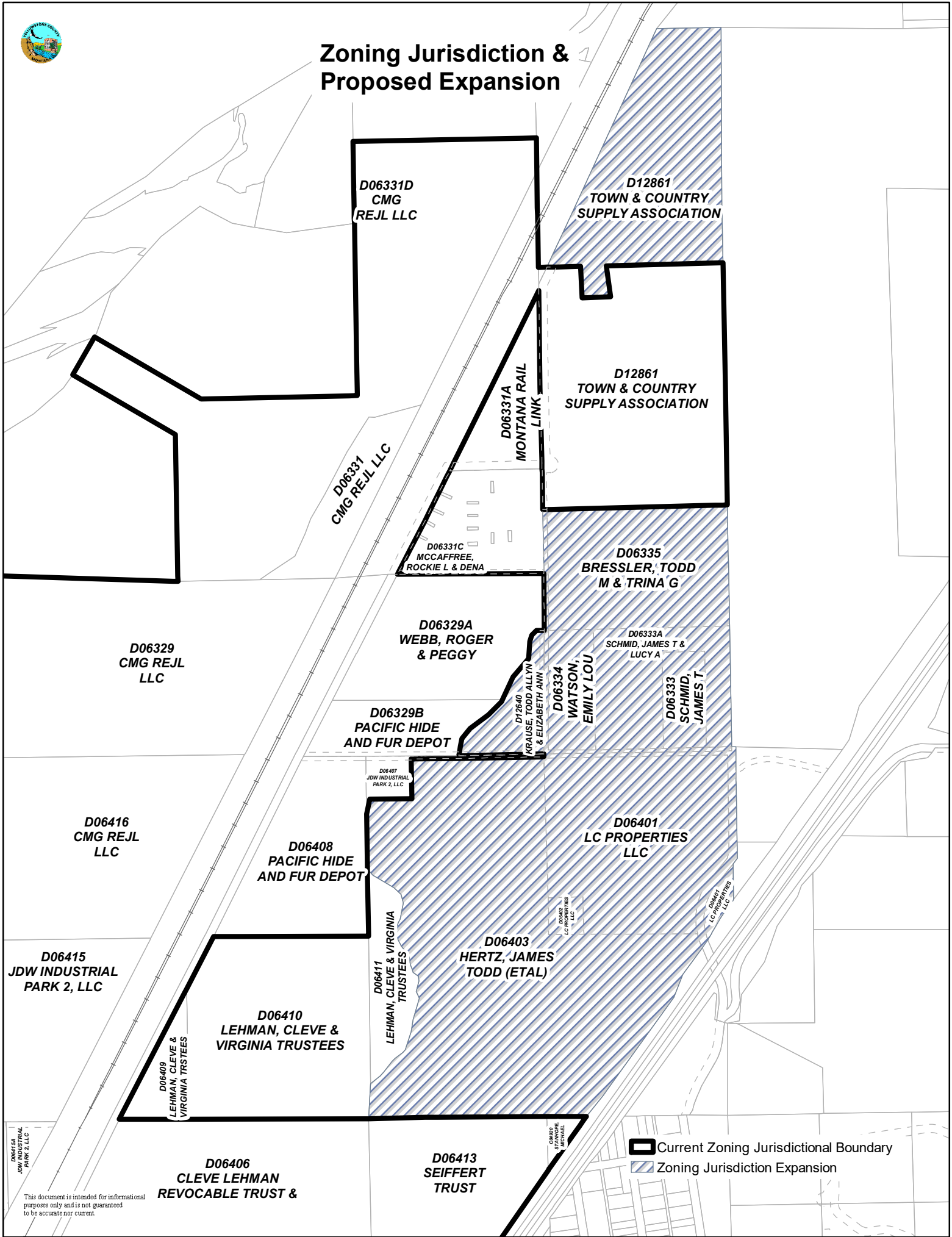
## **Attachments**

Proposed Expansion Map

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# Zoning Jurisdiction & Proposed Expansion



Current Zoning Jurisdiction Boundary  
 Zoning Jurisdiction Expansion

This document is intended for informational purposes only and is not guaranteed to be accurate nor current.