



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



AGENDA

September 11, 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. **MOTION. MEETING MINUTES: AUGUST 14, 2018**
 - a. MEETING MINUTES
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).**
 - 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!

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

- a. **PLAT REVIEW/BOARD DISCUSSION. COPPER RIDGE SUBDIVISION, 8TH FILING.** A 76-LOT CITY MAJOR SUBDIVISION. DAVE GREEN, PLANNER II, PRESENTING

Attachments

Findings of Fact

Proposed Plat

SIA

- b. **PLAT REVIEW/BOARD DISCUSSION. HIGH SIERRA SUBDIVISION, 12TH FILING.** A 66-LOT CITY MAJOR SUBDIVISION. DAVE GREEN, PLANNER II, PRESENTING.

Attachments

Findings of Fact

Proposed Plat

SIA

- c. **PLAT REVIEW/BOARD DISCUSSION. SHOP WORLD 1 SUBDIVISION.** COUNTY MAJOR SUBDIVISION, (189 lots from a 61.03-acre parcel for private storage garage development and 2 residential lots). DAVE GREEN, PLANNER II, PRESENTING.

Attachments

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SIA

9. **OTHER BUSINESS:**

- a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.

10. **ADJOURNMENT**

- a. **PUBLIC HEARING. MOTION/RECOMMENDATION TO CITY COUNCIL. COPPER RIDGE SUBDIVISION, 8TH FILING.** A 76-LOT CITY MAJOR SUBDIVISION. DAVE GREEN, PLANNER II, PRESENTING.

- b. **PUBLIC HEARING/MOTION/RECOMMENDATION TO CITY COUNCIL. HIGH SIERRA SUBDIVISION, 12TH FILING.** A 66-LOT CITY MAJOR SUBDIVISION. DAVE GREEN, PLANNER II, PRESENTING.

- c. **PUBLIC HEARING. MOTION/RECOMMENDATION TO BOCC. SHOP WORK 1 SUBDIVISION,** COUNTY MAJOR, DAVE GREEN, PLANNER II, PRESENTING.

Planning Board Meeting I (2nd Tuesday)

3. a.

Meeting Date: 09/11/2018

Information

Subject

MEETING MINUTES

Attachments

No file(s) attached.

Planning Board Meeting I (2nd Tuesday)

3.

Meeting Date: 09/11/2018

Information

Subject

MOTION. MEETING MINUTES: AUGUST 14, 2018

Attachments

No file(s) attached.



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



Planning Board Meeting I (2nd Tuesday)

8. a.

Meeting Date: 09/11/2018

Information

INTRODUCTION

On August 1, 2018, Sanderson Stewart, agent for Gary Oakland, applied for preliminary major plat approval for Copper Ridge Subdivision, 8th Filing. The proposed subdivision creates 76 new lots for residential development. The subject property is generally located on the north side of Rimrock Road, east of 70th Street West, and west of the existing Copper Ridge Subdivision. The property is zoned Residential-5000 (R-50).

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 8th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To minimize the effects on local services and protect health and safety of future residents prior to final plat approval the applicant will submit to City Engineering for review and approval of the proposed water, sewer and storm water infrastructure to be used in Copper Ridge 8th Filing.
2. To minimize effects on local services and to provide for sidewalks throughout the proposed subdivision prior to final plat approval, the applicant will include language in the SIA that states the developer will be responsible for installing sidewalk along the road frontage of Lot 9, Block 3 in the subdivision.
3. To ensure correct procedure for providing a cash in lieu contribution prior to final plat approval, the applicant will follow the Billings Subdivision Regulations Section 23-1006 to determine the correct procedure and amount of the contribution to the City for park land cash contribution.
4. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
5. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
6. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROCEDURAL HISTORY

- A pre-application meeting was held on July 12, 2018 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on August 1, 2018.
- A departmental review meeting was conducted on August 16, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on August 23, 2018.
- The Planning Board will review the plat on September 11, 2018.
- The Planning Board will conduct a public hearing on September 25, 2018, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on October 22, 2018.
- The 60 working-day preliminary plat review period ends October 26, 2018.

PLAT INFORMATION

General location:	North of Rimrock Road east of 70th Street West
Legal Description:	Lot 10, Block 3 & Lot 10, Block 5 Copper Ridge 7th Filing
Owner/Subdivider:	Gary Oakland
Engineer and Surveyor:	Sanderson Stewart
Existing Zoning:	R-50
Existing land use:	Vacant / Farmland
Proposed land use:	Residential
Gross and Net area:	35.99 acres; 31.50 acres
Proposed number of lots:	76
Lot size:	Max: 17.66 acres Min: 6,648 square feet
Parkland requirements:	Parkland dedication requirements for this proposed plat is 1.52 acres. The applicant is proposing to do a cash-in-lieu contribution for parkland.

Attachments

Findings of Fact
Proposed Plat
SIA

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Copper Ridge Subdivision, 8th Filing and has provided them for review by the Planning Board, as follows:

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property is currently used for agricultural purposes and about 35.99 acres of agricultural land would be taken out of production with this subdivision filing proposal. 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. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all of the new local streets, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ). The water service will be provided by an existing 12-inch water line located in 70th Street West and Copper Sunset Drive. The subdivider will extend the existing 12-inch water main from the existing terminus at 70th Street West / Copper Sunset Drive west to street within the proposed subdivision. The subdivider will install all new water lines in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Engineering/Public Works Department and MDEQ.

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains. There are existing 8-inch sanitary sewer stubs located in streets that will be built as part of the Copper Ridge Subdivision, 7th Filing. A sewer main will not be installed in Rimrock Road at this time but will be with future filings. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. **(Condition #1)**

MDU will provide gas services and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers.

Stormwater – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes and eventually

to retention areas in the proposed detention basins along Rimrock Road. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Department. The developer is proposing to construct 1 detention basin along the southern boundary of the subdivision. A Stormwater Report will be submitted and approved by City Engineering before final plat. **(Condition #1)**

The subdivider may direct runoff from this filings and future filings to a proposed City of Billings storm water detention facility to be built on property at the intersection of Rimrock Road and 62nd Street West. The subdivider shall make a cash contribution to the City of Billings for the stormwater management facility based on a square foot of net residential lot area.

- b. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- c. **Streets** – Rimrock Road is identified as a collector street to 70th Street West, it is believed that at the location of this filing it will continue as a collector road. The applicant will be providing a 74-foot wide right of way for Rimrock Road but it will not be constructed at this time.

The lots within the subdivision will be served by the construction of Copper View Way, Copper Bend Boulevard, and Bronze Boulevard. They shall all be 34 feet back of curb to back of curb and shall be built to City of Billings street standards. They shall be built to grade with a satisfactory subbase, base course, curb and gutter with asphalt surface. 70th Street West shall be completed to have a road that is 39 feet wide back of curb to back of curb.

Copper View Way, Copper Bend Boulevard, and Bronze Boulevard are proposed to be built to City standards by providing a 34-foot width, curb/gutters, and boulevard sidewalks. The sidewalks will be installed by the home builder on a lot-by-lot basis, as lots develop. The developer will also install all ADA required ramps at the intersections within the proposed subdivision. Also the section of sidewalk along the edge of Lot 9, Block 3, which is the lot that has the detention pond. **(Condition #2)**

A Traffic Impact Study (TIS) update was completed with this filing in order to evaluate the subdivision’s impact on the street network in the surrounding area. Cash contributions will be made for future intersection improvements as identified in the SIA under Transportation D. Traffic Control Devices. A proportionate contribution will be made for this 8th filing as described in the SIA.

- d. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located

at 54th St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR).

- e. **Schools** –School District #2 provides educational services to elementary through high school students. Schools serving these students are Boulder Elementary, Ben Steele Middle School, and West High School. At the time of the writing of this staff report all schools are shown as being over capacity. The subdivision is currently on a bus route.
- f. **Parks and Recreation** – Residential subdivisions creating lots with housing densities less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. With the acreage of the 76 residential lots being created with this filing the required parkland acreage would be 1.52 acres. The applicant is proposing to provide a cash in lieu contribution. **(Condition #3)**
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the previous filings of this subdivision. The developer will need to coordinate mailbox locations with the postal service. **(Condition #4)**

3. Effect on the natural environment

The subject property is currently farmland slightly sloping to the south toward Rimrock Road from the rimrocks near Phipps Park. The property of the 8th Filing is not located within any floodplain. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

There will be no impacts to public health, safety and welfare as a result of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2014 Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

1. Yellowstone County-City of Billings 2008 Growth Policy

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

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)

Home Base (healthy, safe and diverse housing options) A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

2. Urban Area Transportation Plan 2009 Update

The proposed subdivision adheres to the goals and objectives of the 2014 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

3. Billings Area Bikeways and Trail Master Plan

The proposed subdivision is just outside the jurisdiction of the Billings Area Bikeways and Trail Master Plan. A trail corridor exists within parkland dedicated to the City in the previous filings of this subdivision. This trail network will eventually connect the subdivision to a future trail identified in the plan along Cove Ditch to the south and east.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within R-50 zoning. The lot sizes conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]

The subdivider has provided utility easements as requested by MDU and YVEC on the face of the plat.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from 70th Street West, Bronze Boulevard, Copper Bend Boulevard, Shiny Penny Way, Copper View Way and Copper Sunset Drive.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Copper Ridge Subdivision, 8th Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway/Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 8th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF
COPPER RIDGE SUBDIVISION, 8TH FILING

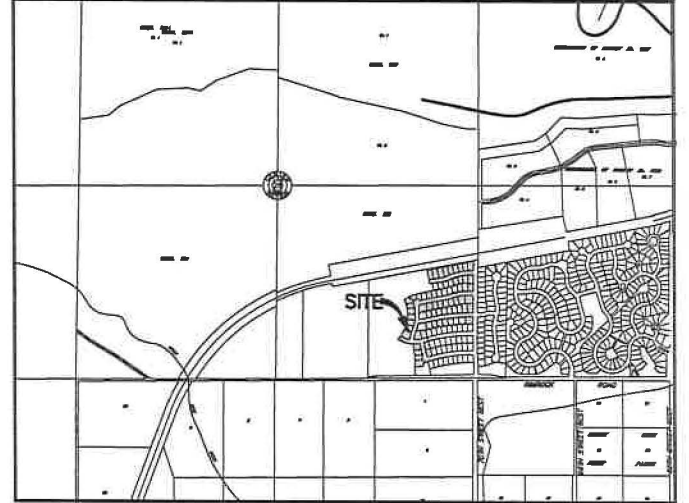
BEING LOT 10, BLOCK 3 & BLOCK 10, BLOCK 5, COPPER RIDGE SUBDIVISION, 7TH FILING
 SITUATED IN THE SW1/4 OF SECTION 25 & THE SE1/4 OF SECTION 26, T. 1 N., R. 24 E.,
 P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : COPPER RIDGE WEST, INC.

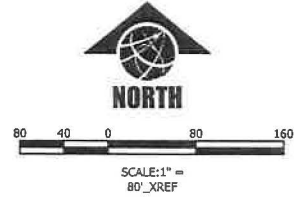
JUNE, 2018

PREPARED BY : SANDERSON STEWART 

BILLINGS, MONTANA



VICINITY MAP
 NOT TO SCALE



CERTIFICATE OF SURVEY No. 1561
 TRACT 1

UNPLATTED

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

**SUBDIVISION IMPROVEMENTS AGREEMENT
COPPER RIDGE SUBDIVISION, EIGHTH FILING
CITY OF BILLINGS
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Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT COPPER RIDGE SUBDIVISION, EIGHTH FILING

THIS AGREEMENT is made and entered into this ___ day of _____, 20___, by and between **COPPER RIDGE WEST, INC.**, whose address for the purpose of this agreement is 175 North 27th Street, Suite 900, Billings, Montana 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the preliminary plat of Copper Ridge Subdivision, Eighth Filing, located in the City of Billings, Yellowstone County, Montana, was submitted to the Planning and Community Services Department which recommended its approval to the Yellowstone County Board of Planning; and

WHEREAS, at a meeting held on the ___th day of _____, 2018, by the Yellowstone County Board of Planning, the Board recommended for approval, subject to certain conditions, an area known as Copper Ridge Subdivision, Eighth Filing, and

WHEREAS, at a regular meeting held on the ___th day of _____, 2018, the City Council approved, subject to certain conditions, a preliminary plat of Copper Ridge Subdivision, Eighth Filing, and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to approval of the final plat; and

WHEREAS, the provisions of this agreement shall be effective and applicable to the plat of Copper Ridge Subdivision, Eighth Filing, upon 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 City of Billings subdivision regulations; the rules, regulations, policies, and resolutions of the City of Billings; 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 requests no variances.

II. CONDITIONS THAT RUN WITH THE LAND

- A.** Lot owners should be aware that this subdivision could contain wildlife migratory routes. Consequently, owners are advised that wildlife indigenous to this area could be found on the property and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and gardens. Any impacts associated with wildlife and any damage arising therefrom is the responsibility of the lot owners.
- B.** Lot owners should be aware that there is a Declaration of Restrictions and Protective Covenants recorded in conjunction with this subdivision, which outlines additional requirements specific to this subdivision design.
- C.** Lot owners should be aware that the United States Postal Service mail delivery will be made only to centralized delivery locations. Such locations shall consist of from 8 to 16 mailboxes per location. The location of each centralized mailbox setting is shown on the overall development plan and the private contract construction plans. Subdivider shall install the mailboxes within the private contract for the Eighth Filing.
- D.** Lot owners shall be advised that land in proximity to the northern boundary of Copper Ridge Subdivision is a right-of-way owned by the Burlington Northern Santa Fe Railroad, upon which they actively operate a transportation business. The noise from moving trains is clearly audible in the subdivision. This activity is protected by state law and can be expected to continue indefinitely. Subdivider, for itself and all successor owners of property within Copper Ridge Subdivision, hereby waives any right to object and/or protest the noise created by normal operation of trains running along the railway, acknowledges that the railroad right-of-way is private property, and further acknowledges that Copper Ridge Subdivision and successor owners of lots within the subdivision have an affirmative duty to stay off the Burlington Northern Santa Fe Railroad property and to keep children, guests, and invitees off the property.

- 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.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.
- G.** Certain lots as shown on the final plat of Copper Ridge Subdivision, Eighth Filing contain storm water drainage easements with a drainage swale along property lines. This storm water drainage easement and drainage swale is for conveying storm water and shall not be altered in any way to inhibit the conveyance of storm water. It shall be the lot owners' responsibility to maintain and perpetuate this storm water swale, as a fully functional swale.
- H.** The lowest finished floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb measured from the highest location along the lot frontage. Higher finished floor elevations shall be required on a lot by lot basis, as noted on the final plat.
- I.** The lowest openings on each home (window well, walk-out basement doors, and equivalent openings) shall be located outside drainage paths. If this is not possible, the homebuilder and lot owners must take necessary measures to protect these openings from being inundated from surface water flows. Allow enough space between window wells and property lines to provide sufficient swales and drainage away from window wells, and meet applicable building codes for drainage requirements.
- J.** The developer and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater Discharges Associated

with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

III. TRANSPORTATION

A. Streets

Right-of-way widths. Copper View Way, Shiny Penny Way, Copper Sunset Drive, Copper Bend Boulevard, and Bronze Boulevard, shall be 56-foot rights-of-way. 70th Street West shall be located in a previously dedicated 61-foot right of way. Rimrock Road is classified as a collector east of 70th Street West. A 74-foot wide right of way has previously been dedicated for Rimrock Road across the frontage of the property.

Pavement widths. Copper View Way, Shiny Penny Way, Copper Sunset Drive, Copper Bend Boulevard, and Bronze Boulevard shall be 34 feet back of curb to back of curb. 70th Street West shall be completed on the west side to a back of curb width of 39 feet with Eighth Filing. These roads shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings site development ordinance, city subdivision regulations, and Uniform Building Code. No street improvements will be constructed on Rimrock Road west of 70th Street West at this time.

B. Sidewalks

City and Subdivider agree that developer will install handicap accessibility ramps at time of private contract construction. No additional boulevard sidewalks will be installed by the developer as part of construction improvements.

Individual lot owners will be responsible for the construction of the sidewalks adjacent to their lot at the time of lot construction. Sidewalks shall be 5-foot-wide boulevard sidewalks.

Subdivider shall install a 5-foot wide boulevard sidewalk between Lots 10A and 11, Block 3 with Copper Ridge Subdivision, Eighth Filing.

C. Street Lighting

Construction or installation of streetlights in subdivision shall not be required at this time, but streetlights are included in the Waiver, which also includes a maintenance district for street light energy and maintenance.

D. Traffic Control Devices

1. The Subdivider shall furnish and install all necessary traffic control devices adjacent to the subdivision. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction. All traffic control devices shall be subject to review and approval by the City Engineering office.
2. Street name signs shall be installed at all intersections.
3. The City and Subdivider agree that the Subdivider will make cash contributions to improvements at the following intersections:

Rimrock Road and 62nd Street West – ___ percent
Grand Avenue and 70th Street West – ___ percent
70th Street West and Colton Boulevard – ___ percent

The percentages are based on 378 total lots in the subdivision. Each filing will contribute their proportionate share of the contributions.

The amount and timing of these contributions shall be as outlined below. These contributions represent a fair and equitable amount based on subdivision traffic using these intersections and may be used by the City for design and construction of geometric improvements, auxiliary turn lanes, or intersection controls such as traffic signals or roundabouts, at these intersections. Improvements will not be constructed until the City determines they are needed and the timing and extent of the improvements shall be at the City's sole discretion.

The amount of the contributions for the Rimrock Road/62nd Street West, Grand Avenue/70th Street West, and 70th Street West/Colton Boulevard intersections shall be as follows:

	Rimrock Road/62nd Street West	Grand Ave./70th Street West	70th Street West/Colton Blvd.
Eighth Filing (74-Residential Lots	\$XXXX	\$XXXX	\$XXXX
Lot 10, Block 5	\$XXXX	\$XXXX	\$XXXX

The contributions for Copper Ridge Subdivision, Eighth Filing (75-residential lots) shall be made prior to final plat approval. No building permits or private contract permits will be issued until Subdivider has made the cash contribution to the City.

It is anticipated that Lot 10, Block 5 will be developed in separate subdivision filings. The total cash contribution attributable to Lot 10, Block 5 shall be as stated above; however, the contribution may be apportioned over the various phases based on the amount of traffic each is expected to generate. No building permits or private contract permits shall be issued for Lot 10, Block 5 until payment has been made for the phase being developed at that time.

E. Access

Access will be provided in four locations for the subdivision. Extension of Copper Sunset Drive, Copper View Way, Shiny Penny Way, 70th Street West will provide access

F. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan identifies the BNSF Railroad right of way adjacent to the subdivision as a potential future trail alignment. As such, a potential future trail alignment is nearby to this subdivision; therefore, City and the Subdivider agree that no additional trails will be required with this subdivision.

G. Public Transit

There are no MET Transit routes that service this subdivision at this time. No improvements with regard to MET Transit vehicles are anticipated at this time.

IV. EMERGENCY SERVICES

Access is provided to this subdivision from two existing locations. The Copper Ridge Subdivision, Eighth Filing, will complete a street connection from Copper Sunset Drive and from 70th Street West. In addition, fire hydrants will be installed at the required locations as reviewed and approved by the City of Billings Fire Department.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along an approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of 20-feet-wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

- A. All storm drainage improvements shall comply with the provisions of Chapter 28, BMCC, and shall be in accordance with the recommendations of an approved storm drain study to be submitted to the City of Billings Engineering Department by the Subdivider. The stormwater in the subdivision will be managed on-site through surface flow on the streets, inlets, piping, and stormwater detention facilities. The stormwater design for Copper Ridge Subdivision, Eighth Filing, will conform to the current City of Billings Stormwater Management Manual and be reviewed by the City of Billings Public Works Department.

- B. The developer will construct one detention basin along the southern boundary of the subdivision. The developer will construct one detention facility with this filing located on Lot 9, Block 3. The remaining detention facilities will be constructed with future filings. The detention facilities will be located on Home Owner's Association (HOA) owned lots and shall be operated and maintained by the HOA. The stormwater detention facilities will have an outlet to Rimrock Road and be piped to a City of Billings owned stormwater management facility located near the intersection of 62nd Street West and Rimrock Road via the Birely Drain.
- i. The Subdivider may direct runoff from this filing and future filings to the City of Billings stormwater management facility located near the intersection of Rimrock Road and 62nd Street West. The City of Billings will review the stormwater storage provided on-site to ensure compliance with the City of Billings Stormwater Management Manual (SWMM). The Subdivision will be required to retain, or provide treatment, of the water quality volume/flow on-site in accordance with the SWMM.
 - ii. All required stormwater storage for the subdivision will be provided on-site. Therefore, no off-site stormwater contributions to the City of Billings stormwater management facility will be required.

VI. UTILITIES

Water and sanitary sewer lines shall be sized and installed in conformance with the City design standards and specifications, and the rules and regulations of the City of Billings.

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of/to water mains and sanitary sewers to the Public Works Department, Engineering Division. The extension/connection of/to water mains and sanitary sewers are subject to the approval of the applications and the conditions of approval. 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.

The developer/owner acknowledges that the subdivision shall be subject to the applicable system development fees in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules and regulations of, and as approved by, the City of Billings Public Works Department, Fire Department, and the Montana Department of Environmental Quality.

A. Water

Service to the subdivision will be provided from the existing 12-inch water main stub located at the intersection of 70th Street West and Copper Sunset Drive and 8-inch stubs at Copper View Way, Shiny Penny Way, Copper Bend Boulevard, and Bronze Boulevard. The Subdivider will extend the existing 12-inch water main from the existing terminus at 70th Street West/Copper Sunset Drive west along Copper Sunset Drive to the intersection with Copper Boulevard, then south along Copper Bend Boulevard to the intersection with Shiny Penny Way, then west along Shiny Penny Way to future filings of the subdivision. Bronze Boulevard, Copper Boulevard north of Copper Sunset Drive and Copper View Way shall extend 8-inch diameter water mains. No water main will be installed in Rimrock Road west of 70th Street West at this time.

Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. It is anticipated that each lot shall be provided with its own separate water service. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department.

B. Sanitary Sewer

Service to the subdivision will be from the existing 8-inch sanitary sewer stubs located in Copper View Way, Shiny Penny Way, Copper Sunset Drive, Copper Boulevard, Bronze Boulevard, and 70th Street West. No sanitary sewer main will be installed in Rimrock Road west of 70th Street West with this subdivision, but is anticipated to be extended to the west from the intersection of 70th Street West and Rimrock Road with future filings.

Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. Each lot shall be provided with its own service. All sanitary sewer construction improvements shall be installed in conformance with the design standards,

specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department.

Improvements noted herein shall include, but not be limited to, any and all interim improvements that may be deemed necessary due to phased or partial construction.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be placed in designated easements outside of the right-of-way and shall be installed underground prior to surface improvements. The location of all such facilities shall be subject to approval of the City Engineer.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Additionally, Section 23-1002.B.1 of the City of Billings municipal code covers parkland dedication of major subdivisions. The Eighth Filing has a total of 74 residential lots, requiring a parkland dedication of 1.49 acres. The Subdivider will make a cash in-lieu contribution for the 1.49 acres in lieu of parkland dedication.

VIII. HOMEOWNER'S ASSOCIATIONS

A homeowner's association (HOA) will be established for this subdivision. The HOA will have the following responsibilities:

A. Contact Information

HOA shall provide contact information of the senior board official to the City Engineering Department upon the establishment of the HOA and/or changing of board members.

B. Stormwater Drainage Facilities

The HOA shall be responsible for the maintenance of the on-site stormwater drainage facilities located on Lot 19, Block 1 and Lot 9, Block 3. The HOA shall share the cost of maintenance of the community stormwater facilities.

IX. SOILS/GEOTECHNICAL STUDY

The Subdivider has retained an engineering firm to prepare a geotechnical analysis for this property. A copy of the entire geotechnical report prepared by Rawhide

Engineering, Inc., dated ____, 2018, is available for review at the City Building and/or Planning Division offices. There are variable soil conditions throughout the Subdivision, and the potential exists for collapsible soils within the Subdivision. A lot specific geotechnical report shall be the responsibility of the lot owner. The Subdivider has contracted with Rawhide Engineering to perform a preliminary geotechnical analysis for this property dated ____, 2018.

Recommendations from the report include:

1. Approximately 6-inches of surface soils should be stripped and removed from the site, or stockpiled for use in non-structural areas.
2. Fill should be placed and compacted to a minimum of 97 percent relative compaction, in accordance with the ASTM D698 compaction test method.
3. Provide positive drainage away from residences.
4. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97 percent of ASTM D698.
5. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the excavation. The boring logs should be reviewed for conditions across the site.
6. Due to the hydro-collapse and settlement potential of native soils on this site, plants should not be placed within 3 feet of foundations. Care should be taken with the landscaping not to create drainage obstructions, such as concrete curbing, which will collect and retain water near the foundations.
7. As noted in the Rawhide Engineering _____, 2018 report, and in accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations. If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible.

X. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a private contract secured by letters of credit or a letter of commitment to lend funds from a commercial

lender. 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 installed as approved by the City Engineering Department and Public Works Department, Distribution and Collection Division.

XI. LEGAL PROVISIONS

- A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.
- B.** The owners of the properties involved in this proposed subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provision of the 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 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.

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

“SUBDIVIDER”

COPPER RIDGE WEST, INC.

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 signed the foregoing instrument as the _____ of COPPER RIDGE WEST, INC., and who acknowledged to me that said company executed the same.

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

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

This Agreement is hereby approved and accepted by City of Billings, this ___ day of _____, 20__.

“CITY”

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 :ss
County of Yellowstone)

On this _____ day of _____, 20__, before me, a Notary Public for the State of Montana, personally appeared _____, and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

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

Approved as to Form:

City Attorney

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 special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings 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:

Copper Ridge Subdivision, Eighth Filing

Signed and dated this ____ day of _____, 20__.

COPPER RIDGE WEST, INC.

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 signed the foregoing instrument as the _____ of COPPER RIDGE WEST, INC., and who acknowledged to me that said company executed the same.

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

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: 09/11/2018

Information

INTRODUCTION

On August 1, 20108, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 12th Filing. The proposed subdivision creates 66 lots for residential development on a 12.74-acre parcel of land. This proposal is part of a larger approved master plan of High Sierra Subdivision which includes a total of approximately 1,375 lots platted from 400 acres in multiple filings. The subject property is generally located North of Topanga Avenue in the 11th Filing and east of High Sierra Boulevard in the northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 12th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To protect the public health and safety prior to final plat approval the applicant will provide drawings to be reviewed and approved by engineering for the water, septic and stormwater systems associated with the subdivision.
2. To provide for the installation of utilities, utility easements shall be shown on the final plat as requested by the affected public and private utility companies.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROCEDURAL HISTORY

- A pre-application meeting was held on July 16, 2018 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on August 1, 2018.
- A departmental review meeting was conducted on August 16, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on August 23, 2018.
- The Planning Board will review the plat on September 11, 2018.
- The Planning Board will conduct a public hearing on September 25, 2018, and forward a recommendation to the City Council.
- The City Council will consider the preliminary plat on October 22, 2018.
- The 60 working-day preliminary plat review period ends October 26, 2018.

PLAT INFORMATION

General location: North of Topanga Avenue in the 11th Filing and east of High Sierra Boulevard

Legal Description: Lot 17, Block 6 of High Sierra Subdivision, 11th Filing

Owner/Subdivider: High Sierra II, Inc., Gary Oakland

Engineer and Surveyor: Sanderson Stewart, Gary Owen

Existing Zoning: R-70-R

Existing land use: Vacant

Proposed land use: Residential

Gross and Net area: 16.82 acres; 12.74 acres

Proposed number of lots: 66

Lot size: Max: 13,300 square feet
Min: 7,005 square feet

Parkland requirements: Parkland dedication requirements for this proposed plat is 1.401 acres. The applicants are proposing to do a cash-in-lieu contribution for parkland.

Attachments

Findings of Fact

Proposed Plat

SIA

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 12th Filing and has provided them for review by the Planning Board, as follows:

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608(3)(a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property is currently used for dryland pasture by the Dover Ranch operation to the north. It, along with approximately 375 additional acres, was annexed by the City and rezoned for single-family residential uses in 2007. It is adjacent to similar residential uses to the south and east and will provide housing in an area that is not particularly productive for agriculture. It should not have a negative effect on the agricultural industry.

The BBWA irrigation canal is located approximately 3/4-mile northeast of the property. This subdivision does not contain any ditches or water shares, and therefore will not have an effect on agricultural water user facilities.

2. Effect on local services

- a. Utilities** – There are existing 8-inch water mains in Owen Street and Rancho Vista Avenue that will be extended to serve the new lots. The water lines will be looped at all possible locations within the subdivision to equalize pressure. Pressurized fire hydrants will also be extended. The improvements are subject to the review and approval by City of Billings Engineering Division and the City Fire Department before time of construction. As proposed, City Engineering finds that the water main extensions are acceptable.

Sanitary sewer service will be provided by the City of Billings by connecting to the existing 8-inch sewer main in Owen Street and one 8-inch sanitary sewer located in Rancho Vista Avenue. All proposed infrastructure will be reviewed and approved prior to installation by the City of Billings Public Works Department. **(Condition #1)**

MDU will provide gas services, and Yellowstone Valley Electric Cooperative will provide electric services to the subdivision. Easements will need to be shown on the face of the plat that are acceptable to these utility providers. **(Condition #2)**

- b. Storm water** – A storm water master plan was reviewed in June 2008 for this proposal. In general, storm drains and piping will be installed to carry water to the north and east to a detention pond located within the overall master planned area (area covering High Sierra Subdivision 5th-12th filings). This and all other drainage improvements shall satisfy the criteria set forth by the most-current *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Division. Additionally, a Stormwater Pollution Prevention Plan (SWPPP) will be required of the developer and construction contractors prior to site disturbance to ensure that storm drain facilities are not compromised during site and home construction. **(Condition #1)**

- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. **Streets** –The proposed subdivision will be accessed from existing Rancho Vista and Owen Street. With a new cul-de-sac off of Rancho Vista, Acacia. They will be built to City standards at 34 feet wide, with curb, gutter and boulevard-style sidewalks, all within 56-foot rights-of-way. They will be built to current City of Billings Engineering standards.

A Traffic Impact Study (TIS) was completed for the entire High Sierra Subdivision master plan area at the time of the 5th Filing in June of 2008. This study was updated to analyze the specific impacts of the 12th Filing in July of 2018. Three area intersections were identified as being affected by the High Sierra Subdivision; Wicks Lane/Gleneagles Boulevard, Wicks Lane/Fantan Street, and Wicks Lane/St. Andrews Drive. Based on the updated findings, it was determined that the developer shall contribute toward the total cost of the improvements planned for these three intersections. As indicated in the Subdivision Improvement Agreement (SIA) those contributions shall be calculated and made prior to final plat approval.

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1601 St. Andrews Drive (Station #6) about 2.5 road miles to the southeast. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – School District #2 provides service to elementary, middle and high school students, Eagle Cliff elementary, Castle Rock Middle School, and Skyview High School. The district states that there is capacity in all the schools for additional students.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision amounts to 1.4 acres. The subdivider proposes to provide cash in lieu of parkland for this filing of the subdivision. The nearest park to this property is south and east of the property at the end of Del Mar Street. This City park is not yet developed.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. With previous filings the developer provided centralized delivery facilities and the same is proposed for this filing. The developer will consult with the USPS prior to placement of the centralized mail boxes.

3. Effect on the natural environment

The subject property is relatively level prairie land adjacent to urban development on its south and east sides. A geotechnical evaluation was done for the proposed subdivision in July of 2018, to investigate soil, rock, and groundwater conditions and provide recommendations to support design and construction of foundation and drainage elements. In the conditions that run with the land in the SIA there is a paragraph notifying the future lot owner there may be limitations or special requirements of the lot that should be investigated before construction on the lots.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of deer and antelope in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat, as it is in an area that is rapidly urbanizing.

5. Effect on the public health, safety and welfare

The subdivision is located in an area with no known natural hazards. Fire hydrants will be constructed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-302.H.1.]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the City of Billings 2016 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. City of Billings 2016 Growth Policy

The proposed subdivision is consistent with the following Growth Policy Statements and Guidelines:

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods): Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)

Home Base (healthy, safe and diverse housing options) A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

2. 2014 Billings Urban Area Transportation Plan

The proposed subdivision adheres to the goals and objectives of the Transportation Plan 2014 Update and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The Plan shows a future bike lane along High Sierra Boulevard, east of the proposed filing. This would be constructed at the time of further development of High Sierra Boulevard and not as part of this filing.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b) and BMCC 23-302.H.3.a.]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and conforms to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within the R-70-R zoning district. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-302.H.3.b.]

The subdivider shall provide utility easements as requested by the City, MDU and YVEC on the face of the plat.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from the extension of Rancho Vista and Owen Street, both local streets to be dedicated to the public as shown on the plat. Both of the above named streets have access that originates off of Benjamin Boulevard to the south. This street is already constructed for local traffic.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of High Sierra Subdivision, 12th Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway and Trail plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 12th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF
HIGH SIERRA SUBDIVISION, 12th FILING

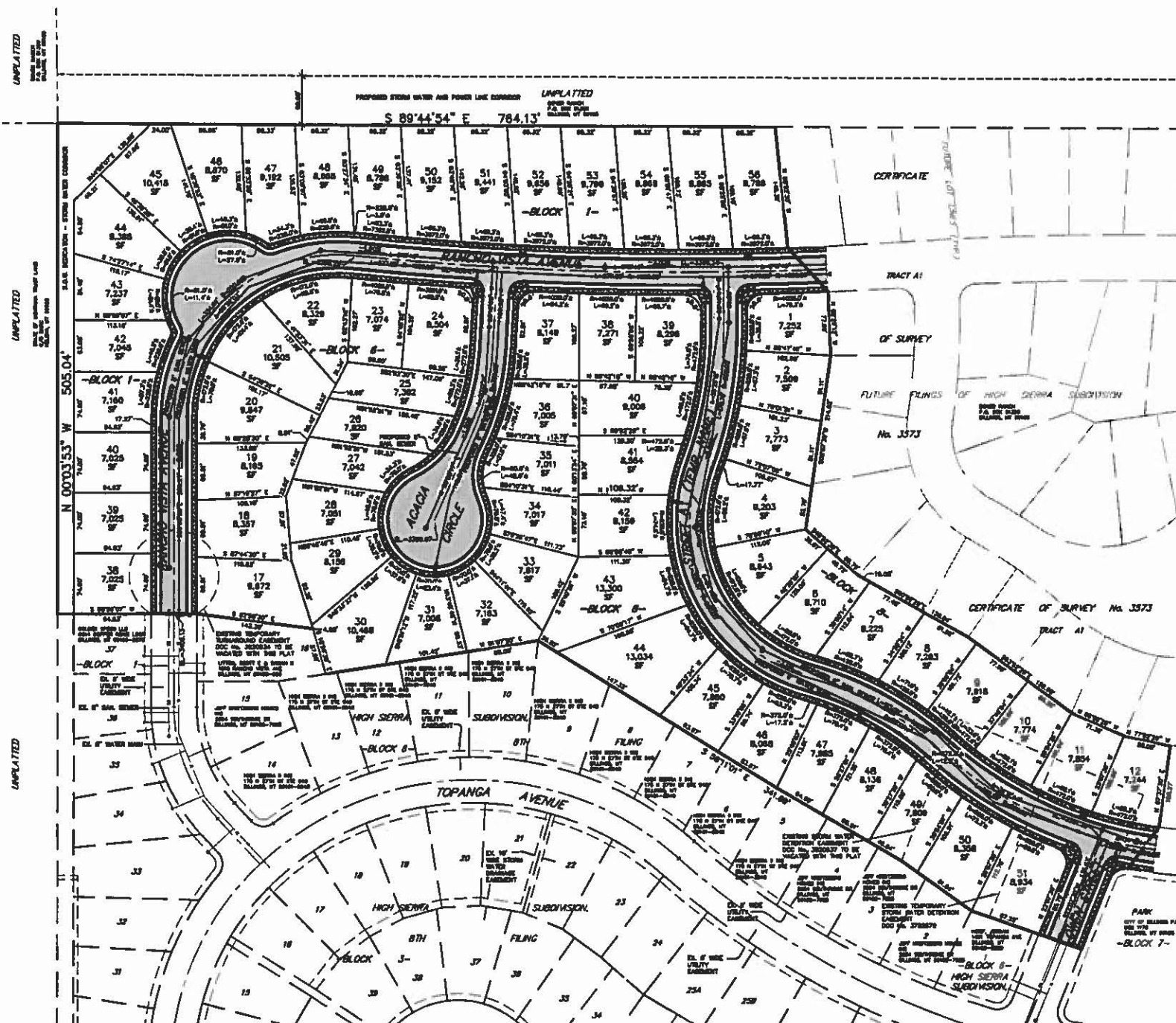
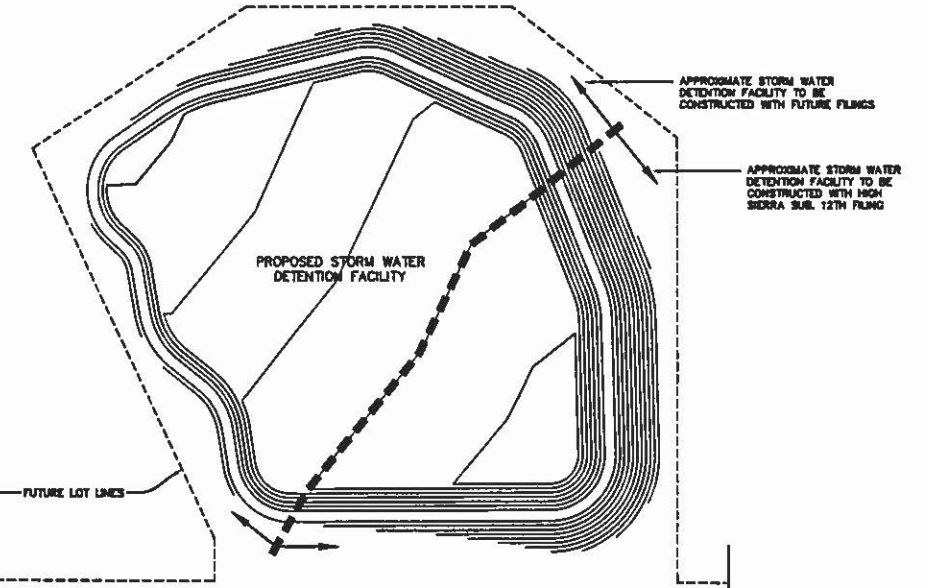
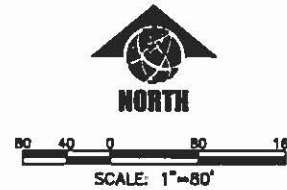
BEING LOT 17, BLOCK 6 OF HIGH SIERRA SUBDIVISION 11TH FILING
 SITUATED IN NW1/4 OF SECTION 17, T. 1 N., R. 26 E., P.M.M.,
 IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.

JULY, 2018

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

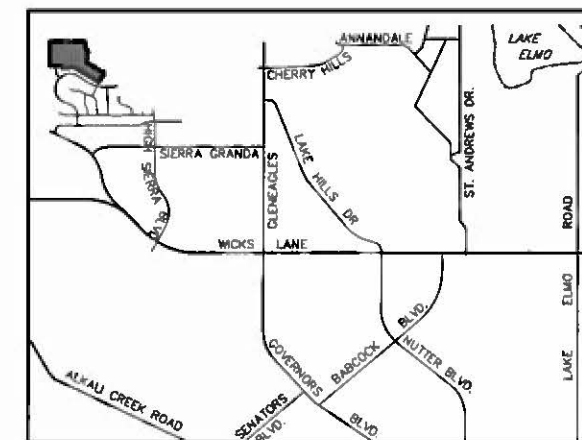


PLAT DATA

GROSS AREA	= 16.82 ACRES
NET AREA = LOTS	= 12.74 ACRES
NUMBER OF LOTS	= 66
MINIMUM LOT SIZE	= 7,005 S.F.
MAXIMUM LOT SIZE	= 13,300 S.F.
PARKLAND	= CASH-IN-LIEU (1.401 AC.)
LINEAL FEET OF STREETS	= ±2,660.03 L.F.
AREA OF STREETS	= 4.08 ACRES
EXISTING ZONING	= R7000 RESTRICTED
SURROUNDING ZONING:	
NORTH	= AGRICULTURAL OPEN
SOUTH	= R7000R
EAST	= R7000R
WEST	= AGRICULTURAL OPEN
EXISTING LAND USE	= VACANT
PROPOSED LAND USE	= RESIDENTIAL DEVELOPMENT

NOTES:

- 1.) ALL PROPOSED STREETS ARE 34 FOOT BACK OF CURB TO BACK OF CURB IN 34 FOOT RIGHT-OF-WAY WITH 5 FOOT BOLLEVAARD AND 5 FOOT WIDE SIDEWALKS BUILT AT THE TIME OF HOME CONSTRUCTION.
- 2.) EXISTING ZONING IS R7000 RESTRICTED
- 3.) PARKLAND DEDICATION MET BY CASH-IN-LIEU PAYMENT.



VICINITY MAP
 NOT TO SCALE

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

**SUBDIVISION IMPROVEMENTS AGREEMENT
HIGH SIERRA SUBDIVISION, TWELFTH FILING
CITY OF BILLINGS
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Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT HIGH SIERRA SUBDIVISION, TWELFTH FILING

THIS AGREEMENT is made and entered into this ____ day of _____, 20__, by and between **HIGH SIERRA II, INC.**, whose address for the purpose of this agreement is 175 North 27th Street, Suite 900; Billings, Montana 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the preliminary plat of High Sierra Subdivision, Twelfth Filing, Lot 17, Block 6 of High Sierra Subdivision, 11th Filing Amended of Certificate of Survey No. 3573, located in the City of Billings, Yellowstone County, Montana, was submitted to the Planning and Community Services Department which recommended its approval to the Yellowstone County Board of Planning; and

WHEREAS, at a meeting held by the Yellowstone County Board of Planning on the ____ day of _____, 2018, the Board recommended for approval, subject to certain conditions, an area known as the High Sierra Subdivision, Twelfth Filing; and

WHEREAS, at a regular meeting held on the ____ day of _____, 2018, the City Council approved, subject to certain conditions, a preliminary plat of High Sierra Subdivision, Twelfth Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to approval of the final plat; and

WHEREAS, the provisions of this agreement shall be effective and applicable to the plat of High Sierra Subdivision, Twelfth Filing, upon 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 City of Billings Subdivision Regulations; the

rules, regulations, policies, and resolutions of the City of Billings; 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

No variances are requested with this subdivision.

II. CONDITIONS THAT RUN WITH THE LAND

- A.** Lot owners will be required to construct that segment of the required five-foot-wide boulevard-style sidewalk that fronts their property at the time of lot development.
- B.** Lot owners should be aware that this subdivision could contain wildlife migratory routes. Consequently, owners are advised that wildlife indigenous to this area could be found on the property and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and gardens. Any impacts associated with wildlife, and any damage arising therefrom, is the responsibility of the lot owners.
- C.** Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the geotechnical investigation report for this property, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical investigation prior to construction. Assessment and mitigation, if any, of these conditions shall be the responsibility of the lot owner.
- D.** The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the City and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.
- E.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required by each owner for new construction on

lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

- F. 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.
- G. Lot owners should be aware that agricultural activities could be present on surrounding properties. Any impacts associated with agricultural activities, and any issue arising therefrom, is the responsibility of the lot owners.
- H. Certain lots within High Sierra Subdivision, Twelfth Filing contain a 10-foot-wide stormwater drainage easement with a drainage swale along the rear property lines. These stormwater drainage easements and drainage swales are for conveying stormwater and shall not be altered in any way to inhibit the conveyance of stormwater. It shall be the lot owners responsibility to maintain and perpetuate this stormwater drainage swale. Adjacent lot owners shall not store, place or dump any items, vehicles or materials (including yard waste and grass clippings) in this stormwater drainage easement, or negatively affect the function of the swale. If it is determined that adjacent lot owners are using this stormwater drainage easement to store, place or dump materials, or alter the drainage swale in any way, they will be notified to remove any items and restore the drainage swale immediately.
- I. The rear lot lines of Lots 38 through 44, Block 1 in High Sierra Subdivision, Twelfth Filing are adjacent to a City of Billings right of way that contains stormwater drainage facilities and a swale. This stormwater drainage swale is for conveying stormwater and shall not be altered in any way. It shall be the High Sierra Subdivision Home Owners Association's responsibility to maintain and perpetuate the function of this stormwater drainage swale. Adjacent lot owners (Lots 38 through 55, Block 1 of High Sierra Subdivision, Twelfth Filing) shall not store, place or dump any items, vehicles or materials (including yard waste and grass clippings) in this right of way, or negatively affect the function of the swale. If it is determined that

adjacent lot owners are using this right of way to store, place or dump materials, or alter the drainage swale in any way, they will be notified to remove any items and restore the drainage swale immediately. If the drainage swale is not restored immediately, the obstructions will be removed and/or the drainage swale will be restored at the lot owners expense.

- J.** Each owner of a completed lot shall be a member of the High Sierra Homeowners Association. Membership shall be appurtenant to and may not be separated from ownership of a lot. The Home Owners Association will be set up to maintain the permanent stormwater detention facilities. The HOA Board of Directors shall have the power, in its discretion, to exclude costs of major repairs or approved capital improvements to the HOA Storm Water System from the regular monthly assessments and, instead, impose special assessments for these expenses, and for emergencies, as they are incurred.
- K.** The lowest finish floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb, measured from the highest location along the lot frontage. Home builder and lot owner may find it necessary to raise the finish floor elevation of house or garage above this minimum during on-site building design and/or during on-lot grading.
- L.** The stormwater runoff from individual lots shall be directed toward the public right-of-way wherever possible. However, due to the existing terrain of the subdivision this is not possible for every lot. Where runoff from lots cannot be directed to public right-of-way because existing terrain is falling away from the public right of way, the stormwater runoff shall be directed to flow to the same location as it has historically. Home builder and lot owners shall consider the effect of potential off-lot run-on waters from lots uphill of the subject lot, and grade around the home to provide positive drainage away from the home. Home builder and lot owners must take necessary measures to protect the house from surface stormwater flows. Lots shall allow, through on-site building design and on-lot grading, for stormwater to pass through each lot without negatively impacting adjacent lots. The lowest openings on each home (window well, walk-out basement doors, etc.) are to be located outside the designated drainage paths. If this is not possible, the builder and lot owners must take necessary measures to protect these openings from inundating from surface water flows. In any case, the homebuilder shall allow enough space between window wells and property lines to provide sufficient swales and proper storm water drainage away from window wells.

III. TRANSPORTATION

A. Streets

Street A (temporary name), Acacia Circle, and Rancho Vista Avenue within the subdivision shall be public and shall be located within a 56-foot right-of-way, and have a street width of 34-foot back of curb to back of curb. These internal access roads shall be built to grade with a satisfactory subbase, base course, drive over curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings site development ordinance, Subdivision Regulations, and Uniform Building Code.

B. Sidewalks

City and the Subdivider agree that the developer will install accessibility ramps at time of private contract construction. Individual lot owners will be responsible for the construction of the five-foot wide boulevard sidewalks adjacent to their lot at the time of lot construction. The City reserves the right to construct any missing sidewalk and assess the property owners three years after construction of a phase.

C. Street Lighting

Construction or installation of street lights within the public rights-of-way shall not be required at this time. If street lights are installed, a maintenance district will be formed for future maintenance of the street lights.

D. Traffic Control Devices

The Subdivider shall furnish and install all necessary traffic control devices adjacent to the subdivision. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction. All traffic control devices shall be subject to review and approval by the City Engineering office.

A master plan traffic accessibility study has been completed for High Sierra Subdivision, Fifth through Twelfth Filing. That study analyzed impacts to eight intersections affected by additional traffic generated with the development of High Sierra. Three of those intersections were noted for improvements: Wicks Lane/Fantan/Street; Wicks Lane/Gleneagles Blvd;

and Wicks Lane/St. Andrews Dr. An update to the study has been completed for this filing. Based on the 66 developable single family residential lots proposed within this subdivision, the percent of traffic contribution to these intersections is as follows:

Wicks/Fantan:	_____ percent	\$XXXX.00
Wicks/Gleneagles:	_____ percent	\$XXXX.00
Wicks/St. Andrews:	_____ percent	<u>\$XXXX.00</u>
		\$XXXXX.00

As requested by the City of Billings Public Works Department, cash contributions to intersection improvements will be made prior to the filing of the final plat.

E. Access

Access will be provided for the subdivision by continuation of streets from High Sierra Subdivision, Eleventh Filing, including Rancho Vista Avenue, and Owen Street. In addition, these streets will provide connectivity to future development. Location of these accesses shall be subject to review and approval by the City Engineering office.

F. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan identifies High Sierra Boulevard as a primary bikeway. As such, an on-street bikeway will be provided on High Sierra Boulevard nearby to this subdivision; therefore, City and the Subdivider agree that trail requirements are being met for the subdivision.

G. Public Transit

No improvements with regard to public transit are anticipated at this time. The nearest access to the public transit system occurs near Skyview High School on Siesta Avenue, between High Sierra Boulevard and Fantan Street.

IV. EMERGENCY SERVICES

Access is provided to this subdivision via Acacia Street, Owen Street, Street A (temporary name), and Rancho Vista Avenue which shall terminate in a temporary cul-de-sac. The City will provide emergency service. Fire hydrants shall be

provided at each street intersection, and at intermediate locations where distances exceed 500 feet. Appropriate turn arounds will be located on any street in excess of 150 feet.

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

All storm drainage improvements shall comply with the provisions of Chapter 28, BMCC, and shall be in accordance with the recommendations of an approved storm drain study to be submitted to the City of Billings Engineering Department by the Subdivider. Because the City of Billings storm drain system is not available in the area of the subdivision, stormwater will be handled on site through surface flow on the streets, inlets, and piping. The stormwater design for High Sierra Subdivision, Twelfth Filing, will conform to the current City of Billings Stormwater Management Manual.

The Subdivider will construct a permanent drainage swale west of Lots 38 through 44, Block 1 and north Lots 45 through 55, Block 1 with the private contract for subdivision improvements. The Subdivider will also construct a portion of the permanent detention facility with the private contract for the subdivision improvements. The stormwater detention facility and swales will be sized in accordance with the current City of Billings Stormwater Management Manual. The

stormwater detention facility will also be sized for runoff from this filing as well as previous filings of High Sierra Subdivision (portions of High Sierra Subdivision Seventh and Eighth Filings, and High Sierra Subdivision Eleventh Filing). The drainage swale west of Lots 38 through 44, Block 1 will be located within public right of way. The drainage swale north of Lots 45 through 55, Block 1 and the stormwater detention facility will be located on a Home Owners Association (HOA) owned lot. The drainage swales and detention facilities shall be operated and maintained by the HOA. The detention facility will be part of a larger detention facility for the entire subdivision with an ultimate stormwater outfall to 5-Mile Creek. However, until the permanent outfall is constructed a temporary discharge from the detention facility limiting the stormwater discharge to pre-developed runoff rate will be allowed.

VI. UTILITIES

Water and sanitary sewer lines shall be sized and installed in conformance with the City design standards and specifications, and the rules and regulations of the City of Billings.

The Subdivision Improvements Agreement does not constitute an approval for extension of, or connection to, water mains and sanitary sewers. The property owner shall submit applications for extension/connection of water mains and sanitary sewers to the Public Works Department, Distribution, and Collection Division. The extension/connection of/to water mains and sanitary sewers are subject to the approval of the applications and the conditions of approval. 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. The appropriate water and wastewater fees in effect shall be submitted with the applications.

The developer/owner acknowledges that the subdivision shall be subject to the applicable system development fees in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.), shall be in accordance with design standards, specifications, rules and regulations of, and as approved by the City of Billings Public Works Department, Fire Department, and the Montana Department of Environmental Quality.

A. Water

The subdivision will be served by making connections to existing water main stubs located in Owen Street and Rancho Vista Avenue. The existing water main in these streets is an 8-inch in diameter main and is a part of the City of Billings water distribution system. A new 8-inch water main will be installed in the local interior streets. The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and will be subject to approval by the City of Billings Fire Department. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. Each lot shall be provided with its own separate water service. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

B. Sanitary Sewer

The subdivision will be served by one connection to two existing 8-inch sanitary sewer mains located at each end of Owen Street and one connection to an existing 8-inch sanitary sewer main located in Rancho Vista Avenue. The sanitary sewer located within the subdivision will consist of an 8-inch sanitary sewer main. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical power, and cable television lines shall be placed in designated easements outside of the right-of-way, where possible, and shall be installed underground prior to surface improvements. The location of all such facilities shall be subject to approval of the City Engineer.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Additionally, Section 23-1002.B.1 of the City of Billings municipal code covers parkland dedication of major subdivisions. The Twelfth Filing has a total of 66 lots, requiring a parkland dedication of 1.401 acres. The Subdivider will make a cash in-lieu contribution for the 1.401 acres in lieu of parkland dedication.

VIII. SOILS/GEOTECHNICAL STUDY

The Subdivider has contracted with Rawhide Engineering to perform a preliminary geotechnical analysis for this property dated July 2018.

Recommendations from the report include:

1. Approximately 6-inches of surface soils should be stripped and removed from the site, or stockpiled for use in non-structural areas.
2. Fill should be placed and compacted to a minimum of 97 percent relative compaction, in accordance with the ASTM D698 compaction test method.
3. Provide positive drainage away from residences.
4. Street subgrade, utility trenches, parking areas and concrete flatwork subgrade should be placed at a minimum of 97 percent of ASTM D698.
5. A large track hoe or specialized equipment may be required during foundation excavations, depending on the location and depth of the excavation. The boring logs should be reviewed for conditions across the site.
6. For home construction, the majority of the foundation will be located on weathered sandstone bedrock or weathered shale bedrock. Three alternative foundation recommendations are provided within the geotechnical report.
7. As noted in the Rawhide Engineering February 2018 report, and in accordance with the International Residential Code, downspouts with 6-foot extensions should be used. Positive drainage away from all foundations should have 6 inches of fall in the first 10 feet away from the foundations.

If sufficient room is not available to construct the 10-foot slope, drainage swales should be constructed as far from the foundations as possible.

IX. FINANCIAL GUARANTEES

Except as otherwise provided, the Subdivider shall install and construct said required improvements with cash, or by private contracts secured by letters of credit, or a letter of commitment to lend funds from a commercial lender. 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 installed as approved by the City Engineering Department and Public Works Department, Collection and Distribution Division.

X. LEGAL PROVISIONS

- A. The Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.
- B. The owners of the properties involved in this proposed subdivision, by signature subscribed herein below, agree, consent, and shall be bound by the provision of the 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 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. The Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. The Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

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

“SUBDIVIDER”

HIGH SIERRA II, INC.

By: _____

Its: _____

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 _____, known to me to be the person who signed the foregoing instrument as the _____ of HIGH SIERRA II, INC., and who acknowledged to me that said company executed the same.

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

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

This Agreement is hereby approved and accepted by City of Billings, this _____ day of _____, 2018.

“CITY”

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 :SS
County of Yellowstone)

On this _____ day of _____, 2018, before me, a Notary Public for the State of Montana, personally appeared _____, and _____, known to me to be the Mayor and City Clerk, respectively, of the **CITY OF BILLINGS, MONTANA**, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

Notary Public for the State of Montana
Printed name: _____
Residing in Billings, Montana
My commission expires: _____

Approved as to Form:

City Attorney

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 special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings 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:

High Sierra Subdivision, Twelfth Filing

Signed and dated this _____ day of _____, 20____.

HIGH SIERRA II, INC.

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 signed the foregoing instrument as the _____ of **HIGH SIERRA II, INC.**, and who acknowledged to me that said company executed the same.

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

 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. c.

Meeting Date: 09/11/2018

Information

INTRODUCTION

On August 1, 2018, the Planning Division received an application for major plat approval for the proposed Shop World 1 Subdivision. The property is generally located on the south west corner of the intersection of King Avenue West and South 80th Street West. This subdivision would create 189 lots from a 61.03-acre parcel for private storage garage development and 2 residential lots. The land is currently used for farming; the land is outside of zoning.

RECOMMENDATION

Staff recommends that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Shop World 1 Subdivision 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 protect public health and safety prior to final plat approval the applicant will receive approval from the MDEQ for the proposed cisterns, septic systems and the proposed storm water management.
2. To provide for future maintenance of all private roads within Shop World Subdivision, 1st Filing prior to final plat approval the applicant will create an HOA for the private road maintenance, define how fees will be assessed and collected.
3. To provide for the correct documentation of the road easements within the proposed subdivision prior to final plat approval the applicant will provide easement documents with language that states fire, police, emergency vehicles, and maintenance personnel for the dry hydrant system will be allowed access on the roads. Also that the roads can have additional burden placed on them by connecting to the south should the land to the south develop.
4. To protect public health and safety and to ensure a usable dry hydrant system prior to final plat approval the applicant will provide construction drawings to the Laurel Fire Department for the dry hydrant system and receive approval before construction begins. The system must be tested and approved by the Laurel Fire Department after installation, with a letter to show the approval from the Laurel Fire Department. The applicant will also create an RSID-M for the maintenance of the dry hydrant system.
5. To protect public health and safety and to ensure a usable dry hydrant system is available prior to final plat approval the applicant will provide a letter from the Laurel Fire Department stating that there is a dry hydrant system, or approved alternate water source, for fire suppression for proposed Lots 188 and 189.
6. To ensure the maintenance of existing fire suppression systems and full participation from all

benefitted parties prior to final plat approval the applicant will expand an existing RSID for fire suppression for Lots 188 and 189 from Tanglewood Estates, or any RSID that provides maintenance for fire suppression which these two lots benefit.

7. 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.

8. 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.

9. 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.

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

VARIANCES REQUESTED

No variances are requested for this subdivision.

PROCEDURAL HISTORY

- A pre-application meeting was held on June 14, 2018.
- The preliminary plat application was submitted to the Planning Division on August 1, 2018.
- A departmental review meeting was conducted on August 16, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on August 23, 2018.
- The Planning Board will review the plat on September 11, 2018.
- The Planning Board will conduct a public hearing on September 25, 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 October 16, 2018..
- The 60 working-day preliminary plat review period ends October 26, 2018

PLAT INFORMATION

General location: South west corner of King Avenue West and South 80th Street West

Legal Description: Parcel 2 of COS 3676

Owner/Subdivider: Levi Britton

Engineer/Surveyor: Territorial-Landworks, Inc.

Existing Zoning: Outside of zoning

Existing land use: Farming

Proposed land use: Commercial with 2 Residential lots

Gross and Net area: 61.027 acres / 60.014 acres

Proposed number of lots: 189

Max. lot size: 1.23 acres

Min. lot size: 9,496 square feet

Parkland requirements: There is no requirement for parkland dedication since 187 lots are commercial. Only 2 residential lots do not require parkland dedication.

Attachments

Findings of Fact

Proposed Plat

SIA

PROPOSED YELLOWSTONE BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Shop World 1 Subdivision. 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 used for agricultural purposes. North of the subject property is Canyon Creek. High Ditch crosses the south west corner of the subject property. In the SIA under the heading Irrigation it states that there are no water rights that go with the land but that the farming operation has always purchased water shares from the Big Ditch Company. Irrigation ditches that exist will not be disturbed by development. No water rights can be transferred to the lot owners within the subdivision but water shares will still be purchased and each lot will contribute a set monthly amount for payment to utilize water shares from the ditch company for outdoor irrigation purposes. The HOA will be collecting monthly payments for the water shares from each lot owner as defined in the SIA under the heading VIII. Irrigation.

2. Effect on local services

a. **Water and Sewer** –The subdivision is not served by a municipal water or sewer district. For household water use the applicant is proposing 1500 gallon cisterns on the two residential lots. There will be no water systems on the 187 commercial lots within the subdivision. The applicant is proposing to have septic systems on the two residential lots. There will be no septic system on the 187 commercial lots within the subdivision. Both the cisterns and the septic systems will need to be in accordance with Section 4.9 of the Yellowstone County Subdivision Regulations and will need to have MDEQ approval. **(Condition #1)**

b. **Streets and roads** – The subdivision has South 80th Street west on the east side of the proposed subdivision. King Avenue West is on the north edge of the proposed subdivision. King Avenue West is a state secondary road at the location of this subdivision. Any access off of King Avenue West will have to be approved by MDT. South 80th Street West is a Principal Arterial and is the jurisdiction of Yellowstone County. Any access off of South 80th Street West will have to be approved by Yellowstone County. All internal roads of the proposed subdivision will be private roads and will have 60-foot-wide rights of way. The roads will be built to Yellowstone County paved road standards with 24 foot paved surface and 2-foot gravel shoulders on each side. The applicant will be creating an HOA for the maintenance of the roads within the subdivision. **(Condition #2)** Easement documents for the private roads within the

subdivision will need to have language in them that will allow for emergency vehicle access and other county vehicles that may be required in the subdivision for maintenance purposes. The easement will also have to include language that will allow additional burden on the roads should the property to the south develop and connect to this subdivision. **(Condition #3)**

c. **Fire and Police services** – The property is within the Laurel Fire Jurisdiction. The subdivision will provide a 30,000-gallon water storage/dry hydrant for fire suppression. It will be located on the east side of Fire Tank Street on the south side of the subdivision. The applicant will install the dry hydrant system to the Laurel Fire Department standards and have it tested and approved before final plat. **(Condition #4)** The land around the dry hydrant tank is proposed to be a public easement. This will place it on public land where the applicant will create an RSID-M for the maintenance of the system. Two of the proposed lots, 188 and 189 will be served by the fire suppression system within Tanglewood Estates Subdivision. It is also stated in the SIA under the heading IV. Emergency Service, in the last paragraph, that the Laurel Fire Department maintains an agreement with the Yellowstone Boys and Girls ranch to use a 40,000-gallon water tank for fire suppression for surrounding properties. Lots 188 and 189 are within one half mile of this system. The applicant will need to provide verification from the Laurel Fire Department that these two lots are able to utilize the 40,000-gallon fire suppression system. **(Condition #5)** Should there be an RSID-M for these above mentioned systems the applicant will add Lots 188 and 189 to those for maintenance. **(Condition #6)**

The Yellowstone County Sheriff's Department will provide law enforcement services. The Department stated that with this number of lots being created that the sheriff's office may need to add a deputy to augment current patrols.

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 collected on site using a combination of roadside ditches and drainage swales as well as storm detention facilities proposed within the development. This will have to be reviewed and approved by the DEQ to ensure the proposed stormwater management is feasible and will work satisfactorily. **(Condition #1)**

f. **School facilities** – The proposed subdivision is located in the Elder Grove School for Elementary and Middle School age students. Elder Grove School stated they currently have capacity for additional students. They also stated that they are in the process of building a new Middle School so they will have increased capacity when that building is completed. High School Students would go to West High School. West High School is currently over capacity.

g. **Parks and recreation** – This proposed subdivision is not required to provide

parkland. All of the lots with the exception of 2 lots is a commercial development and 2 residential lots do not have to provide parkland dedication.

h. **Postal Service** – The applicant will be required to coordinate the location of the delivery boxes and provide enough space for the delivery vehicle to pull out of traffic for safety. **(Condition #7)**

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 #8)**

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 Volunteer 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 required for this subdivision. This property has historically been used as farm land. Some areas are native grasslands that are north of the subdivision and west of the proposed subdivision. Because of the disturbance of the native land from use as farmland there was no identified wild life habitat on the land. There are some birds and the possibility of some small animals near the ditches but there were no known large animal habitat areas on the land.

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 - 2008 Growth Policy

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

- Goal: Improved public services and facilities. (p. 7)

The subdivision will provide a service that is becoming more common in Yellowstone County.

- 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 outside the study area of the Transportation Plan. As proposed there are only neighborhood streets associated with this subdivision.

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

The proposed subdivision is outside the study area of the BBTMP. The subdivider will not be required to provide for any bike lanes or trails.

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 of 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 Yellowstone Valley Electric Cooperative, MDU and Century Link. The applicant will be required to coordinate the easements needed for the private utility companies. (**Condition #9**)

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 lots from King Avenue West and South 80th Street West. All the lots within the subdivision will have access to the new proposed internal roads.

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.
- 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.

RECOMMENDATION

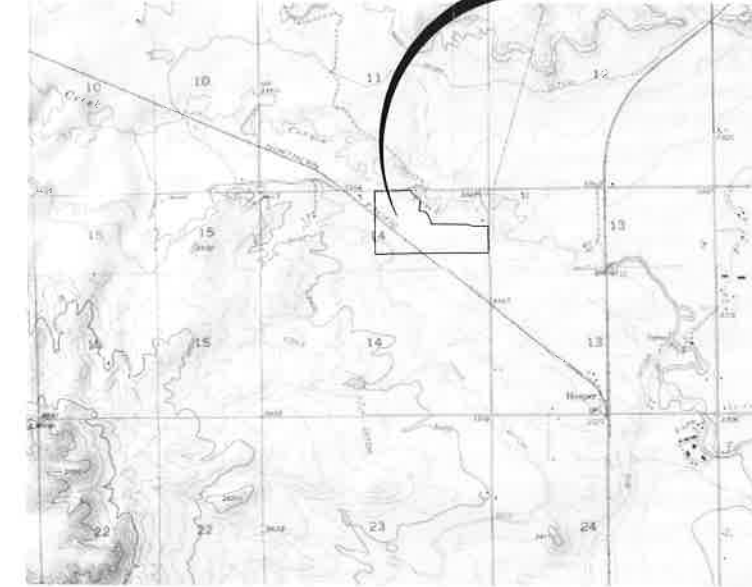
Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Shop World 1 Subdivision, to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF SHOP WORLD 1

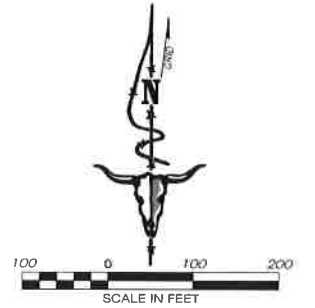
(TRACT 2 OF COS 3676, LOCATED IN THE NE1/4 OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 24 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA)

SITE DATA	
NUMBER OF LOTS	189
MAXIMUM LOT AREA	1,233 AC
MINIMUM LOT AREA	0,218 AC
AREA OF PARKLAND	N/A
LINEAR FEET OF STREETS	10,130 LF
NET ACREAGE	60,014 AC
GROSS ACREAGE	61,027 AC
EXISTING ZONING	N/A
PROPOSED ZONING	N/A
EXISTING LAND USE	AGRICULTURAL
PROPOSED LAND USE	COMMERCIAL & RESIDENTIAL

VICINITY MAP

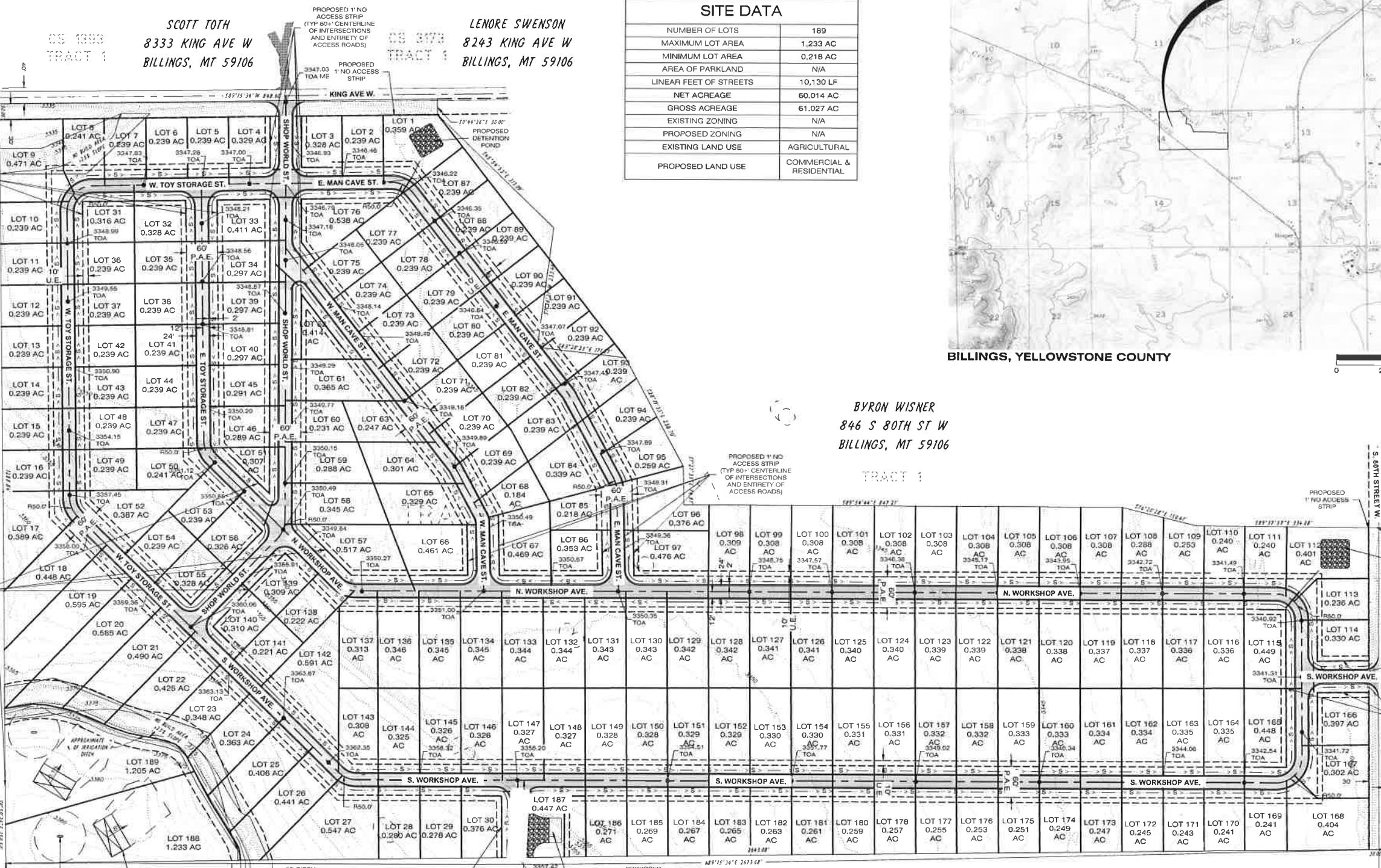


BILLINGS, YELLOWSTONE COUNTY



BASIS OF BEARING
 STATE PLANE MONTANA - ZONE 2100
 GROUND (TPO) DISTANCES
 RECORD OWNER:
 LEVI BRITTON
 SUBDIVIDER:
 LEVI BRITTON
 DATE:
 JULY, 2018
 TOTAL SUBDIVISION AREA:
 61,027 ACRES (GROSS)
 60,014 ACRES (NET)

CANYON CREEK INVESTMENTS INC
 2423 POLY DR
 BILLINGS, MT 59102
 JOHNATHAN & CHARITY ROBINSON
 8428 KING AVE W
 BILLINGS, MT 59106
 WALTER PALIN
 948 S 84TH ST W
 BILLINGS, MT 59106
 KENDALL YERGER
 8410 SAIL FISH DR
 BILLINGS, MT 59106
 TANGLEWOOD ESTATES
 FIRST FILING
 SOUTH 84TH ST WEST
 OF WIDE ROW



LEVI BRITTON
 846 S 80TH ST W
 BILLINGS, MT 59106

LEGEND
 P.A.E. = PRIVATE ACCESS EASEMENT
 U.E. = UTILITY EASEMENT
 COS = CERTIFICATE OF SURVEY
 R/W OR R.O.W. = RIGHT-OF-WAY
 TOA = TOP OF ASPHALT
 C = CISTERN
 = DRAINFIELD

PERIMETER LEGAL DESCRIPTION
 TRACT 2 OF CERTIFICATE OF SURVEY NO. 3676, RECORDED AS DOCUMENT NO. 3631888 IN THE OFFICE OF THE CLERK AND RECORDER OF YELLOWSTONE COUNTY, LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 24 EAST, PRINCIPLE MERIDIAN MONTANA, YELLOWSTONE COUNTY, MONTANA, CONTAINING 61.03 ACRES MORE OR LESS.

T. & R.	SEC.	T.	R.
14	15	S	24E

TERRITORIAL LANDWORKS, INC.
 CIVIL ENGINEERING • SURVEYING • LAND USE CONSULTING
 www.TerritorialLandworks.com
 Phone: 406.721.6141
 Fax: 406.721.5224
 PO Box 2851
 Missoula, MT 59806

SUBDIVISION IMPROVEMENTS AGREEMENT

Shop World 1

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SUBDIVISION IMPROVEMENTS AGREEMENT

Shop World 1

This agreement is made and entered into this ____ day of _____, 20__, by and between Levi Britton, whose address for the purpose of this agreement is **7623 North Leopard Avenue, Billings, MT 59106**, hereinafter referred to as “Subdivider,” and **YELLOWSTONE COUNTY, Montana**, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of Shop World 1; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of Shop World 1; 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 Shop World 1 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. No variances have been requested for Shop World 1.

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. The irrigation ditch that exists on and adjacent to this development is for the benefit of other properties. The irrigation ditch 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. 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.

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

The following roads exist surrounding the subdivision:

- South 80th Street West is an existing road located adjacent to and east of the property.
- King Avenue West is an existing road located adjacent to and north of the property.
- South 84th Street West is an existing road located adjacent to the southwestern portion of the property.

This subdivision proposes the following roads:

- Standard asphalt private road maintained by the Homeowner's Association (HOA) and to be known as Shop World Street, located within a 60' private access easement in the center of the property.
- Standard asphalt private road maintained by the HOA and to be known as West Toy Storage Street, located within a 60' private access easement on the west side of the property.
- Standard asphalt private road maintained by the HOA and to be known as East Toy Storage Street, located within a 60' private access easement in the center of the property.
- Standard asphalt private road maintained by the HOA and to be known as West Man Cave Street, located within a 60' private access easement in the center of the property.
- Standard asphalt private road maintained by the HOA and to be known as East Man Cave Street, located within a 60' private access easement on the northeast side of the property.
- Standard asphalt private road maintained by the HOA and to be known as North Work Shop Avenue, located within a 60' private access easement on the northeast side of the property.
- Standard asphalt private road maintained by the HOA and to be known as South Work Shop Avenue, located within a 60' private access easement on the south side of the property.

B. Traffic Control Devices

- One stop sign will be installed at the intersection of proposed Shop World Street and King Avenue West. A second stop sign will be installed at the intersection of proposed South Work Shop Avenue and South 80th Street West.

C. Access

- Access is proposed on King Avenue West and South 80th Street West. Two homes are also proposed to be accessed off of individual driveways from South 84th Street West. Access widths will be permitted and constructed in accordance with County Regulations.

IV. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (Fire Suppression Tank) in place to allow for fire suppression requirements. Fire apparatus access roads and water supply requirements shall be provided in accordance with the Fire Protection Requirements as noted in the Yellowstone County Subdivision Regulations.

At a minimum, the following is required for proposed lots 1-187:

- An approved, single, minimum thirty thousand (30,000) gallon underground water storage tank with approved dry hydrant type fittings located not more than one half (1/2) road mile from the furthest structure in the subdivision.
- The dry hydrant system shall be designed and constructed to provide a minimum of one thousand (1,000) gallons per minute (gpm) at draft.
- The dry hydrant shall have a minimum clearance of twenty (20) feet on each side and be located a minimum of one hundred (100) feet from any structure.
- Approved pullouts or other design features shall be constructed to ensure that highway or roadway traffic shall not be impaired during use of the dry hydrant.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- The water container shall be a clean fiberglass or concrete tank, approved by the Fire Department having jurisdiction.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

There are currently two dry hydrants located in the adjacent master planned development for Tanglewood Estates Subdivision that are utilized for water supply for fire suppression. One is located in the large lake and the other is located in the smaller lake. The Laurel Fire Department maintains an agreement with the Yellowstone Boys and Girls ranch to utilize the 40,000-gallon water tank for fire suppression for surrounding properties. Proposed Lots 188 and 189 are located within a half mile of this fire suppression system.

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.

- Stormwater detention facilities are proposed within Shop World 1. Increased stormwater will be mitigated with culverts, roadside ditches and drainage swales as well as the detention facilities proposed within the development.

VI. UTILITIES

A. Water

In accordance with Section 4.9 Yellowstone County Subdivision Regulations, the following has been proposed:

- One thousand five hundred (1,500) gallon water cisterns have been proposed for the two residential lots.
- The 187 shop lots will not be provided with a water supply.
- The Montana Department of Environmental Quality approval letter will be submitted with the final plat.

B. Septic System

In accordance with Section 4.8 Yellowstone County Subdivision Regulations, the following has been proposed:

- Individual subsurface wastewater treatment systems have been proposed for the two residential lots.
- The 187 shop lots will not be provided with a sewage disposal / septic system.
- The Montana Department of Environmental Quality approval letter will be submitted with the final plat.

C. Power, Telephone, Gas, and Cable Television

A ten (10) foot wide utility easement on proposed lots 1 through 187 provides utility access to the shop lots.

VII. PARKS/OPEN SPACE

There is no parkland requirement for proposed Shop World 1, as this is a commercial development with only two residential lots. In accordance with Section 10.8 (A) and (C) Yellowstone County Subdivision Regulations, parkland dedication is not required for a two-lot residential subdivision or a subdivision into parcels that are all nonresidential. As this subdivision is a commercial development with two residential lots, there is no parkland requirement.

VIII. IRRIGATION

This subdivision is located within the High Ditch Company Irrigation District. There is no existing easement for the ditch however a 75' easement has been proposed along the irrigation ditch located on the property. No additional mitigation efforts have been proposed for the ditch.

There are no existing water rights for this property. The property owner has historically purchased water shares from the Big Ditch Company and the High Ditch Company for the property. Water shares will continue to be purchased from the ditch companies for irrigation purposes on the two proposed residential lots. The water will be obtained from the irrigation ditch and routed through an easement to a service at each lot for irrigation use. An irrigation water user district will be formed within the Home Owners Association to allocate the maintenance costs to each lot. Each lot will contribute a set monthly amount for payment to utilize water shares from the ditch company.

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.

X. SOILS/GEOTECHNICAL STUDY

A soils/geotechnical study was not required but owners of the lots will be encouraged to perform a site-specific geotechnical investigation that is specific to the type of structure contemplated prior to construction.

XI. PHASING OF IMPROVEMENTS

Shop World 1 proposes that all 189 lots will be developed in a single phase.

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 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 RSID(s) for future maintenance of all common constructed improvements including the public roadways, public stormwater infrastructure, and dry hydrant, prior to final plat approval.

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

“SUBDIVIDER” Levi Britton

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 _____ of Levi Britton, 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: _____

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

Commissioner

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.

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
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:

Shop World 1

Signed and dated this ____ day of _____, 20__.

Levi Britton

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 Levi Britton, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

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

Notary Public in and for the State of Montana
Printed name: _____
Residing in Billings, Montana
My commission expires: _____

