



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



AGENDA

October 8, 2019 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MEETING MINUTES:** SEPTEMBER 10, 2019

Attachments

PlnBMinutes_2019_09_10_DRAFT

4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
8. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. Presentation. Discussion. Airport Expansion/Remodel project. Kevin Ploehn, presenting.

- b. Plat Review/Discussion. The Meadows Subdivision, A 129 lot, County major plat, generally located at the northeast corner of 48th Street West and Central Ave. Regal Land Development, applicant, Performance Engineering, agent. Dave Green, Planner II, presenting.

Attachments

Findings of Fact

Proposed Plat

Draft SIA

9. **OTHER BUSINESS:**

- a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
- b. Community Outreach and Educational Opportunities. Planning Staff

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, OCTOBER 22, 2019

- a. Public Hearing. Motion/Recommendation to BOCC. The Meadows Subdivision, A 129 lot, a County major plat, generally located at the northeast corner of 48th Street West and Central Ave. Regal Land Development, applicant, Performance Engineering, agent. Dave Green, Planner II, presenting.

Public Hearing Participation Guidelines

The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: **Address the Planning Board directly. You must state your name and address before commenting.** This is an opportunity to explain how you will be affected by the decision and why that is an important consequence.

1. Be informed of the process and the requirements of the Board. If you are commenting about a subdivision, please limit your comments to the review criteria.

By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). These criteria include:

- Effect on agriculture and agricultural water user facilities
- Effect on local services
- Effect on the natural environment
- Effect on wildlife and wildlife habitat
- Effect on public health and safety

2. Provide specific information about why you are concerned about the pending application, how the decision will impact the review criteria listed above, and provide suggestions on how to minimize or eliminate the impact.
3. Respect the right of others to participate. Wait until the previous speaker has completed their comments before making your own comments. Do not talk over the person commenting or with other people in attendance.
4. The public hearing is not an opportunity to question or accuse the applicant or their agent. If you have questions of the Board, the applicant or the agent, ask the question directly to the Board during the public hearing portion of the meeting. The Board will respond or request the applicant or agent to respond after the public comment portion of the hearing is closed.
5. After the public comment portion of the hearing is closed, no further comments are allowed unless you are addressed directly by a Board member.
6. You should expect the Board to make a balanced recommendation in accordance with its statutory responsibilities. The Board's ability to make reasonable and thoughtful recommendations is dependent on a fair consideration of everyone's interests.

Thank you for participating.

Planning Board Meeting I (2nd Tuesday)

3.

Meeting Date: 10/08/2019

Information

Subject

MEETING MINUTES: SEPTEMBER 10, 2019

Attachments

PlnBMinutes_2019_09_10_DRAFT

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

Board Attendance Roster: Please note: "E" stands for excused absence, "A" stands for un-excused absence, "1" stands for present. **BYLAWS, YELLOWSTONE COUNTY BOARD OF PLANNING, (Amended. May 25, 2004) Section 4. Absences and Removal A.** Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term. Schedule: (** denotes a Wednesday meeting)

	Position	01/08/2019	01/22/2019	02/12/2019	02/26/2019	03/12/2019	03/26/2019	04/09/2019	04/23/2019	05/14/2019	** 05/29/2019	06/11/2019	06/25/2019	07/09/2019	07/23/2019	08/13/2019	08/27/2019	09/10/2019	09/29/2019	10/08/2019	10/22/2019	11/12/2019	11/26/2019	12/10/2019
Dave Goodridge	Mayor/Billings Ward I	E	1	1	1	E	E	E	E	E	-	-	E	-	E	1	-	E						
Matt Macrow	Mayor/Billings Ward II	1	1	1	1	1	E	1	E	1	-	-	1	-	E	E	-	1						
Eric Wallace	Mayor/Billings Ward III	1	1	1	E	E	E	1	1	1	-	-	E	-	1	1	-	1						
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	E	1	1	E	1	1	-	-	1	-	1	1	-	1						
Jon Thompson	Mayor/Billings Ward V	1	E	1	E	1	1	1	1	E	-	-	1	-	1	E	-	1						
Troy Boucher	YC District 1	1	E	E	1	1	1	1	1	1	-	-	E	-	E	A	-	1						
Dennis Cook	YC District 2	1	1	1	1	1	1	1	E	E	-	-	1	-	1	1	-	1						
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Woody Woods	YC District 5	1	1	1	1	1	1	1	E	1	-	-	E	-	1	1	-	1						
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jarett Hillius	YC District 7	1	1	1	1	1	1	1	E	1	-	-	1	-	E	E	-	1						
Jerry Williams	Y County Cons. District	1	1		1	1	1	1	1	1	-	-	R	-	-	-	-	1						
Scott Reiter	Ex-Officio SD2	A	A	A	A	A	A	A	A	A	-	-	A	-	A	A	-	1						

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

September 10, 2019

DRAFT- To be approved by a motion on October 8, 2019

Call the Meeting to Order

President Tunnicliff called the meeting to order at 6:00 p.m. on Tuesday, September 10, 2019 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

President Tunnicliff called for introductions of the members of the Planning Board and staff.

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

In Attendance:

Approval of the August 13, 2019 Agenda – A motion was made by Board member Woods and seconded by Board member Hillius to approve the September 10, 2019 as submitted. The motion carried with a unanimous voice vote.

Approval of Minutes: August 13, 2019. (The August 27, 2019 meeting was canceled). **A motion was made by Board member Woods and seconded by Board member Hillius to approve the minutes of August 13, 2019 as submitted. The motion carried with a unanimous voice vote.**

Public Comment: President Tunnicliff asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public might be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There were no public comments.

Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff. The Ex Parte Communication Binder is available at the Sign-In and Agenda station. There were no declarations of ex parte communications or conflicts of interest.

CITY/COUNTY PLANNING BOARD

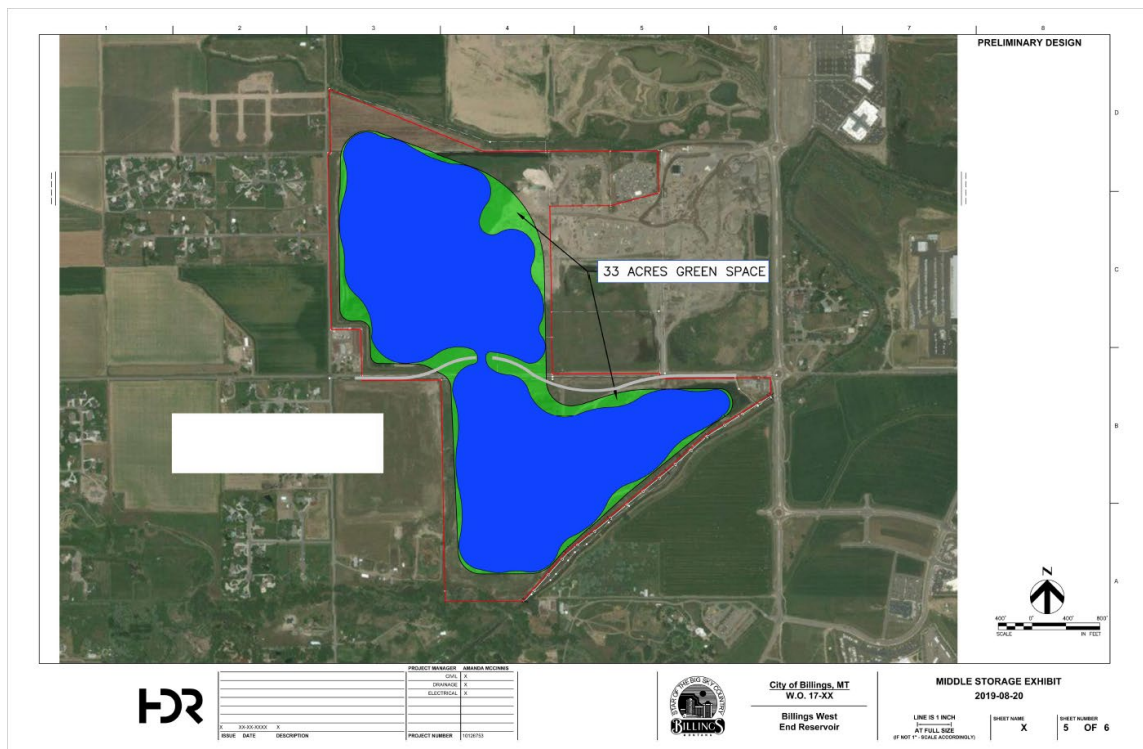
“Serving Billings, Broadview and Yellowstone County”

7. OLD BUSINESS-There is no Old Business.

8. NEW BUSINESS:

8a. City West End Reservoir & Water Treatment Plant Project. Dave Mumford, Director, City of Billings Public Works Department.

President Tunnick said he applauds staff for their coordination of this presentation. He thanked Director Mumford for attending this evening. Director Mumford gave a brief explanation of the need for a new water treatment system on the west end of Billings and pointed out the short window of time to address the City’s water supply if a similar situation takes place to the recent crude oil pipeline break in Laurel. Director Mumford presented the “City Lakes” video <https://youtu.be/HmI9xoYU34c> and explained the proposed site plan graphic below. The reservoir is targeted for completion in 2023, and in five years, the treatment plant will be on line and operational. Director Mumford said that the Public Works Department hired Land Design Inc. as part of the lead group to make this project something to be proud of in the next 100 years. He noted several of the proposed amenities including a science and recreational area outside the plant that is attached to the water. He stated this will be a very desirable area with the nearby Zoo Montana and Shiloh Conservation area.



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Discussion

President Tunnicliff called for questions and discussion. Board member Woods asked about the property owners north of Hesper. Dave Mumford commented on property owners potentially interested in developing in the City. He said the lake is proposed to be about four to five times larger than Lake Elmo. Board member Thompson asked about the reasoning for updating the roundabouts on Shiloh Road. Director Mumford explained that the work is related to minimizing the cost of ongoing maintenance of the plants. The new design will be easier to maintain and the plants will be drip irrigated.

8b. Presentation/Discussion. County Growth Policy Update. Monica Plecker, Planning Division Manager, presenting.

Ms. Plecker stated Yellowstone County last adopted a joint City-County Comprehensive Growth Policy in 2008. Since then, the City of Billings and Lockwood have adopted their own Growth Policies. This document will encompass the greater Billings area and surrounding rural town sites. She commented that the Division’s limited resources make this project challenging. Her observation is that the current political environment is not one which is looking for major changes and status quo is the expectation. Ms. Plecker stated public meetings were held August 26 and August 28 but were not well attended even though they were largely noticed. There will be additional opportunities for public input in the future.

Discussion

Board member Woods asked if the Commissioners are looking towards future development. Ms. Plecker said staff has had candid conversations but they seem to feel the level of services currently provided is good, and there is not a lot of desire to use the document as a launching pad for future opportunities. Board member Woods cautioned against repeating the mistakes of the past and commented on the experiences with development in the Lockwood community. Ms. Plecker said the greatest opportunity is a discussion that focuses on the greater Billings area. She pointed out that there have been good strides with the approval of the Suburban Standards for developments. She said the current zoning boundary itself and the conflicts with growth pressures will bring forward the most meaningful conversations for this document. President Tunnicliff asked if it would be helpful for the Planning Board to draft a recommendation. Ms. Plecker stated the County Growth Policy will come before this Board for a recommendation but it would be helpful to prepare a comprehensive and concise draft recommendation in anticipation of that meeting. Members commented on their desire to see progress with

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

addressing the jurisdictional zoning boundaries. Ms. Plecker engaged the members of the Board in several exercises to get their input on development in the County.

9. OTHER BUSINESS

A. Announcements and Invitations:

****The TUESDAY, SEPTEMBER 24, 2019 Planning Board meeting is canceled due to a lack of agenda items. The next meeting will be held as legally announced and advertised on TUESDAY, OCTOBER 8, 2019, 6:00 PM.**

ADJOURNMENT: 7:30 PM

DRAFT-TO BE APPROVED BY A MOTION ON OCTOBER 8, 2019

--Tamará L. Deinos, Planning Clerk



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



Planning Board Meeting I (2nd Tuesday)

8. b.

Meeting Date: 10/08/2019

Information

INTRODUCTION

September 3, 2019, the Planning Division received an application for major plat approval for the proposed The Meadows Subdivision. The property is generally located on the northeast corner of the intersection of Central Avenue and 48th Street West. This subdivision would create 129 lots from a 78.809-acre parcel of land. The applicant is proposing to develop residential subdivision with Residential 15,000 (R-150) zoning. One lot, Lot 1 of Block 1, the lot on the east side of Misty Meadow Lane off Central Avenue, is zoned Neighborhood Commercial (NC). The requested zone change went to the BOCC on September 27, 2019 and it was approved. The land is currently farmland.

RECOMMENDATION

Staff recommends that the Yellowstone County Planning Board recommend to the Board of County Commissioners to conditionally approve the preliminary plat of The Meadows 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 water systems, septic systems and the proposed storm water management.
2. To ensure public health and safety, prior to final plat approval, the applicant will provide Home Owner Association documents that specifically outline what systems in the subdivision the owners are responsible for and how those fees will be collected.
3. To protect public health and safety and to reduce traffic conflicts, prior to final plat approval, the applicant will show a one foot no access strip on the lots along the western edge of the right of way of River Meadow Road. The applicant will also show 1 foot no access strips along Broadwater Avenue and provide shared accesses for those lots.
4. To protect public health and safety and keep public roads without obstructions, prior to final plat approval, the applicant will obtain written permission from County Public Works for any type of obstruction in the public right of way. This requirement will be included in the SIA under the heading III Transportation A. Streets.
5. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will create an RSID for the new public roads within the subdivision with the ability to expand with each new phase.
6. To protect public health and safety and to comply with Yellowstone County Road regulations, prior to final plat approval, the applicant will provide copies of access permits for any access off 48th

- Street West or Central Avenue or any driveway accesses within the new subdivision.
7. To protect the public health and safety and provide continuous sidewalks throughout the proposed subdivision, prior to final plat approval, the applicant will add a sentence in section III Transportation A. Streets. It will clarify that the construction of the uncompleted sidewalks shall begin a minimum of one month prior to the two-year mark of the opening of each phase or the applicant will provide a bond that is in force for 2.5 years from the opening of each phase.
 8. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings to BUFSA for a 30,000 gallon dry hydrant system for review and approval. Once installed the applicant will request BUFSA test the system to ensure it works correctly and to receive an approval from BUFSA.
 9. To ensure correct cash in lieu contribution for parkland, prior to final plat approval the applicant will submit an estimate of land value following Section 10.6 in Yellowstone County Subdivision Regulations (YCSR).
 10. 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.
 11. To ensure proper documentation for the proposed phasing of the subdivision, prior to final plat approval, the applicant will include the Exhibit and Declaration of Restriction on Transfer documents for future phases.
 12. 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.
 13. 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.
 14. 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

- Pre-application meeting February 14, 2019
- Preliminary plat application submitted to Planning Division September 3, 2019
- Departmental review meeting September 19, 2019
- Preliminary plat resubmitted September 26, 2019
- Planning Board plat review October 8, 2019
- Planning Board public hearing October 22, 2019
- Preliminary plat to Yellowstone County Board of County Commissioners November 19, 2019
- 60 working-day preliminary plat review period ends November 27, 2019

PLAT INFORMATION

General location: Northeast corner of the intersection of Central Avenue and 48th Street West

Legal Description: S03, T01 S, R25 E, S2SWSW (LESS C/S 2221): S03, T01 S, R25 E, N2SWSW: S03, T01 S, R25 E, S2NWSW (LESS COS 3053): S03, T01 S, R25 E, N2NWSW

Owner/Subdivider: Regal Land Development

Engineer/Surveyor:	Performance Engineering
Existing Zoning: (NC)	Residential 15,000 (R150) and Neighborhood Commercial
Existing land use:	Farmland
Proposed land use:	Residential
Gross and Net area:	78.809 acres / 66.873 acres
Proposed number of lots:	129
Max. lot size:	3.81 acres
Min. lot size:	0.34 acres
Parkland requirements:	There required parkland dedication is 5.076 acres; the applicant is proposing to dedicate 3.258 acres of parkland and do the remaining amount in a cash in lieu contribution.

Attachments

Findings of Fact
Proposed Plat
Draft SIA

PROPOSED YELLOWSTONE COUNTY PLANNING BOARD
FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for The Meadows 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 used for agricultural purposes. There are agricultural water users' facilities near the subject property. On the north of the property, there is the Snow Ditch. This ditch will be within a 36-foot wide easement. A drainage ditch runs along the western edge of the proposed subdivision. This ditch is within the 60-foot road right of way that is part of 48th Street West. In the SIA under the heading Irrigation, it states no water rights or shares are being transferred to the property owners within the proposed subdivision. There will be impacts from this subdivision on agriculture use; it will be taking 78.809 acres of ag land out of production.

2. Effect on local services

a. **Water and Septic** – The proposed subdivision is located within the City's Long Range Urban Planning Area on its Limits of Annexation Map as an area the City is considering for future annexation. The City's adopted Capital Improvement Plan (CIP) shows a trunk water main project planned for the 48th St West corridor starting in FY21 (June 30, 2020) and under construction the following year in 2021. However, the applicant is pursuing a county development and does not intend to request annexation, request an annexation map amendment for future annexation, or request extension of city utilities to the property. Given the long term expectation of this area being annexed into the City of Billings and the desire for coordinated urban development, the City Engineering Division has agreed, at least in concept, to install - at no expense to the property owner - an extension of water and sewer mains in Central Avenue from the current terminus at Twin Pines Townhomes approximately 1/2 mile east of the subject property. The West Billings Plan (2001) supports development of both county and city subdivisions but recommends that County subdivisions within areas that could be annexed (the Urban Expansion Area) should have a development plan that allows for efficient and effective conversion to city utilities and services. The West Billings Plan also shows a neighborhood services center at the intersection of Central and 48th St. West. Urban residential subdivisions with municipal utilities are 1/2-mile to the east and about 1 mile to the north and west. The established pattern in this area is for new urban growth in areas designated for annexation. This land is within the Long Range Urban Planning Area on the limits of annexation map. The owner has not applied to amend the map to include this property within the "red" petition area for annexation within the next

5 years. In 2001, and then again in 2006, the City and County engaged in area planning efforts for Billings West End. Both plans, the West Billings Neighborhood Plan and the Northwest Shiloh Area Plan, emphasize the need to differentiate between County low-density subdivisions, and to plan for subdivisions that may eventually be annexed to the city.

This subdivision will be served by a community water system from wells located within the proposed County Park. The proposed water system will need to be reviewed and installed in accordance with Section 4.9 of the Yellowstone County Subdivision Regulations and will need to have MDEQ approval. The applicant will provide a copy of the MDEQ approval for the water system at the time of final plat. **(Condition #1)** The maintenance and operation of the proposed system will be the responsibility of the Home Owners Association (HOA). The HOA will be filed with the final plat of the subdivision. **(Condition #2)**

It is proposed that each homeowner will have a septic system on their property within the proposed subdivision. The proposed septic systems will need to be reviewed and installed in accordance with Section 4.9 of the Yellowstone County Subdivision Regulations and will need to have MDEQ approval. The applicant will provide a copy of the MDEQ approval for the septic systems at the time of final plat. **(Condition #1)**

b. **Streets and roads** – There will be several new roads within the proposed subdivision. This subdivision is proposed to be a phased subdivision. Phase 1 will include the construction of Misty Meadow Lane, Valley Meadow Avenue, a portion of Mountain Meadow Road, Sun Meadow Avenue, River Meadow Road and a portion of Broadwater Avenue. Broadwater is identified as a collector and is wider than the other roads within the subdivision. These roads will be public roads and will be built to Yellowstone County road standards. County Public works has requested that a one (1) foot no access strip be placed along the eastern lots that front River Meadow Road. This is to limit traffic conflicts as much as possible with all the lots on the west side of this same road. County public works has also asked for shared accesses for the lots that have frontage off Broadwater Avenue as this road is classified as a collector. **(Condition #3)** No road within the subdivision is to have any sign or planter built within the right of way or any other item that would be an obstacle in the road without specific written permission from Yellowstone County Public Works. **(Condition #4)**

An RSID will have to be created for the new roads. **(Condition #5)** Before construction of the new road, the applicant will have to obtain an access permit from the County and any future accesses off the new internal road will be required to obtain an access permit before construction of a residence. This requirement is mentioned in the SIA under the heading Conditions That Run with the Land, I. At final plat, the applicant will include a copy of all access permits obtained from the county for this subdivision and any homes built before final plat. **(Condition #6)**

Sidewalks will be built to meet the requirements of the subdivision regulations. The applicant, in the SIA, states that the developer will install sidewalks along the frontages of the parkland areas and corner intersection handicap ramps with aprons. Individual lot owners will be required to build sidewalk with construction of the homes. This

requirement is noted in the SIA under Conditions that run with the Land A. The developer will provide a bond for a 2-year period for the construction of the sidewalks in each phase. A month prior to the expiration of the bond, the applicant will either begin installation of the remaining sections of sidewalk within the open phase or the county will call the bond and install remaining sections of sidewalk within the open phase. **(Condition #7)**

c. **Fire and Police services** – The property is within the Billings Urban Service Area (BUFSA). The developer will be installing a 30,000-gallon dry hydrant system with Phase 1 construction at the west end of Valley Meadow Avenue. The tank shall be built to BUFSA standards. BUFSA will review and approve drawings of the tank before installation. It will be tested to ensure it is in working order before final plat. **(Condition #8)**

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

d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.

e. **Storm water drainage** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and DEQ. A storm water plan 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 within School District #2 boundaries. School District #2 will provide educational services for Elementary, Middle and High School students. Meadowlark for elementary, Ben Steele for middle and West for high school. School District #2 responded to the request for information indicating all three of the mentioned schools are over maximum capacity.

g. **Parks and recreation** – This proposed subdivision is required to provide parkland. The applicant in the SIA under the heading VIII. Parks/Open Space has outlined the requirements of parkland. The total required parkland dedication is 5.076 acres. The applicant is proposing to dedicate 3.258 acres. The applicant is proposing to do a cash in lieu contribution for the difference, which is 1.818 acres. The applicant will follow the requirements of Section 10.6 YCSR. The estimated contribution will be submitted to the County Park Board for review and approval. **(Condition #9)** Within the parkland dedication, a community well for the subdivision will be installed, this proposal has been reviewed by the County Park Board and they raised no concerns with the wells in the park.

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 #10)**

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

j. **Phasing of Development** - The applicant is proposing to develop this subdivision in phases. Specifics of the proposed phasing and what improvements will be installed with each phase is identified in the SIA under the heading X. Phasing of Improvements.

Montana subdivision regulations require developers proposing to do phasing in the subdivision to set a date when they plan to proceed with each phase. This developer has provided proposed dates for phase 2 and 3 to begin by June 1, 2030.

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

Each phase will need to have a Certificate and Release for the phases to be submitted with the final plat, these documents need to be included at final plat. **(Condition #11)**

k. **Preliminary Plat Restrictions** – Subdivision regulations outline the option of building in a preliminarily approved subdivision. State law 76-3-303 MCA and in Yellowstone County Subdivision Regulations (YCSR) Section 1.7, the procedure allowing construction before final plat is outlined. The applicant is required to follow those regulations if there is an intent to build homes before final plat. The requirement to follow all legal requirements of subdivision is noted in the SIA under XIII, Legal Provisions, F.

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. Prior to final plat approval, the applicant will apply for and obtain a weed management plan with the County Weed Department. That plan will be submitted with final plat approval. **(Condition #12)**

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 BUFSA 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 not required for this subdivision pursuant Section 9.2 C of the County Subdivision Regulations.

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2018 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: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)

The subdivision is consistent with the type of residential development in the surrounding area.

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

There is residential development directly adjacent to the subject property.

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

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

2. 2018 Urban Area Transportation Plan

The subject property maintains the road 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 subject property is within the study area of the Transportation Plan. The proposed street layout is conforming to that plan. Broadwater Avenue is identified as a collector and the subdivision will be providing the required 80-foot right of way for the collector road width.

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 within Residential 15,000 zoning with one lot zoned Neighborhood Commercial.

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

Private utilities are to be installed in the public road right-of-way by Yellowstone Valley Electric Cooperative and MDU. Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies.

**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 Central Avenue and 48th Street West for all lots. The internal streets will provide access to individual lots.

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 The Meadows Subdivision, to the Board of County Commissioners, and adopt the Findings of Fact as presented in the staff report.

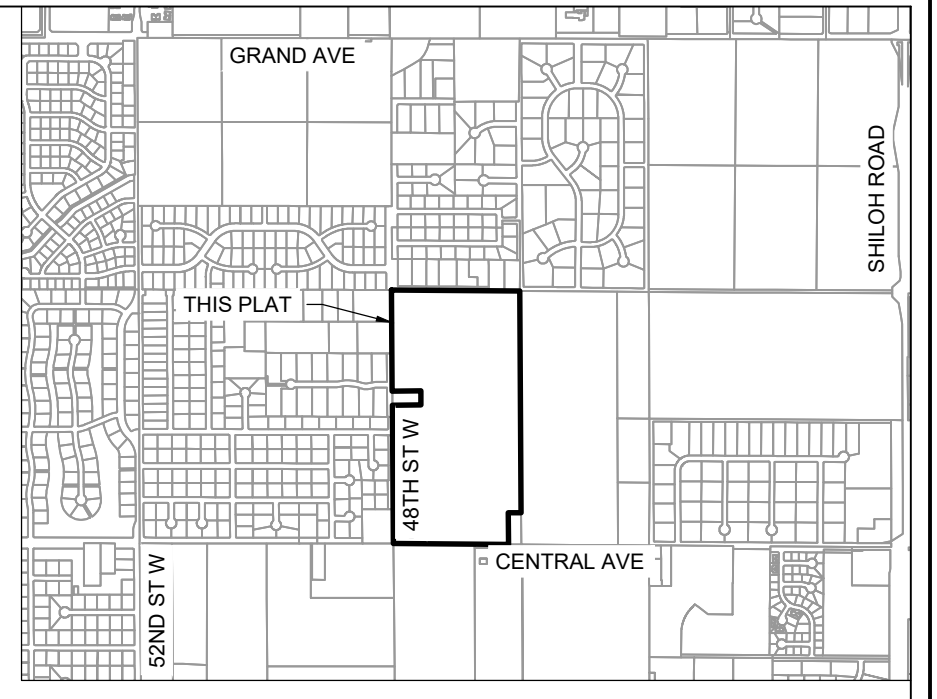
PRELIMINARY PLAT OF THE MEADOWS SUBDIVISION

BEING LOCATED IN THE W 1/2 OF THE SW 1/4 OF SECTION 3, TOWNSHIP 01 SOUTH,
RANGE 25 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: REGAL LAND DEVELOPMENT, INC



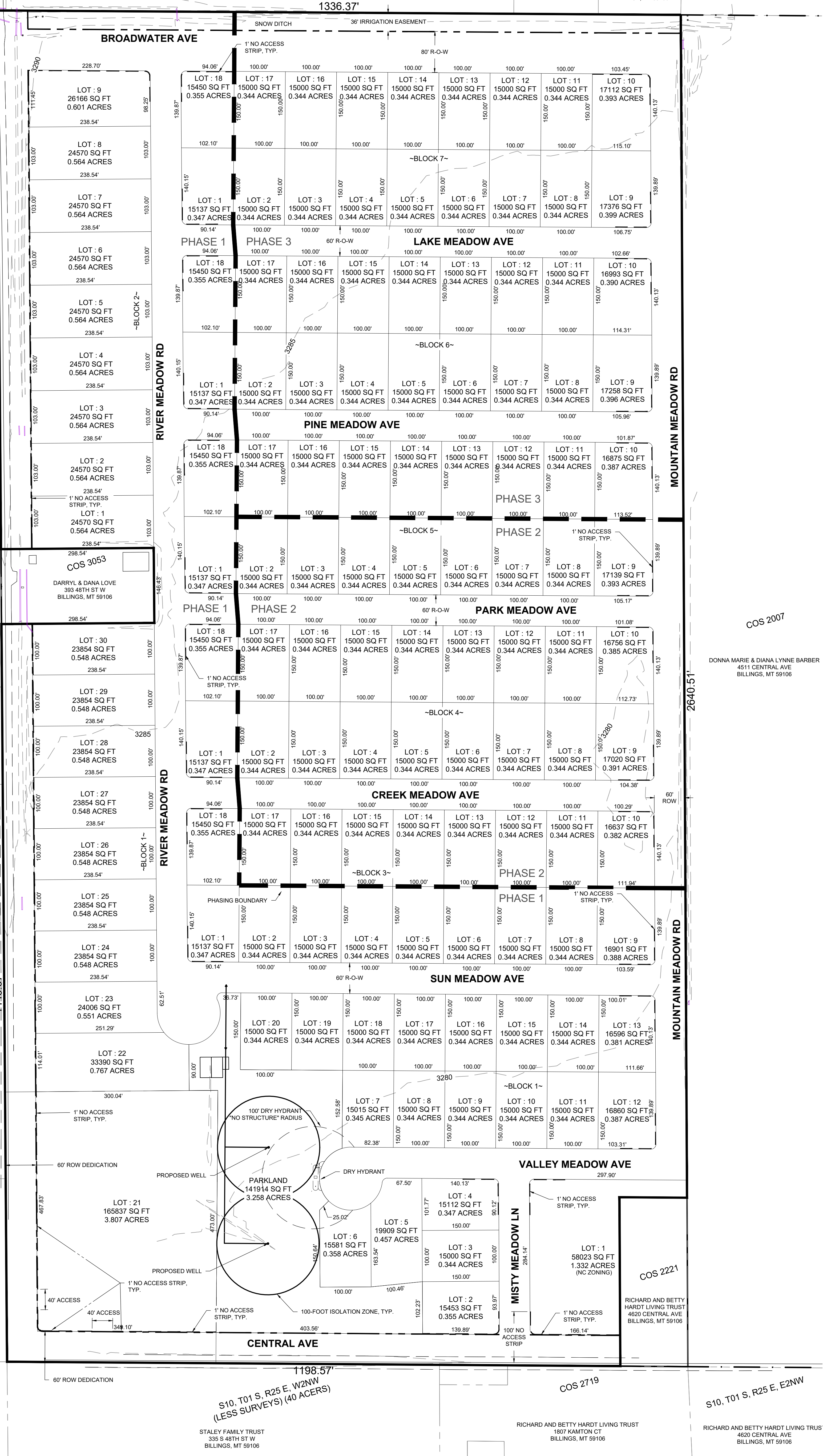
PREPARED BY: PERFORMANCE ENGINEERING, LLC



VICINITY MAP

CASSITY SUBD THE ALAN M HOLOM REVOCABLE TRUST 4740 WYOMING AVE BILLINGS, MT 59106	CASSITY SUBD BRIAN & KATHERINE ANDERSON 4730 WYOMING AVE BILLINGS, MT 59106	CASSITY SUBD JAMES & WANDA SMITH 4720 WYOMING AVE BILLINGS, MT 59106	CASSITY SUBD HARLEY & LE ANN MISNER 4735 WYOMING AVE BILLINGS, MT 59106	SKALKAHO ESTATES LESLIE & JAN DENNY 4640 WYOMING AVE BILLINGS, MT 59106	SKALKAHO ESTATES JOSEPH & LEONA ROBERTS 4636 WYOMING AVE BILLINGS, MT 59106	COS 2533 JOYCE MURPHY 4618 WYOMING AVE BILLINGS, MT 59106	COS 2533 MARTHA CHIPANA-SCHULZ 4612 WYOMING AVE BILLINGS, MT 59106	CLOVERLEAF MEADOWS DALE & DANIELLE WILLIAMS 700 BLUEGRASS PL BILLINGS, MT 59106
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OAK RIDGE ESTATES AQUANET, INC. PO BOX 80445 BILLINGS, MT 59108	COS 2887 LESLIE LOVE 4825 CUSTER AVE BILLINGS, MT 59106	COS 2068 BRUCE & BARBARA LOVE 7810 KING AVE W BILLINGS, MT 59106	VERDE MEADOW ESTATES KELLY & KIMBERLY COMPTON 4805 VERDE LN BILLINGS, MT 59106	VERDE LANE VERDE MEADOW ESTATES	VERDE MEADOW ESTATES DANIEL & MARKAY MARSICH 5213 ONYX BLVD BILLINGS, MT 59106	WELLS GARDEN ESTATES MICHAEL HOWELL 4803 HAZELNUT AVE BILLINGS, MT 59106	HAZELNUT AVE WELLS GARDEN ESTATES	WELLS GARDEN ESTATES JON & JOETTE KEIPEL 225 SWEETHEART PL BILLINGS, MT 59106	WELLS GARDEN ESTATES ANTHONY BUECHLER 213 SWEETHEART PL BILLINGS, MT 59106	WELLS GARDEN ESTATES JOHN & DEBORAH CHAFFIN 207 SWEETHEART PL BILLINGS, MT 59106	COUNTRY SUBD WADE & SHELBY EGGBRECHT 114 48TH ST W BILLINGS, MT 59106	COUNTRY SUBD GARY GRIDER 108 48TH ST W BILLINGS, MT 59106	COS 1940 FORTY EIGHT (48TH) ST WEST CHURCH 14 48TH ST W BILLINGS, MT 59106	COS 1880 STALEY FAMILY (REVOCABLE LAND TRUST) 4904 CENTRAL AVE BILLINGS, MT 59106
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SITE DATA

EXISTING LAND USE: AGRICULTURAL
EXISTING ZONING: A-1
PROPOSED LAND USE: RESIDENTIAL
PROPOSED ZONING: R-15,000,
NEIGHBORHOOD COMMERCIAL

TOTAL LOTS IN SUBDIVISION: 129

GROSS AREA: 78.809 AC
RIGHT-OF-WAY: 21.867 AC
LINEAL FEET OF STREETS: 11,234 LF
NET AREA OF LOTS: 53.684 AC
PARKLAND: 3.258 AC
REQ. PARKLAND: 5.076 AC

SUBDIVISION IMPROVEMENTS AGREEMENT
The Meadows Subdivision
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(Yellowstone County)

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SUBDIVISION IMPROVEMENTS AGREEMENT

The Meadows Subdivision

This agreement is made and entered into this ____ day of _____, 20__, by and between *REGAL LAND DEVELOPMENT, INC*, whose address for the purpose of this agreement is **P.O. Box 80445, Billings, MT 59108**, hereinafter referred to as “Subdivider,” and **YELLOWSTONE COUNTY**, Montana, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of *The Meadows Subdivision* and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Board of County Commissioners (BOCC) conditionally approved a preliminary plat of *The Meadows Subdivision*; and

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

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

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

I. VARIANCES

Subdivider has requested, and the County hereby grants, the following variances by the BOCC from the strict interpretation of the County’s Subdivision Regulations.

1. No variances requested.

II. CONDITIONS THAT RUN WITH THE LAND

- A.** Lot owners will be required to construct segments of the required sidewalk that fronts their property at the time of lot development.
- B.** 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.
- C.** 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.
- D.** No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- E.** There is attached hereto a Waiver waiving the right to protest the creation of the Rural Special Improvement District (RSID) or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- F.** Culverts and associated drainage swales shall not be filled in or altered by the Subdivider or subsequent lot owners.
- G.** When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- H.** Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.

- I. Lot owners or their agent will obtain an Access Permit from County Public Works prior to any construction on any lot within the subdivision. The application will include a site plan showing the desired location of the access and show that it meets the requirements outlined by the DEQ storm water requirements for the subdivision. Failure to do so will result in the lot owner or their agent removing what has been installed and locating the access in an approved location at the lot owners expense.
- J. It is the obligation of the property owners within this subdivision to pay for the maintenance of the community water system whether it is handled by a third party contractor or through the HOA.

III. TRANSPORTATION

A. Streets

- Broadwater Avenue is a public roadway and is classified as a collector road and shall have minimum right-of-way width of 80 feet.
- Mountain Meadow Road, River Meadow Road, Park Meadow Avenue, Misty Meadow Lane, Pine Meadow Avenue, Lake Meadow Avenue, Sun Meadow Avenue, Creek Meadow Avenue, and Valley Meadow Avenue are public roadways and shall have minimum right-of-way widths of 60 feet.
- Broadwater Avenue shall have a minimum pavement width of 32 feet with 2-foot gravel shoulders. Street shall include pavement markings for 4-foot bike lanes adjacent to each 12-foot travel lane.
- All other internal roads shall have a minimum pavement width of 24 feet with 2-foot gravel shoulders.
- Drainage ditches shall be constructed adjacent to the roadways in accordance to Yellowstone County Public Works standards and DEQ requirements.
- Misty Meadows Lane, Valley Meadow Avenue, Sun Meadow Avenue, River Meadow Road, and portions of Broadwater Avenue and Mountain Meadow Road will be constructed as part of Phase I to provide a second point of ingress/egress. Roads shall be built to the County Public Works standards for paved roads.

B. Sidewalks

- 5-foot minimum width sidewalks are required along all right-of-way frontages.
- The Subdivider shall be responsible for the installation of sidewalks along the frontages of the parkland areas and corner intersection handicap ramps and aprons.

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 boulevard walk style and constructed along the property line or as indicated on the plat. Developer will bond for all sidewalks in each phase at the time of opening. Should sidewalks not be built within 2 years of the opening of each phase, the developer will complete them or the county will complete them using the bond.

D. Traffic Control Devices

- Subdivider shall furnish the necessary traffic control devices within and adjacent to the subdivision as required by the County. Traffic control devices shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and County standards.
- Subdivider shall furnish and install street name signs for streets within the subdivision, or located immediately adjacent thereto, in accordance with the specifications of the County Publics Works and Fire Departments.

E. Access

- Access to Misty Meadow Lane will be provided off of Central Avenue
- Access to Broadwater Avenue will be provided off of 48th Street West
- Lot 21, Block 1 shall take access off of 48th Street West and Central Avenue via 40-foot accesses at the locations shown on the plat.
- A 1-foot no access strip shall run along the lot frontages for 48th Street West and Central Avenue with openings at the locations shown on the plat.

F. Billings Area Bikeway and Trail Master Plan

The subdivision is located within the planning area of the Billings Area Bikeway and Trail Master Plan. The plan identifies a long range bike lane along Broadwater Avenue, Central Avenue, and a separate bike path along 48th Street West.

IV. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply in place to allow for fire suppression requirements. Prior to the 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 Billings Urban Fire Service Area (BUFSA).

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 existing 30,000 gallon dry-hydrant system will service the northern portion of the subdivision. The RSID that exists for Verde Meadows Estates will be expanded to include the following lots:
 - Lots 1-9 in Block 2
 - Lots 1-18 in Block 7
 - Lots 1- 3 and 10-18 in Block 6
 - Lots 16-18 in Block 5
- The subdivision shall install a 30,000-gallon water storage tank with dry hydrant according to the specification of the BUFSA. No structure is to be constructed within 100 feet of the Fire Department Connection (FDC) point at the dry hydrant. The system design shall be reviewed and approved by the BUFSA prior to construction of the system. Tank and dry hydrant are to be inspected, acceptance tested, and approved by the BUFSA prior to any building construction occurring on the lots served by the system. The tank and dry hydrant require the formation of a new RSID for maintenance thereof. The new RSID will consist of the following lots:
 - Lots 1-30 in Block 1
 - Lots 1-18 in Block 3
 - Lots 1-18 in Block 4
 - Lots 1-15 in Block 5
 - Lots 4-15 in Block 6

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 the Montana Department of Environmental Quality (MDEQ), or its designee.

VI. UTILITIES

The design/installation of sanitary systems, wells and water distribution systems shall be in accordance with design standards, specifications, rules, regulations of and as approved by the Yellowstone City-County Health Department and the Montana Department of Environmental Quality.

A. Water

In accordance with Section 4.9 Yellowstone County Subdivision Regulations, all proposed water systems must obtain approval by the MDEQ, or its designee.

- The Subdivision shall be supplied by community wells. Water will be conveyed to the individual lots utilizing a water distribution system.
- The community water supply system shall conform to the standards set forth by the Yellowstone City-County Health Department and MDEQ.

- The operation and maintenance of the community water system shall be contracted by the Subdivision Home Owners Association(s) or Subdivider.
- A MDEQ approval letter will be submitted with the final plat.

B. Sanitary Sewer

In accordance with Section 4.8 Yellowstone County Subdivision Regulations, all sanitary sewer systems must obtain approval by the MDEQ, or its designee.

- The Subdivision will utilize individual sanitary systems composed of septic tanks and drainfields for management and disposal of sanitary waste.
- The sanitary systems shall conform to the standards set forth by the Yellowstone City-County Health Department and MDEQ.
- Maintenance of individual septic systems shall be contracted through the Subdivision's Home Owners Association(s) or Subdivider.
- A MDEQ approval letter will be submitted with the final plat.

C. Power, Telephone, Gas, and Cable Television

- Power, natural gas, telephone, and cable will be located within the public right-of-way and utility easements as shown on the plat.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Per 10.2 (A) 1 of the Yellowstone County Subdivision Regulations:

- Lots 0.50 acres or less, 11% dedication > 38.281 acres x 11% = 4.211 acres
- Lots 0.50 – 1.0 acres, 7.5% dedication > 10.264 acres x 7.5% = 0.770 acres
- Lots 3.0 acres or greater, 2.5% dedication > 3.807 acres x 2.5% = 0.095 acres

Required parkland dedication is 5.076 acres, Subdivider is proposing to dedicate 3.258 acres of parkland area to the public. The remainder of the parkland requirement will be fulfilled by way of cash-in-lieu. Parkland improvements will include the construction of underground irrigation systems, irrigation wells, lawn, and installation of the internal trail system. A Park Maintenance District will be created for the maintenance of the parkland area.

VIII. IRRIGATION

- The property is located within the boundary of the Snow Ditch Irrigation District. No water shares will be transferred to the individual lot owners.

- Access to the Snow Ditch for maintenance and operation shall remain. Any modification to the Snow Ditch shall be agreed upon by the irrigation district.

IX. SOILS/GEOTECHNICAL STUDY

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

X. PHASING OF IMPROVEMENTS

Improvements for the subdivision are to be developed in three (3) phases. The phases are defined as follows:

A. Phase I

Block 1: Lots 1-30 and 31 (Parkland)

Block 2: Lots 1-9

Block 3: Lots 1-9 and 18

Block 4: Lots 1 and 18

Block 5: Lots 1 and 18

Block 6: Lots 1 and 18

Block 7: Lots 1 and 18

Completed Roads: Misty Meadow Lane, Valley Meadow Avenue, Sun Meadow Avenue, River Meadow Road

Partial Roads: Mountain Meadow Road from Valley Meadow Avenue to the north boundary of Lot 9, Block 3. Creek Meadow Avenue from River Meadow Road to the east boundary of Lot 18, Block 3. Park Meadow Avenue from River Meadow Road to the east boundary of Lot 18, Block 4. Pine Meadow Avenue from River Meadow Road to the east boundary of Lot 18, Block 5. Lake Meadow Avenue from River Meadow Road to the east boundary of Lot 18, Block 6. Broadwater Avenue from River Meadow Road to 48th Street West.

B. Phase II – Opened by June 1, 2030

Block 3: Lots 10-17

Block 4: Lots 2-17

Block 5: Lot 2-9

Construct the remaining portions of Creek Meadow Avenue and Park Meadow Avenue to the intersections with Mountain Meadow Road. Construct Mountain Meadow Road from the north boundary of Lot 9, Block 3 to the north boundary of Lot 9, Block 5.

C. Phase III – Opened by June 1, 2030

Block 5: Lots 10-17

Block 6: Lots 2-17

Block 7: Lots 2-17

Construct the remaining portions of Pine Meadow Avenue, Lake Meadow Avenue, Broadwater Avenue to the intersections with Mountain Meadow Road. Construct Mountain Meadow Road from the north boundary of Lot 9, Block 5 to the intersection with Broadwater Avenue.

Utilities for each lot will be constructed at the time of phase development.

XI. FINANCIAL GUARANTEES

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

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

XII. LEGAL PROVISIONS

- A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the County Public Works Department.
- B.** The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.

- D.** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G.** Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

