



YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

SEPTEMBER 14, 2021 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

NOTICE TO THE PUBLIC

\*\*ATTENTION\*\*

The Yellowstone County Board of Planning members will attend the meeting in person in the Miller Building 1st Floor Conference Room, 2825 3rd Ave North. The City/County Planning Division is making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: https://ci.billings.mt.us/117/Agendas-Minutes
View the meeting live online at Facebook: https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
Email: deinst@billingsmt.gov
Call in during the Public Comment periods as indicated on the agenda:
Citizens may call in during specific Public Comment periods at 406.237.6165.
All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

\*\*In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.

- Please direct questions to Tammy Deines, Planning Clerk at deinst@billingsmt.gov or 406-247-8610. Thank you!

- 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. DELAYED MEETING MINUTES: August 24, 2021
4. PUBLIC COMMENT PERIOD - As required (3 minute maximum per person). Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.
4a) Comments on items not on agenda and requests to add items to future agendas
4b) Comments on items on the non-public hearing agenda items
5. DISCLOSURE OF CONFLICT OF INTEREST:
6. DISCLOSURE OF EX PARTE COMMUNICATION: Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. OLD BUSINESS There is no Old Business.
8. NEW BUSINESS: (Agenda items new to this meeting).
a. Plat Review. Board Discussion. High Sierra Subdivision, 17th Filing, City Major Subdivision. High Sierra II, Inc. applicant. Gary Owen, Sanderson Stewart, agent. Dave Green Planner II, presenting.

Attachments

- Findings of Fact
Proposed Plat
SIA Draft

Master Site Plan

- b. Plat Review. Board Discussion. High Sierra Subdivision, 18th Filing, City Major Subdivision. High Sierra II, Inc. applicant. Gary Owen, Sanderson Stewart, agent. Dave Green Planner II, presenting.

**Attachments**

Findings of Fact  
Proposed Plat  
SIA Draft  
Master Site Plan

- c. Plat Review. Board Discussion. High Sierra Subdivision, 19th Filing, City Major Subdivision. High Sierra II, Inc. applicant. Gary Owen, Sanderson Stewart, agent. Dave Green Planner II, presenting.

**Attachments**

Findings of Fact  
Proposed Plat  
SIA Draft  
Master Site Plan

- d. Plat Review. Board Discussion. High Sierra Subdivision, 20th Filing, City Major Subdivision. High Sierra II, Inc. applicant. Gary Owen, Sanderson Stewart, agent. Dave Green Planner II, presenting.

**Attachments**

Findings of Fact  
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9. **OTHER BUSINESS:**

- a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.
- b. City of Billings Boards and Commissions Volunteer Appreciation Dinner Thursday, October 14, 2021, 6:00 PM, Billings Community Center. Wyeth Friday, Director, PCSD
- c. Discussion. Planning Board IPADS. Monica Plecker, Planning Division Manager.

10. **ADJOURNMENT**

**FUTURE AGENDA ITEMS FOR TUESDAY, SEPTEMBER 28, 2021**

- a. Public Hearing. Motion/Recommendation to City Council. Plat Review. Board Discussion. High Sierra Subdivision, 17th Filing, City Major Subdivision. High Sierra II, Inc. applicant. Gary Owen, Sanderson Stewart, agent. Dave Green Planner II, presenting.
- b. Public Hearing. Motion/Recommendation to City Council. High Sierra Subdivision, 18th Filing, City Major Subdivision. High Sierra II, Inc. applicant. Gary Owen, Sanderson Stewart, agent. Dave Green Planner II, presenting.
- c. Public Hearing. Motion/Recommendation to City Council. High Sierra Subdivision, 19th Filing, City Major Subdivision. High Sierra II, Inc. applicant. Gary Owen, Sanderson Stewart, agent. Dave Green Planner II, presenting.
- d. Public Hearing. Motion/Recommendation to City Council. High Sierra Subdivision, 20th Filing, City Major Subdivision. High Sierra II, Inc. applicant. Gary Owen, Sanderson Stewart, agent. Dave Green Planner II, presenting.

**Planning Board**

**Date:** 09/14/2021  
**Title:** High Sierra Subdivision, 17th Filing - Preliminary Plat Review  
**Presented by:** David Green  
**Department:** Planning & Community Services  
**Presentation:** Yes

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**Information**

**RECOMMENDATION**

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 17th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

On August 2, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 17th Filing. The proposed subdivision creates 38 lots for residential development. The subject property is generally located north of Matador Avenue, west of Entrada Road in Billings Heights. The property is zoned Suburban Neighborhood (N3). The proposed lots will follow the current zoning for lot frontage.

**VARIANCES REQUESTED**

The applicant is not requesting a variance from the subdivision regulations.

**PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on 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.
2. 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.
3. 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.

**PROCEDURAL HISTORY**

- Pre-application meeting May 27, 2021
- Preliminary plat application submitted to Planning Division on August 2, 2021
- Departmental review meeting August 19, 2021
- Preliminary plat resubmittal August 26, 2021
- Planning Board plat review September 14, 2021
- Planning Board public hearing September 28, 2021
- Preliminary plat to City Council October 25, 2021
- 60 working-day preliminary plat review period ends October 26, 2021

**PLAT INFORMATION**

**General location:** North of Matador Avenue, west of Entrada Road in Billings Heights  
**Legal Description:** Lot 1A, Block 33 of Amended Plat of Lot 1, Block 22, High Sierra Subdivision 14th Filing  
**Owner/Subdivider:** High Sierra II, Inc.  
**Engineer and Surveyor:** Sanderson Stewart  
**Existing Zoning:** N3  
**Existing land use:** Vacant Lane  
**Proposed land use:** Residential

Gross and Net area: 191.57 acres / 189.36 acres

Proposed number of lots: 38

Lot size: Max: 73.67 acres  
Min.: 6,776 square feet

Parkland requirements: Parkland dedication requirement is 0.811 acres. This requirement was met with the 14th Filing.

## **STAKEHOLDERS**

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on September 28th.

## **ALTERNATIVES**

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on October 26, 2021. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

## **FISCAL EFFECTS**

This plat will have no fiscal impacts on the City/County Planning Division.

## **SUMMARY**

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. Negative effects that are identified become the subdivider's responsibility to mitigate. Various City departments, private service/utility providers and the affected school district/s, have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this proposed subdivision.

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## **Attachments**

Findings of Fact  
Proposed Plat  
SIA Draft  
Master Site Plan

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 17<sup>th</sup> Filing. These findings are based on the preliminary plat application and supplemental documents; addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

**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 dry land grass and shrubs. There are no water rights being transferred to subdivision property owners. There are no existing ditches near this proposed development. The subdivision should not affect agricultural water users' facilities.

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

**a. Utilities** – Public water services to the subject property will be provided by the City of Billings. The subdivision will be served by making two connections to public water mains, one in Matador Avenue, just north of the Matador Avenue/Entrada Road intersection and one on Modera Avenue just north of the intersection of Modera Avenue/Ortega Street. A new 12-inch water main will be installed in Modera Avenue. A new 8-inch water main will be installed in the remaining local interior streets of the subdivision. The water main within the subdivision will make looped connections whenever possible. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings. The City of Billings Engineering Department will review and approve all proposed water lines prior to installation.

Fire hydrants will also be installed as required by the City of Billings Fire Department. The City Fire Department will review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by connecting to an existing 8- inch diameter sewer main located in Matador Avenue and Modera Avenue and extending the 8-inch sewer main within Matador Avenue, Modera Avenue and Street 1 (Temporary Name). All sanitary sewer mains will be stubbed to each lot. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department. The City of Billings Engineering Department will review and approve all proposed sanitary sewer lines prior to installation.

All telephone, gas, electrical power, and cable television lines that are placed within the public right-of-way shall be installed prior to surface improvements.

- b. Storm water** – Stormwater management for the proposed subdivision will be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains. Storm water will discharge to a stormwater detention facility located in an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11<sup>th</sup> Filing. It is generally located north of the future projection of Gleneagles Boulevard designated specifically for storm water detention. This detention facility will be sized to accept runoff generated from the High Sierra Subdivision, 17<sup>th</sup> Filing. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All proposed stormwater management will be reviewed and approved by City of Billings Engineering Department to ensure it meets the master planned stormwater plan for High Sierra Subdivision. All drainage improvements shall comply with the provisions of the City of Billings Stormwater Management Manual and Section 23-706, BMCC, a stormwater management plan shall be submitted to the Engineering Division prior to filing of the final plat.
- 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** – Access to the lots in this proposed subdivision is from Matador Avenue, Modera Avenue and Street 1 (Temporary Name). All new streets will be in a 56-foot-wide right of way and will be constructed to 34-foot wide, back of curb to back of curb road. Road construction will include installation of accessible ramps at the intersections.

Sidewalks will be installed at the time of individual lot development. All sidewalks will be boulevard type walks with 5-foot wide boulevard sidewalks.

A 12-foot-wide sidewalk shall be constructed in the 20-foot-wide right-of-way corridors, leading to the park, and shall be installed at the time of private contract construction of the road.

- e. Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

- f. Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Eagle Cliffs Elementary School, Castle Rock

Middle School, and Skyview High School). School District #2 shows some additional capacity at the schools listed above.

- g. Parks and Recreation** – The parkland dedication requirement for this subdivision is 0.811 acres. With High Sierra 14<sup>th</sup> Filings there was a parkland dedication of 5.310 acres. With this dedication parkland requirements have been met for several High Sierra Filings in the immediate area.

The following is a summary of the required parkland dedications that have been previously attributed to the High Sierra Subdivision, 14<sup>th</sup> Filing park:

High Sierra Sub., 14<sup>th</sup> Filing 1.876 acres  
High Sierra Sub., 15<sup>th</sup> Filing 0.587 acres  
High Sierra Sub., 16<sup>th</sup> Filing 0.255 acres  
High Sierra Sub., 10<sup>th</sup> Filing 0.895 acres  
Total 3.613 acres

Remaining land for parkland dedication 1.697 acres  
High Sierra 17<sup>th</sup> Filing, 0.811 acres  
Total remaining 0.886 acres

With High Sierra 17<sup>th</sup> Filing requirement of 0.811 acres, the total remaining parkland dedication still has enough land to provide the required parkland dedication.

Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of existing and future parks within High Sierra Subdivision.

- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #1)**

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

The subject property is relatively level land adjacent to urban development to the south. A geotechnical study was performed for the subdivision, a summary of the information from that study is included in the SIA under the heading IX. Soils/Geotechnical Study. The subdivision should have a minimal effect on the natural environment.

### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open grassland areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

**5. Effect on the public health, safety and welfare**

Fire hydrants will be installed 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 76-3-603 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 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]**

**1. City of Billings 2016 Growth Policy**

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

**Essential Investments:** Infill development and development near existing City infrastructure may be the most cost effective. (p.6)

**Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired. (p.8)

**Home Base (healthy, safe and diverse housing options)** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. (p.9)

**2. Billings Heights Neighborhood Plan**

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for low-density residential development. The subdivision meets the following goals of the Heights Neighborhood Plan:

**Issue: Urban Sprawl**

**Issue:** Residential Development

**Goal:** To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods.

**Objectives:** To encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood.

*This subdivision provides low-density residential single-family development in a neighborhood with existing low-density single-family development.*

**3. 2018 Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision.

**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 the Suburban Neighborhood 3 (N3) zoning district. All building development on the lots shall comply with current zoning when applying for a 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 will furnish private utility easements as required by private utility providers.

**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 Modera Avenue and Matador Avenue. Street 1 (Temporary Name), a new internal street, will provide access to individual lots. All streets are dedicated to the public as shown on the plat.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of High Sierra Subdivision, 17<sup>th</sup> Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several 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 the Planning Board forward a recommendation of conditional approval of the preliminary plat of High Sierra Subdivision, 17<sup>th</sup> Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF

# HIGH SIERRA SUBDIVISION, 17TH FILING

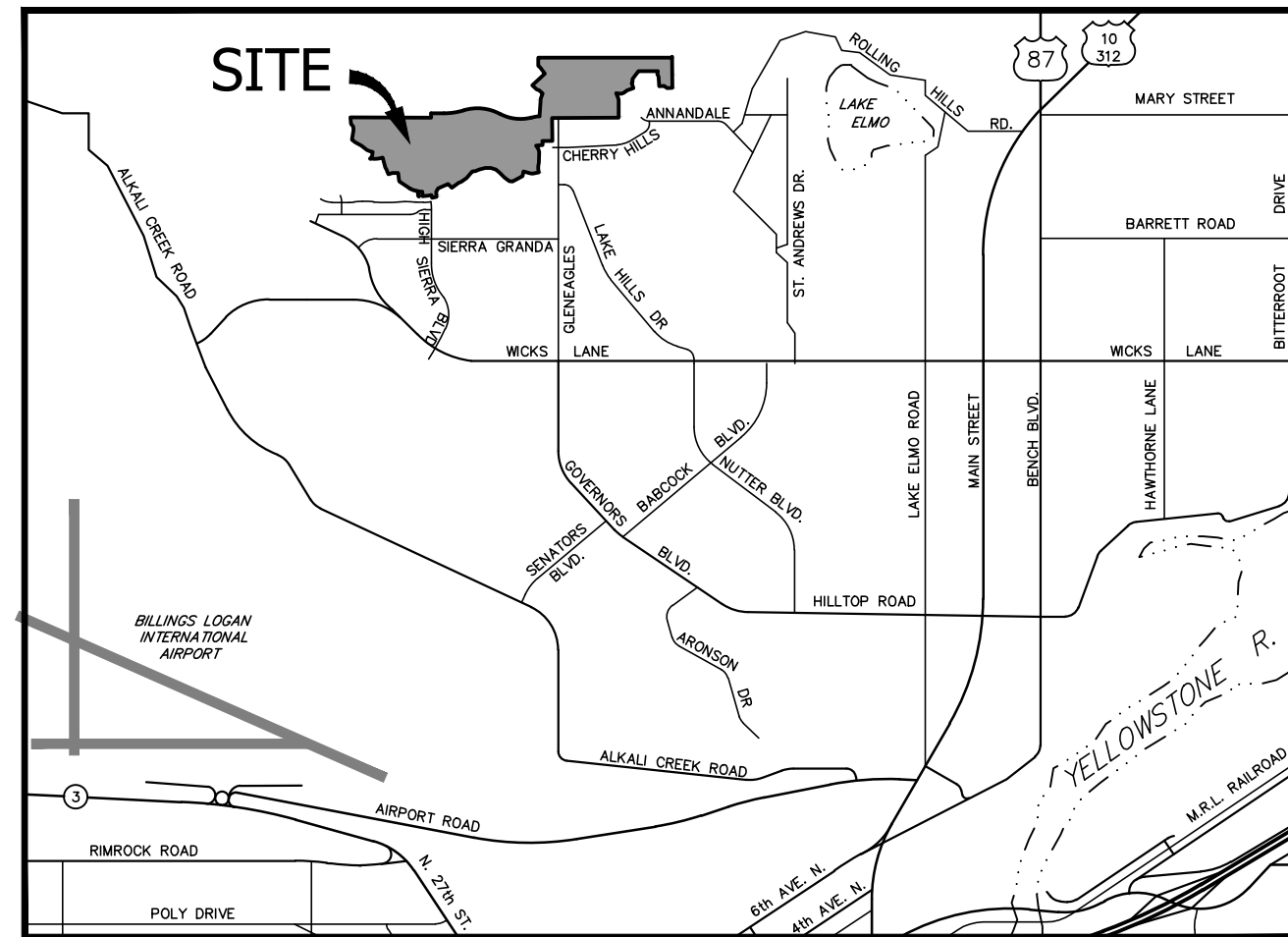
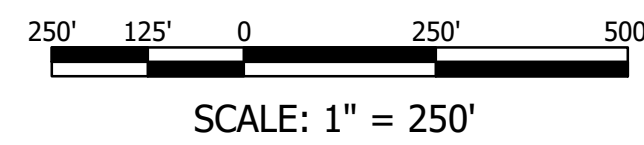
BEING LOT 1A, BLOCK 33 OF AMENDED PLAT OF LOT 1, BLOCK 33 HIGH SIERRA SUBDIVISION, 14TH FILING  
SITUATED IN THE SE1/4 OF SECTION 8, THE SW1/4 OF SECTION 9 AND NE1/4 AND NW1/4 OF SECTION 17, T.1N., R. 26 E., P.M.M.,  
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.

JULY 2021

PREPARED BY : SANDERSON STEWART

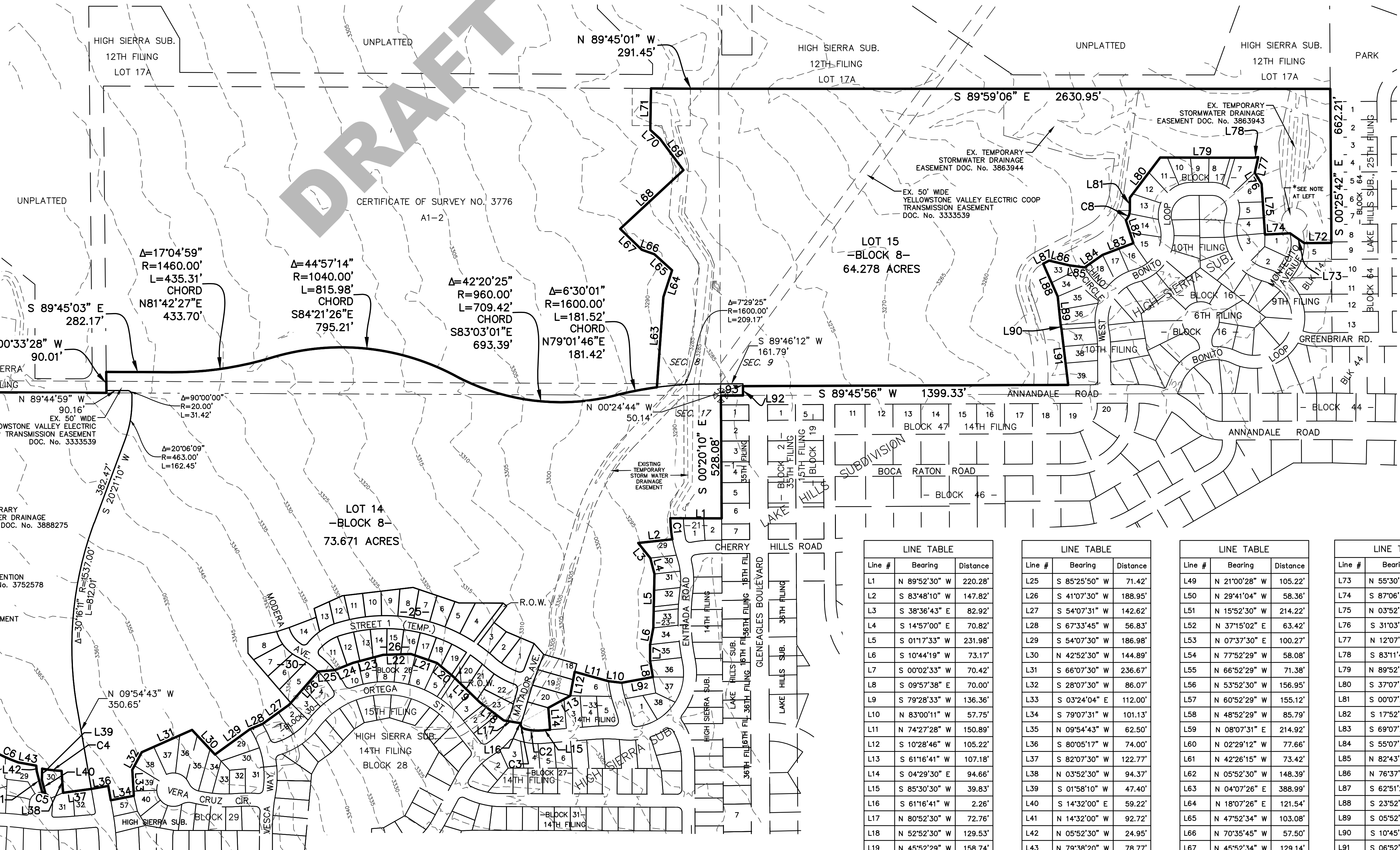
BILLINGS, MONTANA



VICINITY MAP

NOT TO SCALE

**DRAFT**



\*NOTE: EX. TEMPORARY TURN AROUND EASEMENT. DOC No 3863941.

Line #	Bearing	Distance
L1	N 89°52'30" W	220.28'
L2	S 83°48'10" W	147.82'
L3	S 38°36'43" E	82.92'
L4	S 14°57'00" E	70.82'
L5	S 01°17'33" W	231.98'
L6	S 10°44'19" W	73.17'
L7	S 00°02'33" W	70.42'
L8	S 09°57'38" E	70.00'
L9	S 79°28'33" W	136.36'
L10	N 83°00'11" W	57.75'
L11	N 74°27'28" W	150.89'
L12	S 10°28'46" W	105.22'
L13	S 61°16'41" W	107.18'
L14	S 04°29'30" E	94.66'
L15	S 85°30'30" W	39.83'
L16	S 61°16'41" W	2.26'
L17	N 80°52'30" W	72.76'
L18	N 52°52'30" W	129.53'
L19	N 45°52'29" W	158.74'
L20	N 50°15'34" W	91.25'
L21	N 70°52'29" W	118.35'
L22	S 88°07'31" W	119.98'
L23	S 75°07'31" W	134.41'
L24	S 68°07'31" W	84.33'

Line #	Bearing	Distance
L25	S 85°25'50" W	71.42'
L26	S 41°07'30" W	188.95'
L27	S 54°07'31" W	142.62'
L28	S 67°33'45" W	56.83'
L29	S 54°07'30" W	186.98'
L30	N 42°52'30" W	144.89'
L31	S 66°07'30" W	236.67'
L32	S 28°07'30" W	86.07'
L33	S 03°24'04" E	112.00'
L34	S 79°07'31" W	101.13'
L35	N 09°54'43" W	62.50'
L36	S 80°05'17" W	74.00'
L37	S 82°07'30" W	122.77'
L38	N 03°52'30" W	94.37'
L39	S 01°58'10" W	47.40'
L40	S 14°32'00" E	59.22'
L41	N 14°32'00" W	92.72'
L42	N 05°52'30" W	24.95'
L43	N 79°38'20" W	78.77'
L44	N 55°38'54" W	271.40'
L45	N 20°18'00" W	20.85'
L46	N 07°09'52" W	170.00'
L47	S 88°37'05" W	124.13'
L48	S 74°22'41" W	91.79'

Line #	Bearing	Distance
L49	N 21°00'28" W	105.22'
L50	N 29°41'04" W	58.36'
L51	N 15°52'30" W	214.22'
L52	N 37°15'02" E	63.42'
L53	N 07°37'30" W	100.27'
L54	N 77°52'29" W	58.08'
L55	N 66°52'29" W	71.38'
L56	N 53°52'30" W	156.95'
L57	N 60°52'29" W	155.12'
L58	N 48°52'29" W	85.79'
L59	N 08°07'31" E	214.92'
L60	N 02°29'12" W	77.66'
L61	N 42°26'15" W	73.42'
L62	N 05°52'30" W	148.39'
L63	N 04°07'26" E	388.99'
L64	N 18°07'26" E	121.54'
L65	N 47°52'34" W	103.08'
L66	N 70°35'45" W	57.50'
L67	N 45°52'34" W	129.14'
L68	N 47°07'26" E	370.96'
L69	N 36°43'59" W	167.89'
L70	N 47°43'24" W	56.85'
L71	N 00°57'00" E	178.69'
L72	S 89°35'42" W	116.87'

Line #	Bearing	Distance
L73	N 55°30'08" W	74.06'
L74	S 87°06'28" W	107.80'
L75	N 03°52'26" W	218.30'
L76	S 31°03'23" E	56.20'
L77	N 12°07'25" E	68.53'
L78	S 83°11'45" W	21.14'
L79	N 89°52'35" W	400.43'
L80	S 37°07'25" W	216.55'
L81	S 00°07'25" W	55.39'
L82	S 17°52'35" E	103.74'
L83	S 69°07'25" W	141.85'
L84	S 55°07'25" W	93.67'
L85	N 82°43'48" W	66.56'
L86	N 76°37'21" W	89.29'
L87	S 62°51'25" W	28.94'
L88	S 23°52'35" E	154.68'
L89	S 05°52'35" E	121.87'
L90	S 10°45'24" E	20.15'
L91	S 06°52'35" E	240.47'
L92	S 00°24'44" E	40.00'
L93	S 89°45'56" W	95.00'

Curve #	Delta	Radius	Length	Chord Bearing	Chord Distance
C1	92°1'52"	556.00'	90.87'	S 05°19'03" E	90.77'
C2	20°59'01"	200.00'	73.25'	N 84°00'00" W	72.84'
C3	90°49'23"	20.00'	31.70'	N 28°05'48" W	28.49'
C4	7°14'25"	665.00'	84.03'	N 83°25'52" W	83.98'
C5	15°40'14"	50.00'	13.68'	N 76°12'21" W	13.63'
C6	8°33'13"	665.00'	99.28'	N 66°19'01" W	99.19'
C7	28°41'26"	528.00'	273.61'	S 86°04'33" W	270.56'
C8	4°33'92"	60.00'	45.72'	S 21°57'05" W	44.62'

# HIGH SIERRA SUBDIVISION, 17TH FILING

BEING LOT 1A, BLOCK 33 OF AMENDED PLAT OF LOT 1, BLOCK 33 HIGH SIERRA SUBDIVISION, 14TH FILING  
 SITUATED IN THE SE1/4 OF SECTION 8, THE SW1/4 OF SECTION 9 AND NE1/4 AND NW1/4 OF SECTION 17, T.1N., R. 26 E., P.M.M.,  
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.

PREPARED BY : SANDERSON STEWART 

JULY 2021

BILLINGS, MONTANA

## LIST OF ADJACENT OWNERS

OWNER NAME	LAKE HILLS SUB 14TH FIL	ADDRESS	OWNER NAME	HIGH SIERRA SUB 5TH FIL	ADDRESS	OWNER NAME	HIGH SIERRA SUB 14TH FIL	ADDRESS
RON S HILL LIVING TRUST DISANTE, NORBERTO F RON S HILL LIVING TRUST RON S HILL LIVING TRUST RON S HILL LIVING TRUST SUSAN B LOVELY INC & LAURE TAYLOR INC	BLOCK 47, Lot 19 BLOCK 47, Lot 18 BLOCK 47, Lot 17 BLOCK 47, Lot 16 BLOCK 47, Lot 15 BLOCK 47, LOT 14	PO BOX 50636 BILLINGS MT 59105-0636 15 ARGOSY DR AMHERST NY 14226-1223 PO BOX 50636 BILLINGS MT 59105-0636 PO BOX 50636 BILLINGS MT 59105-0636 PO BOX 50636 BILLINGS MT 59105-0636 2519 SUNNYVIEW LN BILLINGS MT 59102-1544	SCHNELBACH, ERIC A JENSEN, ARIN ELAINE WAHL, NATHAN & KARA JACOBSON, LORI L KETCHUM, KARENA L	BLOCK 5, LOT 29 BLOCK 5, LOT 30 BLOCK 5, LOT 31 BLOCK 5, LOT 32 BLOCK 29, LOT 57	119 GLENHAVEN DR BILLINGS, MT 59105-3505 1215 BENJAMIN BLVD BILLINGS, MT 59105-5457 1207 BENJAMIN BLVD BILLINGS, MT 59105-5457 622 W HARVARD PL ONTARIO, CA 91762-1904 2117 HIGH SIERRA BLVD BILLINGS, MT 59105-545	HIGH SIERRA II INC INFINITY HOME LLC INFINITY HOME LLC HIGH SIERRA II INC HIGH SIERRA II INC UPFRONT DEVELOPMENT LLP INFINITY HOMES LLC JEFF KREITZBERG HOMES INC HIGH SIERRA II INC HIGH SIERRA II INC HIGH SIERRA II INC HIGH SIERRA II INC HIGH SIERRA II INC	BLOCK 23, Lot 2 BLOCK 23, Lot 29 BLOCK 23, Lot 30 BLOCK 23, Lot 31 BLOCK 23, Lot 32 BLOCK 23, Lot 33 BLOCK 23, Lot 34 BLOCK 23, Lot 35 BLOCK 23, Lot 36 BLOCK 23, Lot 37 BLOCK 23, Lot 38 BLOCK 21, LOTS 1 & 2 BLOCK 26, Lot 1 BLOCK 27, Lots 3-6 BLOCK 33, Lots 2-3 & 6	175 N 27TH ST STE 940 BILLINGS MT 59101-2048 PO BOX 20174 BILLINGS MT 59104-0174 PO BOX 20174 BILLINGS MT 59104-0174 175 N 27TH ST STE 940 BILLINGS MT 59101-2048 175 N 27TH ST STE 940 BILLINGS MT 59101-2048 1731 SAVONA ST BILLINGS MT 59105-4167 PO BOX 20174 BILLINGS MT 59104-0174 2454 SOUTHRIDGE DR BILLINGS MT 59102-7925 175 N 27TH ST STE 940 BILLINGS MT 59101-2048 175 N 27TH ST STE 940 BILLINGS MT 59101-2048 175 N 27TH ST STE 940 BILLINGS MT 59101-2048 175 N 27TH ST STE 940 BILLINGS MT 59101-2048 175 N 27TH ST STE 940 BILLINGS MT 59101-2048
OWNER NAME	LAKE HILLS SUB 15TH FIL	ADDRESS	OWNER NAME	HIGH SIERRA SUB 8TH FIL	ADDRESS	OWNER NAME	HIGH SIERRA SUB 15TH FIL	ADDRESS
MINER, VICTORIA L RON S HILL LIVING TRUST RON S HILL LIVING TRUST RON S HILL LIVING TRUST	BLOCK 19, Lot 5 BLOCK 47, Lot 13 BLOCK 47, Lot 12 BLOCK 47, Lot 11	155 BLACKWOOD LN DOUGLASVILLE PA 19518-9366 PO BOX 50636 BILLINGS MT 59105-0636 PO BOX 50636 BILLINGS MT 59105-0636 PO BOX 50636 BILLINGS MT 59105-0636	CITY OF BILLINGS KESSLER, KELLEN J & CAITLIN R REA, JESSE L MICHAEL, EDWARD J & CONNIE ANN JACKSON, RICHARD III WINNICK, JAMES EDWARD & JEANNE FRANCES VOURNAS, LINDA STIFFARM, MICHAEL A & FREDRECA J SPENCER, DONNA PAWLOWSKI, NORMA TURLEY, RACHEL ELSTON, WESLEY & CAITLIN NELSON, ANN K OMMUNDSON, DENNIS SPARRROW, KEVIN A DAMON, JEFFREY & KRISTY BACHMANN, CHAD & ALISHA BURKHALTER, JAMES G	BLOCK 7, PARK BLOCK 5, LOT 85 BLOCK 5, LOT 18 BLOCK 5, LOT 17 BLOCK 5, LOT 18 BLOCK 5, LOT 19 BLOCK 5, LOT 20 BLOCK 5, LOT 22 BLOCK 5, LOT 23 BLOCK 5, LOT 24 BLOCK 5, LOT 25A BLOCK 29, LOT 40 BLOCK 29, LOT 39 BLOCK 29, LOT 38 BLOCK 29, LOT 37 BLOCK 29, LOT 36 BLOCK 29, LOT 35 BLOCK 29, LOT 34	PO BOX 1178 BILLINGS, MT 59103-1178 1276 TOPANGA AVE BILLINGS, MT 59105-5519 2154 LARGO CIR BILLINGS, MT 59105-5100 2158 LARGO CIR BILLINGS, MT 59105 2151 LARGO CIR BILLINGS, MT 59105-5100 2147 LARGO CIR BILLINGS, MT 59105-5100 2143 LARGO CIR BILLINGS, MT 59105-5100 2135 LARGO CIR BILLINGS, MT 59105-5100 2131 LARGO CIR BILLINGS, MT 59105-5100 2127 LARGO CIR BILLINGS, MT 59105-5100 2123 LARGO CIR BILLINGS, MT 59105-5100 1130 VERA CRUZ CIR BILLINGS, MT 59105-8503 1134 VERA CRUZ CIR BILLINGS, MT 59105-8503 1129 VERA CRUZ CIR BILLINGS, MT 59105-8503 1125 VERA CRUZ CIR BILLINGS, MT 59105-8503 1121 VERA CRUZ CIR BILLINGS, MT 59105-8503 1117 VERA CRUZ CIR BILLINGS, MT 59105-8503 1113 VERA CRUZ CIR BILLINGS, MT 59105-8503	HIGH SIERRA II INC HIGH SIERRA II INC	BLOCK 26, LOTS 2-10 BLOCK 29, LOT 29 BLOCK 30, LOTS 1-4	175 N 27TH ST STE 940 BILLINGS MT 59101-2048
OWNER NAME	LAKE HILLS SUB 25TH FIL	ADDRESS	OWNER NAME	HIGH SIERRA SUB 9TH FIL	ADDRESS	OWNER NAME	HIGH SIERRA SUB 15TH FIL	ADDRESS
GAMPE, DANE M & LAUREL R BUSHMAN, BRIAN G & LEIA D WALD, NATHAN & AMBER MASOOD, AMBRIN COPELAND, NATHANIAL A & MEGAN K NOSEEP, DOUG G & JODI L JOHNSON, DAVID R & KATHLEEN E DAVIS, JOSHUA A & CANDICE M DAVIS, TIMOTHY E & KERRY L CITY OF BILLINGS (PARK)	BLOCK 64, Lot 9 BLOCK 64, Lot 8 BLOCK 64, Lot 9 BLOCK 64, Lot 6 BLOCK 64, Lot 5 BLOCK 64, Lot 4 BLOCK 64, Lot 3 BLOCK 64, Lot 2 BLOCK 64, Lot 1 SALLY ANN PARK	2440 LAKE HEIGHTS DR BILLINGS MT 59105-3509 2502 LAKE HEIGHTS DR BILLINGS MT 59105-3509 2508 LAKE HEIGHTS DR BILLINGS MT 59105-3509 2514 LAKE HEIGHTS DR BILLINGS MT 59105-3509 2520 LAKE HEIGHTS DR BILLINGS MT 59105-3509 2526 LAKE HEIGHTS DR BILLINGS MT 59105-3509 2532 LAKE HEIGHTS DR BILLINGS MT 59105-3509 2538 LAKE HEIGHTS DR BILLINGS MT 59105-3509 2544 LAKE HEIGHTS DR BILLINGS MT 59105-3509 PO BOX 1178 BILLINGS, MT 59103-1178	JKC INC BAKICH BUILDERS LLC BEJOT, ARNOLD & JEANETTE	BLOCK 14, LOT 5 BLOCK 17, LOT 1 BLOCK 17, LOT 3	2759 DOSS LN BILLINGS MT 59105-6014 4260 SMOHAWK TRAIL BILLINGS MT 59106-9646 2439 BONITO LOOP BILLINGS MT 59105-3861	HIGH SIERRA II INC	BLOCK 26, LOTS 2-10 BLOCK 29, LOT 29 BLOCK 30, LOTS 1-4	175 N 27TH ST STE 940 BILLINGS MT 59101-2048
OWNER NAME	LAKE HILLS SUB 35TH FIL	ADDRESS	OWNER NAME	HIGH SIERRA SUB 10TH FIL	ADDRESS	OWNER NAME	HIGH SIERRA SUB 12TH FIL	ADDRESS
STARKS REAL ESTATE GROUP LLC PARKS, TRENT COPPER RIVER REAL ESTATE LLC STARKS REAL ESTATE GROUP LLC FETCHE, LANCE J SLOAN, JAMI G STEVENSON, EDWARD O & CONSTANCE A DINKEL, EDWIN N & TERESA HALVORSON, ANNIE B NOYES, LACY & SETH & RESELAND, MOLLY LIPTAC, JOYCE M & PHIL DUTCHER, HELEN J & PARKS, TRENTON & GRANLUND, KAYCEE FOSNES, DREW K STEWART, MATT BUCHER, ROCHELLE J TURK, DEBORAH PARKS, JAYSON R & KIMBERLY R STARKS REAL ESTATE GROUP INC	BLOCK 2, LOTS 1-7 BLOCK 2, LOT 1 BLOCK 1, LOT 1 BLOCK 1, LOT 1 & LOT 5 BLOCK 1, LOT 7 BLOCK 1, LOT 7 BLOCK 1, LOT 6 BLOCK 1, LOT 6 BLOCK 1, LOT 5 BLOCK 1, LOT 5 BLOCK 1, LOT 2 BLOCK 1, LOT 2 BLOCK 1, LOT 2 BLOCK 1, LOT 2 BLOCK 1, LOT 3 BLOCK 1, LOT 3 BLOCK 1, LOT 3 BLOCK 1, LOT 3 BLOCK 1, LOT 4 BLOCK 1, LOTS 5-7	634 CLAREMONT RD BILLINGS MT 59105-3580 2344 GLENEAGLES BLVD BILLINGS MT 59105-2001 2011 PRYOR LN BILLINGS MT 59102-1628 634 CLAREMONT RD BILLINGS MT 59105-3580 2304 GLENEAGLES BLVD BILLINGS MT 59105-2001 2306 GLENEAGLES BLVD BILLINGS MT 59105-2001 2312 GLENEAGLES BLVD BILLINGS MT 59105-2001 2314 GLENEAGLES BLVD BILLINGS MT 59105-2001 2320 GLENEAGLES BLVD BILLINGS MT 59105-2001 2322 GLENEAGLES BLVD BILLINGS MT 59105-2001 2344 GLENEAGLES BLVD BILLINGS MT 59105-2001 1439 ELAINE ST BILLINGS MT 59105-4207 2346 GLENEAGLES BLVD BILLINGS MT 59105-2001 5234 GOLDEN HOLLOW RD BILLINGS MT 59101-8958 2336 GLENEAGLES BLVD BILLINGS MT 59105-2001 2338 GLENEAGLES BLVD BILLINGS MT 59105-2001 3625 DRURY LN BILLINGS MT 59105-5120 634 CLAREMONT RD BILLINGS, MT 59105-3580	HIGH SIERRA II INC HIGH SIERRA II INC	BLOCK 17, LOTS 4-18 BLOCK 17, LOTS 33-39	175 N 27TH ST STE 940 BILLINGS MT 59101-2048 175 N 27TH ST STE 940 BILLINGS MT 59101-2048	OWNER NAME OAKLAND BUILT HOMES INC BROWER, BRANDWELL SCOTT & RACHEAL ZMOLEK, MARTIN A & SUSAN S LOWRY, ROGER & GRACE C HIGH SIERRA II INC VIERTHALER, KYLE D & KORTNEY L PAYOVICH, CHERE D HAD INC BIGLER, JASON M & JULIA D WEBER, LANCE & MEREDITH SCHWARZINGER, TAYLOR S & BRITTANY A JENNETTE, CHARLES B & MAXINE R OAKLAND BUILT HOMES INC HIGH SIERRA II INC	BLOCK 8, LOT 1 BLOCK 8, LOT 2 BLOCK 8, LOT 3 BLOCK 8, LOT 4 BLOCK 8, LOT 5 BLOCK 8, LOT 6 BLOCK 8, LOT 7 BLOCK 8, LOT 8 BLOCK 8, LOT 9 BLOCK 8, LOT 10 BLOCK 8, LOT 11 BLOCK 8, LOT 12 BLOCK 1, LOT 56 BLOCK 1, LOT 17A	175 N 27TH ST STE 900 BILLINGS, MT 59101-2065 1441 LAS PALMAS AVE BILLINGS, MT 59105-5541 1437 LAS PALMAS AVE BILLINGS, MT 59105-5541 PO BOX 51326 BILLINGS, MT 59105-1326 175 N 27TH ST STE 940 BILLINGS, MT 59101-2048 1425 LAS PALMAS AVE BILLINGS, MT 59105-5541 1421 LAS PALMAS AVE BILLINGS, MT 59105-5541 2236 BITTERROOT DR BILLINGS, MT 59105-4834 1413 LAS PALMAS AVE BILLINGS, MT 59105-5541 1409 LAS PALMAS AVE BILLINGS, MT 59105-5541 1405 LAS PALMAS AVE BILLINGS, MT 59105-5541 1401 LAS PALMAS AVE BILLINGS, MT 59105-5541 175 N 27TH ST STE 900 BILLINGS, MT 59101-2065 175 N 27TH ST STE 940 BILLINGS MT 59101-2048
OWNER NAME	CERTIFICATE OF SURVEY 3776 TRACT A1-2	ADDRESS						
DOVER RANCH		PO BOX 51389 BILLINGS, MT 59105-1361						

DRAFT

PRELIMINARY PLAT OF

# HIGH SIERRA SUBDIVISION, 17TH FILING

BEING LOT 1A, BLOCK 33 OF AMENDED PLAT OF LOT 1, BLOCK 33 HIGH SIERRA SUBDIVISION, 14TH FILING  
SITUATED IN THE SE1/4 OF SECTION 8, THE SW1/4 OF SECTION 9 AND  
NE1/4 AND NW1/4 OF SECTION 17, T. 1 N., R. 26 E., P.M.M.,  
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.

PREPARED BY : SANDERSON STEWART

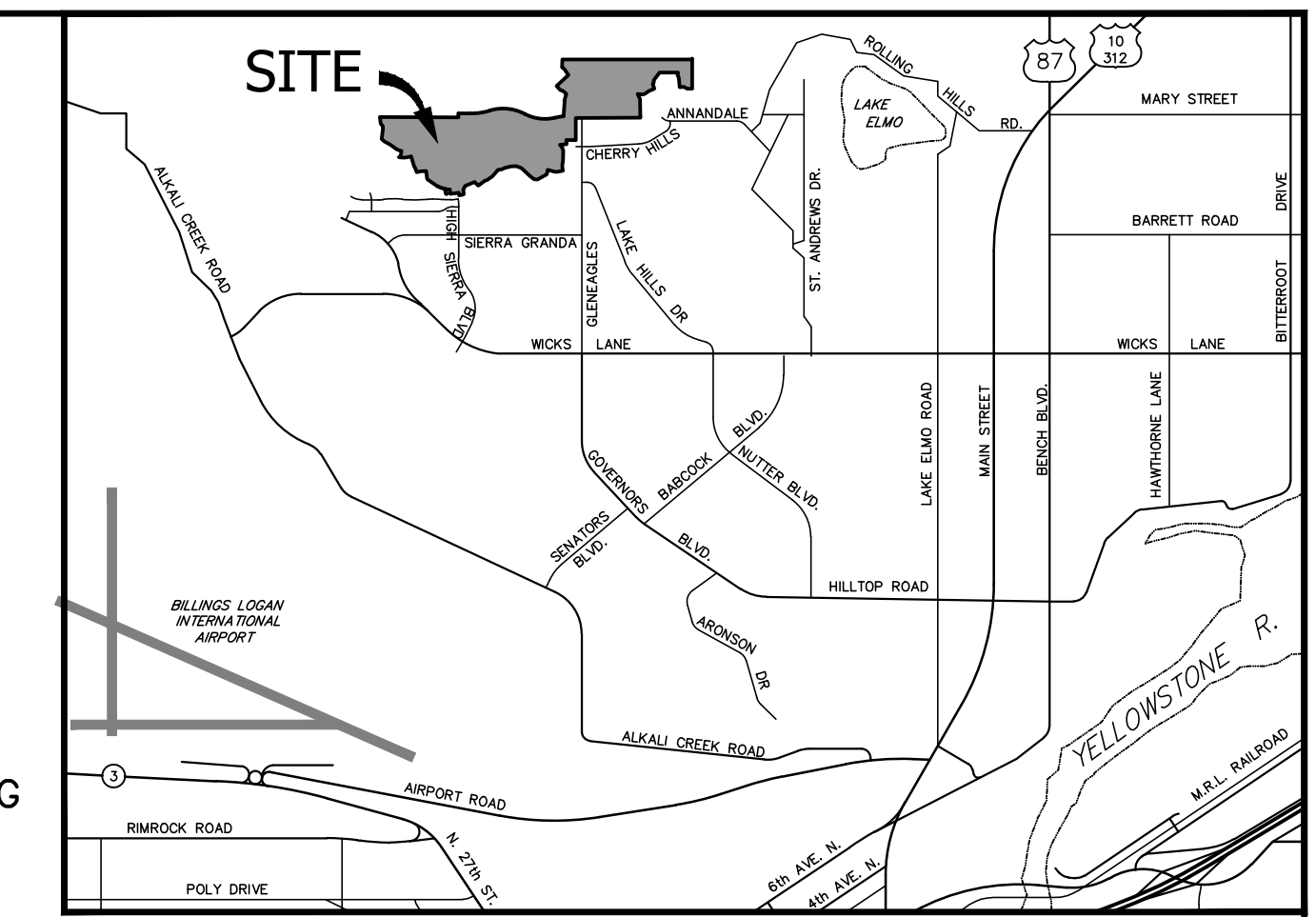
JULY 2021

BILLINGS, MONTANA

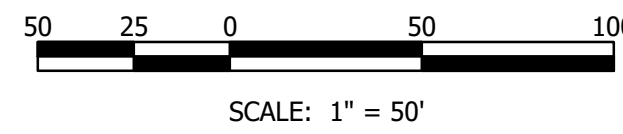
### PLAT DATA

GROSS AREA	=	191.5665 ACRES
NET AREA	=	189.357 ACRES
NUMBER OF LOTS	=	38
MINIMUM LOT SIZE	=	6,762 S.F.
MAXIMUM LOT SIZE	=	73,671 ACRES
LINEAL FEET OF STREETS	=	±1,882 L.F.
PARKLAND REQUIREMENT	=	0.811 ACRES
PARKLAND DEDICATION	=	MET WITH HIGH SIERRA 14TH FILING
EXISTING ZONING	=	N3

EXISTING ZONING	=	NORTH = N3 AND AG OPEN
SURROUNDING ZONING:	=	SOUTH = N3, N2 AND NMU
	=	EAST = N3 AND N2
	=	WEST = N3
EXISTING LAND USE	=	AGRICULTURE
PROPOSED LAND USE	=	N3

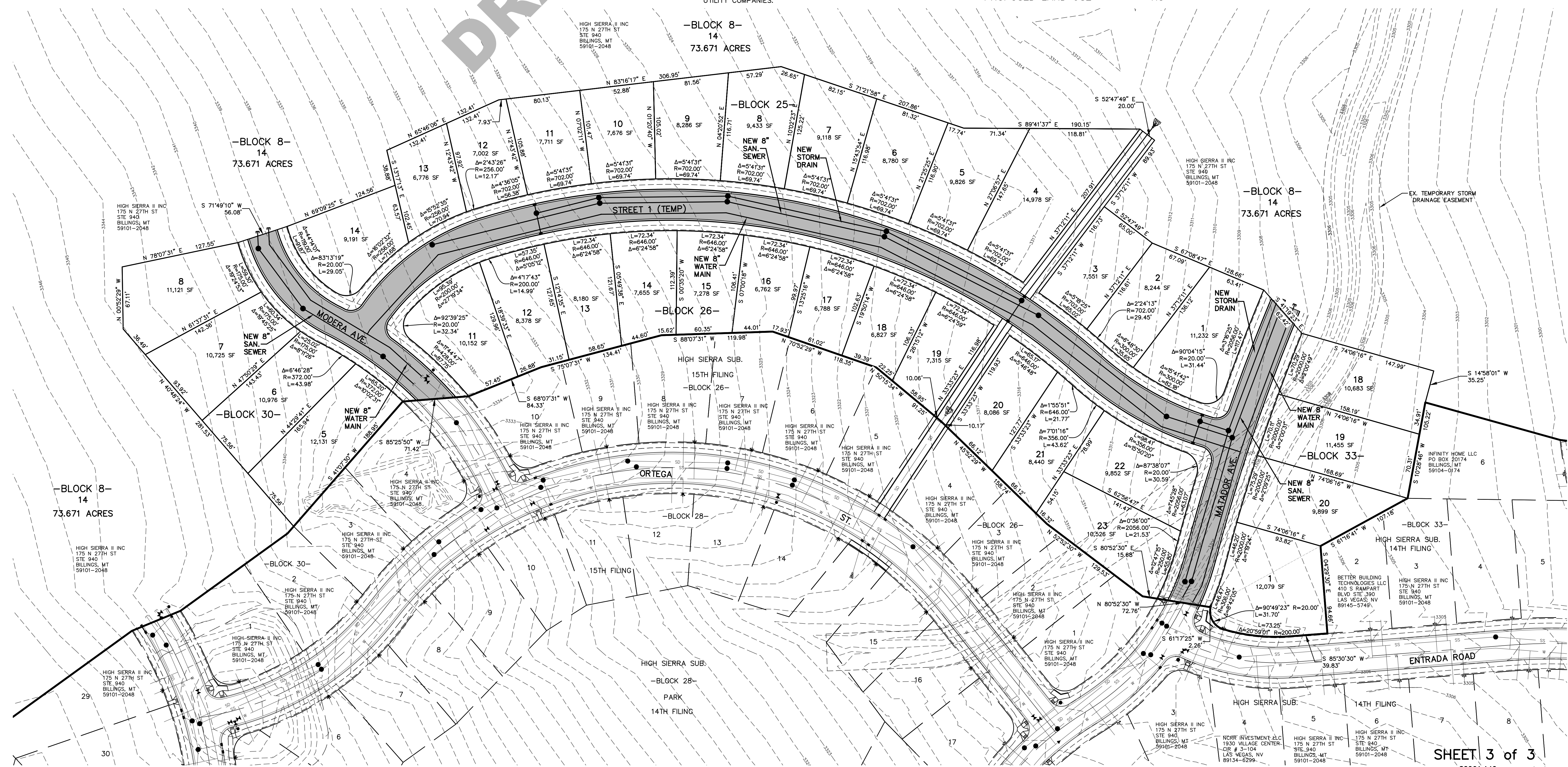


VICINITY MAP  
NOT TO SCALE



### NOTES:

- ALL INTERNAL STREETS SHALL BE BUILT TO CITY OF BILLINGS STANDARDS  
34' BACK TO BACK IN A 56' WIDE R.O.W.
- STORM DRAIN STORAGE WILL BE PROVIDED IN A TEMP. STORMWATER DETENTION POND LOCATED NORTH OF THE SUBDIVISION. MAIN AND INLETS WILL BE PROVIDED AS NECESSARY.
- IT IS ANTICIPATED THAT PRIVATE UTILITIES AND EASEMENT WILL BE LOCATED ON THE FRONT LOT LINES. THIS WILL BE CONFIRMED WITH THE PRIVATE UTILITY COMPANIES.



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

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL  
IMPROVEMENT DISTRICTS  
HIGH SIERRA SUBDIVISION, SEVENTEENTH FILING  
CITY OF BILLINGS  
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Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST  
FUTURE SPECIAL IMPROVEMENT DISTRICTS  
HIGH SIERRA SUBDIVISION, SEVENTEENTH 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, MT 59101, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

**WITNESSETH:**

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Board of Planning recommended conditional approval of a preliminary plat of High Sierra Subdivision, 17th Filing; and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the City Council conditionally approved a preliminary plat of High Sierra Subdivision, 17th Filing; and

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

**WHEREAS**, the provisions of this agreement shall be effective and applicable to High Sierra Subdivision, 17th Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the 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**

**A.** Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City's Subdivision Regulations (Section 23.1401, BMCC):

1. No Variances are requested.

**II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS**

**A.** Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development. If sidewalk is not constructed within 5 years, the City has the right to construct the sidewalk and assess the property owners.

**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.** No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

**D.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider, and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

- E.** Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of the parkland dedicated with various filings of High Sierra Subdivision, including High Sierra Subdivision, 17th Filing, and future filings of High Sierra Subdivision.
- F.** 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.
- G.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Chapter 28, BMCC and detailed in the Billings Stormwater Management Manual.
1. 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.
  2. 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 wells) 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.

3. Each owner of a completed lot shall be a member of the High Sierra Subdivision Homeowners Association (HOA). Membership shall be appurtenant to and may not be separated from ownership of a lot. The Homeowners 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.

### **III. TRANSPORTATION**

#### **A. Streets**

1. Subdivider will enter into a private contract for the construction of all required improvements for those streets within the subdivision, as follows:

Matador Avenue, Modera Avenue and Street 1 (Temporary Name) will be constructed within a 56-foot right-of-way using curb and gutter and full-width pavement (34-feet back of curb to back of curb). Curb and Gutter will be installed per the City of Billings Standards in place at time of construction.

#### **B. Sidewalks**

1. Sidewalk on the internal streets shall be installed at the time of individual lot development. The sidewalk shall consist of a 5-foot-wide boulevard type sidewalk with a minimum 5-foot-wide boulevard.
2. Subdivider will install accessible ramps at the intersections, which shall be completed with the subdivision improvements.
3. A 12-foot-wide sidewalk shall be constructed in the 20-foot-wide right-of-way corridors and shall be installed at the time of private contract construction.

**C. Street Lighting**

Construction or installation of streetlights within the public rights-of-way shall not be required at this time, but streetlights are included in the Waiver referenced herein for construction of the same in the future. A maintenance district for streetlights may be formed for future maintenance of any streetlights installed in the future.

**D. Traffic Control Devices**

The Subdivider shall furnish and install all necessary traffic control devices within and adjacent to the Subdivision in accordance with the plans and specification submitted to and approved by the City Engineer. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction.

Based on the Traffic Impact Study (TIS) update letter, the 17th Filing development's portion of critical volumes for impacted intersections are as follows (based on a \$250,000.00 intersection improvement cost):

Wicks Lane/Gleneagles Blvd	0.77% (\$1,925.00)
Wicks Lane/Fantan Street	0.86% (\$2,150.00)
Wicks Lane/St. Andrews Dr.	0.68% (\$1,700.00)
Annandale Road/Gleneagles Blvd	0.08% (\$200.00)
Annandale Road/St. Andrews Dr.	0.09% (\$225.00)

City and Subdivider agree that the Subdivider will be required to make cash contributions to these intersections prior to final plat approval.

**E. Access**

Matador Avenue and Modera Avenue provide access to the subdivision. The interior streets will be located within a 56-foot right-of-way and will have a width of 34-feet back of curb to back of curb.

**F. Billings Area Bikeway and Trail Master Plan**

The Billings Area Bikeway Plan (2017) shows no trail connections within the proposed area of High Sierra Subdivision, 17th Filing, and as such, no trail improvements are required as part of this subdivision.

**G. Public Transit**

The subdivision does not require improvements to ensure public transit service.

**IV. EMERGENCY SERVICE**

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 turnarounds will be located on any dead-end street in excess of 150-feet.

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 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**

Storm drainage for the public streets shall be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains, and with discharge to a stormwater detention facility that is located within an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11th Filing generally north of the future projection of Gleneagles Boulevard designated for storm water detention. This detention facility will be sized to accept runoff generated from the High Sierra Subdivision, 17th Filing. Stormwater management facilities for the

subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division prior to filing of the final plat.

The drainage system improvements will be in accordance with the recommendations of the stormwater analysis and report prepared and submitted with the improvement plans and specifications. Maintenance of the stormwater detention area and associated drainage facilities shall be by the High Sierra Subdivision HOA.

## **VI. UTILITIES**

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 water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is 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, 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 two connections to public water mains, one on Matador Avenue, just north of the Matador Avenue/Entrada Road intersection and one on Modera Avenue just north of the intersection of Modera Avenue/Ortega Street. A new 12-inch water main will be installed in Modera Avenue. A new 8-inch water main will be installed in the remaining local interior streets of the subdivision which is subject to approval from the City of Billings. The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be

provided at all appropriate locations and are also subject to approval by the City of Billings.

**B. Sanitary Sewer**

The subdivision will be served by making a connection to an existing 8-inch diameter sewer main located in Matador Avenue and Modera Avenue and extending the 8-inch sewer main within Matador Avenue, Modera Avenue and Street 1 (Temporary Name).

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

All telephone, gas, electrical power, and cable television lines shall be the responsibility of the Subdivider. Any line located within public right-of-way shall be subject to approval of the City Engineer.

**VII. PARKS/OPEN SPACE**

The park land required for this subdivision is 0.811 acres. This parkland dedication will be met through a previous parkland dedication with High Sierra Subdivision, 14th Filing. The total parkland dedicated with High Sierra Subdivision; 14th Filing was 5.310 acres.

The following is a summary of the required parkland dedications that have been previously attributed to the High Sierra Subdivision, 14th Filing park:

High Sierra Sub., 14th Filing	1.876 acres
High Sierra Sub., 15th Filing	0.587 acres
High Sierra Sub., 16th Filing	0.255 acres
<u>High Sierra Sub., 10th Filing</u>	<u>0.895 acres</u>
Total	3.613 acres

Therefore, there is sufficient area remaining within the parkland dedication from High Sierra Subdivision, 14th Filing to meet the 0.811 acres parkland requirement for High Sierra Subdivision, 17th Filing. No additional parkland is required with High Sierra Subdivision, 17th Filing.

Lot owners are advised they will be subject to inclusion in a Special Improvement District (SID) for the development and a Parks Maintenance District (PMD) for the operation and maintenance of this and future parks within High Sierra Subdivision.

## **VIII. IRRIGATION**

No permanent irrigation ditches, field laterals, or irrigation easements exist on the subdivision.

## **IX. SOILS/GEOTECHNICAL STUDY**

A geotechnical report was performed within the area of this subdivision and submitted with the preliminary plat and is available for review at the City of Billings Planning Department. The Geotechnical Investigation Report for High Sierra Subdivision 17th Filing Billings, Montana was completed by Rimrock Engineering Inc. and dated July 28, 2021.

It is recommended that owners, purchasers, realtors, builders, and developers fully familiarize themselves with the information contained in this report prior to design or construction.

## **X. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install, and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or 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 special improvement district or private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

## **XI. LEGAL PROVISIONS APPLYING TO SUBDIVIDER**

- A.** Subdivider agrees to guarantee all public improvements for a period of two 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 provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees 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.

**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: \_\_\_\_\_

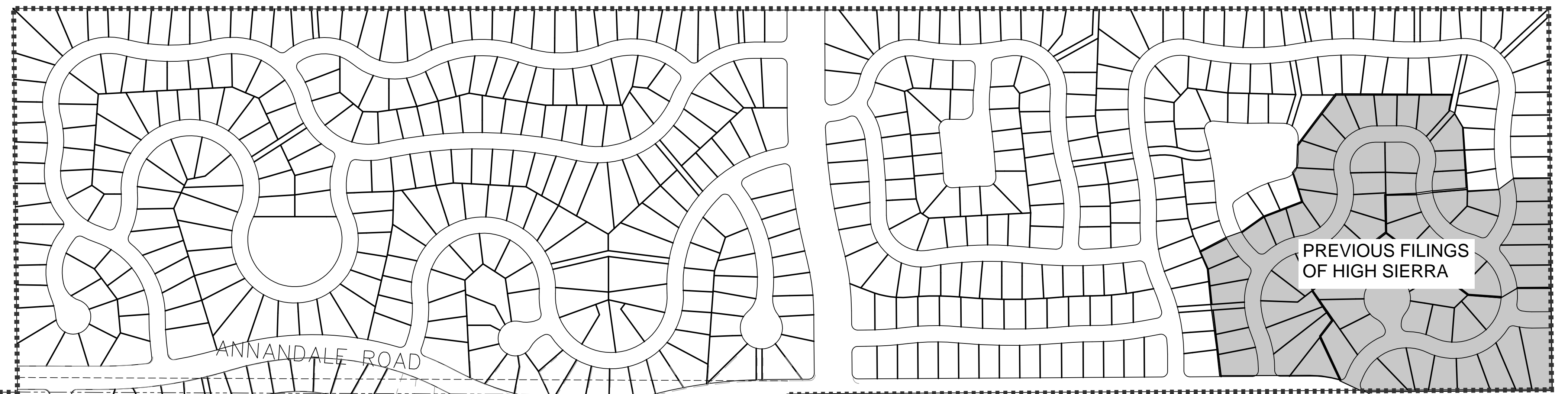
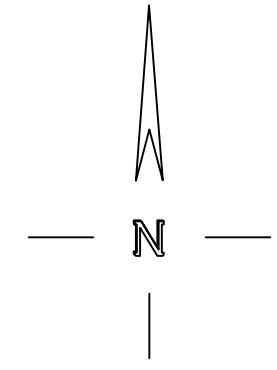
STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument as the \_\_\_\_\_ of **HIGH SIERRA II, INC.**, 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: \_\_\_\_\_



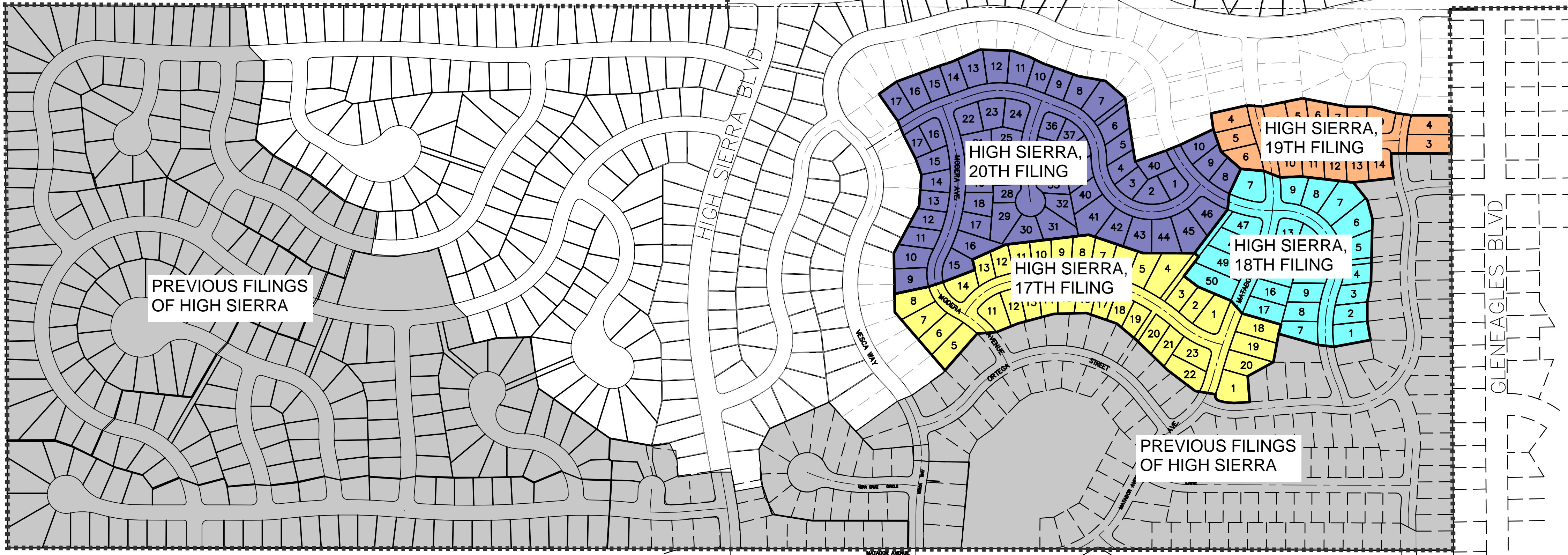




ANNANDALE ROAD

PREVIOUS FILINGS OF HIGH SIERRA

MASTER PLAN BOUNDARY



PREVIOUS FILINGS OF HIGH SIERRA

HIGH SIERRA, 20TH FILING

HIGH SIERRA, 19TH FILING

HIGH SIERRA, 17TH FILING

HIGH SIERRA, 18TH FILING

PREVIOUS FILINGS OF HIGH SIERRA

HIGH SIERRA BLVD

GLENEAGLES BLVD

HIGH SIERRA SUBDIVISION - MASTER PLAN

**Planning Board**

**Date:** 09/14/2021  
**Title:** High Sierra Subdivision, 18th Filing - Preliminary Plat Review  
**Presented by:** David Green  
**Department:** Planning & Community Services  
**Presentation:** Yes

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**Information**

**RECOMMENDATION**

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 18<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

On August 2, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 18<sup>th</sup> Filing. The proposed subdivision creates 26 lots for residential development. The subject property is generally located north of Entrada Road and also west of Entrada Road in Billings Heights. The property is zoned Suburban Neighborhood (N3). The proposed lots will follow the current zoning for lot frontage.

**VARIANCES REQUESTED**

The applicant is not requesting a variance from the subdivision regulations.

**PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on 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.
2. 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.
3. 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.

**PROCEDURAL HISTORY**

- Pre-application meeting May 27, 2021
- Preliminary plat application submitted to Planning Division on August 2, 2021
- Departmental review meeting August 19, 2021
- Preliminary plat resubmittal August 26, 2021
- Planning Board plat review September 14, 2021
- Planning Board public hearing September 28, 2021
- Preliminary plat to City Council October 25, 2021
- 60 working-day preliminary plat review period ends October 26, 2021

**PLAT INFORMATION**

General location: North and west of Entrada Road in Billings Heights

Legal Description: Lot 14, Block 8, of High Sierra Subdivision 17<sup>th</sup> Filing

Owner/Subdivider: High Sierra II, Inc.

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: N3

Existing land use: Vacant Lane

Proposed land use: Residential

Gross and Net area: 73.671 acres / 72.031 acres

Proposed number of lots: 26

Lot size: Max: 66.29 acres  
Min.: 6,091 square feet

Parkland requirements: Parkland dedication requirement is 0.630 acres. This requirement was met with the 14<sup>th</sup> Filing.

## **STAKEHOLDERS**

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on September 28, 2021.

## **ALTERNATIVES**

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on October 26, 2021. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

## **FISCAL EFFECTS**

This plat will have no fiscal impacts on the City/County Planning Division.

## **SUMMARY**

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. Negative effects that are identified become the subdivider's responsibility to mitigate. Various City departments, private service/utility providers and the affected school district/s, have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this proposed subdivision.

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## **Attachments**

Findings of Fact  
Proposed Plat  
SIA Draft  
Master Site Plan

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 18<sup>th</sup> Filing. These findings are based on the preliminary plat application and supplemental documents; addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

### **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 dry land grass and shrubs. There are no water rights being transferred to subdivision property owners. There are no existing ditches near this proposed development. The subdivision should not affect agricultural water users' facilities.

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

- a. Utilities** – Public water services to the subject property will be provided by the City of Billings. The subdivision will be served by making two connections to public water mains, one on Matador Avenue, just north of the Matador Avenue/Street 1 (Temp Name) intersection and one on Lindero Boulevard just north of the intersection of Lindero Boulevard/Entrada Road. A new 8-inch water main will be installed in the local interior streets of the subdivision. The water main within the subdivision will make looped connections whenever possible. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings. The City of Billings Engineering Department will review and approve all proposed water lines prior to installation.

Fire hydrants will also be installed as required by the City of Billings Fire Department. The City Fire Department will review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by making a connection to an existing 8- inch diameter sewer main located in Matador Avenue and extending 8- inch sanitary sewer main in Matador Avenue. An existing 15- inch sanitary sewer main is in Lindero Boulevard and the 15-inch sanitary sewer main will be extended in Lindero Boulevard. Sanitary sewer mains will be stubbed to each lot. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department. The City of Billings Engineering Department will review and approve all proposed sanitary sewer lines prior to installation.

All telephone, gas, electrical power, and cable television lines that are placed within the public right-of-way shall be installed prior to surface improvements.

- b. **Storm water** – Stormwater management for the proposed subdivision will be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains. Storm water will discharge to a stormwater detention facility located in an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11<sup>th</sup> Filing. It is generally located north of the future projection of Gleneagles Boulevard designated specifically for storm water detention. This detention facility will be sized to accept runoff generated from the High Sierra Subdivision, 18<sup>th</sup> Filing. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All proposed stormwater management will be reviewed and approved by City of Billings Engineering Department to ensure it meets the master planned stormwater plan for High Sierra Subdivision. All drainage improvements shall comply with the provisions of the City of Billings Stormwater Management Manual and Section 23-706, BMCC, a stormwater management plan shall be submitted to the Engineering Division prior to filing of the final plat.
  
- 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** – Access to the lots in this proposed subdivision is from Matador Avenue, Lindero Boulevard. All new streets will be in a 56-foot-wide right of way and will be constructed to 34-foot wide, back of curb to back of curb road. Road construction will include installation of accessible ramps at the intersections.  
  
Sidewalks will be installed at the time of individual lot development. All sidewalks will be boulevard type walks with 5-foot wide boulevard sidewalks.
  
- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).  
  
The subdivision is located within the ambulance service area of American Medical Response (AMR).  
  
Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.
  
- f. **Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Eagle Cliffs Elementary School, Castle Rock Middle School, and Skyview High School). School District #2 shows some additional capacity at the schools listed above.
  
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision is 0.630 acres. With High Sierra 14<sup>th</sup> Filings there was a parkland

dedication of 5.310 acres. With this dedication parkland requirements have been met for several High Sierra Filings in the immediate area.

The following is a summary of the required parkland dedications that have been previously attributed to the High Sierra Subdivision, 14th Filing park:

High Sierra Sub., 14<sup>th</sup> Filing 1.876 acres  
High Sierra Sub., 15<sup>th</sup> Filing 0.587 acres  
High Sierra Sub., 16<sup>th</sup> Filing 0.255 acres  
High Sierra Sub., 10<sup>th</sup> Filing 0.895 acres  
High Sierra Sub., 17<sup>th</sup> Filing 0.811 acres  
Total 4.424 acres

Remaining land for parkland dedication 0.866 acres  
High Sierra 18<sup>th</sup> Filing, 0.630 acres  
Total remaining after 18<sup>th</sup> Filing 0.256 acres

With High Sierra 18<sup>th</sup> Filing requirement of 0.630 acres, the total remaining parkland dedication still has enough land to provide the required parkland dedication for this filing.

Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of existing and future parks within High Sierra Subdivision.

- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #1)**

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

The subject property is relatively level land adjacent to urban development to the south. A geotechnical study was performed for the subdivision by Rimrock Engineering, Inc. dated July 28, 2021. It is recommended lot purchasers fully review that report prior to building on lots. The subdivision should have a minimal effect on the natural environment.

### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open grassland areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

### **5. Effect on the public health, safety and welfare**

Fire hydrants will be installed 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 76-3-603 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 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]**

**1. City of Billings 2016 Growth Policy**

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

**Essential Investments:** Infill development and development near existing City infrastructure may be the most cost effective. (p.6)

**Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired. (p.8)

**Home Base (healthy, safe and diverse housing options)** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. (p.9)

**2. Billings Heights Neighborhood Plan**

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for low-density residential development. The subdivision meets the following goals of the Heights Neighborhood Plan:

**Issue: Urban Sprawl**

**Issue:** Residential Development

**Goal:** To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods.

**Objectives:** To encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood.

*This subdivision provides low-density residential single-family development in a neighborhood with existing low-density single-family development.*

### **3. 2018 Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision.

#### **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 the Suburban Neighborhood 3 (N3) zoning district. All building development on the lots shall comply with current zoning when applying for a 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 will furnish private utility easements as required by private utility providers.

#### **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 Modera Avenue and Lindero Boulevard will provide access to individual lots. All streets are dedicated to the public as shown on the plat.

### **CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of High Sierra Subdivision, 18<sup>th</sup> Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several 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**

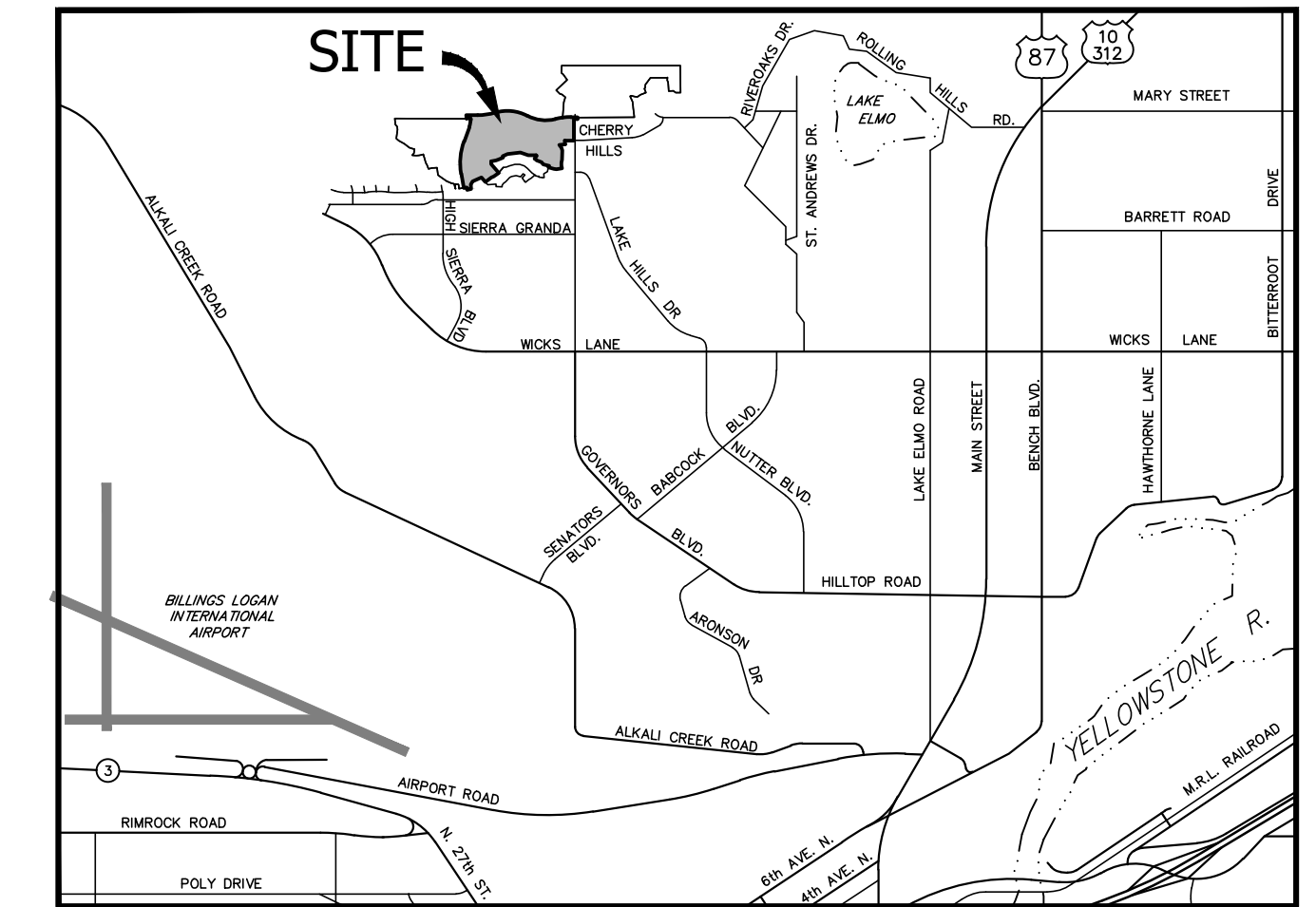
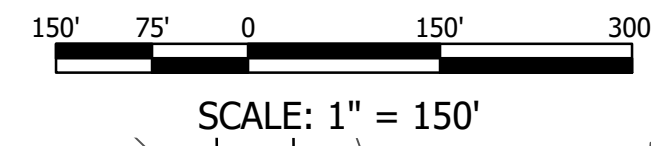
Staff recommends the Planning Board forward a recommendation of conditional approval of the preliminary plat of High Sierra Subdivision, 18<sup>th</sup> Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

# PRELIMINARY PLAT OF HIGH SIERRA SUBDIVISION, 18TH FILING

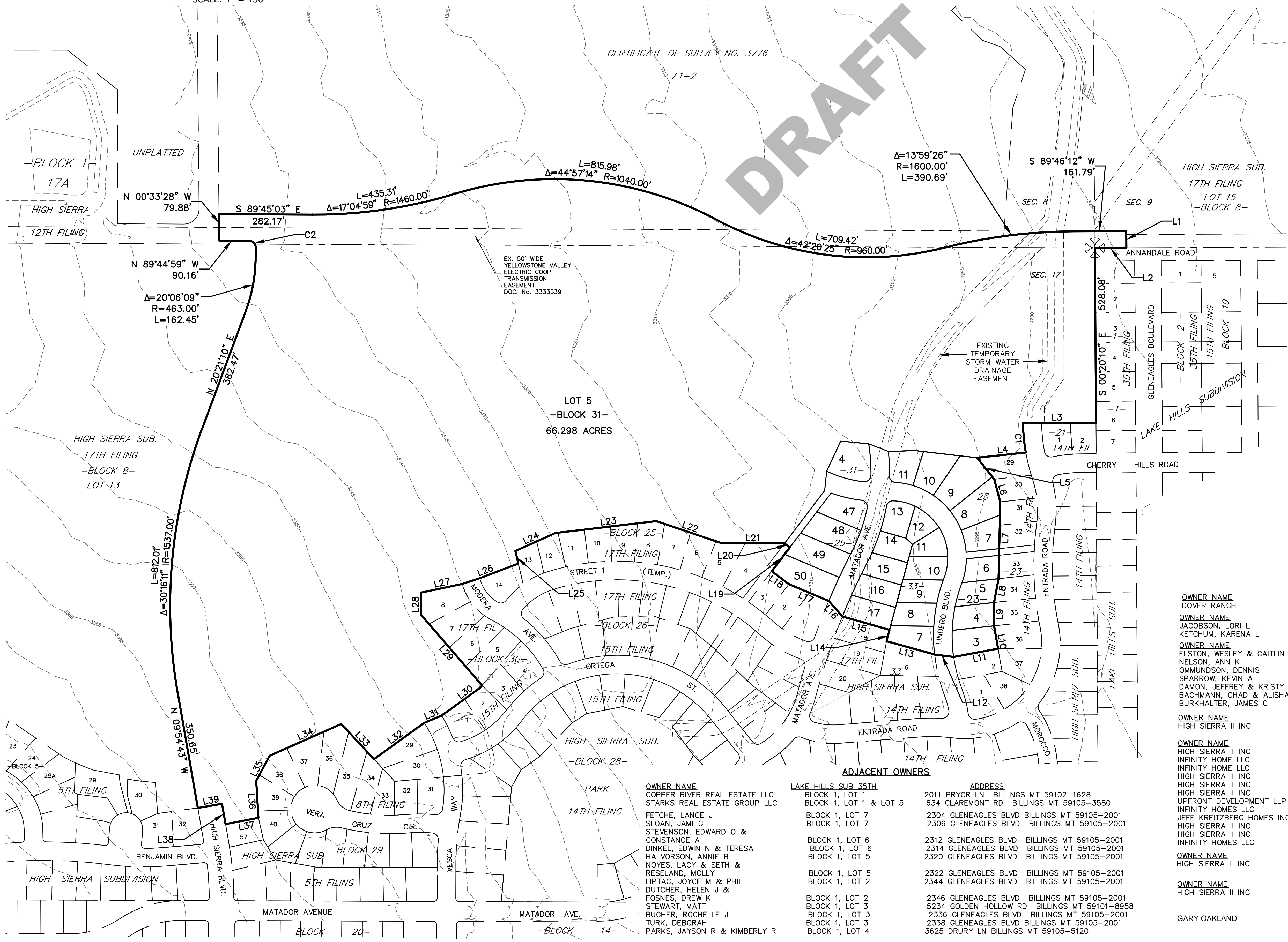
BEING THE PROPOSED LOT 14, BLOCK 8 HIGH SIERRA SUBDIVISION, 17TH FILING  
SITUATED IN THE SE1/4 OF SECTION 8, THE SW1/4 OF SECTION 9 AND NE1/4 AND NW1/4 OF SECTION 17, T.1N., R. 26 E., P.M.M.,  
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.  
PREPARED BY : SANDERSON STEWART

JULY 2021  
BILLINGS, MONTANA



**VICINITY MAP**  
NOT TO SCALE



DRAFT

Line #	Bearing	Distance
L1	N 00°24'44" W	50.14'
L2	N 89°45'56" E	95.00'
L3	S 89°52'30" E	220.28'
L4	N 83°48'10" E	147.82'
L5	N 38°36'43" W	82.92'
L6	N 14°57'00" W	70.82'
L7	N 01°17'33" E	231.98'
L8	N 10°44'19" E	73.17'
L9	N 00°02'33" E	70.42'
L10	N 09°57'38" E	70.00'
L11	N 79°28'33" E	136.36'
L12	S 83°00'11" E	57.75'
L13	S 74°27'28" E	150.89'
L14	N 14°58'01" E	35.25'
L15	N 74°06'16" W	147.99'
L16	N 41°19'23" W	62.42'
L17	N 67°08'47" W	130.50'
L18	N 52°47'49" W	65.00'
L19	S 37°12'11" W	89.93'
L20	S 52°47'49" E	20.00'

Line #	Bearing	Distance
L21	S 89°41'37" E	190.15'
L22	S 71°21'58" E	207.86'
L23	N 83°16'17" E	306.95'
L24	N 65°46'06" E	132.41'
L25	N 13°17'13" W	38.88'
L26	N 69°09'25" E	124.56'
L27	N 78°07'31" E	127.55'
L28	N 00°52'29" W	67.11'
L29	N 40°48'24" W	281.53'
L30	N 54°07'31" E	142.29'
L31	N 67°33'43" E	56.83'
L32	N 54°07'30" E	187.31'
L33	S 42°52'30" E	144.89'
L34	N 66°07'30" E	236.67'
L35	N 28°07'30" E	86.07'
L36	N 03°24'04" W	112.00'
L37	N 79°07'31" E	101.13'
L38	S 09°54'43" E	62.50'
L39	N 80°05'17" E	74.00'

Curve #	Delta	Radius	Length
C1	9°21'52"	556.00'	90.87'
C2	90°00'00"	20.00'	31.42'

**ADJACENT OWNERS**

CERTIFICATE OF SURVEY 3776	ADDRESS
TRACT A1-2	PO BOX 51389 BILLINGS, MT 59105-1361
<b>HIGH SIERRA SUB 5TH FIL</b>	<b>ADDRESS</b>
BLOCK 5, LOT 32	622 W HARVARD PL ONTARIO, CA 91762-1904
BLOCK 29, LOT 57	2117 HIGH SIERRA BLVD. BILLINGS, MT. 59105-5455
<b>HIGH SIERRA SUB 8TH FIL</b>	<b>ADDRESS</b>
BLOCK 29, LOT 40	1130 VERA CRUZ CIR BILLINGS, MT 59105-8503
BLOCK 29, LOT 39	1134 VERA CRUZ CIR BILLINGS, MT 59105-8503
BLOCK 29, LOT 38	1129 VERA CRUZ CIR BILLINGS, MT 59105-8503
BLOCK 29, LOT 37	1125 VERA CRUZ CIR BILLINGS, MT 59105-8503
BLOCK 29, LOT 36	1121 VERA CRUZ CIR BILLINGS, MT 59105-8503
BLOCK 29, LOT 35	1117 VERA CRUZ CIR BILLINGS, MT 59105-8503
BLOCK 29, LOT 34	1113 VERA CRUZ CIR BILLINGS, MT 59105-8503
<b>HIGH SIERRA SUB 12TH FIL</b>	<b>ADDRESS</b>
BLOCK 1, LOT 17A	175 N 27TH ST STE 940 BILLINGS MT 59101-2048
<b>HIGH SIERRA SUB 14TH FIL</b>	<b>ADDRESS</b>
BLOCK 23, Lot 2	175 N 27TH ST STE 940 BILLINGS MT 59101-2048
BLOCK 23, Lot 29	PO BOX 20174 BILLINGS MT 59104-0174
BLOCK 23, Lot 30	PO BOX 20174 BILLINGS MT 59104-0174
BLOCK 23, Lot 31	175 N 27TH ST STE 940 BILLINGS MT 59101-2048
BLOCK 23, Lot 32	175 N 27TH ST STE 940 BILLINGS MT 59101-2048
BLOCK 23, Lot 33	175 N 27TH ST STE 940 BILLINGS MT 59101-2048
BLOCK 23, Lot 34	1731 SAVONA ST BILLINGS MT 59105-4167
BLOCK 23, Lot 35	PO BOX 20174 BILLINGS MT 59104-0174
BLOCK 23, Lot 36	2454 SOUTHRIDGE DR BILLINGS MT 59102-7925
BLOCK 23, Lot 37	175 N 27TH ST STE 940 BILLINGS MT 59101-2048
BLOCK 21, LOTS 1 & 2	175 N 27TH ST STE 940 BILLINGS MT 59101-2048
BLOCK 33, Lot 6	PO BOX 20174 BILLINGS MT 59104-0174
<b>HIGH SIERRA SUB 15TH FIL</b>	<b>ADDRESS</b>
BLOCK 30, LOTS 1-3	175 N 27TH ST STE 940 BILLINGS MT 59101-2048
BLOCK 29, Lot 29	
<b>HIGH SIERRA SUB 17TH FIL</b>	<b>ADDRESS</b>
BLOCK 25, LOTS 1-14	175 N 27TH ST STE 940 BILLINGS MT 59101-2048
BLOCK 30, LOTS 5-8	
BLOCK 33, Lot 18	
BLOCK 8, LOT 13 & 15	175 N 27TH ST STE 900 BILLINGS, MT 59101-2065

**ADJACENT OWNERS**

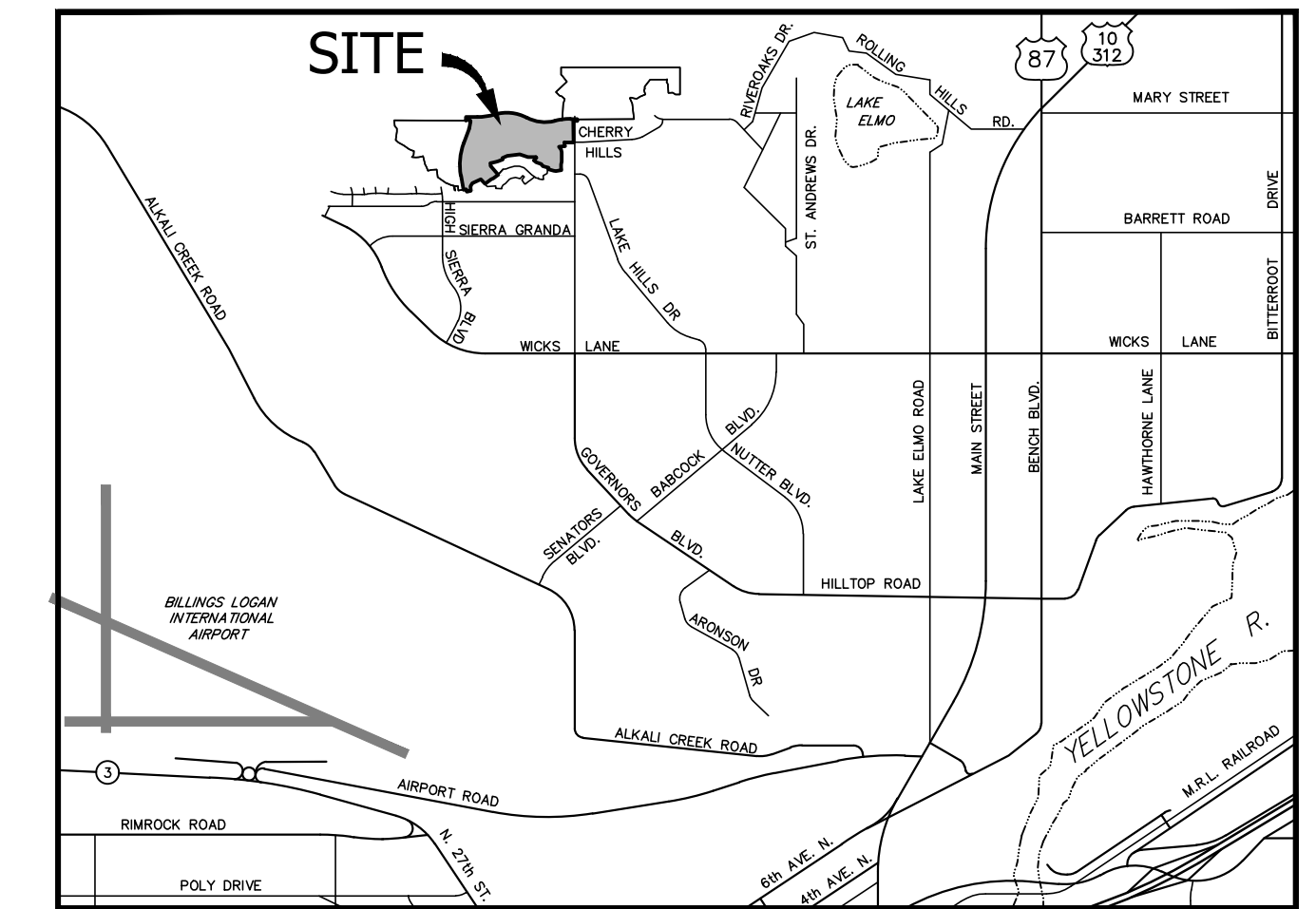
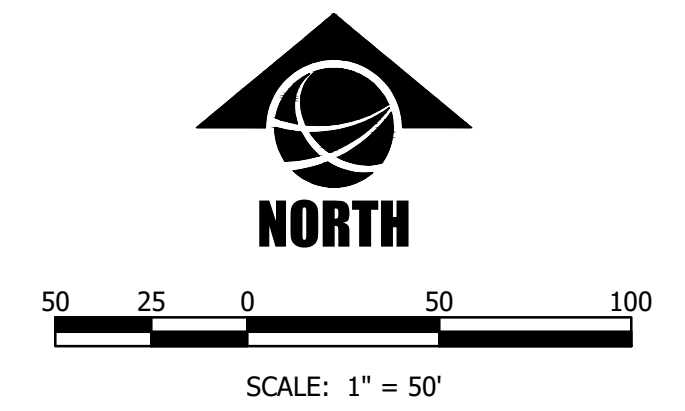
LAKE HILLS SUB 35TH	ADDRESS
BLOCK 1, LOT 1	2011 PRYOR LN BILLINGS MT 59102-1628
BLOCK 1, LOT 1 & LOT 5	634 CLAREMONT RD BILLINGS MT 59105-3580
BLOCK 1, LOT 7	2304 GLENEAGLES BLVD BILLINGS MT 59105-2001
BLOCK 1, LOT 7	2306 GLENEAGLES BLVD BILLINGS MT 59105-2001
BLOCK 1, LOT 6	2312 GLENEAGLES BLVD BILLINGS MT 59105-2001
BLOCK 1, LOT 6	2314 GLENEAGLES BLVD BILLINGS MT 59105-2001
BLOCK 1, LOT 5	2320 GLENEAGLES BLVD BILLINGS MT 59105-2001
BLOCK 1, LOT 5	2322 GLENEAGLES BLVD BILLINGS MT 59105-2001
BLOCK 1, LOT 2	2344 GLENEAGLES BLVD BILLINGS MT 59105-2001
BLOCK 1, LOT 2	2346 GLENEAGLES BLVD BILLINGS MT 59105-2001
BLOCK 1, LOT 3	5234 GOLDEN HOLLOW RD BILLINGS MT 59101-8958
BLOCK 1, LOT 3	2336 GLENEAGLES BLVD BILLINGS MT 59105-2001
BLOCK 1, LOT 3	2338 GLENEAGLES BLVD BILLINGS MT 59105-2001
BLOCK 1, LOT 4	3625 DRURY LN BILLINGS MT 59105-5120

OWNER NAME	ADDRESS
COPPER RIVER REAL ESTATE LLC	
STARKS REAL ESTATE GROUP LLC	
FETCHE, LANCE J	
SLOAN, JAMI G	
STEVENSON, EDWARD O & CONSTANCE A	
DINKEL, EDWIN N & TERESA HALVORSON, ANNIE B	
NOYES, LACY & SETH & RESELAND, MOLLY	
LIPTAC, JOYCE M & PHIL DUTCHER, HELEN J & FOSNES, DREW K	
STEWART, MATT	
BUCHER, ROCHELLE J	
TURK, DEBORAH	
PARKS, JAYSON R & KIMBERLY R	

PRELIMINARY PLAT OF  
**HIGH SIERRA SUBDIVISION, 18TH FILING**  
 BEING THE PROPOSED LOT 14, BLOCK 8 HIGH SIERRA SUBDIVISION, 17TH FILING  
 SITUATED IN THE SE1/4 OF SECTION 8, THE SW1/4 OF SECTION 9 AND NE1/4 AND NW1/4 OF SECTION 17, T.1N., R. 26 E., P.M.M.,  
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.  
 PREPARED BY : SANDERSON STEWART 

JULY 2021  
 BILLINGS, MONTANA



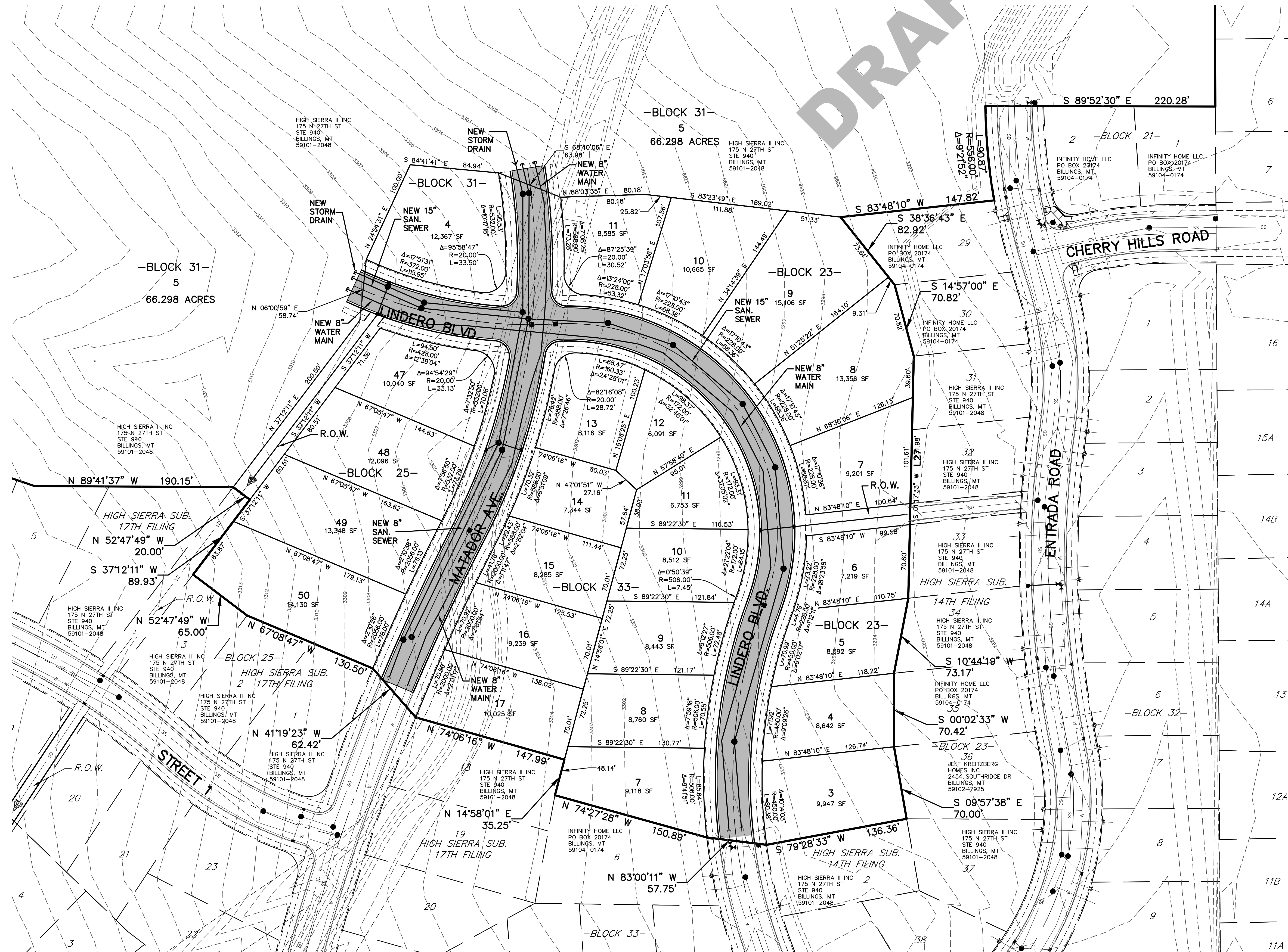
**VICINITY MAP**  
 NOT TO SCALE

**PLAT DATA**

GROSS AREA	=	73.671 ACRES
NET AREA	=	72.031 ACRES
NUMBER OF LOTS	=	26
MINIMUM LOT SIZE	=	6,762 S.F.
MAXIMUM LOT SIZE	=	66,298 ACRES
LINEAL FEET OF STREETS	=	±1,348 L.F.
PARKLAND REQUIREMENT	=	0.630 ACRES
PARKLAND DEDICATION	=	MET WITH HIGH SIERRA 14TH FILING
EXISTING ZONING	=	N3
SURROUNDING ZONING:		
NORTH	=	N3
SOUTH	=	N3
EAST	=	N3 AND N2
WEST	=	N3
EXISTING LAND USE	=	AGRICULTURE
PROPOSED LAND USE	=	N3

**NOTES:**

1. ALL INTERNAL STREETS SHALL BE BUILT TO CITY OF BILLINGS STANDARDS  
 34' BACK TO BACK IN A 56' WIDE R.O.W.
2. STORM DRAIN STORAGE WILL BE PROVIDED IN A TEMP. STORM DRAIN DETENTION POND LOCATED NORTH OF THE SUBDIVISION. MAIN AND INLETS WILL BE PROVIDED AS NECESSARY.
3. IT IS ANTICIPATED THAT PRIVATE UTILITIES AND EASEMENT WILL BE LOCATED ON THE FRONT LOT LINES. THIS WILL BE CONFIRMED WITH THE PRIVATE UTILITY COMPANIES.



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

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL  
IMPROVEMENT DISTRICTS  
HIGH SIERRA SUBDIVISION, EIGHTEENTH FILING  
CITY OF BILLINGS  
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Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST  
FUTURE SPECIAL IMPROVEMENT DISTRICTS  
HIGH SIERRA SUBDIVISION, EIGHTEENTH 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, MT 59101, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

**WITNESSETH:**

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Board of Planning recommended conditional approval of a preliminary plat of High Sierra Subdivision, 18th Filing; and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the City Council conditionally approved a preliminary plat of High Sierra Subdivision, 18th Filing; and

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

**WHEREAS**, the provisions of this agreement shall be effective and applicable to High Sierra Subdivision, 18th Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the 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**

**A.** Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City's Subdivision Regulations (Section 23.1401, BMCC):

1. No Variances are requested.

**II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS**

**A.** Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development. If sidewalk is not constructed within 5 years, the City has the right to construct the sidewalk and assess the property owners.

**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.** No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

**D.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider, and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

- E.** Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of the parkland dedicated with various filings of High Sierra Subdivision, including High Sierra Subdivision, 18th Filing, and future filings of High Sierra Subdivision.
- F.** 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.
- G.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Chapter 28, BMCC and detailed in the Billings Stormwater Management Manual.
1. 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.
  2. 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 wells) 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.

3. Each owner of a completed lot shall be a member of the High Sierra Subdivision Homeowners Association (HOA). Membership shall be appurtenant to and may not be separated from ownership of a lot. The Homeowners 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.

### **III. TRANSPORTATION**

#### **A. Streets**

1. Subdivider will enter into a private contract for the construction of all required improvements for those streets within the subdivision, as follows:

Matador Avenue and Lindero Boulevard will be constructed within a 56-foot right-of-way using curb and gutter and full-width pavement (34-feet back of curb to back of curb). Curb and Gutter will be installed per the City of Billings Standards in place at time of construction.

#### **B. Sidewalks**

1. Sidewalk on the internal streets shall be installed at the time of individual lot development. The sidewalk shall consist of a 5-foot-wide boulevard type sidewalk with a minimum 5-foot-wide boulevard.
2. Subdivider will install accessible ramps at the intersections, which shall be completed with the subdivision improvements.
3. A 12-foot-wide sidewalk shall be constructed in the 20-foot-wide right-of-way corridors and shall be installed at the time of private contract construction.

**C. Street Lighting**

Construction or installation of streetlights within the public rights-of-way shall not be required at this time, but streetlights are included in the Waiver referenced herein for construction of the same in the future. A maintenance district for streetlights may be formed for future maintenance of any streetlights installed in the future.

**D. Traffic Control Devices**

The Subdivider shall furnish and install all necessary traffic control devices within and adjacent to the Subdivision in accordance with the plans and specification submitted to and approved by the City Engineer. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction.

Based on the Traffic Impact Study (TIS) update letter, the 18th Filing development's portion of critical volumes for impacted intersections are as follows (based on a \$250,000.00 intersection improvement cost):

Wicks Lane/Gleneagles Blvd	0.55% (\$1,375.00)
Wicks Lane/Fantan Street	0.62% (\$1,550.00)
Wicks Lane/St. Andrews Dr.	0.49% (\$1,225.00)
Annandale Road/Gleneagles Blvd	0.08% (\$200.00)
Annandale Road/St. Andrews Dr.	0.09% (\$225.00)

City and Subdivider agree that the Subdivider will be required to make cash contributions to these intersections prior to final plat approval.

**E. Access**

Matador Avenue and Lindero Boulevard provide access to the subdivision. The interior streets will be located within a 56-foot right-of-way and will have a width of 34-feet back of curb to back of curb.

**F. Billings Area Bikeway and Trail Master Plan**

The Billings Area Bikeway Plan (2017) shows no trail connections within the proposed area of High Sierra Subdivision, 18th Filing, and as such, no trail improvements are required as part of this subdivision.

## **G. Public Transit**

The subdivision does not require improvements to ensure public transit service.

## **IV. EMERGENCY SERVICE**

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 turnarounds will be located on any dead-end street in excess of 150-feet.

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 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**

Storm drainage for the public streets shall be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains, and with discharge to a stormwater detention facility that is located within an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11th Filing generally north of the future projection of Gleneagles Boulevard designated for storm water detention. This detention facility will be sized to accept runoff generated from the High Sierra Subdivision, 18th Filing. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area

without inundating existing and proposed home sites. All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division prior to filing of the final plat.

The drainage system improvements will be in accordance with the recommendations of the stormwater analysis and report prepared and submitted with the improvement plans and specifications. Maintenance of the stormwater detention area and associated drainage facilities shall be by the High Sierra Subdivision HOA.

## **VI. UTILITIES**

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 water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is 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, 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 two connections to public water mains, one on Matador Avenue, just north of the Matador Avenue/Street 1 (Temp Name) intersection and one on Lindero Boulevard just north of the intersection of Lindero Boulevard/Entrada Road. A new 8-inch water main will be installed in the local interior streets of the subdivision which is subject to approval from the City of Billings. The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and are also subject to approval by the City of Billings.

**B. Sanitary Sewer**

The subdivision will be served by making a connection to an existing 8-inch diameter sewer main located in Matador Avenue and extending 8-inch sanitary sewer main in Matador Avenue. An existing 15-inch sanitary sewer main is located in Lindero Boulevard and the 15-inch sanitary sewer main will be extended in Lindero Boulevard.

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

All telephone, gas, electrical power, and cable television lines shall be the responsibility of the Subdivider. Any line located within public right-of-way shall be subject to approval of the City Engineer.

**VII. PARKS/OPEN SPACE**

The parkland required for this subdivision is 0.630 acres. This parkland dedication will be met through a previous parkland dedication with High Sierra Subdivision, 14th Filing. The total parkland dedicated with High Sierra Subdivision; 14th Filing was 5.310 acres.

The following is a summary of the required parkland dedications that have been previously attributed to the High Sierra Subdivision, 14th Filing park:

High Sierra Sub., 14th Filing	1.876 acres
High Sierra Sub., 15th Filing	0.587 acres
High Sierra Sub., 16th Filing	0.255 acres
High Sierra Sub., 10th Filing	0.895 acres
High Sierra Sub., 17th Filing	0.811 acres
<u>Total</u>	<u>4.424 acres</u>

Therefore, there is sufficient area remaining within the parkland dedication from High Sierra Subdivision, 14th Filing to meet the 0.630 acres parkland requirement for High Sierra Subdivision, 18th Filing. No additional parkland is required with High Sierra Subdivision, 18th Filing.

Lot owners are advised they will be subject to inclusion in a Special Improvement District (SID) for the development and a Parks Maintenance District (PMD) for the operation and maintenance of this and future parks within High Sierra Subdivision.

**VIII. IRRIGATION**

No permanent irrigation ditches, field laterals, or irrigation easements exist on the subdivision.

**IX. SOILS/GEOTECHNICAL STUDY**

A geotechnical report was performed within the area of this subdivision and submitted with the preliminary plat and is available for review at the City of Billings Planning Department. The Geotechnical Investigation Report for High Sierra Subdivision 18th Filing Billings, Montana was completed by Rimrock Engineering Inc. and dated July 28, 2021.

It is recommended that owners, purchasers, realtors, builders, and developers fully familiarize themselves with the information contained in this report prior to design or construction.

**X. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install, and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or 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 special improvement district or private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

**XI. LEGAL PROVISIONS APPLYING TO SUBDIVIDER**

- A.** Subdivider agrees to guarantee all public improvements for a period of two 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 provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees 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.

**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: \_\_\_\_\_

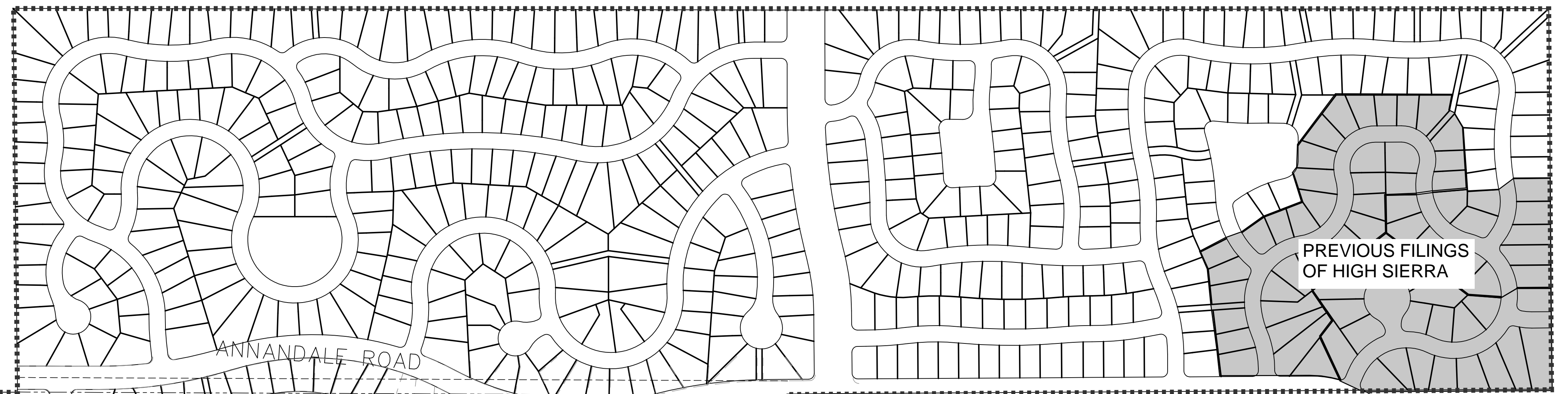
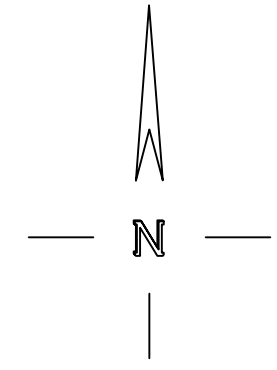
STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument as the \_\_\_\_\_ of **HIGH SIERRA II, INC.**, 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: \_\_\_\_\_



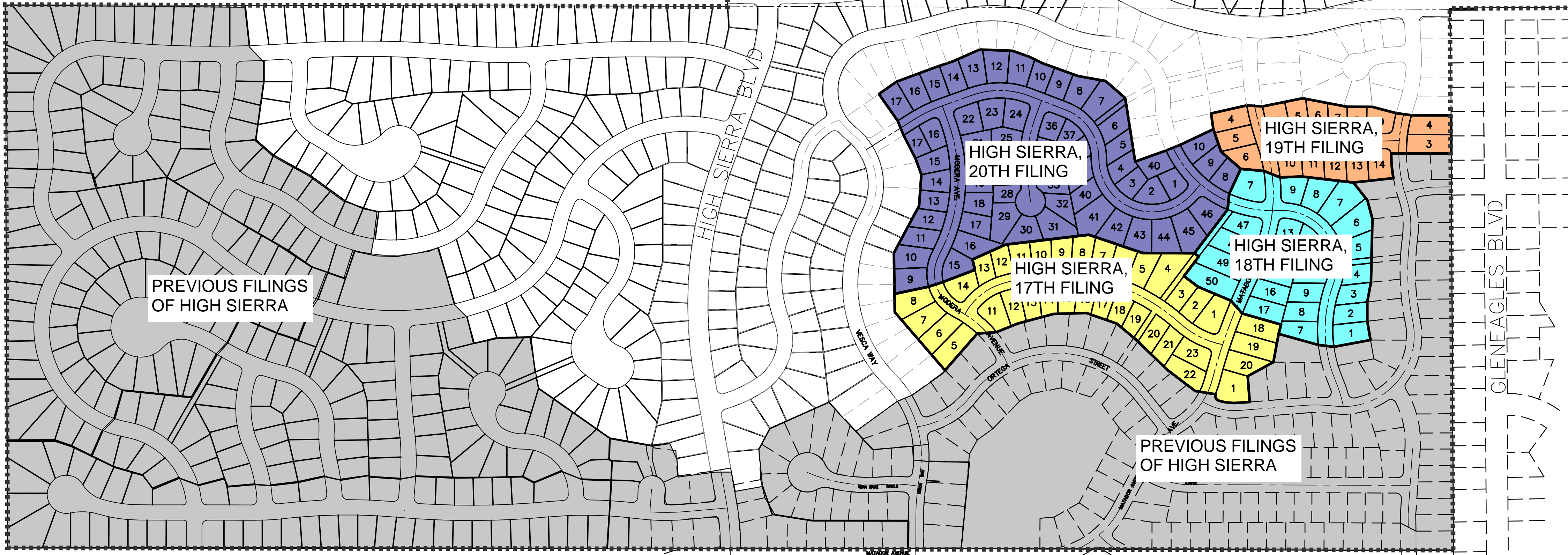




ANNANDALE ROAD

PREVIOUS FILINGS OF HIGH SIERRA

MASTER PLAN BOUNDARY



PREVIOUS FILINGS OF HIGH SIERRA

HIGH SIERRA, 20TH FILING

HIGH SIERRA, 19TH FILING

HIGH SIERRA, 17TH FILING

HIGH SIERRA, 18TH FILING

PREVIOUS FILINGS OF HIGH SIERRA

HIGH SIERRA BLVD

GLENEAGLES BLVD

HIGH SIERRA SUBDIVISION - MASTER PLAN

**Planning Board**

**Date:** 09/14/2021  
**Title:** High Sierra Subdivision, 19th Filing - Preliminary Plat Review  
**Presented by:** David Green  
**Department:** Planning & Community Services  
**Presentation:** Yes

---

**Information**

**RECOMMENDATION**

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 19<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

On August 2, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 19<sup>th</sup> Filing. The proposed subdivision creates 17 lots for residential development. The subject property is generally located west of Entrada Road and east of Matador Avenue in Billings Heights. The property is zoned Suburban Neighborhood (N3). The proposed lots will follow the current zoning for lot frontage.

**VARIANCES REQUESTED**

The applicant is not requesting a variance from the subdivision regulations.

**PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on 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.
2. 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.
3. 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.

**PROCEDURAL HISTORY**

- Pre-application meeting May 27, 2021
- Preliminary plat application submitted to Planning Division on August 2, 2021
- Departmental review meeting August 19, 2021
- Preliminary plat resubmittal August 26, 2021
- Planning Board plat review September 14, 2021
- Planning Board public hearing September 28, 2021
- Preliminary plat to City Council October 25, 2021
- 60 working-day preliminary plat review period ends October 26, 2021

**PLAT INFORMATION**

General location: West of Entrada Road and east of Matador Avenue in Billings Heights

Legal Description: Lot 5, Block 31, of High Sierra Subdivision 18<sup>th</sup> Filing

Owner/Subdivider: High Sierra II, Inc.

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: N3

Existing land use: Vacant Lane

Proposed land use: Residential

Gross and Net area: 66.298 acres / 65.218 acres

Proposed number of lots: 17

Lot size: Max: 61.825 acres  
Min.: 7,053 square feet

Parkland requirements: Parkland dedication requirement is 0.373 acres. Part of this requirement is met with the 14<sup>th</sup> Filing, 0.256 will be met in land with 0.117 as a cash in lieu contribution.

## **STAKEHOLDERS**

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on September 28th.

## **ALTERNATIVES**

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on October 26, 2021. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

## **FISCAL EFFECTS**

This plat will have no fiscal impacts on the City/County Planning Division.

## **SUMMARY**

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. Negative effects that are identified become the subdivider's responsibility to mitigate. Various City departments, private service/utility providers and the affected school district/s, have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this proposed subdivision.

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## **Attachments**

Findings of Fact  
Proposed Plat  
SIA Draft  
Master Site Plan

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 19<sup>th</sup> Filing. These findings are based on the preliminary plat application and supplemental documents; addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

### **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 dry land grass and shrubs. There are no water rights being transferred to subdivision property owners. There are no existing ditches near this proposed development. The subdivision should not affect agricultural water users' facilities.

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

- a. **Utilities** – Public water services to the subject property will be provided by the City of Billings. The subdivision will be served by making two connections to public water mains, one on Matador Avenue, just north of the Matador Avenue/Lindero Boulevard intersection and one on Entrada Road just north of the intersection of Entrada Road/Cherry Hills Road. A 12-inch water main will be installed in Entrada Road and 8-inch water main will be installed in the remaining local interior streets of the subdivision. The water main within the subdivision will make looped connections whenever possible. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings. The City of Billings Engineering Department will review and approve all proposed water lines prior to installation.

Fire hydrants will also be installed as required by the City of Billings Fire Department. The City Fire Department will review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by making a connection to an existing 8- inch diameter sewer main located in Matador Avenue and Entrada Road. The 8-inch sanitary sewer main will be extended through the streets in the subdivision, Sanitary sewer mains will be stubbed to each lot. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department. The City of Billings Engineering Department will review and approve all proposed sanitary sewer lines prior to installation.

All telephone, gas, electrical power, and cable television lines that are placed within the public right-of-way shall be installed prior to surface improvements.

- b. Storm water** – Stormwater management for the proposed subdivision will be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains. Storm water will discharge to a stormwater detention facility located in an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11<sup>th</sup> Filing. It is generally located north of the future projection of Gleneagles Boulevard designated specifically for storm water detention. This detention facility will be sized to accept runoff generated from the High Sierra Subdivision, 19<sup>th</sup> Filing. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All proposed stormwater management will be reviewed and approved by City of Billings Engineering Department to ensure it meets the master planned stormwater plan for High Sierra Subdivision. All drainage improvements shall comply with the provisions of the City of Billings Stormwater Management Manual and Section 23-706, BMCC, a stormwater management plan shall be submitted to the Engineering Division prior to filing of the final plat.
- 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** – Access to the lots in this proposed subdivision is from Matador Avenue and Lindero Boulevard. All new streets will be in a 56-foot-wide right of way and will be constructed to 34-foot wide, back of curb to back of curb road. Road construction will include installation of accessible ramps at the intersections.

Sidewalks will be installed at the time of individual lot development. All sidewalks will be boulevard type walks with 5-foot wide boulevard sidewalks.

- e. Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

- f. Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Eagle Cliffs Elementary School, Castle Rock Middle School, and Skyview High School). School District #2 shows some additional capacity at the schools listed above.
- g. Parks and Recreation** – The parkland dedication requirement for this subdivision is 0.373 acres. With High Sierra 14<sup>th</sup> Filings there was a parkland

dedication of 5.310 acres. With this dedication parkland requirements have been met for several High Sierra Filings in the immediate area.

The following is a summary of the required parkland dedications that have been previously attributed to the High Sierra Subdivision, 14th Filing park:

High Sierra Sub., 14<sup>th</sup> Filing 1.876 acres  
High Sierra Sub., 15<sup>th</sup> Filing 0.587 acres  
High Sierra Sub., 16<sup>th</sup> Filing 0.255 acres  
High Sierra Sub., 10<sup>th</sup> Filing 0.895 acres  
High Sierra Sub., 17<sup>th</sup> Filing 0.811 acres  
High Sierra Sub., 18<sup>th</sup> Filing 0.630 acres  
Total 5.054 acres

Remaining land for parkland dedication 0.256 acres  
High Sierra 19<sup>th</sup> Filing, 0.373 acres  
Total after 19<sup>th</sup> Filing -0.117 acres, to be met with a cash in lieu contribution. 0.256 will be the remaining land contribution from the 14<sup>th</sup> filing.

With High Sierra 19<sup>th</sup> Filing requirement of 0.373 acres, the total parkland dedication from the 14<sup>th</sup> Filing has been used.

Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of existing and future parks within High Sierra Subdivision.

- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #1)**

**3. Effect on the natural environment**

The subject property is relatively level land adjacent to urban development to the south. A geotechnical study was performed for the subdivision by Rimrock Engineering, Inc. dated July 28, 2021. It is recommended lot purchasers fully review that report prior to building on lots. The subdivision should have a minimal effect on the natural environment.

**4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open grassland areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

## **5. Effect on the public health, safety and welfare**

Fire hydrants will be installed 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 76-3-603 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 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]**

#### **1. City of Billings 2016 Growth Policy**

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

**Essential Investments:** Infill development and development near existing City infrastructure may be the most cost effective. (p.6)

**Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired. (p.8)

**Home Base (healthy, safe and diverse housing options)** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. (p.9)

#### **2. Billings Heights Neighborhood Plan**

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for low-density residential development. The subdivision meets the following goals of the Heights Neighborhood Plan:

**Issue: Urban Sprawl**

**Issue: Residential Development**

**Goal:** To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods.

**Objectives:** To encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood.

*This subdivision provides low-density residential single-family development in a neighborhood with existing low-density single-family development.*

### **3. 2018 Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision.

#### **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 the Suburban Neighborhood 3 (N3) zoning district. All building development on the lots shall comply with current zoning when applying for a 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 will furnish private utility easements as required by private utility providers.

#### **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 Matador Avenue and Entrada Road. A new internal road will provide access to individual lots. All streets are dedicated to the public as shown on the plat.

### **CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of High Sierra Subdivision, 19<sup>th</sup> Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several 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 the Planning Board forward a recommendation of conditional approval of the preliminary plat of High Sierra Subdivision, 19<sup>th</sup> Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

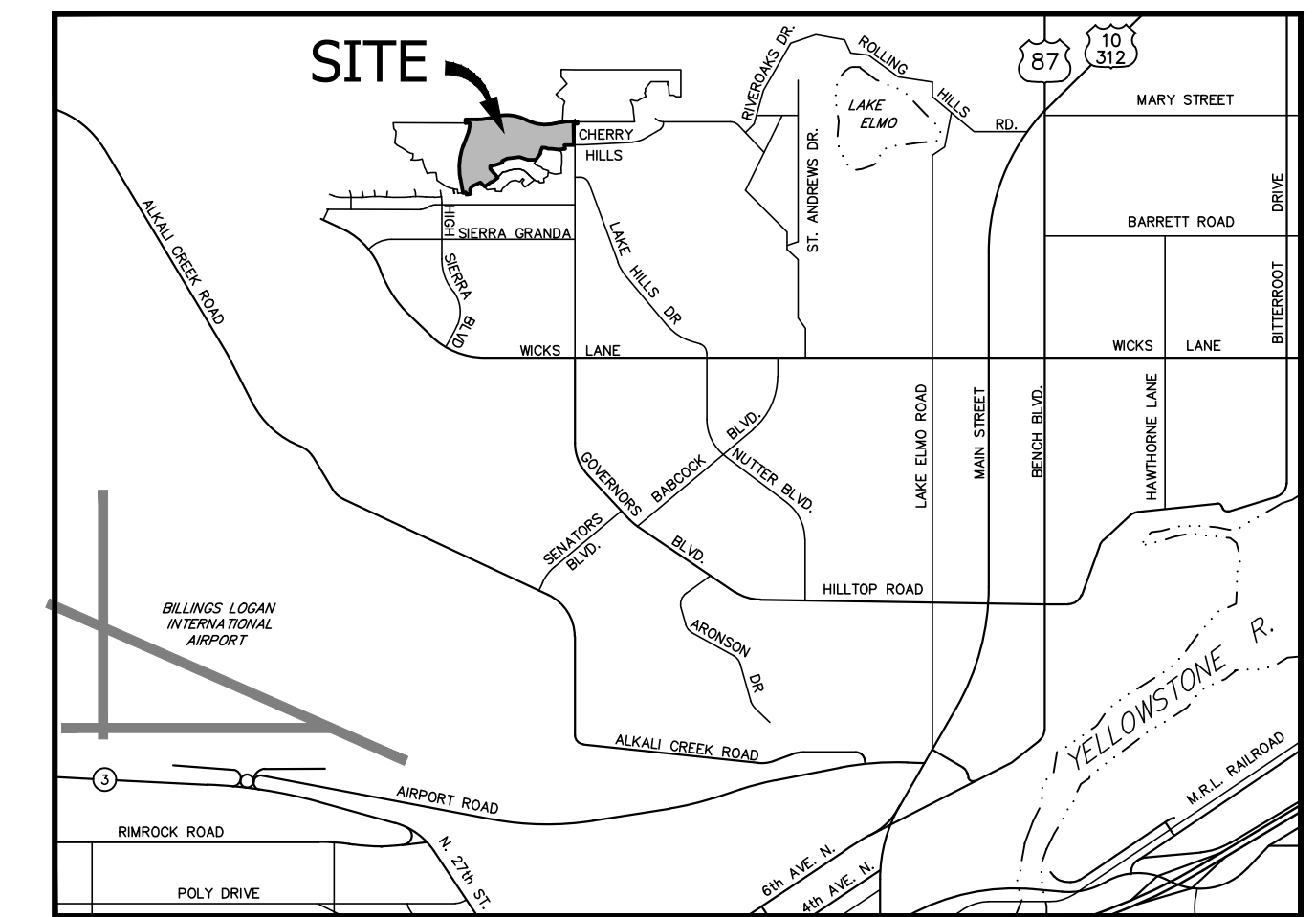
PRELIMINARY PLAT OF  
**HIGH SIERRA SUBDIVISION, 19TH FILING**  
 BEING THE PROPOSED LOT 5, BLOCK 31 HIGH SIERRA SUBDIVISION, 18TH FILING  
 SITUATED IN THE SE1/4 OF SECTION 8, THE SW1/4 OF SECTION 9 AND NE1/4 AND NW1/4 OF SECTION 17, T.1N., R. 26 E., P.M.M.,  
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.  
 PREPARED BY : SANDERSON STEWART

JULY 2021  
 BILLINGS, MONTANA



300' 75' 0 150' 300'  
 SCALE: 1" = 150'



VICINITY MAP  
 NOT TO SCALE

Line #	Bearing	Distance
L1	N 00°24'44" W	50.14'
L2	N 89°45'56" E	95.00'
L3	S 89°52'30" E	220.28'
L4	N 83°48'10" E	147.82'
L5	S 83°23'49" E	189.02'
L6	N 88°03'35" E	80.18'
L7	S 68°40'06" E	63.98'
L8	S 84°41'41" E	84.94'
L9	N 24°54'31" E	100.00'
L10	N 06°00'59" E	58.74'
L11	N 37°12'11" E	200.50'
L12	S 89°41'37" E	190.15'
L13	S 71°21'58" E	207.86'
L14	N 83°16'17" E	306.95'
L15	N 65°46'06" E	132.41'
L16	N 131°7'13" W	38.88'
L17	N 69°09'25" E	124.56'
L18	N 71°49'10" E	56.08'
L19	N 78°07'31" E	127.55'
L20	N 00°52'29" W	67.11'

Line #	Bearing	Distance
L21	N 40°48'24" W	281.53'
L22	N 41°07'30" E	10.00'
L23	N 54°07'31" E	142.29'
L24	N 67°33'43" E	56.83'
L25	N 54°07'30" E	187.31'
L26	S 42°52'30" E	144.89'
L27	N 66°07'30" E	236.67'
L28	N 28°07'30" E	86.07'
L29	N 03°24'04" W	112.00'
L30	N 79°07'31" E	101.13'
L31	S 09°54'43" E	62.50'
L32	N 80°05'17" E	74.00'
L33	N 00°15'01" E	30.50'
L34	S 89°44'59" E	90.16'
L35	S 00°33'28" E	79.88'

Curve #	Delta	Radius	Length
C1	92°15'2"	556.00'	90.87'
C2	90°00'00"	20.00'	31.42'

ADJACENT OWNERS

OWNER NAME  
DOVER RANCH

CERTIFICATE OF SURVEY 3776  
TRACT A1-2

ADDRESS  
PO BOX 51389 BILLINGS, MT 59105-1361

OWNER NAME  
JACOBSON, LORI L  
KETCHUM, KARENA L

HIGH SIERRA SUB 5TH FIL  
BLOCK 5, LOT 32  
BLOCK 29, LOT 57

ADDRESS  
622 W HARVARD PL ONTARIO, CA 91762-1904  
2117 HIGH SIERRA BLVD. BILLINGS, MT. 59105-5455

OWNER NAME  
ELSTON, WESLEY & CAITLIN  
NELSON, ANN K  
OMMUNDSON, DENNIS  
SPARROW, KEVIN A  
DAMON, JEFFREY & KRISTY  
BACHMANN, CHAD & ALISHA  
BURKHALTER, JAMES G

HIGH SIERRA SUB 8TH FIL  
BLOCK 29, LOT 40  
BLOCK 29, LOT 39  
BLOCK 29, LOT 38  
BLOCK 29, LOT 37  
BLOCK 29, LOT 36  
BLOCK 29, LOT 35  
BLOCK 29, LOT 34

ADDRESS  
1130 VERA CRUZ CIR BILLINGS, MT 59105-8503  
1134 VERA CRUZ CIR BILLINGS, MT 59105-8503  
1129 VERA CRUZ CIR BILLINGS, MT 59105-8503  
1125 VERA CRUZ CIR BILLINGS, MT 59105-8503  
1121 VERA CRUZ CIR BILLINGS, MT 59105-8503  
1117 VERA CRUZ CIR BILLINGS, MT 59105-8503  
1113 VERA CRUZ CIR BILLINGS, MT 59105-8503

OWNER NAME  
HIGH SIERRA II INC

HIGH SIERRA SUB 12TH FIL  
BLOCK 1, LOT 17A

ADDRESS  
175 N 27TH ST STE 940 BILLINGS MT 59101-2048

OWNER NAME  
HIGH SIERRA II INC  
INFINITY HOME LLC

HIGH SIERRA SUB 14TH FIL  
BLOCK 21, LOTS 1-2  
BLOCK 23, LOT 29

ADDRESS  
175 N 27TH ST STE 940 BILLINGS MT 59101-2048  
PO BOX 20174 BILLINGS MT 59104-0174

OWNER NAME  
HIGH SIERRA II INC

HIGH SIERRA SUB 15TH FIL  
BLOCK 30, LOTS 1-3  
BLOCK 29, LOT 29

ADDRESS  
175 N 27TH ST STE 940 BILLINGS MT 59101-2048

OWNER NAME  
HIGH SIERRA II INC

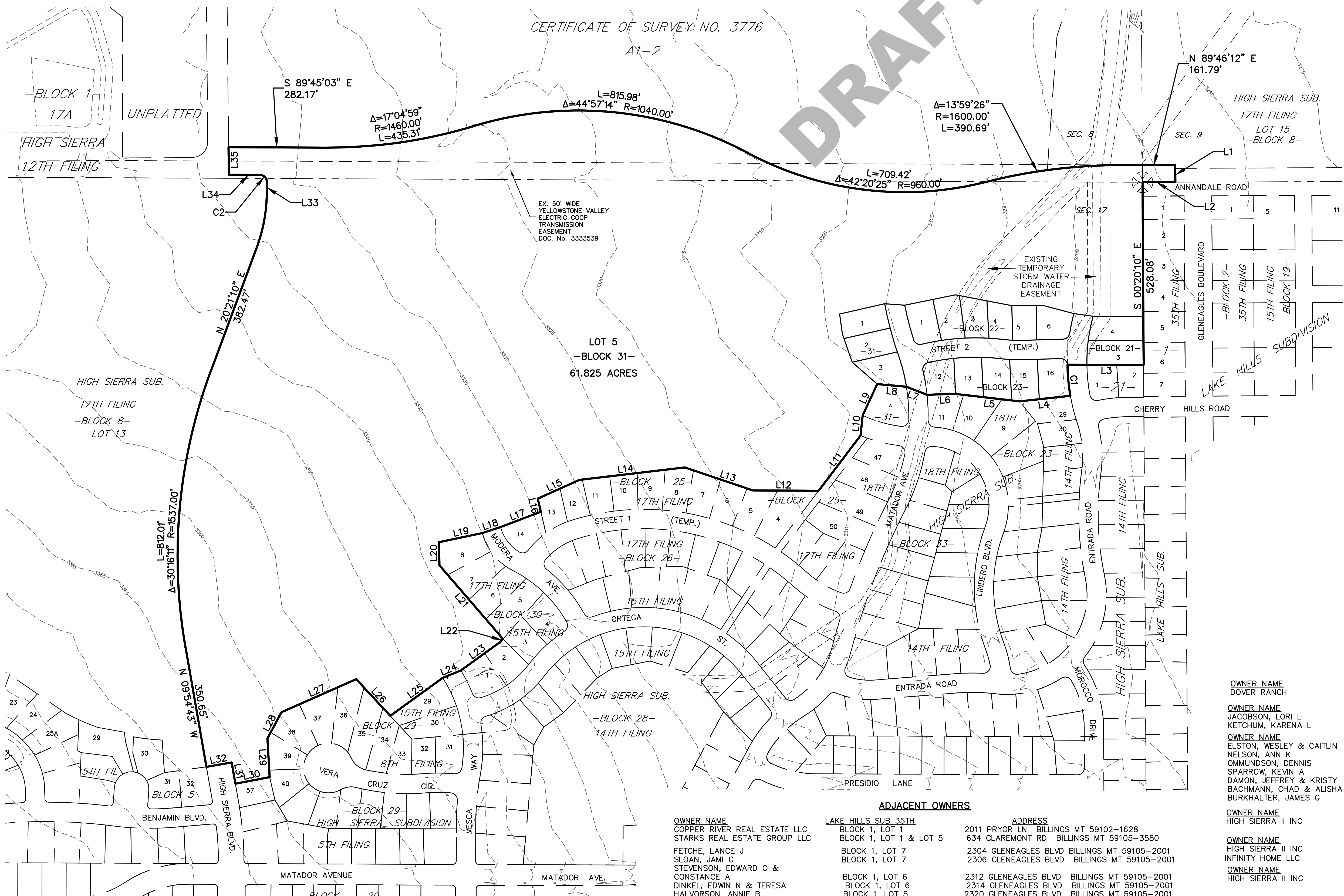
HIGH SIERRA SUB 17TH FIL  
BLOCK 25, LOTS 4-14  
BLOCK 30, LOTS 5-8  
BLOCK 8, LOTS 13 & 15

ADDRESS  
175 N 27TH ST STE 940 BILLINGS MT 59101-2048  
175 N 27TH ST STE 900 BILLINGS MT 59101-2048

GARY OAKLAND  
HIGH SIERRA II INC

HIGH SIERRA SUB 18TH FIL  
BLOCK 23, LOTS 9-11  
BLOCK 25, LOTS 47-49  
BLOCK 31, LOT 4

ADDRESS  
175 N 27TH ST STE 940 BILLINGS MT 59101-2048



OWNER NAME  
COPPER RIVER REAL ESTATE LLC  
STARKS REAL ESTATE GROUP LLC  
FETCHE, LANCE J  
SLOAN, JAMI G  
STEVENSON, EDWARD O &  
CONSTANCE A  
DINKEL, EDWIN N & TERESA  
HALVORSON, ANNIE B  
NOYES, LACY & SETH  
RESELAND, MOLLY  
LPTAC, JOYCE M & PHIL  
DUTCHER, HELEN J &  
FOSNES, DREW K  
STEWART, MATT  
BUCHER, ROCHELLE J  
TURK, DEBORAH  
PARKS, JAYSON R & KIMBERLY R

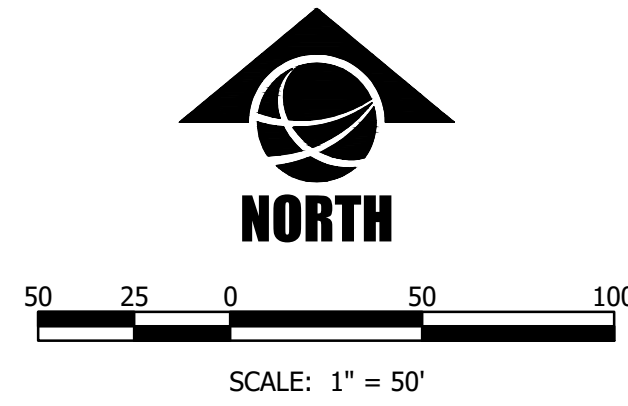
LAKE HILLS SUB 35TH  
BLOCK 1, LOT 1  
BLOCK 1, LOT 1 & LOT 5  
BLOCK 1, LOT 7  
BLOCK 1, LOT 7  
BLOCK 1, LOT 6  
BLOCK 1, LOT 6  
BLOCK 1, LOT 5  
BLOCK 1, LOT 5  
BLOCK 1, LOT 2  
BLOCK 1, LOT 2  
BLOCK 1, LOT 3  
BLOCK 1, LOT 3  
BLOCK 1, LOT 3  
BLOCK 1, LOT 3  
BLOCK 1, LOT 4

ADDRESS  
2011 PRYOR LN BILLINGS MT 59102-1628  
634 CLAREMONT RD BILLINGS MT 59105-3580  
2304 GLENEAGLES BLVD BILLINGS MT 59105-2001  
2306 GLENEAGLES BLVD BILLINGS MT 59105-2001  
2312 GLENEAGLES BLVD BILLINGS MT 59105-2001  
2314 GLENEAGLES BLVD BILLINGS MT 59105-2001  
2320 GLENEAGLES BLVD BILLINGS MT 59105-2001  
2322 GLENEAGLES BLVD BILLINGS MT 59105-2001  
2344 GLENEAGLES BLVD BILLINGS MT 59105-2001  
2346 GLENEAGLES BLVD BILLINGS MT 59105-2001  
5234 GOLDEN HOLLOW RD BILLINGS MT 59101-8958  
2336 GLENEAGLES BLVD BILLINGS MT 59105-2001  
2338 GLENEAGLES BLVD BILLINGS MT 59105-2001  
3625 DRURY LN BILLINGS MT 59105-5120

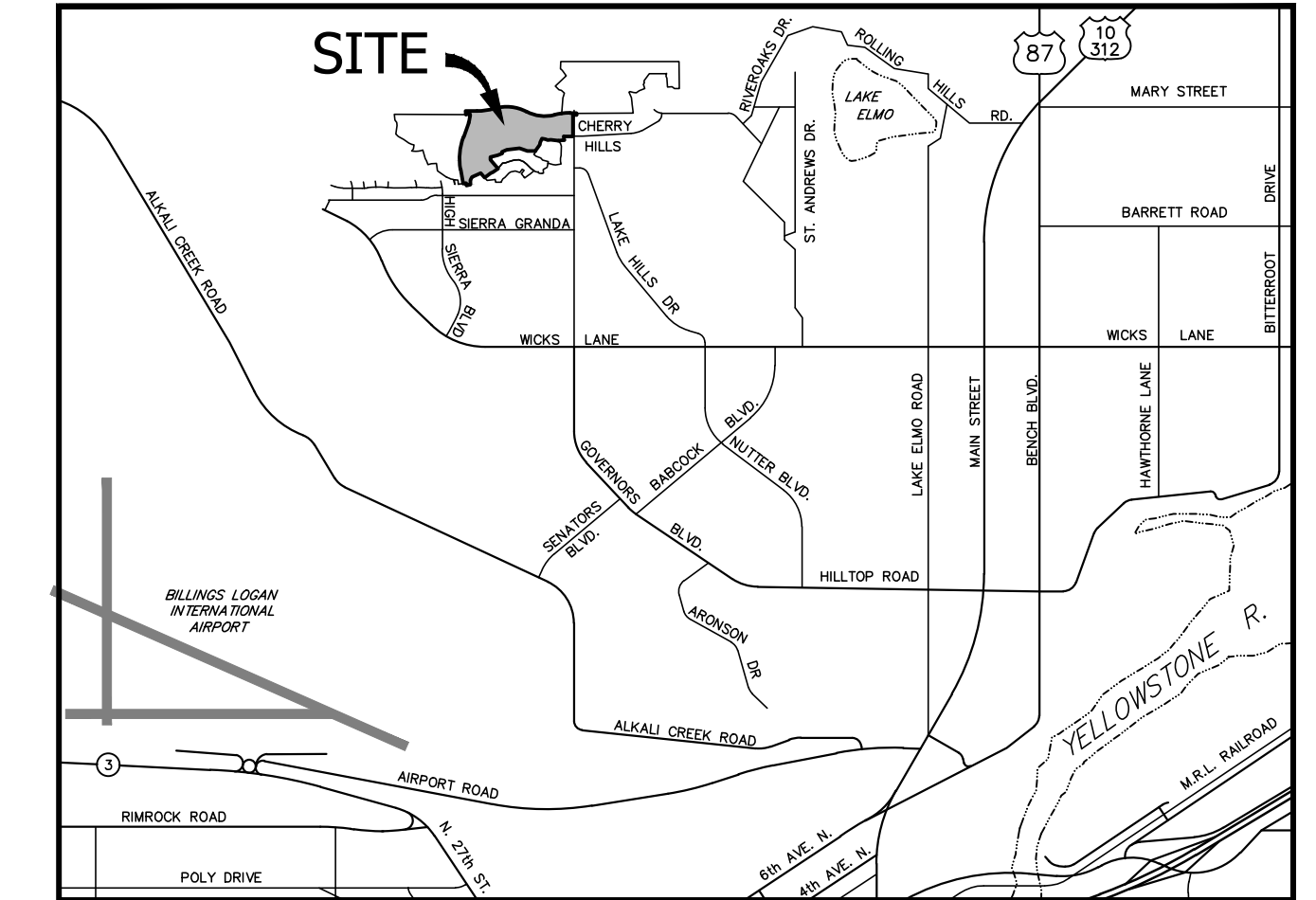
PRELIMINARY PLAT OF  
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 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.  
 PREPARED BY : SANDERSON STEWART 

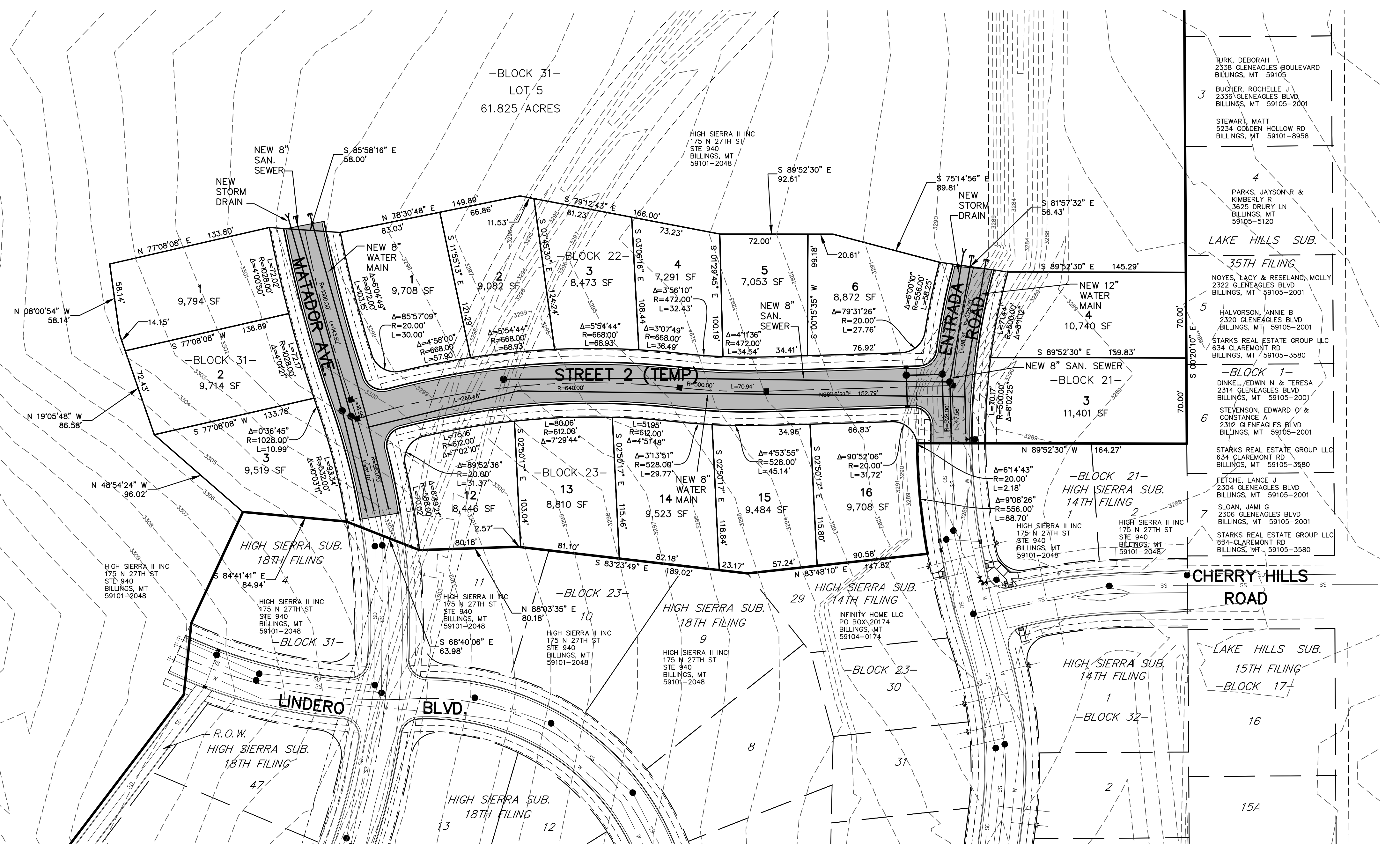
JULY 2021  
 BILLINGS, MONTANA



DRAFT



**VICINITY MAP**  
 NOT TO SCALE



**PLAT DATA**

GROSS AREA	=	66.298 ACRES
NET AREA	=	65.218 ACRES
NUMBER OF LOTS	=	17
MINIMUM LOT SIZE	=	7,053 S.F.
MAXIMUM LOT SIZE	=	61,825 ACRES
LINEAL FEET OF STREETS	=	±878 L.F.
PARKLAND REQUIREMENT	=	0.630 ACRES
PARKLAND DEDICATION	=	MET WITH HIGH SIERRA 14TH FILING AND A CASH CONTRIBUTION
EXISTING ZONING	=	N3
SURROUNDING ZONING:		
NORTH	=	N3
SOUTH	=	N3
EAST	=	N3 AND N2
WEST	=	N3
EXISTING LAND USE	=	AGRICULTURE
PROPOSED LAND USE	=	N3

**NOTES:**

1. ALL INTERNAL STREETS SHALL BE BUILT TO CITY OF BILLINGS STANDARDS
2. STORM DRAIN STORAGE WILL BE PROVIDED IN A TEMP. STORMWATER DETENTION POND LOCATED NORTH OF THE SUBDIVISION. MAIN AND INLETS WILL BE PROVIDED AS NECESSARY.
3. IT IS ANTICIPATED THAT PRIVATE UTILITIES AND EASEMENT WILL BE LOCATED ON THE FRONT LOT LINES. THIS WILL BE CONFIRMED WITH THE PRIVATE UTILITY COMPANIES.

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

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST  
FUTURE SPECIAL IMPROVEMENT DISTRICTS  
HIGH SIERRA SUBDIVISION, NINETEENTH FILING**

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

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST  
FUTURE SPECIAL IMPROVEMENT DISTRICTS  
HIGH SIERRA SUBDIVISION, NINETEENTH 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, MT 59101, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

**WITNESSETH:**

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Board of Planning recommended conditional approval of a preliminary plat of High Sierra Subdivision, 19th Filing; and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the City Council conditionally approved a preliminary plat of High Sierra Subdivision, 19th Filing; and

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

**WHEREAS**, the provisions of this agreement shall be effective and applicable to High Sierra Subdivision, 19th Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the 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**

**A.** Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City's Subdivision Regulations (Section 23.1401, BMCC):

1. No Variances are requested.

**II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS**

**A.** Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development. If sidewalk is not constructed within 5 years, the City has the right to construct the sidewalk and assess the property owners.

**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.** No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

**D.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider, and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

**E.** Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of the

parkland dedicated with various filings of High Sierra Subdivision, including High Sierra Subdivision, 19th Filing, and future filings of High Sierra Subdivision.

- F.** 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.
- G.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Chapter 28, BMCC and detailed in the Billings Stormwater Management Manual.

  - 1. 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.
  - 2. 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 wells) 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.

3. Each owner of a completed lot shall be a member of the High Sierra Subdivision Homeowners Association (HOA). Membership shall be appurtenant to and may not be separated from ownership of a lot. The Homeowners 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.

### **III. TRANSPORTATION**

#### **A. Streets**

1. Subdivider will enter into a private contract for the construction of all required improvements for those streets within the subdivision, as follows:

Matador Avenue, Entrada Road and Street 2 (Temporary Name) will be constructed within a 56-foot right-of-way using curb and gutter and full-width pavement (34-feet back of curb to back of curb). Curb and Gutter will be installed per the City of Billings Standards in place at time of construction.

#### **B. Sidewalks**

1. Sidewalk on the internal streets shall be installed at the time of individual lot development. The sidewalk shall consist of a 5-foot-wide boulevard type sidewalk with a minimum 5-foot-wide boulevard.
2. Subdivider will install accessible ramps at the intersections, which shall be completed with the subdivision improvements.

#### **C. Street Lighting**

Construction or installation of streetlights within the public rights-of-way shall not be required at this time, but streetlights are included in the Waiver referenced herein for construction of the same in the future. A

maintenance district for streetlights may be formed for future maintenance of any streetlights installed in the future.

**D. Traffic Control Devices**

The Subdivider shall furnish and install all necessary traffic control devices within and adjacent to the Subdivision in accordance with the plans and specification submitted to and approved by the City Engineer. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction.

Based on the Traffic Impact Study (TIS) update letter, the 19th Filing development's portion of critical volumes for impacted intersections are as follows (based on a \$250,000.00 intersection improvement cost):

Wicks Lane/Gleneagles Blvd	0.35% (\$875.00)
Wicks Lane/Fantan Street	0.39% (\$975.00)
Wicks Lane/St. Andrews Dr.	0.31% (\$775.00)
Annandale Road/Gleneagles Blvd	0.08% (\$200.00)
Annandale Road/St. Andrews Dr.	0.09% (\$225.00)

City and Subdivider agree that the Subdivider will be required to make cash contributions to these intersections prior to final plat approval.

**E. Access**

Matador Avenue and Entrada Road provide access to the subdivision. The interior streets will be located within a 56-foot right-of-way and will have a width of 34-feet back of curb to back of curb.

**F. Billings Area Bikeway and Trail Master Plan**

The Billings Area Bikeway Plan (2017) shows no trail connections within the proposed area of High Sierra Subdivision, 19th Filing, and as such, no trail improvements are required as part of this subdivision.

**G. Public Transit**

The subdivision does not require improvements to ensure public transit service.

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

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 turnarounds will be located on any dead-end street in excess of 150-feet.

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 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**

Storm drainage for the public streets shall be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains, and with discharge to a stormwater detention facility that is located within an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11th Filing generally north of the future projection of Gleneagles Boulevard designated for storm water detention. This detention facility will be sized to accept runoff generated from the High Sierra Subdivision, 19th Filing. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division prior to filing of the final plat.

The drainage system improvements will be in accordance with the recommendations of the stormwater analysis and report prepared and submitted with the improvement plans and specifications. Maintenance of the stormwater detention area and associated drainage facilities shall be by the High Sierra Subdivision HOA.

## **VI. UTILITIES**

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 water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is 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, 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 two connections to public water mains, one on Matador Avenue, just north of the Matador Avenue/Lindero Boulevard intersection and one on Entrada Road just north of the intersection of Entrada Road/Cherry Hills Road. A 12-inch water main will be installed in Entrada Road and 8-inch water main will be installed in the remaining local interior streets of the subdivision which is subject to approval from the City of Billings. The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and are also subject to approval by the City of Billings.

### **B. Sanitary Sewer**

The subdivision will be served by making a connection to an existing 8-inch diameter sewer main located in Matador Avenue and Entrada Road.

The 8-inch sanitary sewer main will be extended through the streets in the subdivision.

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

All telephone, gas, electrical power, and cable television lines shall be the responsibility of the Subdivider. Any line located within public right-of-way shall be subject to approval of the City Engineer.

**VII. PARKS/OPEN SPACE**

The park land required for this subdivision is 0.373 acres. A portion of the required dedication will be met through a previous parkland dedication with High Sierra Subdivision, 14th Filing. The remaining will be met with a cash in lieu contribution. The total parkland dedicated with High Sierra Subdivision, 14th Filing was 5.310 acres.

The following is a summary of the required parkland dedications that have been previously attributed to the High Sierra Subdivision, 14th Filing park:

High Sierra Sub., 14th Filing	1.876 acres
High Sierra Sub., 15th Filing	0.587 acres
High Sierra Sub., 16th Filing	0.255 acres
High Sierra Sub., 10th Filing	0.895 acres
High Sierra Sub., 17th Filing	0.811 acres
<u>High Sierra Sub., 18th Filing</u>	<u>0.630 acres</u>
Total	5.054 acres

Therefore, 0.256 acres will be met by the previous High Sierra Subdivision, 14th Filing parkland dedication and 0.117 acres will be met by a cash in lieu contribution.

Lot owners are advised they will be subject to inclusion in a Special Improvement District (SID) for the development and a Parks Maintenance District (PMD) for the operation and maintenance of this and future parks within High Sierra Subdivision.

**VIII. IRRIGATION**

No permanent irrigation ditches, field laterals, or irrigation easements exist on the subdivision.

**IX. SOILS/GEOTECHNICAL STUDY**

A geotechnical report was performed within the area of this subdivision and submitted with the preliminary plat and is available for review at the City of Billings

Planning Department. The Geotechnical Investigation Report for High Sierra Subdivision 19th Filing Billings, Montana was completed by Rimrock Engineering Inc. and dated July 28, 2021.

It is recommended that owners, purchasers, realtors, builders, and developers fully familiarize themselves with the information contained in this report prior to design or construction.

**X. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install, and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or 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 special improvement district or private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

**XI. LEGAL PROVISIONS APPLYING TO SUBDIVIDER**

- A. Subdivider agrees to guarantee all public improvements for a period of two 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 provisions of this Agreement.
- C. The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees 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.

**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: \_\_\_\_\_

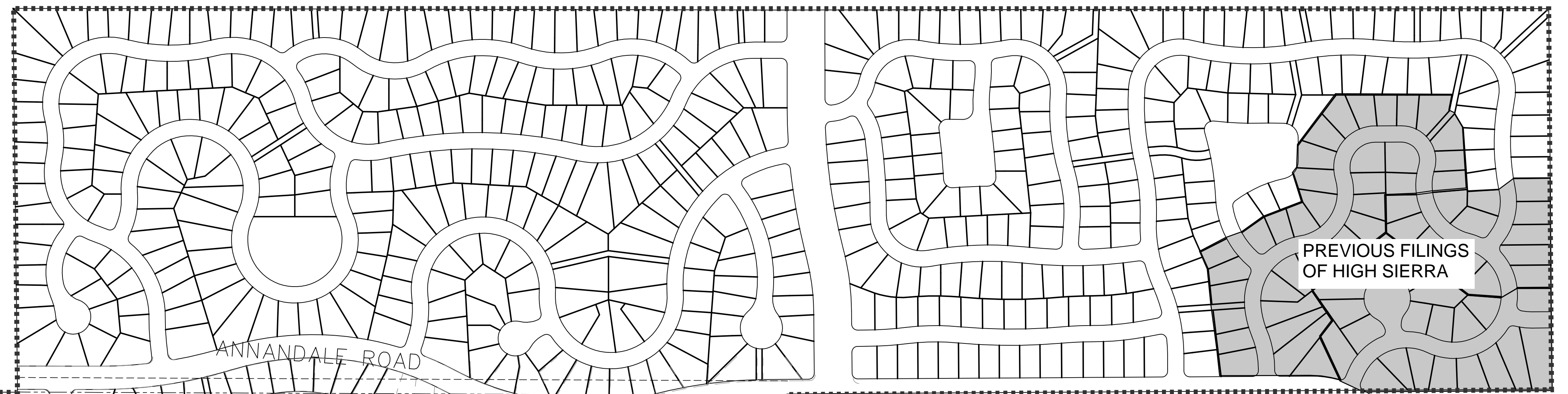
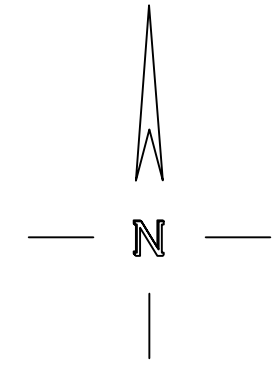
STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument as the \_\_\_\_\_ of **HIGH SIERRA II, INC.**, 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: \_\_\_\_\_



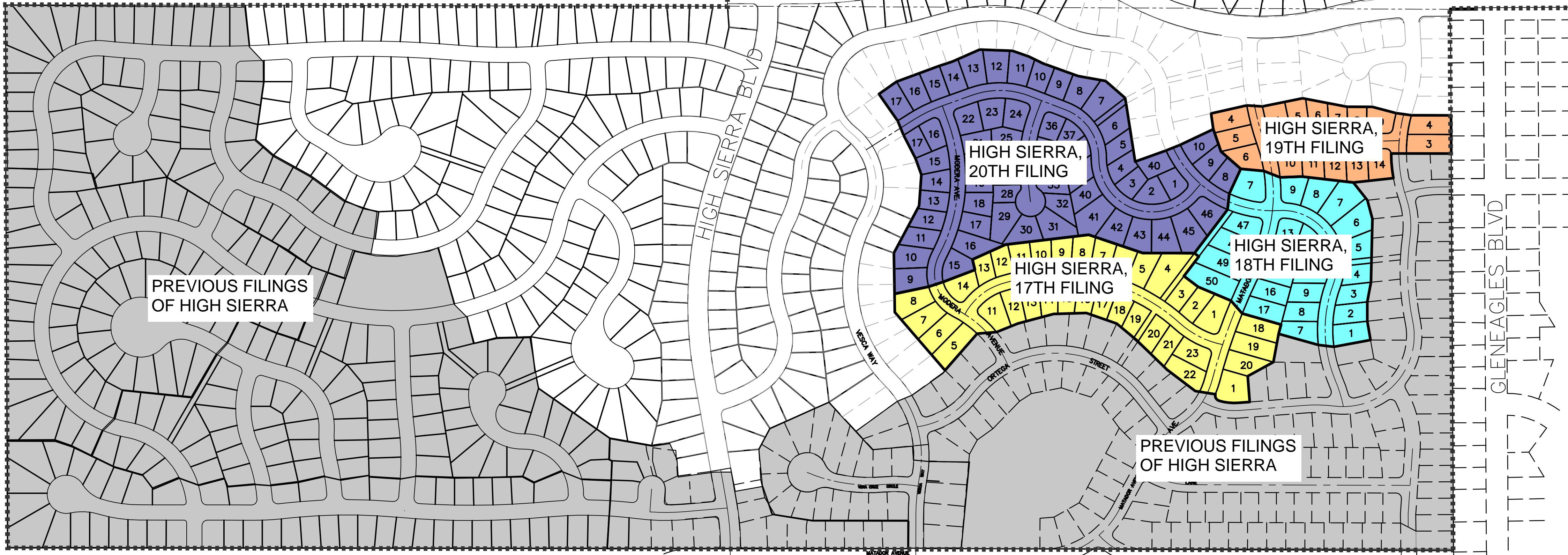




ANNANDALE ROAD

PREVIOUS FILINGS OF HIGH SIERRA

MASTER PLAN BOUNDARY



PREVIOUS FILINGS OF HIGH SIERRA

HIGH SIERRA, 20TH FILING

HIGH SIERRA, 19TH FILING

HIGH SIERRA, 17TH FILING

HIGH SIERRA, 18TH FILING

PREVIOUS FILINGS OF HIGH SIERRA

HIGH SIERRA BLVD

GLENEAGLES BLVD

HIGH SIERRA SUBDIVISION - MASTER PLAN

**Planning Board**

**Date:** 09/14/2021  
**Title:** High Sierra Subdivision, 20th Filing - Preliminary Plat Review  
**Presented by:** David Green  
**Department:** Planning & Community Services  
**Presentation:** Yes

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**Information****RECOMMENDATION**

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 20<sup>th</sup> Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

On August 2, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 20<sup>th</sup> Filing. The proposed subdivision creates 63 lots for residential development. The subject property is generally located north of Ortega Street and west of Matador Avenue in Billings Heights. The property is zoned Suburban Neighborhood (N3). The proposed lots will follow the current zoning for lot frontage.

**VARIANCES REQUESTED**

The applicant is not requesting a variance from the subdivision regulations.

**PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To minimize the effects on 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.
2. 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.
3. 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.

**PROCEDURAL HISTORY**

- Pre-application meeting May 27, 2021
- Preliminary plat application submitted to Planning Division on August 2, 2021
- Departmental review meeting August 19, 2021
- Preliminary plat resubmittal August 26, 2021
- Planning Board plat review September 14, 2021
- Planning Board public hearing September 28, 2021
- Preliminary plat to City Council October 25, 2021
- 60 working-day preliminary plat review period ends October 26, 2021

**PLAT INFORMATION**

General location: North of Ortega Street and west of Matador Avenue

Legal Description: Lot 5, Block 31, of High Sierra Subdivision 19<sup>th</sup> Filing

Owner/Subdivider: High Sierra II, Inc.

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: N3

Existing land use: Vacant Lane

Proposed land use: Residential

Gross and Net area: 61.825 acres / 58.245 acres

Proposed number of lots: 63

Lot size: Max: 45.69 acres  
Min.: 6,001 square feet

Parkland requirements: Parkland dedication requirement is 1.382 acres. This requirement will be met with a cash in lieu contribution.

## **STAKEHOLDERS**

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on September 28, 2021.

## **ALTERNATIVES**

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on October 26, 2021. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

## **FISCAL EFFECTS**

This plat will have no fiscal impacts on the City/County Planning Division.

## **SUMMARY**

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. Negative effects that are identified become the subdivider's responsibility to mitigate. Various City departments, private service/utility providers and the affected school district/s, have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this proposed subdivision.

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## **Attachments**

Findings of Fact  
Proposed Plat  
SIA Draft  
Master Site Plan

## **FINDINGS OF FACT**

The Planning staff has prepared the Findings of Fact for the preliminary plat of High Sierra Subdivision, 20<sup>th</sup> Filing. These findings are based on the preliminary plat application and supplemental documents; addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

**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 dry land grass and shrubs. There are no water rights being transferred to subdivision property owners. There are no existing ditches near this proposed development. The subdivision should not affect agricultural water users' facilities.

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

**a. Utilities** – Public water services to the subject property will be provided by the City of Billings. The subdivision will be served by making two connections to public water mains, one on Modera Avenue, just north of the Modera Avenue/Street 1 (Temporary Name) intersection and one on Lindero Boulevard just west of the intersection of Lindero Boulevard/Matador Avenue. A 12-inch water main will be installed in Modera Avenue and Street 3 (Temporary Name) west of Modera Avenue. An 8-inch water main will be installed in the remaining local interior streets of the subdivision. The water main within the subdivision will make looped connections whenever possible. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings. The City of Billings Engineering Department will review and approve all proposed water lines prior to installation.

Fire hydrants will also be installed as required by the City of Billings Fire Department. The City Fire Department will review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by making a connection to an existing 8-inch diameter sewer main located in Modera Avenue and to an existing 15-inch sewer main located in Lindero Boulevard. The 15-inch sewer main will be extended in Lindero Boulevard to Street 3 (Temporary Name), a 12-inch sanitary sewer main will be located in Street 3 (Temporary Name), and an 8-inch sanitary sewer main will be located in the remaining streets in the subdivision. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department. The City of Billings Engineering Department will review and approve all proposed sanitary sewer lines prior to installation.

All telephone, gas, electrical power, and cable television lines that are placed within the public right-of-way shall be installed prior to surface improvements.

- b. Storm water** – Stormwater management for the proposed subdivision will be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains. Storm water will discharge to a stormwater detention facility located in an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11<sup>th</sup> Filing. It is generally located north of the future projection of Gleneagles Boulevard designated specifically for storm water detention. This detention facility will be sized to accept runoff generated from the High Sierra Subdivision, 20<sup>th</sup> Filing. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All proposed stormwater management will be reviewed and approved by City of Billings Engineering Department to ensure it meets the master planned stormwater plan for High Sierra Subdivision. All drainage improvements shall comply with the provisions of the City of Billings Stormwater Management Manual and Section 23-706, BMCC, a stormwater management plan shall be submitted to the Engineering Division prior to filing of the final plat.
- 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** – Access to the lots in this proposed subdivision is from Modera Avenue and Lindero Boulevard. All new streets will be in a 56-foot-wide right of way and will be constructed to 34-foot wide, back of curb to back of curb road. Road construction will include installation of accessible ramps at the intersections.

Sidewalks will be installed at the time of individual lot development. All sidewalks will be boulevard type walks with 5-foot wide boulevard sidewalks.

- e. Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

- f. Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Eagle Cliffs Elementary School, Castle Rock Middle School, and Skyview High School). School District #2 shows some additional capacity at the schools listed above.

- g. Parks and Recreation** – The parkland dedication requirement for this subdivision is 1.382 acres. This will be met with a cash in lieu contribution.

Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of existing and future parks within High Sierra Subdivision.

- h. Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #1)**

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

The subject property is relatively level land adjacent to urban development to the south. A geotechnical study was performed for the subdivision by Rimrock Engineering, Inc. dated July 28, 2021. It is recommended lot purchasers fully review that report prior to building on lots. The subdivision should have a minimal effect on the natural environment.

### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open grassland areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

### **5. Effect on the public health, safety and welfare**

Fire hydrants will be installed 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 76-3-603 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 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]**

### **1. City of Billings 2016 Growth Policy**

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

**Essential Investments:** Infill development and development near existing City infrastructure may be the most cost effective. (p.6)

**Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired. (p.8)

**Home Base (healthy, safe and diverse housing options)** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. (p.9)

## **2. Billings Heights Neighborhood Plan**

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for low-density residential development. The subdivision meets the following goals of the Heights Neighborhood Plan:

**Issue: Urban Sprawl**

**Issue:** Residential Development

**Goal:** To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods.

**Objectives:** To encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood.

*This subdivision provides low-density residential single-family development in a neighborhood with existing low-density single-family development.*

## **3. 2018 Billings Urban Area Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision.

### **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 the Suburban Neighborhood 3 (N3) zoning district. All building development on the lots shall comply with current zoning when applying for a 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 will furnish private utility easements as required by private utility providers.

**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 Modera Avenue and Lindero Boulevard. A new internal road will provide access to individual lots. All streets are dedicated to the public as shown on the plat.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of High Sierra Subdivision, 20<sup>th</sup> Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several 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 the Planning Board forward a recommendation of conditional approval of the preliminary plat of High Sierra Subdivision, 20<sup>th</sup> Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

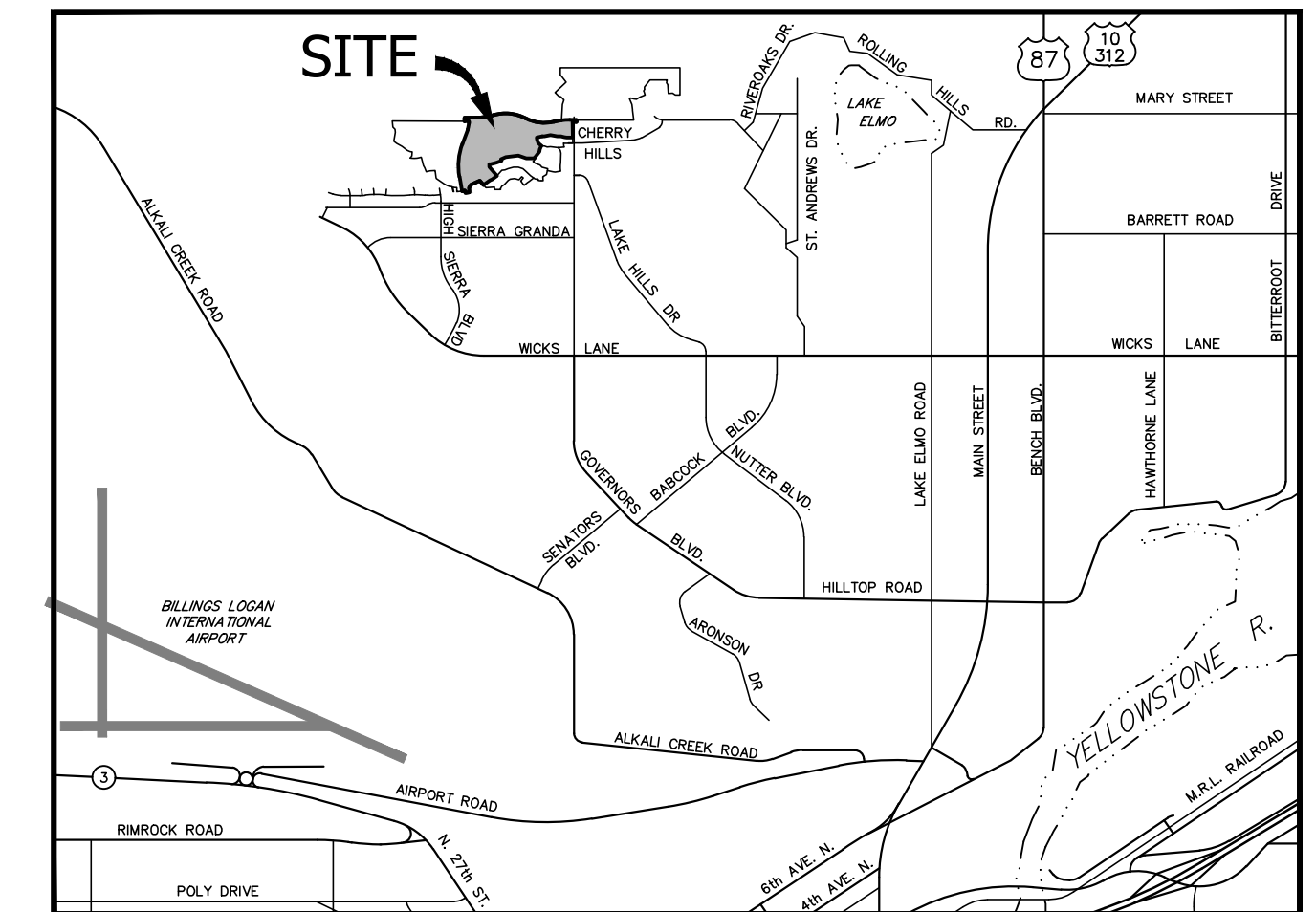
PRELIMINARY PLAT OF  
**HIGH SIERRA SUBDIVISION, 20TH FILING**  
 BEING THE PROPOSED LOT 5, BLOCK 31 HIGH SIERRA SUBDIVISION, 19TH FILING  
 SITUATED IN THE SE1/4 OF SECTION 8, THE SW1/4 OF SECTION 9 AND NE1/4 AND NW1/4 OF SECTION 17, T.1N., R. 26 E., P.M.M.,  
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.  
 PREPARED BY : SANDERSON STEWART

JULY 2021  
 BILLINGS, MONTANA



150' 75' 0 150' 300'  
 SCALE: 1" = 150'



VICINITY MAP  
 NOT TO SCALE

Line #	Bearing	Distance
L1	N 00°24'44" W	50.14'
L2	N 89°45'56" E	95.00'
L3	S 89°52'30" E	145.29'
L4	S 81°57'32" E	56.43'
L5	S 75°14'56" E	89.81'
L6	S 89°52'30" E	92.61'
L7	S 79°12'43" E	166.00'
L8	N 78°30'48" E	149.89'
L9	S 85°58'16" E	58.00'
L10	N 77°08'08" E	133.80'
L11	N 08°00'54" W	58.14'
L12	N 19°05'48" W	72.43'
L13	N 48°54'24" W	96.02'
L14	N 24°54'31" E	100.00'
L15	N 06°00'59" E	58.74'
L16	N 37°12'11" E	200.50'
L17	S 89°41'37" E	190.15'
L18	S 71°21'58" E	207.86'
L19	N 83°16'17" E	306.95'
L20	N 65°46'06" E	132.41'

Line #	Bearing	Distance
L21	N 13°17'13" W	38.88'
L22	N 69°09'25" E	124.56'
L23	N 71°49'10" E	56.08'
L24	N 78°07'31" E	127.55'
L25	N 00°52'29" W	67.11'
L26	N 40°48'24" W	281.53'
L27	N 54°07'31" E	142.29'
L28	N 67°33'43" E	56.83'
L29	N 54°07'30" E	187.31'
L30	S 42°52'30" E	144.89'
L31	N 66°07'30" E	236.67'
L32	N 28°07'30" E	86.07'
L33	N 03°24'04" W	112.00'
L34	N 79°07'31" E	101.13'
L35	S 09°54'43" E	62.50'
L36	N 80°05'17" E	74.00'
L37	S 00°15'01" W	30.50'
L38	N 89°44'59" W	90.16'
L39	S 00°33'28" E	79.88'

Curve #	Delta	Radius	Length
C1	90°00'00"	20.00'	31.42'

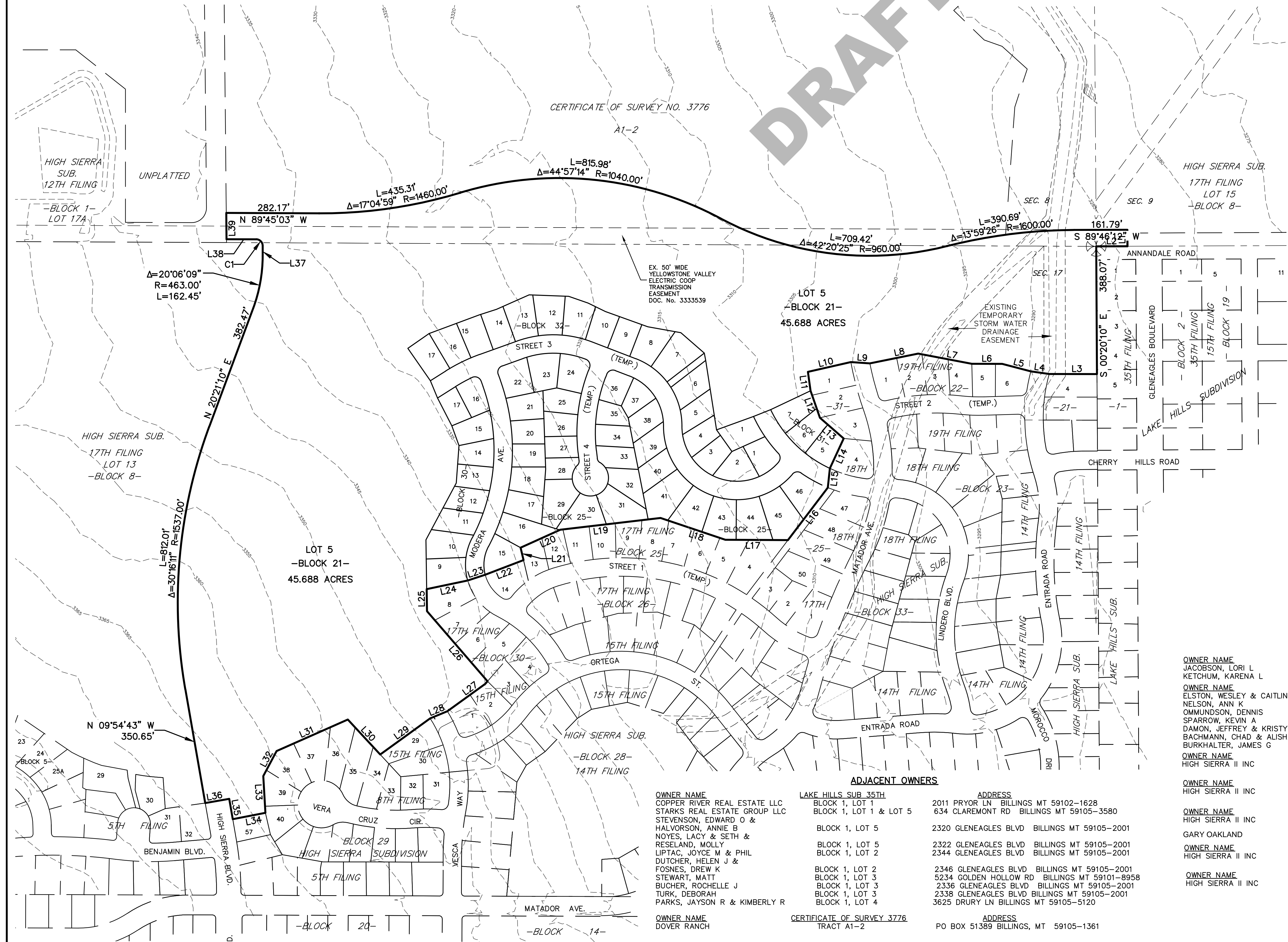
ADJACENT OWNERS

<b>OWNER NAME</b> JACOBSON, LORI L KETCHUM, KARENA L	<b>ADDRESS</b> 622 W HARVARD PL. ONTARIO, CA 91762-1904 2117 HIGH SIERRA BLVD. BILLINGS, MT. 59105-5455
<b>OWNER NAME</b> ELSTON, WESLEY & CAITLIN NELSON, ANN K OMMUNDSON, DENNIS SPARROW, KEVIN A DAMON, JEFFREY & KRISTY BACHMANN, CHAD & ALISHA BURKHALTER, JAMES G	<b>ADDRESS</b> 1130 VERA CRUZ CIR BILLINGS, MT 59105-8503 1134 VERA CRUZ CIR BILLINGS, MT 59105-8503 1129 VERA CRUZ CIR BILLINGS, MT 59105-8503 1125 VERA CRUZ CIR BILLINGS, MT 59105-8503 1121 VERA CRUZ CIR BILLINGS, MT 59105-8503 1117 VERA CRUZ CIR BILLINGS, MT 59105-8503 1113 VERA CRUZ CIR BILLINGS, MT 59105-8503
<b>OWNER NAME</b> HIGH SIERRA II INC	<b>ADDRESS</b> 175 N 27TH ST STE 940 BILLINGS MT 59101-2048
<b>OWNER NAME</b> HIGH SIERRA II INC	<b>ADDRESS</b> 175 N 27TH ST STE 940 BILLINGS MT 59101-2048
<b>OWNER NAME</b> GARY OAKLAND	<b>ADDRESS</b> 175 N 27TH ST STE 940 BILLINGS MT 59101-2048
<b>OWNER NAME</b> HIGH SIERRA II INC	<b>ADDRESS</b> 175 N 27TH ST STE 940 BILLINGS MT 59101-2048
<b>OWNER NAME</b> HIGH SIERRA II INC	<b>ADDRESS</b> 175 N 27TH ST STE 940 BILLINGS MT 59101-2048
<b>OWNER NAME</b> HIGH SIERRA II INC	<b>ADDRESS</b> 175 N 27TH ST STE 940 BILLINGS MT 59101-2048

ADJACENT OWNERS

<b>OWNER NAME</b> COPPER RIVER REAL ESTATE LLC STARKS REAL ESTATE GROUP LLC STEVENSON, EDWARD O & HALVORSON, ANNIE B NOYES, LACY & SETH & RESELAND, MOLLY LIPTAC, JOYCE M & PHIL DUTCHER, HELEN J & FOSNES, DREW K STEWART, MATT BUCHER, ROCHELLE J TURK, DEBORAH PARKS, JAYSON R & KIMBERLY R	<b>ADDRESS</b> 2011 PRYOR LN. BILLINGS MT 59102-1628 634 CLAREMONT RD. BILLINGS MT 59105-3580 2320 GLENEAGLES BLVD. BILLINGS MT 59105-2001 2322 GLENEAGLES BLVD. BILLINGS MT 59105-2001 2344 GLENEAGLES BLVD. BILLINGS MT 59105-2001 2346 GLENEAGLES BLVD. BILLINGS MT 59105-2001 5234 GOLDEN HOLLOW RD. BILLINGS MT 59101-8958 2336 GLENEAGLES BLVD. BILLINGS MT 59105-2001 2338 GLENEAGLES BLVD. BILLINGS MT 59105-2001 3625 DRURY LN. BILLINGS MT 59105-5120 PO BOX 51389 BILLINGS, MT 59105-1361
<b>OWNER NAME</b> DOVER RANCH	<b>ADDRESS</b> 82061.142

CERTIFICATE OF SURVEY 3776  
 TRACT A1-2



# PRELIMINARY PLAT OF HIGH SIERRA SUBDIVISION, 20TH FILING

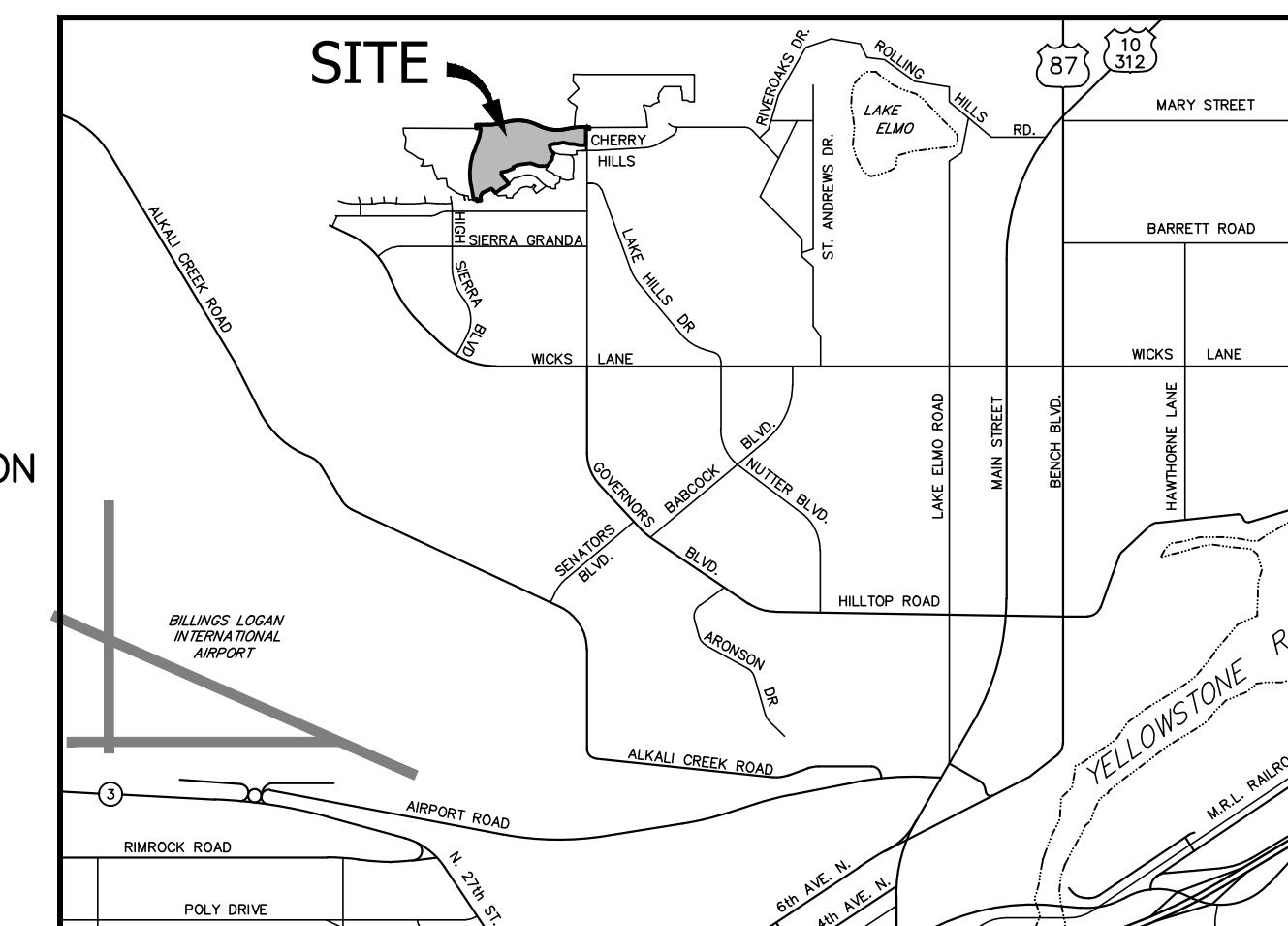
BEING THE PROPOSED LOT 5, BLOCK 31 HIGH SIERRA SUBDIVISION, 19TH FILING  
SITUATED IN THE SE1/4 OF SECTION 8, THE SW1/4 OF SECTION 9 AND  
NE1/4 AND NW1/4 OF SECTION 17, T.1N., R. 26 E., P.M.M.,  
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : HIGH SIERRA II, INC.  
PREPARED BY : SANDERSON STEWART

JULY 2021  
BILLINGS, MONTANA

## PLAT DATA

GROSS AREA	=	61.825 ACRES
NET AREA	=	58.245 ACRES
NUMBER OF LOTS	=	63
MINIMUM LOT SIZE	=	6,001 S.F.
MAXIMUM LOT SIZE	=	45,688 ACRES
LINEAL FEET OF STREETS	=	±2,710 L.F.
PARKLAND REQUIREMENT	=	1.382 ACRES
PARKLAND DEDICATION	=	MET WITH CASH CONTRIBUTION
EXISTING ZONING	=	N3
SURROUNDING ZONING:		
NORTH	=	N3
SOUTH	=	N3
EAST	=	N3 AND N2
WEST	=	N3
EXISTING LAND USE	=	AGRICULTURE
PROPOSED LAND USE	=	N3

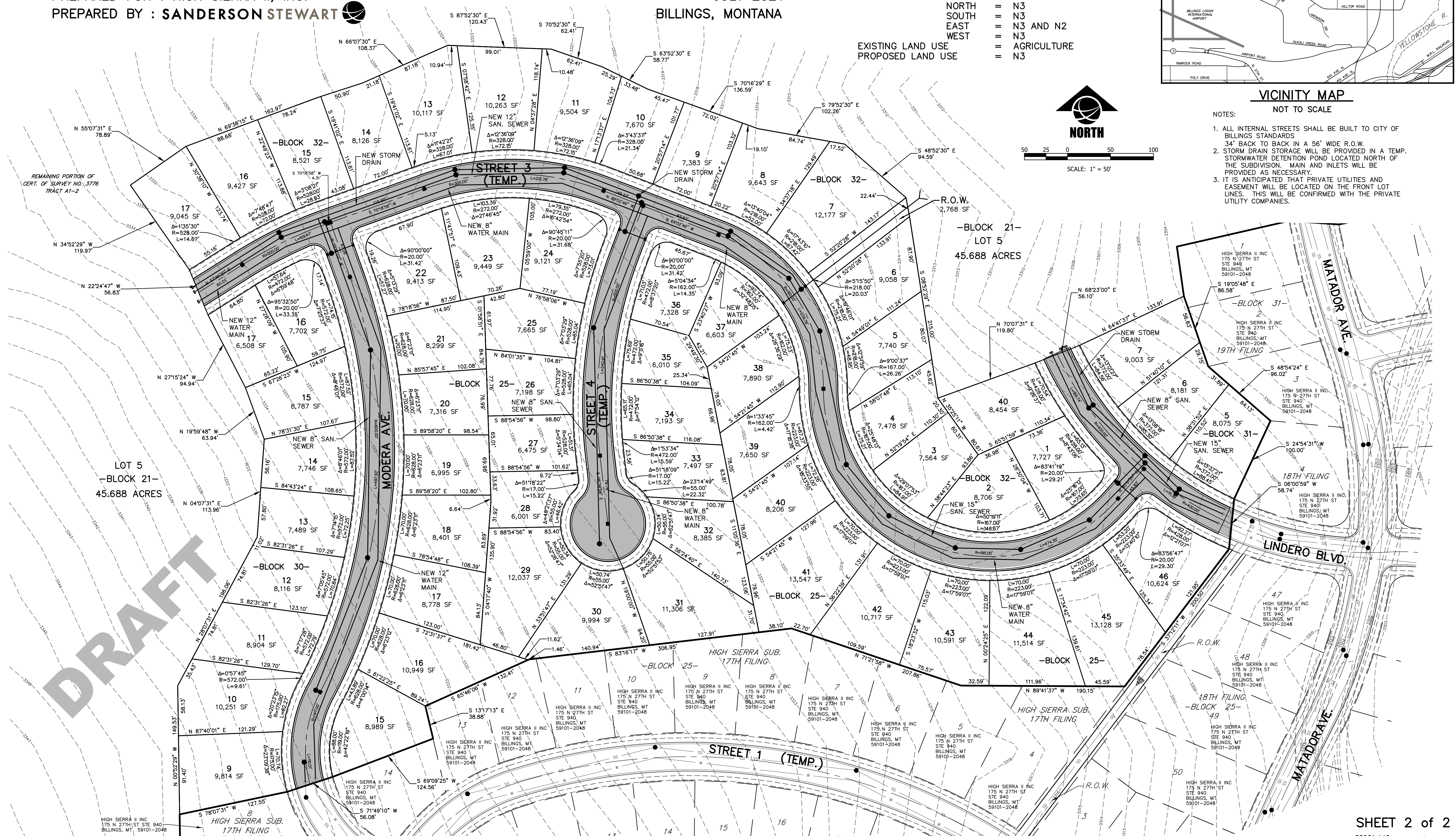
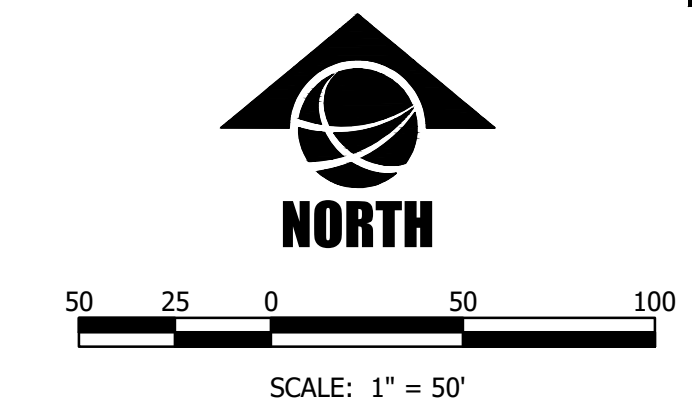


## VICINITY MAP

NOT TO SCALE

NOTES:

- ALL INTERNAL STREETS SHALL BE BUILT TO CITY OF BILLINGS STANDARDS
- STORM DRAIN STORAGE WILL BE PROVIDED IN A TEMP. STORMWATER DETENTION POND LOCATED NORTH OF THE SUBDIVISION. MAIN AND INLETS WILL BE PROVIDED AS NECESSARY.
- IT IS ANTICIPATED THAT PRIVATE UTILITIES AND EASEMENT WILL BE LOCATED ON THE FRONT LOT LINES. THIS WILL BE CONFIRMED WITH THE PRIVATE UTILITY COMPANIES.



DRAFT

LOT 5  
-BLOCK 21-  
45.688 ACRES

-BLOCK 21-  
LOT 5  
45.688 ACRES

HIGH SIERRA II INC  
175 N 27TH ST  
SITE 940  
BILLINGS, MT  
59101-2048

HIGH SIERRA SUB.  
17TH FILING  
-BLOCK 30-

HIGH SIERRA SUB.  
17TH FILING  
-BLOCK 25-

HIGH SIERRA SUB.  
17TH FILING  
-BLOCK 25-

HIGH SIERRA II INC  
175 N 27TH ST  
SITE 940  
BILLINGS, MT  
59101-2048

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SITE 940  
BILLINGS, MT  
59101-2048

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

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST  
FUTURE SPECIAL IMPROVEMENT DISTRICTS  
HIGH SIERRA SUBDIVISION, TWENTIETH FILING**

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

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST  
FUTURE SPECIAL IMPROVEMENT DISTRICTS  
HIGH SIERRA SUBDIVISION, TWENTIETH 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, MT 59101, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

**WITNESSETH:**

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Board of Planning recommended conditional approval of a preliminary plat of High Sierra Subdivision, 20th Filing; and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the City Council conditionally approved a preliminary plat of High Sierra Subdivision, 20th Filing; and

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

**WHEREAS**, the provisions of this agreement shall be effective and applicable to High Sierra Subdivision, 20th Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the 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**

**A.** Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City's Subdivision Regulations (Section 23.1401, BMCC):

1. No Variances are requested.

**II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS**

**A.** Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development. If sidewalk is not constructed within 5 years, the City has the right to construct the sidewalk and assess the property owners.

**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.** No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

**D.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider, and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

**E.** Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of the

parkland dedicated with various filings of High Sierra Subdivision, including High Sierra Subdivision, 20th Filing, and future filings of High Sierra Subdivision.

- F.** 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.
- G.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Chapter 28, BMCC and detailed in the Billings Stormwater Management Manual.

  - 1. 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.
  - 2. 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 wells) 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.

3. Each owner of a completed lot shall be a member of the High Sierra Subdivision Homeowners Association (HOA). Membership shall be appurtenant to and may not be separated from ownership of a lot. The Homeowners 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.

### **III. TRANSPORTATION**

#### **A. Streets**

1. Subdivider will enter into a private contract for the construction of all required improvements for those streets within the subdivision, as follows:

Modera Avenue, Lindero Boulevard, Street 3 (Temporary Name) and Street 4 (Temporary Name) will be constructed within a 56-foot right-of-way using curb and gutter and full-width pavement (34-feet back of curb to back of curb). Curb and Gutter will be installed per the City of Billings Standards in place at time of construction.

#### **B. Sidewalks**

1. Sidewalk on the internal streets shall be installed at the time of individual lot development. The sidewalk shall consist of a 5-foot-wide boulevard type sidewalk with a minimum 5-foot-wide boulevard.
2. Subdivider will install accessible ramps at the intersections, which shall be completed with the subdivision improvements.
3. A 12-foot-wide sidewalk shall be constructed in the 20-foot-wide right-of-way corridors and shall be installed at the time of private contract construction.

**C. Street Lighting**

Construction or installation of streetlights within the public rights-of-way shall not be required at this time, but streetlights are included in the Waiver referenced herein for construction of the same in the future. A maintenance district for streetlights may be formed for future maintenance of any streetlights installed in the future.

**D. Traffic Control Devices**

The Subdivider shall furnish and install all necessary traffic control devices within and adjacent to the Subdivision in accordance with the plans and specification submitted to and approved by the City Engineer. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction.

Based on the Traffic Impact Study (TIS) update letter, the 20th Filing development's portion of critical volumes for impacted intersections are as follows (based on a \$250,000.00 intersection improvement cost):

Wicks Lane/Gleneagles Blvd	1.37% (\$3,425.00)
Wicks Lane/Fantan Street	1.53% (\$3,825.00)
Wicks Lane/St. Andrews Dr.	1.21% (\$3,025.00)
Annandale Road/Gleneagles Blvd	0.17% (\$425.00)
Annandale Road/St. Andrews Dr.	0.18% (\$450.00)

City and Subdivider agree that the Subdivider will be required to make cash contributions to these intersections prior to final plat approval.

**E. Access**

Moder Avenue and Lindero Boulevard provide access to the subdivision. The interior streets will be located within a 56-foot right-of-way and will have a width of 34-feet back of curb to back of curb.

**F. Billings Area Bikeway and Trail Master Plan**

The Billings Area Bikeway Plan (2017) shows no trail connections within the proposed area of High Sierra Subdivision, 20th Filing, and as such, no trail improvements are required as part of this subdivision.

## **G. Public Transit**

The subdivision does not require improvements to ensure public transit service.

## **IV. EMERGENCY SERVICE**

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 turnarounds will be located on any dead-end street in excess of 150-feet.

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 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**

Storm drainage for the public streets shall be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains, and with discharge to a stormwater detention facility that is located within an off-site area on Lot 17, Block 6, High Sierra Subdivision, 11th Filing generally north of the future projection of Gleneagles Boulevard designated for storm water detention. This detention facility will be sized to accept runoff generated from the High Sierra Subdivision, 20th Filing. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area

without inundating existing and proposed home sites. All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division prior to filing of the final plat.

The drainage system improvements will be in accordance with the recommendations of the stormwater analysis and report prepared and submitted with the improvement plans and specifications. Maintenance of the stormwater detention area and associated drainage facilities shall be by the High Sierra Subdivision HOA.

## **VI. UTILITIES**

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 water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is 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, 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 two connections to public water mains, one on Modera Avenue, just north of the Modera Avenue/Street 1 (Temporary Name) intersection and one on Lindero Boulevard just west of the intersection of Lindero Boulevard/Matador Avenue. A 12-inch water main will be installed in Modera Avenue and Street 3 (Temporary Name) west of Modera Avenue. An 8-inch water main will be installed in the remaining local interior streets of the subdivision which is subject to approval from the City of Billings. The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be

provided at all appropriate locations and are also subject to approval by the City of Billings.

**B. Sanitary Sewer**

The subdivision will be served by making a connection to an existing 8-inch diameter sewer main located in Modera Avenue and to an existing 15-inch sewer main located in Lindero Boulevard. 15-inch sewer main will be extended in Lindero Boulevard to Street 3 (Temporary Name), 12-inch sanitary sewer main will be located in Street 3 (Temporary Name), and 8-inch sanitary sewer main will be located in the remaining streets in the subdivision.

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

All telephone, gas, electrical power, and cable television lines shall be the responsibility of the Subdivider. Any line located within public right-of-way 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. High Sierra Subdivision, 20th Filing requires a parkland dedication 1.382 acres. The Subdivider will make a cash in-lieu contribution for the 1.382 acres in lieu of parkland dedication.

Lot owners are advised they will be subject to inclusion in a Special Improvement District (SID) for the development and a Parks Maintenance District (PMD) for the operation and maintenance of this and future parks within High Sierra Subdivision.

**VIII. IRRIGATION**

No permanent irrigation ditches, field laterals, or irrigation easements exist on the subdivision.

**IX. SOILS/GEOTECHNICAL STUDY**

A geotechnical report was performed within the area of this subdivision and submitted with the preliminary plat and is available for review at the City of Billings Planning Department. The Geotechnical Investigation Report for High Sierra Subdivision 20th Filing Billings, Montana was completed by Rimrock Engineering Inc. and dated July 28, 2021.

It is recommended that owners, purchasers, realtors, builders, and developers fully familiarize themselves with the information contained in this report prior to design or construction.

**X. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install, and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or 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 special improvement district or private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

**XI. LEGAL PROVISIONS APPLYING TO SUBDIVIDER**

- A.** Subdivider agrees to guarantee all public improvements for a period of two 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 provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees 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, & 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”

**HIGH SIERRA II, 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 executed the foregoing instrument as the \_\_\_\_\_ of **HIGH SIERRA II, INC.**, 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: \_\_\_\_\_



**WAIVER OF RIGHT TO PROTEST  
FUTURE SPECIAL IMPROVEMENT DISTRICTS**

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 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, 20th Filing

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

“SUBDIVIDER”

**HIGH SIERRA II, INC.**

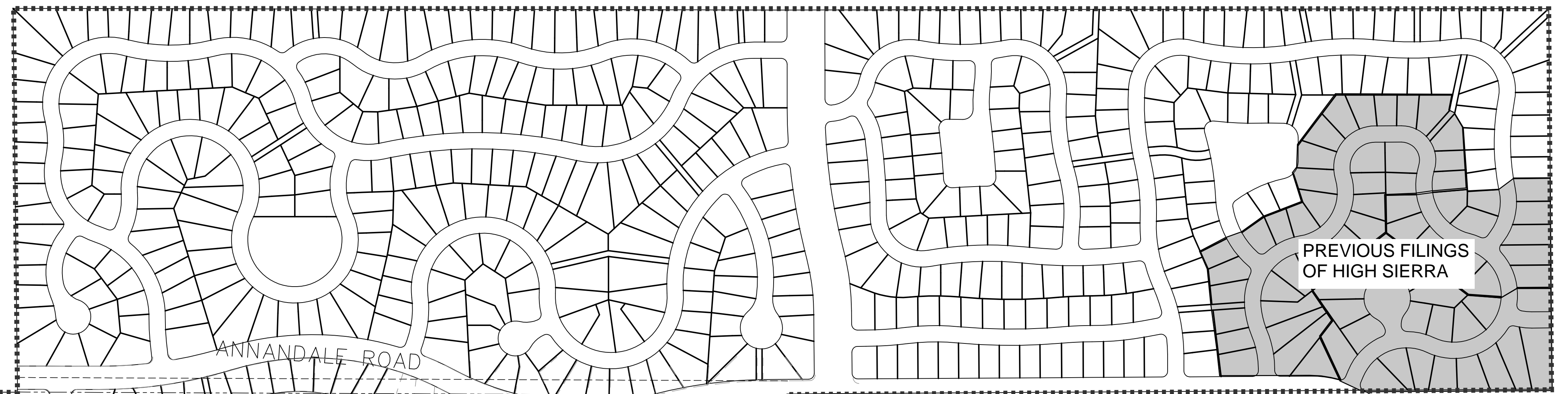
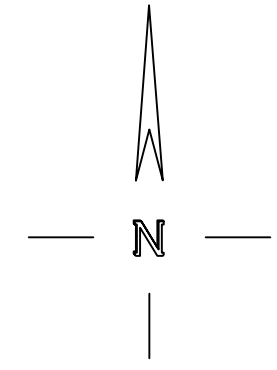
\_\_\_\_\_

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 \_\_\_\_ of **HIGH SIERRA II, INC.**, 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.

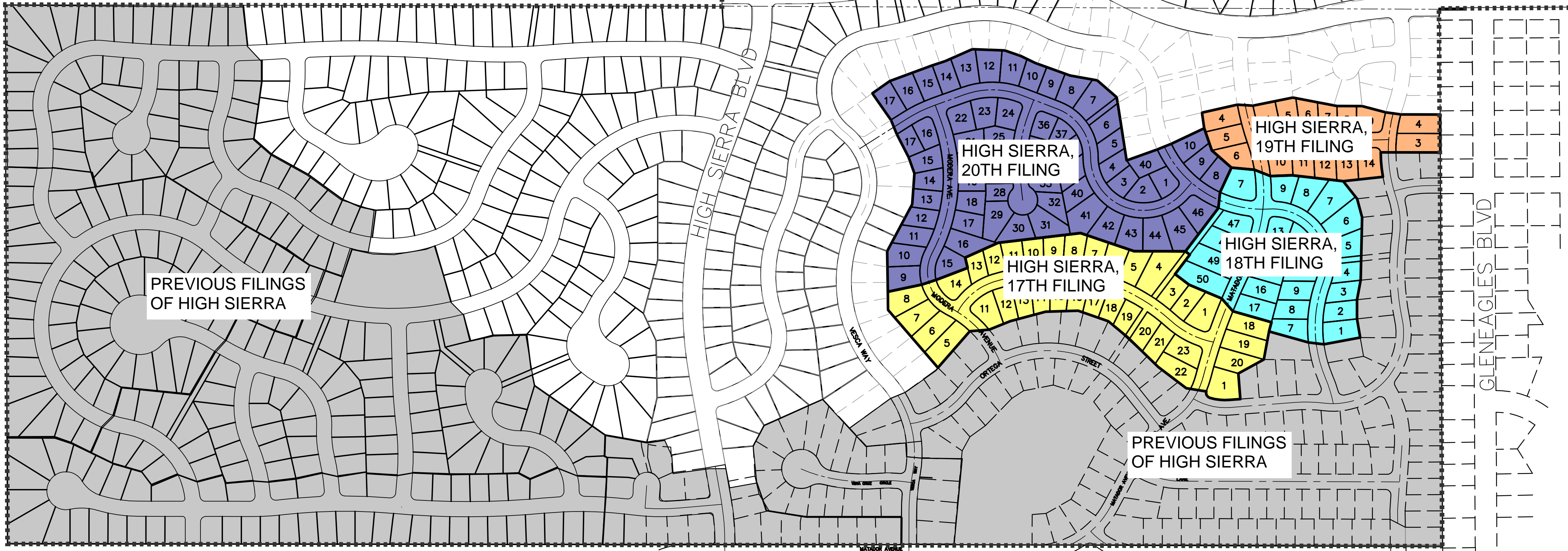
\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_



ANNANDALE ROAD

PREVIOUS FILINGS OF HIGH SIERRA

MASTER PLAN BOUNDARY



PREVIOUS FILINGS OF HIGH SIERRA

HIGH SIERRA, 20TH FILING

HIGH SIERRA, 19TH FILING

HIGH SIERRA, 17TH FILING

HIGH SIERRA, 18TH FILING

PREVIOUS FILINGS OF HIGH SIERRA

HIGH SIERRA BLVD

GLENEAGLES BLVD

HIGH SIERRA SUBDIVISION - MASTER PLAN