



YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

OCTOBER 12, 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 members of the Yellowstone County Board of Planning will meet in person in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, 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: deinest@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 deinest@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. **APPROVAL OF MEETING MINUTES:** SEPTEMBER 28, 2021

Attachments

PlnBMinutes_2021_09_28_DRAFT

4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*

4a) Comments on items not on agenda and requests to add items to future agendas

4b) Comments on items on the non-public hearing agenda items

5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
8. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. Plat Review. Planning Board Discussion. Still River Estates Subdivision, County Major Subdivision. CDW Construction, applicant. Taylor, Kasperick, Performance Engineering, agent. Dave Green, Planner II, presenting.

Attachments

Findings of Fact
Proposed Plat
SIA Draft

- b. Presentation. Discussion. Billings ByPass Corridor Study Presentation. Consultant Lisa Olmsted, DOWL. Lora Mattox, Transportation Planner.
9. **OTHER BUSINESS:**
 - a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, OCTOBER 26, 2021

- a. Public Hearing. Motion/Recommendation to BOCC. Still River Estates, County Major Subdivision. CDW Construction, applicant. Taylor, Kasperick, Performance Engineering, agent. Dave Green, Planner II, presenting.
- b. Public Hearing. 2021-2024 Transportation Improvement Plan, (TIP), Scott Walker, Transportation Coordinator
- c. Presentation. Planning Board Discussion. Update on the Exposition & 1st Avenue Intersection project and MDT project updates. Mike Taylor, MDT project updates.

Planning Board Meeting I (2nd Tuesday)

3.

Meeting Date: 10/12/2021

Information

Subject

APPROVAL OF MEETING MINUTES: SEPTEMBER 28, 2021

Attachments

PlnBMinutes_2021_09_28_DRAFT

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

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

| | Position | 01/12/2021 | 01/26/2021 | 02/09/2021 | 02/23/2021 | 03/09/2021 | 03/23/2021 | 04/13/2021 | 04/28/2021 | 05/11/2021 | ** 05/27/2021 | 06/09/2021 | 06/22/2021 | 07/13/2021 | 07/27/2021 | 08/10/2021 | 08/24/2021 | 09/14/2021 | 09/22/2021 | **10/14/2021 | 10/27/2021 | 11/10/2021 | 11/24/2021 | 12/08/2021 |
|--------------------------------|-------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|---------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|------------|------------|------------|------------|
| Teresa Larsen | Mayor/Billings Ward I | 1 | 1 | 1 | 1 | 1 | 1 | 1 | E | 1 | E | - | 1 | 1 | E | E | 1 | 1 | E | | | | | |
| Heidi Jensen-Christison | Mayor/Billings Ward II | 1 | 1 | E | 1 | 1 | E | 1 | E | 1 | E | - | E | R | - | - | - | - | - | | | | | |
| Dennie Stephenson | Mayor/Billings Ward III | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | - | E | 1 | 1 | 1 | 1 | 1 | 1 | | | | | |
| Darell Tunnickliff | Mayor/Billings Ward IV | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | - | 1 | 1 | 1 | E | E | | 1 | | | | | |
| Jon Thompson | Mayor/Billings Ward V | 1 | E | 1 | 1 | E | 1 | 1 | 1 | E | 1 | - | 1 | E | 1 | E | E | 1 | E | | | | | |
| Troy Boucher | YC District 1 | 1 | 1 | 1 | E | 1 | E | 1 | 1 | A | E | - | 1 | E | | 1 | E | E | 1 | | | | | |
| Dennis Cook | YC District 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | - | A | 1 | E | 1 | E | 1 | 1 | | | | | |
| Vacant | YC District 3 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | | |
| Vacant | YC District 4 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | | |
| Woody Woods | YC District 5 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | - | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | |
| Vacant | YC District 6 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | | | | |
| Jarett Hillius | YC District 7 | 1 | 1 | 1 | E | 1 | 1 | E | 1 | 1 | 1 | - | 1 | E | 1 | 1 | 1 | 1 | 1 | | | | | |
| Vacant | Y County Cons. District | - | - | - | - | - | - | - | - | - | - | - | - | - | - | E | - | - | - | | | | | |
| Scott Reiter | Ex-Officio SD2 | - | - | - | 1 | E | | E | E | A | 1 | - | E | E | E | 1 | | E | | | | | | |

CITY/COUNTY PLANNING BOARD

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September 28, 2021

DRAFT- To be approved by a motion on October 12, 2021

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.

As legally advertised, The Yellowstone County Board of Planning met on September 14, 2021 in the Miller Building 1st Floor Conference Room.

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>

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Call the Meeting to Order

President Woods called the meeting to order at 6:00 p.m. on Tuesday, September 28, 2021.

Introduction of Planning Board Members and Planning Department Staff

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

Participating Planning staff members: Dave Green, Planner II; Tammy Deines, Planning Clerk

Others in Attendance: Gary Owen, Sanderson Stewart; Gary Oakland, Oakland Companies; Landy Leep, Oakland Companies

Approval of the September 28, 2021 Agenda

Board member Tunncliff made a motion and Board member Hillus seconded the motion to approve the September 28, 2021 meeting agenda. The motion carried with a unanimous voice vote.

Approval of Minutes: August 10, 2021 August 24, 2021, and September 14, 2021 meeting minutes

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August 10, 2021 Correction: Add page 3 Disclosure Conflict of Interest. **Motion by Board member Cook and seconded by Board member Tunnicliff to approve the August 10, 2021 meeting minutes as corrected. The motion carried with a unanimous voice vote.**

August 24, 2021 Motion by Board member Tunnicliff and seconded by Board member Cook to approve the August 24, 2021 meeting minutes as submitted. The motion carried with a unanimous voice vote.

September 14, 2021 Motion by Board member Stephenson and seconded by Board member Hillius to approve the September 14, 2021 meeting minutes as submitted. The motion carried with a unanimous voice vote.

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

Disclosure of Outside (Ex Parte) Communication or Conflicts of Interest– Board Members and Planning Staff. – There were no disclosures of outside communication or conflict of interest from the members of the Board.

7. OLD BUSINESS:

8a. Public Hearing. Motion/Recommendation to City Council. High Sierra Subdivision, 17th-20th Filings, Dave Green, Planner II

Planner Dave Green opened this agenda item with a staff presentation, High Sierra Subdivision, Filings 17-20, Major Preliminary Plats. He gave an explanation of the Master Site Plan for High Sierra Subdivision and noted the location of Filings 17-20. He continued with the plat information for each of the filings and overview of each of the surveys. Special notation was made of the trail system in the 17th Filing. Connections will be made to each of the filings. All utilities and streets will be constructed according to City standards. Boulevard sidewalks will be constructed along with the homes on these properties. These subdivisions will be served by School District #2 which has some capacity for additional students.

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.

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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

The City Council hearing is scheduled for October 25, 2021.

RECOMMENDATION

Staff proposes the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 17th, 18th, 19th, and 20th Filings to the City Council, and adopt the Findings of Fact as presented in the staff report.

Discussion

President Woods called for questions and discussion from the members of the Board. There were none.

Public Hearing

President Woods opened the public hearing portion of the meeting.

Gary Oakland, 175 N 27th Street, Suite 900, Billings, MT

Mr. Oakland said he provided background on the proposed subdivisions during the plat review. He respectfully requested a recommendation of approval to City Council.

President Woods called for motions on each of the filings.

7a1. High Sierra Subdivision, 17th Filing

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.

Motion

Board member Tunncliff made a motion and Board member Stephenson seconded the motion to 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. The motion carried with a unanimous voice vote.

7a2. High Sierra Subdivision, 18th Filing

On August 2, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for **High Sierra Subdivision, 18th 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.

Motion

Board member Stephenson made a motion and Board member Cook seconded the motion to recommend conditional approval of the preliminary plat of High Sierra Subdivision 18th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report. The motion carried with a unanimous voice vote.

7a3. High Sierra Subdivision, 19th Filing

On August 2, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for **High Sierra Subdivision, 19th 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.

Motion

Board member Stephenson made a motion and Board member Hillius seconded the motion to recommend conditional approval of the preliminary plat of High Sierra Subdivision 19th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report. The motion carried with a unanimous voice vote.

7a4. High Sierra Subdivision, 20th Filing

On August 2, 2021, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for **High Sierra Subdivision, 20th Filing**. The proposed subdivision creates 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.

Motion

Board member Tunncliff made a motion and Board member Cook seconded the motion to recommend conditional approval of the preliminary plat of High Sierra Subdivision 20th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report. The motion carried with a unanimous voice vote.

9. OTHER BUSINESS

- a. Long Range Strategic Issues and an overview of future City and County issues and projects**
- b. Planning & Community Services Remote Meeting Protocols. Memo. Wyeth Friday, Director, PCSD**

Division Manager Plecker explained there has been some requests from Board and Commission members for some means of virtual participation. City administration gave the direction provided in Director Friday's memo below.

Starting October 1 remote participation for Board members will be available in a limited fashion. The public phone line will be available and meetings will be streamed live on Facebook. The preferred method is in person participation but staff will make consideration as needed to ensure quorums.

**MEMO
DIRECTOR WYETH FRIDAY**

The Planning and Community Services Department supports 11 boards, commissions and committees. Many of these entities have high levels of responsibility to carry out local, state and federally mandated quasi-judicial actions that include public hearings. Others are more advisory and provide important but less formal recommendations to the City Council and Board of County Commissioners.

As the PCSD has navigated the COVID-19 pandemic, the importance of providing the public remote access to our meetings, hearings, and board and commission deliberations per state public meeting law, has been a critical piece of our processes. Also, we have seen the value in allowing board and commission members to participate remotely for health and safety reasons. While the pandemic has not ended, we have brought our boards and commissions back together in person. However, City Administration has directed that providing public access remotely should remain part of our operations. And providing some opportunity for board and commission members to participate remotely under some circumstances is also an objective.

Given these directives, going forward, board and commission members will have limited opportunity to attend meetings remotely via Zoom subject to the following protocols:

- Attendance in person is preferred at all meetings

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- Remote attendance is allowed for special circumstances - i.e. - traveling out of town; unable to attend physically for health reasons but able to participate remotely; scheduling conflict that limits travel time to the meeting place
- Remote attendance must be via Zoom and the member must be visible and audible to participate in official business of the Board, Commission or Committee
- Please use discretion so that we can maintain meeting processes, meet the public meeting requirements and follow the preference that members attend meetings in person. These protocols apply to all board, commission and committee meetings starting October 1, 2021. Staff will monitor the progress and make adjustments as needed.

Discussion

President Woods is in favor of this option. He said he understands the concerns and commented that this opportunity may allow for more meeting quorums. Board member Cook said he feels this memo presents one of the better options to allow persons to protect themselves and the public. Division Manager Plecker said Board members are welcome to wear masks if they feel more comfortable while participating in person. Boardmembers are to contact the Planning Clerk prior to the meeting date when planning to participate remotely.

- c. Montana Association of Planners, (MAP), Conference Update** Division Manager Plecker gave a brief overview of the September conference. Several Planning Division staff were presenters.
- d. Land Use Laws** Division Manager Plecker said during the last legislative session, there were several bills dealing with land use laws. She said a legislative subcommittee was created to review these laws as consideration is needed with existing regulations with some timing delays and overly complicated processes for subdivision review. There is a core working group and three other groups that will forward recommendations for these statutes. Wyeth Friday and Monica Plecker are participating as committee members. Staff will bring updates during a future Planning Board meeting.
- e. Board Discussion. School Representation for subdivision and development reviews** Board members requested a presentation from a school representative on how growth impacts the school district. Board Tunncliff commented he would like input on subdivision development and school capacities. He commented it seems odd that subdivisions are approved when the area schools are at or above capacity. Planner Dave Green explained that the subdivision regulations state subdivisions cannot solely be denied based on the impact to schools. Board members proposed having an annual report from the school district. Division Manager Plecker suggested engaging Scott Reiter, who is an ex-officio member of the Planning Board.
- f. Yellowstone County website updates** President Woods spoke to the need to update the Yellowstone County website to ensure the new zoning code is available and the Boards and Commission member lists are current.

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- g. Project ReCode Update** Monica Plecker updated the Board on Project ReCode and the new zoning classification for Planned Neighborhood Development zoning. Two applications for Planned Neighborhood Developments were submitted and approved by City Council with no public concerns and a unanimous vote of approval.
- h. Announcement** City of Billings Boards And Commissions Volunteer Appreciation Dinner Thursday, October 14, 2021, 6:00 PM, at the Billings Community Center. RSVP to Wynette Maddox by October 8, 2021. maddoxw@billingsmt.gov
- i. Announcement** The next Planning Board meeting will be held Tuesday, October 12, 2021 in person in the Miller Building 1st Floor Conference Room, 2825 3rd Ave N. at 6:00 PM.

ADJOURNMENT 6:49 PM

DRAFT—TO BE APPROVED BY A MOTION- October 12, 2021

--Tamara L Deines, Planning Clerk

Planning Board

Date: 10/12/2021
Title: Still River Estates Subdivision - Preliminary Major Plat Review
Presented by: David Green
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff proposes the Planning Board recommend to the Board of County Commissioners the preliminary plat of Still River Estates Subdivision be conditionally approval and adopt the Findings of Fact as presented in the staff report.

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

On September 1, 2021, Performance Engineering, agent for CDW Construction, applied for preliminary major plat approval for Still River Estates Subdivision. The proposed subdivision creates 75 lots for residential development. The subject property is generally located on the east side of South 64th Street West and north of Hesper Road. The property is not located within the county's zoning jurisdictional boundary.

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 protect public health and safety, prior to final plat approval, the applicant will receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will create an RSID for the new public roads within the subdivision with the ability to expand with each new phase. All temporary street names will have permanent names determined.
3. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings to Billings Fire Department for review and approval of the dry hydrant system. Once installed the applicant will request Billing Fire Department test the system to ensure it works correctly and get a sign off from Billings Fire Department. The applicant will also create an RSID to maintain the dry hydrant system.
4. To protect public health and safety and provide the needed facilities for emergency vehicles, prior to final plat approval, the applicant will provide either temporary cul-de-sac ends for Skycrest Drive and Road B (temporary road name) or connect the two roads with a gravel surface road that will support fire apparatus vehicles of 40 tons in all weather conditions.
5. To protect public health and safety and to ensure public access the private parks, prior to final plat approval, the applicant will submit easement documents outlining the maintenance of the parks and outline allowed public access to the private parks.
6. 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.
7. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
8. 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.
9. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, regulations, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY

- Pre-application meeting July 15, 2021
- Preliminary plat application submitted to Planning Division on September 1, 2021
- Departmental review meeting September 16, 2021
- Preliminary plat re-submittal September 23, 2021
- Planning Board plat review October 12, 2021
- Planning Board public hearing October 26, 2021
- Preliminary plat to Board of County Commissioners November 16, 2021
- 60 working-day preliminary plat review period ends November 29, 2021

PLAT INFORMATION

General location: On the east side of South 64th Street West and north of Hesper Road

Legal Description: S17, T01 S, R25 E, S2S2NW

Owner/Subdivider: CDW Construction

Engineer and Surveyor: Performance Engineering

Existing Zoning: Outside zoning

Existing land use: Farm Land

Proposed land use: Residential

Gross and Net area: 39.50 acres / 23.92 acres

Proposed number of lots: 75

Lot size: Max: 0.53 acres
Min.: 0.258 acres

Parkland requirements: Parkland dedication required for this subdivision is 2.59 acres, the subdivider is proposing to provide 6.84 acres of open space/parkland. The parks will be privately owned and maintained by the subdivision HOA.

STAKEHOLDERS

There are no stakeholder responses at this time. On October 26th, at a regularly scheduled meeting of the Planning Board, public comment will be formally received during a public hearing.

ALTERNATIVES

In accordance with state law, the Board of County Commissioners has 60 working days to act upon this major preliminary plan. The 60 working day review period for the proposed subdivision ends on November 29, 2021. State and County subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The County 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 Board of County Commissioners is required to:

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

FISCAL EFFECTS

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

SUMMARY

One of the purposes of the County's subdivision review process is to identify potential negative effects of property being subdivided. When negative effects are identified it is the subdivider's responsibility to mitigate those effects. Various County 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 some impacts from this proposed subdivision.

Attachments

Findings of Fact
Proposed Plat
SIA Draft

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Still River Estates Subdivision. These findings are based on the preliminary plat application and supplemental documents addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health and safety (76-3-608 (3) (a) MCA) (Section 3.2 (H) (2) YCSR)

1. Effect on agriculture and agricultural water users' facilities

The subject property is currently used for agricultural purposes. There are no water rights or shares that will be available for the future property owners in this subdivision. Any surrounding ditches will be left in place with access to them for maintenance purposes. This proposed subdivision will have minimal impact on water users' facilities.

2. Effect on local services

a. **Water and Septic** – This subdivision will have community well systems in place to supply water to individual homes. It will be built in compliance with the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the DEQ. The water will be distributed by underground pipes to each lot for connection to the system. The operation and maintenance of the system will be either contracted to a third-party provider by the subdivider or HOA.

There will be three community septic systems in the subdivision, each system will support 19 lots for a total of 57 lots on the community septic system. The remaining 18 lots will be on individual septic systems. It will be built in compliance with the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations and the DEQ. The community system will be maintained by the HOA. Individual systems will be maintained by the individual lot owner.

Both the proposed water and septic systems will be reviewed and approved by MDEQ with a copy of the approval provided with the final plat. **(Condition #1)**

All private utilities, power, telephone, gas and cable television, if available to the subdivision will be installed in the public right of way prior to paving of roads.

b. **Streets and roads** – Roads within the subdivision will be built in 60-foot-wide right of ways with a 24-foot paved surface and 2-foot-wide shoulders on each side. Drainage ditches will be installed along the sides as required by MDEQ for stormwater management. South 64th Street West is classified as a principle arterial road, an additional 30 feet of right of way will be dedicated for that street by the subdivision. South 60th Street West is a collector road this subdivision is providing 60 feet of right of way and there is 30 feet of right of way from the Woodgate Estates Subdivision on the east shared

boundary. The applicant will be required to create an RSID for maintenance of roads within the subdivision. All temporary street names will have permanent names determined by final plat. **(Condition #2)**

c. **Fire and Police services** – The property is within the Billings Urban Fire Service Area (BUFSA). Phase 1 of this subdivision will be close enough to an existing 30,000-gallon dry hydrant in Dewitt Subdivision that the applicant will not have to install a tank for Phase 1. With the construction of Phase 2 the applicant will be installing a 30,000-gallon dry hydrant for the remainder of the subdivision. Construction drawings will be submitted to Billings Fire Department for review and approval prior to its installation. An RSID will be created to maintain the dry hydrant and a public easement will be created for the dry hydrant and enough area for fire equipment to access the tank. An RSID will be created for maintenance of the dry hydrant system. **(Condition #3)**

With Phase 1 of this subdivision Skycrest Drive and Road B (temporary road name) will be required to either have temporary cul-de-sac ends for the emergency vehicles to use to turn around or, build a gravel surface road that connects the two roads as road layout is shown in Phase 2 of the proposed subdivision. This language will be included in the SIA under the heading IV Emergency Service. **(Condition #4)**

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

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

e. **Storm water drainage** – Proposed Storm water drainage shall be submitted to the MDEQ for review and approval prior to final plat. All proposed stormwater systems shall meet the requirements of Section 4.7 of Yellowstone County Subdivision Regulation's and the requirements of MDEQ. **(Condition #1)**

f. **School facilities** – The proposed subdivision is located within Elder Grove School District for K through 8. West High School will provide education for students in 9 through 12, School Districts #2. Elder Grove has additional capacity for students, West High School is currently over capacity.

g. **Parks and recreation** – This proposed subdivision is required to provide parkland. The required amount of parkland for this subdivision is 2.59 acres. The applicant is proposing to provide 6.84 acres. All parks will be private parks maintained by the HOA within the subdivision. They will have easements on them to allow for public uses. Those easement documents will be submitted with the final plat. **(Condition #5)**

h. **Postal Service** – The applicant will coordinate with the USPS to provide areas for Central Box Units for the subdivision and enough area for the postal delivery person to safely deliver the mail. **(Condition #6)**

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

j. **Phasing of Development** - The applicant is proposing to develop this subdivision in phases. They are proposing three phases. Those phases are outlined in the SIA under the heading, X. Phasing of Improvements.

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. As required by County Subdivision Regulations Section 4.15 all county subdivisions are required to apply for and obtain a weed management plan with the County Weed Department. That plan will be submitted with final plat approval. **(Condition #7)**

There are no apparent or known natural hazards on the property.

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. A paragraph in the ‘Conditions that Run with the Land’ section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

5. Effects on public health and safety

Plans and designs for the water and septic system will not be reviewed at this time, there is no proposal to develop the lots at this size. Both lots are over 20 acres and do not require review.

Fire and emergency services are provided for this proposed subdivision from BILLINGS FIRE DEPARTMENT and the Yellowstone County Sheriff’s department.

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

An environmental assessment was required for this subdivision. Because the current use of the land is for farming purposes the natural habitat has been disrupted long ago. There are no known endangered species on the land. Impact to habitat should be minimal.

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]

1. Yellowstone County - 2008 Growth Policy

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

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

There are several large subdivisions currently being proposed or under construction in the area. This proposal is consistent with the type of development under way in the surrounding area.

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

This proposal is consistent with the type of development under way in the surrounding area.

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

The developer shall complete a weed management plan and shall provide a re-vegetation plan as required by County Subdivision Regulations.

2. 2018 Billings Urban Area Long Range Transportation Plan

The subject property maintains the road study area of the Transportation Plan. As proposed, the internal streets are neighborhood streets associated with this subdivision. South 60th Street west, part of Phase 3, is a future collector street.

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

South 64th Street West is identified as a proposed long-range bike lane. This subdivision is providing additional right of way for South 64th Street West for future road/trail expansion. This subdivision will not be required to build any trail as part of the development.

D. Does the subdivision conform to the Montana Subdivision and Platting Act (MSPA) and to local subdivision regulations? [MCA 76-3-608 (3) (b) and Section 3.2 (3) (a) YCSR]

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [Section 4.8 (C) and 4.9 (C), YCSR]

The subdivider must receive approval from the MDEQ prior to final approval. New parcels, without existing septic systems, are subject to MDEQ review.

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

The proposed subdivision is outside County Zoning Jurisdiction. There are no Yellowstone County zoning regulations on the subject property.

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

Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies.

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

Legal and physical access will be provided for the new proposed lots from South 64th Street West and the proposed internal streets to each lot.

CONCLUSIONS OF FINDINGS OF FACT

- This subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal, and can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

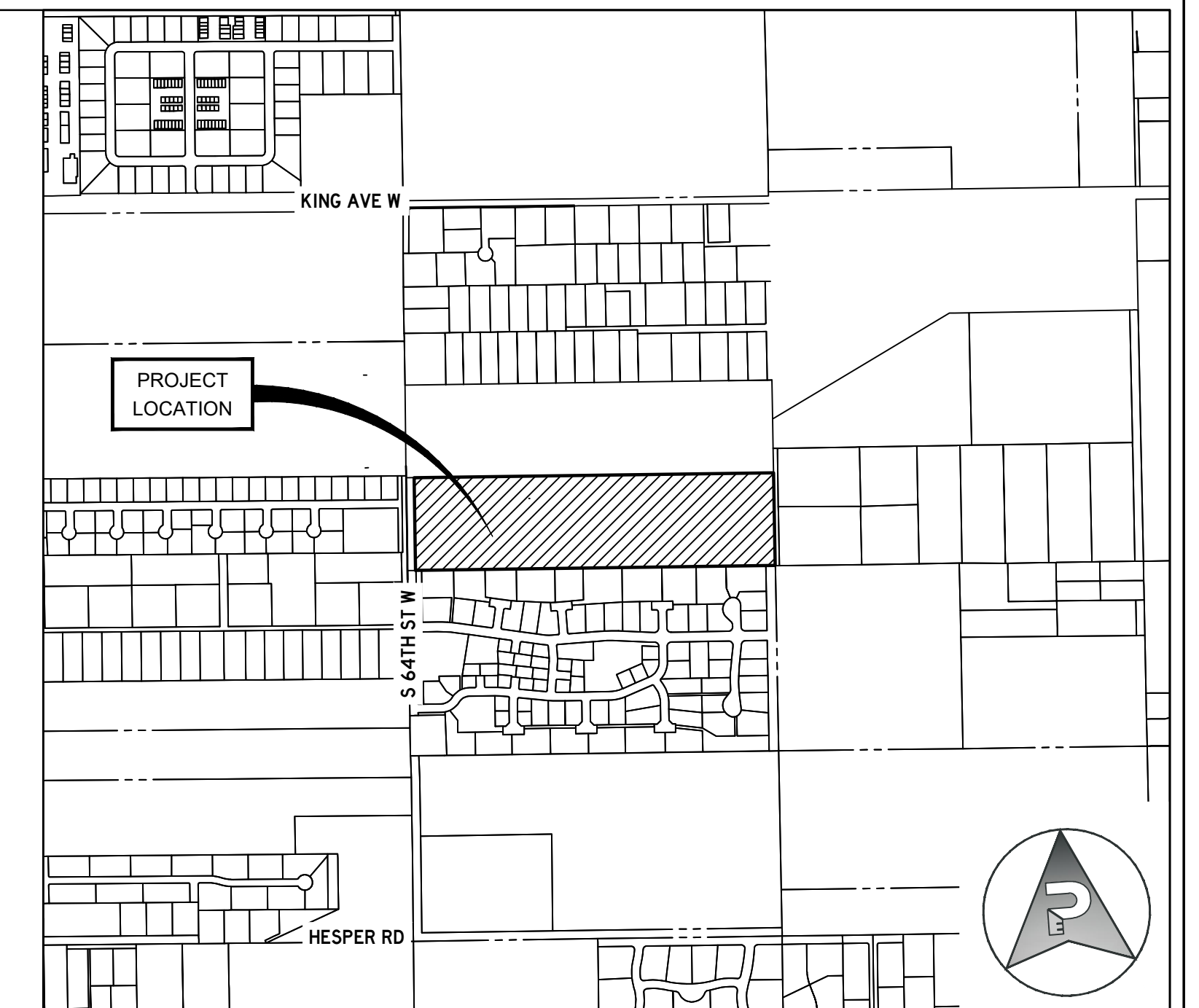
The Planning Division recommends conditional approval of Still River Estates Subdivision preliminary plat, to the Planning Board and adopt the Findings of Fact as presented in the staff report, the SIA and Waiver. The Planning Board recommendation will be forwarded to the Board of County Commissioners.

PRELIMINARY PLAT OF
STILL RIVER ESTATES SUBDIVISION
 BEING AN UNPLATTED TRACT LOCATED IN THE SOUTH 1/2 OF THE SOUTH 1/2
 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 25 EAST
 YELLOWSTONE COUNTY, MONTANA P.M.M.

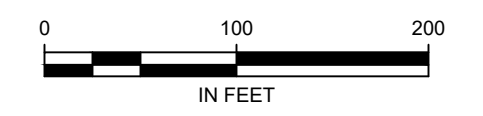
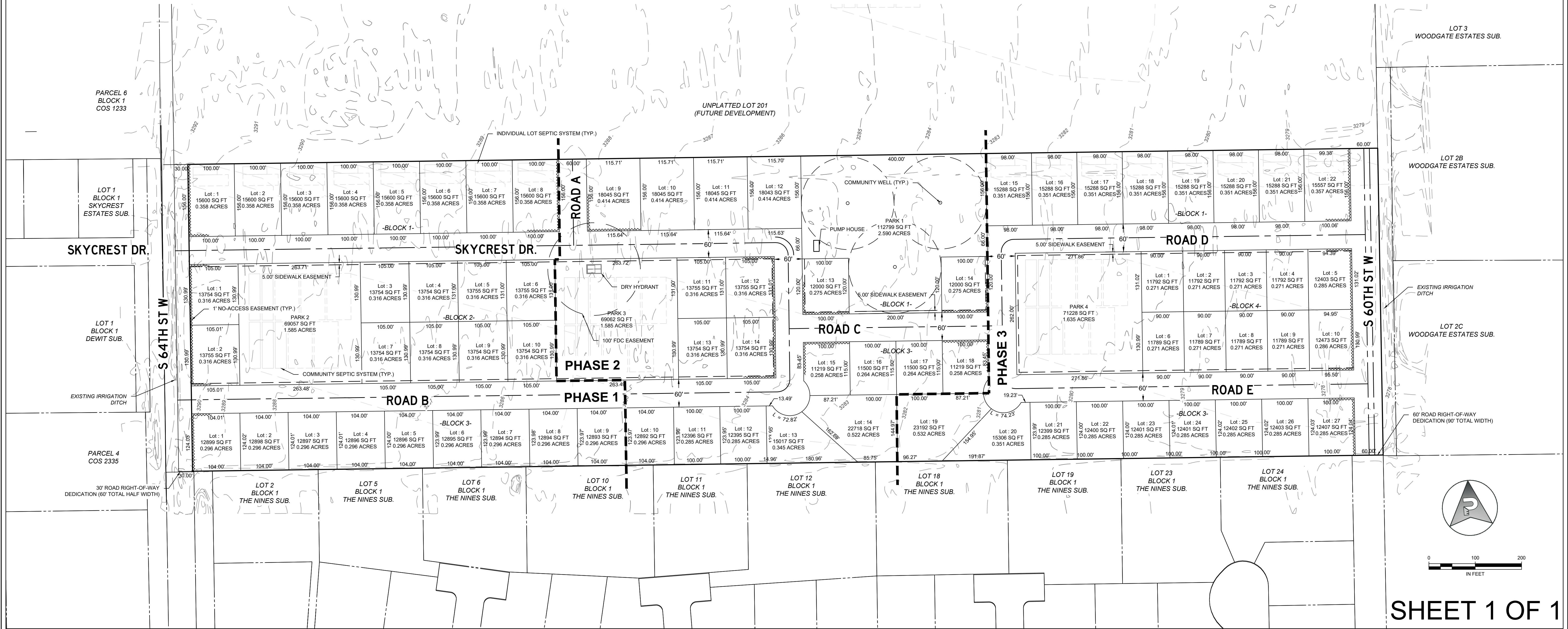
PREPARED FOR : CDW CONSTRUCTION
 PROPERTY OWNER: ACK HOLDINGS, INC.
 PREPARED BY : PERFORMANCE ENGINEERING, LLC
 DATE: AUGUST 2021



| SITE DATA | |
|------------------------|----------------------------|
| # OF LOTS | 73 |
| MAXIMUM LOT AREA | ± 23,192 SF |
| MINIMUM LOT AREA | ± 11,219 SF |
| PARKLAND AREA REQUIRED | ± 2.53 AC |
| PARKLAND AREA PROVIDED | ± 7.39 AC |
| LINEAL FEET OF STREETS | ± 6,122 LF |
| NET LOT ACREAGE | ± 23.36 AC |
| GROSS ACREAGE | ± 39.50 AC |
| EXISTING ZONING | UNZONED |
| EXISTING LAND USE | AGRICULTURE |
| PROPOSED LAND USE | RESIDENTIAL |
| SANITARY SEWER | INDIVIDUAL & SHARED SEPTIC |
| WATER | COMMUNITY WELL |
| FIRE SERVICE AREA | BUFSA |



PROJECT VICINITY MAP
 NOT TO SCALE



**SUBDIVISION IMPROVEMENTS AGREEMENT
STILL RIVER ESTATES SUBDIVISION**

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(Yellowstone County)**

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SUBDIVISION IMPROVEMENTS AGREEMENT

Still River Estates Subdivision

This agreement is made and entered into this ____ day of _____, 20__, by and between *ACK Holdings, Inc.*, whose address for the purpose of this agreement is **3132 Western Bluffs Blvd., Billings, MT 59106**, hereinafter referred to as “Subdivider,” and **YELLOWSTONE COUNTY**, Montana, hereinafter referred to as “County.”

WITNESSETH:

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

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *Still River Estates Subdivision*; and

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

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

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

I. VARIANCES

Subdivider has requested, and the County hereby grants, the following variances by the Board of County Commissioners from the strict interpretation of the County’s Subdivision Regulations (Chapter 11, Yellowstone County Subdivision Regulations):

1. No variances requested.

II. CONDITIONS THAT RUN WITH THE LAND

- A.** Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

- B.** Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C.** No water rights have been transferred to the lot owners. 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 by the completion of the conditions set forth in the Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E.** Culverts and associated drainage swales shall not be filled in or altered by the Subdivider or subsequent lot owners.
- F.** When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G.** Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.
- H.** Lot owners or their agent will obtain an Access Permit from County Public Works prior to any construction on any lot within the subdivision. The application will include a site plan showing the desired location of the access and show that it meets the requirements outlined by the DEQ storm water requirements for the subdivision. Failure to do so will result in the lot owner or their agent removing what has been installed and locating the access in an approved location at the lot owner's expense.
- I.** It is the obligation of the property owners within this subdivision to pay for the maintenance of the community water system whether it is handled by a third-party contractor or through the HOA.

III. TRANSPORTATION

A. Streets

Right-of-way Widths: All internal streets within Still River Estates Subdivision are public roadways and have a minimum right-of-way width of 60 feet. South 64th Street

West is a public roadway classified as a principal arterial road and shall have a minimum right-of-way width of 120 feet. South 60th Street West is classified as a collector road, for which 60 feet of right-of-way is dedicated. An additional 30 feet of right-of-way has been dedicated adjacent to the property on the east side as part of Woodgate Estates Subdivision providing a total right-of-way width of 90 feet.

Pavements Widths and Surface Types: All streets shall be built to grade with a satisfactory engineered subbase, base course, and asphalt surface. All internal roads shall have a minimum pavement width of 24 feet with 2-foot gravel shoulders. The engineered designed cross-sections of said streets shall be submitted to the Yellowstone County Public Works Department.

Other Required Street Improvements: Drainage ditches shall be constructed adjacent to the roadways in accordance with Yellowstone County Public Works standards and DEQ requirements to convey stormwater. Culverts shall be provided to convey stormwater across roadways and driveways.

B. Sidewalks

Individual lot owners, and the Subdivision HOA in instances of open spaces/parks, are responsible for the installation of sidewalks within the designated private sidewalk easements located along lot frontages as shown on the plat. Sidewalks shall be 5' wide and installed at the time of lot development. The subdivision HOA will be responsible for the maintenance and repair of sidewalks following initial installation.

C. Traffic Control Devices

Traffic Control Devices: Subdivider shall furnish the necessary traffic control devices within and adjacent to the subdivision as required by the County. Traffic control devices shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and County standards.

Street Name Signs: Subdivider shall furnish and install street name signs for streets within the subdivision, or located immediately adjacent thereto, in accordance with the specifications of the County Publics Works and Fire Departments.

D. Access

Access to Still River Estates Subdivision shall be provided by two primary access points off South 64th Street West. A 60-foot minimum right-of-way shall be dedicated to the public by Subdivider for all internal streets.

No Access strips shall be provided along the frontages of South 64th Street West with exception to the primary access point depicted on the Plat.

E. Billings Area Bikeways and Trail Master Plan (BABTMP)

The subdivision is located within the planning area of the Billings Area Bikeway and Trail Master Plan. The plan identifies proposed long-range bike lane and shared use path along 64th Street West. Sufficient right-of-way (120 feet total) is being dedicated to help facilitate the implementation of this plan in the future.

IV. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply in place to allow for fire suppression requirements. Prior to the construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the Billings Fire Department.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- The subdivision shall install a 30,000-gallon water storage tank with dry hydrant according to the specification of the Billings Fire Department at the time of development of Phase II. The system design shall be reviewed and approved by the Billings Fire Department prior to construction of the system. The dry hydrant shall be inspected, acceptance tested, and approved by the Billings Fire Department prior to any construction with combustible materials occurring in Phase II. No structure is to be constructed within 100 feet from the edge of the proposed dry hydrant. The tank and dry hydrant require the formation of a new RSID for maintenance thereof. The new RSID will consist of all proposed lots within the Subdivision.
- Prior to Phase II, the Subdivision will be serviced by an existing dry hydrant located on Elder Grove Lane which is within ½ road mile from each lot in Phase I.

The above requirements do not alter or effect the current minimum subdivision requirements for apparatus access and water supply.

V. STORM DRAINAGE

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

VI. UTILITIES

A. Water

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

- The Subdivision shall be supplied by community wells. Water will be conveyed to the individual lots utilizing a water distribution system.
- The community water supply system shall conform to the standards set forth by the Yellowstone City-County Health Department and MDEQ.
- The operation and maintenance of the community water system shall be provided by the Subdivision Home Owners Association(s) or Subdivider, either performed by themselves in accordance with MDEQ and Yellowstone City-County Health Department or by a licensed third-party provider contracted by the association. The costs for such operation and maintenance shall be recuperated from individual lot owners as determined by the Association and its bylaws.
- A MDEQ approval letter will be submitted with the final plat.

B. Septic System

In accordance with Section 4.8 of the Yellowstone County Subdivision Regulations, all sanitary sewer systems must obtain approval by the Montana Department of Environmental Quality, or its designee.

The Subdivider will construct three community sanitary sewer systems in the form of community septic tanks, dosing tanks, and drainfields. Each community system will support 19 lots. The remaining 16 lots will be served with individual wastewater disposal systems as approved by Montana Department of Environmental Quality and as installed by each individual lot owner. These systems shall be located and installed as shown on the site layout approved by Montana Department of Environmental Quality submitted with the final plat.

Lot owners will be responsible for the construction of individual septic tanks, dosing tanks, and drainfields on those lots not identified as being connected to the community wastewater systems. Lot owners with individual septic systems will provide operation and maintenance for their own systems at their own cost. Should it be noted the owners fail to provide proper operation and maintenance of their systems, the Subdivision Home Owners Association(s) reserves the right to perform necessary operation and maintenance, or to have it contracted, at the individual lot owner's expense.

Lot owners of those lots identified as connecting to the community wastewater systems will be responsible for providing the necessary dosing tank and pump system to discharge effluent via the low pressure force main to the designated community wastewater system. Maintenance of the community wastewater systems will be provided by the Subdivision Home Owners Association(s) or Subdivider. The costs for such operation and maintenance shall be recuperated from individual lot owners as

determined by the Association and its bylaws. Power, Telephone, Gas, and Cable Television

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

All power, natural gas, telephone, and cable (where said utilities are actually available and existing to the subdivision) shall be installed prior to street paving. Extension of private utilities into each lot shall be the responsibility of the individual lot owners. The location of all such off-site facilities within the existing public rights-of-way shall be subject to approval of the County Public Works Department and shall be installed underground. The Subdivider shall coordinate installation with various utility companies.

VII. PARKS/OPEN SPACE

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

- Lots 0.50 acres or less, 11% dedication: 22.31 acres x 11% = 2.45 acres
- Lots 0.50 – 1.0 acres, 7.5% dedication: 1.05 acres x 7.5% = 0.08 acres
- Lots 1.0 acres – 3.0 acres, 5% dedication: 0.00 acres x 5% = 0.00 acres
- Lots greater than 3.0 acres, 2.5% dedication: 0.00 acres x 2.5% = 0.00 acres

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Required parkland dedication is 2.53 acres, with the Subdivider proposing to provide 7.39 acres of open space parkland area with an easement for public use. Said parkland will remain privately owned and provided for public use. Maintenance of the open space parkland will be paid for by the Subdivision HOA and provided by the same HOA or designated third party.

VIII. IRRIGATION

Subdivider agrees there will be no irrigation water available to land owners in this Subdivision. No water shares will be transferred to the individual lot owners. Irrigation of individual lots can be conducted by lot owners utilizing the water service connection dedicated to each lot. Access to the existing ditches and drains on the perimeter of the property for maintenance and operation shall remain. Any modification to the ditches or drains shall be agreed upon by the respective ditch and drain owners.

IX. SOILS/GEOTECHNICAL STUDY

A geotechnical study is not required by the Yellowstone County Subdivision Regulations as part of this plat. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that

there could be potential limitation for proposed construction on the lots, which may require a geotechnical survey prior to construction.

X. PHASING OF IMPROVEMENTS

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

A. Phase I

- Lots 1-8, Block 1; Lots 1-10, Block 2; Lots 1-9, Block 3
- Portions of Skycrest Dr. and Road B to be constructed to Phase 1 extents. Temporary turnarounds and/or approved emergency access must be provided at the terminus of Skycrest Drive and Road B, and a gravel access drive must be provided to the pump house and water system. In lieu of temporary turnarounds at the terminus points of Skycrest Drive and Road B, a temporary access road loop may be constructed to tie Skycrest Drive and Road B together for emergency access. Park 1 and Park 2 will be laid out with the community wells and community septic system number 1, respectively.

B. Phase II – Opened by 2026

- Lots 9-14, Block 1; Lots 11-14, Block 2; Lots 10-18, Block 3
- Skycrest Drive, Road A, Road B, and Road C to be completed. Park 3 to be laid out with the community septic system number 2.
- At the time Phase II is opened, a dry fire hydrant will be constructed on Park 3. Said dry fire hydrant shall be inspected, tested, and approved by the Billings Fire Department.
- A fire apparatus turnaround shall be constructed at the end of Road C at the Phase II/III boundary line. This turnaround can include a hammerhead or cul-de-sac as approved by the Billings Fire Department.

C. Phase III – Opened by 2031

- Lots 15-22, Block 1; Lots 19-27, Block 3; Lots 1-10, Block 4
- Road D, Road E, and South 60th Street West to be constructed within Subdivision extents. Park 4 to be laid out with the community septic system number 3.

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

XI. FINANCIAL GUARANTEES

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

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

XII. LEGAL PROVISIONS

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

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

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

“SUBDIVIDER”

ACK Holdings, 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 _____ of *ACK Holdings, Inc.* who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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

This agreement is hereby approved and accepted by Yellowstone County, this ____ day of _____, 20__.

“COUNTY”
COUNTY OF YELLOWSTONE
MONTANA

County of Yellowstone
Board of County Commissioners

By: _____
Chairman

Commissioner

Commissioner

Attest: _____
County Clerk and Recorder

STATE OF MONTANA)
 : ss
County of Yellowstone)

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

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

Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's), for a period of no more than twenty years from the recording of this waiver, which Yellowstone County may require.

This Waiver and Agreement is independent from all the 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 describe as follows:

Still River Estates Subdivision

Signed and dated this ____ day of _____, 20__

ACK Holdings, 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 _____ of *ACK Holdings, Inc.* who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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