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Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

PLANNED DEVELOPMENT AGREEMENT

TRACTS 2, 3, 4, AND 5, OF CERTIFICATE OF SURVEY NO. 234, SECOND AMENDED, AND TRACT 6-A OF AMENDED TRACTS 6 AND 7, CERTIFICATE OF SURVEY NO. 234, SECOND AMENDED IN YELLOWSTONE COUNTY, MONTANA

THIS AGREEMENT is made and entered into this 30 day of April, 2013, by and between **Viking Land, LLC**, whose address for the purpose of this agreement is 6844 South Frontage Road, hereinafter referred to as "Owner," and **Yellowstone County, Montana**, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, the owner is in discussions with the Elysian School District No. 23 regarding a potential sale of a portion of the owners property to the school district for the purposes of expansion of the existing Elysian School.

WHEREAS, the School District and the Owner desire to provide for harmonious development of the property with land uses and restrictions acceptable to both parties.

WHEREAS, the undersigned is the Owner of all of Tracts 2, 3, 4, and 5 of Certificate of Survey No. 234, Second Amended and Tract 6-A of Amended Tracts 6 and 7, Certificate of Survey No. 234, Second Amended in Yellowstone County.

WHEREAS, the aforesaid Owner and the County desire to place building and use restrictions on the above-described property, as provided in this agreement.



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. PERSONS BOUND BY THE PLANNED DEVELOPMENT AGREEMENT

All persons, corporations, or other entities, who shall hereafter acquire any interest in and to the above described property, in whole, or in part, shall be taken and held to agree, to conform to, and observe the following land uses, restrictions, and other stipulations as to the use thereof, and as the construction of improvements thereon.

II. LAND USES AND BUILDING RESTRICTIONS

Unless expressly designated below, all other standards or requirements of the Yellowstone County's Zoning Ordinance shall be followed for the type of use within each of the areas described herein.

- A. Restricted Use **School Buffer Zone A** and **School Purchase Parcel** as depicted on attached **Exhibit A** (underlying county zone: Highway Commercial - HC).

All allowed land uses as outlined within the Yellowstone County Zoning Regulations for the underlying Zone shall be allowed within the **School Buffer Zone A** and **School Purchase Parcel**, with the following exceptions (SIC numbers noted are as defined by the "*Standard Industrial Classification Manual*", 1987 Edition by the Executive Office of the President, O.M.B.):

Exceptions (uses not allowed) within School Buffer Zone A and School Purchase Parcel:

Division A: Agriculture, Forestry, and Fishing

Group 07 - Agricultural Services

- Veterinary services for Livestock - Boarding
- Veterinary services for Animal specialists - Boarding

Group 08 - Forestry

- Equipment storage and wholesale sales

**Division B: Mining**

- Construction sand and gravel mining (SIC 1442)

Division C: Construction

Group 16 - Heavy Construction Other Than Building Construction - Contractors

- Open storage of equipment and supplies

Division D: Manufacturing

Group 20 - Food and Kindred Products

Alcoholic beverages manufacturing & bottling (SIC 2082, 2083, 2084, 2085)

Group 21 - Tobacco Products

- Offices only

Group 24 - Lumber and Wood Products, Except Furniture

- Hardwood and special product sawmills (2426, 2429)
- Millwork, plywood veneer, wood members manufacture (2431, 2435, 2436, 2439)
- Wood Buildings and Mobile home manufacture (245)

Group 28 Chemicals and Allied Products

- Growing, harvesting, or selling of Marijuana based products

Group 31 - Leather and Leather Products

Division E: Transportation, Communications, Electric, Gas, and Sanitary Sewer

Group 41 - Local & Suburban Transit & Interurban Highway Passenger Transportation

- Bus terminal operation only, without maintenance facilities (4173)

Group 42 - Motor Freight Transportation and Warehousing

- Trucking terminal and maintenance facilities (421, 423)

Group 43 - U.S. Postal Service

- With truck terminal

Group 46 - Pipelines, except natural gas

Group 47 - Transportation services

- Warehouses, terminals

Group 48 - Communications

- Amateur Radio Antenna Support Structures
- Broadcast antenna or tower farms



- Group 48 - Commercial Antenna Support Structures
 - Tower farms
- Group 49 - Electric, Gas, and Sanitary Services
 - Transmission and distribution, electric and gas

Division F: Wholesale Trade

- Group 51 - Wholesale Trade - Nondurable Goods
 - Groceries; beer, wine and distilled beverages (514, 518)
 - Tobacco and tobacco products; (5194)

Division G: Retail Trade

- Group 52 - Building Materials, Hardware, Garden Supply, and Mobile Home Dealers
 - Mobile home dealers (manufactured homes) (527)
- Group 58 - Eating and Drinking Places
 - With the sale of beer and wine only for on-premise consumption, without gaming
 - With the sale of beer and wine only for on-premise consumption, with gaming
 - With the sale of all alcoholic beverages for on-premise consumption, with gaming
- Group 59 - Miscellaneous Retail (Strictly Carryout)
 - Fuel dealers (598)

Division I: Services

- Group 70 - Hotels, Rooming Houses, Camps, and Other Lodging Places
 - Rooming, boarding houses; organization hotels and lodging houses, on a membership basis (702, 704)
 - Camps and recreational vehicle parks (703)
- Group 72 - Personal Services
 - Funeral service and crematories (726)
- Group 78 - Motion Pictures
 - Drive-in motion picture theaters (7833)

- B.** Restricted use **Zone B** as depicted on attached **Exhibit A** (underlying county Zone: controlled Industrial - CI)



All allowed land uses as outlined within the Yellowstone County Zoning regulations for the underlying zone shall be allowed within the restricted use **Zone B**, with the following exceptions:

Exceptions (uses not allowed) within restricted use Zone B:

Division A: Agriculture, Forestry, and Fishing

Group 09 - Fishing, Hunting, and Trapping

- Fish hatcheries and preserves (092)

Division B: Mining

- Construction sand and gravel mining (1442)

Division D: Manufacturing

-

Group 21 - Tobacco Products

- Offices only

Group 24 - Lumber and Wood Products, Except Furniture

- Hardwood and special product sawmills (2426, 2429)
- Millwork, plywood veneer, wood members manufacture (2431, 2435, 2436, 2439)

Group 28 - Chemicals and Allied Products

- Growing, harvesting or selling of Marijuana based products

Group 31 - Leather and Leather Products

- Offices only

Division E: Transportation, Communications, Electric, Gas, and Sanitary Sewer

Group 40 - Railroad Transportation

- Passenger and freight terminals

Group 46 - Pipelines, Except Natural Gas

The following uses are allowed within the Restricted Use Zone B, with special review approval:

Division D: Manufacturing



Group 20 - Food and Kindred Products

- Alcoholic beverages manufacturing and bottling (2082, 2083, 2084, 2085) By Special Review

Group 41 - Local & Suburban Transit & Interurban Highway Passenger Transportation

- Bus terminal operation only, without maintenance facilities (4173)
- By Special Review

Division F: Wholesale Trade

Group 51 - Wholesale Trade - Nondurable Goods

- Groceries; beer, wine and distilled beverages (514, 518) - By Special Review
- tobacco and tobacco products; (5194) By Special Review

IV. LANDSCAPING REQUIREMENTS

Unless expressly designated below, all landscaping and performance standards as outlined within section 27-1101 of the Yellowstone County's Zoning ordinance shall be followed as required within the underlying county zone outlined herein, with the following exceptions:

A. School Buffer Zone A

Within the **School Buffer Zone A** as depicted on attached Exhibit A, regardless of the size of the development, a bufferyard shall be provided on the common boundary with the Elysian School property which shall include

- 15' Minimum width bufferyard
- Three trees per 40 lineal feet
- 6' sight obscuring fence or wall located on property.

The bufferyard shall be required at the time of development of the property adjacent to the Elysian School Purchase Parcel.

V. OTHER SPECIAL AGREEMENTS

A. Access

