



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



AGENDA

MARCH 28, 2023 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

NOTICE TO THE PUBLIC

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

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://tinyurl.com/yckr478k>

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.

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. **MOTION. MEETING MINUTES: March 14, 2023**
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).
 - a. **Motion/Recommendation to City Council and the BOCC 2020-2024 TIP Amendment #4.** Scott Walker, Transportation Coordinator, Rusty Logan, MET Transit Manager, presenting.
 - b. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!
1. **Public Hearing. Motion/Recommendation to City Council, Annafeld Subdivision 5th Filing.** City Major Subdivision. McCall Development, applicant. Gary Owen, Sanderson Stewart, agent. Dave

Green, Planner II, presenting.

2. **Public Hearing. Motion/Recommendation to City Council. Golden Meadows II Expansion Tract 2A-1 & Tract 3A-1 C/S 1349. City Major Subdivision. Jay Van Tassell, applicant. Sumner Anacker, Sanderson Stewart, agent. Dave Green, Planner II, presenting.**
3. **Public Hearing. Motion/Recommendation to BOCC. Peila Subdivision Tract A-2-A of C/S 3443. Matt Peila, Sam Peila, Prairie Builders MT, applicants. Aaron Redland, WWC Engineering, agent. Dave Green, Planner II, presenting.**
4. **Public Hearing. Motion/Recommendation to BOCC. Sanctuary Canyon Estates Sub, 2nd Filing. County Major Subdivision. Chris Vlahos, Superior Construction Inc., applicant. Aaron Redland, WWC Engineering. Dave, Green, Planner II, presenting.**
8. **NEW BUSINESS:** There is no New Business.
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, APRIL 11, 2023

- a. **Presentation. Discussion. I 90 Yellowstone River Project. Lisa Gray, HDR Inc, presenting**
- b. **Plat Review. Board Discussion. Lake Hills 40th Filing. A 17-lot City Major Subdivision. Ron Hill, Applicant, John Bruckner, WWC Engineering, agent. Hunter Kelly, Planner I, presenting.**
- c. **Plat Review. Board Discussion. 54 West AKA Fifty-Four West Subd Being C/S 1834, PARCEL 2B. A 68-lot City Major Subdivision. Mike Christensen, Christensen Homes, applicant. Travis Copper, KLJ Engineering, agent. Hunter Kelly, Planner I, presenting.**

CITY/COUNTY PLANNING BOARD
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101



Public Hearing Participation Guidelines

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

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

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

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

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

Thank you for participating.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 03/28/2023

Information

Subject

MOTION. MEETING MINUTES: March 14, 2023

Attachments

PLNB_2023_03_14 MIN_DRAFT .pdf

CITY/COUNTY PLANNING BOARD

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Board Attendance Roster: Please note: "E" stands for excused absence, "A" stands for un-excused absence, "1" stands for present, "Z" stands for Zoom participation. **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	01/10/2023	01/24/2023	02/14/2023	02/28/2023	03/14/2023	03/28/2023	04/11/2023	04/25/2023	05/09/2023	05/23/2023	06/13/2023	06/27/2023	07/11/2023	07/25/2023	08/08/2023	08/22/2023	09/12/2023	09/26/2023	10/10/2023	10/24/2023	11/14/2023	11/28/2023	12/12/2023
Jim Ronquillo	Mayor/Billings Ward I	1	1	1	1																			
Roger Gravgaard	Mayor/Billings Ward II	1	1	1	1																			
Dennie Stephenson	Mayor/Billings Ward III	1	1	1	1																			
John Staley	Mayor/Billings Ward IV	1	1	1	1																			
David Nordel	Mayor/Billings Ward V	1	E	E	1																			
Troy Boucher	YC District 1	A	A	A																				
Dennis Cook	YC District 2	1	1	1	1																			
Vacant	YC District 3	-	-	-	-																			
Vacant	YC District 4	-	-	-	-																			
Woody Woods	YC District 5	1	1	1	1																			
Vacant	YC District 6	-	-	-	-																			
Vacant	YC District 7	-	-	-	-																			
Vacant	Y County Cons. District	-	-	-	-																			
Scott Reiter	Ex-Officio SD2	E	E	E	E																			

MARCH 14, 2023

DRAFT- To be approved by a motion on March 28, 2023

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES

As legally advertised, The Yellowstone County Board of Planning met on March 14, 2023 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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1. Call the Meeting to Order: President Cook called the meeting to order at 6:00 p.m. on Tuesday, February 14, 2023.

Introduction of Planning Board Members and Planning Department Staff

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

Participating Planning staff members: Wyeth Friday, Director, Planning & Community Services Department; Monica Plecker, Planning Division Manager; Scott Walker, Transportation Coordinator, Dave Green, Planner II, Tammy Deines, Planning Clerk

Others in Attendance: Mike Black, Yellowstone County Public Works, Gary Owen, Sanderson Stewart; Sumner Anacker, Sanderson Stewart; Sarah Graham, MET Transit, Rusty Logan, MET Transit; Aaron Redland, WWC Engineering; Matt Peila, applicant

Virtual Attendance -Rick Leuthold, Sanderson Stewart, Jake Zwenke Sanderson

2. Approval of Agenda – Board member Ronquillo made a motion and it was seconded by Board member Stephenson to approve the agenda as submitted. The motion carried with a unanimous voice vote.

3. Approval of Minutes: February 14, 2023 (The February 28, 2023 meeting was canceled due to a lack of agenda items).

Motion by Board member Woods and seconded by Board member Staley to approve the February 14, 2023 meeting minutes as submitted. The motion carried with a unanimous voice vote.

4. Public Comment: President Cook 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 is no public comment.

5- 6. Disclosure of Outside (Ex Parte) Communication or Conflicts of Interest– Board Members and Planning Staff. There were no disclosures of outside communication or conflicts of interest. There was none.

7. OLD BUSINESS: There is no Old Business.

8. NEW BUSINESS

8a. Public Hearing. Board Discussion. 2020-2024 TIP Amendment #4. Scott Walker, Transportation Coordinator, Rusty Logan, MET Transit Manager, presenting.

Scott Walker opened this agenda item and gave a brief introduction and review of the background below. He explained that amendments are often needed due to project scope or projects costs. A detailed summary sheet handout was distributed to the members of the Board.

RECOMMENDATION

Planning staff recommends the Planning Board receive a staff presentation and then hold a public hearing at this meeting. No action following the hearing is required at this meeting as the Planning Board will have any final discussion and take formal action at its meeting on March 28th.

BACKGROUND

Federal regulations require that Metropolitan Planning Organizations (MPOs) review and update their Transportation Improvement Program (TIP) periodically. Given timing and funding adjustments with some transportation and transit projects, the current Billings 2020-24 TIP must be amended to maintain compliance with State and Federal requirements.

The TIP is a short-range program of highway and transit projects in the Billings MPO area and is prepared by City-County Planning Division staff in cooperation with state and local agencies. The purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicate regional priorities, and demonstrate a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the urbanized area that are exempt from the TIP approval process, such as projects that do not utilize funds. This TIP amendment is being presented to the Planning Board for review due to timing and cost updates to several projects. The projects subject to updates in this TIP amendment are MDT or MET Transit projects that are supported by federal funding. Staff has attached a quick reference page indicating what project adjustments are part of this amendment as well as the full amended 2020-24 TIP document itself.

STAFF PRESENTATION: Scott Walker, Transportation Coordinator**Projects Modified Due to Change in Funding/Scope:**

- Billings Bypass -Updated Construction Cost
- Five Mile Road – Project Completed
- Railroad Overpass – Updated Cost (Earthwork, Construction)
- Johnson Lane Interchange – Updated Cost
- I-90 Yellowstone River Bridges – Bridge Cost Updates; Two-Way traffic on the new bridge has been initiated to allow for construction of the subsequent bridge
- Main Street/1st Avenue N. Intersection-Updated Construction Cost
- Underpass Avenue (@ 6th Avenue W.)– Updated Final Cost
- Exposition & 1st Avenue N. – Environmental/Storm Drain Updates

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- Zoo Drive- Public Involvement/Update Cost-Overpass to Shiloh Rd
- 56th Street West Roundabouts at King & Central-Punch List
- 62nd Street W. Roundabout at Rimrock-ROW/Update Cost
- Transportation Alternatives - Updated Allocation. \$6.3 Million to begin process for vetting qualifying projects

STAFF PRESENTATION: Rusty Logan, MET Transit Manager

- **FEDERAL TRANSIT ADMINISTRATION SECTION 5339**
COMPETITIVE Table now includes grant received for purchase of 4 electric buses, charging infrastructure, and a bus driver training simulator (grant required 5% spending on training and training tools).
- **FEDERAL TRANSIT ADMINISTRATION SECTION 5310**
Table updated with most recently available funding figures as well as recently completed GRANT selections for Coordination Group projects to occur in FY23. Projects table updated to reflect grant programming to cover previous vehicle price escalations.
- **TRANSADE** Updated with actual apportionment figures with estimates for funding moving forward based on recent apportionments.

Discussion

In response to question by Board member Woods, Rusty Logan explained that the charging Stations will be purchased in partnership with "ChargePoint". They will be considered as City assets that are installed and integrated into the MET Facility.

2020-2024 TIP AMENDMENT IV REVIEW SCHEDULE

Review Body	Date	Notes/Result
Technical Advisory Committee	February 23	Recommendation to Governing Bodies
Planning Board Discussion	March 14	Presentation, Public Hearing
Planning Board Action	March 28	Recommendation to PCC
City Council Work Session - Confirmed	April 3	Presentation

CITY/COUNTY PLANNING BOARD

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City Council Meeting	April 10	Recommendation to PCC
Commissioner Action	April 4	Presentation/Recommendation to PCC
Policy Coordinating Committee	April 18	Final Action

Public Hearing

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against the 2020-2024 TIP Amendment #4. There was none. The public hearing is closed. The Planning Board will forward a motion on the 2020-2024 TIP Amendment #4 to the City and County governing bodies during the March 28, 2023 meeting. PCC will take final action on April 18, 2023.

8b. Plat Review/Board Discussion. Annabel Subdivision, 5th Filing. City Major Subdivision. McCall Development, applicant. Gary Owen, Sanderson Stewart, agent. Dave Green, Planner II, presenting.

Dave Green commented on the revised survey and SIA resubmitted by Sanderson Stewart for the plat review. The changes were made per recommendation of Fire Marshal Bill Tatum and updates were made to the layout for Block 33, Lots 1-24 south of Carriage Lane 4. These layout updates resulted in the loss of one lot. Gary Owen, Sanderson Stewart, pointed out the change on the posted survey and said this is in response to input given during the Department Review Meeting. Dave Green said an updated survey and SIA will be provided for the public hearing. He noted that there is a Master Plan in place that includes this project.

RECOMMENDATION

City Staff recommends the Planning Board forward to the City Council a recommendation to conditionally approve the preliminary plat of Annafeld Subdivision, 5th Filing, and adopt the Findings of Fact as presented in the staff report.

BACKGROUND

On February 1, 2023, Sanderson Stewart for McCall Development, Inc., applied for preliminary major plat approval for Annafeld Subdivision, 5th Filing. The proposed subdivision creates 123 lots for residential development. The subject property is generally located south of Elysian Road and west of Annafeld Subdivision, 4th Filing.

The property is zoned PD, builders will follow the PD zoning requirements when developing the lots.

VARIANCES REQUESTED No variances from the City Subdivision Regulations have been requested.

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 submit all drawings and specifications for water systems, sewer systems and stormwater systems to the City of Billings Engineering Department for review and approval prior to installation.
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.

Discussion

President Cook called for questions and discussion from the members of the Board. Board member Ronquillo asked for clarification on the survey modification. Dave Green explained that there is a proposal for townhomes. A modification was made to adjust the distances to meet the Fire Department's regulations. Gary Owen said the parkland will be moved northward on the survey to allow access for a fire truck.

Greg McCall, McCall Development, 6125 Norma Jean Lane, Billings, MT

Mr. McCall thanked the Board for this review. This plat is unique as the 5th Filing is smaller as originally planned due to current economics. This development will blend some of their most affordable housing products in this filing. Board member Ronquillo commented on the growth in this area and he commended the McCalls on the development.

Gary Owen, Sanderson Stewart, 1300 N Transtech Way, Billings, MT

Mr. Owen offered to answer questions. There were no questions for Mr. Owen.

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***A public hearing for Annafeld 5th filing will be held and the Planning Board will forward a recommendation during the March 28, 2023 Planning Board meeting. City Council will take action on April 24, 2023.*

8c. Plat Review/Board Discussion. Golden Meadows II Expansion Tract 2A-1 & Tract 3A-1 C/S 1349. City Major Subdivision. Jay Van Tassell, applicant. Sumner Anacker, Sanderson Stewart, agent. Dave Green, Planner II, presenting.

Dave Green opened this agenda item with a staff presentation. He noted that the Subdivision Regulations require streets to be private within mobile home parks.

RECOMMENDATION

City Staff recommends the Planning Board forward to the City Council a recommendation to conditionally approve the preliminary plat of Golden Meadows Subdivision Expansion, and adopt the Findings of Fact as presented in the staff report.

BACKGROUND

On February 1, 2023, Sanderson Stewart applied for preliminary major approval for Golden Meadows II Subdivision for Rent of Lease. The proposed subdivision is an expansion of the existing Golden Meadows Mobile Home Park and creates 276 spaces for rent or lease. The subject property is generally located west of 32nd Street West, south of King Avenue West. The property is zoned Residential Manufactured Home, (RMH) The developer will follow zoning requirements with the layout of the proposed expansion of the mobile home park.

VARIANCES REQUESTED No variances from the City Subdivision Regulations have been requested.

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 submit all drawings and specifications for water systems, sewer systems and stormwater systems to the City of Billings Engineering Department for review and approval prior to installation.
2. 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.

3. To provide needed private utility services to the future residents of the subdivision, prior to final plan approval, the applicant will work with private utility providers to provided needed easements for their utility installation
4. 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.
5. 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.

Discussion

President Cook called for questions and discussion. Clarification on the access points was requested by Board members Ronquillo and Staley. Dave Green said the primary entrance for this development is off of 32nd Street West and there is another adjacent mobile home park. Board member asked what modifications will be made in response to the traffic study.

Sumner Anacker, Sanderson Stewart, 1300 Transtech Way, Billings MT

Ms. Anacker is the agent for applicant Jay Van Tassell. She said the updates included the percentage of contributions from 2% to 5%, and updated language for the warranty for a right-hand turn on to 32nd Street West on to North and South Willowbend Drive as their traffic team decided the existing two lanes will suffice. Board member Nordel and Staley commented on the existing traffic and the potential traffic increase due to this subdivision. Board member Nordel asked for the traffic study statistics and consideration for pedestrian hazards. He requested more in-depth information on the traffic study's projected number of cars and pedestrians with the addition of this development. Board member Woods pointed out that the new development will be required to construct sidewalks. He asked how pedestrians will traverse to the adjoining neighborhoods. Ms. Anacker said pedestrians exiting this subdivision would have to walk on the existing streets within the adjoining neighborhoods. This development will have sidewalks as well as a trail on the west end. Board member Woods voiced concern with the need for children's safety and potential vehicle conflicts. Ms. Anacker continued and said they are discussing including an underground storm detention area with a park area above. A fence will be required for the south end of the development along the BBWA canal. President Cook asked about the historical makeup of the trailer park residents. Wyeth Friday asked about the location of the parkland. Ms. Anacker

said the parkland in the neighborhood to the east is on the west side of the development. The decision was made to locate the parkland on the west side of this development in order to utilize the existing ponds to incorporate a more natural feel.

Rick Leuthold, Sanderson Stewart, 1300 Transtech Way, Billings MT

Mr. Leuthold said he is able to give some background as he worked with the owner on this development for several years. The existing ponds to the west are there in perpetuity and will continue to function for the storm drainage. The owner has discussed providing some larger pedestrian access points to these ponds for the benefit of the future residents. The predominance of owners in the court are either couples with young children or senior citizens. They don't expect to have a preponderance of young families in this development but it is an excellent opportunity for senior housing. The existing mobile home court which was developed 43 years ago was required to have a 2-ft concrete ribbon along the asphalt to provide a minimal area for pedestrians to walk along the road. New standards require full curb, gutter, and sidewalk which will be provided in this new development. Both mobile home parks are owned by the same owner and they will have some control over addressing sidewalk if needed. The City designed the 32nd Street improvements to move it to a principal arterial width and it will carry tremendous traffic loads. The traffic study pointed to their need to contribute to the improvements that already exist and benefit the entire area. There is a wide boulevard along the frontage of the mobile home park with a boulevard walk for pedestrians moving north to King Avenue or southward to Gabel Road, the sidewalk has been completed for the full length on both sides. Further clarification was given on the signalization contributions as requested by Board member Nordel. This development will provide a cash contribution for the existing improvements. Board member Staley asked if warrants were done when the City made the improvements. Rick Leuthold said this was factored into the street development as this parcel is in a Planned Development Agreement and anticipated to be a mobile home park for 40 years. Yellowstone County Civil Engineer Mike Black said the County took this into consideration and a pedestrian crossing was provided when the bridge across the BBWA was replaced. Board member Staley voiced concern with the traffic warrants and the additional traffic to be generated from this development. He said different signage may be needed. Board member Nordel concurred on the safety concerns with the blind spot on the hill. He commented that consideration for the room needed should be made growth takes place.

Sumner Anacker added that they have coordinated with USPS to determine the correct cluster box sizing and location for the mailboxes. They are corresponding with the

private utility companies and their landscape team is working on the landscape plan. Students from this development will attend Elysian School (K-8) and West High School. Dave Green said schools will determine routes and assign locations for student pick up and drop offs. In response to question by Board member Woods, Ms. Sumner said enough distance on the side for vehicles to pull over and allow traffic to pass by.

***A public hearing for Golden Meadows II Expansion Tract 2A-1 & Tract 3A-1 C/S 1349 will be held and the Planning Board will forward a recommendation during the March 28, 2023 Planning Board meeting. City Council will take action on April 24, 2023.*

8d. Plat Review. Discussion. Peila Subdivision Tract 1-2-A of c/S 3443. Matt Peila, Sam Peila, Prairie Builders, applicants. Aaron Redland, WWC Engineering, agent. Dave Green, Planner II, presenting.

Dave Green opened this agenda item with the Staff presentation. He pointed out the location for the proposed parkland and the dry hydrant tank for fire suppression. He said discussions are being held regarding to use the private road easement of Molly Drive West which connects to Yeoman Road as the secondary access point.

RECOMMENDATION

Staff recommends the Planning Board forward to the Board of County Commissioners a recommendation to conditionally approve the preliminary plat of Peila Subdivision, and adopt the Findings of Fact as presented in the staff report.

BACKGROUND

On February 1, 2023, WWC Engineering, agent for Matt and Sam Peila, applied for preliminary major plat approval of Peila Subdivision. The subject property is generally located on the south of Yeoman Road and west of Twelve Mile Road. This parcel of land is outside of zoning. It is surrounded by residential uses and wildland grass acreage.

VARIANCES REQUESTED No variances from the City Subdivision Regulations have been requested.

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 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.
3. To protect the existing private easement and also to provide for the requirement of two means of ingress and egress from a major subdivision, prior to final plat approval, the applicant will either need to show documentation they are allowed to use the private road easement of Molly Drive West which connects to Yeoman Road. Or, they will need to dedicate it to the public, build the road to a county standard and include it in the RSID they are creating for the other public roads with in this subdivision.
4. To protect the safety of drivers in the area of this newly proposed subdivision and manage the increased traffic this subdivision may cause, prior to final plat approval, the applicant will provide to County Public Works a Traffic Impact Study (TIS) for their review and comment.
5. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings to Shepherd Volunteer Fire Department for review and approval of the dry hydrant system. Once installed the applicant will request Shepherd Volunteer Fire Department to test the system to ensure it works correctly and get a sign off from Shepherd Fire Department. The applicant will also create an RSID for the dry hydrant system that is expandable with each new phase.
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.

Discussion

President Cook called for questions and discussion. In response to question by Board member Woods regarding Lot 14 Block 4, Dave Green said a turnaround will need to be

provided prior to final plat approval to meet the fire department requirements. Board member Nordel asked regarding the DEQ review. Dave Green responded that DEQ approval must be obtained prior to final plat approval. Director Friday asked about the fluctuation in lot sizes.

Aaron Redland, WWC Engineering, Billings, MT

Ms. Redland is the agent for applicants Matt Peila and Sam Peila. She said one of the large lots belongs to Matt Peila. Lot 14 on the south end of the survey has ground water issues and a permit could not be obtained. When the Molly Drive West easement was created for the benefit of the development of the subdivision and they are in the process of working with the County to dedicate it as a public road.

***A public hearing for Peila Subdivision will be held and the Planning Board will forward a recommendation during the March 28, 2023 Planning Board meeting.*

8e. Plat Review. Board Discussion. Sanctuary Canyon Estates Subdivision, 2nd Filing. County Major Subdivision. Chris Vlahos, Superior construction, Inc. applicant. Aaron Redland, WWC Engineering, agent. Dave Green, Planner II, presenting.

Dave Green noted the applicant submitted a revised survey and SIA prior to this meeting. He pointed out the revisions on the posted survey removing Helious Drive and the adjacent lots, and Thalassa Road. He commented there is a proposal for locating a water tank on the north end of the survey. The staff report and SIA will be updated to reflect these changes and provided to the Board prior to the public hearing.

RECOMMENDATION

Staff recommends the Planning Board forward to the Board of County Commissioners a recommendation to conditionally approve the preliminary plat of Sanctuary Canyon Estates Subdivision, 2nd Filing, and adopt the Findings of Fact as presented in the staff report.

BACKGROUND

On February 1, 2023, WWC Engineering, agent for Chris Vlahos, applied for preliminary major plat approval of Sanctuary Canyon Estates Subdivision, 2nd Filing. The subject property is generally located on the south of Trail Master Drive and east of Sanctuary Canyon Road. This parcel of land is outside of zoning. It is surrounded by residential uses and wildland grass acreage.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

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 meet the requirements of Yellowstone County Subdivision regulation Section 4.6 C 16, prior to final plat approval, the applicant will include language in the SIA under the heading III Transportation C Access, defining which lots are allowed to use Helios Circle and Thalassa Road for access. Should Helios Circle provide access for three lots it will be paved to County road standards. Should future development from these two roads take place they will be built to a Yellowstone County paved road standards. Easement documents for these two roads shall state if they can have additional burden on them. The SIA shall be amended to accurately reflect the requirements of these roads.~~
3. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit drawings to Lockwood Fire Department for review and approval of the proposed locations of new fire hydrants within the subdivision expansion.
4. 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.
5. 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.
6. 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.
7. 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.

Discussion

President Cook called for questions and discussion. President Cook asked about mitigation of the stormwater runoff for these 14 lots. Dave Green pointed out the large natural drain ditch that runs throughout this subdivision and the adjacent subdivision. He noted that the temporary turnaround will go away with the new development.

Aaron Redland, WWC Engineering, Billings, MT

Ms. Redland is the agent for applicant Chris Vlahos. Ms. Redland stated that per DEQ requirements, they submitted stormwater management plans for this development. She pointed out a stormwater easement for the first filing to account for any additional runoff. Wyeth Friday asked about the access to the parkland. Dave Green said the previous filing has an easement for access to the park which will be expanded.

***A public hearing for Sanctuary Estates Subdivision will be held and the Planning Board will forward a recommendation during the March 28, 2023 Planning Board meeting.*

9. OTHER BUSINESS

9a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects. Director Wyeth Friday

9a1. Announcement: City of Billings & Yellowstone County Board and Commission Training Wednesday, March 29, 2023. 5:00 pm – 6:30 pm. Billings Community and Senior Center, 360 North 23rd Street. Speaker Dan Clark, Local Government Center, Bozeman, MT. Board members are to confirm by March 24, 2023 to Admin Robbin Bartley, 406-247-8676 or E-mail bartleyr@billingsmt.gov

9a2. Update Legislative Session-Hearings are being scheduled for the second session. There are several land use bills under consideration including Senate Bill #382 to provide comprehensive changes and emphasize the Growth Policy. The Legislative website has been revamped with a more user friendly format.

9a.3 Big Sky Rail Authority –This group is working with the Federal Government and other states to return passenger rail to the west and provide a southern route through Montana coming through Billings, Bozeman, Butte, and Missoula to Idaho and potentially a southern route from Billings to Denver. Funding was available through the bipartisan infrastructure bill for analysis and potential improvements. City Council has expressed interest in being involved and has signed a support letter and asked about

CITY/COUNTY PLANNING BOARD

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MPO involvement. This would be brought forward to the Planning Board MPO during late summer through the UPWP Draft. City Council asked for a presentation from the Rail Authority which would be shared with Planning Board. An information will be scheduled in June with the Authority and City Council.

9a3. Announcement: The March 28, 2023 meeting will be held as legally announced and advertised. Board members are encouraged to attend as there are several public hearings and action items.

ADJOURNMENT: 8:00 PM

DRAFT—TO BE APPROVED BY A MOTION March 28, 2023

Tamara L. Deines, Planning Clerk

Planning Board

Date: 03/28/2023
Title: Transportation Improvement Program - Amendment 4
Presented by: Scott Walker
Department: Planning & Community Services
Presentation: No

Information

RECOMMENDATION

Staff recommends the Planning Board recommend approval of the 2020-2024 TIP Amendment 4 to the PCC through its designee, President Cook. The PCC is scheduled to meet on April 18 for action on this item.

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

Federal regulations require that Metropolitan Planning Organizations (MPOs) review and update their Transportation Improvement Program (TIP) periodically. Given timing and funding adjustments with several transportation projects, the current Billings 2020-24 TIP must be amended to maintain compliance with State and Federal requirements. The TIP is a short-range program of highway and transit projects in the Billings MPO area and is prepared by City-County Planning Division staff in cooperation with state and local agencies. The purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicate regional priorities, and demonstrate a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the urbanized area that are exempt from the TIP approval process, such as projects that do not utilize federal funds. This TIP amendment is being presented to the Planning Board for review due to timing and cost updates to several MDT projects supported by Federal funding. Staff has included and attached to this staff report a quick reference sheet indicating what project updates are included in this amendment.

STAKEHOLDERS

This item was presented to the Planning Board initially on March 14th and a public hearing was held. Staff presented the item and no public comment was received. The Board will need to act on the item and provide a recommendation to the Policy Coordinating Committee.

ALTERNATIVES

The current TIP includes updates of federal funding for several projects in the Billings area. The Planning Board may:

- Recommend approval to the Policy Coordinating Committee (PCC) of the 2020-2024 TIP Amendment 4 as drafted in order to continue the implementation of federally funded transportation projects in the Billings MPO area.
- Recommend modifications to the proposed 2020-2024 TIP Amendment 4 and present these recommendations to the Policy Coordinating Committee for further consideration.

Not approving the 2020-2024 TIP Amendment would cause the Billings MPO to be out of compliance with State and Federal requirements and could affect the schedule and completion of Federally funded transportation projects in the Billings MPO area.

FISCAL EFFECTS

A range of federal funding sources is available to the Billings MPO area for the purposes of funding transportation system improvements. A list of those sources is shown in the TIP. There is no known direct impact to City or County funds in budgeting for these projects given the use of federal funding sources. Projects in the TIP that are not federally funded have already been identified in other programming documents, like the City's Capital Improvement Program.

Attachments

2020-24 TIP Amd. 4 - Quick Reference
2020-2024 TIP_AMD IV_DRAFT.pdf

2020-2024 TIP Amendment IV (DRAFT)

Quick Reference Sheet



Multiple Funding (Page 18)

4199000 – Billings Bypass

Updated costs to actuals in PE, updated costs in RW 2021 and Pre-20 and moved some costs from 22 to 23

4199002 – Billings Bypass Five Mile Road

CN was finalized in 22

4199003 – Billings Bypass Yellowstone River Bridge

Added state funding source SFCX for rail barrier insurance claim, and increase in CN for QA incentives paid on concrete bid items.

4199007 – Billings Bypass Johnson Lane Interchange

Updated costs to show remaining Urban funds being spent on project. Moved CN to 24 from 23.

4199005 – Billings Bypass Railroad Overpass

Modified IC down to the agreement costs. Updated CN costs to TCP with project being split. Moved CN to 23 from 22

4199008 - Billings Bypass - (Yellowstone River-RR O'pass)

Split from RR O'Pass Unit 005 Authorized CN in 2022 Award came in less in 2023.

4199006 – Billings Bypass Johnson Lane Interchange to RR O'pass

Updated CN costs to TCP in 2024

4199004 – Billings Bypass Five Mile Rd to US 87

Modified costs down to match TCP.

7972 – I-90 Yellowstone River Bridges

Costs reduced in 2022 in PE was finalized. CN small cost increase in 22 for furnished materials, in 2023 CN cost increase for additional work and utility crossing.

CMAQ (Page 20)

Added new allocation from IIJA increase.

4199007 – Billings Bypass Johnson Lane Interchange

Moved CN to 24 from 23

2020-2024 TIP Amendment IV (DRAFT)

Quick Reference Sheet



STPU (Page 21)

4199002 – Billings Bypass Five Mile Road

See note above

4199007 – Billings Bypass Johnson Lane Interchange

See note above

IM (Page 21)

4199007 – Billings Bypass Johnson Lane Interchange

See note under Multiple funded tab

7972 – I-90 Yellowstone River Bridges

Finalized PE in 2022.

9198 – Mossmain Interchange West Billings Interchange

Finalized PE in 2022

Increased CN costs in 23 for Change order to extend project limits and changeable message sign.

NH (Page 22)

4199000 – Billings Bypass

See note under Multiple funded tab

4199007 – Billings Bypass Johnson Lane Interchange

See note under Multiple funded tab

4199005 – Billings Bypass Railroad Overpass

See note under Multiple funded tab

4199006 – Billings Bypass Johnson Lane Interchange to RR O'pass

See note under Multiple funded tab

4199004 – Billings Bypass Five Mile Rd to US 87

See note under Multiple funded tab

4199008 - Billings Bypass - (Yellowstone River-RR O'pass)

See note under Multiple funded tab

7908 - Exposition Dr. & 1st Ave. N. Blgs

2020-2024 TIP Amendment IV (DRAFT)

Quick Reference Sheet



Modified PE in 22 for Survey, storm drain, environmental review. Increased CN costs in 24 to match TCP.

7910 – 27th St 1st Ave S to Airport

Finalized IC and CN in 22.

8669 - Underpass Ave. Improvements

Modified CN to award amount.

8717 – Main Street Billings

Updated CN costs for Public Involvement in 2022 and Median Island replacements, curb work and signal painting. CN modification in 23 for conduit, pull boxes and epoxy.

8718 - Airport Rd. & Main St. – Blgs

Updated costs to match TCP

9022 - 1st Ave. N - N 9th to RR Xing

PE Modification for 2nd phase of project in 2022. Moved IC and RW from 21 to 23. Updated CN costs to match TCP

9557 - Zoo Drive Improvements

Modified PE in 23 for Survey, Public Involvement, and new CADD platform. Updated CN costs to match TCP

9880 - 1st Ave. N - RR Xing to Broadway

Modified PE in 22 for Phase 2 activities to complete design. Modified in 23

For scope service increases.

9881 - 1st Ave. N - Broadway to Division

Modified PE in 22 for Phase 2 activities to complete design. Moved RW and IC to 23 from 22.

NHFP (Page 23)

4199007 – Billings Bypass Johnson Lane Interchange

See note under Multiple funded tab

7972 – I-90 Yellowstone River Bridges

PE was finalized no changes just marked it as final.

2020-2024 TIP Amendment IV (DRAFT)

Quick Reference Sheet



STPS-STPX-SFCN (Page 24)

4199003 – Billings Bypass Yellowstone River Bridge

Added state funding source SFCX for rail barrier insurance claim.

RRS (Page 26)

9827 - RRXING - STEFFES RD – BILLINGS. CN was finalized in 22.

HSIP (Page 27)

8052 - SF 129 - Roundabout King 56th

PE was finalized in 23. Modified CN down to Award amount in 22, modified IC in 22 for cost increases and updated old agreements.

8611 - SF 139-CENTRAL & 56TH RNDABOUT

Finalized PE in 22, modified RW in 22 for irrigation and design plan changes. CN was modified down to match the award in 21.

8904 - SF-149 HILLCREST RT TURN

IC finalized in 22.

9383 - SF 169 RIMROCK & 62ND ST W

Modified PE to actuals in 22 and authorized ic in 22.

9384 - SF 169 FRNTG RD WISE LN INTX

Finalized PE in 21 and CN in 22

9420 - SF 169 BLGS AREA SFTY IMPRV

Finalized CN in 23

9421 - SF 169 I90 W KING AVE LIGHTING

Finalized PE in 22 and CN in 23.

9423 - SF 169 I90 SF 169 BLGS DISTRIC SFTY IMPRVW KING AVE LIGHTING

Finalized CN in 23

9597 - ZOO DRIVE IMPROVEMENTS – BLGS

Modified CN in 2024 down to match TCP

2020-2024 TIP Amendment IV (DRAFT)

Quick Reference Sheet



BR (Page 28)

7960 - 2012 SCOUR MITIGATION

Statewide project only one project inside MPO boundary using 20% for costs.

Modified CN in 2022 for change order #2 for contract work.

7972 - -- I-90 Yellowstone River Bridges

See note under multiple funded tab

9552001-Bridge Preservation Columbus Joliet Area

One bridge project located inside MPO boundary, updated costs in 2024 to match TCP.

9720 - SHILOH RD / I-90 BRIDGE – BLGS

Moved IC to 23 from 21 and updated CN in 24 to TCP.

9913 - MONTANA AVE OVERPASS- BILLINGS

Modified CN down in 23 to match the actual award amount.

UPP (Page 29)

9509 - GRAND-24TH TO ZIMMERMAN (BLGS)

Finalized CN in 22.

MACI (Page 30)

7910 - 27th St - 1st Ave S to Airport

Finalized CN in 22

8669 - Underpass Ave. Improvements

Modified RW in 22 for negotiations with corporation regarding impacts. MACI funds were only a portion of the funds used for this project, this is showing that CN was authorized in 2022 and will not change.

9568 - LAUREL ROAD SIGNALS – BILLINGS

Finalized PE in 23, IC was removed and in 22 CN was modified down to the award amount.

TA Transportation Alternatives (Page 31)

Showing the new allocation with beginning balance of carryover.

2020-2024 TIP Amendment IV (DRAFT) Quick Reference Sheet



Earmark (Page 32)

4199000 – Billings Bypass

Updated the costs to actuals in PE and RW

9509 - GRAND-24TH TO ZIMMERMAN (BLGS)

Finalized CN

Transit Pages (34-39)

5307 Formula– Updated apportionments in 22-24 and moved security projects.

5339 Formula- Updated the allocation section in 21-24. Bus Purchases allocation section updated for 24. Bus Passenger Amenities Description updated. Bus Facilities and Support allocations updated for 22-23, Bus Facilities and Technology allocation updated for 24.

- Projects (FY Expenses) - Notations added for 22, 23, 24.

5339 Competitive Funding - Rolling stock/Buses allocation updated for 24. Bus and Bus Facilities updated for 24.

- Projects (FY Expensed)-Notations added for 22, 23, 24.

FTA Section 5310 - Allocations updated for Paratransit Vehicles 22, 23. Traditional and Non-Traditional Projects allocations updated for 24.

TRANSADE (STATE FUNDED) – Allocations updated for Transit Operations for 23, 24.

Billings Metropolitan Planning Organization TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

**Federal Fiscal Years
FFY 2020 – 2024**

**Amendment IV
DRAFT – February 9, 2023**



**Prepared by:
Billings Metropolitan Planning Organization
Yellowstone County Board of Planning**

**In cooperation with:
City of Billings, Montana
County of Yellowstone, Montana
Billings Urban Transportation District
Montana Department of Transportation
Federal Highway Administration
Federal Transit Administration**

Billings FFY 2020-2024 Transportation Improvement Program Amd IV**APPROVALS****REVIEWED BY**

	2020-2024	2020-2024 Amd I	2020-2024 Amd II	2020-2024 Amd III	2020-2024 Amd IV
Technical Advisory Committee	May 14 2020	December 17 2020	October 14 2021	May 17 2022	February 23 2023
Yellowstone County Board of Planning	June 9 2020	January 26 2021	November 9 2021	June 28 2022	March 28 2023
Billings City Council	June 9 2020	February 8 2021	October 25 2021	June 27 2022	April 10 2023
Yellowstone County Board of County Commissioners	June 9, 2020	February 2 2021	October 19 2021	June 21 2022	April 4 2023

APPROVED BY

	2020-2024	2020-2024 Amd I	2020-2024 Amd II	2020-2024 Amd III	2020-2024 Amd IV
Policy Coordinating Committee	June 16 2020	February 16 2021	November 16 2021	July 19 2022	April 18 2023
Montana Department of Transportation	July 31 2020	April 20 2021	January 10 2022	August 16 2022	
Federal Highway Administration	July 31 2020	April 14 2021	January 8 2022	July 28 2022	
Federal Transit Administration	July 31 2020	April 14 2021	January 8 2022	July 28 2022	

The preparation of this report has been financed in part through grant[s] from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the State Planning and Research Program, Section 505 [or Metropolitan Planning Program, Section 104(f)] of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.

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Acronyms

BUILD	Better Utilizing Investments to Leverage Development
CMAQ	Congestion Mitigation and Air Quality
CN	Construction
CO	Carbon Monoxide
EPA	Environmental Protection Agency
FAST Act	Fixing America's Surface Transportation Act
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FY/FFY	Fiscal Year/Federal Fiscal Year. The local and state government fiscal year runs from July 1 - June 30. The Federal fiscal year runs from October 1 – September 30.
GROWTH	Flexible state CMAQ funds distributed to high growth urban areas
HSIP	Highway Safety Improvement Program
IC	Incidental Construction
IM	Interstate Maintenance, IM is a state sub-allocated program funded by the federal National Highway Performance Program
MACI	Montana Air and Congestion Initiative
MAP-21	Moving Ahead for Progress in the 21st Century Act
MDT	Montana Department of Transportation
MPO	Metropolitan Planning Organization. The Yellowstone County Board of Planning is the MPO for the Billings Urban area.
NAAQS	National Ambient Air Quality Standards
NH	National Highway System, NH is a state sub-allocated program funded by the federal National Highway Performance Program
PE	Preliminary Engineering
PLH	Public Lands Highways
PLHD	Public Land Highways Discretionary Fund
PM₁₀	A federal standard for particulate (10 microns or less in size), i.e., road dust, brake lining and/or wood smoke particles.
PM_{2.5}	A federal standard for particulate (2.5 microns or less in size), i.e., road dust, brake lining and/or wood smoke particles.
ROW	Right of Way
RP	Road Reference Post
SAFTEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SFC	State Funded Construction
SRTS	Safe Routes to Schools
SIP	State Implementation Plan. A plan for improving air quality in the State, including the Billings area.
STIP	State Transportation Improvement Program
STPE	Surface Transportation Program Enhancements
STPP	Surface Transportation Program Primary
STPU	Surface Transportation Program Urban
STPX	Surface Transportation Program Off-System
TA	Transportation Alternatives Program

Billings FFY 2020-2024 Transportation Improvement Program Amd IV

TEA-21	Transportation Efficiency Act for the 21 st Century
TCM	Transportation Control Measure
TIP	Transportation Improvement Program. A multi-year program of highway and transit projects on the Federal aid system, which addresses the goals of the long-range plans and lists priority projects and activities for the region.
TPCC	Transportation Policy Coordinating Committee. Together with the TTAC, the transportation planning organization for Federal aid projects in the Billings urbanized area.
TSP	Total Suspended Particulate
UHPIP	Urban Highway Pilot Improvement Program
UPP	Urban Pavement Preservation

Introduction

Preface

The Yellowstone County Board of Planning (YCBP) is the Metropolitan Planning Organization, (MPO), for the Billings metropolitan planning area. The Transportation Improvement Program, (TIP), is the funding mechanism for transportation projects requesting federal dollars in the Billings urbanized area. All MPO's are required by the current Federal Highway Bill SAFETEA LU to produce a TIP and update it at least every four years. SAFETEA LU was the first Transportation Bill that required a TIP. The bill was signed into law by President Bush in 2005, and extended by President Obama through June 2012. The act and extensions authorized highway, highway safety, transit, and other surface transportation programs.

On July 6, 2012 Moving Ahead for Progress in the 21st Century (MAP-21) was signed into law. The law provides federal program funding through the end of Federal Fiscal Year 2014 and brings program structure changes that will be fully addressed in future long range transportation plans and TIPs. The Fixing America's Surface Transportation Act (FAST Act) was signed into law on December 4, 2015, and authorizes federal transportation funding for federal fiscal years 2016 through 2020. This document contains a list of all surface transportation projects requesting the use of federal funds. Local jurisdictions working through the Billings MPO's Policy Coordinating Committee (PCC) determine how the area's transportation system is developed and expanded.

About the Transportation Improvement Program

The TIP is a short-range program of highway and transit projects in the Billings metropolitan planning area and is prepared by YCBP staff in cooperation with state and local agencies. The basic purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicating regional priorities, and demonstrating a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the planning area that are exempt from the TIP approval process such as projects that do not utilize federal funds.

TIP Process and Development

The development of the TIP document is the responsibility of the Billings MPO and provides an opportunity for local officials to determine priorities and spending for federal highway and transit funds. Any transportation project located in the Billings metropolitan planning area must be included in the TIP prior to receiving federal funds. TIP projects must be included in the area's 20-year Transportation Plan, and are proposed for the TIP by local elected officials, transit operating officials, or state highway agencies. The TIP is reviewed and endorsed annually by the Billings MPO's Policy Coordinating Committee, (PCC), and may be modified through the TIP amendment process. The PCC includes a Billings City Council representative, the Chair of the Yellowstone County Commission, the President of the Yellowstone County Board of Planning and the District Administrator of the Montana Department of Transportation. After PCC endorsement, the TIP is submitted to the Montana Department of Transportation (MDT) and to the Federal Highway Administration and Federal Transit Administration for federal review of the document and approval of conformity and fiscal constraint determination.

Federal Regulations

The Transportation Improvement Program (TIP) is a required planning program for federally assisted highway and transit improvements for the Billings metropolitan planning area and the Montana Department of Transportation (MDT) over a five-year period. The principal focus is given to the first two years of the program, the Biennial Element, which contains projects that could be implemented between October 1, 2020 –

Billings FFY 2020-2024 Transportation Improvement Program Amd IV

September 30, 2024 (FFY 2020 & 2024). The TIP is prepared annually and is in conformance with 23 CFR, Part 450 324-330.

Financial Resources

A range of federal funding sources is available to the Billings planning area for the purposes of funding transportation system improvements. Following is a list of those sources which, when available to the Billings area, are shown in the Transportation Improvement Program. Project implementation is indicated as expected to occur during the pertinent program year. Billings has had a favorable history of receiving federal earmarks as reflected in the table below.

BILLINGS FEDERAL EARMARK HISTORY 1999 – through 2009

Project	Earmark
Billings Bypass	\$22,445,600
Zimmerman Trail	\$ 6,242,553

Funding Sources

- Surface Transportation Program Off System (STPX)
- Secondary (STPS)
- State Funded Construction (SFCN)
- Surface Transportation Program Urban (STPU)
- Surface Transportation Program Primary (STPP)
- National Highway (NH)
- National Highway System (NHS)
- National Highway Freight (NHFP)
- Interstate Maintenance (IM)
- Railroad Crossing (RRS)
- Highway-Railway Crossing Program (RRX)
- Highway Safety Improvement Program (HSIP)
- Bridge Replacement and Rehabilitation Program (HBRRP)
- Urban Pavement Preservation (UPP)
- Transportation Alternatives Program (TAP)
- State Funded Construction (SFC)
- Congestion Mitigation Air Quality (CMAQ)
- Montana Air Congestion Initiative (MACI)
- Better Utilizing Investments to Leverage Development (BUILD) Grant Program
- FTA Section 5339 (Formerly Sec. 3)
- FTA Section 5307 (Formerly Sec. 9); FTA Section 5307 CARES Act
- FTA Section 5310 (Formerly Sec. 16)
- Transade (State Funded)
- Congressionally Directed Funds (MT, NCPD, DEMO)

AIR QUALITY CONSISTENCY

Billings was designated as a non-attainment area for both Total Suspended Particulates (TSP) and Carbon Monoxide (CO) on March 3, 1978, (Federal Register, Vol. 44, No. 150, page 45421, August 2, 1979). As such, Billings was required to prepare a Transportation Control Plan (TCP). The TCP identified strategies to mitigate the TSP and CO problems. The TCP is the Billings element of Montana's State Implementation Plan (SIP). The TIP is required to be, and is, consistent with the TCP as discussed in the Billings conformity statement.

In 1987 the standard for TSP was dropped, and a new standard for particulate matter under 10 microns in size (PM - 10) was adopted (7/1/87 at 52 FR 24854). The Environmental Protection Agency (EPA), has also adopted the PM 2.5 standard and Billings is considered to be in compliance with both of these new standards.

Conformity of the Billings Area Transportation Improvement Program with the 1990 Clean Air Act

A portion of the Billings Urbanized Area, (Billings), was designated non-attainment for carbon monoxide (CO) on 3/3/78 (43 FR 8962) with a secondary classification of "unclassified". EPA approved the Billings CO Control Plan on 1/16/86 (51 FR 2397). Billings was then re-designated as "Not Classified" on 11/6/91 (56 FR 56697). The area meets the qualifications of the Clean Air Act (CAA) for classification as an attainment area for ozone.

The Billings "not classified" carbon monoxide (CO) nonattainment area was re-designated by the Environmental Protection Agency (EPA) to attainment for the CO National Ambient Air Quality Standards (NAAQS) with an approved limited maintenance plan effective April 22, 2002. Under a CO limited maintenance plan, the motor vehicle emissions budgeted may be treated as essentially non-constraining for the length of the maintenance period because growth would need to exceed reasonable expectations to create a violation of the NAAQS for transportation-related CO. Therefore conformity demonstration using regional emissions analysis is not required; however, individual projects may still be required to conduct "hot spot" analysis.

As demonstrated in the following sections, the Transportation Improvement Program (TIP) satisfactorily meets the requirements established by the 1990 amendments to the CAA regarding the conformity of TIP's.

- The most recent estimates of CO mobile source emissions have been developed by the Analytical Services Section, Montana Department of Environmental Quality and are based upon development and transportation data provided by the Yellowstone County Board of Planning.
- EPA has approved the second 10-year carbon monoxide (CO) maintenance plan for the Billings area. This second 10-year CO maintenance plan meets the requirements of CAA section 175A (b) and is also a Limited Maintenance Plan (as was the maintenance plan with the original 2002 EPA approval.) The second 10-year CO maintenance plan continues to correctly reflect the Limited Maintenance Plan transportation conformity requirements. The EPA-approved Billings second 10-year CO maintenance plan is available at the Planning office.

Transportation Control Measures

Specific Transportation Control Measures have not been proposed for Billings recently, however, the SIP completed in 1986 included the widening of Exposition Drive (Main Street) and the signalization at Main Street and First Avenue North. Both of these projects were completed in 1983.

There are no Transportation Control Measures (TCM's) in the State Implementation Plan (SIP) and therefore there are no specific TCM's recommended for implementation in this TIP.

TIP Conformity

As a prerequisite for receiving Federal-aid transportation funds through the TIP, a determination must be made that the proposed transportation projects do not cause or contribute to violations of the carbon monoxide ambient air quality standards. An analysis, which meets the EPA conformity determination regulations specified in 40 CFR Part 51 was performed in conjunction with the development of the Billings Urban Area 2018 Long Range Transportation Plan. The plan discusses conformity analysis in Chapter 14, pages 172-174. As the transportation projects in the TIP are contained in the Transportation Plan's analysis, a separate analysis for the TIP is not necessary.

Regionally Significant Projects

There are no new regionally significant projects in this 2020-2024 Billings Urban Area TIP.

40 CFR part 93, subpart A - §93.126 Highway and Transit projects included in subpart A are exempt from the requirement to determine conformity. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A project will not be exempt if the MPO in consultation with other agencies, the EPA, FHWA, or FTA concur that it has potentially adverse emissions impacts for any reason.

REGIONALLY SIGNIFICANT PROJECT (2020-2024)

Project	Scope	Comments
Billings Bypass (aka North Bypass)	Location/Environmental	New Construction

Energy Conservation Considerations

Energy impact analyses have been conducted as a part of the urban transportation planning process. In addition, increased attention has been given to energy conservation and contingency planning on a project specific basis.

As part of the 2018 update of the Billings Urban Area Transportation Plan, energy conservation was considered in each of the proposed alternative transportation networks.

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The City of Billings has a well-developed transit system, and ride-sharing opportunities have been examined. Transit facilities and highway system proposals will continue to be considered in a comprehensive method through the adopted Transportation Planning process.

The detailed energy conservation analysis of specific projects has been conducted for each of the major highway construction projects recommended in the 2018 update of the Billings Urban Area Transportation Plan.

PROGRAMMING OF NON-URBAN SYSTEM, FEDERAL AID, AND STATE FUNDING

Proposed projects involving federal-aid funding, other than urban system funding, that are proposed within existing rights-of-way and which are determined to not significantly change traffic patterns, may not be considered to be of appropriate scale to warrant a modification to a currently valid TIP.

When there is knowledge of such projects prior to the annual adoption of the TIP, each project will be included in the program. Generally, projects falling within this category are those which serve to preserve and maintain the integrity of the existing plant or facility such as: overlays to improve or maintain surface conditions; bridge expansion joints and deck repairs necessary to maintain structural and surface sufficiency; slope repair necessary to maintain drainage adequacy; etc. Projects of this nature will be identified by MDT with appropriate justification when requesting program approval of federal highway funds. Local urban area officials will be advised by the Department through the local planning process of the Department's intent to expend federal funds (non-urban system) for such improvements in their area.

Performance Measures

Performance measures have historically been used in Transportation Planning; the Moving Ahead for Progress in the 21st Century Act, (MAP-21), transformed the Federal-aid highway program by establishing requirements for performance management to promote the most efficient investment of Federal transportation funds. The Fixing America's Surface Transportation, (FAST), Act continues these requirements to increase the accountability and transparency of this program and to support improved investment decisions through a focus on performance outcomes for national transportation goals. Establishing performance measures encourage Metropolitan Planning Organizations (MPOs) and State Transportation Departments to maximize the allocation of resources in their respective areas, as well as monitor the performance of the system for eventual use of future resources.

The Billings MPO supports the State targets for applicable performance measures for safety, pavement and bridge condition, system performance, freight, and CMAQ, and will support the Billings MET Transit for associated transit performance measures. Thus, the MPO will plan and program projects that contribute toward relevant targets for each performance measure.

Safety

The goal of safety performance measures is to reduce the number of traffic fatalities and serious injuries in the public right of way. Interstate Maintenance, National Highway, Highway Safety Improvement Program, Surface Transportation Program Off-System, Secondary, and State

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Funded Construction funding sources support projects with the intent to improve safety measures.

Pavement and Bridge Condition

Pavement and bridge condition performance measures aim to maintain roadway and bridge infrastructure in such a way it remains functional and in good repair. Pavement and Bridge Condition are impacted most by Interstate Maintenance, National Highway, Bridge Program, and Urban Pavement Preservation funding sources. Projects included for funding under these sources were selected in part due to their contribution towards pavement and bridge condition targets.

System Performance

System performance measures exist to improve the efficiency of the overall transportation system, while helping to reduce congestion and travel times and increase reliability of the system. These measures are related to Congestion Mitigation and Air Quality, Surface Transportation Program Urban, and Transportation Alternatives funding sources. Projects included in these funding sources will contribute to meeting state targets for system performance.

FREIGHT-NATIONAL HIGHWAY FREIGHT PROGRAM (NHFP)*

The purpose of freight performance measures is to improve the national freight network, while providing access to trade and enhancing the capacity of communities to participate in, and support regional economic development. Freight performance measures are most strongly influenced by the National Highway Freight Program Federal funding source. Project selected for National Highways funding will contribute to improving the national freight network and meeting state targets.

National Highway Freight Program (NHFP)*

Funding shown in thousands of dollars

Project Sponsor	Description	Phase								Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024		Local	State	Federal	
I-90 Yellowstone River Bridges UPN 7972	Reconstruction of interstate bridges	CN			17,325.0						13.42%	86.58%	17,325.0
											2,325.0	15,000.0	0.0
											0.0	0.0	0.0
											0.0	0.0	0.0
MDT	I-90 RP 450.09 to 452.73	Total	0.0	0.0	17,325.0	0.0	0.0	0.0	0.0	0.0	2,325.0	15,000.0	17,325.0
NHFP TOTAL			0.0	0.0	17,325.0	0.0	0.0	0.0	0.0	0.0	2,325.0	15,000.0	17,325.0

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions.

Federal program funding availability may impact the scheduling of projects. Funding will be subject to the obligation limitation set by the annual appropriations process.

*NHFP is funded by the federal National Highway Performance Program.

CN estimates include CE costs

Congestion Mitigation and Air Quality (CMAQ)

The collection of data regarding air quality performance measures helps to evaluate projects to ensure they are protecting and enhancing the health of the natural environment. These performance measures may be impacted by Congestion Mitigation and Air Quality, Montana Air and Congestion Initiative Discretionary Program, Transportation Alternatives, and Federal Transit Administration funding sources and associated projects that provide support for non-motorized transportation projects and programming that enhances air quality and encourages sustainable transportation options.

Advancement of Projects

It is mutually agreed that the first two years of this program is the best estimate of the project phase that will be undertaken during the Biennial timeframe. Occasionally, projects advance through the design process faster than anticipated. An approved project may accelerate into the next logical phase providing that the funding source does not change from that, which was initially identified in the TIP. Federal, State, and local governments have agreed that a TIP revision is not required in order to accelerate a specific project phase, so long as other planned work is not unduly delayed. The priorities with regard to the FTA Section 5307 projects in the Biennial Element are:

1) Operating Assistance.

- The priorities with regard to the FTA Section 5310 projects in the Biennial Element are: 1) Replacement vehicles for MET Special Transit.
- The priorities with regard to the FTA Section 5339 projects are: 1) Assistance for bus/bus facilities

PRIVATE ENTERPRISE PARTICIPATION

Both the City of Billings and Yellowstone County have locally developed policies and procedures to examine opportunities for private sector participation in the provision of transit services and related support services. The City of Billings adopted resolution 86-15346 which states said policy and provides a process for implementation. The Council approved that resolution on July 7, 1986. Further, a Private Transportation Enterprise Participation Policy (PEP) and implementing procedures were adopted by the MPO's Technical Advisory Committee on April 24, 1986; by the Policy Coordinating Committee on May 8, 1986; and by the Yellowstone County Planning Board on May 13, 1986.

The required TIP documentation related to the PEP process is as follows:

The City's MET Transit Department has examined various opportunities for private sector provision of services. The Department utilizes private tire firms to handle parts of servicing of the tire inventory. The Department also contracts with various private firms for radiator repair, air compressor rebuilds, as well as glass, bodywork on the vehicles, and occasional component rebuilds.

- a) The City of Billings MET Transit System solicited the possible interest or involvement of the private sector in providing leased tires for the MET Transit fleet of coaches. In 1993, 1996, 2001, 2006, 2011, 2016, and 2021, the City published a Request for Bids and provided copies to potentially interested private vendors; the IFB was also advertised in a local newspaper, on the City website and social media and a national transit journal. Bids are evaluated based on cost and ability to perform. In the most recent IFB, two firms submitted bid responses. The current contract for the tire lease is in effect November 1, 2021 through October 31, 2022 with four additional one-year renewal options.
- b) No other proposals were received from the private sector.
- c) There are no known impediments to holding service out for competition.
- d) There are no known private sector complaints.

The Yellowstone County-City of Billings Planning Division has and will continue to follow its adopted policy and procedures regarding private sector participation. The mailing list of private

providers has been updated and used to provide notice about TAC and PCC meetings, including those that deal with the Unified Planning Work Program, (UPWP), projects and process as well as the TIP process. Through these mailings the private providers are aware of the development of the proposed transit capital and operating projects as well as the proposed paratransit capital projects for the five years covered in the TIP.

FEDERAL TRANSIT ADMINISTRATION PROJECTS

The Federal Transit Act funded projects, including FTA Section 5339 grant projects, (Biennial Element) are intended to insure the continued efficient operation, maintenance and administration of the MET Transit system fleet and facilities, including meeting federal regulations such as the Americans with Disabilities Act (ADA). The operating grants are for the fiscal years of July 1, 2019 to June 30, 2023 and the Section 5339 grant projects will permit Bus and Bus Facilities projects in Fiscal Years 2020 through 2024.

The vehicle purchases for MET PLUS are projects to enable the City to continue providing the required specialized demand-responsive paratransit service for citizens who are unable to use the MET Transit System due to their disabling conditions. The projects to purchase vehicles for other entities will address some of the transportation needs of individuals with disabilities and senior populations.

Major Federally Funded Project Summary

Section 1203(h)(7)(B) of MAP-21 requires publication of an annual listing of projects for which Federal funds have been obligated in the TIP in the preceding year consistent with the categories identified in the TIP.

Understanding the TIP Funding Tables

The TIP project funding tables consist of multiple components, and are designed to best display integral information regarding the projects within the TIP. The image below identifies and explains each of the various components of the TIP project funding tables, and can be used as a tool to understand the information being presented within the funding tables.

Surface Transportation Program Primary (STPP)

Funding shown in thousands of dollars

Project Sponsor	Description	Phase	Program Schedule						Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	Local	State	Federal	
		Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	13.42%	86.58%	0.0
STPP TOTALS			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Project name and project sponsors

Project description and detail

Project phases

Funding programmed in years prior to current TIP

Funding programmed for each year of the current TIP

Funding contributions from associated agencies

Total project costs including costs from previous years

All construction projects included in the TIP will be completed in multiple phases (i.e. PE, RW, IC, and CN). Funding for each construction project is broken down by the costs of each specific phase. The table below provides a description of construction project phases and additional project phases the reader can expect to see within TIP funding tables.

Project Phase	Description
CN	Construction – Construction and/or reconstruction work performed by the agency or contractor
IC	Incidental Construction – ‘Safety net’ for unexpected construction expenditures
OT	Other – Additional programmatic expenditures including costs for education, and outreach
PE	Preliminary Engineering – Analysis and design work completed prior to project construction (the abbreviation EIS will be added if phase includes an environmental impact statement)
Purch.	Purchase – Procuring equipment, software, vehicles, or facilities
RW	Right of Way – Tasks associated with acquiring and preparing the right of way for a project (e.g. property acquisition and utility relocation)
Transit	Transit operations

Projects that are Regionally Significant

PROJECT	SCOPE	COMMENTS
Billings Bypass (aka North Bypass)	Location/Environmental	New Construction

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Billings MPO Project List

PROJECT	UPN	SCOPE	COMMENTS
CMAQ			
Billings Bypass - Yellowstone River Bridge	4199-003	New construction of bridge over the Yellowstone River	
Billings Bypass - Johnson Lane Interchange	4199-007	Reconstruction of existing Interchange to a diverging diamond design	
STPU			
Billings Bypass - Five Mile Road	4199-002	Reconstruction of roadway	
Billings Bypass - Yellowstone River Bridge	4199-003	New construction of bridge over the Yellowstone River	
Billings Bypass - Johnson Lane Interchange	4199-007	Reconstruction of existing Interchange to a diverging diamond design	
SRTS			
IM			
MDT Preventative Maintenance		Pavement Preservation	Plug to allow project nominations
I-90 Yellowstone River - Billings	7972	Bridge Replacement	
Mossmain Intch - West Blgs Intch	9198	Pavement Preservation w/ signal improvements at off ramps	
Billings Bypass - Johnson Lane Interchange	4199-007	Reconstruction of existing Interchange to a diverging diamond design	
Lockwood Intechange - Billings	9978	Reconstruction of existing Interchange to a diverging diamond design	
NH			
MDT Preventative Maintenance		Pavement Preservation	Plug to allow project nominations
Main St. - Billings	8717	Pavement Preservation	
27th St. - 1st Ave S. to Airport Rd	7910	Pavement Preservation	
Billings Bypass	4199-001	New Construction	Covers PE & IC
Billings Bypass - Yellowstone River Bridge	4199-003	New construction of bridge over the Yellowstone River	
Billings Bypass - Johnson Lane Interchange	4199-007	Reconstruction of existing Interchange to a diverging diamond design	
Billings Bypass - RR O'pass	4199-005	New construction of bridge over the railroad	
Billings Bypass - Johnson Lane Intch - RR O'pass	4199-006	New construction of connection from interchange to the railroad overpass	
Billings Bypass - Five Mile Road to US 87	4199-004	New construction of connection from Five Mile to US 87	
Exposition Dr. & 1st Ave N. Blgs	7908	Intersection Improvements	
1st Ave. N - N 9th to RR Xing	9022	Major Reconstruction	
Underpass Ave. Improvements	8669	Intersection Improvements	
Airport Rd. & Main St. - Blgns	8718	Intersection Improvements	
Zoo Drive Improvements	9597	Intersection Improvements	
1st Ave. N - RR Xing to Broadway	9880	Major Reconstruction	
1st Ave. N - Broadway to Division	9881	Major Reconstruction	
Montana Ave Crosswalks - Billings	9998	Sidewalk Improvements ADA Compliance	
NHFP			
I-90 Yellowstone River - Billings		Bridge Replacement	
STPX, STPS, SFCN			
27th Street RR Crossing	9354	Railroad Crossing Study	
SF 169 Rimrock & 62nd St. W	9383	Intersection Improvement Study	
Blue Creek Road - Billings	9503	Pavement Preservation	
Lockwood Interchange	9588	Interchange Improvements Study	
Jct Main & 87 to Worden		Roadway Striping	
STPP			
RRS			

Billings MPO Project List, (Continued)

HSIP			
Various Safety Projects			Plug to allow project nominations
SF 149 Hillcrest Right Turn Ln	8904	Intersection Improvements	
SF 169 Frontage Rd. Wise Ln Intersection	9384	Intersection Improvements	
SF 169 Rimrock & 62nd St. W	9383	Intersection Improvements	Roundabout
SF 169 Blgs. Area Safety Improvements	9420	Signing	
SF 169 I-90 W. King Ave Lighting	9421	Roadway Lighting	
Zoo Drive Improvements	9597	Intersection Improvements	
SF 169 Blgs. District Safety Improvements	9423	Signage	Only portion in MPO bdry
BR			
2012 Scour Mitigation	7960	Mitigation	
I-90 Yellowstone River - Billings	7972	Bridge Replacement	
Billing Bypass - Yellowstone River	4199-003	New construction of bridge over the Yellowstone River	
MONTANA AVE OVERPASS- BILLINGS	9913	Bridge Study	
MONTANA AVE STRUCTURES - BLGS	9914	Bridge Rehab	
UPP			
Various Preservation Projects		Pavement preservation	Plug to allow project nominations
Blue Creek Road - Billings	9503	Pavement preservation	
Grand - 24th to Zimmerman	9509	Pavement preservation	
MACI			
MDT MACI		Statewide CMAQ - Various	Plug to allow project nominations
MDT MACI		Statewide CMAQ - ADA Compliance	Plug to allow project nominations
MDT MACI		Equipment Purchases	
Underpass Ave. Improvements	8669	Intersection Improvements	
Mossmain Intch - West Blgs Intch	9198	Pavement Preservation w/ signal improvements at off ramps	
Laurel Road Signals - Billings	9568	Signal Improvements	
CITY TA			
EARMARK			
Billings Bypass	4199-001	New Construction	Covers Environmental Doc., PE, RW
Grand - 24th to Zimmerman	9509	Pavement Preservation	
BUILD			
Inner Belt Loop		Road Construction	
Skyline Trail		Multi Use Path Construction	
FTA 5307			
FTA 5339			
FTA 5310			
FTA 5311			
100 % LOCALLY FUNDED PROJECTS			
BBWA Canal Connection	Local	Bike Pedestrian Path	Recreational Trails Program \$44,355 Local (In-Kind) \$84,652
Torgerson Trail Link	Local	Bike Pedestrian Path	Recreational Trails Program \$28,500 Local (In-Kind) \$30,000 Trail Head Only
Various Projects		Annual Operation and Maintenance	
State Funded Maintenance			
Various Maintenance Projects		Maintenance	

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Projects with Multiple Funding

Billings ByPass

Billings Bypass

Funding shown in thousands of dollars

Project: Billings Bypass	Description	Phase	Program Schedule							Funding Source	Local	State	Federal	Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	2024+					
Sponsor: MDT												13.42%	86.58%	
Billings Bypass	UPN4199000	Environmental Impact Statement	PE-EIS	4,919.6						EARMARK		660.2	4,259.4	4,919.6
		Preliminary Engineering	PE	9,679.0						EARMARK		1,298.9	8,380.0	9,679.0
		Preliminary Engineering	PE	2,734.3	2,444.7					NH		695.0	4,484.0	5,179.1
		Right of Way Acquisition	RW	7,870.5		3,549.5	6,550.0			MT/NH		2,411.6	15,558.4	17,970.0
		Utility Moves	IC			0.0				NH		0.0	0.0	0.0
MDT		Total		25,203.5	2,444.7	3,549.5	6,550.0	0.0	0.0			5,065.7	32,681.9	37,747.7
Billings Bypass	UPN4199002	Construction of Five Mile Road	IC	141.0	15.8					STPU		21.0	135.8	156.8
(Five Mile Road)			CN		6,077.5	-210.9	5.5			STPU		788.0	5,084.1	5,872.1
MDT		Total		141.0	6,093.3	-210.9	5.5	0.0	0.0			809.1	5,219.9	6,028.9
Billings Bypass	UPN4199003	Construction of a new bridge over the Yellowstone River	IC		416.2					NH		55.9	360.4	416.2
(Yellowstone River Bridge)			CN		11,364.2					STPU		1,525.1	9,839.1	11,364.2
			CN		5,000.0					CMAQ		671.0	4,329.0	5,000.0
			CN		5,000.0					BRIDGE		671.0	4,329.0	5,000.0
			CN		15,009.8	2,110.7				NH		2,297.6	14,822.9	17,120.5
MDT		Total		0.0	36,790.2	2,110.7	0.0	0.0	0.0			5,220.5	33,680.4	38,900.9
Billings Bypass	UPN4199007	Reconstruction of existing Interchange	IC					2,000.0		NH		268.4	1,731.6	2,000.0
(Johnson Lane Interchange)			CN					2,412.4		STPU		323.7	2,088.7	2,412.4
			CN					6,200.0		CMAQ		832.0	5,368.0	6,200.0
			CN					3,800.0		NH		510.0	3,290.0	3,800.0
			CN					15,130.5		NHFP		1,513.1	13,617.5	15,130.5
			CN					15,661.7		IM*		1,566.2	14,095.5	15,661.7
MDT		Total		0.0	0.0	0.0	0.0	45,204.6	0.0			5,013.4	40,191.2	45,204.6
Billings Bypass	UPN4199005	Construction of new bridge over railroad	IC				984.0			NH		132.1	851.9	984.0
(Railroad Overpass)			CN				21,778.4			NH		2,177.8	19,600.5	21,778.4
MDT		Total		0.0	0.0	0.0	22,762.3	0.0	0.0			2,309.9	20,452.5	22,762.3
Billings Bypass	UPN4199006	Construction of connection from Interchange to RR O'pass	IC						1,000.0	NH				1,000.0
(Johnson Lane Interchange to RR O'pass)			CN						8,397.6	NH			1,127.0	8,397.6
MDT		Total							9,397.6				1,261.2	8,136.4
Billings Bypass	UPN4199004	Construction of connection from Five Mile to US 87	IC							500.0	NH			500.0
(Five Mile Rd to US 87)			CN							18,741.7			2,515.1	18,741.7
MDT		Total											2,582.2	16,659.5
Totals				25,344.4	45,328.3	5,449.3	29,317.9	45,204.6	9,397.6	19,241.7	0.0	22,262.0	157,021.8	179,283.8

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions.
CN estimates include CE costs

I-90 Yellowstone River Bridges

I-90 Yellowstone River Bridges														
Funding shown in thousands of dollars														
Project: I-90 Yellowstone River Bridges	Description	Phase	Program Schedule							Funding Source	Local	State	Federal	Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	2024+					
Sponsor: MDT												13.42%	86.58%	
I-90 Yellowstone River Bridges	UPN 7972	Reconstruction of Interstate bridges over the Yellowstone River	PE	6,287.8	161.8	172.2				BRIDGE		888.7	5,733.2	6,621.8
			RW		240.0		-60.0			IM*		18.0	162.0	180.0
			IC			341.2				IM*		34.1	307.1	341.2
			CN			63,354.4				BRIDGE		8,502.2	54,852.2	63,354.4
			CN			4,384.0				IM*		384.0	4,000.0	4,384.0
			CN			17,325.0				NHFP		2,325.0	15,000.0	17,325.0
MDT		RP 450 to 452.7	Total	6,287.8	401.8	85,576.8	-60.0	0.0	0.0			12,152.0	80,054.5	92,206.4
Totals				6,287.8	401.8	85,576.8	-60.0	0.0	0.0			12,152.0	80,054.5	92,206.4

CN estimates include CE costs
*IM funding split is 90% Federal/10% State

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Estimated Revenue

Estimated Revenue

Amounts shown in thousands of dollars

Federal					STP/S*/X*										
Fiscal Year	CMAQ**	STPU*	IM*	NH*	NHFP*	SFCN	STPP*	RRS	HSIP*	BR*	UPP*	MACI*	BUILD**	TA*	SUBTOTAL
Carryover	5,841.8	20,037.6													25,879.4
FFY 2020	1,390.2	2,489.8	2,073.3	29,177.0	0.0	1,082.0	0.0	225.5	2,071.1	6,739.8	723.0	2,139.5	0.0	380.7	48,491.9
FFY 2021	1,390.2	2,489.8	9,893.8	8,764.0	17,325.0	15.5	0.0	-7.9	7,888.8	63,858.2	1,632.7	960.7	0.0	300.0	114,510.8
FFY 2022	1,390.2	2,489.8	18,305.8	36,748.5	0.0	0.0	0.0	0.0	10,170.6	2,886.7	500.0	3,138.4	9,370.9	300.0	85,300.9
FFY 2023	1,390.2	2,489.8	18,699.2	7,116.4	15,130.5	0.0	0.0	0.0	500.0	1,809.8	500.0	750.0	9,370.9	300.0	58,056.7
FFY 2024	1,390.2	2,489.8	1,500.0	52,800.4	0.0	0.0	0.0	0.0	1,138.8	1,796.8	500.0	1,193.5	0.0	300.0	63,109.6
TOTAL	12,793.0	32,486.5	50,472.0	134,606.4	32,455.5	1,097.5	0.0	217.6	21,769.3	77,091.3	3,855.7	8,182.1	18,741.8	1,580.7	395,349.3

Federal	FTA 5307		FTA 5339		FTA 5310		GAS TAX			
Fiscal Year	Federal	Local	Federal	Local	Federal	Local	CITY	COUNTY	OTHER	TOTAL
Carryover	0.0		3,418.3		22.0					29,319.7
FFY 2020	4,733.9	1,891.4	514.0	695.1	134.6	23.8	1,739.8	313.8	2,225.5	60,763.7
FFY 2021	1,910.3	1,910.3	473.7	135.2	104.5	20.8	1,739.8	313.8	1,569.8	122,688.9
FFY 2022	1,929.3	2,548.3	420.0	105.0	160.0	29.3	1,726.8	324.8	1,585.0	94,129.4
FFY 2023	1,948.7	1,948.7	420.0	105.0	160.0	29.3	1,726.8	324.8	2,432.4	67,152.3
FFY 2024	1,968.2	1,968.2	420.0	105.0	160.1	29.3	1,726.8	324.8	1,615.6	71,427.5
TOTAL	12,490.4	10,266.7	5,666.1	1,145.3	719.2	132.5	8,660.0	1,602.0	9,428.2	445,481.6

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions. Federal program funding availability may impact the scheduling of projects. Funding beyond 2020 will be subject to the obligation limitation set by the annual appropriations process.

NOTES:

These estimates are based on historical data and projections.

* STPU, IM, NH, NHFP, STPX, STPP, HSIP, BR, UPP, MACI, and TA funds include match.

**Reflective of federal share only.

Operations and Maintenance funds (average of Fiscal Years 2015-2017), local match, and CMAQ (local match) makes up OTHER

Congestion Mitigation & Air Quality (CMAQ)

Congestion Mitigation & Air Quality (CMAQ)

Funding shown in thousands of dollars

Unless otherwise indicated the matching ratios for these projects are 86.58% Federal and 13.42% Match

Project	Description	Phase							Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	Local	State	Federal	
Sponsor									13.42%	13.42%	86.58%	
Carryover (Federal)				5,841.8	2,903.0	4,293.3	5,683.5	1,705.8				
Estimated allocation (Federal)				1,390.2	1,390.2	1,390.2	1,390.2	1,390.2				
Billings Bypass UPN4199003 (Yellowstone River Bridge)	Construction of a new bridge over the Yellowstone River	CN		5,000.0						671.0	4,329.0	5,000.0
MDT												
Total			0.0	5,000.0	0.0	0.0	0.0	0.0	0.0	671.0	4,329.0	5,000.0
Billings Bypass UPN4199007 (Johnson Lane Interchange)	Reconstruction of existing Interchange	CN					6,200.0			832.0	5,368.0	6,200.0
MDT												
Total			0.0	0.0	0.0	0.0	6,200.0	0.0	0.0	832.0	5,368.0	6,200.0
Project Adjustments/Closures												
CMAQ Totals				5,000.0	0.0	0.0	6,200.0	0.0	0.0	1,503.0	9,697.0	11,200.0
Federal				4,329.0	0.0	0.0	5,368.0	0.0				
State				671.0	0.0	0.0	832.0	0.0				
Ending Balance (Federal)				2,903.0	4,293.3	5,683.5	1,705.8	3,096.0				

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions.

Federal program funding availability may impact the scheduling of projects. Funding will be subject to the obligation limitation set by the annual appropriations process.

CN estimates include CE costs

Surface Transportation Program Urban (STPU)

Surface Transportation Program Urban (STPU)

Funding shown in thousands of dollars

Project	Description	Phase							Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	Local	State	Federal	
Sponsor										13.42%	86.58%	
<i>Carryover</i>				20,037.6	5,069.8	7,770.5	10,254.8	10,332.1				
<i>Estimated Allocation (STPU)</i>				2,489.8	2,489.8	2,489.8	2,489.8	2,489.8				
Billings Bypass (Five Mile Road)	UPN4199002 Construction of Five Mile Road	IC	141.0	15.8						21.0	135.7	156.8
<i>MDT</i>		CN		6,077.6	-211.0	5.5				788.0	5,084.1	5,872.1
<i>MDT</i>		Total	141.0	6,093.4	-211.0	5.5	0.0	0.0		809.1	5,219.8	6,028.9
Billings Bypass (Yellowstone River Bridge)	UPN4199003 Construction of a new bridge over the Yellowstone River											
<i>MDT</i>		CN		11,364.2						1,525.1	9,839.1	11,364.2
<i>MDT</i>		Total	0.0	11,364.2	0.0	0.0	0.0	0.0	0.0	1,525.1	9,839.1	11,364.2
Billings Bypass (Johnson Lane Interchange)	UPN4199007 Reconstruction of existing Interchange											
<i>MDT</i>		CN					2,412.4			323.7	2,088.7	2,412.4
<i>MDT</i>		Total	0.0	0.0	0.0	0.0	2,412.4	0.0	0.0	323.7	2,088.7	2,412.4
Adjustment/Closures												
			STPU Totals	17,457.6	-211.0	5.5	2,412.4	0.0	0.0	2,657.9	17,147.6	19,805.5
			Federal	15,114.8	-182.7	4.8	2,088.7	0.0				
			State	2,342.8	-28.3	0.7	323.7	0.0				
			Balance	5,069.8	7,770.5	10,254.8	10,332.1	12,821.9				

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions. Federal program funding availability may impact the scheduling of projects. Funding will be subject to the obligation limitation set by the annual appropriations process. CN estimates include CE costs

Interstate Maintenance (IM)

Surface Transportation Program Urban (STPU)

Funding shown in thousands of dollars

Project	Description	Phase							Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	Local	State	Federal	
Sponsor										13.42%	86.58%	
<i>Carryover</i>				20,037.6	5,069.8	7,770.5	10,254.8	10,332.1				
<i>Estimated Allocation (STPU)</i>				2,489.8	2,489.8	2,489.8	2,489.8	2,489.8				
Billings Bypass (Five Mile Road)	UPN4199002 Construction of Five Mile Road	IC	141.0	15.8						21.0	135.7	156.8
<i>MDT</i>		CN		6,077.6	-211.0	5.5				788.0	5,084.1	5,872.1
<i>MDT</i>		Total	141.0	6,093.4	-211.0	5.5	0.0	0.0		809.1	5,219.8	6,028.9
Billings Bypass (Yellowstone River Bridge)	UPN4199003 Construction of a new bridge over the Yellowstone River											
<i>MDT</i>		CN		11,364.2						1,525.1	9,839.1	11,364.2
<i>MDT</i>		Total	0.0	11,364.2	0.0	0.0	0.0	0.0	0.0	1,525.1	9,839.1	11,364.2
Billings Bypass (Johnson Lane Interchange)	UPN4199007 Reconstruction of existing Interchange											
<i>MDT</i>		CN					2,412.4			323.7	2,088.7	2,412.4
<i>MDT</i>		Total	0.0	0.0	0.0	0.0	2,412.4	0.0	0.0	323.7	2,088.7	2,412.4
Adjustment/Closures												
			STPU Totals	17,457.6	-211.0	5.5	2,412.4	0.0	0.0	2,657.9	17,147.6	19,805.5
			Federal	15,114.8	-182.7	4.8	2,088.7	0.0				
			State	2,342.8	-28.3	0.7	323.7	0.0				
			Balance	5,069.8	7,770.5	10,254.8	10,332.1	12,821.9				

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions. Federal program funding availability may impact the scheduling of projects. Funding will be subject to the obligation limitation set by the annual appropriations process. CN estimates include CE costs

Billings FFY 2020-2024 Transportation Improvement Program Amd IV

National Highway (NH)*

National Highway (NH)*

Funding shown in thousands of dollars

Project	Description	Phase							Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	Local	State	Federal	
Sponsor												
MDT-PREVENTATIVE MAINTENANCE - NH	Maintenance	All		1,000.0	1,000.0	1,000.0	1,000.0	1,000.0		671.0	4,329.0	5,000.0
MDT		Total		1,000.0	1,000.0	1,000.0	1,000.0	1,000.0		671.0	4,329.0	5,000.0
Billings Bypass	New construction	PE	2,734.3	2,444.7						695.0	4,484.0	5,179.1
UPN 4199-000		RW			3,550.0	6,550.0				1,355.4	8,744.6	10,100.0
MDT		IC			0.0					0.0	0.0	0.0
MDT		Total	2,734.3	2,444.7	3,550.0	6,550.0	0.0	0.0	0.0	2,050.4	13,228.6	15,279.1
Billings Bypass - Yellowstone River Bridge	New construction of bridge over the Yellowstone River	IC		416.2						55.9	360.4	416.2
UPN 4199-003		CN		15,009.8	2,110.7					2,297.6	14,822.9	17,120.5
MDT		Total	0.0	15,426.0	2,110.7	0.0	0.0	0.0	0.0	2,353.4	15,183.3	17,536.7
Billings Bypass - Five Mile Rd to US 87	Construction of connection from Five Mile to US 87	IC						500.0		67.1	432.9	500.0
UPN 4199-004		CN						18,741.7		2,515.1	16,226.6	18,741.7
MDT		Total	0.0	0.0	0.0	0.0	0.0	19,241.7	0.0	2,582.2	16,659.5	19,241.7
Billings Bypass - RR O'pass	New construction of RR O'pass	IC				984.0				132.1	851.9	984.0
UPN 4199-005		CN				21,778.4				2,922.7	18,855.7	21,778.4
MDT		Total	0.0	0.0	0.0	22,762.3	0.0	0.0	0.0	3,054.7	19,707.6	22,762.3
Billings Bypass - Johnson Ln. Intch - RR O'pass	New construction of connection from Interchange to bridge	IC						1,000.0		134.2	865.8	1,000.0
UPN 4199-006		CN						8,397.6		1,127.0	7,270.6	8,397.6
MDT		Total	0.0	0.0	0.0	0.0	0.0	9,397.6	0.0	1,261.2	8,136.4	9,397.6
Billings Bypass - Johnson Lane Intch	Reconstruction of existing Interchange	IC					2,000.0			268.4	1,731.6	2,000.0
UPN 4199-007	RP 455.5	CN					3,800.0			510.0	3,290.0	3,800.0
MDT		Total	0.0	0.0	0.0	0.0	5,800.0	0.0	0.0	778.4	5,021.6	5,800.0
Exposition Dr. & 1st Ave. N Blgs	Intersection Improvements	PE	1,192.3							160.0	1,032.3	1,192.3
UPN 7908		CN								0.0	0.0	0.0
MDT		Total	1,192.3	0.0	0.0	0.0	0.0	2,085.0	0.0	439.8	2,837.4	3,277.2
27th St - 1st Ave S to Airport	Mill and overlay	PE	2,132.5							286.2	1,846.3	2,132.5
UPN 7910		RW	772.6				-3.5			103.2	665.9	769.1
MDT		IC	179.8							27.1	174.8	201.9
		CN	10,698.0	539.8	495.2				321.8	1,574.6	10,158.4	12,054.8
MDT		Total	13,782.8	539.8	517.4	-3.5	0.0	0.0	321.8	1,991.1	12,845.5	15,158.4
Underpass Ave. Improvements	Intersection Improvements	PE								0.0	0.0	0.0
UPN 8669		CN				6,255.8				839.5	5,416.3	6,255.8
MDT		Total	0.0	0.0	0.0	6,255.8	0.0	0.0	0.0	839.5	5,416.3	6,255.8
Main Street - Billings	Pavement Preservation with micro-surfacing	PE	668.2	130.0	-17.0					104.8	676.4	781.2
UPN 8717		RW	180.0							19.6	126.2	145.8
MDT		IC	77.3	38.5						15.5	100.2	115.8
		CN		8,469.7						1,162.5	7,500.1	8,662.6
MDT		Total	925.5	8,638.2	-17.0	158.6	0.0	0.0	0.0	1,302.5	8,402.9	9,705.3
Airport Rd. & Main St. - Blgs	Intersection Improvements	OT	295.6							39.7	255.9	295.6
UPN 8718		PE	2,229.8							299.2	1,930.6	2,229.8
MDT		RW					61.2			8.2	53.0	61.2
		IC					153.1			20.5	132.5	153.1
MDT		CN						7,514.6		1,008.5	6,506.1	7,514.6
MDT		Total	2,525.4	0.0	0.0	0.0	214.3	7,514.6	0.0	1,376.1	8,878.2	10,254.3
1st Ave. N - N 9th to RR Xing	Reconstruction of roadway	PE	1,746.7		1,483.3					433.5	2,796.5	3,230.0
UPN 9022	Major Rehab	RW			59.8					8.0	51.8	59.8
MDT		IC			59.8					8.0	51.8	59.8
		CN						10,795.5		1,448.8	9,346.7	10,795.5
MDT		Total	1,746.7	0.0	1,603.0	0.0	0.0	10,795.5	0.0	1,898.3	12,246.8	14,145.1
Zoo Drive Improvements	Intersection Improvements	PE	128.2							17.2	111.0	128.2
UPN 9597	I-90 RP 442.9 to 444.3	CN						2,766.1		371.2	2,394.9	2,766.1
MDT		Total	128.2	0.0	0.0	0.0	0.0	2,766.1	0.0	388.4	2,505.8	2,894.3
1st Ave. N - RR Xing to Broadway	Reconstruction of roadway	PE		500.0						67.1	432.9	500.0
UPN 9880	Major Rehab	RW				12.6				1.7	10.9	12.6
MDT		IC				12.6				1.7	10.9	12.6
CN outside of TIP Timeframe 2025		CN								0.0	0.0	0.0
MDT		Total	0.0	500.0	0.0	25.2	0.0	0.0	0.0	70.5	454.7	525.2
1st Ave. N - Broadway to Division	Reconstruction of roadway	PE		500.0						67.1	432.9	500.0
UPN 9881	Major Rehab	RW					12.6			1.7	10.9	12.6
MDT		IC					12.6			1.7	10.9	12.6
CN outside of TIP Timeframe 2026		CN								0.0	0.0	0.0
MDT		Total	0.0	500.0	0.0	0.0	25.2	0.0	0.0	70.5	454.7	525.2
Montana Ave Crosswalks - BLGS	Sidewalk Improvements	PE		128.2						17.2	111.0	128.2
UPN 9998	ADA compliance	RW					25.6			3.4	22.2	25.6
MDT		IC					51.3			6.9	44.4	51.3
CN outside of TIP Timeframe 2025		CN								0.0	0.0	0.0
MDT		Total	0.0	128.2	0.0	0.0	76.9	0.0	0.0	27.5	177.6	205.2
NH TOTAL			23,035.2	29,177.0	8,764.0	36,748.5	7,116.4	52,800.4	321.8	21,155.5	136,486.1	157,963.4

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Federal program funding availability may impact the scheduling of projects. Funding will be subject to the obligation limitation set by the annual appropriations process.

*NH is a state sub-allocated program funded by the federal National Highway Performance Program.

CN estimates include CE costs

National Highway Freight Program (NHFP)*

National Highway Freight Program (NHFP)*

Funding shown in thousands of dollars

Project Sponsor	Description	Phase							Funding Source			Total Project Costs
									Local	State	Federal	
			Pre-2020	2020	2021	2022	2023	2024		13.42%	86.58%	
Billings Bypass (Johnson Lane Interchange)	UPN4199007 Reconstruction of existing Interchange	CN					15,130.5			2,030.5	13,100.0	15,130.5
									0.0	0.0	0.0	
									0.0	0.0	0.0	
									0.0	0.0	0.0	
									0.0	0.0	0.0	
MDT		Total	0.0	0.0	0.0	0.0	15,130.5	0.0	0.0	2,030.5	13,100.0	15,130.5
I-90 Yellowstone River Bridges UPN 7972	Reconstruction of interstate bridges	CN			17,325.0					2,325.0	15,000.0	17,325.0
									0.0	0.0	0.0	
									0.0	0.0	0.0	
									0.0	0.0	0.0	
									0.0	0.0	0.0	
MDT	I-90 RP 450.09 to 452.73	Total	0.0	0.0	17,325.0	0.0	0.0	0.0	0.0	2,325.0	15,000.0	17,325.0
NHFP TOTAL			0.0	0.0	17,325.0	0.0	15,130.5	0.0	0.0	4,355.5	28,100.0	32,455.5

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions.

Federal program funding availability may impact the scheduling of projects. Funding will be subject to the obligation limitation set by the annual appropriations process.

*NHFP is funded by the federal National Highway Performance Program.

CN estimates include CE costs

Surface Transportation Program Off System (STPX), Secondary (STPS), State Funded Construction, (SFCN)

Surface Transportation Program Off System (STPX), Secondary (STPS) State Funded Construction (SFCN)

Funding shown in thousands of dollars

Project Sponsor	Description	Phase							Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	Local	State 13.42%	Federal 86.58%	
27th Street RR Crossing UPN 9354 MDT	Railroad crossing study RP 1 to 1.6	OT RW Total	1,075.0 1,075.0	 0.0	 0.0	 0.0	 0.0	 0.0	 0.0	 144.3 0.0	 930.7 0.0	 1,075.0 0.0
SF 169 Rinrock & 62nd St. W UPN 9383 MDT	Intersection Improvement Study RP 2.4 to 2.8	OT Total	563.8 563.8	-64.8 -64.8	 0.0	 0.0	 0.0	 0.0	 0.0	 67.0 0.0	 432.0 0.0	 499.0 0.0
Lockwood Interchange UPN 9588 MDT	Interchange Improvement Study RP 450 to 455.3	OT Total	300.0 300.0	1,146.8 1,146.8	 0.0	 0.0	 0.0	 0.0	 0.0	 194.2 194.2	 1,252.6 1,252.6	 1,446.8 1,446.8
Jct Main & 87 to Worden UPN MDT	Roadway Epoxy Striping RP 0 to 2.453	OT Total	 0.0	 0.0	15.5 15.5	 0.0	 0.0	 0.0	 0.0	 2.1 0.0	 13.4 0.0	 15.5 0.0
TOTALS			1,938.8	1,082.0	15.5	0.0	0.0	0.0	0.0	407.5	2,628.8	3,036.3

CN estimates include CE costs

Surface Transportation Program Primary (STPP)

Surface Transportation Program Primary (STPP)

Funding shown in thousands of dollars

Project	Description	Phase							Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	Local	State	Federal	
No New Projects		Total							13.42%	13.42%	86.58%	
STPP TOTALS			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CN estimates include CE costs

Railroad Crossing (RRS)

Railroad Crossing (RRS)

Funding shown in thousands of dollars

Project	Description	Phase							Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	Local	State	Federal	
Sponsor										10.00%	90.00%	
RRXING - STEFFES RD - BILLINGS	Upgrade Rail grade crossing signals	PE		9.0	-7.9					0.1	1.0	1.1
UPN 9827		CN		216.5						21.7	194.9	216.5
MDT	L-56-1059 RP 0.03	Total		225.5	-7.9					21.8	195.8	217.6
TOTALS			0.0	225.5	-7.9	0.0	0.0	0.0	0.0	21.8	195.8	217.6

CN estimates include CE costs

Highway Safety Improvement Program (HSIP)

Highway Safety Improvement Program (HSIP)

Funding is shown in thousands of dollars

Project	Description	Phase							Funding Source			Total Project Costs
									Local	State	Federal	
Sponsor			Pre-2020	2020	2021	2022	2023	2024		10.00%	90.00%	
SAFETY PROJECTS	Various Locations	ALL		500.0	500.0	500.0	500.0	500.0		250.0	2,250.0	2,500.0
<i>MDT</i>		Total		500.0	500.0	500.0	500.0	500.0	0.0	250.0	2,250.0	2,500.0
SF 129 - Rndabout King 56th	Intersection Improvements - Roundabout	PE	887.3	61.7	43.5					99.2	893.2	992.5
UPN 8052		RW	975.0		555.0					153.0	1,377.0	1,530.0
		IC	278.3							27.8	250.4	278.3
	ST SEC RTE 532	CN	0.0		4,200.0					420.0	3,780.0	4,200.0
<i>MDT</i>	RP 15.4 to 15.7	Total	2,140.5	61.7	4,798.5	0.0	0.0	0.0	0.0	700.1	6,300.7	7,000.7
SF 139-CENTRAL & 56TH RNDABOUT	Intersection Improvements - Roundabout	PE	723.9	69.9	62.7					85.7	770.9	856.5
UPN 8611		RW	230.0	670.0						90.0	810.0	900.0
		IC	0.0		127.0					12.7	114.3	127.0
	L-56-504	CN	0.0			2,991.2				299.1	2,692.1	2,991.2
<i>MDT</i>	RP 1.7 TO RP 2.3	Total	953.9	739.9	189.7	2,991.2	0.0	0.0	0.0	487.5	4,387.2	4,874.7
SF-149 HILLCREST RT TURN	Install Right Turn Lane	PE	176.3	-51.0						12.5	112.7	125.3
UPN 8904		RW	60.0	-35.4						2.5	22.1	24.6
		IC	60.7	78.8						14.0	125.6	139.6
		CN	0.0		432.1					43.2	388.9	432.1
<i>MDT</i>	U1033 RP .9-1.3	Total	297.0	-7.6	432.1	0.0	0.0	0.0	0.0	72.1	649.3	721.4
SF 169 RIMROCK & 62ND ST W	Intersection Improvements - Roundabout	PE	0.0	750.0	158.9					90.9	818.0	908.9
UPN 9383		RW	0.0		125.0					12.5	112.5	125.0
		IC	0.0		750.0					75.0	675.0	750.0
		CN	0.0			6,679.4				667.9	6,011.5	6,679.4
<i>MDT</i>	U1034 RP 2.4-2.8	Total	0.0	750.0	1,033.9	6,679.4	0.0	0.0	0.0	846.3	7,617.0	8,463.4
SF 169 FRNTG RD WISE LN INTX	Intersection warning system	PE	15.8	17.7						3.3	30.1	33.5
UPN 9384		CN	0.0		225.0					22.5	202.5	225.0
<i>MDT</i>	RP 3.5	Total	15.8	17.7	225.0	0.0	0.0	0.0	0.0	25.9	232.7	258.5
SF 169 BLGS AREA SFTY IMPRV	Installation of lighting and panel delineation	PE	21.3	2.8						2.4	21.7	24.1
UPN 9420		CN	111.1	4.5						11.6	104.1	115.6
<i>MDT</i>	I-90 RP 445.6-447.3	Total	132.4	7.3	0.0	0.0	0.0	0.0	0.0	14.0	125.8	139.7
SF 169 I90 W KING AVE LIGHTING	Installation of lighting and panel delineation	PE	44.8		13.9					5.9	52.8	58.7
UPN 9421		CN	0.0		695.8					69.6	626.2	695.8
<i>MDT</i>	I-90 RP 445.6-447.3	Total	44.8	0.0	709.6	0.0	0.0	0.0	0.0	75.4	679.0	754.4
SF 169 I90 SF 169 BLGS DISTRIC SFTY IM	Installation of signage and panel delineation	PE	13.0							1.3	11.7	13.0
UPN 9423		CN	124.3	2.1						12.6	113.7	126.4
<i>MDT</i>	Various Locations	Total	137.3	2.1	0.0	0.0	0.0	0.0	0.0	13.9	125.4	139.4
ZOO DRIVE IMPROVEMENTS - BLGS	Safety Improvements for Traffic Opera	PE	0.0							0.0	0.0	0.0
UPN 9597		CN	0.0					638.8		63.9	574.9	638.8
<i>MDT</i>	Various Locations	Total	0.0	0.0	0.0	0.0	0.0	638.8	0.0	63.9	574.9	638.8
HSIP Totals			3,721.8	2,071.1	7,888.8	10,170.6	500.0	1,138.8	0.0	2,549.1	22,942.0	25,491.1

CN estimates include CE costs

Billings FFY 2020-2024 Transportation Improvement Program Amd IV

Bridge Program

Bridge Program

Funding shown in thousands of dollars

Project	Description	Phase							Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	Local	State	Federal	
Sponsor												
BBP-YELLOWSTONE RIVER	Bridge rehabs									0.0	0.0	0.0
UPN 4199-003		CN		5,000.0						671.0	4,329.0	5,000.0
<i>MDT</i>	Statewide	Total	0.0	5,000.0	0.0	0.0	0.0	0.0		671.0	4,329.0	5,000.0
2012 SCOUR MITIGATION	Bridge rehabs	PE	111.9		-2.7					14.7	94.6	109.3
UPN 7960		RW	560.0	142.0	71.0					103.7	669.3	773.0
One project in MPO	Using 20% for costs	CN		432.8	250.9					91.8	592.0	683.7
<i>MDT</i>	Statewide	Total	671.9	574.8	319.2	0.0	0.0	0.0		210.2	1,355.8	1,566.0
I-90 Yellowstone River		PE	6,287.8	161.8	172.2					888.7	5,733.2	6,621.8
UPN 7972		CN			63,354.4					8,502.2	54,852.2	63,354.4
<i>MDT</i>	RP 2.7 to 3.0	Total	6,287.8	161.8	63,526.6	0.0	0.0	0.0		9,390.8	60,585.4	69,976.2
BR PRES COLUMBUS JOLIET AREA	Minor bridge rehab	PE	166.3							22.3	144.0	166.3
UPN 9552		IC								0.0	0.0	0.0
One project in MPO	Using 33% for costs	CN						1,796.8		241.1	1,555.7	1,796.8
<i>MDT</i>	U-1033 RP 0.9 to 1.1	Total	166.3	0.0	0.0	0.0	0.0	1,796.8		263.5	1,699.7	1,963.1
SHILOH RD / I-90 BRIDGE - BLGS	Bridge rehab	PE	309.9							41.6	268.3	309.9
UPN 9720		IC			12.4					1.7	10.7	12.4
<i>MDT</i>	U-1031 RO 5.0 to 5.3	CN				2,810.8				377.2	2,433.6	2,810.8
		Total	309.9	0.0	12.4	2,810.8	0.0	0.0		420.5	2,712.6	3,133.1
MONTANA AVE OVERPASS- BILLINGS	Bridge rehab	PE		253.1						34.0	219.1	253.1
UPN 9913		RW				38.0				5.1	32.9	38.0
		IC				38.0				5.1	32.9	38.0
<i>MDT</i>	N113 RP1.82 TO 1.92	CN					1,809.8			242.9	1,566.9	1,809.8
		Total	0.0	253.1	0.0	75.9	1,809.8	0.0		287.0	1,851.8	2,138.8
MONTANA AVE STRUCTURES - BLGS	Bridge Study	OT		750.0						100.7	649.4	750.0
UPN 9914										0.0	0.0	0.0
<i>MDT</i>	N113 RP1.82 TO 1.92	Total	0.0	750.0	0.0	0.0	0.0	0.0		100.7	649.4	750.0
BR TOTAL			7,435.9	6,739.8	63,858.2	2,886.7	1,809.8	1,796.8	0.0	11,343.5	73,183.6	84,527.2

CN estimates include CE costs

Urban Pavement Preservation (UPP)

Urban Pavement Preservation (UPP)

Funding shown in thousands of dollars

Project	Description	Phase	Program Schedule						Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	Local	State	Federal	
Sponsor										13.42%	86.58%	
URBAN PAVEMENT PRESERVATION		ALL		500.0	500.0	500.0	500.0	500.0		335.5	2,164.5	2,500.0
<i>MDT</i>	Various Locations	Total		500.0	500.0	500.0	500.0	500.0	0.0	335.5	2,164.5	2,500.0
SHILOH ROAD - BILLINGS	Pavement Preservation	PE	45.4	-30.2						2.0	13.2	15.2
UPN 9502		CN		53.4						7.2	46.2	53.4
<i>MDT</i>	U-1031 RP 4.4-5.4	Total	45.4	23.2	0.0	0.0	0.0	0.0	0.0	9.2	59.4	68.6
KING AVE E - BILLINGS	Pavement Preservation	PE	26.0	-12.7						1.8	11.5	13.3
UPN 9505		CN		42.4						5.7	36.7	42.4
<i>MDT</i>	U-1026 RP 1.7-2.2	Total	26.0	29.7	0.0	0.0	0.0	0.0	0.0	7.5	48.2	55.7
HARDIN ROAD - BILLINGS	Pavement Preservation	PE	26.0	-10.5						2.1	13.4	15.5
UPN 9506		CN		180.6						24.2	156.4	180.6
<i>MDT</i>	U-1028 RP 0-2.1	Total	26.0	170.1	0.0	0.0	0.0	0.0	0.0	26.3	169.8	196.1
GRAND-24TH TO ZIMMERMAN (BLGS)	Pavement Preservation	PE	77.9		6.5					11.3	73.0	84.3
UPN 9509		CN			1,126.3					151.1	975.1	1,126.3
<i>MDT</i>	U-1004 RP .8- RP2	Total	77.9	0.0	1,132.7	0.0	0.0	0.0	0.0	162.5	1,048.1	1,210.6
UPP TOTAL			175.2	723.0	1,632.7	500.0	500.0	500.0	0.0	540.9	3,489.9	4,030.9

CN estimates include CE costs

Montana Air and Congestion Initiative (MACI)-Discretionary Program

Montana Air and Congestion Initiative (MACI)-DISCRETIONARY PROGRAM

Funding shown in thousands of dollars

Project Sponsor	Description	Phase							Funding Source			Total Project Costs
			Pre-2020	2020	2021	2022	2023	2024	13.42%	13.42%	86.58%	
ADA COMPLIANCE MDT	ADA upgrades	All Total		500.0 500.0	500.0 500.0	500.0 500.0	500.0 500.0	500.0 500.0		335.5 335.5	2,164.5 2,164.5	2,500.0 2,500.0
TRAFFIC MITIGATION MDT	Signalization	All Total		250.0 250.0	250.0 250.0	250.0 250.0	250.0 250.0	250.0 250.0		167.8 167.8	1,082.3 1,082.3	1,250.0 1,250.0
27th St - 1st Ave S to Airport UPN 7910 MDT	Mill and overlay HWAY RT 53/MT3 RP1.1 TO 3.0	CN Total	5,500.0 5,500.0	197.1 197.1	22.4 22.4	0.0 0.0	0.0 0.0	0.0 0.0	0.0 0.0	767.6 767.6	4,951.9 4,951.9	5,719.5 5,719.5
Underpass Ave. Improvements UPN 8669 MDT	Intersection Improvements RP .51 to .72	PE IC/RW CN Total	1,167.6 1,167.6	110.0 110.0	188.3 188.3	955.4 955.4	0.0 0.0	0.0 0.0	0.0 0.0	156.7 40.0 128.2 324.9	1,010.9 258.3 827.2 2,096.3	1,167.6 298.3 955.4 2,421.3
Main Street - Billings UPN 8717 MDT	Pavement Preservation with micro-surfacing RP 1.08 to 4.66	CN Total	0.0 0.0	1,000.0 1,000.0	0.0 0.0	0.0 0.0	0.0 0.0	0.0 0.0	0.0 0.0	134.2 134.2	865.8 865.8	1,000.0 1,000.0
Mossmain Intch-West Blgs Inch UPN 9198 MDT	Pavement Preservation Not all locations inside MPO boundary I-90 RP 437.12 to 446.7	CN Total	0.0 0.0	0.0 0.0	0.0 0.0	443.5 443.5	0.0 0.0	443.5 443.5	0.0 0.0	59.5 59.5	384.0 384.0	443.5 443.5
LAUREL ROAD SIGNALS - BILLINGS UPN 9568 Route N-113 MDT	INT UPGRADE/SIGNALS RP .6 and 1.3 Various Locations	PE IC CN Total	51.2 51.2	82.4 82.4	0.0 0.0	6.5 983.1 989.6	0.0 0.0	0.0 0.0	0.0 0.0	17.9 0.9 131.9 150.7	115.6 5.6 851.1 972.4	133.6 6.5 983.1 1,123.1
Total			6,718.8	2,139.5	960.7	3,138.4	750.0	1,193.5	0.0	1,940.2	12,517.2	14,457.4

CN estimates include CE costs

Transportation Alternatives

Transportation Alternatives

Funding shown in thousands of dollars

Project	Description	Phase							Funding Source			Total Project Costs
									Local	State	Federal	
Sponsor			Pre-2020	2020	2021	2022	2023	2024	13.42%	13.42%	86.58%	
Transportation Alternatives									0.0	0.0	0.0	0.0
MDT/Locals	Various Locations	All		300.0	300.0	300.0	300.0	300.0	0.0	201.3	1,298.7	1,500.0
		Total	0.0	300.0	300.0	300.0	300.0	300.0	0.0	201.3	1,298.7	1,500.0
BECRAFT LANE SIDEWALK-LOCKWOOD	Install sidewalks	PE	238.7	-0.6					31.9		206.1	238.0
UPN 9158		CN	897.6	81.4					131.4		847.6	979.0
MDT/Locals	Various Locations	Total	1,136.3	80.7	0.0	0.0	0.0	0.0	163.3	0.0	1,053.7	1,217.0
TA TOTALS			1,136.3	380.7	300.0	300.0	300.0	300.0	163.3	201.3	2,352.4	2,717.0
Federal			983.8	329.6	259.7	259.7	259.7	259.7				
Local			152.5	51.1	40.3	40.3	40.3	40.3				

Funding dependent on the outcome of a competitive process and funding availability.
CN estimates include CE costs

Earmarks

EARMARKS

Funding shown in thousands of dollars

Project	Description	Phase								Funding Source			Total Project
			Pre-2020	2020	2021	2022	2023	2024		Local	State	Federal	
Sponsor										13.42%	13.42%	86.58%	
Billings Bypass	UPN4199000	Environmental Impact Statement	PE	17,332.9							2,326.1	15,006.8	17,332.9
		Preliminary Engineering											
		Right of Way Acquisition	RW	7,847.0							1,053.1	6,793.9	7,847.0
MDT			Total	25,179.9	0.0	0.0	0.0	0.0	0.0	0.0	3,379.1	21,800.8	25,179.9
GRAND-24TH TO ZIMMERMAN (BLGS)		Pavement Preservation											
UPN 9509			CN	84.4							11.3	73.1	84.4
MDT		U-1004 RP .8- RP2	Total	84.4	0.0	0.0	0.0	0.0	0.0	0.0	11.3	73.1	84.4
Total				25,264.3	0.0	0.0	0.0	0.0	0.0	0.0	3,390.5	21,873.8	25,264.3

CN estimates include CE costs

Better Utilizing Investments to Leverage Development (BUILD) Grant Program

Better Utilizing Investments to Leverage Development (BUILD) Grant Program

Funding shown in thousands of dollars

Project	Description	Phase						Funding Source				Total Estimated Obligation
			2020	2021	2022	2023	2024	City	County	State	Federal	
Sponsor												FY2020-2024
Inner Belt Loop UPN	New Construction of Roadway				7,310.2	7,310.2		7,000.0			7,620.4	
MDT		Total	0.0	0.0	7,310.2	7,310.2	0.0	7,000.0	0.0	0.0	7,620.4	14,620.4
Skyline Trail UPN	Construction of Multi Use Path				2,060.7	2,060.7		85.0			4,036.4	
		Total	0.0	0.0	2,060.7	2,060.7	0.0	85.0	0.0	0.0	4,036.4	4,121.4
BUILD TOTAL			0.0	0.0	9,370.9	9,370.9	0.0	7,085.0	0.0	0.0	11,656.8	18,741.8

CN estimates include CE costs

Federal Transit Administration Section 5307 CARES Act*

Federal Transit Administration Section 5307 CARES Act*

Funding shown in thousands of dollars

Project Sponsor	Description	Phase						Funding Source		Total Estimated FY 2020-2024
			2020	2021	2022	2023	2024	Local 0%	Federal 100%	
Carryover			0.0	5,358.5	7,123.4	2,584.5	0.0			
5311 Transfer from State (Federal Share - CARES)				1,237.8						
American Rescue Plan				1,346.7						
Allocation			5,358.5	0.0	0.0	0.0	0.0			
Bus Purchases	Purchase six (6)									0.0
MET Transit	replacement ADA							0.0	0.0	0.0
	Heavy Duty Buses							0.0	0.0	0.0
*Bus purchases moved to 5307		Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Facility Improvement and Technology	Training Lot Construction									
MET Transit	Electronic Fare System									
*Tech moved to 5339B and Facility to 5339A		Total	0.0	0.0				0.0	0.0	0.0
Operations	Transit Operations									
MET Transit				819.7	4,538.8	2,584.5		0.0	7,943.0	7,943.0
		Total	0.0	819.7	4,538.8	2,584.5	0.0	0.0	7,943.0	7,943.0
SECTION 5307 CARES TOTALS*			0.0	819.7	4,538.8	2,584.5	0.0	0.0	7,943.0	7,943.0
Federal			0.0	819.7	4,538.8	2,584.5	0.0			
Local			0.0	0.0	0.0	0.0	0.0			
Ending Balance (Federal)			5,358.5	7,123.4	2,584.5	0.0	0.0			

*FTA administered CARES ACT funds are subject to the section 5307 regulations regarding eligible projects and expenses. These projects are 100% federal funds with no requirement for local match. Only funds utilized for capital projects that involve a substantial change to the function, location, or capacity of the system are required to be reflected in this plan.

Federal Transit Administration Section 5307*

Federal Transit Administration Section 5307*

Funding shown in thousands of dollars

Project Sponsor	Description	Phase						Funding Source			Total Estimated Obligation FY2020-2024
			2020	2021	2022	2023	2024	Local	State	Federal	
			% VARIES***					% VARIES***		% VARIES***	
<i>Carryover</i>			0.0	0.0	184.0	409.8	24.9				
<i>5311 Transfer from State(Fed Share)</i>	5311 CARES transfer			0.0							
<i>Allocation (Estimated)(Fed Share)</i>	moved to CARES table		1,891.4	1,891.5	2,433.7	2,490.1	2,490.1				
Bus & Passenger Facilities/Equipment											0.0
Supportive Equipment	80/20 Match			81.2				16.2		64.9	81.2
Ammenities								0.0		0.0	0.0
Facilities								0.0		0.0	0.0
Security Related Capital					0.0	40.5	31.1				
<i>Met Transit</i>		Total	0.0	81.2	0.0	40.5	31.1	16.2		64.9	81.2
Transit Operations***											
<i>Met Transit</i>	50/50 Match	Total	3,782.7	0.0	4,415.8	5,685.0	4,980.1	9,431.8		9,431.8	18,863.7
Purchase buses								0.0		0.0	0.0
Replacement Buses	85/15 Match			1,932.4				289.9		1,642.6	1,932.4
								0.0		0.0	0.0
								0.0		0.0	0.0
<i>Met Transit</i>		Total	0.0	1,932.4	0.0	0.0	0.0	289.9		1,642.6	1,932.4
SECTION 5307 TOTALS*			3,782.7	2,013.6	4,415.8	5,725.6	5,011.3	9,737.9	0.0	11,139.3	20,877.2
Federal			1,891.4	1,707.5	2,207.9	2,874.9	2,515.0				
Local			1,891.4	302.0	2,207.9	2,850.6	2,496.3				
Ending Balance (Federal)			0.0	184.0	409.8	24.9	0.0				

*FTA administered funds are not subject to indirect cost recovery. 5307 funds may be supplemented by Small Transit Intensive Cities (STIC) funds based on transit system performance for the urbanized area (MET).
 ***Total local funding reflects an overmatch on federal share. Operations Match ratio is 50/50, Capital 80/20, ADA Capital 85/15
 CARES Act is 100% federally funded

Federal Transit Administration Section 5339

Federal Transit Administration Section 5339 Formula

Funding shown in thousands of dollars

Project	Description	Phase						Funding Source			Total Estimated Obligation FY 2020-2024
			2020	2021	2022	2023	2024	Local	State	Federal	
Sponsor								% VARIES*		% VARIES*	
<i>Carryover</i>			1,853.5	2,057.5	900.6	615.1	578.0				
<i>Allocation (Estimated)</i>			353.3	473.7	455.9	469.7	469.7				
Bus Purchases	Replacement										0.0
<i>Met Transit</i>	85/15 for ada		122.0	1,775.5	0.0	0.0	680.0	386.6		2,190.9	2,577.5
Bus and Bus Technology	Upgrade										
<i>Met Transit</i>			0.0	99.8	15.9	300.4	300.4	83.2		332.9	416.1
Bus Passenger Amenities	Moved to Bus Facilities										
<i>Met Transit</i>			0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0
Bus Facilities and Support	Facility items, construction, technology, amenities, support equipment, etc										
<i>Met Transit</i>			56.9	52.1	910.8	28.7	304.4	270.6		1,082.3	1,352.9
Bus, Facilities, and Technology	Upgrade facilities, replace buses, add technology										
<i>Met Transit**</i>			0.0	0.0	0.0	0.0	587.1	117.4		469.7	587.1
			0.0	0.0	0.0	0.0	0.0	0.0			
SECTION 5339 TOTALS			179.0	1,927.4	926.7	633.5	1,267.1	857.9	0.0	4,075.8	4,933.7
Federal			149.3	1,630.7	741.4	506.8	1,047.7				
Local			29.7	296.7	185.3	126.7	219.4				
Balance			2,057.5	900.6	615.1	578.0	0.0				

*Capital 80/20 Match, ADA Capital 85/15 Match

PROJECTS (FY EXPENDED)

2020	2021	2022	2023	2024
Powerplant Replacements	Replacment Buses			Overage bus diesel/elec
	Dispatch Software	Samsung Tabs	TVMs (fares) AVL system	
Lot Gate Security Cams Sander	Fuel System & DEF TANK	Training Lot (change order)	Sup Veh, Bus Wash, Facility and ammenties	
				Bus, Facility, Tech, Equip, Support

Security items moved to 5307

Federal Transit Administration Section 5339 Competitive Funding

Federal Transit Administration Section 5339 Competitive Funding

Project Sponsor	Description	Phase						Funding Source			Total Estimated Obligation FY2022-2026
			2020	2021	2022	2023	2024	% VARIES*	State	Federal % VARIES*	
Carryover Allocation			2,200.0 0.0	2,200.0 0.0	2,128.4 6,908.3	6,908.3	5,123.6				
Rollingstock/ Buses MET	Replace 85/ 15 ADA / LowNo	Total	0.0	0.0	2,365.6	0.0	5,400.0 5,400.0	1,164.8		6,600.7	7,765.6
Bus and Bus Facilities MET	Technology Facility Other (Training) 80/ 20 Rate	Total	0.0	79.5 0.0 10.0 89.5	92.8 54.3 230.9 147.1	2,000.0 230.9 2,230.9	667.0 667.0	626.9		2,507.6	3,134.5
SECTION 5339 TOTALS			0.0	89.5	2,512.7	2,230.9	6,067.0	1,791.7		9,108.3	10,900.0
Federal			0.0	71.6	2,128.4	1,784.7	5,123.6				
Local			0.0	17.9	384.3	446.2	943.4				
Balance			2,200.0	2,128.4	6,908.3	5,123.6	0.0				

*Capital 80/ 20 Match, ADA Capital 85/ 15 Match

5339B
Added 5339C

2020	2021	2022	2023	2024
		Replacement Buses		4 Electric Bus 4 Diesel Bus
	APCs	Digital Fares	METroplex Updat	Bus chargers and infrastuct
	Workforce Training	Support Vehicles	Bus Simulator	

Federal Transit Administration Section 5310

Federal Transit Administration Section 5310

Funding shown in thousands of dollars

Project	Description	Phase						Funding Source			Total Estimated Obligation FY 2020-2024
			2020	2021	2022	2023	2024	% VARIES*	State	Federal	
Sponsor											
<i>Carryover</i>				0.0	50.6	103.8	127.8				
<i>Allocation (Estimated)</i>			136.9	157.2	172.2	202.5	202.5				
Paratransit Vehicles	Purchase vehicles (ADA and Cutaway) for MET and other Coordination members as applicable	Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
<i>Met Transit and Coordination Group</i>			161.1	125.3	140.0	210.0	125.0	114.2		647.2	761.4
Traditional and Non-Traditional Projects	Projects to support identified community needs but may be also be used for vehicles	Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
<i>Met Transit and Coordination Group</i>			0.0	0.0	0.0	0.0	253.5	50.7		202.8	253.5
		Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
		Purch.	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0
SECTION 5310 TOTALS			161.1	125.3	140.0	210.0	378.5	164.9		850.0	1,014.9
	Federal		136.9	106.5	119.0	178.5	309.1				
	Local		24.2	18.8	21.0	31.5	69.5				
	Balance		0.0	50.6	103.8	127.8	21.3				

NOTE: Indirect costs will be recovered on van/bus purchases.

Funding dependent on the outcome of a competitive process and funding availability.

*Capital Projects 80/20 match; ADA Capital 85/15 match

TIP Amendment Table - Public Hearing Currently Scheduled for 03/14

PROJECTS (FY YEAR EXPENDED)

2020	2021	2022	2023	2024
2 ADA Vans MET Transit	MET ADA Van; Aware Minivan	MET ADA van; COR ADA van (previous ob)**	MET ADA Van; COR ADA van and minivan	MET ADA Van
				Overages for prev obligations (vehicle price)

TRANSADE (STATE FUNDED)

TRANSADE (STATE FUNDED)

Funding shown in thousands of dollars

Project	Description	Phase						State Funded	Total Estimated Obligation
Sponsor			2020	2021	2022	2023	2024	100%	FY2020-2024
Carryover			0.0	0.0	0.0	0.0	0.0		
Allocation (Estimated)			100.0	115.3	76.8	110.3	212.7	615.1	615.1
Transit Operations	Operating		100.0	115.3	76.8	110.3	212.7	615.1	
Met Transit			100.0	115.3	76.8	110.3	212.7	615.1	615.1
STATE TOTALS			0.0	0.0	0.0	0.0	0.0	615.1	615.1

Public Comment

The MPO will post the draft Transportation Improvement Program (TIP) to the Transportation Resource page of the City of Billings Website. Link to the page is: <https://www.ci.billings.mt.us/2336/Transportation-Resources> . MPO additionally will post agendas for the Boards, Council and Commission that review and act on the Transportation Improvement Program here: <https://www.ci.billings.mt.us/117/Agendas-Minutes> . The MPO published a Public Hearing Notice in the Yellowstone County News on February 24, 2023 and March 3, 2023 noting that public comment will be received on the Transportation Improvement Plan at the Yellowstone County Planning Board Meeting scheduled for Tuesday, March 28, 2023.

Below is a list of the Public Meetings that allow for public review and comment on the Transportation Improvement Program. Each meeting notes the number of public attending and comments received from any public:

Technical Advisory Committee:	Thursday, February 23, 2023 Attendance at Meeting: TAC Members, Planning Staff Public Comment period
YC Planning Board:	Tuesday, March 28, 2023 Attendance at Meeting: Planning Board members, Planning Staff Public Comment period
Billings City Council:	Monday, April 10, 2023 Attendance at Meeting: City Council Members, Staff Public Comment period
YC Board of Commissioners:	Tuesday, April 4, 2023 Attendance at Meeting: Commissioners, Staff Public Comment period
Policy Coordinating Committee:	April 18, 2023 Attendance at Meeting: PCC Members, Staff, MDT Planning; Public Comment period

Public Participation Plan City of Billings MET Transit

The purpose of the City of Billings MET Transit Public Participation Plan is to ensure and improve access to MET's decision-making process for all members of the public including low-income, minority, and other disadvantaged populations. MET endeavors to provide opportunities for the public to assist and provide input on transit projects in regards to social, environmental, and economic impacts to the area's population.

The Public Participation Plan identifies methods for informing and involving the public in the decision making process, including minority and limited-English proficiency (LEP) populations. Methods of informing the public include, but are not limited to, printed material, partner and community outreach, press releases, paid advertising, transit advertising, and the MET website and social media platforms. Methods of involving the public include, but are not limited to, public meetings, public hearings, surveys, Aviation and Transit Commission meetings, public comment cards, and multiple feedback options.

To download a copy of MET's updated (10/2019) Public Participation Plan, insert the link below in your browser

<https://www.ci.billings.mt.us/DocumentCenter/View/46951/2022-Public-Participation-and-Title-VI-Plan>

Certification

The Billings Metropolitan Planning Organization for the Billings, Montana, urbanized area hereby certifies that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- I. 49 USC. Section 5303 and 23 USC. 134 and CFR 450.334;
- II. Title VI of the Civil Rights Act of 1964, as amended (42 USC. 2000d-1) and 49 CFR, Part 21;
- III. Section 1101(b) of the MAP-21 (Pub. L. 112-141) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded projects (49 CFR part 26);
- IV. The provision of the Americans With Disabilities Act of 1990 (42 USC. 12101 *et esq.*,) and the U. S. DOT implementing regulation (49 CFR Parts 27, 37 and 38);
- V. The provision of 49 CFR part 20 regarding restrictions on influencing certain activities;
- VI. Sections 174 and 176(c) and (d) of the Clear Air Act as amended (42 USC. 7504, 7506(c) and (d));
- VII. 49 USC. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity;
- VIII. 23 CFR, Part 230, regarding the implementation of an equal employment opportunity on Federal and Federal-aid highway construction contracts;
- IX. The Older Americans Act as amended (42 USC. 6101), prohibiting discrimination on the basis of age in program or projects receiving Federal financial assistance;
- X. Section 324 of Title 23 USC. regarding the prohibition of discrimination based on gender; and
- XI. Section 504 of the Rehabilitation Act of 1973 (29 USC. 794) and 49 CFR, Part 27 regarding discrimination against individuals with disabilities.

Billings, Montana
Metropolitan Planning Organization

Dennis Cook, Planning Board President /Date

Planning Board

Date: 03/28/2023
Title: Annafeld Subdivision, 5th Filing - Preliminary Major Plat
Presented by: Monica Plecker
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

City Staff recommends the Planning Board forward to the City Council a recommendation to conditionally approve the preliminary plat of Annafeld Subdivision, 5th Filing, and adopt the Findings of Fact as presented in the staff report.

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

On February 1, 2023, Sanderson Stewart for McCall Development, Inc., applied for preliminary major plat approval for Annafeld Subdivision, 5th Filing. The proposed subdivision creates 123 lots for residential development. The subject property is generally located south of Elysian Road and west of Annafeld Subdivision, 4th Filing. The property is zoned PD, builders will follow the PD zoning requirements when developing the lots.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

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 submit all drawings and specifications for water systems, sewer systems and stormwater systems to the City of Billings Engineering Department for review and approval prior to installation.
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 October 20, 2022
- Preliminary plat application submitted to Planning Division on February 1, 2023
- Departmental review meeting February 16, 2023
- Preliminary plat resubmittal February 23, 2023
- Planning Board plat review March 14, 2023
- Planning Board public hearing March 28, 2023
- Preliminary plat to City Council April 24, 2023
- 60 working-day preliminary plat review period ends April 27, 2023

PLAT INFORMATION

General location: South of Elysian Road and west of Annafeld Subdivision 4th Filing

Legal Description: Lot 6A, Block 20, Amended Lot 6, Block 20 of Annafeld Subdivision, 4th Filing Lot 5A, Block 25, of amended Lot 5, Block 24 of Annafeld Subdivision, 4th Filing and Lot 4, Block 27, of Annafeld Subdivision, 4th Filing and Lot 11, Block 6 of Amended Plat of Lots 2-5, Block 6 and Lot 1, Block 11 of Annafeld Subdivision, 2nd Filing

Owner/Subdivider: McCall Development, Inc.

Engineer and Surveyor: Sanderson Stewart

Existing Zoning: PD

Existing land use: Farmland

Proposed land use: Residential

Gross and Net area: 21.6829 acres / 15.4981 acres

Proposed number of lots: 123

Lot size: Max: 87,968 square feet Min.: 1,128 square feet

Parkland requirements: Parkland dedication requirement is 2.15 acres. The parkland will be private parks maintained by the subdivision.

STAKEHOLDERS

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

At the Planning Board plat review meeting, March 14th, staff gave a brief overview of the proposed subdivision and was available for questions from the board. There was a question from board member Ronquillo asking for clarification about the proposed subdivision. Staff explained that there is a proposal for townhomes within the proposed subdivision and a modification was made to adjust for distances around buildings to meet the Fire Department's regulations. Mr. Greg McCall, applicant, stood to answer any questions from the board, there were no questions. Mr. Gary Owen, agent for the applicant, stood to answer any question from the board, there were no questions.

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 April 27, 2023. 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.

Attachments

Findings of Fact
Proposed Plat
Draft SIA

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Annafeld Subdivision, 5th 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 farm land. Water rights will not be transferred to subdivision property owners. Existing ditches near this proposed development will remain in place and will not be altered by the future property owners. 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 continue a 12-inch water main down Norma Jean Lane and in a portion of St. Peter Lane. All remaining streets in Annafeld Subdivision, 5th Filing, will be an 8-inch line with water taps to individual lots for future home connections. The water mains 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. **(Condition #1)**

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 gravity feed sewer main located in Rosemary Road, Eva Marie Lane, Norma Jean Lane and Annafeld Parkway West. There is an existing 10-inch sewer main located in Centennial Farm Road from St. George Boulevard to Annafeld Parkway East, and extends north in Annafeld Parkway East to Farmstead Avenue. All lots will have a sanitary sewer stub to them from the proposed mains. 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. **(Condition #1)**

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. The new storm drain piping will discharge into existing storm drain piping and to an existing mechanical stormwater filtration manhole, then into Hogan’s Slough. There is an existing Operation and Maintenance (O&M) manual that was developed with Annafeld Subdivision, 1st Filing that will include Annafeld Subdivision, 5th Filing. The subdivision HOA is owner of the stormwater management system and fees are collected to cover the cost of O&M. 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. **(Condition #1)**
- c. Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.
- d. Streets** – Access to the lots in this proposed subdivision is from Farmstead Avenue, Centennial Farm Road, Rosemary Road, Eva Marie Lane, and Norma Jean Lane. Access to each individual lot will be from the internal streets that are proposed with this subdivision. 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. Annafeld Parkway West and Annafeld Parkway East, when Phase 1 and 2 of this subdivision are completed, will be one-way streets. Annafeld Parkway West will have traffic traveling south and Annafeld Parkway East will have traffic traveling north. They will be one-way roads from Elysian Road to Rose Mary Road. Each road will have 45-degree parking along the length of the streets. Construction will include installation of accessible ramps at the intersections with all roads within the proposed subdivision.

A traffic study has been completed for this proposed subdivision and the applicant will be making contributions to the intersections impacted by the additional traffic burden places on them. Those contributions are outlined in the SIA and will be made to the City prior to final plat approval.

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 605 South 24th Street West (Station #5).

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** – Elysian School provides service to students within this subdivision for K through 8. School District #2 provides service to students within this subdivision from high school (West High School). School District #2 responded stating West High School is over capacity at this time.
- g. **Parks and Recreation** – The parkland dedication requirement for this subdivision is 1.05 acres. This parkland will be private park for the residents of the subdivision. There is a public park that was dedicated to the City with Annafeld 1st Filing. Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of an existing public park within Annafeld Subdivision. This information is in the SIA under the heading Property Conditions and Information for Lot Purchasers.
- 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 USPS has requested the CBU units be placed together with the other boxes already in place. The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. This is outlined in the SIA under the heading IX Postal Delivery.

3. Effect on the natural environment

The subject property is relatively level land adjacent to urban development to the east. A geotechnical study was performed for the subdivision, a summary of the information from that study is included in the SIA under the heading X. 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 farm land 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.

6. Phasing of the Subdivision

The subdivider is proposing to build the subdivision in two phases. Phase one lots will be available for sale and buildings with the final approval of the proposed subdivision. Phase two is planned to be open on or before November 1, 2025.

Each phase is outlined in the SIA under the heading, XI Phasing of Improvements.

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:

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

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.

Essential Investments (relating public and private expenditures to public values) Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.

Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community.

Community Fabric (attractive, aesthetically pleasing, uniquely Billings) Outdoor public spaces provide casual and relaxing gathering areas for people.

2. 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.

3. 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. There is a 10-foot paved trail along the south side of Elysian road that allows student to walk/bike to Elysian School.

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 a PD zoning district. All building development on the lots shall comply with the PD 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 Elysian Road and from Farmstead Avenue, Centennial Farm Road, Rosemary Road, Eva Marie Lane, Norma Jean Lane and Annafeld Parkway. All streets are dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Annafeld Subdivision, 5th 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

City staff recommends the Planning Board forward to the City Council, the preliminary plat of Annafeld Subdivision, 5th Filing, recommending conditional approval and adopt the Findings of Fact as presented in the staff report.

BEING LOT 6A, BLOCK 20, AMENDED LOT 6, BLOCK 20 OF ANNAFELD SUBDIVISION, 4TH FILING
LOT 5A, BLOCK 24, OF AMENDED LOT 5, BLOCK 24 OF ANNAFELD SUBDIVISION, 4TH FILING
AND LOT 4, BLOCK 27, OF ANNAFELD SUBDIVISION, 4TH FILING AND LOT 11, BLOCK 6 OF AMENDED
PLAT OF LOTS 2-5, BLOCK 6 AND LOT 1, BLOCK 11 OF ANNAFELD SUBDIVISION, 2ND FILING
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED BY : SANDERSON STEWART 

BILLINGS, MONTANA



NORTH

BASIS OF BEARINGS: PLAT OF ANNAFELD
SUBDIVISION, SECOND FILING
NOTE: ALL CURVES ARE TANGENT AND ALL
PROPERTY LINES INTERSECTING CURVES ARE
RADIAL UNLESS OTHERWISE NOTED.

OWNERSHIPS

1	MCCLAY DEVELOPMENT INC 1536 MULLOWNY LN STE 100 BILINGS, MT 59101-6397	7	CITY OF BILLINGS PO BOX 1178 BILINGS, MT 59103-1178
2	GARY J ARMSTRONG LIVING TRUST 1701 EAST LANE BILLINGS, MT 59101-6364	8	SMITH, CHRISTOPHER R CAROLEE A 1917 ANNAS GARDEN LN BILLINGS, MT 59101-6492
3	WALTER, LEROY J & NORMA J 1807 EAST LANE BILLINGS, MT 59101-6349	9	THE DR DAVID AND CYNTHIA ROBERTS TRUST 6046 NORMA JEAN LN BILLINGS, MT 59101-6491
4	OSTERWYK -MCKNIGHT, AMANDA C & KRISTA L 6102 NORMA JEAN LN BILLINGS, MT 59101-6779	10	SCHOOL DISTRICT # 23 6416 ELYSIAN RD BILLINGS, MT 59101-6314
5	ESTEPP, PHILIP D & KAYLA M 6102 NORMA JEAN LN BILLINGS, MT 59101-6779	11	KELLER, ARUSS M 1540 EAST LN BILLINGS, MT 59101-6329
6	JONES, JOSHUA RAY & JENNA CORINNE 1931 ANNAS GARDEN LN BILLINGS, MT 59101-6492	12	JEAN L NILSON REVOCABLE TRUST 1815 GREYSTONE DR BILLINGS, MT 59102-6556
		13	HALVERSON, CHRISTINA E & BENJAMIN 6153 EVA MARIE LANE BILLINGS, MT 59101-6492

PLAT DATA

GROSS AREA	=	21.6829 ACRES
NET AREA	=	15.4981 ACRES
NUMBER OF LOTS	=	125
MINIMUM LOT SIZE	=	1,128 S.F.
MAXIMUM LOT SIZE	=	87,968 S.F.
LINEAL FEET OF STREETS	=	±4,091.81 L.F.
PARKLAND REQUIREMENT	=	1.02 ACRES
PARKLAND DEDICATION	=	2.15 ACES
EXISTING ZONING	=	PUD
SURROUNDING ZONING:		
NORTH	=	PUD/NMU
SOUTH	=	PUD
EAST	=	PUD
WEST	=	PUD/P2
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	RESIDENTIAL

PRELIMINARY PLAT OF
ANNAFELD SUBDIVISION, FIFTH FILING

BEING LOT 6A, BLOCK 20, AMENDED LOT 6, BLOCK 20 OF ANNAFELD SUBDIVISION, 4TH FILING
LOT 5A, BLOCK 24, OF AMENDED LOT 5, BLOCK 24 OF ANNAFELD SUBDIVISION, 4TH FILING
AND LOT 4, BLOCK 27, OF ANNAFELD SUBDIVISION, 4TH FILING AND LOT 11, BLOCK 6 OF AMENDED
PLAT OF LOTS 2-5, BLOCK 6 AND LOT 1, BLOCK 11 OF ANNAFELD SUBDIVISION, 2ND FILING
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

PREPARED BY : SANDERSON STEWART

DECEMBER, 2022

BILLINGS, MONTANA

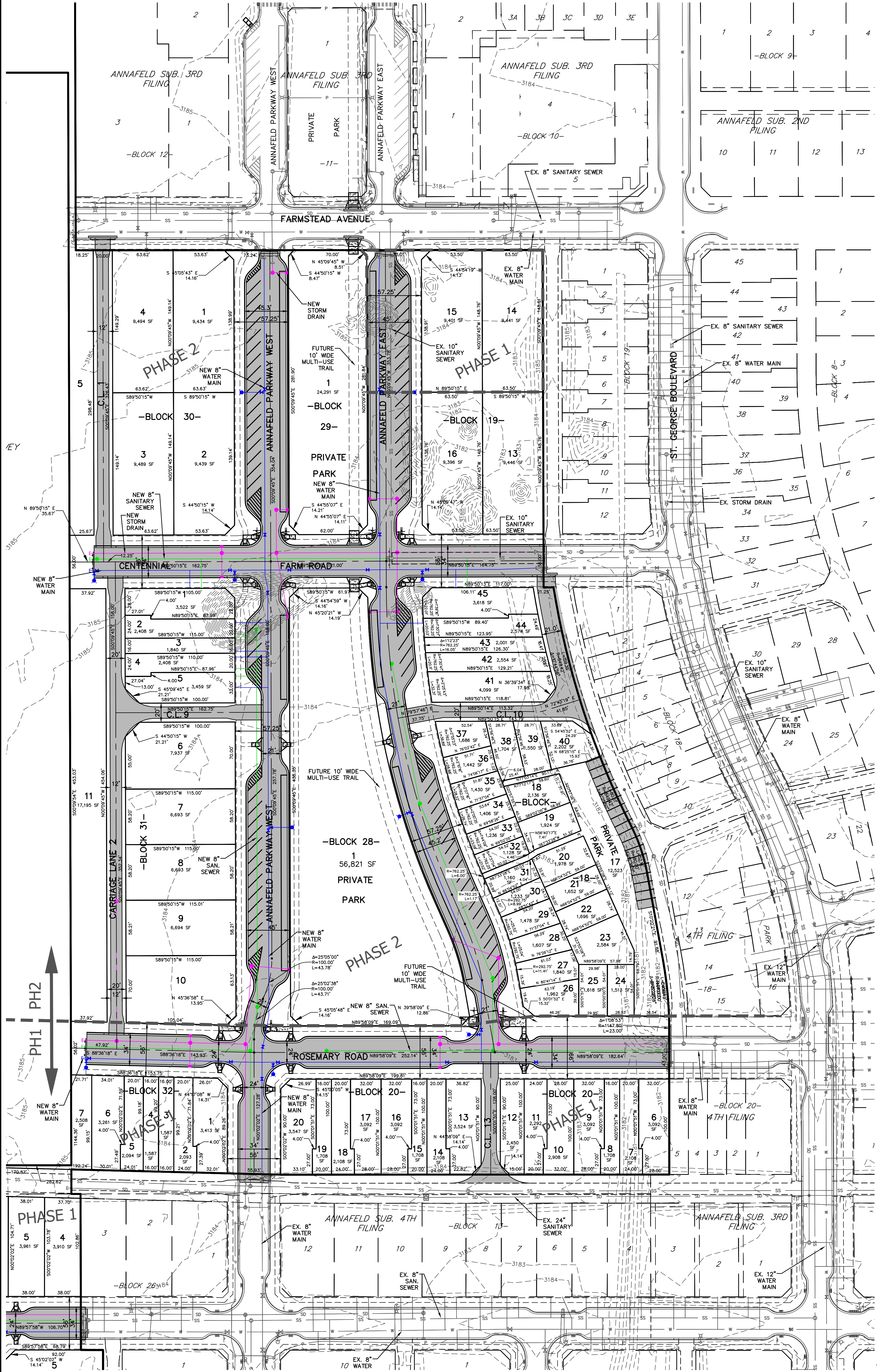


50 25 0 50 100
SCALE: 1" = 50'

BASIS OF BEARINGS: PLAT OF ANNAFELD
SUBDIVISION, SECOND FILING
NOTE: ALL CURVES ARE TANGENT AND ALL
PROPERTY LINES INTERSECTING CURVES
ARE RADIAL UNLESS OTHERWISE NOTED.

LINETYPES

	EXISTING
SANITARY SEWER	SS
STORM DRAIN	SD
WATER MAIN	W
	PROPOSED
8" SANITARY SEWER	SS
STORM DRAIN	SD
8" WATER MAIN	W



SHEET 2 OF 3

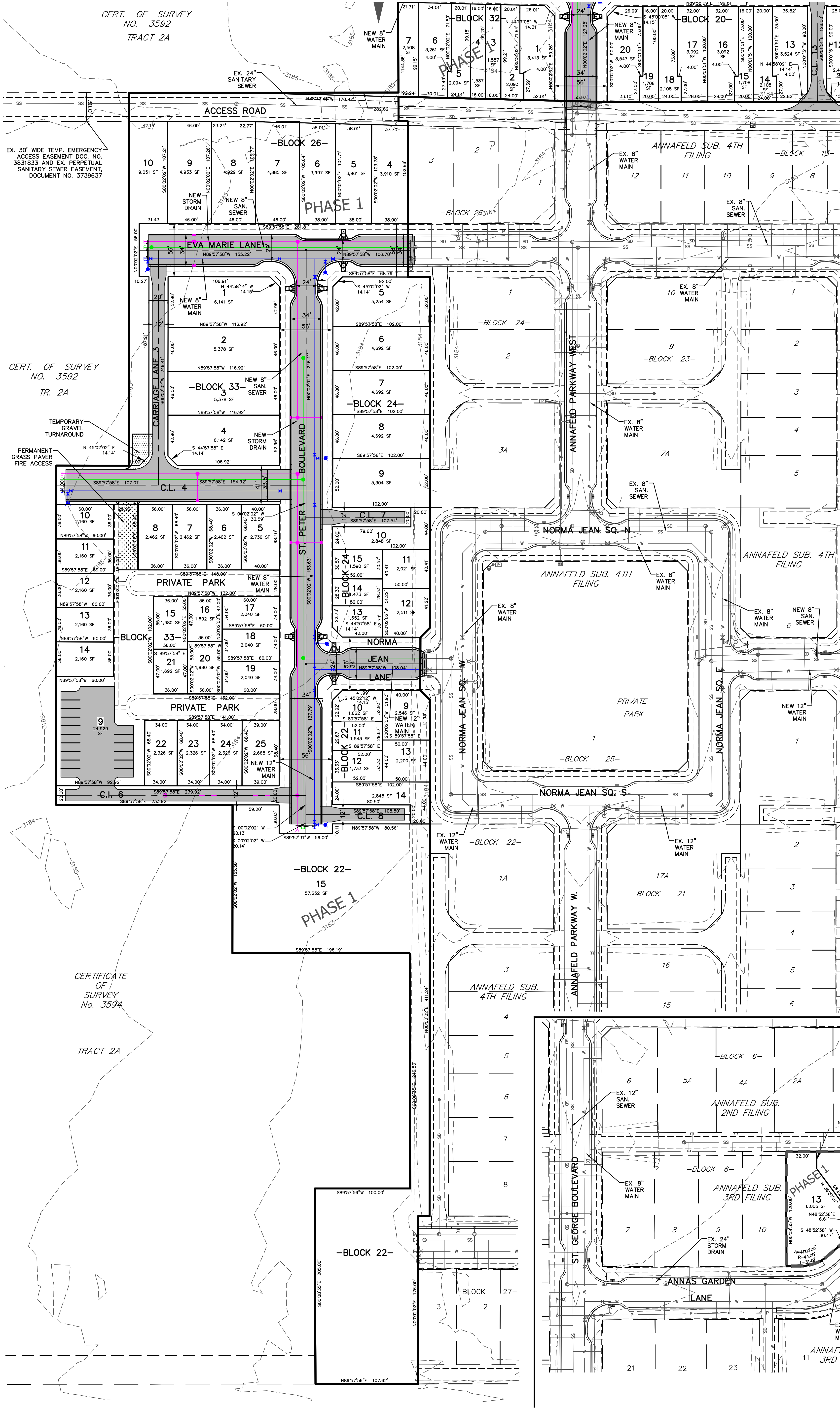
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ANNAFELD SUBDIVISION, FIFTH FILING

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IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

PREPARED BY : SANDERSON STEWART

DECEMBER, 2022
BILLINGS, MONTANA



50 25 0 50 100
SCALE: 1" = 50'

BASIS OF BEARINGS: PLAT OF ANNAFELD SUBDIVISION, SECOND FILING
NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

LINETYPES

	EXISTING
SANITARY SEWER	SS
STORM DRAIN	SD
WATER MAIN	W
	PROPOSED
8" SANITARY SEWER	
STORM DRAIN	
8" WATER MAIN	

SHEET 3 OF 3

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

**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENT DISTRICTS
ANNAFELD SUBDIVISION, FIFTH FILING
CITY OF BILLINGS
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	C. Power, Telephone, Gas, and Cable Television	SIA-11
VII.	Parks/Open Space	SIA-11
VIII.	Homeowners Associations	SIA-12
	A. Contact Information	SIA-12
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XIII.	Legal Provisions Applying to Subdivider	SIA-14

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

**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL
IMPROVEMENT DISTRICTS
ANNAFELD SUBDIVISION, FIFTH FILING**

THIS AGREEMENT is made and entered into this ____ day of _____, 20__, by and between **MCCALL DEVELOPMENT, INC.**, whose address for the purpose of this agreement is 1536 Mallowney Lane, Suite 100; Billings, Montana 59101, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, the plat of Annafeld Subdivision, Fifth Filing located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning; and

WHEREAS, at a regular meeting conducted on the ____ day of _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of Annafeld Subdivision, Fifth Filing; and

WHEREAS, at a regular meeting conducted on the ____ day of _____ 20__, the City Council conditionally approved a preliminary plat of Annafeld Subdivision, Fifth 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 Annafeld Subdivision, Fifth 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

None 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.** 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.
- C.** Lot owners should be aware that this subdivision is built with a “traditional neighborhood” design. The single-family dwellings will have the garage set in the rear of the lots. The access will be provided to the garages by means of a paved Carriage Lane.
- D.** Lot owners should be aware that this subdivision is zoned “Planned Development” (PD). Special zoning regulations regarding lot development will be enforced in accordance with the Amended Planned Development Agreement recorded at the Yellowstone County Clerk and Records Office under Document No. 3826023.
- E.** Lot owners should be aware that this subdivision is adjacent to wildlife habitat. Consequently, owners are advised that wildlife indigenous to the area is found on the property and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and

gardens. Any impacts associated with wildlife and any damage arising there from is the responsibility of the lot owners.

- F.** No water rights have been transferred to the individual lot owners but may be held by the Subdivider and/or the homeowners association. 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 without the permission of the controlling ditch company.
- G.** Lot owners should be aware they may be required to participate in a park maintenance district administered by the homeowners association for Annafeld Subdivision, Fifth Filing.
- H.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Chapter 28-201, BMCC and detailed in the City of Billings *Stormwater Management Manual*.
- I.** Lot owners should be aware that the Yellowstone River Channel Migration Study sponsored by the Yellowstone River Conservation District Council and the U.S. Army Corp of Engineers has identified areas which may be susceptible to erosion by the Yellowstone River. Owners are encouraged to review the extent to which bank erosion may pose a threat to structures built in this subdivision.
- J.** Lot owners should be aware that Hogan's Slough adjacent to the subdivision is a major stormwater outfall for Billings west end. There is a possibility that the slough could overtop during a major storm event. Based upon the existing topography near Hogan's Slough and the Elysian Road Bridge, it is anticipated that the channel would overtop northeast of Elysian Road and flow east prior to overtopping Elysian Road. There is the possibility however that Elysian Road could be overtopped during a major storm event. If that occurs, flows not carried within the Hogan's Slough channel would be carried within the subdivision streets. The elevation of residential dwellings and commercial structures must be established in recognition of the City's policy that storm runoff flows are allowed to a depth of 18-inches in the gutter flowline of adjacent streets during the major storm. Higher house finished floor elevations may be required on a lot-by-lot basis.
- K.** The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and

the State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the City of Billings *Stormwater Management Manual*.

III. TRANSPORTATION

A. Streets

1. All internal access roads and site improvements within the subdivision will be in accordance with the City of Billings Site Development Ordinance, City Zoning Ordinance, the *Stormwater Management Manual*, and other applicable City codes, rules, and regulations.
2. All internal streets (excluding Annafeld Parkway East and Annafeld Parkway West) within the subdivision shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All public roads will be built to provide a 34-foot back-to-back curb street width. The design cross-sections of said streets shall be submitted to, and approved by, the City of Billings Public Works Department. The street improvements will be completed by private contract or SID.
3. With the completion of Phases I and II, Annafeld Parkway East and Annafeld Parkway West will be designed for one-way traffic with 45-degree turn-in parking on one side of the drive aisle and parallel parking on the other side. Total width of Annafeld Parkway East and West will be 45.25-feet back of curb to back of curb. Each street will consist of 8.5-foot width for parallel parking space, 20-foot-wide drive aisle and 16.75-foot width for the 45-degree turn-in parking. The street shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. The design cross-section of said street shall be submitted to, and approved by, the City of Billings Public Works Department. The street improvements will be completed by private contract or SID. With Phase I, a portion of Annafeld Parkway East will be constructed adjacent to Lot 15, Block 19 and will temporarily function as a 2-way street until Phase II is constructed.
4. At the time of this Filing, Phase IV of Harmony Meadows Subdivision, Second Filing has not been constructed. Therefore, a

physical connection between Annafeld Subdivision and Harmony Meadows Subdivision cannot be made. Furthermore, even if the Story Road connection were constructed, the traffic generated from Annafeld Subdivision, Fifth Filing would be unlikely to utilize Story Road based on proximity to Elysian Road and the land uses that are currently in Harmony Meadows Subdivision. Therefore, a detailed traffic impact analysis of the Story Road connection to Harmony Meadows Subdivision is not required for this Filing of Annafeld Subdivision. A traffic impact analysis of the Story Road connection to Harmony Meadows Subdivision is required with future filings.

The Subdivider agrees to contribute up to 50 percent of the cost for design, permitting, and construction of the Hogan's Slough crossing on Story Road. If the cash contribution is not sufficient to cover 50 percent of the crossing costs at the time of construction, the City retains the right to create a SID to recover additional design and construction costs.

The timing of the contribution for the Hogan's Slough crossing on Story Road shall be made at the earlier of the following:

- I. At the time an Annafeld Subdivision Traffic Impact Study recommends the Story Road connection be completed.
 - II. At the commencement of construction of Phase IV improvements for Harmony Meadows Subdivision, 2nd Filing.
 - III. Prior to final plat approval of the final filing of Annafeld Subdivision.
5. A traffic accessibility study has been completed for the Annafeld Subdivision, Fifth Filing. All required intersection improvement contributions identified therein shall be completed by the Subdivider at the Subdivider's expense. Based on the additional lots created with Annafeld Subdivision, Fifth Filing, the percent of traffic contribution and associated costs to these intersections is as follows:

S. Frontage Rd/Midland Road & Mullowney Ln	2.42%
Mullowney Lane & Elysian Road	3.50%
Elysian Road & East Lane	1.50%
Elysian Road & South Frontage Road	1.05%
South Frontage Road & East Lane	0.53%

The cash contributions shall be based on the percent of traffic contributions to the intersections based on the total cost of an intersection as determined by City Engineering for the year in which the contribution is made. These cash contributions for the intersection improvements will be made prior to final plat approval. The percentage contributions are as outlined within the Traffic Impacts Study for Annafeld Subdivision, Fifth Filing as submitted with the preliminary plat.

B. Carriage Lanes

All Carriage Lanes within the subdivision shall be built to grade with a satisfactory subbase, base course, and asphalt surface or concrete surface. All Carriage Lane approaches constructed with asphalt shall be replaced with concrete by the Subdivider at the time when home construction is complete. In the event asphalt approaches within the subdivision are not replaced with concrete within three years of the date of recording of the final plat, the City may construct the concrete approaches and assess the Subdivider for the costs associated with the approach construction. Carriage Lane pavement widths shall be 12-feet. The design cross-sections of said Carriage Lanes shall be submitted to, and approved by, the City of Billings Public Works Department. No trees are allowed to be planted in the Carriage Lane. In addition, no shrubs taller than two feet are allowed to be planted in Carriage Lanes. Carriage Lane 2 adjacent to Lots 41 through 45, Block 18 & Carriage Lane 4 adjacent to Lots 5-10, Block 33 will be constructed with 33-foot-wide drive aisle with curb and gutter on the south of the lane to provide emergency vehicle access. A temporary gravel turnaround is provided on Lot 9, Block 26.

C. Sidewalks

Subdivider shall install handicap access ramps at the time of lot development, where necessary. Construction of sidewalks along frontage of the lots shall be installed by the lot owner at the time of lot development. Sidewalks along the street frontage shall be minimum 5-foot-wide and separated with a boulevard width not less than five feet. Developer shall construct the 5-foot-wide boulevard sidewalk adjacent to private parks (north/south side of Lot 1, Block 30; north/south sides of Lot 1, Block 29) at the time of private park development.

D. Street Lighting

Street lighting is not required for this subdivision; however, it is anticipated that street lighting will be installed for Fifth Filing by private contract or SID. A Street Light Maintenance District will be created for operation and maintenance of the lighting at a future date and is included in the waiver of right to protest.

E. Traffic Control Devices

1. Street name signs for streets within the subdivision, or located immediately adjacent thereto, shall be furnished and installed in accordance with the specifications of the City of Billings Public Works and Fire Departments.
2. No traffic signals are required within this subdivision.
3. The Subdivider shall furnish and install all necessary traffic control devices in accordance with the Manual of Uniform Traffic Control Devices and approved by the City of Billings Public Works Department.

F. Access

Access to the subdivision will be provided by Farmstead Avenue, Centennial Farm Road, Rosemary Road, Eva Marie Lane, Norma Jean Lane, and Annafeld Parkway West. Carriage Lane access is also provided to all residential lots within the subdivision.

G. Billings Area Bikeway and Trail Master Plan

A multi-use trail has been constructed along the south boundary of Elysian Road. Said multi-use trail extends from the east boundary of the subdivision to the easterly right-of-way line of East Lane.

In addition, a 10-foot-wide multi-use path will be provided on the north side of Rosemary Road (adjacent to Lots 17, 18 and 19, Block 18) and along the west side of Annafeld Parkway East (Lot 1, Block 29 and Lot 1, Block 30). Construction of this 10-foot-wide multi-use path will occur with adjacent lot and private park development. No additional trail improvements will be required as part of this subdivision.

H. Public Transit

There are no MET Transit routes that service this subdivision at this time. The nearest established route is at the intersection of Elysian Road and Mullooney Lane. No improvements with regard to MET Transit vehicles are anticipated at this time.

IV. EMERGENCY SERVICE

A. Fire Hydrants

Emergency service will be provided by the City. Placement of fire hydrants will be as required by the City of Billings Fire Department.

B. Construction of Buildings

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

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150-feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of 20-foot-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.

C. Building Location

All buildings shall be located on each lot so that the furthest portion of each building is within 150-feet from an approved fire department access road over an approved route excluding all carriage lanes.

V. STORM DRAINAGE

- A.** A stormwater management plan shall be submitted to the Engineering Division prior to final plat approval. The storm drainage system for Annafeld Subdivision, Fifth Filing will consist of a curb and gutter surface collection and curb inlets that drain into storm drainage piping, as well as surface conveyance. The storm drain piping will discharge into existing storm drain piping and to an existing mechanical stormwater filtration manhole, then into Hogan's Slough. All drainage improvements shall comply with the provisions of the City of Billings *Stormwater Management Manual* and Chapter 28, BMCC.
- B.** The mechanical stormwater filtration manholes are existing, and associated improvements are privately owned and maintained by the HOA. Annafeld Subdivision, Fifth Filing will be included in the HOA that is responsible to maintain these facilities. O&M requirements and HOA maintenance and fiscal responsibilities have been outlined within the Annafeld Subdivision, First Filing I O&M Manual.
- C.** Hogan's Slough adjacent to the subdivision is a major stormwater outfall for Billings west end. There is a possibility that the slough could overtop during a major storm event. Based upon the existing topography near Hogan's Slough and the Elysian Road Bridge, it is anticipated that the channel would overtop northeast of Elysian Road and flow east prior to overtopping Elysian Road. There is the possibility however that Elysian Road could be overtopped during a major storm event. If that occurs, flows not carried within the Hogan's Slough channel would be carried within the subdivision streets. The elevation of residential dwellings and commercial structures must be established in recognition of the City's policy that storm runoff flows are allowed to a depth of 18-inches in the gutter flowline of adjacent streets during the major storm.
- D.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Chapter 28, BMCC and detailed in the City of Billings *Stormwater Management Manual*.

- E.** The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and the State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater discharges Associated with Construction Activity, Chapter 28, BMCC and the City of Billings *Stormwater Management Manual*.

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 of/connection 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 Subdivider/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 Annafeld Subdivision water system consists of a series of looped water mains located in each of the local streets. The subdivision water system will consist of new 12-inch water main in Norma Jean and in a portion of St. Peter Lane. 8-inch water mains will be installed in the remaining streets in Annafeld Subdivision, Fifth Filing. Future filings of the Annafeld Planned Development will provide the opportunity to make additional connections to the trunk main in Elysian Road providing water main looping.

B. Sanitary Sewer

Sanitary sewer service to Annafeld Sub., 5th Filing will be provided by connecting to the existing 8-inch gravity sewer main located in Rosemary

Road, Eva Marie Lane, Norma Jean Lane, and Annafeld Parkway W. There is an existing 10-inch sewer main located in Centennial Farm Road, from St. George Boulevard to Annafeld Parkway E., and extends north in Annafeld Parkway E. to Farmstead Avenue. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

C. Power, Telephone, Gas, and Cable Television

Private utility facilities currently exist to serve the subdivision. The private utility facilities will be installed within the Carriage Lane right-of-way and by easements included on the plat, as requested by the utility companies, to provide routes to the Carriage Lanes.

VII. PARKS/OPEN SPACE

The subdivision lies within a planned unit development that provides for land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development, per 76-3-621(6)(a) of the Montana Code Annotated. The park and open space within the Annafeld Planned Unit Development Master Plan meets or exceeds the 1.02 acres (11% of net lot area, 5th Filing) of dedication required under section 76-3-621(1), MCA. The Subdivider and City agree that the parkland dedication has been met through the dedication of private park area within Annafeld Subdivision, Fifth Filing and with additional public and private park dedication with Annafeld Subdivision, First, Second, Third, and Fourth Filings.

In addition, the lots within Annafeld Subdivision, Fifth Filing may provide additional funding to complete the park improvements for the previously created public parkland SID. The park improvements shall be in accordance with the City Council approved Annafeld Parks Master Plan. The Subdivider shall prepare all SID documents necessary for creation, and coordinate with the City of Billings Parks and Recreation Department for review and approval. If all park improvements as defined in the Annafeld Parks Master Plan have been completed prior to the creation of this park SID, then this park SID will no longer be required.

The current park maintenance district (PMD 4041) for Annafeld Subdivision, First Filing shall be expanded to include lots with Annafeld Subdivision, Fifth Filing for the perpetual maintenance of the public parkland. The Subdivider shall prepare all park maintenance district documents necessary for its expansion and coordinate with the City of Billings Parks and Recreation Department for review and approval.

VIII. HOMEOWNER'S ASSOCIATIONS

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

A. Contact Information

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

B. Stormwater Drainage Facilities

The HOA shall be responsible for the maintenance of the mechanical filtration stormwater manholes. The HOA shall share the cost of maintenance of the community stormwater facilities.

IX. POSTAL DELIVERY

The Subdivider shall provide centralized delivery boxes with sufficient pullout to accommodate a mail carrier vehicle. The location of the boxes shall be reviewed and approved by the United States Postal Service.

X. SOILS/GEOTECHNICAL STUDY

A soils/geotechnical study has been performed for the subdivision by Rimrock Engineering Inc. The report dated February 22, 2023, is available for review at the City of Billings Planning Department. Lot owners and contractors/builders are encouraged to review the report and its recommendations.

XI. PHASING OF IMPROVEMENTS

The Subdivider does not desire to commence development of all lots within the subdivision but does desire to file the approved final plat of Annafeld Subdivision, Fifth Filing, and to sell and convey lots in said subdivision in phases. Improvements for the subdivision are to be developed in two (2) phases. The phases are defined as follows:

Phase I

Phase I improvements shall be constructed utilizing a private contract or an SID. Phase I improvements shall include necessary street and utility improvements

adjacent to phase I lots. The lots to be served by Phase I are more particularly described as follows:

Annafeld Subdivision, 5th Filing

Block 6, Lots 11 & 12
Block 19, Lots 14 & 15
Block 20, Lots 6 through 20
Block 22, Lots 9 through 15
Block 24, Lots 5 through 15
Block 26, Lots 4 through 10
Block 32, Lots 1 through 7
Block 33, Lots 1 through 25

Phase II – Opened by November 1, 2025

Phase II improvements shall be constructed utilizing a private contract or an SID. Phase II improvements shall include necessary street and utility improvements adjacent to phase II lots. The lots to be served by Phase II are more particularly described as follows:

Annafeld Subdivision, 5th Filing

Block 18, Lots 17 through 45
Block 19, Lots 13 & 16
Block 28, Lot 1
Block 29, Lot 1
Block 30, Lots 1 through 5
Block 31, Lots 1 through 11

Pursuant to the foregoing agreement, the Subdivider shall execute and record a Declaration of Restriction on Transfers and Conveyances for said Phase II (Attached hereto) to be recorded concurrently with the recording of this agreement. Said declaration notifies all third parties that said lots may not be legally sold, conveyed, or transferred until a release executed by the City of Billings and substantially in the form of Exhibit A attached hereto has been recorded in the office of the Clerk and Recorder of Yellowstone County, Montana. No lots shall be released until a certificate substantially in the form of Exhibit B attached hereto has been executed by the Department of Public Works stating that the above conditions have been met, which certificate must accompany any request for a release. By the acceptance and recording of the agreement, the City does hereby authorize the Public Works and Parks and Recreation Departments, Mayor, and City Clerk of the City to review any request

for release and to execute such certificates and releases as may be necessary to evidence a release from the restriction against sale, conveyance, and transfer of lots in the subdivision.

XII. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install, and construct said required improvements by SID or by private contract secured by letters of credit or a letter of commitment to lend funds from a commercial lender or by SID. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

XIII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

- A.** Subdivider agrees to guarantee all public improvements for a period of two years 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 Fifth above written.

“SUBDIVIDER”

MCCALL DEVELOPMENT, 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 **MCCALL DEVELOPMENT, 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 the City of Billings, this ____ day of _____, 20__.

“CITY”

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 : ss
County of Yellowstone)

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

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

**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.

This Waiver is in addition to any other recorded waiver related to the property described herein and is not intended to replace, supersede, or invalidate any such waiver.

The real property hereinabove mentioned that is the subject of this waiver is more particularly described as follows:

ANNAFELD SUBDIVISION, FIFTH FILING

SUBDIVIDER/OWNER

MCCALL DEVELOPMENT, 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 _____, personally appeared _____, known to me to be the person who executed the foregoing instrument as the _____ of **MCCALL DEVELOPMENT, INC.** 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: _____

Planning Board

Date: 03/28/2023
Title: Golden Meadows Subdivision Expansion - Preliminary Major Plat
Presented by: Monica Plecker
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

City Staff recommends the Planning Board forward to the City Council a recommendation to conditionally approve the preliminary plat of Golden Meadows Subdivision Expansion, and adopt the Findings of Fact as presented in the staff report.

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

On February 1, 2023, Sanderson Stewart applied for preliminary major approval for Golden Meadows II Subdivision for Rent of Lease. The proposed subdivision is an expansion of the existing Golden Meadows Mobile Home Park and creates 276 spaces for rent or lease. The subject property is generally located west of 32nd Street West, south of King Avenue West. The property is zoned Residential Manufactured Home, (RMH) The developer will follow zoning requirements with the layout of the proposed expansion of the mobile home park.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

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 submit all drawings and specifications for water systems, sewer systems and stormwater systems to the City of Billings Engineering Department for review and approval prior to installation.
2. 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.
3. To provide needed private utility services to the future residents of the subdivision, prior to final plan approval, the applicant will work with private utility providers to provide needed easements for their utility installation.
4. 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.
5. 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 December 10, 2022
- Preliminary plat application submitted to Planning Division on February 1, 2023
- Departmental review meeting February 16, 2023
- Preliminary plat resubmittal February 23, 2023
- Planning Board plat review March 14, 2023
- Planning Board public hearing March 28, 2023
- Preliminary plat to City Council April 24, 2023
- 60 working-day preliminary plat review period ends April 27, 2023

PLAT INFORMATION

General location: West of 32nd Street West, south of King Avenue West
Legal Description: Tract 2A-1 and Tract 3A-1 of Certificate of Survey 1349 Amended
Owner/Subdivider: Dorazio Development Group, LLC
Engineer and Surveyor: Sanderson Stewart

Existing Zoning:	RMH
Existing land use:	Farmland
Proposed land use:	Residential
Gross and Net area:	41.3165 acres / 28.362 acres
Proposed number of lots:	276 spaces
Lot size:	Max: 1,456 square feet Min: 1,216 square feet

Parkland requirements: Parkland dedication requirement is 3.12 acres. The applicant is providing 3.27 acres. The parkland will be private parks maintained by the Mobile Home Park.

STAKEHOLDERS

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

Staff gave a brief presentation about the proposed subdivision for lease or rent. Planning board president Dennis Cook asked if there were any questions for staff. Questions asked were directed to the agent Sanderson Stewart, Ms. Sumner Anacker. She said the updates to the TIS included the percentage of a 5% contribution to intersections. When South 32nd Street West was widened it included two traffic lanes, a center turn lane and a 'drop lane' on the west side for residents of the existing mobile home parks. Board members Nordel and Staley expressed concerns about existing traffic and the traffic increase with this subdivision. Also, concerns were raised about pedestrian safety. Ms. Anacker stated she could provide more information at the next meeting. Board member Woods pointed out that the new development is required to construct sidewalks the existing trailer park was not required to have sidewalks. Ms. Anacker acknowledged the exiting portion of the subdivision does not have sidewalks and will continue to be used as it currently is with people walking on the roadside. The new development will have sidewalks as well as a trail on the west end. Board member Woods voiced concern with the need for children's safety along the BBWA canal on the south side of the property. Ms. Anacker stated a fence will be required for the south side of the development along the BBWA canal. President Cook asked about the demographics of the existing trailer park. Ms. Anacker stated she could look for that information and provide at the next meeting. Wyeth Friday asked about the location of the parkland. Ms. Anacker said the decision was to locate the parkland on the west side of this development in order to utilize the existing ponds and native areas and to incorporate a more natural feel to the parkland.

Mr. Leuthold took a few minutes to address concerns from the board. Mr. Leuthold said he is able to give some background to this project, and its 40 years in the planning. The existing ponds to the west are there in perpetuity and will continue to function for the storm drainage. The owner has discussed providing some larger pedestrian access points to these ponds for the benefit of the future residents. He also addressed the question about the demographics within the existing mobile home park. The predominance of owners in the court are either young couples with young children as a starting point for affordable housing or senior citizens who downsized and also more affordable. They don't expect to have a preponderance of young families with the expansion, but it is an excellent opportunity for senior housing. The existing mobile home court which was developed 43 years ago was required to have a 2-ft concrete ribbon along the asphalt to provide a minimal area for pedestrians to walk along the road. New standards require full curb, gutter, and sidewalk which will be provided in this new development. Both mobile home parks are owned by the same owner. Should the current owners decide to add sidewalks that would be something they can determine.

In response to questions about traffic impacts on South 32nd Street West Mr. Leuthold stated the City designed the South 32nd Street West improvements to a principal arterial width, and it will carry tremendous traffic loads. The traffic study pointed to their need to contribute to the improvements that already exist and benefit the entire area. There is a wide boulevard along the frontage of the mobile home park with a boulevard walk for pedestrians moving north to King Avenue or southward to Gabel Road. The sidewalk has been completed for the full length on both sides. Further clarification was given on the signalization contributions as requested by Board member Nordel, this development will provide a cash contribution for the existing improvements already in place. Board member Staley asked if warrants were done when the City made the improvements. Rick Leuthold said this was factored into the street development as this parcel is in a Planned Development Agreement and anticipated to be a mobile home park for 40 years. Yellowstone County Civil Engineer Mike Black said the County took this into consideration and a pedestrian crossing was provided when the bridge across the BBWA was replaced. Board members Staley and Nordel voiced concern with the traffic safety from increased traffic from the addition to the mobile home park.

Sumner Anacker added that they have coordinated with USPS to determine the correct cluster box sizing and location for the mailboxes. They are corresponding with the private utility companies and their landscape team is working on the

landscape plan. Students from this development will attend Elysian School (K-8) and West High School. Dave Green stated schools will determine routes and assign locations for student pick up and drop-offs.

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 April 27, 2023. 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.

Attachments

Findings of Fact
Proposed Plan
SIA Draft

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Golden Meadows Expansion 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 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 used for farming. Water rights will not be transferred to subdivision property owners. Existing ditches near this proposed development will remain in place and will not be altered by the future property owners. 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 extend existing water mains located in Willow Bend Drive South and Willow Bend Drive North. The private water mains will be constructed in private streets to serve each manufactured home unit in this proposed subdivision. The water mains 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. This information is outlined in the SIA under the heading VI Utilities.

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. This information is outlined in the SIA under the heading VI Utilities.

Sanitary sewer service will be provided by the City of Billings by extending existing sewer mains from Willow Bend Drive North and Willow Bend Drive South. The new private sewer main will occur within internal private streets to serve each manufactured home unit in the proposed 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. This information is outlined in the SIA under the heading VI Utilities. **(Condition #1)**

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 storm, new and existing, detention areas to the south of the subdivision. The developer will be required to provide an Operation and Maintenance (O&M) manual. The subdivision HOA will be responsible for the stormwater management system and fees will be collected to cover the cost of O&M. 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. **(Condition #1)**
- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- d. **Streets** – Access to the spaces in this proposed subdivision is from South 32nd Street West, to either Willow Bend Drive North and Willow Bend Drive. Access to each individual unit spaces will be from the internal streets that are proposed with this subdivision. 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.

A traffic study has been completed for this proposed subdivision and the applicant will be making contributions to the intersections impacted by the additional traffic burden places on them. Those contributions are outlined in the SIA under the heading III Transportation D. and will be made to the City prior to final plat approval.

Sidewalks will be installed at the time of street construction. 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 605 South 24th Street West (Station #5).

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** – Elysian School District 23 provides service to students within this subdivision for K through 8. School District #2 provides service to students within this subdivision for high school (West High School). School District #2

responded stating West High School is over capacity at this time. Elysian provided no comments at the time of the writing of this staff report.

- g. Parks and Recreation** – The parkland dedication requirement for this subdivision is 3.11 acres. This parkland will be private park for the residents of the subdivision. The applicant is providing 3.27 acres of private parkland for the proposed subdivision. The SIA does not mention how the private parks will be maintained. Maintenance of the private parks will be the responsibility of the land owner, Golden Meadows II LLC.
- 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) at the intersection of Willow Bend Drive South and Prairie Clover Lane. The developer will work with the USPS to provide enough room for safely delivering the mail and a satisfactory location for a CBU for this subdivision. **(Condition #2)**
- i Phasing** – The subdivision is proposed to construct infrastructure in 2 phases. Because this subdivision does not create lots but pads for Mobile Homes to be placed on, it is not a traditional phasing of lots but phasing of construction of infrastructure. The phasing of infrastructure is outlined in the SIA under the heading X. Phasing of improvements.

3. Effect on the natural environment

The subject property is relatively level land with a mobile home park to the north and east. A geotechnical study was performed for the subdivision by Rimrock Engineering on January 10, 2023. The subdivision should have a minimal effect on the natural environment as this land has been historically used for farming and the natural environment is no longer in place.

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 farm land 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:

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):

Neighborhoods that are safe and attractive and provide essential services are much desired.

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.

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)

Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels.

2. 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.

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

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP shows a proposed bike lane to the west of this subdivision and one east of the subdivision along the west side of South 32nd Street West.

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 Residential Manufactured Home (RMH) zoning. All Manufactured Home placement shall comply with the RMH zoning.

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. MDU has requested utility easements of 8 feet wide. The applicant will coordinate the location with MDU. **(Condition 3)**

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 South 32nd Street West and Willow Bend Drive North and Willow Bend Drive South. Other new internal streets will provide access to individual spaces. All streets are private as shown on the plan.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Golden Meadows Expansion Subdivision 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.

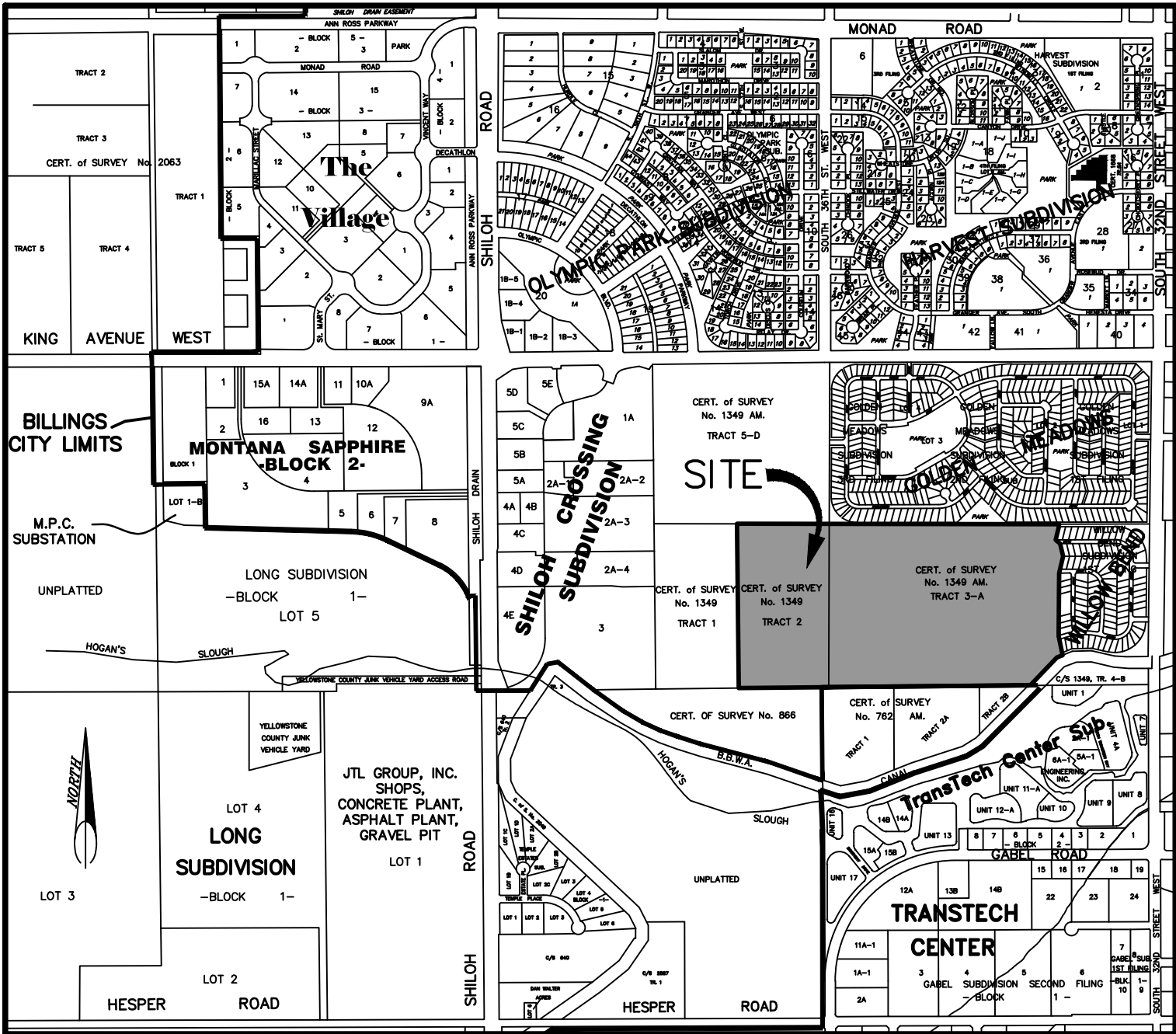
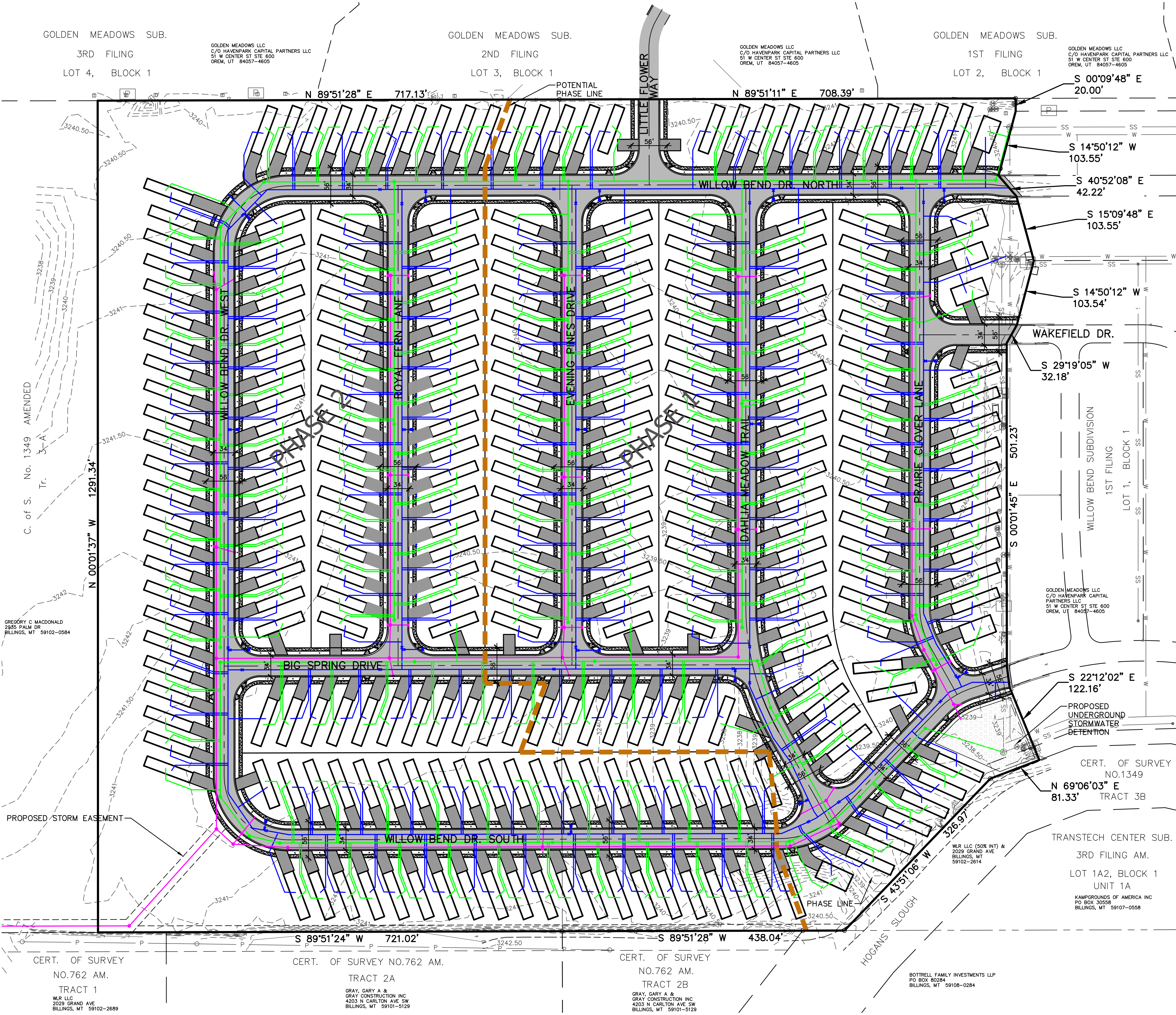
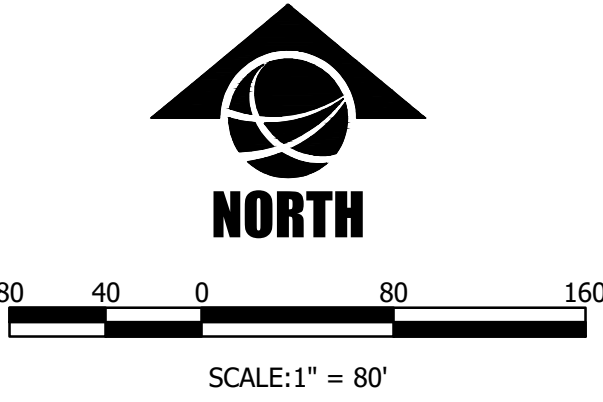
RECOMMENDATION

City staff recommends the Planning Board forward to the City Council, the preliminary plat of Golden Meadows Expansion Subdivision, recommending conditional approval and adopt the Findings of Fact as presented in the staff report.

PRELIMINARY PLAT OF
GOLDEN MEADOW SUBDIVISION EXPANSION
TRACT 2A-1 & TRACT 3A-1 OF CERTIFICATE OF SURVEY NO. 1349 AMENDED
BILLINGS, MONTANA

PREPARED FOR : DORAZIO DEVELOPMENT GROUP, LLC.
PREPARED BY : SANDERSON STEWART

DECEMBER, 2022
BILLINGS, MONTANA



VICINITY MAP
NOT TO SCALE

DRAFT

LINETYPES

	EXISTING
SANITARY SEWER	SS
STORM DRAIN	SD
WATER MAIN	W
	PROPOSED
8" SANITARY SEWER	
STORM DRAIN	
8" WATER MAIN	

BASIS OF BEARING: (ORIGINAL PLAT/C.O.S.) OR THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83, LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS; HAVING A POINT OF ORIGIN AT 45°47'00"N LATITUDE AND 108°25'00"W LONGITUDE WITH A SCALE FACTOR OF 1.0001515. THE GRID TO GROUND COMBINED SCALE FACTOR AT [monument description] IS x.xxxxxxxx; THE CONVERGENCE ANGLE IS -x'x'x". DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

- FOUND SURVEY MONUMENT, AS NOTED
- SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
- SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

PLAT DATA

GROSS AREA	= 41.3165 ACRES
NET AREA	= 28.362 ACRES
NUMBER OF RMH	= 276
MINIMUM RMH	= 1,216 S.F.
MAXIMUM RMH	= 1,456 S.F.
LINEAL FEET OF STREETS	= 8,011.123 L.F.
PARKLAND REQUIREMENT	= 3.12 ACRES
PARKLAND DEDICATION	= 3.27 ACRES
EXISTING ZONING	= RMH-RESIDENTIAL MANUFACTURED HOME
SURROUNDING ZONING:	
NORTH	= PUD-PLANNED UNIT DEVELOPMENT
SOUTH	= LIGHT INDUSTRIAL/CX-HEAVY COMMERCIAL
EAST	= RMH-RESIDENTIAL MANUFACTURED HOME
WEST	= RMH-RESIDENTIAL MANUFACTURED HOME
EXISTING LAND USE	= AGRICULTURAL
PROPOSED LAND USE	= RESIDENTIAL

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

**SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST
FUTURE SPECIAL IMPROVEMENT DISTRICTS
RESIDENTIAL MANUFACTURED HOME DEVELOPMENT
GOLDEN MEADOWS SUBDIVISION EXPANSION**

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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
RESIDENTIAL MANUFACTURED HOME DEVELOPMENT
GOLDEN MEADOWS SUBDIVISION EXPANSION**

This Agreement is made and entered into this ____ day of _____, 20____, by and between **GOLDEN MEADOWS II, LLC**, whose address for the purpose of this Agreement is 51 W CENTER ST SUITE 600, OREM, UT 84057-4605 hereinafter referred to as “Subdivider” or “Developer,” and the **CITY OF BILLINGS**, Montana, a municipal corporation, 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 Golden Meadows Subdivision Expansion; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20____, the City Council conditionally approved a preliminary plan of Golden Meadows Subdivision Expansion; and

WHEREAS, a Subdivision Improvements Agreement (SIA) is required by the City prior to the approval of the final plan; and

WHEREAS, the provisions of this Agreement shall be effective and applicable to Golden Meadows Subdivision Expansion upon the filing of the final plan 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

The Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City of Billings Subdivision Regulations (Section 23.1101, BMCC):

1. None requested.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT OWNER/OWNERS

- 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 owners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- C. Lot owners should be aware of the soil characteristics within the area of the subdivision as details in the Geotechnical Report by Rimrock Engineering dated January 10, 2023.
- D. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- E. There is attached hereto a Waiver, waiving the right to protest the creation of the special improvement district or districts that may be created by the City to finance the costs of the off-site public improvements pursuant to the terms of this Agreement. The Waiver will be filed with the plat, shall run with the land, and may be employed when public improvements that benefit this subdivision are required or requested. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement.

The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

- F.** The developer and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.
- G.** 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 Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

III. TRANSPORTATION

A. Streets

All internal access roads within the subdivision will be private and shall be designed to provide access to all sites. No site shall have vehicular access to a public street. The streets shall be laid out to discourage through traffic and intersections with public streets shall be kept at a minimum. Streets shall be designed and built to meet current City Standards.

B. Sidewalks

Sidewalks on the internal private streets shall be installed at the time of subdivision development and shall be borne by the Subdivider. The sidewalk shall consist of a 5-foot-wide boulevard type sidewalk on both sides of each private street and the Subdivider will install accessible ramps at intersections.

C. Street Lighting

Street light installation within the internal private streets is at the discretion of the Subdivider. If constructed, streetlights on private streets within Golden Meadows Expansion Subdivision shall be owned, operated and maintained through the owner, Golden Meadows II LLC.

D. Traffic Control Devices

Traffic signage, and striping shall be installed in accordance with the Traffic Impact Study. The timing, extent, and level of participation in those improvements shall be in accordance with approval by the City of Billings.

Directional signage and traffic control devices required throughout the subdivision shall be installed by Subdivider at time of lot development. All traffic control devices will be designed in accordance with the Manual on Uniform Traffic Control Devices and shall be subject to review and approval by the City Traffic Engineer.

A traffic accessibility study has been completed for The Meadows subdivision Expansion. All required intersection improvement contributions identified therein shall be completed by the Subdivider at the Subdivider's expense. The percent of traffic contributions to the following intersections shall be in accordance with the traffic accessibility study:

Monad Road & 32nd Street West	2.58%
King Avenue & 32nd Street West	5.33%
32nd Street West & Gabel Road	6.23%

The cash contributions shall be based on the percent of traffic contributions to the intersections based on the total cost of an intersection as determined by Engineering for the year in which the contribution is made. The cash contribution shall be made prior to final plat approval.

E. Access

Location of accesses shall be in accordance with the Traffic Impact Study. Access to Golden Meadows Expansion shall be via the extension westward of Willow Bend Subdivision. Willow Bend Drive N., Willow Bend Drive S., and Wakefield Drive. A new street Little Flower Way will be created to connect to Woodgrain Drive and Willow Bend Drive N.

F. Billings Area Bikeway and Trail Master Plan (BABTMP)

East of the proposed subdivision, along South 32nd Street West, there is a proposed bike lane as part of the Billings Area Bikeway and Train Master Plan.

G. Public Transit

Strong internal street circulation and interconnectivity is provided in the development plan for Golden Meadows Expansion Subdivision. This will, in turn, provide sidewalks for pedestrians to access public transit routes within this development. Adjoining developments, Golden Meadows Subdivision and Willow Bend Subdivision do not have sidewalks. No other specific public transit provisions are proposed at this time.

IV. EMERGENCY SERVICE

Two points of access are provided to this subdivision from South 32nd Street West. In addition, private fire hydrants will be installed at the required locations as reviewed and approved by the City of Billings Fire Department. This shall include fire hydrants spaced at a distance no greater than five hundred feet along private streets. At the time of development, a Site Development Plan shall be submitted to the City of Billings Fire Department in sufficient detail to verify compliance with all required emergency ingress, egress, and circulation requirements. All the private fire hydrants shall be owned, operated and maintained through the mechanism of a Homeowners Association (HOA).

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrants 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

All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC except as modified herein and shall be in accordance with the stormwater management plan to be submitted to and accepted by the Engineering Division. All storm drainage improvements shall be considered a private installation and shall be operated and maintained under a Homeowners Association (HOA) Stormwater Facility Maintenance Agreement between the Subdivider and the City.

Stormwater on site will be conveyed to the collection system via surface flows on the private streets and through a network of catch basins, inlets, and piping which will convey runoff to the pond on the adjoining property to the west and to an underground infiltration basin located in the southeast corner of the development. Discharges directly tied to these drains shall be terminated with an acceptable outfall structure, water quality treatment unit, and back flow prevention device.

VI. UTILITIES

This Subdivision Improvements Agreement does not constitute an approval for extension 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. 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 Subdivider acknowledges that the subdivision shall be subject to the applicable system development fees in effect at the time a building permit is issued for new construction.

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.

All extensions of water and sewer mains and services shall be considered private installations and shall be operated and maintained under separate private party agreements.

A. Water

The private development accesses City of Billings water from South 32nd Street West. Water serving Golden Meadows Expansion will be from the extension of a private water mains on Willow Bend Dr. South and Willow Bend Dr. North. The private water mains will be constructed in private streets to serve each manufactured home unit in this subdivision.

B. Sanitary Sewer

The City of Billings has provided a sanitary sewer connection from South 32nd Street West to the private development. The developer extended a sanitary sewer main from that connection point through the Willow Bend private development.

For this development, the developer will extend an existing private sewer main near Willow Bend Dr. North and Willow Bend Dr. South. The new private sewer main will occur within internal private streets to serve each manufactured home unit in this subdivision.

C. Power, Telephone, Gas, and Cable Television

Private utilities shall be coordinated prior to construction to serve the development. Said utilities will serve the development in private utility easements at locations either shown on the face of the plat or in areas determined at the time of development.

VII. PARKS/OPEN SPACE

Per Section 76-3-621 of the Montana Code Annotated, Park dedication will be made through private park development for residents in the community. The park space totals 3.27 acres; this exceeds the required 11% of 3.11 acres. The current plan includes park space in the southeast, southwest, and northwest corners of the property. The total net area of residential development for this subdivision is 28.3 acres.

Park space will be owned and maintained by the owner, Golden Meadows II LLC.

VIII. IRRIGATION

The BBWA Canal, located south of the Golden Meadows Expansion Subdivision is not intended to be impacted by development. A SWPPP will be submitted by the Contractor detailing the efforts to protect the BBWA Canal during construction. Boulevards will be irrigated via drip systems.

IX. SOILS/GEOTECHNICAL STUDY

A geotechnical report was completed for this development by Rimrock Engineering on January 10, 2023. Refer to the Geotechnical Report for results of the study and construction recommendations.

X. PHASING OF IMPROVEMENTS

The intent is to permit the entirety of Golden Meadows Expansion at once, then install the water, sewer, and street improvements for Phase 1. Storm improvements for Phase 1 and the outfall will be completed during Phase 1 construction. After those improvements are complete, residential manufactured homes will be brought in and occupied. Following occupation of Phase 1, construction for Phase 2 will begin. Financial guarantees for the remainder of the improvements will be coordinated with the City of Billings.

The Developer shall make a cash contribution to the City of Billings for the prescribed System Development Fees. Contributions shall be made prior to approval of site development.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct all required on-site improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by bond, letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the Montana Department of Environmental Quality (MDEQ), the City Engineer and the Utility Department Manager.

XII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

- A. Subdivider agrees to guarantee all public water and sewer improvements for a period of two years from the date of final acceptance by the City of Billings. This guarantee shall not apply to any failure or defect caused by changes in design, construction or materials required by the City.
- 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, 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”

GOLDEN MEADOWS II, LLC

By: _____

Title: _____

STATE OF MONTANA)
 : ss
County of)

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 **GOLDEN MEADOWS II, LLC** 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 the City of Billings, this _____ day of _____, 20__.

“CITY”

CITY OF BILLINGS MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 : ss
County of Yellowstone)

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

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

**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.

This Waiver is in addition to any other recorded waiver related to the property described herein and is not intended to replace, supersede, or invalidate any such waiver.

The real property hereinabove mentioned that is the subject of this waiver is more particularly described as follows:

Golden Meadows Subdivision Expansion

Signed and dated this ____ day of _____, 20__

SUBDIVIDER/OWNER

GOLDEN MEADOWS II, LLC

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 **GOLDEN MEADOWS II, LLC** who executed the foregoing 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: _____

Planning Board

Date: 03/28/2023
Title: Peila Subdivision - Preliminary Major Plat
Presented by: Monica Plecker
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff recommends the Planning Board forward to the Board of County Commissioners a recommendation to conditionally approve the preliminary plat of Peila Subdivision, and adopt the Findings of Fact as presented in the staff report.

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

On February 1, 2023, WWC Engineering, agent for Matt and Sam Peila, applied for preliminary major plat approval of Peila Subdivision. The subject property is generally located on the south of Yeoman Road and west of Twelve Mile Road. This parcel of land is outside of zoning. It is surrounded by residential uses and wildland grass acreage.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

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.
3. To protect the existing private easement and also to provide for the requirement of two means of ingress and egress from a major subdivision, prior to final plat approval, the applicant will either need to show documentation they are allowed to use the private road easement of Molly Drive West which connects to Yeoman Road. Or, they will need to dedicate it to the public, build the road to a county standard and include it in the RSID they are creating for the other public roads within this subdivision.
4. To protect the safety of drivers in the area of this newly proposed subdivision and manage the increased traffic this subdivision may cause, prior to final plat approval, the applicant will provide to County Public Works a Traffic Impact Study (TIS) for their review and comment.
5. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings to Shepherd Volunteer Fire Department for review and approval of the dry hydrant system. Once installed the applicant will request Shepherd Volunteer Fire Department to test the system to ensure it works correctly and get a sign off from Shepherd Fire Department. The applicant will also create an RSID for the dry hydrant system that is expandable with each new phase.
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 September 22, 2022
- Preliminary plat application submitted to Planning Division on February 1, 2023
- Departmental review meeting February 16, 2023
- Preliminary plat resubmittal February 23, 2023
- Planning Board plat review March 14, 2023
- Planning Board public hearing March 28, 2023
- Preliminary plat to Board of County Commissioners, April 18, 2023

- 60 working-day preliminary plat review period ends April 27, 2023

PLAT INFORMATION

General location:	South of Yeoman Road and west of Twelve Mile Road
Legal Description:	Being Tract A-2-A of COS 3443
Owner/Subdivider:	Matt Peila and Sam Peila
Engineer and Surveyor:	WWC Engineering
Existing Zoning:	Outside of zoning
Existing land use:	Vacant native grassland / Farmland
Proposed land use:	Residential
Gross and Net area:	86.31 acres / 78.13 acres
Proposed number of lots:	41
Lot size:	Max: 5.35 acres Min: 1.2 acres
Parkland requirements:	Parkland dedication required is 3.23 acres, the applicant is providing the 5.57 acres.

STAKEHOLDERS

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

Staff gave a brief presentation to the planning board about the proposed subdivision. After which President Cook called for questions and discussion. In response to question by Board member Woods regarding Lot 14 Block 4, Dave Green said an approved turnaround will need to be provided to meet the fire department requirements. Board member Nordel asked for clarification about the DEQ review. Staff responded that DEQ approval must be obtained prior to final plat approval for all water, sewer and stormwater management. Director Friday asked about the fluctuation in lot sizes.

Ms. Redland, agent for applicants Matt and Sam Peila explained one of the large lots belongs to Matt Peila. Lot 14 in the southeast area of the survey has groundwater issues and a permit could not be obtained from DEQ for septic systems. In response to a question about the private access to Yeoman Road to the north, Ms. Redland explained when the Molly Drive West easement was created it was for the benefit of future development of a subdivision to the south. They are in the process of working with the County to dedicate it as a public road.

ALTERNATIVES

In accordance with state law, the Board of County Commissioners has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on April 27, 2023. 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 Plat

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 Peila 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 open grass land with farm uses. 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** – The applicant is proposing this subdivision will have individual cisterns for each lot. They will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the DEQ. The operation and maintenance of the cistern will be the responsibility of the lot owner to maintain.

b. **Septic** - The applicant is proposing each lot will have its own septic system. They will be built in compliance with the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations and the DEQ. Each system 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 will be installed in the public right of way or easements identified on the plat.

c. **Streets and roads** – Roads within the subdivision will be built in 60-foot-wide right of ways with a 24-foot gravel surface and 2-foot-wide shoulders on each side. Drainage ditches will be installed along the sides as required by MDEQ for stormwater management. The applicant will be required to create an RSID for maintenance of roads within the subdivision. **(Condition #2)**

At the north west corner of the subdivision the applicant shows the use of a private road, Molly Drive West, to gain access to Yeoman Road. The applicant will either need to show documentation they are allowed to use the private road easement, or they will need to dedicate it to the public, build the road to a county standard and include it in the RSID they are creating for the other public roads with in this subdivision. **(Condition #3)**

The applicant is required to submit a TIS to the Yellowstone County Public Works department for their review and comment. Any corrections or clarifications will be worked out between Public Works and the applicant for a complete and acceptable TIS. Any information in the TIS that needs to be included in the SIA will be added to the final SIA for the subdivision. **(Condition #4)**

d. **Fire and Police services** – The property is within the Shepherd Volunteer Fire Department firefighting area. Subdivision regulations require that major subdivisions have a 30,000-gallon dry hydrant system for the subdivision. The proposed location of the dry hydrant is on the north west corner of Lot 8, Block 2 along High Noon Drive. They will be providing a public easement for it and creating an RSID for its maintenance. The applicant will provide drawings and specification to the Shepherd Volunteer Fire Department for review and approval prior to installation. This information is outlined in the SIA under the heading IV. Emergency Service.

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

e. **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.

f. **Storm water drainage** – The storm water drainage will be collected onsite using a combination of swales, culvers, and the natural slope of the land. It will be directed to onsite stormwater detentions facilities. All storm detention facilities will have access easements to them for maintenance. 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)**

g. **School facilities** – The proposed subdivision is located within Shepherd School District for K through 12. Shepherd School indicates they have additional capacity for students. This subdivision is also on an existing bus route.

h. **Parks and recreation** – This proposed subdivision is required to provide parkland. The amount the applicant is required to provide is 3.23 acres, they are proposing to provide 5.59 acres. They will be creating an RSID for the maintenance of the parkland. This information is outlined in the SIA under the heading VII. Parks/Open Space.

i. **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)**

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

k. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

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 be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Shepherd Volunteer Fire Department and the Yellowstone County Sheriff's department.

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

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

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.

There is existing residential development on the land east and south of the proposed subdivision. With large lots residential development to the north.

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

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

- Goal: Controlled weed populations.

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.

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

This subdivision is outside the BABTMP boundaries for trails. They 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 subdivision by Arnie Avenue, Lipp Road and 88th Street West.

CONCLUSIONS OF FINDINGS OF FACT

- This subdivision does not create adverse impacts that warrant denial of the subdivision.

- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal, and can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

Staff recommends the Planning Board forward to the Board of County Commissioners, the preliminary plat of Peila Subdivision, recommending conditional approval and adopt the Findings of Fact as presented in the staff report.

BEING TRACT A-2-A OF CERTIFICATE OF SURVEY NO. 3443, DOCUMENT NO. 3555853
WITHIN THE N1/2 OF SECTION 17, T.2N., R.27E., P.M.M.
YELLOWSTONE COUNTY, MONTANA

BASIS OF BEARING
 Coordinate System (MT83-BLGS-IF)
 Lambert Conformal Conic Projection
 (Single Parallel)
 North American Datum 1983(2011)
 Standard Parallel & Grid Origin: 45°47'00"
 Central Meridian: 108°25'00"
 False Northing: 50,000m
 False Easting: 200,000m
 Standard Parallel Scale: 1.0001515

CURVE NO	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	330.00	222.77	36°40'42"	S19°35'32"E	218.57
C2	270.00	119.42	25°20'33"	S26°15'42"E	118.46
C3	270.00	61.71	13°06'42"	S7°02'34"E	61.58
C4	10.00	15.82	90°36'10"	S44°49'22"W	14.23
C5	10.00	15.60	89°21'50"	S45°10'38"E	14.07
C6	330.00	129.52	22°29'17"	S11°44'22"E	128.70
C7	330.00	91.86	15°58'58"	S30°57'20"E	91.57
C8	270.00	182.28	38°40'48"	S19°35'34"E	178.84
C9	330.00	86.37	14°59'47"	N82°21'40"W	86.13
C10	330.00	109.29	18°58'32"	N65°22'30"W	108.60
C11	270.00	103.46	21°57'19"	S66°51'53"E	102.84
C12	270.00	55.87	11°51'20"	S63°48'13"E	55.77
C13	10.00	16.23	93°01'07"	S49°16'56"W	14.51
C14	10.00	12.79	73°15'52"	S36°51'32"E	11.94
C15	330.00	91.86	17°38'13"	S84°41'21"E	91.00
C16	270.00	80.46	19°11'48"	S65°29'08"E	90.04
C17	270.00	80.63	14°46'31"	S82°28'18"E	69.44
C18	190.15	14.35	41°19'20"	N88°27'11"W	14.35
C19	120.00	102.93	48°08'49"	N65°43'42"E	99.81
C20	120.00	89.73	41°24'37"	N20°26'59"E	84.86
C21	10.00	15.71	90°01'44"	S44°45'32"W	14.15
C22	60.00	84.63	90°33'26"	S45°01'24"W	85.27
C23	10.00	15.70	89°58'17"	S45°14'28"E	14.14
C24	10.00	15.71	90°01'44"	S44°45'32"W	14.15

CURVE NO	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C25	10.00	15.70	89°58'16"	S45°14'28"E	14.14
C26	10.00	15.71	90°01'44"	N44°45'32"E	14.15
C27	10.00	9.63	55°09'00"	N27°49'50"W	9.26
C28	80.00	38.33	38°36'25"	S37°06'07"E	37.69
C29	60.00	113.67	108°32'38"	S35°28'23"W	97.42
C30	60.00	113.74	109°38'52"	N35°56'53"W	97.46
C31	60.00	38.26	38°37'08"	N36°37'37"E	37.62
C32	10.00	9.63	55°09'00"	S27°19'11"W	9.26
C33	10.00	15.70	89°58'16"	N45°14'28"E	14.14

CURVE NO	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C101	300.00	202.53	38°40'49"	N19°35'34"W	198.71
C102	300.00	201.26	38°26'15"	N19°42'50"W	197.51
C103	300.00	177.88	33°58'19"	S72°52'24"E	175.29
C104	300.00	121.53	23°12'38"	S67°29'33"E	120.71
C105	300.00	55.50	10°36'02"	S84°23'53"E	55.43
C106	90.00	142.25	90°33'26"	N45°01'24"E	127.90

CERTIFICATE OF COUNTY TREASURER
 I hereby certify, pursuant to Section 76-3-611(1)(b), MCA, that all real property taxes and special assessments assessed and levied on the land described on this subdivision and encompassed by the proposed division have been paid. Dated this _____ day of _____, 20____.

Treasurer, Deputy
 Yellowstone County, Montana

CERTIFICATE OF COUNTY ATTORNEY
 This Certificate of Survey has been reviewed by the County Attorney's Office and is acceptable to form.
 Dated this _____ day of _____, 20____.

Reviewed by _____

CERTIFICATE OF RIVERSTONE HEALTH
 This Certificate of Survey has been reviewed and approved by the Yellowstone City/County Health Department (d/b/a Riverstone Health).
 Dated this _____ day of _____, 20____.

Reviewed by _____

State of Montana)
) ss
County of Yellowstone)

KNOW ALL BY THESE PRESENTS: That we, the undersigned owners, do hereby certify that we, have caused to be surveyed, subdivided, and platted into lots blocks roads and alleys and other divisions and dedications, as shown by this plat hereunto included, the following described tract of land, to wit:

The parcel situated within the N1/2 of Section 17, T.02N., R.27E., P. M. M., Yellowstone County, Montana, and more particularly described as: A-2-A of Certificate of Survey No. 3443, Document No. 3558565; said tract containing 66.31 acres in gross and 77.66 acres net, more or less, exclusive of the dedicated 60' rights-of-way for High Noon Drive, Rio Lobo Circle, True Girl Street, Trumbo Circle, and the extension of Molly Drive and Molly Drive West.

I also hereby certify that Lot 1, Block 1 and Lot 6, Block 4 are exempt from review by Montana DEQ pursuant to 17.36.605(2)(a).

DATED THIS _____ DAY OF _____, 20____.

On this _____ day of _____, 20____, before me, the undersigned a notary public for the State of _____, personally appeared _____, as Matt Peila, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that he executed the same.

STATE OF MONTANA
County of YELLOWSTONE

IN WITNESS WHEREOF, we have set our hands and the seal of Yellowstone County, Montana, this _____ day of _____, 20____.

NOTICE OF APPROVAL
STATE OF MONTANA

This plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of this board.

I, John Bruckner, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of July 2022, a survey was performed under my supervision of a tract of land to be known as **PEILA SUBDIVISION**, in accordance with the request of the **owner thereof and in conformance with Montana Subdivision and Platting Act**; said subdivision being in accordance with the Landowner's Certificate and as shown on the plat; that the monuments found and set are of the character and occupy the positions hereon.

John Bruckner
Registration Number 63052 L

[illegible]

- NOTHING SET OR FOUND
- FOUND REBAR
- FOUND IRON PIPE
- ⊖ FOUND PLASTIC CAP - TREFTZ 2525s
UNLESS NOTED OTHERWISE
- FOUND ALUMINUM CAP - ESSEX 14184LS
- ⊖ SET PURPLE PLASTIC CAP ON 5/8" REBAR
(BRUCKNER LS-63052)
- SET ALUMINUM CAP ON 5/8" REBAR
(WWW.ENGINEERING.PLS 63052)

PREPARED BY MATT PEILA
2202 MAIN STREET
BILLINGS, MT 59105

REPAIRED BY		 WWC ENGINEERING 550 S. 24TH ST. W. SUITE 201 BOLLINGS, MT 59102 (406) 894-2310 www.wwcengineering.com	
PROJECT NO. 2022-243		DESIGNED BY: JH DRAWN BY: JH CHECKED BY: JH DATE: 4/18/2022	
Q	REVISION	BY	DATE
		SHEET	

PEILA SUBDIVISION
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(Yellowstone County)

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PEILA SUBDIVISION

This agreement is made and entered into this ____ day of _____, 20__, by and between *Matt Peila*, whose address for the purpose of this agreement is **2202 Main Street, Billings, MT 59105**, 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 *PEILA 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 *PEILA 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 *PEILA 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

There are no variances being requested with this subdivision.

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 on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.
- 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 owners' expense.

III. TRANSPORTATION

The subdivider agrees to guarantee all improvements for a period of one (1) year from the date of final acceptance by Yellowstone County.

A. Streets

High Noon Drive, Rio Lobo Circle, True Grit Street, Trumbo Circle, and the continuation of Molly Drive and Molly Drive West shall be built to county gravel road standards with a satisfactory subbase, base course, and gravel surface. High Noon Drive, Rio Lobo Circle, True Grit Street, Trumbo Circle, and the continuation of Molly Drive and Molly Drive West shall be a 60' right-of-way. The design cross-section shall be a 24-foot gravel width street with 2-foot-wide gravel shoulders and shoulder drainage swales. These portions will be dedicated county road.

The entire length of High Noon Drive, Rio Lobo Circle, True Grit Street, Trumbo Circle, and the continuation of Molly Drive and Molly Drive West will be maintained by a county road RSID.

B. Traffic Control Devices

Street name and stop signs for streets within the subdivision, or located immediately adjacent thereto, shall be furnished and installed in accordance with the specifications of the Yellowstone County Public Works Departments. A stop sign will be located at the intersections Molly Drive and Trumbo Circle, Molly Drive and True Grit Street, High Noon Drive and Molly Drive, Rio Lobo Circle and High Noon Drive, and Molly Drive West and High Noon Drive.

C. Access

Access into the subdivision will be provided from Molly Drive and Yeoman Road which are both previously improved and dedicated county roads.

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

This subdivision is not located within the area of the BABTMP.

IV. EMERGENCY SERVICE

A 30,000-gallon water storage tank/dry hydrant shall be located within the northwest corner of Lot 8, Block 2. The dry hydrant will be located in a dry hydrant easement and will be maintained and serviced by an RSID. The Subdivider shall submit the dry hydrant system plans and specifications to the Shephard Volunteer Fire Department for review and approval prior to construction. The dry hydrant system shall be installed by the Subdivider and inspected and approved by the Shephard Volunteer Fire Department prior to Final Plat approval.

V. STORM DRAINAGE

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

Stormwater will be collected onsite using a combination of swales, culverts, and the natural slope of the land and delivered to onsite stormwater detention facilities. All stormwater facilities will have access easements for providing maintenance.

VI. UTILITIES

A. Water

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

- The subdivision will be serviced by individual cisterns.
- Department of Environmental Quality approval letter to be submitted with final plat.
- Lot 1, Block 1 and Lot 6, Block 4 shall not be permitted by MDEQ for water supply.

B. Septic System

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

- The subdivision will be serviced by individual drainfields.
- Department of Environmental Quality approval letter to be submitted with final plat.
- Lot 1, Block 1 and Lot 6, Block 4 shall not be permitted by MDEQ for a septic system.

C. Power, Telephone, Gas, and Cable Television

The private utilities shall be installed within the provided easements. 10-foot-wide utility easements have been shown on the plat adjacent to all streets within the subdivision per the request of the utility companies.

VII. PARKS/OPEN SPACE

- A total of 3.23 acres is required for parkland in this subdivision and 5.59 acres will be provided by park dedications on the subdivision. Therefore, there is surplus of 2.36 acres.
- The parkland will be finished graded as identified in the COSA and seeded with native prairie grass mixture.
- An RSID will be created for the maintenance of the parkland.

VIII. IRRIGATION

- All internal irrigation facilities will remain within the subdivision. No water rights will be transferred to the lot owners.

IX. WEED MANAGEMENT

All noxious weeds on the latest Yellowstone County Noxious Weed List shall be controlled on all properties in the subdivision.

- A Weed Management Plan must be filed and updated as needed for approval by the Yellowstone County Weed Department. Said weed management plan shall contain the noxious weeds being addressed and the plan for the control of those weeds. All associated cost for noxious weed control is the responsibility of the owner of record.
- A revegetation plan shall be submitted as part of the management plan. A seeding recommendation can be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

X. SOILS/GEOTECHNICAL STUDY

A geotechnical study is not required for the subdivision.

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 by and constructed under the supervision of a professional engineer competent in civil engineering, licensed in the state of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C. of the Yellowstone County Subdivision Regulations.

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

XII. LEGAL PROVISIONS

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by 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”

Matt Peila

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 Matt Peila known to me to be the representative of _____, 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 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:

PEILA SUBDIVISION

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

Matt Peila Subdivision

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 Matt Peila, known to me to be the representative of the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

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

Notary Public in and for the State of Montana

Printed name: _____

Residing in Billings, Montana

My commission expires: _____

Planning Board

Date: 03/28/2023
Title: Sanctuary Canyon Estates Subdivision, 2nd Filing - Preliminary Major Plat
Presented by: Monica Plecker
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff recommends the Planning Board forward to the Board of County Commissioners a recommendation to conditionally approve the preliminary plat of Sanctuary Canyon Estates Subdivision, 2nd Filing, and adopt the Findings of Fact as presented in the staff report.

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

On February 1, 2023, WWC Engineering, agent for Chris Vlahos, applied for preliminary major plat approval of Sanctuary Canyon Estates Subdivision, 2nd Filing. The subject property is generally located on the south of Trail Master Drive and east of Sanctuary Canyon Road. This parcel of land is outside of zoning. It is surrounded by residential uses and wildland grass acreage.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

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 with proper fire suppression, prior to final plat approval, the applicant will submit drawings to Lockwood Fire Department for review and approval of the proposed locations of new fire hydrants within the subdivision expansion.
3. 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.
4. 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.
5. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
6. The final plat shall comply with all requirements of the 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 September 22, 2022
- Preliminary plat application submitted to Planning Division on February 1, 2023
- Departmental review meeting February 16, 2023
- Preliminary plat resubmittal February 23, 2023
- Planning Board plat review March 14, 2023
- Planning Board public hearing March 28, 2023
- Preliminary plat to Board of County Commissioners, April 18, 2023
- 60 working-day preliminary plat review period ends April 27, 2023

PLAT INFORMATION

General location: South of Trail Master Drive and east of Sanctuary Canyon Road
Legal Description: Being Lot 5, Block 4 of Sanctuary Canyon Estates Subdivision, 1st Filing
Owner/Subdivider: Chris Vlahos

Engineer and Surveyor: WWC Engineering

Existing Zoning: Outside zoning

Existing land use: Vacant native grassland

Proposed land use: Residential

Gross and Net area: 62.27 acres

Proposed number of lots: 16

Lot size: Max: 49.10 acres
Min: 21,780 square feet

Parkland requirements: Parkland dedication required is .5 acres, the applicant is providing the .5 acres, extending the existing parkland.

STAKEHOLDERS

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on March 28, 2023.

Staff gave a brief presentation about the proposed subdivision. During the presentation staff pointed out that the developer had submitted a modified proposed plat and SIA. The new plat layout removed the two dead end roads that had been proposed. It also eliminated 4 proposed lots. After the presentations Board President Cook called for questions and discussion. President Cook asked about mitigation of the stormwater runoff for these 14 lots. Staff pointed out the large natural drain ditch that runs throughout this subdivision and the adjacent subdivision. Staff also noted that the existing temporary turnaround will go away with the new development as the roads will connect eliminating the need for the turnaround.

Ms. Aaron Redland is the agent for applicant Chris Vlahos. Ms. Redland stated that per DEQ requirements they submitted stormwater management plans for this development. She pointed out a stormwater easement for the first filing to account for any additional run off. Wyeth Friday asked about the access to the parkland. Dave Green noted there was an easement created to provide access to the parkland with the first filing of Sanctuary Canyon.

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 April 27, 2023. 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

The purpose 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 Sanctuary Canyon Subdivision, 2nd 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 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 grassland with natural water drainages and steep slopes. 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** – The applicant will be connecting to existing 8-inch water lines in Sanctuary Canyon Road and Lacey Road from the Lockwood Water District. The new water lines will be installed to meet the specifications of Lockwood Water District. Approval of proposed installation will be received from Lockwood Water District before installation.

Water lines will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the DEQ.

b. **Septic** - The applicant is proposing each lot will have its own septic system. They will be built in compliance with the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations and the DEQ. Each system 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 or easements identified on the plat.

c. **Streets and roads** – The continuation of Sanctuary Canyon Road and Lacey Road, public 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. The applicant will be expanding the existing RSID 779 for maintenance of roads within the subdivision. The RSID will be expanded for the new sections of Sanctuary Canyon Road and Lacey Road.

d. **Fire and Police services** – The property is within the Lockwood Fire Department firefighting area. With the Lockwood Water and Sewer District supplying water to the subdivision there will be fire hydrants installed in the subdivision along the new roads. They will be installed as required by the Lockwood Fire Department and in accordance to the Lockwood Water and Sewer specifications. The location and proposed installation will be reviewed and approved prior to the installation of the hydrants. **(Condition #2)**

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

e. **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.

f. **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)**

g. **School facilities** – The proposed subdivision is located within Lockwood School District. Lockwood School has indicated they are not over capacity at their schools. A bus route may need to be modified to accommodate the new lots but there is a route in the area.

h. **Parks and recreation** – This proposed subdivision will be providing 0.5 acres of parkland. They are proposing to expand the existing parkland dedicated with the first filing.

i. **Postal Service** – The USPS has requested that any new CBU be located with the existing ones that were installed with the first filing. The applicant will coordinate the location with the USPS. **(Condition #3)**

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

k. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

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. The County Weed Department will update the original weed plan. That plan will be submitted with final plat approval. **(Condition #4)**

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

4. Effects on wildlife and wildlife habitat

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

5. Effects on public health and safety

Plans and designs for the water and septic system will be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Laurel 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 / grazing 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 and 2016 Lockwood 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.

There is existing residential development surrounding the proposed lots of this subdivision. Large lot single family residential.

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

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

- Goal: Controlled weed populations.

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.

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

This subdivision is outside the BABTMP boundaries for trails. They 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 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 subdivision by Sanctuary Canyon Road, Lacey Road and from Trailmaster Drive.

CONCLUSIONS OF FINDINGS OF FACT

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

RECOMMENDATION

Staff recommends the Planning Board forward to the Board of County Commissioners, the preliminary plat of Sanctuary Canyon Estates Subdivision, 2nd Filing, recommending conditional approval and adopt the Findings of Fact as presented in the staff report.

SANCTUARY CANYON ESTATES SUBDIVISION, 2ND FILING

BEING LOT 5, BLOCK 4 OF SANCTUARY CANYON ESTATES SUBDIVISION, 1ST FILING, DOCUMENT NO. 3896579
WITHIN THE SW1/4 AND SW1/4SE1/4 OF SECTION 28, T.1N., R.27E., P.M.M.

YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: SUPERIOR CONSTRUCTION INC.

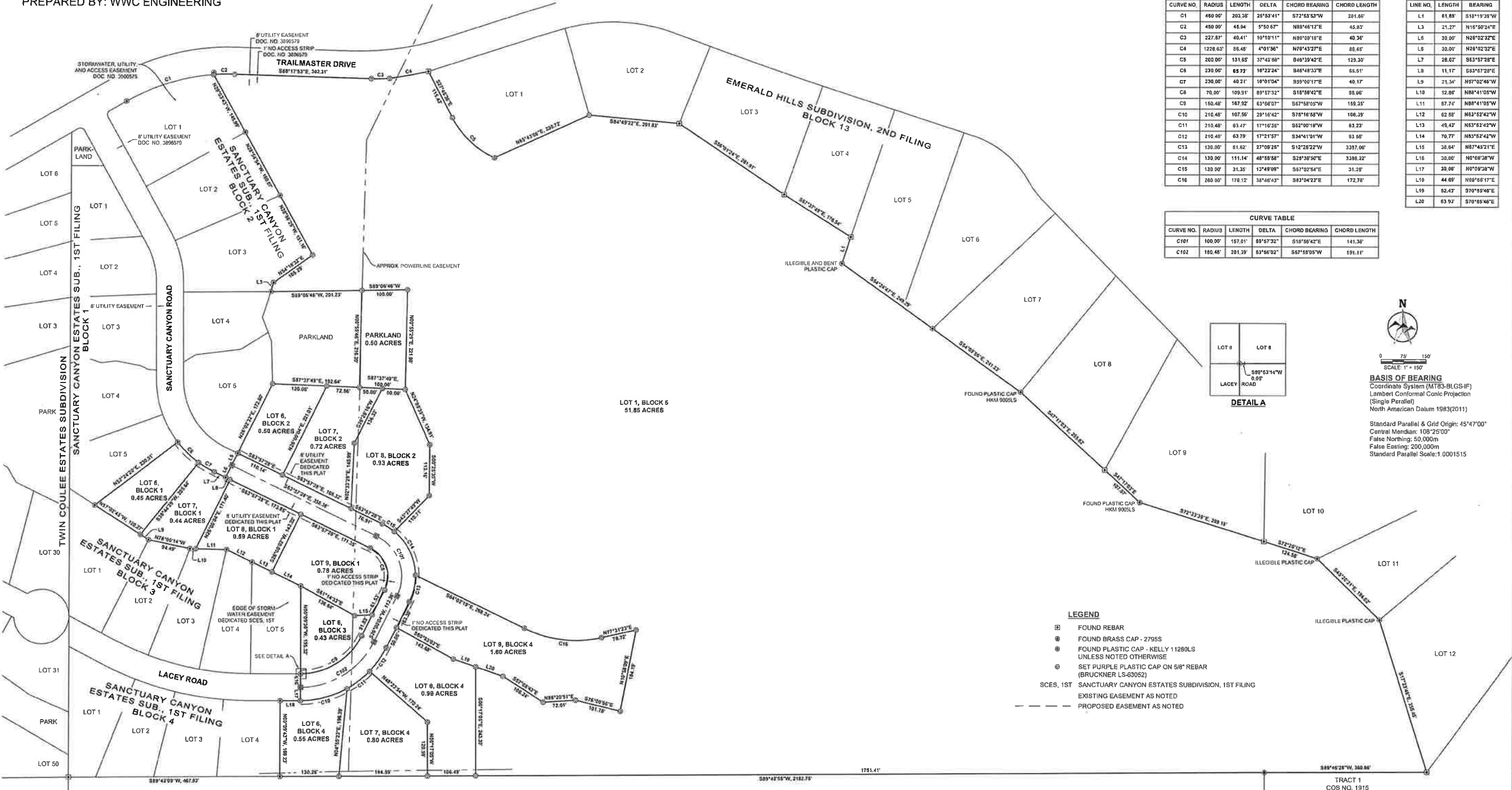
DATE SURVEYED: OCTOBER 2022

PREPARED BY: WWC ENGINEERING

CURVE TABLE					
CURVE NO.	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	450.00'	203.38'	25°53'41"	S72°53'53"W	201.66'
C2	450.00'	45.94'	5°50'57"	N88°46'12"E	45.83'
C3	227.87'	40.41'	10°10'11"	N88°09'18"E	40.36'
C4	1228.63'	86.46'	4°01'56"	N78°43'27"E	88.45'
C5	200.00'	131.65'	37°42'58"	S46°19'42"E	129.30'
C6	230.00'	65.73'	18°22'24"	S46°48'33"E	65.51'
C7	230.00'	40.21'	10°01'04"	S59°00'17"E	40.17'
C8	70.00'	109.91'	89°57'32"	S18°58'42"E	98.96'
C9	150.48'	167.92'	63°56'07"	S67°58'05"W	159.35'
C10	210.48'	107.55'	29°16'42"	S75°16'58"W	106.39'
C11	210.48'	61.47'	17°16'38"	S52°00'19"W	61.23'
C12	210.48'	63.78'	17°21'57"	S34°41'01"W	61.66'
C13	130.00'	61.62'	27°08'25"	S12°28'22"W	3387.06'
C14	130.00'	111.14'	48°58'58"	S28°38'50"E	3388.22'
C15	130.00'	31.35'	10°49'09"	S67°02'54"E	31.28'
C16	260.00'	176.12'	38°46'43"	S83°04'23"E	172.78'

LINE TABLE		
LINE NO.	LENGTH	BEARING
L1	61.88'	S18°19'38"W
L3	21.27'	N16°50'24"E
L6	30.90'	N28°02'32"E
L8	30.90'	N78°02'32"E
L7	28.62'	S63°57'28"E
L8	11.17'	S63°57'28"E
L9	21.34'	N57°02'45"W
L10	12.86'	N88°41'05"W
L11	67.74'	N88°41'05"W
L12	62.68'	N63°52'42"W
L13	49.47'	N53°52'42"W
L14	70.77'	N53°52'42"W
L15	38.84'	N87°45'21"E
L16	30.00'	N0°08'38"W
L17	30.00'	N0°09'28"W
L18	44.69'	N88°58'17"E
L19	52.47'	S70°53'48"E
L20	63.93'	S70°53'48"E

CURVE TABLE					
CURVE NO.	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C101	100.00'	157.01'	89°57'32"	S18°58'42"E	141.38'
C102	160.48'	201.39'	63°56'02"	S67°58'05"W	191.11'



SCALE 1" = 150'

BASIS OF BEARING
Coordinate System (MT83-BLGS-IP)
Lambert Conformal Conic Projection
(Single Parallel)
North American Datum 1983(2011)
Standard Parallel & Grid Origin: 45°47'00"
Central Meridian: 108°25'00"
False Northing: 50,000m
False Easting: 200,000m
Standard Parallel Scale: 1.0001515

LEGEND

- FOUND REBAR
- FOUND BRASS CAP - 2795S
- FOUND PLASTIC CAP - KELLY 11280LS
UNLESS NOTED OTHERWISE
- SET PURPLE PLASTIC CAP ON 5/8" REBAR
(BRUCKNER LS-63052)
- SCES, 1ST SANCTUARY CANYON ESTATES SUBDIVISION, 1ST FILING
- EXISTING EASEMENT AS NOTED
- PROPOSED EASEMENT AS NOTED

**SANCTUARY CANYON ESTATES
SUBDIVISION, 2ND FILING**
YELLOWSTONE COUNTY, MONTANA

PREPARED BY: SUPERIOR CONSTRUCTION INC.
832 GRANITE ESTATES LANE
BILLINGS, MT 59101

WWC ENGINEERING			
305 S. 24TH ST. W. SUITE 201 BILLINGS, MT 59101 WWW.WWCENGINEERING.COM	DRAWN BY: JAC	CHECKED BY: JAC	DATE: 10/20/22
REVISION	BY	DATE	REMARKS

Sanctuary Canyon Estates Subdivision, 2nd Filing
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(Yellowstone County)

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Sanctuary Canyon Estates Subdivision, 2nd Filing

This agreement is made and entered into this ____ day of _____, 20 __, by and between *Superior Construction, Inc.*, whose address for the purpose of this agreement is **832 Granite Estates Lane, Billings, MT 59101**, 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 *Sanctuary Canyon Estates Subdivision, 2nd Filing*; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20 __, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *Sanctuary Canyon Estates Subdivision, 2nd Filing*; 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 *Sanctuary Canyon Estates Subdivision, 2nd 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 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

There are no variances being requested with this subdivision.

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 on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.
- 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 owners' expense.

III. TRANSPORTATION

The subdivider agrees to guarantee all improvements for a period of one (1) year from the date of final acceptance by Yellowstone County.

A. Streets

The continuation of Sanctuary Canyon Road and Lacey Road will be constructed within this subdivision. Both roads shall be 60-foot right-of-way dedicated road with a 24-foot paved surface with 2-foot gravel shoulders. Utility easements adjacent to the right-of-way are dedicated as shown on the plat. An expansion of existing RSID 779 will be completed for the maintenance of the continuation of Sanctuary Canyon Road and Lacey Road.

B. Traffic Control Devices

There are no traffic control devices required with this subdivision.

C. Access

Access for this subdivision shall be provided from the continuation of Sanctuary Canyon Road and Lacey Road which shall be 60-foot right-of-way dedicated road.

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

This development is not located within the BABTMP.

IV. EMERGENCY SERVICE

The water main and fire hydrants shall be installed by the Subdivider and will be inspected and approved by the Lockwood Water and Sewer District and the Lockwood Fire Department. There is an existing fire hydrant on Sanctuary Canyon Road. A new fire hydrant will be installed at the intersection of Sanctuary Canyon Road and Lacey Road.

V. STORM DRAINAGE

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

The natural drainage pattern of the land within the subdivision is to the west through two main drainages in the property. The detention areas approved as part of Sanctuary Estates Subdivision 1st Filing are within the existing drainages with dedicated easements. The Sanctuary Estates Subdivision 2nd Filing will provide easements for the stormwater facilities, if the facilities are extended beyond the existing easements.

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.

Water shall be provided to the subdivision from the existing Lockwood Water mains in Sanctuary Canyon Road and Lacey Road. A new 8-inch water main will be installed in the continuation of Sanctuary Canyon Road and Lacey Road. Installation of the water lines shall be in accordance with plans and specifications approved by the Lockwood Water and Sewer District and the MDEQ.

B. Septic System

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

Individual septic systems will be permitted for each lot. An approval letter from MDEQ will be submitted with the final plat.

C. Power, Telephone, Gas, and Cable Television

The private utilities shall be installed within the provided easements. An 8-foot-wide utility easement has been shown on the plat adjacent to all streets within the subdivision.

VII. PARKS/OPEN SPACE

The parkland dedication for this filing shall be 0.5 acres and will be an extension of the parkland area dedicated in the previous filing. An expansion of existing RSID 779 will be completed for the maintenance of the parkland.

VIII. IRRIGATION

There is no irrigation district affected by this subdivision.

IX. WEED MANAGEMENT

All noxious weeds on the latest Yellowstone County Noxious Weed List shall be controlled on all properties in the subdivision.

- A Weed Management Plan must be filed and updated as needed for approval by the Yellowstone County Weed Department. Said weed management plan shall contain the noxious weeds being addressed and the plan for the control of those weeds. All associated cost for noxious weed control is the responsibility of the owner of record.
- A revegetation plan shall be submitted as part of the management plan. A seeding recommendation can be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

X. SOILS/GEOTECHNICAL STUDY

A geotechnical study was not completed for this subdivision.

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 by and constructed under the supervision of a professional engineer competent in civil engineering, licensed in the state of Montana. Upon completion of the improvements, the

consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C. of the Yellowstone County Subdivision Regulations.

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

XII. LEGAL PROVISIONS

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by 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”

Superior Construction, 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 *Superior Construction, 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 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:

Sanctuary Canyon Estates Subdivision, 2nd Filing

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

Superior Construction, 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 _____ of *Superior Construction, 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 in Billings, Montana
My commission expires: _____