



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



AGENDA

MAY 23, 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](mailto: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](mailto:deinest@billingsmt.gov) or 406-247-8610. Thank you!

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA\*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **APPROVAL OF MEETING MINUTES: MAY 23, 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. **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 BOCC. Amended Highlands Ranch Subdivision, Lots 4-5, (PZX-23-00006) County Major Subdivision, Tom and Kim Troop, Applicants. Aaron Redland, WWC, Agent. Dave Green, Planner II, presenting.**
8. **NEW BUSINESS:** (Agenda items new to this meeting).

- a. **MOTION. APPLICATION FOR PLANNING BOARD REPRESENTATIVE FOR BOCC DISTRICT 7.  
PLANNING BOARD**
- 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, JUNE 13, 2023**

- a. **PUBLIC HEARING. TRANSPORTATION ALTERNATIVES PROGRAM, (TAP), LORA MATTOX,  
TRANSPORTATION PLANNER, PRESENTING.**

### **Public Hearing Participation Guidelines**

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

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

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

**-Effect on agriculture and agricultural water user facilities**

**-Effect on local services**

**-Effect on the natural environment**

**-Effect on wildlife and wildlife habitat**

**-Effect on public health and safety**

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

*Thank you for participating.*

**Planning Board Meeting 2 (4th Tuesday)**

**Meeting Date:** 05/23/2023

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**Information**

**Subject**

APPROVAL OF MEETING MINUTES: MAY 23, 2023

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**Attachments**

PLNB\_2023\_05\_09 MIN\_DRAFT.pdf

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# 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
<b>Jim Ronquillo</b>	Mayor/Billings Ward I	1	1	1	1	1	1	E	1	1														
<b>Roger Gravgaard</b>	Mayor/Billings Ward II	1	1	1	1	1	1	1	1	1														
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1	1	1	1	1	1														
<b>John Staley</b>	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1														
<b>David Nordel</b>	Mayor/Billings Ward V	1	E	E	1	1	1	1	1															
<b>Troy Boucher</b>	YC District 1	A	A	A	A	A	1	A	1	1														
<b>Dennis Cook</b>	YC District 2	1	1	1	1	1	1	1	1	1														
<b>Vacant</b>	YC District 3	-	-	-	-	-	-	-	-	-														
<b>Vacant</b>	YC District 4	-	-	-	-	-	-	-	-	-														
<b>Woody Woods</b>	YC District 5	1	1	1	1	1	1	1	1	1														
<b>Vacant</b>	YC District 6	-	-	-	-	-	-	-	-	-														
<b>Vacant</b>	YC District 7	-	-	-	-	-	-	-	-	-														
<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-	-	-	-														
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	E	E	E	E	A	1	E		E														

**MAY 9, 2023**

*DRAFT- To be approved by a motion on May 23, 2023*

**PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES**

As legally advertised, The Yellowstone County Board of Planning met on May 9, 2023 in the Miller Building 1<sup>st</sup> 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, May 9, 2023.

**Introduction of Planning Board Members and Planning Department Staff**

President Cook called for introductions of the members of the Planning Board and staff. Board member Staley is participating virtually this evening.

**Participating Planning staff members:** Wyeth Friday, Director, Planning & Community Services Department; Dave Green Planner II, Tammy Deines, Planning Clerk; Tim Miller, Director, Yellowstone County Public Works Department

**Others in Attendance:** Greg Reid, WWC Engineering, Aaron Redland, WWC Engineering; Sam Peila, applicant; Matt Peila, applicant

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

**3. Approval of Minutes: April 25, 2023**

**Motion by Board member Stephenson and seconded by Board member Nordel to approve the April 25, 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**

**7a. (Continued from March 28, 2023) Motion/Recommendation to BOCC. Peila Subdivision Tract 1-2-A of C/S 3443. Matt Peila, Sam Peila, Prairie Builders, applicants. Dave Green, Planner II, presenting. (PZX-22-00159)**

Dave Green opened this agenda item with the staff presentation. He reviewed the project Background information below.

**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 wild land grass acreage. On March 28, 2023 at the public hearing for this subdivision there were concerns and questions from the public and Board about traffic impacts in the area. A traffic study was not available at the time of the public hearing but was required to be submitted, reviewed and approved by the County Public Works Department before final plat. The Planning Board requested a traffic study be available for its review to know if

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neighborhood concerns were being addressed by the traffic study and what recommendations were being made by the traffic study. The board asked for a delay before proceeding with a recommendation to the Board of County Commissioners giving it time to see recommendations of the study. The applicants' agent believed the TIS would be available by the May 9 Planning Board meeting. Staff determined after the public hearing that there was also a TIS done for the intersection of 12 Mile and Yeoman Road for Yellowstone County in October 2022 with recommendations for the County. Both traffic studies are attached to this staff report for review. Below is the conclusion of the TIS completed for Peila Subdivision. These conclusions and recommendations are also on page 17 of the Peila TIS, attached to this staff report. The conclusion of the TIS specific to the 12 Mile and Yeoman Road intersection that was completed for Yellowstone County is on Page 15, attached to this staff report. The findings are not significant, in that the study found that immediate work is not required for the intersection.

### **CONCLUSIONS & RECOMMENDATIONS**

The Peila Subdivision development would not substantially impact the safety and efficiency of any of the study roads and intersections. However, site traffic would incrementally increase exposure to crash potential at the intersection of 12 Mile Road and Yeoman Road. This impact would need to be mitigated to some degree. Since the safety concern involves vehicles exceeding the existing 55 mph speed limit, efforts should be directed at reducing travel speeds through the intersection area. The following recommendations are made in an effort to mitigate the sight distance and speed related concerns at the 12 Mile Road and Yeoman Road intersection:

1. Add sign-mounted intelligent transportation systems using lights that could be radar activated to flash only when traffic is exceeding the advisory speeds. These signs would require periodic enforcement of the speed limit so that daily travelers would not become complacent over time.
2. Add transverse rumble strips to 12 Mile Road, especially on the 12 Mile Road southbound approach.
3. Prune the tree limbs south of the intersection to improve visibility and cut grass and weeds along the shoulders of the roadway.

**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

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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 its review and approval. Any mitigation of the traffic impacts identified in the TIS will be assessed by County Public Works to be included in the SIA for installation prior to final plat approval.

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.

The Board of County Commissioners are scheduled to review and act on the preliminary plat on May 23, 2023.

### **Discussion**

President Cook called for questions and discussion from the members of the Board. Board member Woods asked if they are still working on the easement agreement on Holly. Dave Green said the easement agreement is required to be completed by final plat approval.

### **Tim Miller, Director, Yellowstone County Public Works**

Director Tim Miller said per the traffic study recommendations, the Yellowstone County Public Works Department has increased signage, lowered the speed limit, and pruned the trees to improve visibility. They confirmed the traffic report statistics with five accidents at this location in the last ten years with the majority taking place with south-north bound traffic. Director Miller said in his opinion if driven appropriately, the intersection is reasonably serviceable for the time being.

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### **Sam Peila, 4076 Chicago Road, prairebuildersmt@gmail.com**

Mr. Peila said the RSID collects funds for dust control on the north side of Yeoman Road and the citizens who spoke during the last meeting reside on the south side of the road. Tim Miller explained that only the residents residing on the north half of Yeoman Road were included in the RSID, and they have had not requests from the residents on the south side of the roadway participate in the RSID. The County made an agreement with these residents to pay for the magnesium chloride for the dust control and the County pays for the maintenance. Mr. Peila said he spoke with the Yellowstone County Sheriff's Department who said they will patrol the road if contacted regarding speeding traffic. Board member Nordel commented on the traffic study recommendations for additional traffic safety measures in this area to address increased traffic with the increase population of the development. Director Friday explained that the way the current condition of approval is written is that prior to final plat approval, the new traffic study will be considered along with the need for the developer to provide mitigations. Public Works Director Tim Miller concurred and said this is a new traffic study and the recommendations will be considered. Board member Woods commented it may be difficult to get residents on the south side of Yeoman Road to participate in the RSID. Sam Peila said respectfully there will be a lag in improvements with the new development coming on as it takes revenue. Director Friday reiterated that the condition as written specifies that per the TIS and the conditions of approval, the County can require the developer to make the improvements.

### **Motion**

**Board member Boucher made a motion and Board member Woods seconded the motion to 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.**

### **Discussion**

President Cook called for discussion the motion. Board member Nordel doesn't feel this motion represents the requests of the neighbors who attended the public hearing especially with future development. He feels the motion falls short of the traffic study.

**The motion carried with a voice vote with Board member Nordel and Board member Staley voting against the motion. (5-2)**

**7b. Plat Review. Discussion. Amended Highlands Ranch Subdivision, Lots 4-5. (PZX-23-00006)**

Planner Dave Green opened this agenda item with a staff presentation. :

**RECOMMENDATION**

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

**BACKGROUND**

On April 3, 2023, WWC Engineering, Tom and Kim Troop /Highlands Ranch LLC., applied for preliminary major plat approval of Highlands Ranch Subdivision, 2nd Filing. The subject property is generally located on the South of Highlands Ranch Road, southeast of Shorey Road and east of Molt Road. This parcel of land is outside of zoning. The land is currently dryland grass and shrub land.

**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 add language in the SIA under the heading "Conditions that run with the land" to alert future lot owners that they must receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To provide for the correct cash in lieu contribution, prior to final plat approval, the applicant will follow Section 10.6 Determining Cash Contributions for Parkland, for the correct amount to be paid to Yellowstone County Parks Department.
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.
7. To protect public health and safety, and minimize the effect on local services, prior to Final Plat approval, the applicant shall complete the necessary paperwork with Yellowstone County Public

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Works and Yellowstone County Finance Departments to expand and include the newly platted lots within the existing RSID which maintains the 30,000 gallon dry hydrant.

### **Discussion**

President Cook called for questions and discussion from the members of the Board. In response to question by Board member Staley, Dave Green said the proposed parkland is a 23-ft wide strip and the YC Parks Department feels it would be a roadside maintenance issue. The County Parks Board prefers cash-in-lieu dedication as the subdivision is not providing a public amenity. Board member Staley said there isn't a park nearby. Dave Green pointed out that the smallest lot is 4-acres.

Board member Staley stated the Molt Volunteer Fire Department is not a structured rated fire department. The 30,000 dry hydrant meets the requirement and would be used by the Billings or Laurel Fire Department if called. Dave Green said should the Billings or Laurel Fire Departments be called for aid, it would provide a 30,000 gallon tank for them to pull from. Board member Woods commented the Yellowstone County Park Board didn't like the location of the proposed parkland and asked for cash-in-lieu instead of asking the developer for a different location. Dave Green said the need for parkland in this scenario is limited due to the large lot sizes. President Cook asked if the SIA addresses the limitations for fire service. Dave Green said the website for the Molt Fire Department states they do not do structures and Billings would be called. President Cook asked if the SIA addresses fire service awareness for potential buyers. Board member Staley commented that when this is not disclosed, buyers do not realize the insurance premium has to be purchased at a 10-rating which could make a significant difference in a buyer's purchasing decision. Wyeth Friday suggested adding language to the condition of approval #7. Dave Green read aloud Section IVA. Emergency Service/Fire Protection Facilities and suggested language pointing to the Molt Fire Department website. Board member Staley said this is not strong enough and suggested inserting the phrase, “Molt Fire Department does not provide structure protection” to protect future residents. President Cook concurred and said a safeguard is needed for homeowners when purchasing property and homeowners insurance. In response to question by Board member Nordel, staff said the lots are so large and the placement of the homes is unknown so property owners submit their preferred location for wells and septic tanks to DEQ for approvals.

President Cook called for presentation by the applicant.

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**Greg Reid, WWC Engineering, greid@wwcengineering.com**

In regards to the parkland, it is his understanding that there are two options. The applicant can provide cash in lieu funds or move forward with the parkland dedication, constructing the trail and a providing funding mechanism for maintenance as a potential long term amenity. He said the second option is the developer’s preference and he needs to clarify with the Parks Board before the next meeting. Tim Miller said the Parks Board felt this is a “trail to nowhere” and not the best use of the land.

A public hearing will be held for the Amended Highlands Ranch Subdivision, Lots 4-5 during the May 23, 2023 Planning Board meeting.

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

**1. Zoning Text Amendments-**Planning Staff will bring and update to City Council on May 22, 2023.

**2. Legislative Changes:** There have been fairly significant changes in land use and language for the Growth Policy. Staff will bring an update of the Legislative changes to the Board at a future meeting. .

**3. Announcement:** The May 23, 2023 meeting will be held as legally announced and advertised.

**ADJOURNMENT: 7:15 PM**

**DRAFT—TO BE APPROVED BY A MOTION May 23, 2023**

Tamara L. Deines, Planning Clerk

## Planning Board

**Date:** 05/23/2023  
**Title:** Highlands Ranch Subdivision, 2nd Filing - Preliminary Major Plat Public Hearing  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### Information

#### RECOMMENDATION

Staff recommends the Planning Board conduct a public hearing and forward to the Board of County Commissioners a recommendation to conditionally approve the preliminary plat of Highlands Ranch 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 April 3, 2023, WWC Engineering, Tom and Kim Troop / Highlands Ranch LLC., applied for preliminary major plat approval of Highlands Ranch Subdivision, 2nd Filing. The subject property is generally located on the South of Highlands Ranch Road, southeast of Shorey Road and east of Molt Road. This parcel of land is outside of zoning. The land is currently dryland grass and shrub land.

#### 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 add language in the SIA under the heading "Conditions that run with the land" to alert future lot owners that they must receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
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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.
7. To protect public health and safety, and minimize the effect on local services, prior to Final Plat approval, the applicant shall complete the necessary paperwork with Yellowstone County Public Works and Yellowstone County Finance Departments to expand and include the newly platted lots within the existing RSID which maintains the 30,000 gallon dry hydrant.

#### PROCEDURAL HISTORY

- Pre-application meeting January 19, 2023
- Preliminary plat application submitted to Planning Division on April 3, 2023
- Departmental review meeting April 20, 2023
- Preliminary plat resubmittal April 27, 2023
- Planning Board plat review May 9, 2023
- Planning Board public hearing May 23, 2023
- Preliminary plat to Board of County Commissioners, June 13, 2023
- 60 working-day preliminary plat review period ends June 27, 2023

#### PLAT INFORMATION

General location: South of Highlands Ranch Road, southeast of Shorey Road and east of Molt Road

Legal Description: Lots 4 and 5A, Block 1, The Highlands Estates Subdivision

Owner/Subdivider: Tom and Kim Troop / Highlands Ranch LLC

Engineer and Surveyor: WWC Engineering

Existing Zoning: Outside zoning

Existing land use: Vacant native grassland

Proposed land use: Residential

Gross and Net area: 57 acres

Proposed number of lots: 10

Lot size: Max: 10.72 acres  
Min: 3.97 acres

Parkland requirements: Parkland dedication required is 0.75 acres, the applicant will be providing a cash in lieu contribution for parkland.

## STAKEHOLDERS

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on May 23, 2023.

On May 9, 2023, a plat review meeting was held with the Planning Board. After a brief presentation to the board from staff, Board President Dennis Cook asked if there were any questions for staff from the board.

Board member Staley had two questions - one was concerning the parkland and the other the fire suppression. Staff explained that the proposed parkland is a 23-ft wide strip along the south side of Highlands Ranch Road and the Yellowstone County Parks Board felt it would be a roadside maintenance issue and not a usable park area. Parkland is not required unless the lots are 5 acres or less. A strip of parkland along a road does not provide any usable space and with such large lots in the subdivision, parkland would most likely be unused space. The County Parks Board is requesting cash-in-lieu instead as the proposed parkland it is not providing an amenity.

Board member Staley stated Molt Volunteer Fire Department is not a structure fire department. It is equipped to handle grass fires only. Staff pointed out that the dry hydrant meets the requirements of subdivision and could be used by the Billings or Laurel fire departments if called. Board member Staley stated he would like to see a sentence in the SIA stating that Molt VFD only handles grass fires and not structure fires. Board President Cook concurred and said he would like to have the SIA address fire service, thus making potential buyers' aware of the Molt VFD limitations. Board member Staley stated that in areas like this where fire suppression is not readily available insurance premiums are a 10-rating which is basically stating there is no fire suppression capabilities in the area. This makes a significant difference in insurance costs. Staff stated that language will be added in the SIA to address the Molt VFD constraints and clarify they are only equipped to serve grass fires. President Cook stated it is a safeguard for homeowners when purchasing property and homeowner's insurance. Board member Nordel, asking to make certain he understood correctly, stated that the lots are so large and the placement of the homes is an unknown, so property owners will determine the location of their home and submit to DEQ for septic and well approvals? Staff affirmed that is correct.

Greg Reid, WWC Engineering stood to speak. He addressed the proposed parkland stating they would plan on putting a trail in the 23 foot width believing in the future as the area develops the trail could be longer and provide a walking path for residents. The applicant would prefer to not provide cash in lieu contribution. He stated they will contact County Parks and clarify parkland before the next meeting on May 23rd. There were no other questions from the board.

WWC has updated the Subdivision Improvement Agreement to reflect wording related to Molt Volunteer Fire Department in Section IV, titled Emergency Services. It is attached to this report. Information about the discussion with the County Park Board regarding the linear park land proposal was not available when this memo was completed.

## 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 June 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

3A.2 Highlands Ranch 2nd\_SIA DRAFT.pdf

## FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Highlands Ranch Subdivision, 2<sup>nd</sup> Filing. These findings are based on the preliminary plat application and supplemental documents addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the 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 not used for farming purposes. There are no irrigation facilities in or around the proposed subdivision. There will be no effect on water user facilities with this subdivision.

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

a. **Water** – The proposed subdivision is not located within any public water district. The applicant is proposing to have each future property owner receive approval for water on the lot once the house is located and the size of the house is determined. Water systems will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the MDEQ. **(Condition #1)** The operation and maintenance of the water system will be the responsibility of the lot owner to maintain.

b. **Septic** - The proposed subdivision is not located within any public sewer district. The applicant is proposing to have each future property owner receive approval for a septic system on the lot once the house is located and the size of the house is determined. Septic systems will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the MDEQ. **(Condition #1)** The operation and maintenance of the septic system will be the responsibility of the lot owner to maintain.

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 were 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. An RSID for maintenance of roads was created within the subdivision with the first filing of the subdivision.

d. **Fire and Police services** – The property is within the Molt Volunteer Fire Department firefighting area. Subdivision regulations require that major subdivisions have a 30,000-gallon dry hydrant system for the subdivision. The 30,000-gallon water tank was installed with the first filing of the subdivision. RSID #889 was created for

maintenance of the tank. It was created with the first filing of the subdivision and will include the new lots. **(Condition #7)**

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 and the natural slope of the land. 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)** Storm water management on each lot will be determined when the home site is chosen, and the size of the house has been decided upon.

g. **School facilities** – The proposed subdivision is located within Broadview School for K-12. At the time of the writing of these findings there was no response from the Broadview School regarding capacity or bus routes.

h. **Parks and recreation** – This proposed subdivision is required to provide parkland. The amount the applicant is required to provide is 0.75 acres. They are proposing to place parkland along the south side of Highlands Ranch Road from the existing dry hydrant location to the east property line.

County parks is not accepting this proposed parkland and has requested a cash in lieu contribution. The proposed parkland is not usable space as a park nor does it provide a desirable natural aesthetic with scenic value. It would not provide any programmable space or a walking path for residents or the public. It would be a roadside maintenance issue for the county.

The applicant will follow Section 10.6 Determining Cash Contributions for Parkland, from the Yellowstone County Subdivision Regulations. **(Condition #2)**

i. **Postal Service** – The USPS responded to request for comments. The USPS has requested a location off the corner of Shorey Road for a centralized box unit. The applicant will be required to coordinate with the USPS to ensure they are providing what has been requested. **(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. Any subdivision that has an existing Weed Management Plan are required to get an updated Weed Management 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 home construction on each lot to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Molt 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 pursuant Section 9.2 C of the County Subdivision Regulations. The impacts to the environment which include, agricultural, water user facilities, natural environment wildlife and habitat, will be minimal. The land is not used for agricultural purposes, it is grassland and shrubs. With the large lots proposed the impacts to the natural environment should be minimal. There are no known endangered species 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. (p. 6)

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

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

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

#### **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 lot purchaser must receive approval from the MDEQ prior to any home construction on each lot. 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 Shorey Road and Highland Ranch Road to the new proposed private road, Montrose Road. The internal private street will provide access to individual lots.

**CONCLUSIONS OF FINDINGS OF FACT**

- This subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal, and can be mitigated by reasonable conditions of final plat approval.

- The subdivision conforms to some of the goals of the Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

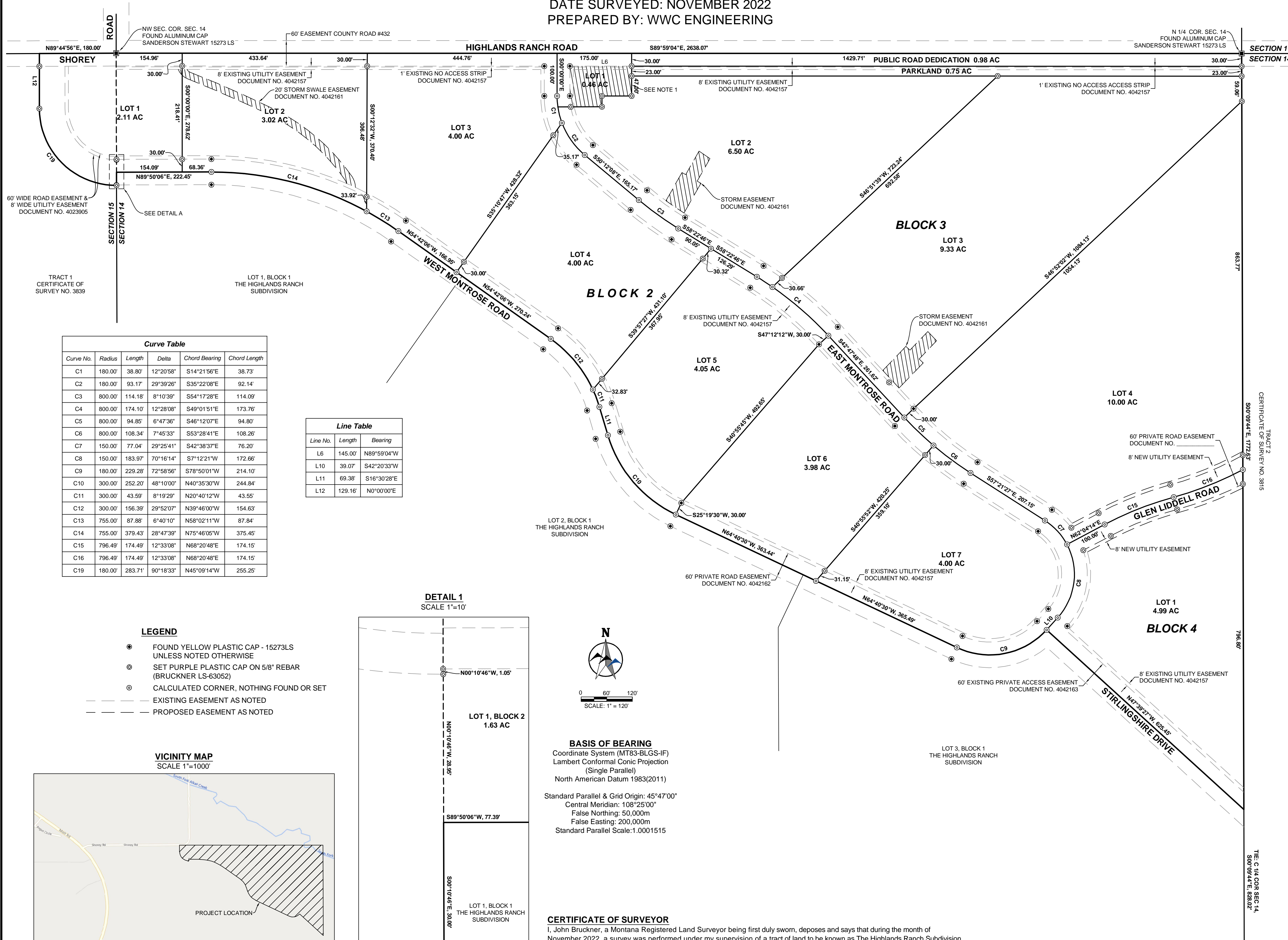
**RECOMMENDATION**

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

# THE HIGHLANDS RANCH SUBDIVISION, 2ND FILING

BEING LOT 4, BLOCK 1 OF THE HIGHLANDS RANCH SUBDIVISION, DOCUMENT NO. 4042157 AND LOT 5A, BLOCK 1 OF AMENDED PLAT OF LOT 5, BLOCK 1 OF THE HIGHLANDS RANCH SUBDIVISION, DOCUMENT NO. 4042167, WITHIN THE NW1/4 OF SECTION 14 AND THE E1/2 OF SECTION 15, T.1N., R.24E., P.M.M. YELLOWSTONE COUNTY, MONTANA

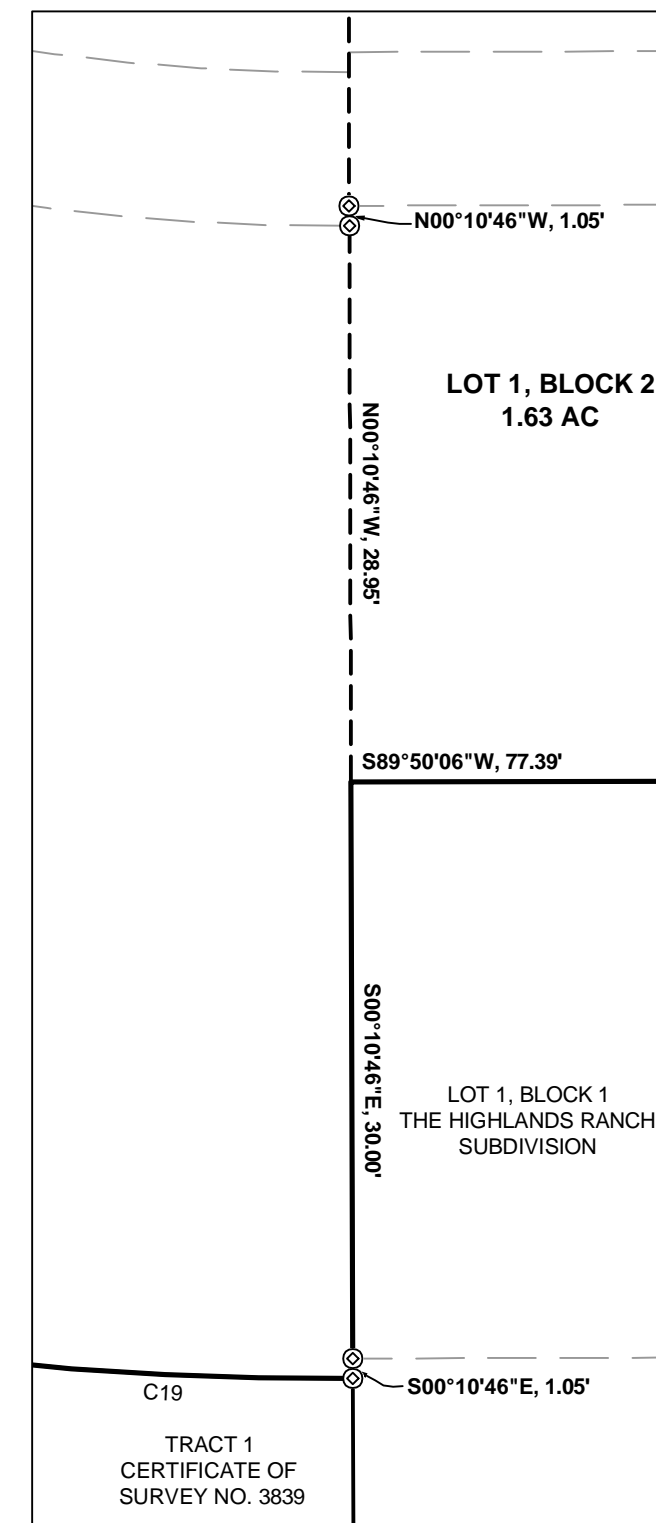
PREPARED FOR: THE HIGHLANDS RANCH, LLC  
DATE SURVEYED: NOVEMBER 2022  
PREPARED BY: WWC ENGINEERING



Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C1	180.00'	38.80'	12°20'58"	S14°21'56"E	38.73'
C2	180.00'	93.17'	29°39'26"	S35°22'08"E	92.14'
C3	800.00'	114.18'	8°10'39"	S54°17'28"E	114.09'
C4	800.00'	174.10'	12°28'08"	S49°01'51"E	173.76'
C5	800.00'	94.85'	6°47'36"	S46°12'07"E	94.80'
C6	800.00'	108.34'	7°45'33"	S53°28'41"E	108.26'
C7	150.00'	77.04'	29°25'41"	S42°38'37"E	76.20'
C8	150.00'	183.97'	70°16'14"	S7°12'21"W	172.66'
C9	180.00'	229.28'	72°58'56"	S78°50'01"W	214.10'
C10	300.00'	252.20'	48°10'00"	N40°35'30"W	244.84'
C11	300.00'	43.59'	8°19'29"	N20°04'12"W	43.55'
C12	300.00'	156.39'	29°52'07"	N39°46'00"W	154.63'
C13	755.00'	87.88'	6°40'10"	N58°02'11"W	87.84'
C14	755.00'	379.43'	28°47'39"	N75°46'05"W	375.45'
C15	796.49'	174.49'	12°33'08"	N68°20'48"E	174.15'
C16	796.49'	174.49'	12°33'08"	N68°20'48"E	174.15'
C19	180.00'	283.71'	90°18'33"	N45°09'14"W	255.25'

Line No.	Length	Bearing
L6	145.00'	N89°59'04"W
L10	39.07'	S42°20'33"W
L11	69.38'	S16°30'28"E
L12	129.16'	N0°00'00"E

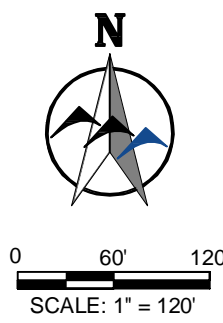
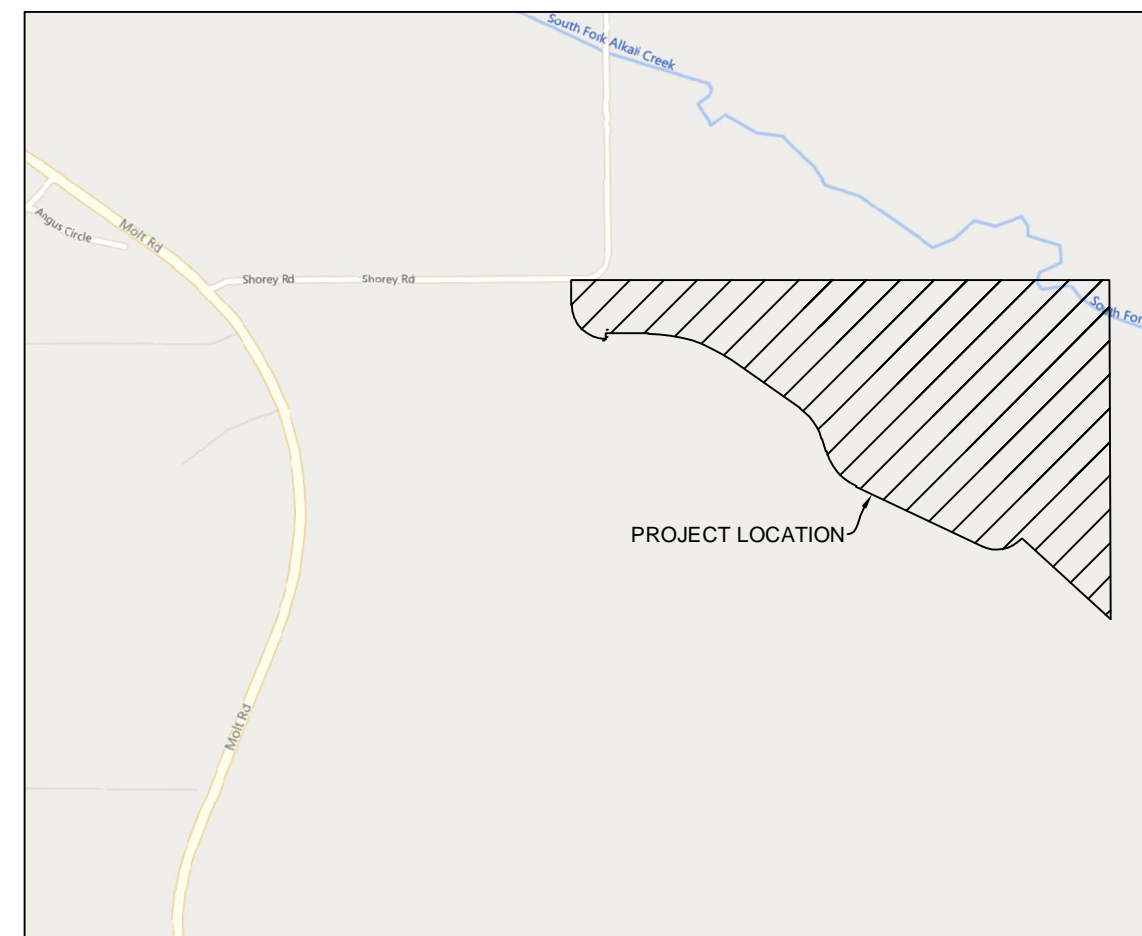
DETAIL 1  
SCALE 1"=10'



**LEGEND**

- FOUND YELLOW PLASTIC CAP - 15273LS UNLESS NOTED OTHERWISE
- SET PURPLE PLASTIC CAP ON 5/8" REBAR (BRUCKNER LS-63052)
- CALCULATED CORNER, NOTHING FOUND OR SET
- - - EXISTING EASEMENT AS NOTED
- - - PROPOSED EASEMENT AS NOTED

**VICINITY MAP**  
SCALE 1"=1000'



**BASIS OF BEARING**

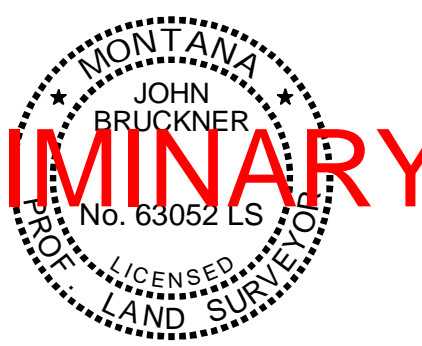
Coordinate System (MT83-BLGS-IF)  
Lambert Conformal Conic Projection  
(Single Parallel)  
North American Datum 1983(2011)  
Standard Parallel & Grid Origin: 45°47'00"  
Central Meridian: 108°25'00"  
False Northing: 50,000m  
False Easting: 200,000m  
Standard Parallel Scale: 1.0001515

**CERTIFICATE OF SURVEYOR**

I, John Bruckner, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of November 2022, a survey was performed under my supervision of a tract of land to be known as The Highlands Ranch Subdivision, 2nd Filing, 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.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

John Bruckner  
Registration Number 63052 LS



**NOTE**  
1. THE HATCHED AREA IN LOT 1, BLOCK 3 IS AN EXISTING TURNAROUND, DRY HYDRANT, AND STORM WATER EASEMENT, DOCUMENT NO. 4042160

**LEGAL DESCRIPTION AND PROPERTY OWNER CERTIFICATE OF DEDICATION**

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 parcels the first being situated within the NW1/4 of Section 14 and the E1/2 of Section 15, T.01N., R.24E., P.M.M., Yellowstone County, Montana, and more particularly described as Lot 4, Block 1 of The Highlands Ranch Subdivision, Document No. 4042157 and Lot 5A, Block 1 of Amended Plat of Lot 5, Block 1 of The Highlands Ranch Subdivision, Document No. 4042167 said lots containing 58.185 acres in gross and net, more or less.

The above described tract of land is to be known and designated as The Highlands Ranch Subdivision, 2nd Filing, Yellowstone County, Montana. The undersigned do hereby grant unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair, removal of lines over, under and across the areas designated on the plat as Utility Easement to have and hold forever. The lands designated as public right-of-way are hereby granted and dedicated to the use of the public forever shall include the Parkland.

We further hereby certify that this plat is exempt from review by MDEQ pursuant to ARM 17.36.605(2)(a) "a parcel that has no facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal, if no facilities will be constructed on the parcel."

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

The Highlands Ranch, LLC, a Montana Limited Liability Company

Thomas Graham Troop, Managing Member

Kim Marie Troop, Managing Member

**ACKNOWLEDGMENTS**

State of Montana )  
                          )SS  
County of Yellowstone )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned a notary public for the State of \_\_\_\_\_, personally appeared Thomas Graham Troop and Kim Marie Troop, as managing members of The Highlands Ranch, LLC, a Montana Limited Liability Company, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that he executed the same.

Notary Public for the State of \_\_\_\_\_

**CERTIFICATE OF APPROVAL**

STATE OF MONTANA )  
                          )SS  
County of YELLOWSTONE )

We do hereby certify that we have examined the plat of The Highlands Ranch Subdivision, 2nd Filing, and find that said plat conforms with the requirements of the laws of the State of Montana and that the requirements for park donation have been met to the satisfaction of the Yellowstone County Board of Planning. It is therefore approved and the dedication to the public use of any and all lands shown on this plat as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of Yellowstone County, Montana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Chairman \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_

Attest:  
Clerk and Recorder

**NOTICE OF APPROVAL**

STATE OF MONTANA )  
                          )SS  
County of YELLOWSTONE )

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

President \_\_\_\_\_ Date \_\_\_\_\_  
Executive Secretary \_\_\_\_\_ Date \_\_\_\_\_

**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 Subdivision Plat 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 \_\_\_\_\_

<b>THE HIGHLANDS RANCH SUBDIVISION, 2ND FILING</b> YELLOWSTONE COUNTY, MONTANA		PREPARED BY: <b>WWC ENGINEERING</b> 556 S. 24TH ST. W., SUITE 201 BILLINGS, MT 59102 (406) 894-2219 www.wwcengineering.com	
PREPARED FOR: THE HIGHLANDS RANCH, LLC 2415 ASH STREET BILLINGS, MT 59101	PROJECT NO. 2022-499 NO. _____ REVISION _____ BY _____ DATE _____	DESIGNED BY: <b>JBC</b> DRAWN BY: <b>JBC</b> CHECKED BY: <b>JBC</b> DATE: <b>FEB 2022</b>	SHEET <b>1 OF 1</b>

Return to:  
WWC Engineering  
550 S. 24<sup>th</sup> St. W. Ste. 201  
Billings, MT 59102

***THE HIGHLANDS RANCH SUBDIVISION, 2<sup>ND</sup> FILING***  
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**(Yellowstone County)**

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**The Highlands Ranch Subdivision, 2<sup>nd</sup> Filing**

**This agreement** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between *The Highlands Ranch, LLC*, whose address for the purpose of this agreement is **2415 Ash Street, 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 *The Highlands Ranch Subdivision, 2<sup>nd</sup> 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 *The Highlands Ranch Subdivision, 2<sup>nd</sup> 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 *The Highlands Ranch Subdivision, 2<sup>nd</sup> 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. A 30,000-gallon water storage tank/dry hydrant was installed as part of The Highlands Ranch Subdivision. The dry hydrant is located in a dry hydrant easement filed under Document No. 4042160. RSID 889 was created to maintain and service the dry hydrant. The dry hydrant system was inspected and approved by the Molt Volunteer Fire Department for final plat approval of The Highlands Ranch Subdivision. Molt Volunteer Fire Department as equipped to only handle grass fires, they do not fight structure fires.

### **III. TRANSPORTATION**

#### **A. Streets**

The streets within this subdivision, West Montrose Road and East Montrose Road, were constructed with The Highlands Ranch Subdivision. The private roads have a 60-foot-wide easement and constructed to the county road pavement standards. A road maintenance agreement was also created under Document No. 4042894. The lots created with this subdivision shall be a part of the agreement.

#### **B. Traffic Control Devices**

There will be no traffic control devices installed with this subdivision.

#### **C. Access**

Access to this subdivision shall be from Shorey Road and Highlands Ranch Road which are paved county dedicated roads with 60-foot-wide right-of-way and shall be

maintained by the county.

**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 was installed as part of The Highlands Ranch Subdivision. The dry hydrant is located in a dry hydrant easement filed under Document No. 4042160. RSID 889 was created to maintain and service the dry hydrant. The dry hydrant system was inspected and approved by the Molt Volunteer Fire Department for final plat approval of The Highlands Ranch Subdivision. Molt Volunteer Fire Department as equipped to only handle grass fires, they do not fight structure fires.

**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 improvements for roadway construction were constructed as designed and permitted with Yellowstone County Sanitarian. Stormwater improvements for residential home construction will be completed when the home size and location on lot have been determined by a future lot owner.

**VI. UTILITIES**

**A. Water**

Based on the acreage of the lots within this subdivision and unknown location and size of home to be constructed, these will have water supply permitting completed at a future date. The Subdivider will work with the future lot owners on completion of permitting through MDEQ when a home size and location on the lot have been determined.

**B. Septic System**

Based on the acreage of the lots within this subdivision and unknown location and size of home to be constructed, these will have sanitary permitting completed at a future date. The Subdivider will work with the future lot owners on completion of permitting through MDEQ when a home size and location on the lot have been determined.

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

The private utilities shall be installed within easements there were dedicated on the plat for The Highlands Ranch Subdivision per the request of the utility companies.

**VII. PARKS/OPEN SPACE**

- A total of 0.75 acre is required for parkland in this subdivision and will be provided by park dedications on the subdivision.

- The parkland will be finished graded and seeded with native prairie grass mixture.
- An RSID will be created for the maintenance of the parkland.

**VIII. IRRIGATION**

There are no irrigation systems located within 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 is not required for this subdivision.

**XI. FINANCIAL GUARANTEES**

There are no required improvements planned for this subdivision; therefore, a financial guarantee is not required.

**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







**Planning Board Meeting 2 (4th Tuesday)**

**Meeting Date:** 05/23/2023

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**Information**

**Subject**

**MOTION. APPLICATION FOR PLANNING BOARD REPRESENTATIVE FOR BOCC DISTRICT 7. PLANNING BOARD**

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**Attachments**

2023\_Morgan Tuss BOCC 7.pdf

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BOARD APPLICATION FORM  
YELLOWSTONE COUNTY, MONTANA

NAME: Morgan Tuss HOME PHONE: (406) 698-2067  
ADDRESS: 2837 Us Hwy 3 WORK PHONE: (406) 252-8500  
CITY: Billings STATE: MT ZIP: 59106  
BUSINESS OR JOB: Attorney - Patten, Peterman, Bekkedahl & Green PLLC  
E-MAIL ADDRESS: morgan.tuss@gmail.com or mtuss@ppbglaw.com  
BOARD OR COMMISSION APPLIED FOR: County Planning Board

Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

I am an associate attorney working in the fields of proeprty, transactional, business and estate planning law. I believe my knowledge in the area of law is valuable in this respect. I am also a board member of Billings TrailNet, so I am lightly familiar with the city/county interplay.

Why do you wish to serve on this Board or Commission?

I have a vested interest in the postive development of my community. I have grown up here and desire to live here for the foreseeeable future. I have an interest in land use, planning, development, and the like, particularly with how it affects residents and businesses in Yellowstone County.

Additional information that you feel is pertinent (attach additional sheets if needed):

I have also applied for zoning and adjustments boards. I recognize the time commitment for all three and would be happy to fit it into my schedule.

  
Signature

5/11/23  
Date

Return application to: Board of County Commissioners  
P.O. Box 35000  
Billings, MT 59107-5000

OFFICE USE ONLY:		
APPOINTED:	YES <input type="checkbox"/>	NO <input type="checkbox"/> DATE _____
TERM EXPIRATION DATE: _____		
(Circle one)		
ORIGINAL APPOINTMENT	REAPPOINTMENT	TERM NO: _____