



# YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND  
YELLOWSTONE COUNTY, MONTANA



## AGENDA

JULY 11, 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

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.
- \*\*In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.**
- Please direct questions to Tammy Deines, Planning Clerk at [deinest@billingsmt.gov](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.
  - a. **Welcome! Brenda Berns, Planning Clerk, Planning Division**
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: JUNE 27, 2023**

**Attachments**  
06/27/2023 Draft Min
4. **PUBLIC COMMENT PERIOD** -- As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
  - 4a) **Comments on items not on agenda and requests to add items to future agendas**
  - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
8. **NEW BUSINESS:** (Agenda items new to this meeting).
  - a. **Plat Review. Board Discussion.** Yellowstone River Ranch (36 space RV Development). Cameron Jones,

applicant. Anna Vickers, IMEG, agent. Dave Green, Planner II, presenting.

**Attachments**

Findings of Fact

Proposed Plat

SIA Draft

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, JULY 25, 2023**

- a. **Public Hearing. Motion/Recommendation to BOCC. Yellowstone River Ranch (36 space RV Development).** Cameron Jones, applicant. Anna Vickers, IMEG, agent. Dave Green, Planner II, 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 I (2nd Tuesday)**

3.

**Meeting Date:** 07/11/2023

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**Information**

**Subject**

MOTION. MEETING MINUTES:JUNE 27, 2023

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**Attachments**

06/27/2023 Draft Min

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# CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

Board Attendance Roster: Please note: “E” stands for excused absence, “A” stands for un-excused absence, “1” stands for present, “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	/10/2023	24/2023	3 /14/2023	/28/2023	/14/2023	/28 /2023	/11/2023	/25/2023	/09/2023	/23/2023	/13/2023	/27/2023	/11/2023	/25/2023	/08/2023	/22/2023	/12/2023	/26/2023	/10/2023	/24/2023	/14/2023	/28/2023	/12/2023
Jim Ronquillo	Mayor/Billings Ward I	1	1	1	1	1	1	E	1	1	1	1												
Roger Gravgaard	Mayor/Billings Ward II	1	1	1	1	1	1	1	1	1	1	V	1											
Dennie		1	1	1	1	1	1	1	1	1	1	1	1											
	Mayor/Billings Stephenson Ward III																							
John Staley	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1	E	V	V											
David Nordel	Mayor/Billings Ward V	1	E	E	1	1	1	1	1	1	1	1	1											
Troy Boucher	YC District 1	A	A	A	A	A	1	A	1	1	E	A												
Dennis Cook	YC District 2	1	1	1	1	1	1	1	1	1	1	1	1											
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-											
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-											
Woody Woods	YC District 5	1	1	1	1	1	1	1	1	1	1	1	1											
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-											
Morgan Tuss	YC District 7	-	-	-	-	-	-	-	-	-	-	V	1											
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-												

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# CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

Scott Reiter	Ex-Officio SD2	E	E	E	E	A	I	E	E	E
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JUNE 13, 2023

Approved by a motion on July 11, 2023

## PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES

As legally advertised, The Yellowstone County Board of Planning met on June 13, 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/AgendasMinutes>
- View the meeting live online at Facebook: <https://www.facebook.com/Billings-PlanningCommunity-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All e-mails 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 o  
Email: [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov)
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1. Call the Meeting to Order: President Cook called the meeting to order at 6:00 p.m. on Tuesday, June 27, 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 Dept.; Scott Walker, Transportation Coordinator; Dave Green Planner II, Tammy Deines, Planning Clerk

Participating Virtually: Planning Board member John Staley

Others in Attendance: Brandon Schmitdt, City of Billings Parks and Recreation; Matt Smith, Staley Engineering, Dax Simek, Staley Engineering. Jeff Roach, Director, Aviation & Transit, City of Billings, Andy Daleiden, Consultant, Kittelson and Associates

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2. Approval of Agenda – Board member Nordel 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: June 13, 2023

Motion by Board member Staley and seconded by Board member Ronquillo approve the June 13, 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.

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. Board member Woods disclosed he is a member of the Lockwood Pedestrian Safety District and he will not comment on agenda item 7b due to conflict of interest. Board member Tuss disclosed she is a member of Billings Trail Net and she will not comment on agenda item 7b due to a conflict of interest.

### 7. OLD BUSINESS

7a. Motion/Recommendation to PCC. Billings Urban Area Long Range Transportation Plan, (LRTP), Scott Walker, Transportation Coordinator, presenting.

Scott Walker opened the agenda item with a brief overview of the report below. During the June 13th meeting the Planning Board received a presentation from staff and Andy Delaiden of Kittleson presented an overview of the Long Range Transportation Plan. There was limited discussion from the Planning Board. The public hearing was held and no public comment was received. Planning Board will act on this item at this meeting and forward its recommendation to the Policy Coordinating Committee for consideration and adoption in mid-July. Consultant Andy Daeliden is present this evening. City Council and the Board of County Commissioners have forwarded recommendation of approval. The PCC meeting will be July 18, 2023.

### 2023 Billings Urban Area Long Range Transportation Plan (LRTP)

2023 LRTP Vision: Support a livable and economically vibrant community through a safer and more equitable multimodal transportation system.

2023 LRTP Goals: Safety, Resiliency, Mobility, Equity & Accessibility, Economic Vitality.

Billings-Yellowstone County MPO Planning Area: 151 square miles MPO Planning Area;  
122 Miles of Roadways; 140.5 Miles of Bicycle Facilities; 86 Miles of Trails; 14  
Bus Routes; 28,787 Population in 2020; 57,343 Households in 2020

Long Range Transportation Plan Elements: Pedestrian, Bicycle, Safe Routes to

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School, Congestion Management, Safety, Freight, Land Use, Demographics, Travel Demand Model, Security & Resiliency, Emerging Technology Readiness, Vision, Goals & Objectives, Federal, State & Local Funding, Projects & Implementation, Air Quality Conformity

Community Outreach/2023 LRTP Steering Committee: Planning Transportation Team MPO: Scott Walker, Lora Mattox, Elyse Monat. City of Billings City Council and Staff: Ed Gulick, Dakota Martonen, Chis Kukulski, Monica Plecker, Wyeth Friday. MDT Samantha Woods Kurtis Schnieber. Lockwood: Woody Woods. Dennis Cook, Planning Board President; Billings Transit: Rusty Logan, Sarah Graham, Healthy by Design: Tony Chase. Federal Highway Administration: Katie Potts

Community Outreach (15 month Schedule): 2-Public Open Houses: 30 Total attendees; 2-Online Interactive Maps: 558 Total Comments; 3-Press Releases; 7-Media Announcements (On-Air, Online, and Print); 10-Steering Committee Meetings, 2 Elected Officials Workshops with representatives from: City of Billings, Yellowstone County, Lockwood, MET Transit, Billings MPO, RiverStone Heath, 12 Meetings to Various Community Groups.

Project List of 416 Projects: 72 projects from existing programs CIP, TIP STIP. 39 projects from recent plans and studies since the 2018 LRTP, 238 projects from 2018 LRTP, 67 projects from LRTP analyses and community input

Fiscally Constrained Project List: The costs to design, construct, operate, and maintain all elements of the committed and recommended projects in the LRTP through 2045 are approximately \$988 million. The estimated available revenue (\$1,251 million) is greater than the estimated total costs (\$988 million) to implement the committed and recommended projects for the 2023 LRTP. Therefore, this plan is fiscally responsible and meets the fiscally constrained requirement.

Project Funding:

Committed Projects: Projects already committed/ funded in the MDT STIP, MPO TIP, or City of Billings CIP.

Recommended Projects: Projects that are expected to be fully funded by 2045.

Illustrative Projects: Projects that are not expected to be fully funded by 2045 because of fiscal constraint but could be included if additional resources become available.

The Plan is available at: [billingslrtp.com](http://billingslrtp.com)

Interactive Project List Map is available at <https://maps.kittelson.com/billingslrtp2023>

Consultant Contacts: Andy Daleiden, Phone: 208-472-9804, [adaleiden@kittelson.com](mailto:adaleiden@kittelson.com)

Lisa Olmsted, Phone: 406-869-6329 [lolmsted@dowl.com](mailto:lolmsted@dowl.com)

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### Discussion

President Cook called for questions and discussion. There was none.

### Motion

Board member Gravgaard made a motion and Board member Woods seconded the motion to forward a recommendation to PCC of approval of the Final Draft 2023 LRTP as presented by staff. There was no discussion on the motion. The motion carried with a unanimous voice vote.

7b. Motion/Recommendation to PCC. Transportation Alternative Program, (TA), Scott Walker, Transportation Coordinator, presenting.

Scott Walker opened the agenda item with a staff presentation. A public hearing for this agenda item was held during the June 13, 2023 Planning Board meeting. Two projects are funded for construction as a part of the TA Program this year, Stage Coach Trail, and the sidewalk portion on Old Hardin Road.

### RECOMMENDATION

Staff recommends the Planning Board (PB) forward a recommendation of approval of the two submitted Transportation Alternative (TA) projects to the Policy Coordinating Committee (PCC). The PCC is scheduled to take final action on the TA projects at its meeting on July 18.

### BACKGROUND

The Transportation Alternatives Program (TA) is a set-aside program from the Surface Transportation Block Grant (STBG) program. Eligible uses of the funds include projects and activities that were previously eligible under the Transportation Alternatives Program under the Moving Ahead for Progress in the 21st Century Act (MAP-21). This includes a variety of pedestrian and bicycle facilities, recreational trails, safe routes to school projects and other community improvement projects. The Bipartisan Infrastructure Law (BIL) allows for Metropolitan Planning Organizations (MPOs) to administer their own competitive application process with approval and oversight from the Montana Department of Transportation (MDT). Billings, Missoula, and Great Falls will be overseeing a local process for the TA funding that is specific to areas with a population of over 50,000. Entities within the MPO may also apply with MDT's Call for Applications as well, as there is funding that is not tied to population. The timeline for both processes runs concurrently. This year, the MPO received an allocation of approximately \$6.38 million of TA funds. This includes several years of previously unspent TA funds managed by the Montana Department of Transportation. Future year funding will be approximately \$700,000 annually. Two projects were submitted requesting funding. The first is from Yellowstone County on behalf of the Lockwood Pedestrian Safety District. A proposed sidewalk gap connection along Old Hardin Road between two end points that are being constructed by Yellowstone County on one end and the Montana Department of Transportation (part of the Billings Bypass project) on the other. This project will complete the 2,200' gap. The second project, Stagecoach Trail, was submitted by the City of Billings Parks Department and will construct a 10' wide shared use path from the Skyline Trail on the east side of Zimmerman Trail to Rimrock Road below the Rims. The TAC based the scoring of the applications based on a process developed by the MPO with guidance from MDT. Based on a total

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of 100 points, 10 points for Project Description, 45 points for Project Benefits and 45 points for Project Risk Analysis. Based on TAC scoring and the available TA funding, TAC is recommending to fully fund both projects.

### Discussion

President Cook called for questions and discussion from the members of the Board. In response to question by President Cook, Scott Walker said the projects timelines can move forward following PCC approval and final concurrence from MDT and FWHA. MDT will oversee the project management for the Lockwood sidewalk project and the Stage Coach Trail will be overseen by the City of Billings Public Works Department. The estimated completion for the Stage Coach Trail project is the summer of 2024.

### Motion

Board member Staley made a motion and Board member Ronquillo seconded the motion to forward a recommendation of approval of the Lockwood Sidewalk Project Transportation Alternative (TA) project to the Policy Coordinating Committee (PCC). There was no discussion on the motion.

### Discussion

Board member Staley commented on the need for this projects as there have been multiple close calls for students and pedestrians as this is a bus route. He stated this is a great project. Board member Gravgaard concurred and stated that public safety is a key component for this project.

The motion carried with a unanimous voice vote. Board member Woods was recused from this vote due to a stated conflict of interest.

Board member Stephenson made a motion and Nordel seconded the motion to forward a recommendation of approval of the Transportation Alternative (TA) Stage Coach Trail project to the Policy Coordinating Committee (PCC).

### Discussion

There was no discussion on the motion.

The motion carried with a unanimous voice vote. Board member Tuss was recused from this vote due to a stated conflict of interest.

7c. Public Hearing. Motion/Recommendation to City Council. Howard Billings Industrial Subdivision, (AKA Zeiler Subdivision). City Major Plat. SLH INDUSTRIAL LLC, owner. Matt Smith, Stahly Engineering & Associates, Engineer/Agent. Dave Green, Planner II presenting. Dave Green opened this agenda item with the staff report below. (City Council action July 24, 2023).

### RECOMMENDATION

Staff recommends the Planning Board forward to the City Council a recommendation to conditionally approve the preliminary plat of Howard Billings Industrial Subdivision, adopt the Findings of Fact as presented in the staff report, and deny the variance request.

BACKGROUND On May 1, 2023, Stahly Engineering & Associates for SLH Industries LLC, applied for preliminary major plat approval for Howard Billings Industrial Subdivision. The

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proposed subdivision creates 40 lots for commercial development. The subject property is generally located west of Mullowney Lane and south of South Frontage Road. The property is zoned Heavy Commercial (CX), builders will follow the CX zoning when developing the lots.

### VARIANCES REQUESTED

The applicant is requesting a variance from the subdivision regulations, Section 23-406.A.1, Streets and

Roads, relation to undeveloped areas. Staff has recommended denial of the variance

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 protect public health and safety and minimize traffic conflicts, prior to final plat approval, City Engineering has requested the developer directly line up their Holiday Lane road with the existing Holiday Lane on the east side of Mullowney. This shall be depicted correctly on the Final Plat.
3. To protect public health and safety and to minimize the possibility of traffic conflicts, prior to final plat approval, the applicant will place a no access strip on lots that have a lot line in common with the road edges of Mullowney Lane and South Frontage Road. Lot 2, Block 5 and Lot 1, Block 1, shall have a no access strip place on it from Mullowney Lane going west for 100 feet. Lot 17, Block 1, and Lot 1, Block 3 shall have a no access strip placed on them from South Frontage Road going south 100 feet.
4. To protect public health and safety and minimize the impacts on local services, the subdivider shall provide connectivity to an existing trail and neighboring subdivision by installing a pedestrian bridge across Hogan's Slough. This bridge will connect the existing trail located in QFC subdivision to this proposed subdivision with a 10-foot-wide paved surface that will extend from their new internal street to the existing 10 foot wide paved trail in QFC subdivision. The connection shall be depicted on the final plat and the SIA shall include language describing the bridge and pedestrian connection. \*Note, This condition reflects staff's recommendation of denial for the variance. If the Planning Board approves the variance, this condition of approval will no longer apply.
5. To protect public health and safety, prior to final plat, the applicant will coordinate with the USPS to locate a central box unit for the subdivision and provide enough space for the mail delivery person to safely stop there and deliver the mail.
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.

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7. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, 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 Woods asked regarding the trail connection from the west and clarification was given by Planner Dave Green on the posted map. There is an option for a trail connection on Lot 11 to the adjacent parcel. Internal streets and sidewalks will be used for a north-south connection. Holiday Avenue will be aligned to connect to Mullowney Lane. Board member Nordel asked about Hogan’s Slough and storm water flows. Matt Smith, Staley Engineering said the site slopes from the northwest to the southeast 2% slope. He said they considered a pond for drainage to Hogan’s Slough but it isn’t feasible due to the slope.

### Public Hearing

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against the Howard Billings Industrial Subdivision. There was none.

President Cook closed the public hearing and called for a motion.

### Motion

Board member Stephenson made a motion and Board member Woods seconded the motion to forward to the City Council a recommendation to conditionally approve the preliminary plat of Howard Billings Industrial Subdivision, adopt the Findings of Fact as presented in the staff report, and deny the variance request.

### Discussion

President Cook called for discussion on the motion. There was none.

The motion carried with a unanimous voice vote.

8. NEW BUSINESS: There is no New Business.

## 9 OTHER BUSINESS

9a (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects. Wyeth Friday, Director, Planning & Community Services Department.

- Update. Crime Prevention through Environmental Design (CPTED). City wide training was held in May for CPTED training and certification. A July 5, 2023 discussion is schedule for short term and long term implementations strategies. The current focus is on City-owned properties. Data gathered will be brought forward to City Council and an overview will be given during the July 17, 2023 Work Session.
- DEQ Subdivision Review process-staff is working to get a representative to bring a presentation to the Planning Board.
- Master Planning Process for Cottonwood Park- The 1<sup>st</sup> public meeting is scheduled for June 29, 2023 at Ben Steele Middle School. July 10, 2023 City Council will vote on a resolution

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to move a bond for the fall election for Cottonwood Park, the multi-generational recreation center at Amend Park, and some trail projects.

- Legislative Session – Staff will share the spreadsheet of Land Use Legislation with the Board.

Staff will bring a presentation to the Board during a future meeting.

- CIP Projects – Planning & Public Works are working through the Highway 3 Corridor land uses to develop a long term utility service plan. A similar economic analysis will be done for the Heights.

B. Announcement: After 22 years of service as Planning Clerk, Tammy Deines is retiring with her final day of work on July 28, 2023.

ADJOURNMENT: 7:19 PM

APPROVED BY A MOTION July 11, 2023

Tamara L. Deines, Planning Clerk

## Planning Board

**Date:** 07/11/2023  
**Title:** Yellowstone River Ranch RV Park Subdivision - Preliminary Major Plat Review  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### Information

#### RECOMMENDATION

Staff proposes the Planning Board recommend to the Board of County Commissioners conditional approval for the preliminary plat of Yellowstone River Ranch RV Park, and adoption of the Findings of Fact as presented in the staff report.

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

On June 1, 2023, IMEG, agent for Cameron Jones, applied for preliminary major plat approval of Yellowstone River Ranch RV Park. The subject property is generally located on the north side of Highway 312 and west of Nibbe. This parcel of land is outside of zoning. It is surrounded by farmland with few residential properties.

#### VARIANCES REQUESTED

No variance has been requested from the County Subdivision Regulations.

#### PROPOSED CONDITIONS OF APPROVAL

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

1. To protect public health and safety, prior to final plan approval, the applicant will receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To provide future funding for the maintenance of public road within the proposed subdivision, prior to final plan, the applicant will create an RSID for the public road section that provides access to the dry hydrant system.
3. To protect public health and safety with proper fire suppression, prior to final plan approval, the applicant will submit drawings to Worden Fire Department for review and approval of the proposed locations of new fire hydrants within the subdivision expansion.
4. To minimize effects on the natural environment, prior to final plan 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 plan shall comply with all requirements of the Yellowstone County Subdivision Regulations, and depict compliance with section 6.4. The final plan shall comply with all rules, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

#### PROCEDURAL HISTORY

- Pre-application meeting December 12, 2022
- Preliminary plat application submitted to Planning Division on June 1, 2023
- Departmental review meeting June 15, 2023
- Preliminary plat re-submittal June 22, 2023
- Planning Board plan review July 11, 2023
- Planning Board public hearing July 25, 2023
- Preliminary plat to Board of County Commissioners, August 15, 2023
- 60 working-day preliminary plan review period ends August 25, 2023

#### PLAT INFORMATION

**General location:** North side of Highway 312 and west of Nibbe.  
**Legal Description:** S30, T03 N, R30 E, W2NE N OF RWY (Less Canal & Western Sugar Lease Site #I00098H)  
**Owner/Subdivider:** Cameron Jones

Engineer and Surveyor: IMEG  
Existing Zoning: Outside of zoning  
Existing land use: Vacant native grassland  
Proposed land use: RV Park  
Gross and Net area: 43.7 gross / 36.44 net  
Proposed number of lots: 36 Spaces  
Lot size: Max: 36.44  
Min: 36.44

Parkland requirements: No parkland dedication is required as these are not permanent RV spaces, Yellowstone County Subdivision Regulations 10.8.D.

### **STAKEHOLDERS**

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on July 25, 2023.

### **ALTERNATIVES**

In accordance with state law, the Board of County Commissioners have 60 working days to act upon this major preliminary plan. The 60 working day review period for the proposed subdivision ends on August 25, 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 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 Yellowstone River Ranch RV Park. These findings are based on the preliminary plan 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 and brush. There are no water rights or shares that will be available for the RV park. 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 using a well and distribution system to provide water to the proposed RV park. Water lines will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the DEQ. This information is outlined in the SIA under the heading VI Utilities A Water.

b. **Septic** - The applicant is proposing a public wastewater treatment and disposal system with gravity mains to a septic tank and level II treatment facility and pressurized zoned drain field. 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. This information is outlined in the SIA under the heading VI Utilities B Septic System.

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 easements identified on the plat.

c. **Streets and roads** – There will be one main road that loops off Highway 312 providing access to the camping sites. It will be built in 60-foot-wide right of way 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 camping sites will be accessed from this internal road. The main access road and accesses to the camp sites will be private. There is a requirement for a 30,000-gallon dry hydrant system for this application. The road that the dry hydrant system is accessed from will be a

public section of road. The applicant will be creating an RSID for maintenance of the public section of road and for the dry hydrant system. **(Condition #2)**

d. **Fire and Police services** – The property is within the Worden Volunteer Fire Department Station 2 - Huntley MT. The location and proposed installation will be reviewed and approved by the Worden volunteer fire department prior to the installation of the hydrants. **(Condition #3)**

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. The lot owner will be responsible to arrange 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 Huntley Project School District. This proposed RV park will not have any effect on the school as there will be no permanent tenants.

h. **Parks and recreation** – No parkland dedication is required as these are not permanent RV spaces, Yellowstone County Subdivision Regulations 10.8.D.

i. **Postal Service** – Postal delivery is not planned for the RV park as they are temporary stay sites and not for long term stays. The existing home, which will be used as an office, will continue to receive mail. Should there be any change to what is already in place for the USPS the applicant will coordinate that change with the USPS.

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 owners of the likely presence of wildlife in the area and their potential to damage 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 Worden Volunteer Fire Department Station 2 - Huntley MT 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. There were no significant impacts identified in the assessment. The land is not considered prime farmland and hasn't been used as such. It is native grass and shrubs on most of the parcel. The RV park will only be on a small portion of the parcel and the majority of the land will not change.

#### **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: 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 is outside the road study area of the Transportation Plan.

##### **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. Newly developed 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 Highway 312.

**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 Yellowstone River Ranch RV Park, recommending conditional approval and adopt the Findings of Fact as presented in the staff report.

# EXHIBIT 'A'

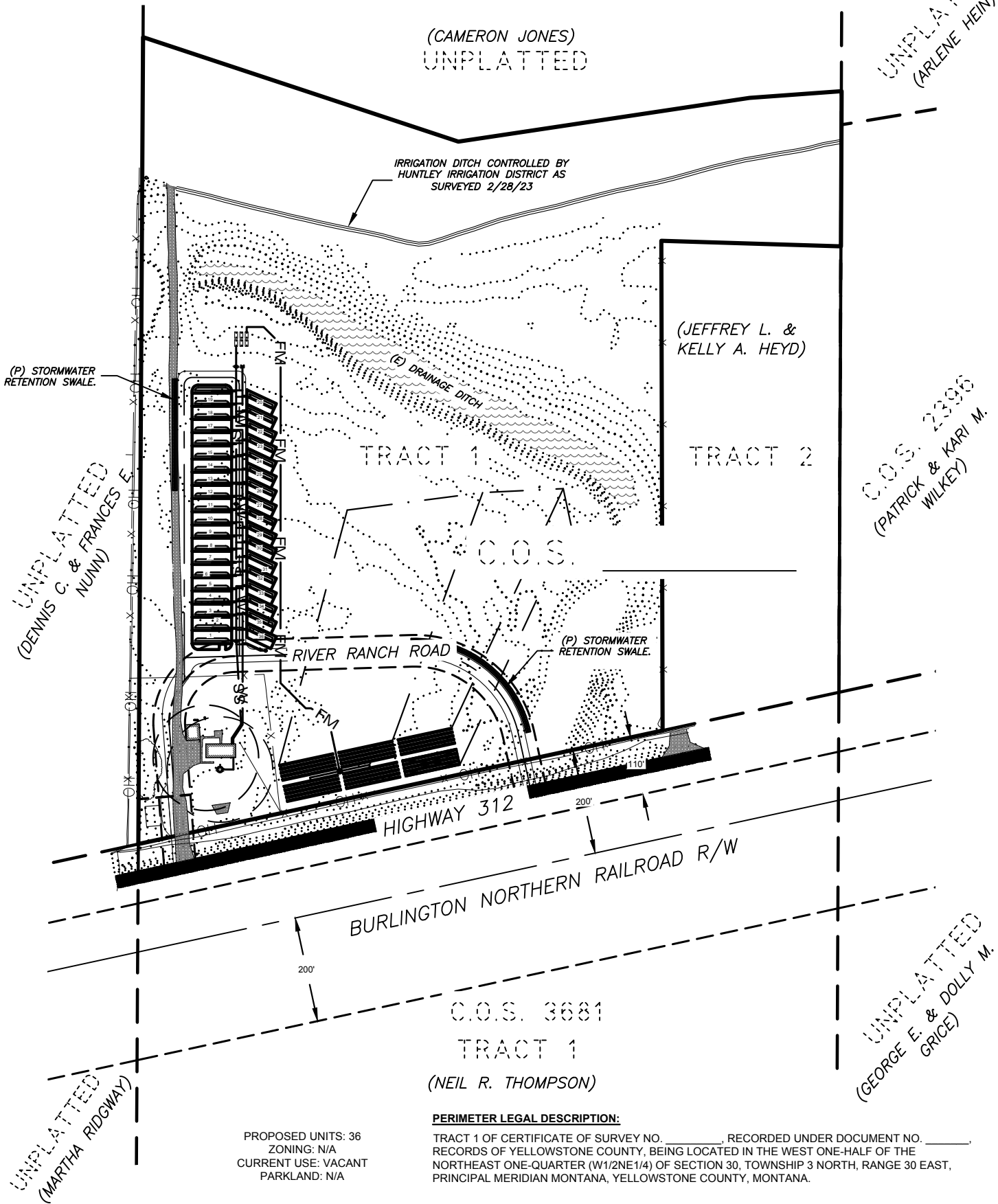
LOCATED IN THE W1/2NE1/4 OF SEC. 30, T.3N., R.30E., P.M.M., YELLOWSTONE COUNTY, MONTANA

**MAPPING NOTES:**

LOCATION OF PROPERTY LINES AND EASEMENTS SHOWN HEREON ARE FOR MAPPING PURPOSES ONLY AND ARE APPROXIMATE IN NATURE; THEREFORE, THIS MAP IN NO WAY REPRESENTS A LEGAL BOUNDARY SURVEY.

**LEGEND**

	(E) PROPERTY BOUNDARY		(P) SEPTIC TANK
	(E) ADJACENT PROPERTY BOUNDARY		(P) DRAINFIELD
	(E) EASEMENT		(E) WELL
	(P) WATER LINE		(E) TELEPHONE JUNCTION BOX
	(P) WATER SERVICE		(E) POWER METER
	(P) SEWER LINE		(E) POWER POLE
	(P) SEWER SERVICE		(E) GUY WIRE
	(P) SEWER FORCE MAIN		(E) LIGHT POLE
	(E) OVERHEAD UTILITY		(E) FIBER OPTIC LINE
	(E) TELEPHONE LINE		(E) FENCE LINE
	(E) FIBER OPTIC LINE		(E) ASPHALT
	(E) FENCE LINE		(E) GRAVEL
	(E) ASPHALT		(E) CONCRETE



**PERIMETER LEGAL DESCRIPTION:**

TRACT 1 OF CERTIFICATE OF SURVEY NO. \_\_\_\_\_, RECORDED UNDER DOCUMENT NO. \_\_\_\_\_, RECORDS OF YELLOWSTONE COUNTY, BEING LOCATED IN THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (W1/2NE1/4) OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 30 EAST, PRINCIPAL MERIDIAN MONTANA, YELLOWSTONE COUNTY, MONTANA.

PROPOSED UNITS: 36  
ZONING: N/A  
CURRENT USE: VACANT  
PARKLAND: N/A



175 N. 27TH. ST. STE. 1312 PH: 406.248.9000  
BILLINGS, MT FAX: 406.721.5224  
59101 www.imegcorp.com

SITE PLAN  
YELLOWSTONE RIVER RANCH RV PARK  
TRACT 1 OF C.O.S. NO. \_\_\_\_\_  
SEC. 30, T.3N., R.30E., P.M.M.  
YELLOWSTONE COUNTY

PROJECT # 2005824  
TABLAYOUT 1  
DRAFTER BK  
DATE:  
SHEET 1 OF 3

# EXHIBIT 'A'

LOCATED IN THE W1/2NE1/4 OF SEC. 30, T.3N., R.30E., P.M.M., YELLOWSTONE COUNTY, MONTANA

## LEGEND

- (E) PROPERTY BOUNDARY
- (E) ADJACENT PROPERTY BOUNDARY
- (E) EASEMENT
- (P) WATER LINE
- (P) WATER SERVICE
- (P) SEWER LINE
- (P) SEWER SERVICE
- (P) SEWER FORCE MAIN
- (E) OVERHEAD UTILITY
- (E) TELEPHONE LINE
- (E) FIBER OPTIC LINE
- (E) FENCE LINE
- (E) ASPHALT
- (E) GRAVEL
- (E) CONCRETE

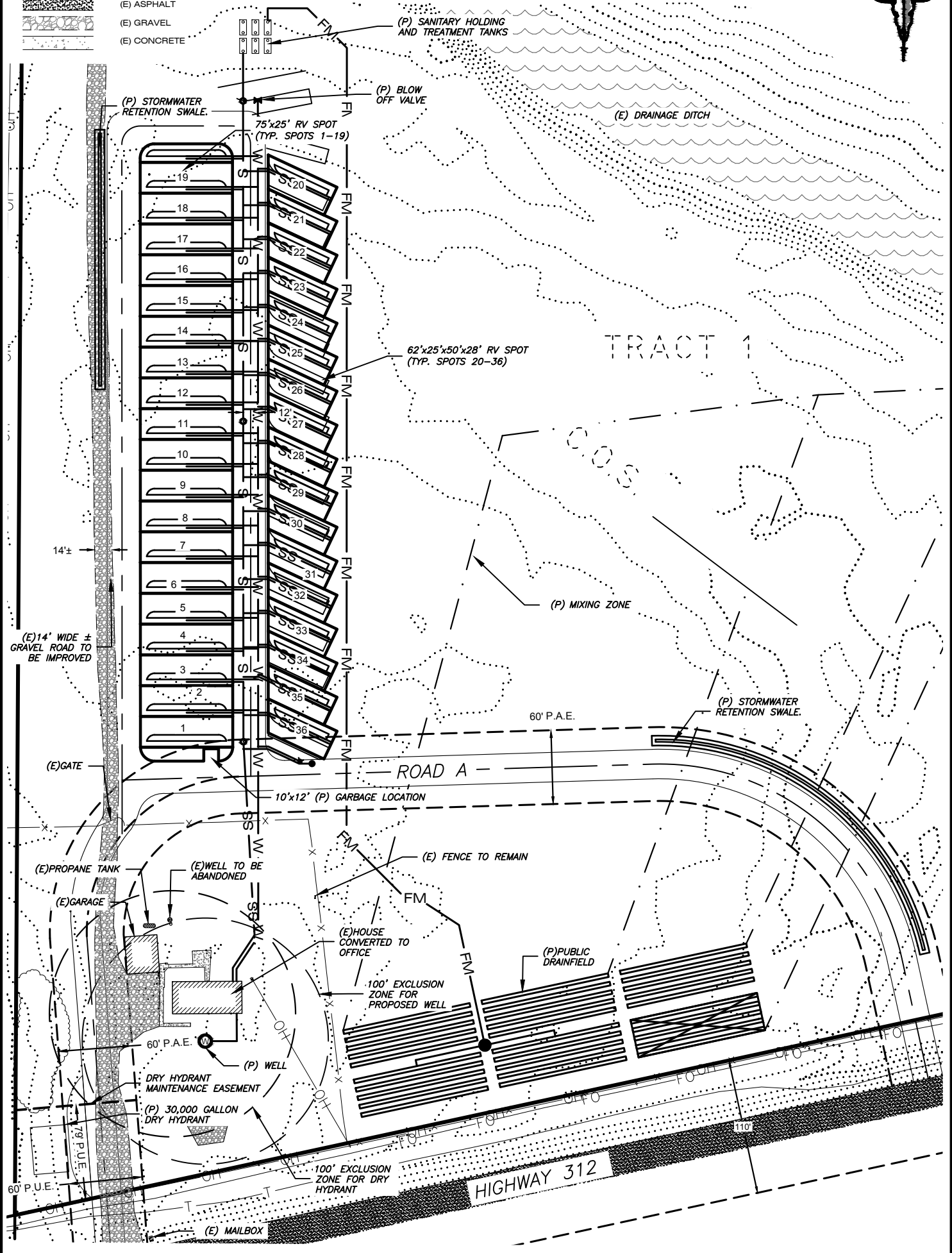
- (P) SEPTIC TANK
- (P) DRAINFIELD
- (E) WELL
- (E) TELEPHONE JUNCTION BOX
- (E) POWER METER
- (E) POWER POLE
- (E) GUY WIRE
- (E) LIGHT POLE

- (P) = PROPOSED
- (E) = EXISTING
- P.A.E. = PRIVATE ACCESS EASEMENT
- P.U.E. = PUBLIC ACCESS EASEMENT



## MAPPING NOTES:

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175 N. 27TH. ST. STE. 1312 PH: 406.248.9000  
BILLINGS, MT FAX: 406.721.5224  
59101 www.imegcorp.com

SITE PLAN DETAIL  
YELLOWSTONE RIVER RANCH RV PARK  
TRACT 1 OF C.O.S. NO. \_\_\_\_\_  
SEC. 30, T.3N., R.30E., P.M.M.  
YELLOWSTONE COUNTY

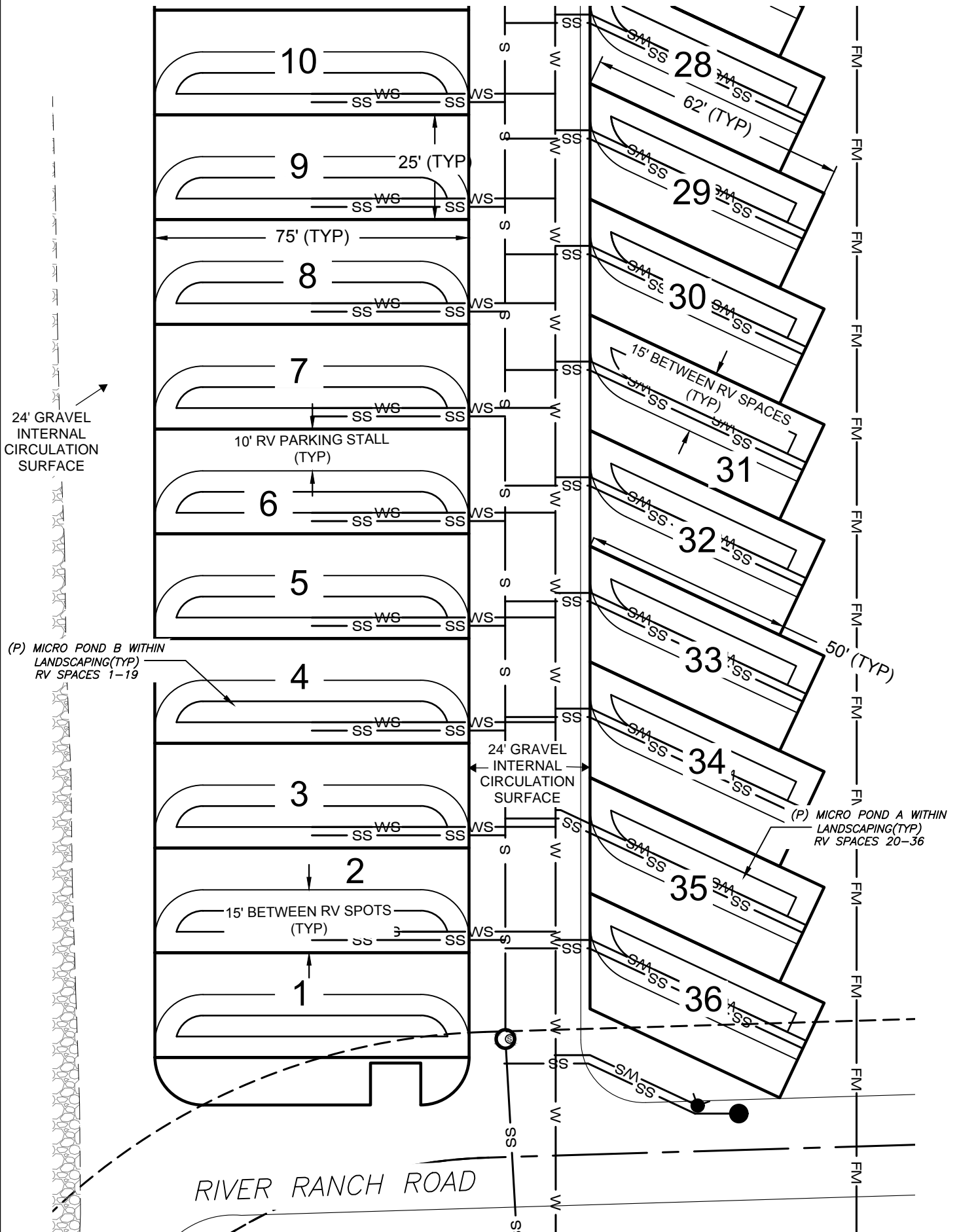
PROJECT #2005824  
TABLAYOUT 1  
DRAFTER BK  
DATE:  
SHEET 2 OF 3

# EXHIBIT 'A'

LOCATED IN THE W1/2NE1/4 OF SEC. 30, T.3N., R.30E., P.M.M., YELLOWSTONE COUNTY, MONTANA

**MAPPING NOTES:**

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175 N. 27TH. ST. STE. 1312 PH: 406.248.9000  
 BILLINGS, MT FAX: 406.721.5224  
 59101 www.imegcorp.com

TYPICAL RV SPACES DETAIL  
 YELLOWSTONE RIVER RANCH RV PARK  
 TRACT 1 OF C.O.S. NO. \_\_\_\_\_  
 SEC. 30, T.3N., R.30E., P.M.M.  
 YELLOWSTONE COUNTY

PROJECT # 2005824  
 TABLAYOUT 1  
 DRAFTER KB  
 DATE:  
 SHEET 3 OF 3

Return to:  
Cameron Jones  
2919 Mountain Springs Rd  
Reno, NV 89519-7359

**SUBDIVISION IMPROVEMENTS AGREEMENT**  
***Yellowstone River Ranch RV Park***  
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**(Yellowstone County)**

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# SUBDIVISION IMPROVEMENTS AGREEMENT

## Yellowstone River Ranch RV Park

**This agreement** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between Cameron Jones, whose address for the purpose of this agreement is 2919 Mountain Springs Road, Reno, NV 89519-7359, 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 *Yellowstone River Ranch RV Park*, and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *Yellowstone River Ranch RV Park*, 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 *Yellowstone River Ranch RV Park*, 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**

- A. The subdivider has not requested any variances from Yellowstone County Subdivision Regulations.

### **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 at no cost to the County and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G. Future maintenance of all public improvements shall be done through an RSID created as part of 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 location the access in an approved location at the owner's 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**

1. The internal road, River Ranch Road, will connect to US Highway 312 in

two different locations.

2. River Ranch Road will be 24-foot asphalt with 2-foot-wide gravel shoulders.
3. River Ranch Road will be a public access easement for the first 79' of the western most entrance off of Highway 312. This 79' public portion of River Ranch Road will be maintained using a RSID. The remainder of River Ranch Road will be a private access easement. Maintenance of the private portion of River Ranch Road will be the responsibility of the Subdivider.
4. RV spaces within Yellowstone River Ranch RV Park will be accessed using 24' gravel internal circulation surface.

**B. Traffic Control Devices**

One stop sign will be placed at each of intersections of River Ranch Road and Highway 312, totaling two stop signs within Yellowstone River Ranch RV Park.

**C. Access**

Access to the Yellowstone River Ranch RV Park will be provided by two approaches from US Highway 312. Access to the RV spaces is provided by the gravel internal circulation surface off of River Ranch Road.

**D. Billings Area Bikeways & Trail Master Plan (BABTMP)**

This subdivision is outside of the BABTMP. No improvements are required or proposed at this time.

**IV. EMERGENCY SERVICE**

Fire protection will be provided by the Huntley Project Fire Department.

Fire protection facilities shall be provided via a dry hydrant system(s) with a capable 30,000-gallon underground water storage tank. The system(s) shall be capable of providing a minimum of 1,000 gallons per minute at draft.

The Subdivider shall submit plans and specifications of the dry hydrant system to the Huntley Project Fire Department for review and approval prior to installation of the system. The tank shall be installed within a dry hydrant easement with access from the public access easement portion of River Ranch Road. The dry hydrant system shall be inspected, acceptance tested, and approved by the Huntley Project Fire Department prior to construction of any buildings in the subdivision. An RSID will be created for maintenance of the dry hydrant.

**V. STORM DRAINAGE**

In accordance with Section 4.7 Yellowstone County Subdivision Regulations, all proposed storm water drainage facilities shall be provided in accordance with standards set by the Montana Department of Environmental Quality. Storm drainage facilities will consist of roadside retention swales. One storm water retention swale is proposed to be located west of RV Spaces 12- 19. A second storm water retention swale is proposed to be located adjacent to the eastern curve of River Ranch Road. Storm water drainage design will be approved by DEQ by final plan approval.

**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.

Yellowstone River Ranch RV Park proposes to be served by an onsite public water supply consisting of an onsite production well and distribution system. DEQ approval of the onsite water supply design will be obtained by final plan approval.

**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.

Yellowstone River Ranch RV Park proposes an onsite public wastewater treatment and disposal system consisting of gravity mains to a septic tank and a level II treatment facility and pressurized zoned drain field. DEQ approval of onsite septic system will be obtained by final plan approval.

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

The private utilities shall be installed within the easement of River Ranch Road.

**VII. PARKS/OPEN SPACE**

No Parkland dedication is required as these are not permanent RV spaces, per Yellowstone County Subdivision Regulations Section 10.8.D.

**VIII. IRRIGATION**

A ditch controlled by the Huntley Irrigation District is on the property. Yellowstone River Ranch RV Park does not disturb this ditch. This ditch shall remain in place and not be altered by the subdivider or subsequent 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. 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.

**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 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.)

**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 in 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 RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.



This agreement is hereby approved and accepted by Yellowstone County, this \_\_\_\_ day of \_\_\_\_\_, 2023.

“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.

SS  
\_\_\_\_\_

