



YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

JULY 25, 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: bernsb@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 Brenda Berns, Planning Clerk at bernsb@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. **MEETING MINUTES:** Motion/Approval July 11, 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. Yellowstone River Ranch RV Park Subdivision - Preliminary County Major Plan.** Anna Vickers, IMEG, agent for Cameron Jones, applicant. Dave Green, Planner II, Presenting.
2. **Public Hearing. Staff Presentation. Billings Urban Area Unified Planning Work Program, (UPWP), 2024-Highway and Transit DRAFT.** Scott Walker, Transportation Coordinator, Rusty Logan, Transit Manager, presenting.
8. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. **Conservation Easement (Duck Creek Area). Staff Presentation. Board Discussion.** Planning staff recommends the Board review and provide comment on the proposed conservation easement in accordance with Montana Code Annotated (MCA) 76-6-206. There is no formal action required other than to consider the item and provide comment, if any.
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, AUGUST 8, 2023

- a. **Plat Review. Board Discussion. Onyx Point Subdivision. County Major Subdivision.** Myron S. Gross and Nancy J Gross, applicant. Forrest Mandeville, Land Development Solutions, Agent. Dave Green, Planner II, presenting.
- b. **Motion/Recommendation to City and County Governing Bodies and PCC. Billings Urban Area Unified Planning Work Program, (UPWP), 2024-Highway and Transit DRAFT.** Scott Walker, Transportation Coordinator, Rusty Logan, Transit Manager, presenting.
- c. **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN, CPTED, Presentation.** Staff and Board Discussion. - Billings Policy Department and Planning Staff

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



Public Hearing Participation Guidelines

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

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

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

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

2. Provide specific information about why you are concerned about the pending application, how the decision will impact the review criteria listed above, and provide suggestions on how to minimize or eliminate the impact.

3. Respect the right of others to participate. Wait until the previous speaker has completed their comments before making your own comments. Do not talk over the person commenting or with other people in attendance.

4. The public hearing is not an opportunity to question or accuse the applicant or their agent. If you have questions of the Board, the applicant or the agent, ask the question directly to the Board during the public hearing portion of the meeting. The Board will respond or request the applicant or agent to respond after the public comment portion of the hearing is closed.

5. After the public comment portion of the hearing is closed, no further comments are allowed unless you are addressed directly by a Board member.

6. You should expect the Board to make a balanced recommendation in accordance with its statutory responsibilities. The Board's ability to make reasonable and thoughtful recommendations is dependent on a fair consideration of everyone's interests.

Thank you for participating.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 07/25/2023

Information

Subject

MEETING MINUTES: Motion/Approval July 11, 2023

Attachments

PLNB_2023_07_11_MIN_DRAFT.pdf

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

	Position	01/10/2023	01/24/2023	02/14/2023	02/28/2023	03/14/2023	03/28/2023	04/11/2023	04/25/2023	05/09/2023	05/23/2023	06/13/2023	06/27/2023	07/11/2023	07/25/2023	08/08/2023	08/22/2023	09/12/2023	09/26/2023	10/10/2023	10/24/2023	11/14/2023	11/28/2023	12/12/2023	
Jim Ronquillo	Mayor/Billings Ward I	1	1	1	1	1	1	E	1	1	1	1	A	1											
Roger Gravgaard	Mayor/Billings Ward II	1	1	1	1	1	1	1	1	1	1	V	1	V											
Dennie Stephenson	Mayor/Billings Ward III	1	1	1	1	1	1	1	1	1	1	1	1	1											
John Staley	Mayor/Billings Ward IV	1	1	1	1	1	1	1	1	1	E	V	V	1											
David Nordel	Mayor/Billings Ward V	1	E	E	1	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	A	A											
Dennis Cook	YC District 2	1	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	1											
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-											
Morgan Tuss	YC District 7	-	-	-	-	-	-	-	-	-	-	V	1	E											
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-											
Scott Reiter	Ex-Officio SD2	E	E	E	E	A	1	E		E	E	E	E	V											

JULY 11, 2023

DRAFT- To be approved by a motion on July 25 , 2023

PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES

As legally advertised, The Yellowstone County Board of Planning met on July 11, 2023 in the Miller Building 1st Floor Conference Room.

Citizens are invited to:

→Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>

→View the meeting live online at Facebook: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

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1. Call the Meeting to Order: President Cook called the meeting to order at 6:00 p.m. on Tuesday, July 11, 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; Dave Green Planner II; Tammy Deines Planning Clerk; Brenda Berns Planning Clerk; Mike Black YC Public Works; Ronni Tallerico Yellowstone County Public Works.

Participating Virtually: Roger Gravgaard, Scott Reiter

Others in Attendance: Anna Vickers IMEG; Renae Heiser, IMEG

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

3. Approval of Minutes: June 27, 2023

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Motion by Board member John Staley and seconded by Board member Jim Ronquillo to approve the June 27, 2023 meeting minutes as submitted. The motion carried with a unanimous voice vote.

4. Public Comment: President Dennis 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 were no questions from the public.

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.

7. OLD BUSINESS There is no Old Business.

8. NEW BUSINESS:

8a. Plat Review. Board Discussion. Yellowstone River Ranch (36 Space RV Development). Cameron Jones, applicant. Anna Vickers, IMEG, agent. Dave Green, Planner II, presenting. Planner Dave Green opened the agenda item and gave an overview of the staff report below. No parkland dedication is required for this RV Park. A public hearing will be held on July 25, 2023 and this application is scheduled for hearing by the BOCC on August 15, 2023.

INTRODUCTION

On June 1, 2023, IMEG, agent for owner 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 east of Nibbe. This parcel of land is outside of zoning. It is surrounded by farmland with few residential properties. Land is native grassland. There are 36 spaces proposed. There is a dump site at the edge of Nibbe. The RV's will enter and exit at the west edge, through a private road. The existing home on the property will become an office. The road will be paved to County standards. There is no impact on schools.

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 adopt the Findings of Fact as presented in the staff report.

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.

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1. To protect public health and safety, prior to final plat approval, the applicant will receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To provide future funding for the maintenance of public road within the proposed subdivision, prior to final plat, 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 plat 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 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 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.

DISCUSSION

President Cook asked the Board Members for questions and discussion. Board member Staley asked for clarification on the required separation between the units and the distance from the proposed hydrant to the end of the proposed parking area. Dave Green, Planner said requirement is to be within 2.5 road miles. Board Member Woods asked regarding the drain field. Anna Vickers, IMEG designed in accordance with DEQ requirements. Board Member Woods asked about exclusion zones-well and another for the dry hydrant. Anna Vickers. IMEG said dry hydrant isolation zone to keep separation distances and avoid contamination. Board Member Staley asked the distance of the proposed hydrant and last RV space. Dave Green, Planner said well within regulations.

APPLICANT PRESENTATION

Anna Vickers, IMEG, 175 N 27th Street Ste 1312, Billings, MT

Ms. Vickers said they will ensure the separation distances on the final survey. There is no plan for fencing. The parking area is gravel with some landscaped areas in correlation with the required separation distances. The County Weed District Plan will be submitted as a part of final plat review. IMEG provides Covenants on how the property should be managed in compliance with the weed management plan. The intent is permanent mitigation of weeds to reduce fire hazards. President Cook asked if there are any boundaries for length of stay. Anna Vickers, IMEG said the intent for a recreational parking spot with a restriction within the Covenants and Restrictions for a 14-day use at a spot, and not for long term stays or uses. The Subdivider will be running the RV park and implementing

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the Covenants accordingly. This project is to encourage tourism in the area.

A public hearing will be held for Yellowstone River Ranch Subdivision July 25, 2023.

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.

1. Policy Coordinating Committee-July 18, 2023. PCC will consider approval of the 2023 Long Range Transportation Plan.
2. City Council Overview on CPTED Environmental Design next Monday, July 17, 2023. A similar presentation will be brought to Planning Board late July or August.
3. DEQ informational presentation.
4. UPWP Annual Work Program to Planning Board.
5. President Cook initiated a discussion with Director Friday regarding affordable housing projects within the City of Billings. Looking at changes in State law. The City involved in affordable housing projects.

President Cook asked for questions. No questions were presented.

ADJOURNMENT 6:35pm

DRAFT—TO BE APPROVED BY A MOTION July 25, 2023

Brenda J Berns, Planning Clerk

Planning Board

Date: 07/25/2023
Title: Yellowstone River Ranch RV Park Subdivision - Preliminary Major Plan
Presented by: Monica Plecker
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff proposes the Planning Board recommend to the Board of County Commissioners conditional approval for the preliminary plan 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 plan 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 design and location of the dry hydrant and create an RSID for its maintenance.
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 plan application submitted to Planning Division on June 1, 2023
- Departmental review meeting June 15, 2023
- Preliminary plan re-submittal June 22, 2023
- Planning Board plan review July 11, 2023
- Planning Board public hearing July 25, 2023
- Preliminary plan 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.

Planning Board Plan Review, July 11, 2023.

Staff gave a presentation about the proposed RV subdivision to the planning board. President Cook asked the board members if there were any questions for staff. Board member Staley asked for clarification on the required separation between the units and the distance from the proposed hydrant to the end of the proposed parking area. Staff stated that the dry hydrant must be within 1/2 road mile of the farthest point in the proposed RV park. Board member Woods asked regarding the drainfield, specifically what type of system is it going to be. Anna Vickers, with IMEG, agent for the applicant, stated it will be a low pressure dose system, and it will be built in accordance with DEQ requirements. Board member Woods asked for clarification of the exclusion zones shown on the plan. One for the well and another for the dry hydrant. Vickers stated the two zoned are to keep separation distances and avoid cross contamination. Board member Staley asked if the distance and spacing affects fire safety. Ms. Vickers referred to the third page in the plan that shows the separations between units and that they meet the requirements set out in YCSR. Board member Staley stated that Chief Strom is the fire chief in Worden.

Anna Vickers with IMEG, agent for the applicant, stood to answer any other questions.

Ms. Vickers stated they will show the separation distances on the final plan. A question was asked about fencing the RV park. Ms. Vickers stated there is no plan for fencing. A question was asked about the parking area for the RV's and would they be gravel. Ms. Vickers stated the parking area is gravel with some landscaped areas in correlation with the required separation distances. A County Weed Plan will be submitted as a part of final plan review. Covenants will be included on management of the property and will include the weed management plan. The weed plan will be the responsibility of the property owner, who also will own the RV park. Dennis Cook asked will there be a maximum time someone can stay at the RV park? Ms. Vickers stated the owner intends for a recreational parking spot with a restriction of a maximum 14-day use of an RV space. This will also be within the Covenants and Restrictions for the RV park. The subdivisor's intent is not for long term stays or uses. This project is to support/encourage tourism in the area.

There were other questions from the board.

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 plan 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'

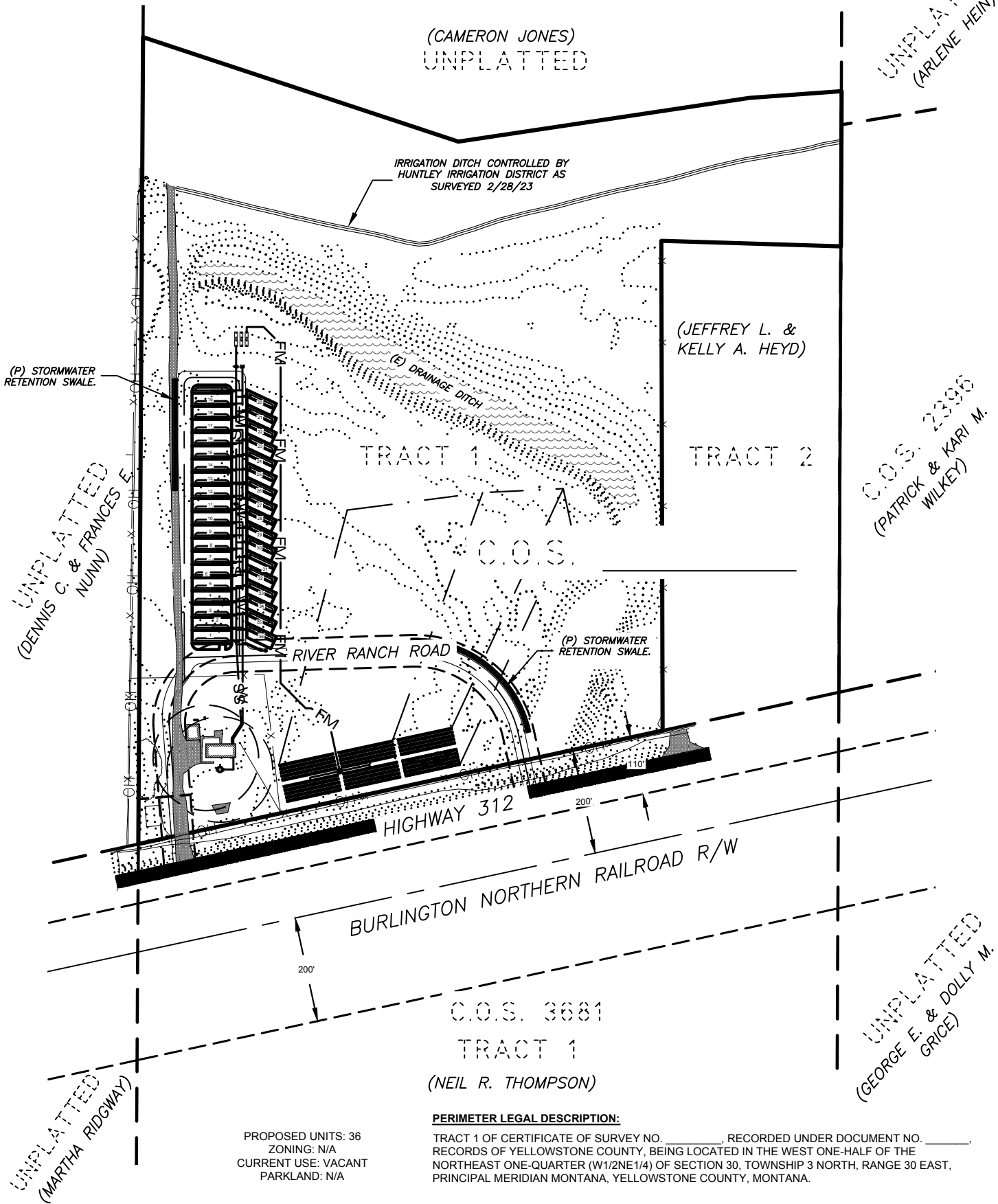
LOCATED IN THE W1/2NE1/4 OF SEC. 30, T.3N., R.30E., P.M.M., YELLOWSTONE COUNTY, MONTANA

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) FENCE LINE
	(E) TELEPHONE LINE		
	(E) FIBER OPTIC LINE		
	(E) FENCE LINE		
	(E) ASPHALT		
	(E) GRAVEL		
	(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

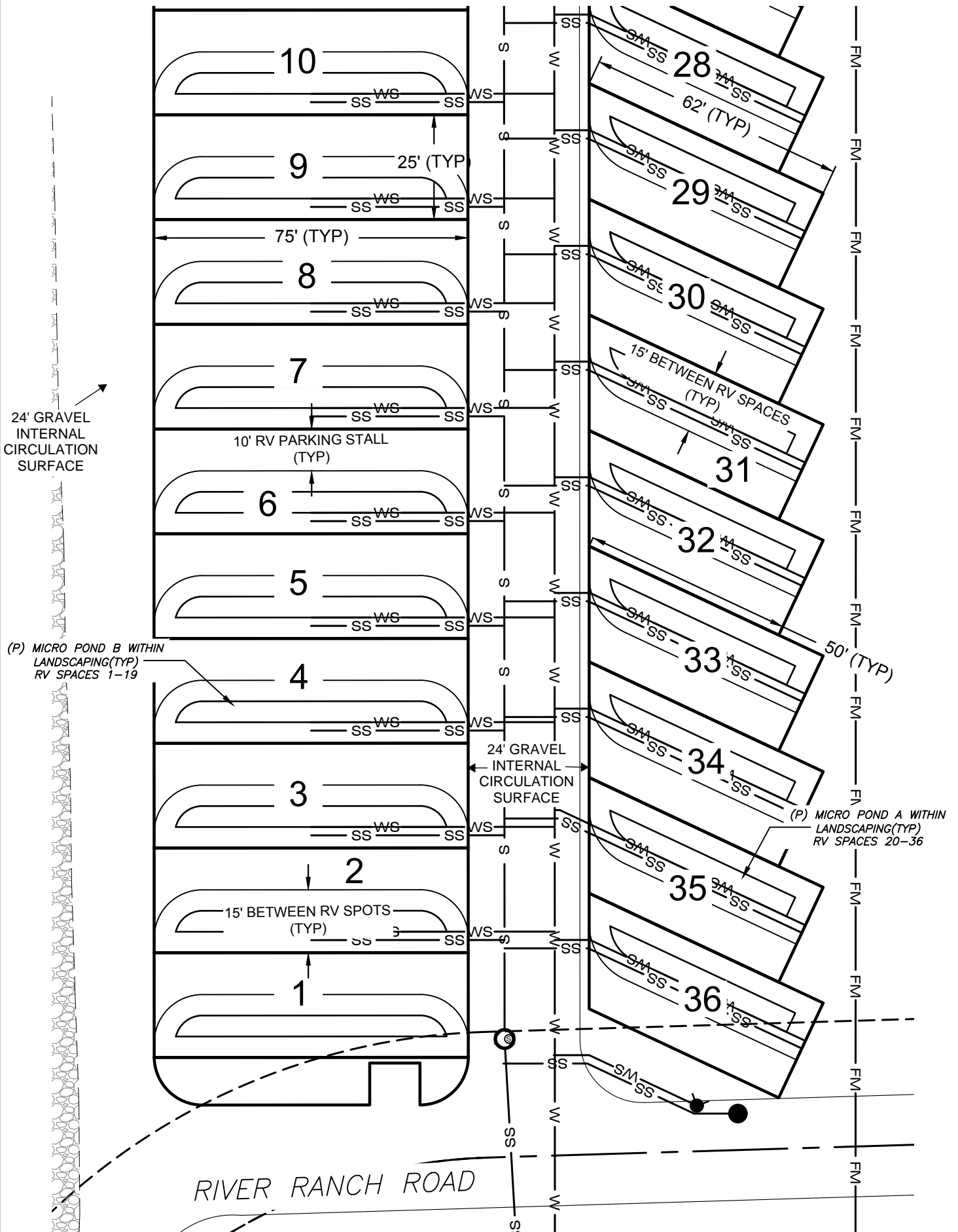
PROJECT # 2005824
TABLAYOUT 1
DRAFTER BK
DATE:
SHEET 1 OF 3

EXHIBIT 'A'

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

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.



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.

Planning Board

Date: 07/25/2023
Title: Draft 2024 Unified Planning Work Program (UPWP) - Review and Public Hearing
Presented by: Scott Walker
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Staff recommends the Planning Board review the Draft 2024 UPWP and hold a Public Hearing at this meeting.

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

The City-County Planning Division is presenting the 2024 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization (MPO) for Planning Board review and eventual recommendation to the Billings Policy Coordinating Committee (PCC). At this meeting, the Board is scheduled to review the document and make any comments that they may have. The Board is also scheduled to conduct a public hearing and take comment on the UPWP at this meeting.

The UPWP is primarily for the purpose of programming the federal dollars that Billings receives from the Federal Highway Administration (FHWA) for transportation planning and the Federal Transit Administration (FTA) for transit (MET) planning. These funds are passed through the Montana Department of Transportation (MDT). All transportation planning activities are included in the UPWP so that it represents a comprehensive document for the urban transportation planning program. This UPWP proposes planning activities for Federal Fiscal Year 2024, which runs from October 1, 2023, through September 30, 2024. This UPWP corresponds directly with the Planning Division's annual work plan. The significant changes in this year's program include completion of the 2024 Bike and Pedestrian Plan, the Feasibility Study for the 21st Street Underpass, and transportation specific analysis and updates to two neighborhood plans. The Transit section is Chapter II of the UPWP. The document is consistent with past programs in its content and format.

STAKEHOLDERS

The Planning Board is required to hold a public hearing prior to its recommendation to PCC. The public hearing will be held at this meeting of the Board. The Planning Board will take action on the item at its August 8th meeting and forward a recommendation to PCC.

ALTERNATIVES

Planning Board may, at its August 8th meeting:

- Recommend approval of the 2024 UPWP to the PCC and directs its designee Board President Dennis Cook to take that recommendation to the PCC; or,
- Recommend amendments to the 2024 UPWP to the PCC and direct its designee Board President Dennis Cook to take that recommendation to the PCC; or,
- Not recommend approval of 2024 UPWP to the PCC and direct its designee Board President Dennis Cook to take that recommendation to the PCC. If the UPWP is not approved, there would be a significant loss of resources for community planning and the community's ability to manage transportation planning projects and programs would be severely limited.

FISCAL EFFECTS

Approval of the 2024 UPWP allows the City to access Federal funds for transportation planning in the community. Federal and local funds are combined to provide most of the planning work done by the Planning Division for the City and the County. If the UPWP is not approved, there would be a significant loss of resources for community planning and the community's ability to manage transportation planning projects and programs would be severely limited. The breakdown of funding sources for the FY 2024 UPWP is estimated below:

- \$260,000 Planning Dept. Fee Revenue (City of Billings)
- \$170,000 Planning Dept. Fee Revenue (Yellowstone County)
- \$595,000 Yellowstone County Planning Levy
- \$1,447,790 Federal Planning (PL) Allocation
- \$2,472,790 Total Local and Federal Program Funding (UPWP)

Attachments

Draft 2024 UPWP

Billings Urban Area

Unified Planning Work Program

(UPWP)

Federal Fiscal Year

2024

DRAFT

Prepared By:

Billings/Yellowstone County Planning Division
2825 3rd Avenue North, 4th Floor
Billings, Montana 59101

In Cooperation With:

Montana Department of Transportation
Federal Highway Administration
Federal Transit Administration



UNIFIED PLANNING WORK PROGRAM

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INTRODUCTION

The Billings Urban Area planning process is organized and conducted in a cooperative, coordinated, and comprehensive manner. The Yellowstone County Board of Planning, as the designated Metropolitan Planning Organization (MPO), is charged with the responsibility of administering the planning process. Under federal regulations, an MPO must be established for urban areas with populations greater than 50,000 in order to receive federal funds for construction projects and transportation planning. This document, the Billings Urban Area Unified Planning Work Program (UPWP), and a companion document, the Prospectus, is the foundation upon which the planning process is based.

The UPWP is developed each year, and once adopted and approved by FHWA and FTA, is in effect from October 1 to September 30. The UPWP contains a task-by-task discussion of projects, which are to be undertaken during the program year. It also contains appropriate funding information, staffing information, and a schedule for each project. The UPWP undergoes a comprehensive review at the local, state, and federal levels each year.

This year, Federal Fiscal Year 2024, the format for work program activities conforms to Federal Transit Administration (FTA) Ch 2 pt 4 of FTA Circular 8100.1D. The Montana Department of Transportation and the Yellowstone County Board of Planning have mutually agreed upon use of this format.

The UPWP is a detailed description of projects, which occur on a routine basis. Once adopted, the document is only amended if there is a change in the planning process. The UPWP also contains information pertaining to the organization of the planning process, agencies involved, and agreements between agencies involved in the process.

Cost overrun guidelines have been established by the Montana Department of Transportation and agreed to by the Yellowstone County Board of Planning. Those guidelines will determine the allowable overruns for any work program element. Overruns that surpass those outlined in the guidelines will require a UPWP amendment.

This document includes two chapters, Highway and Transit. Each chapter contains individual work elements. These work elements describe work the planning and transit staff will undertake in the program year as well as work accomplished in the past year. Also included is a breakdown of funding sources which include, Planning (PL) funds and Local (City & County) funds which are used to provide funding for non-PL eligible activities. Priorities this year include completing the update of the 2017 Bike and Pedestrian Plan, 21st Street Underpass Feasibility Study, a corridor study of Broadwater or Central Avenues, Neighborhood Planning Transportation Elements, grant application development, and other projects.

DATES OF LOCAL APPROVAL

TAC -7/13/23
PLANNING BOARD -8/8/23
COUNTY COMMISSION -8/8/23
CITY COUNCIL -8/14/23
PCC -8/29/23
MDT- FWHA-September , 2023

CHAPTER I

YELLOWSTONE COUNTY BOARD OF PLANNING

SECTION I UNIFIED PLANNING WORK PROGRAM

41.11.100 PROGRAM SUPPORT & ADMINISTRATION

100 PROGRAM ADMINISTRATION (4301)

OBJECTIVE

- To administer the area-wide planning process.
- To support the Board of Planning and other Boards, Commissions, and the City Council and County Commissioners in decision-making activities in the planning process.
- To engage in administrative and financial actions related to identified planning activities and to prioritize those activities.
- To enhance staff skills and maintain staff exposure to the "state-of-the-art" in planning practice and computer software.
- To maintain contact with, provide input to, and receive feedback from various local, state and federal agencies, committees and groups during the planning process.

ACCOMPLISHMENTS - FISCAL YEAR 2023

Conformance with federal, state, and local administrative and regulatory requirements, as well as maintenance of planning operations was achieved for FY23.

Members of the planning staff attended various professional meetings, workshops, and conferences at which planning, transportation, transit, bicycle/pedestrian and related topics were presented and discussed.

Specifically, the City-County Planning Division (Planning Division) and members of other local, state and federal departments and agencies actively participated in a diverse set of local meetings, including the Billings Technical Advisory Committee (TAC), Policy Coordinating Committee (PCC), Billings & Yellowstone County Zoning Commissions and Boards of Adjustment, Board of Planning, City Annexation Committee, City Development Process Review Committee, Community Development Board, Public Works (formerly the Traffic Control) Board, Bicycle and Pedestrian Advisory Committee, Historic Preservation Board and others. Grant writing for the Division was completed under this work element. Staff also participates in meetings with MDT and the other MPO's quarterly to discuss activities and issues. Billings MPO also meets with MDT to discuss project coordination and issues.

Planning staff received updates in computer software programs for the geographic information system and its application to mapping data layers such as streets, land use, address, ownerships and environmental data. This GIS information is vital to provide to consultants for local plan development. Staff regularly utilizes an application tracking and project management software system that integrates the existing City building permit, finance and land management software, as well as coordinated subdivision and development project reviews across City and County departments. This software allows for electronic submittal of building, sign, fence and exempt plats for local review. Staff also reviewed/updated the City Annexation Policy and Limits of Annexation Map and assisted in updates to the City's Capital Improvement Plan (CIP). Implementation of the City's Complete Streets Policy is ongoing with the

continued collection of data to be incorporated into the Complete Streets Status Report that is updated and published every three years. Implementation of the Billings Community Transportation Safety Plan will continue with reporting to MDT as required.

Online permitting continues to have a positive impact on development.

PROPOSED ACTIVITIES - FISCAL YEAR 2024

All administrative functions of the Planning Division will be performed under this work element. Program management activities will include, but not be limited to the following:

1. Correspondence
2. Public Relations
3. Employee Guidance, Supervision, and Training
4. Program Organization and Management
5. Consultant Liaison Activities
6. Staff Meetings
7. Negotiations
8. Preparation of Contracts
9. Performance Monitoring
10. Office Equipment Acquisition
11. Budget Management and Administration

Federal regulations require that performance measures and goals be established to monitor the performance of the region's transportation system.

The MPO will work with federal, state and local agencies to improve current performance tracking methods. Performance measures will be tracked on the MPO website and regular reporting will be provided to the Transportation Policy Coordinating Committee, MPO committees and the general public depending on the availability of related data.

With the refilling of the Planner 1 positions, senior staff has the ability to undertake a few neighborhood planning efforts. This included a grant application to the Department of Commerce for a Community Development Block Grant to complete an update to the Billings West End Plan. This plan, completed in 2013, created a land use plan for a rapidly growing area. With the grant funds, plus PL funds for a transportation element, this plan can be updated to look at today's current land use and the community desire for this continuing growing area of the MPO. In addition to the West Billings Plan, the Planning Division will be updating the Heights Neighborhood Plan that also contains a separate PL funded transportation element. Also, with the changes in the land use section of the Montana Code during this last Legislative session, the Billings City Council allocated funding to update the 2016 Billings Growth Policy.

PL Eligible Activities

- As per the MPO's public participation plan and ongoing public outreach efforts, the planning staff will make available the documents and guidelines for transportation planning activities to the community, as well as keep abreast of federal and state requirements as they relate to the overall planning processes. These activities may include distribution of the Billings Area Bikeway and Trail Master Plan to community organizations or individuals, distribution of the current Billings Area Tour Map for bicycle and pedestrian users and visitors, distribution and explanation of the latest Billings Urbanized Area Traffic Count Map and Bicycle Count Map, explanation and distribution of the MPO's public participation plan to groups involved or interested in transportation planning processes in the community, and explanation and information dissemination of the TA or other grant programs to possible project applicants in the community.

- Staff will monitor the PL & Memorandum of Agreement as necessary to meet the requirements of the IJA or any new legislation they may be approved in the upcoming fiscal year.
- Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation (MDT) in order to maintain federal funding support.
- The FY 2024 UPWP will be continually appraised and monitored in terms of content and budget allocations and will be revised when deemed necessary.
- The Fiscal Year 2025 UPWP will be developed under this work element.
- The Board of Planning, Board of County Commissioners and City Council will be kept informed of the activities of the staff and its progress in completing the approved UPWP.
- All planning staff will participate in recognized and approved training programs in order to improve staff skills and capabilities. Planning expertise will be maintained through enrollment in appropriate planning and transportation-related courses at area colleges, workshops, seminars, webinars and conferences.
- Staff will adapt software programs to effectively utilize traffic data and continue computer-training programs.
- The use of PL funds for out-of-state travel and/or registration fees for the above or other purposes will continue to be subject to prior approval of MDT.
- The MPO TA Program administration will be funded through this work element.
- Infrastructure Investment and Jobs Act (IIJA) will be reviewed so staff may become familiar with changes affecting the metropolitan planning process.
- Grant writing services will continue to be incorporated within the department.
- Transportation Planning Intern, to mainly assist in Active Transportation duties including provide information to the Public Works Board, Bicycle and Pedestrian Advisory Committee and others. Data collection as it pertains to Active Transportation
- Planning activities pertaining to Bicycle-Pedestrian in this work element will include:
 - Work field inspections, handle complaints and investigate problem areas of the Bike/Pedestrian system.
 - Presentations as needed.

Locally Funded Activities

- General administrative activities will include maintenance of files, library documents, daily correspondence and preparation of necessary periodic reports.
- Interagency committee participation is included in this work element.
- All staff members will continue to participate in and encourage increased cooperation between state and local agencies, departments and governing bodies.
- The Planning Division will serve both as a coordinator of and a participant in meetings and committees.
- Planning Division involvement will include participation with such agencies as the Housing Authority, Big Sky Economic Development (BSED), Air Pollution Control Board, RiverStone Health (City-County Health Department), Healthy by Design, legislative study committees, and other agencies.
- Staff will continue to implement long-term document storage through virtual servers and cloud storage platforms.

STAFFING

28 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

The Planning Division will be responsible for administering the area-wide planning process for the City and County.

PRODUCT

- An ongoing administrative program focused primarily at effective and expeditious implementation of this UPWP.
- The continual enhancement of the Planning Division staff skills and knowledge.
- Maintenance of a coordinated, comprehensive, and cooperative planning process that is endorsed and supported by the local community.
- The development of the FY25 UPWP.

FUNDING SCHEDULE - ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	PL	LOCAL	TOTAL
MPO	\$264,000	\$216,000	\$480,000
TOTAL	\$264,000	\$216,000	\$480,000
DISBURSEMENT PERCENTAGE			
AGENCY	PL	LOCAL	TOTAL
MPO	55	45	100

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE			
AGENCY	PL*	LOCAL	TOTAL
MPO	\$280,500	\$229,500	\$510,000**
TOTAL	\$280,500	\$229,500	\$510,000**

*The matching ratio is Federal PL--86.58% and State match-13.42%.

** Record Keeping via virtual servers and cloud storage, scanning - \$8,000, Transportation Planning Intern \$10,000, 1 Computer Upgrade \$2,000.

101 SERVICE (4302)

OBJECTIVE

- To coordinate the dissemination of information and exchange of ideas between planning agencies and the interested public, decision-makers, and other departments, agencies, and organizations as related to the Billings MPO.

ACCOMPLISHMENTS - FISCAL YEAR 2023

Members of the planning staff were involved in a wide range of service tasks. Planning services included presentations related to roadways and alternative transportation, responding to citizen inquiry and complaints regarding streets, subdivision layout, site distance, zoning request, conformance with the 2018 Transportation Plan Update and the

Billings Area Bikeway and Trails Master Plan, City of Billings 2016 Growth Policy, the Lockwood Growth Policy and various neighborhood and community plans.

Staff presented transportation planning information to its organization and agency partners as needed for educational and decision-making purposes. Planning staff also shared information with the community and stakeholders throughout the development of several planning efforts. The Billings MPO hosts monthly webinars covering a variety of topics including transportation and mobility related topics.

PROPOSED ACTIVITIES - FISCAL YEAR 2024

PL Eligible Activities

- Staff will continue the very successful series of webinars and “brown bag lunch” seminars on a wide range of planning topics, including multi-modal transportation planning and funding, collaborative community planning techniques and planning for sustainability as well as various Institute of Transportation Engineers, Project for Public Spaces, Sustainable Communities, and Federal Highway Administration webinars.
- Staff is also targeting webinars which educate staff and public on the transportation planning process and funding as related to the operation of the MPO.
- The Planner I position will also be working within this element. These positions will provide transportation and related planning information to the general public and interested organizations.

Locally Funded Activities

- Staff will continue to develop and use website tools to enable citizens to access information on upcoming planning activities, board and commission meetings, and recent land use applications, as well as interact with various planning processes through email notification and online comment programs. Staff will look at implementing citizen access to the Questys System software for access to historical data related to transportation, zoning and other planning applications.
- Continue increasing community and agency awareness of the interrelationships between land use development and transportation needs through dissemination of information and drafting of planning documents that incorporate both elements together.

STAFFING

3.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

As Assigned.

PRODUCT

- A responsive and flexible planning process utilizing staff capable of providing short-term findings and recommendations, as well as ongoing customer service to the public on all levels of planning projects and regulations.
- Provide transportation related webinars to staff, local officials and general public to educate on current transportation issues. These webinars are scheduled on a monthly basis and anticipate 5-10-person viewings per showing. This number can fluctuate depending on the topic. Staff participation is anticipated to be 4-5 persons at these viewings.

- In addition to the transportation specific webinars, staff also provides general planning webinars that are advertised to all city staff, local officials and the general public. These webinars are scheduled routinely and can include up to 3 webinars a month. Participation anticipated at these webinars is 5-10 person per viewing. This number can fluctuate depending on the topic. Staff participation is approximately 3-5 per viewing contingent on scheduling.

FUNDING SCHEDULE - SERVICE

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$30,000	\$30,000	\$60,000
TOTAL	\$30,000	\$30,000	\$60,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	50	50	100

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$32,000	\$32,000	\$64,000
TOTAL	\$32,000	\$32,000	\$64,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

102 CITIZEN INVOLVEMENT (4303)

OBJECTIVE

- To solicit information concerning community values and goals and to receive community input into the development of plans and projects.

ACCOMPLISHMENTS - FISCAL YEAR 2023

Numerous meetings with service clubs, civic groups, and professional organizations were attended by staff members to discuss all facets of local planning. The Planning Board used extensive public input to review and receive comments on a wide range of planning issues throughout the City and County. Meetings of neighborhood task force organizations and neighborhood advisory committees were also attended as requested to answer questions and review long-range planning issues, particularly related to transportation planning and projects, as well as code enforcement complaints. Projects specifically related to citizens and citizen boards included the update to the 2018 Long Range Transportation Plan and the development of the Phase II Safe Routes to School Plan.

PROPOSED ACTIVITIES - FISCAL YEAR 2024

PL Eligible Activities

- Outreach to the public and all affected jurisdictions for ongoing transportation projects, including but not limited to several MDT planning and construction projects such as the North Billings Bypass, short- and long-term planning for rail traffic mitigation in downtown Billings, 6th Street Underpass project and several MPO projects. The MPO has several projects that will be completed and initiated this upcoming year including the completion of the update to the 2016 Bike/Ped plan as well as the new transportation planning studies identified in this UPWP.
- The staff will continue to support the Bicycle and Pedestrian Advisory Committee. The Committee is responsible for forwarding recommendations to the Planning Board and governing bodies on bicycle safety, bike lanes, pedestrian safety and access, and other matters. The group will be involved in the nomination and review of TA Program eligible projects, bicycle and pedestrian signing and safety projects, grant applications for non-motorized transportation projects, and community education and outreach on bicycle and pedestrian safety within the MPO.
- The MPO has several large planning efforts this year and next, as part of our continuous efforts to engage the public in these transportation planning efforts, staff will be actively engaged with the City of Billings Public Information Officer (PIO) to push information and public participation opportunities to the community.
- TAC and PCC meetings will be held, and meeting information disseminated as necessary.
- Staff will continue to update and maintain the MPO's website to provide the most current up to date information to the community.
- Staff will utilize web-based GIS and web mapping software for assistance in transportation planning.
- Some of the specific projects that will involve community participation include the completion of the update to the Bike and Ped Plan, the Phase II of the Safe Routes to School Study, and the planning studies identified in Work Element 302. These projects will include extensive public participation and solicitation.

Locally Funded Activities

- Meetings with various citizen groups will be coordinated and attended for the purpose of soliciting information and ideas on a broad range of planning issues within the Billings Urban Area and throughout Yellowstone County.
- Community participation using new tools and techniques will also be included in all planning studies proposed within this document.
- Staff will utilize web-based GIS and Web mapping software for assistance in land-use planning.

STAFFING

4.0 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- A comprehensive and coordinated solicitation and collection of public opinions in order to accurately reflect the preferences and priorities of the citizens within the Billings Urban Area.
- An enhanced integrated web-based public participation software that includes MPO and general planning projects and procedures and other pertinent information.

FUNDING SCHEDULE - CITIZEN INVOLVEMENT

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$47,500	\$47,500	\$95,000
TOTAL	\$47,500	\$47,500	\$95,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	50	50	100

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$50,000	\$50,000	\$100,000
TOTAL	\$50,000	\$50,000	\$100,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.12.200 GENERAL DEVELOPMENT & COMPREHENSIVE PLANNING

200 Community Planning (4304)

OBJECTIVE

- To maintain records and make projections of population and dwelling unit data, land use information, employment data, and to maintain adequate financial records, files and reports.
- To provide current, accurate information pertaining to the quantity of residential, commercial, industrial, and public land in the MPO and across the County.
- To summarize and analyze development trends and to provide visual information to the City Council, County Commission, Planning Board and the public during the public input process for transportation and land-use decision making.
- To recommend implementation of the goals, policies, and strategies of the adopted 2016 City of Billings and Lockwood Growth Policies.
- Implementation of Long-Range Transportation Plans and Planning Studies.
- The current ten planning factors have been reviewed and incorporated in this UPWP. The factors are:
 - 1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.
 - 2) Increase the safety of the transportation system for motorized and non-motorized users.
 - 3) Increase the security of the transportation system for motorized and non-motorized users.
 - 4) Increase the accessibility and mobility of people and for freight.
 - 5) Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth, housing and economic development patterns.
 - 6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.
 - 7) Promote efficient system management and operation.
 - 8) Emphasize the preservation of the existing transportation system.
 - 9) Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
 - 10) Enhance travel and tourism.

ACCOMPLISHMENTS - FISCAL YEAR 2023

Staff reviewed and analyzed the most current release of the 2020 Census and American Community Survey (ACS) data. Current ACS data is updated and placed in various databases as it has become available. Data gathered and updated included annual information related to population estimates for city and counties within the State of Montana. This annual information is used by the public and public agencies for planning purposes. The ACS is accessed for review and dissemination, and updated information released by the US Census Bureau in regard to commuting patterns. Other data gathered includes:

- Building Permits, Demolition Permits, Electrical Permits, Subdivision Applications, Zoning Applications, Special Reviews, Variances, temporary use permits, sign permits, zoning compliance permits and zoning clarification documents, annexation data, population trends, land use trends, school enrollment, employment data and general economic indicators.

The planning staff continues to review the most current ACS data and slowly released information from the 2020 Census data and estimates for population and demographic data. Census information is made available to various local agencies and organizations and to the general public. The data is used for developing reports, grant applications and planning documents such as Transportation and Land Use Plans and for projects like the Recreational Trails Program Grant and other grants as needed.

The City-County Planning Division, on behalf of the Billings MPO, is responsible for preparing a Complete Streets Progress Report every three years. This direction was outlined in the City of Billings Complete Streets Policy: “The City will periodically collect, review and report performance data and benchmark measurements to demonstrate the effectiveness of the policy.” This effort was completed with the first-ever Billings Complete Streets Benchmark Report prepared in 2013. The Report is updated on a 3-year cycle with the most current update occurring in 2020. This [Progress Report](#) includes comparison of various data sets related to motorized and non-motorized transportation.

Zoning data developed in element 204 for the entire City and County zoning jurisdictions was provided to neighborhood task force groups and others as requested.

Numerous other special purpose maps were prepared for meeting purposes including bicycle trail maps, annexation maps, estimated development density maps and tables for the Limits of Annexation Map area, and other project influence areas. Natural resource, 2020 Census, and jurisdictional boundary information was updated or developed. Traffic count station locations were geo-positioned and linked with the City-County traffic count matrix. The City also upgraded its internal mapping system with an ArcGIS product that makes access to the most current property data and aerial photography better and easier for staff when researching existing conditions of transportation corridors and adjacent property. The new system provides a robust City GIS base map for use in application reviews, transportation planning efforts, and general customer inquiries. Ongoing review and implementation of sub-area neighborhood and transportation plans, and other planning documents was carried out by staff.

PROPOSED ACTIVITIES - FISCAL YEAR 2024

PL Eligible Activities

- The web-based GIS software is compatible with available datasets and utilizes the existing data sets more effectively. The GIS will be utilized to develop a series of maps, including existing and proposed pedestrian trail routes and projects in the community, maps to implement the Long-Range Transportation Plan, updates to a preferred growth area map in conjunction with the City’s Limits of Annexation Map, mapping of focus areas for implementation of the City’s Infill Development Policy, and others. This ability of the GIS program allows for anticipating and planning for the transportation network in areas of annexation and infill. This will assist in the implementation of our LRTP and project planning for future plans and studies.
- The planning staff, under the direction of the Board of Planning, will continue to work on long-range planning projects according to the priorities established by both the City of Billings and Yellowstone County. In particular, the continuing implementation of the South Billings Master Plan, the 2023 Long Range Transportation Plan Update, and the update to the 2017 Bikeway and Trails Master Plan.

Work related to Bicycle-Pedestrian activities in this work element will include:

- Work with staff to ensure a bike/pedestrian friendly community.
- Review of proposed subdivisions for non-motorized transportation connectivity.

Locally Funded Activities

- Senior staff will be undertaking development of variety of long-range land use plans this upcoming year. Yellowstone County was successful in obtaining CDBG Planning Grant through Department of Commerce to complete an update to the West End Billings Study, this includes PL funding to include a targeted transportation element. Additionally, the Heights Neighborhood Plan will also be completed with a PL Transportation element. In addition, the MPO completed the Inner Belt Loop Corridor Study in 2020, with this corridor under construction through a BUILD grant, the Billings City Council allocated funding to complete at land use plan. In addition, the City Council is allocating funding to update the Billings Growth Policy. The Planner I's will continue to undertake the review of:
 - Zoning applications. The development and adoption of Project Re:Code now ties land uses and land patterns to the road and street network.
 - Site development plans to address clear vision and controlled and shared access points.
 - Site development plans to address newly implemented build to zones which prevent traffic flow in front of buildings.
 - Site orientations that allow for internal traffic and other services, for example, drive through locations.
- Staff also will continue to work with the Big Sky Economic Development (BSED) to implement the Master Plan for the East Billings Urban Renewal District (EBURD), the Hospitality Corridor Planning Study, the Exposition Gateway Concept Plan and the South Billings Boulevard Urban Renewal District (SBBURD) Master Plan. The plans include detailed analysis of the transportation and land use connections in the area and promote sustainable development projects.
- Staff plans to work with the City, County, BSED, and neighborhood groups to identify planning needs in various parts of the urbanized area.
- Continued maintenance and update of socio-economic and land use data for both transportation and comprehensive planning activities will continue in 2024, with 2020 Decennial Census data and the 2020 American Community Survey data.
- Various GIS databases and layers will continue to be developed and centrally maintained, including information on neighborhoods, community assets, route planning, trail systems and transportation plans.
- The new web-based system tracking and managing projects will include application information on zoning and subdivision applications.
- Neighborhood planning activities will be initiated to identify local issues and strategies to assist neighborhood groups and organizations with neighborhood sustainability, equity, and safety.

STAFFING

24 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- Various reports, files, and projections of socio-economic data necessary for current transportation and comprehensive planning activities, as well as support of City/County economic development activities.
- An ongoing GIS database/mapping system for the City of Billings and Yellowstone County.
- Ongoing updates to the preferred growth areas mapping and analysis for the City, implementation of the City Infill Development Policy, SBBURD Master Plan, the 2023 Long Range Transportation Plan Update, 2018

Public Participation Plan, the Downtown Area Traffic Circulation and Safety Study, Wayfinding Sign Plan, and the Heritage Trail Tour Map and App.

FUNDING SCHEDULE - COMMUNITY PLANNING

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	PL	LOCAL	TOTAL
MPO	\$99,000	\$231,000	\$330,000
TOTAL	\$99,000	\$231,000	\$330,000

DISBURSEMENT PERCENTAGE			
AGENCY	PL	LOCAL	TOTAL
MPO	30	70	100

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE			
AGENCY	PL*	LOCAL	TOTAL
MPO	\$105,000	\$245,000	\$350,000
TOTAL	\$105,000	\$245,000	\$350,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

204 ZONING ADMINISTRATION (4308)

OBJECTIVE

- To oversee, interpret and enforce current City and County zoning regulations.
- To effectively administer the regulations and provide efficient service to the elected officials and the public.
- To maintain current zoning and land use information for all zoned property within the jurisdiction of the Billings Metropolitan Planning Organization to use in long-range transportation planning studies, traffic analysis, and transportation projects.

ACCOMPLISHMENTS - FISCAL YEAR 2023

Staff continues to see robust applications for zone changes, special reviews, variances, and planned developments. Reports and recommendations were prepared on each case to the various boards, commissions, and governing bodies. Digital photos are now incorporated into all zoning reports and Microsoft Power Point presentations are given to all boards and commissions. Staff is in the process of ongoing scanning of historic zoning files in preparation of future citizen access through a new archiving system software. All applications for building permits were also reviewed for compliance with City and County zoning regulations. Special zoning studies and ordinance updates were prepared as requested by the governing bodies. These included making a series of zoning code amendments to bring the regulations into compliance with changes in State Law and changes driven by community interests.

Staff coordinated with the County GIS Department to ensure that all zone changes within the Billings MPO area were reflected on GIS online and printed maps to ensure land use information was current.

A significant amount of time was also spent assisting the public with general zoning questions. The status of all active zoning applications is now posted on the City/County Planning websites.

PROPOSED ACTIVITIES - FISCAL YEAR 2024

PL Eligible Activities

- Zoning, Special Review, and Variance applications will be reviewed for land use compatibility, traffic, access, and overall site design.
- Staff will continue to maintain its zoning maps and land use information so that it is applicable to long-range transportation planning efforts in the Billings MPO. This information is regularly applied to a variety of MPO functions, including corridor analysis efforts like those involved in the Billings Bypass project, specific road projects, TA program applications and non-motorized grant applications.
- Staff will continue implementing the Zoning Code. Staff continues to review and trouble-shooting inconsistencies or inaccuracies in the code with the intent to make any needed amendments within the next 2-years. As stated earlier, the Zoning Code places a higher emphasis on the transportation system, including road classification; safety and connectivity is vital to how the adjacent land uses for residential and commercial development are built. The road system emphasizes location and setting of any structures.
- The Planner I's allow senior staff to take a more active role in long range planning. It is anticipated that the Planner I's will undertake the review of:
 - Zoning applications. Project Re:Code now ties land uses and land patterns to the road and street network.
 - Site development plans to address clear vision and controlled and shared access points.
 - Site development plans to address newly implemented build to zones which prevent traffic flow in front of buildings.
 - Site orientations that allow for internal traffic and other services, for example, drive through locations.

Locally Funded Activities

- Carrying out the day-to-day activities required to effectively administer the zoning regulations as well as ensure that land use information is current and available for all long-range transportation planning efforts, including Transportation Plan updates, specific road projects, corridor studies and the North Bypass project.
- Activity in 2024 will include ordinance updates as required by State law or requested by the public or governing bodies.

- All zone change applications will be reviewed for compliance with local plans.
- Staff will continue the update to Zoning Code based on fulfilling policy goals set by the local governing body including Growth Policy, Neighborhood Plans, Complete Streets and Infill Policies.

STAFFING

13 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- Effective zoning regulations and administration for the City of Billings and Yellowstone County. Effective enforcement of the zoning regulations for Yellowstone County.
- Online submittal capability for certain zoning permits, i.e., sign and fence will increase efficiency and convenience for applicants.

FUNDING SCHEDULE - ZONING ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$40,000	\$160,000	\$200,000
TOTAL	\$40,000	\$160,000	\$200,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	20	80	100

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$42,400	\$169,600	\$212,000
TOTAL	\$42,400	\$169,600	\$212,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

205 SUBDIVISION ADMINISTRATION (4309)

OBJECTIVE

- To maintain the current City and County subdivision regulations and ensure that they are updated when changes in State law occur.
- To effectively administer the regulations and provide efficient service to developers, engineers and surveyors, elected officials, and the community.
- To ensure that development is occurring with minimal negative impacts to the community and that subdivisions are designed to be safe and long lasting in the community.
- To evaluate traffic accessibility studies, general circulation data, and ensure conformity with the Functional Classification Map and associated elements of the Long-Range Transportation Plan when a subdivision application is submitted.
- To collect, manage, and apply subdivision development information for long-range transportation planning activities for the MPO – including but not limited to updates to the transportation plan and maintenance of inputs for traffic modeling.

ACCOMPLISHMENTS - FISCAL YEAR 2023

The Board of Planning and the planning staff reviewed all preliminary major and minor plat applications. Numerous conceptual and pre-application meetings were coordinated and attended by staff. All final plats were reviewed and processed. Also, a significant amount of time was spent assisting the public with general subdivision questions. Updates to the City and County Subdivision Regulations due to legislative changes were drafted and approved.

Staff collected and compiled information on the details of each new subdivision in terms of numbers of lots and land area slated for development. This information is integral to any transportation plan updates or long-range transportation planning efforts undertaken by the MPO in the community to determine population growth and location of residents and commercial services that affect the transportation system. This involved monthly subdivision activity reporting and periodic reviews of new development locations. This is also considered in relation to the TA program and when the MPO pursues grants for non-motorized transportation projects in the community.

The MPO continues to implement and enforce the Suburban Subdivision Regulations that require property currently outside the city limits but within the County Zoning Jurisdiction that may be annexed in the future to develop at city standards for infrastructure such as sidewalk, storm water management and future utility access. This procedure has been a positive to residential development on the city fringe areas.

PROPOSED ACTIVITIES - FISCAL YEAR 2024

PL Eligible Activities

- Staff will review all subdivisions for compliance with the Billings Area Long Range Transportation Plan, and for conformity with the Billings Area Bikeway and Trails Master Plan, Lockwood Transportation Plan, Blue Creek Transportation Plan, and other neighborhood and community transportation plans as applicable.
- Staff also will continue to collect information on the details of each new subdivision as an integral data source for long-range transportation planning efforts undertaken by the MPO. The MPO expects to use this data in

2024 for a variety of projects, including the implementation of the Long-Range Transportation Plan, the Bike/Ped Plan and continued analysis for the North Bypass.

- In the last couple years with the addition of the new Planner I to the UPWP, the Division has additional assistance in reviewing subdivision applications for compliance with the various transportation and planning documents overseeing land use within the MPO and Planning jurisdictional area.

Locally Funded Activities

- All subdivision applications will be reviewed for compliance with local and state subdivision law.
- Staff will continue to carry out the day-to-day activities required to effectively administer the subdivision regulations, and to keep the regulations current.
- Continued implementation of the Suburban Subdivision Regulations within the County Zoning Jurisdiction area.

STAFFING

14.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- An effective subdivision review process regarding local and state law, the Growth Policy, and the Billings Area Transportation Plan.
- Correctly identified street segments in alignment with the 2018 Transportation Plan Functional Classification Map.

FUNDING SCHEDULE - SUBDIVISION ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$60,600	\$140,400	\$202,000
TOTAL	\$60,600	\$140,400	\$202,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	30	70	100

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$64,500	\$150,500	\$215,000
TOTAL	\$64,500	\$150,500	\$215,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.13.300 LONG RANGE TRANSPORTATION PLANNING

300 TRANSPORTATION SYSTEM DATA (4310)

OBJECTIVE

- To develop and maintain current transportation system data files and records.
- To provide transportation planning and data information to City and County staff, elected officials, developers, engineering firms, and the general public.

ACCOMPLISHMENTS - FISCAL YEAR 2023

The traffic, trail and bike lane count programs for FY 2023 was completed. Travel times/delay/speed studies were completed, calculations computed, and level-of-service values determined. This data was used for various planning and engineering projects throughout the year. In addition, the public commonly requests this data for land use planning.

Staff participated in the update of the City of Billings Capital Improvement Plan (CIP). Crash information was compiled and analyzed. Crash data is also used in many of the planning studies undertaken by the MPO. The staff also continued to utilize the trail scanners that were purchased and found new and better ways to both use the scanners in more trail locations in the community and display the data for various applications. The MPO also took over collection and distribution of the data from the Lockwood sidewalk counters purchased through the Lockwood Pedestrian Safety District.

The transportation data was also for completion of the Billings Bypass Corridor Study, Safe Routes to School Plan Update, the 2023 LRTP Update and the Community Transportation Safety Plan (CTSP).

PROPOSED ACTIVITIES - FISCAL YEAR 2024

PL Eligible Activities

- The traffic count program for the Billings Urban Area as well as the Yellowstone County influence area will be conducted and the appropriate data recorded during FY2024. All traffic count data will be submitted to the MDT by February 1, 2024.
- Staff will update, where appropriate, the City's Capital Improvement Program.
- Continue with the contract position with City Engineering to continue traffic and trail counts.
- Staff will collect and maintain bike/pedestrian information through the trail census and use of the trail-bike/pedestrian scanners. The information from the bike/pedestrian counts links directly to the development of the LRTP and the MPO's non-motorized planning studies. These counts also contribute to other planning projects such as the Complete Streets Progress Report. This activity is in conjunction with MPO region wide planning.
- The traffic count data archive will be maintained and accessible for other agencies and the public.
- Data will also be used during proposed FY24 Planning Studies.
- The Bicycle-Pedestrian activities will continue. Duties will include but not limited to:
 - Maintain Bike/pedestrian data bases in conjunction with MPO region wide planning purposes.
 - Maintain data base for easement acquisition.
 - Transportation Planning Intern will assist in the above mentioned duties for the Active Transportation Planner.

STAFFING

13.5 Staff Months – City/County Planning
11.0 Staff Months - City Engineering (Contract Position)

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning/MDT

PRODUCT

- Documentation as necessary, support of transportation grant programs, transportation system modeling, updated Traffic Count Program, and research and integration of traffic information into planning projects and development review activities.
- Current traffic count data. Traffic counts are vital for any long-range planning efforts and during development of commercial and residential projects. Traffic counts also directly relate to the development of projects in the LRTP and ultimately for programming in the TIP.
- Current bike/pedestrian counts. MPO uses these counts for the development of the non-motorized network. This information is used for the development of the Bikeway and Trails Master Plan as well as for applications for various grants.
- To comply with Federal Guidelines for reporting Performance Measures under the BUILD Grant, the MPO will contract to develop the following performance measure components: Crash rates by type and severity, average daily traffic, and bike and pedestrian count/trips. This information is required at various time frames including a baseline, year 1, year 2, and final report in year 3.

FUNDING SCHEDULE - TRANSPORTATION SYSTEM DATA

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$250,000	\$0	\$250,000
TOTAL	\$250,000	\$0	\$250,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$175,000	\$0	\$175,000**
TOTAL	\$175,000	\$0	\$175,000**

*The matching ratio is Federal PL--86.58% and State match-13.42%. **This Includes - \$10,000 for Traffic Counters, \$50,000 for Maintenance of the Billings MPO Travel Demand Model and Bike Plan Model.

OBJECTIVE

- Implement the Goals and Objectives in the Billings Long Range Transportation Plan.
- Develop (where necessary) and maintain data for the urban area in order to effectively monitor and evaluate the validity of the Transportation Plan.

ACCOMPLISHMENTS - FISCAL YEAR 2023

Staff finalized the update to the 2018 Long Range Transportation Plan. Elements in the Plan include Goals and Objectives, a Transit section, an analysis of the railroad interface with the community, and a review of current projects listed in the Plan.

Staff will continue to move forward on the update to the 2017 Billings Area Bikeway and Trail Master Plan. This will include working with MDT, City and County Public Works and other organizations with the continued development of the non-motorized transportation system.

PROPOSED ACTIVITIES - FISCAL YEAR 2024

PL Eligible Activities

- Complete the update to the 2017 Billings Area Bikeway and Trail Master Plan. This plan will update conditions and long-term outlook, ensure consistency with area infrastructure plans, identify opportunities, improve, and expand active transportation facilities. The MPO has designated 30% of the required IIJA 11206 requirements for Complete Street activity in this project.
- Update and produce an update to the Heritage Tour Map. This map is a popular handout not only to the community, organizations utilize them in promotion. The Billings Chamber of Commerce, the Parks Department and other organizations often request these maps as handouts for conferences. The map lists safe cycling routes along with safety tips and safe routes to area schools.
- Staff will be undertaking the development of two consultant lead neighborhood planning efforts. Staff received a CDBG grant through the Department of Commerce to update the West End Billings Plan and the Planning Division has secured local planning funds to complete an update to the Billings Heights Neighborhood Plan. Both neighborhood plans include an MPO lead transportation element this will include accident and volume data as well as neighborhood mobility, safety and equity in the transportation system. In addition to these neighborhood plans, Planning staff will be leading an effort to complete a City Council funded land use plan of the area of the Inner Belt Loop. This connection is currently under construction through a Federal BUILD grant. This land use plan will build off the 2020 Inner Belt Loop Corridor Study completed by the MPO. The MPO has designated 20% of the required IIJA 11206 requirements for Complete Street activity in these projects.
- Projects will continue to be reviewed for future implementation in the City's CIP and the MPO's TIP.

STAFFING

9.0 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- Implementation of transportation projects identified in the Billings Area Bikeway and Trails Master Plan, the Transportation Improvements Program, Transportation Plan and the Capital Improvements Program.
-

FUNDING SCHEDULE - TRANSPORTATION PLAN

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$575,000	\$0	\$575,000
TOTAL	\$575,000	\$0	\$575,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$400,000	\$0	\$400,000**
TOTAL	\$400,000	\$0	\$400,000**

*The matching ratio is Federal PL--86.58% and State match-13.42%.

**Approximately \$70,000 for the Bike Plan Update is included here, includes\$11,100 for IIJA 11206 requirements. Also \$75,000 each for the Heights Neighborhood Plan (Transportation Element) and the West End Neighborhood Plan (Transportation Element), includes \$7,400 for IIJA 11206 requirements. Update of Bike Maps \$10,000.

302 PLANNING STUDIES (4312)

OBJECTIVE

- To update and develop site-specific plans and transportation studies where appropriate.

ACCOMPLISHMENTS - FISCAL YEAR 2023

- Complete Phase II of the Safe Routes to School Plan. This study includes Billings Middle, County Urban Elementary, and Private Schools interested in participating in the development of a Safe Routes to School Plan.
- The initiation of the update to the 2017 Bikeway and Trails Master Plan. This project will carry over into FY24.
- Solicited and contracted with Kittelson & Associates to complete a Safe Streets for All grant application on behalf of the Billings MPO. This project is intended to fund multiple Safe Routes to School projects that are identified in the recently updated plan.

PROPOSED ACTIVITIES - FISCAL YEAR 2024

PL Eligible Activities

- The MPO will continually research grant opportunities. Consultant services will be solicited to assist the MPO is preparing for a submittal of a larger federal grant. This process will help narrow and fine tune the project to the correct funding source. In addition, the consultant will assist the MPO in preparation of the grant, this could include the identification of local match sources, determining right-of-way needs, and other federal grant requirements.
- Implement and promote the web-based interactive Bike and Pedestrian Mobile Application.
- Complete the second phase of a Safe Routes to School Plan by addressing Billings Middle, County Urban Elementary, and Private Schools.
- 21st Street Underpass Study, this study is to review the current facility and identify strategies and improvements for safety, multi-modal, and roadway improvements. This underpass is currently only one of two access points to circumvent the railroad during train use. Improvements to this vital connection is key to public safety and would allow use to all users, motorized and non-motorized. This project will require significant input and cooperation with Montana Rail-Link and BNSF Railroad. The MPO has designated 20% of the required IJIA 11206 requirements for Complete Street activity in this project.
- Corridor Study, working with the City of Billings to identify the preferred corridor for study, this plan will review the current roadway and review access, traffic safety issues, circulation, bike/pedestrian facilities, Transit and function. This plan will require recommendations for future reconstruction projects. The MPO has designated 20% of the required IJIA 11206 requirements for Complete Street activity in this project.
- Safety Action Plan, this new requirement of US DOT for federal grants will be reviewed and compared to the Billings Community Transportation Safety Plan. If the local plan has information that is not included but necessary in moving forward in Federal DOT grants, this will be developed as needed.
- The Transportation Planning Intern is scheduled to assist in a variety of transportation activities including Safe Routes to School activities, Kids in Motion activities, Commuter Challenge, and other transportation activities identified by MPO staff.

Locally Funded Activities

- Staff will be involved in the coordination through completion of all planning studies undertaken. This includes contract negotiations, coordination of citizen advisory groups, public meetings, overseeing contract deliverables and project wrap-up.

STAFFING

6.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- Completed Urban Area-wide transportation studies for the Bike Plan Update, Phase II of the Safe Routes to School Plan, Transportation study for sub-area planning, development of a grant application package, the feasibility Study of the 21st Street Underpass and Broadwater/Central Corridor Study.

FUNDING SCHEDULE – PLANNING STUDIES

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$180,000	\$120,000	\$300,000
TOTAL	\$180,000	\$120,000	\$300,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	60	40	100

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$216,000	\$144,000	\$360,000**
TOTAL	\$216,000	\$144,000	\$360,000**

*The matching ratio is Federal PL--86.58% and State match-13.42%.

** Grant Writing/Safety Action Plan \$50,000; 21st Street Underpass Study \$100,000, includes \$7,400 for IJJA 11206 requirements; Corridor Study \$100,000, includes \$7,400 for IJJA 11206 requirements; Transportation Planning Intern \$10,000.

41.15.500 TRANSPORTATION IMPROVEMENT PROGRAM

500 TRANSPORTATION IMPROVEMENT PROGRAM (4313)

OBJECTIVE

- To maintain a viable five-year program of transportation improvements for the Billings Urban Area.

ACCOMPLISHMENTS - FISCAL YEAR 2023

The MPO completed four TIP amendments in FY23. These updates included updating projects, project costs and project timing. The last amendment was approved on April 28, 2023.

PROPOSED ACTIVITIES - FISCAL YEAR 2024

PL Eligible Activities

- A new Transportation Improvement Program (TIP) will be completed in FY24 as needed to reflect current project status. A certification statement will be included, as appropriate, to conform to the planning regulations. Based on the Transportation Plan, projects will be evaluated and ranked in accordance with the Priority Ranking Procedures, and in accordance with consistency/conformity procedures. Necessary data will be gathered from primary and secondary sources by the planning staff based upon the Memorandum of Understanding with the City of Billings Public Works Department, establishing areas of data responsibility. Conformity determinations will be prepared as necessary to ensure conformity with the Clean Air Act.

STAFFING

2.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- A current transportation improvement program which reflects conformity with FHWA, the Clean Air Act, and local priorities.

FUNDING SCHEDULE - TRANSPORTATION IMPROVEMENT PROGRAM

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$37,000	\$0	\$37,000
TOTAL	\$37,000	\$0	\$37,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
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MPO	100	0	100
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FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$37,000	\$0	\$37,000
TOTAL	\$37,000	\$0	\$37,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.16.600 SPECIAL PROJECTS

600 ENVIRONMENTAL CONSIDERATIONS (4314)

OBJECTIVE

- Maintain current records of monitored air pollution levels and obtain other environmental data as necessary within the Metropolitan Planning Area.
- Review proposed development and transportation system improvements with respect to environmental considerations within the MPO influence area.

ACCOMPLISHMENTS - FISCAL YEAR 2023

The MPO was notified that in July of 2021 the Billings Urban Area was removed from the Air Quality's "Not Classified" list. The MPO is now designated as an Attainment Area and will move the update of the LRTP from 4-years to 5-years.

The MPO has been collaborating with MDT on the development MDT Statewide Carbon Reduction Strategy Plan.

Air quality monitoring information was obtained from the County Air Pollution Control Board. Air quality mapping for the State Air Quality Bureau was revised. The Congestion Mitigation Air Quality (CMAQ) program was implemented. Staff continues to monitor carbon monoxide (CO) information in the Urbanized Area.

The Socio-Economic and Environmental (SEE) effects guidelines were used to review proposed developments and transportation system improvements.

PROPOSED ACTIVITIES - FISCAL YEAR 2024

PL Eligible Activities

- Continue to collaborate with MDT on the Carbon Reduction Plan.
- The planning staff will continue to utilize the SEE effects guidelines to evaluate all major development proposals in terms of transportation systems. This would include the CMAQ program.
- Work will continue to maintain the Billings air quality designation.
- Staff will continue to review the MOVES Program and others like it and their relationship to the MPO.

STAFFING

2.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

Current environmental data as well as a comprehensive planning and transportation planning process that will substantially addresses the socio-economic and environmental consequences associated with growth and development.

FUNDING SCHEDULE - ENVIRONMENTAL CONSIDERATIONS

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$36,000	\$0	\$36,000
TOTAL	\$36,000	\$0	\$36,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$36,000	\$0	\$36,000
TOTAL	\$36,000	\$0	\$36,000

*The matching ratio is Federal PL--86.58% and State match-13.42%.

41.17.700 OTHER ACTIVITIES

700 UN-PROGRAMMED FUNDS (4315)

OBJECTIVE

- To provide for the accounting of available un-programmed funds in the current UPWP.

ACCOMPLISHMENTS - FISCAL YEAR 2023

N/A

PROPOSED ACTIVITIES - FISCAL YEAR 2024

PL Eligible Activities

- This work element will be utilized for accounting purposes only. No specific work activity will be charged to this work element.

STAFFING

N/A

FUNCTIONAL AGENCY RESPONSIBILITY

N/A

PRODUCT

N/A

FUNDING SCHEDULE - CONTINGENCY

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$388,035	\$39,100	\$427,135
TOTAL	\$388,035	\$39,100	\$427,135

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	100	100

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$9,390	\$4,400	\$13,790
TOTAL	\$9,390	\$4,400	\$13,790

*The matching ratio is Federal PL--86.58% and State match-13.42%.

SECTION II -- FUNDING

TABLE I FUNDING SUMMARY FEDERAL FISCAL YEAR 2024

WORK ELEMENT	FUNDING SOURCES FY 2024		
	PL*	LOCAL	EST. COST
100 Administration	\$280,500	\$229,500	\$510,000
101 Service	32,000	32,000	64,000
102 Citizen Involvement	50,000	50,000	100,000
200 Community Planning	105,000	245,000	350,000
204 Zoning	42,400	169,600	212,000
205 Subdivision	64,500	150,500	215,000
300 Transportation System	175,000	0	175,000
301 Transportation Plan	400,000	0	400,000
302 Planning Studies	216,000	144,000	360,000
500 T.I.P.	37,000	0	37,000
600 Environmental	36,000	0	36,000
700 Un-Programmed Funds	9,390	4,400	13,790
TOTAL	\$1,447,790	\$1,025,000	\$2,472,790

*The matching ratio is Federal PL--86.58% and State match-13.42%.

TABLE II FUNDING COMPARISONS

WORK ELEMENT	FY 2024 ESTIMATED COST	FY 2023 ESTIMATED COST
100 Administration	\$510,000	\$480,000
101 Service	64,000	60,000
102 Citizen Involvement	100,000	95,000
200 Community Planning	350,000	330,000
204 Zoning Administration	212,000	200,000
205 Subdivision Administration	215,000	202,000
300 Transportation System Data	175,000	250,000
301 Transportation Plan	400,000	575,000
302 Planning Studies	360,000	300,000
500 T.I.P.	37,000	37,000
600 Environmental Considerations	36,000	36,000
700 Un-Programmed Funds	13,790	427,135
TOTAL	\$2,472,790	\$2,992,135

**TABLE III
FUNDING PERCENTAGES FEDERAL FISCAL YEAR 2024**

WORK ELEMENT	RECIPIENT	PL	LOCAL	TOTAL
100 Administration	MPO	55	45	100
101 Service	MPO	50	50	100
102 Citizen Inv.	MPO	50	50	100
200 Community Planning	MPO	30	70	100
204 Zoning Administration	MPO	20	80	100
205 Subdivision Admin.	MPO	30	70	100
300 Trans. System Data	MPO	100		100
301 Transportation Plan	MPO	100		100
302 Planning Studies	MPO	60	40	100
500 T.I.P.	MPO	100		100
600 Environmental	MPO	100		100
700 Un-Programmed Funds	MPO	100		100

**TABLE IV
STAFF MONTHS BY WORK ELEMENT FISCAL YEAR 2024**

WORK ELEMENT	DIRECTOR	SENIOR PLANNER (TRANS)	PLANNER I	PLANNING MANAGER	PLANNER II	CLERK	PLANNER II	PLANNER I	PLANNER I	SENIOR PLANNER (ZONING)	Active Trans. Planner I	TOTAL M.M.
100	7	1.5	2.5	5.5	.5	1.5	.5	.5	2	1	5.5	28
101	.5		1				.5	.5		1		3.5
102	.5		.5	.5	.5	.5	1	.5				4
200	1.5		5	2	1	2	1	5	3	1	2.5	24
204			.5	.5		.5	.5	2	3	6		13
205			.5	1		.5	7.5		3	2		14.5
300		2.5	.5	.5	5	2					3	13.5
301	.5	4		.5	2	2						9
302	.5	1		.5	1	1		2.5				6.5
500	.5	1			.5	.5						2.5
600		1	.5		.5	.5						2.5
TOTAL	11	11	11	11	11	11	11	11	11	11	11	121

*This table indicates approximately how many man months individual staff members work in each work element.

WORK ELEMENT	CITY TRAF. TECHNICIAN
300	11
TOTAL	11

TABLE V
IIJA 11206 REQUIREMENTS BY WORK ELEMENT FISCAL YEAR 2024

WORK ELEMENT	FY 2024 IIJA 11206 ESTIMATED COST	FY 2023 IIJA 11206 ESTIMATED COST
301 Transportation Plan	\$11,100	N/A
302 Planning Studies	\$25,900	N/A
TOTAL	\$37,000	N/A

SECTION III

INDIRECT COST PLAN

INTRODUCTION

The Office of Management and Budget Circular 2 CFR Part 200 is used as governing criteria for establishing the allowed costs.

IDENTIFICATION OF COSTS

The costs are delineated below by type:

DIRECT	INDIRECT	BENEFITS
Salaries & Wages	Maintenance	FICA
Legal Notices	Reproduction	PERS
Travel	Supplies	Workmen's Compensation
Printing	Postage	Accident Insurance
Training	Subscriptions	Health Insurance
Consultants	Telephone	Sick Leave
Equipment	Utilities	Vacation
Mileage	Rent	Holidays
Moving/Interview	Audit	Maternity
	Messenger	Military
		Life Insurance
		Dental Insurance

ALLOCATION OF COSTS

Direct costs will be charged to the work program line item to which they apply.

An indirect cost rate of **9%** of the City and County's direct salaries and wages is proposed. The **9%** rate will be applied to the direct wages and salaries of each line item within the work program to cover all indirect expenses.

Benefits will be calculated at a rate of **55%** of the City and County's direct salaries and wages charged to each line item.

FUNDING SOURCES

The degree of participation by each funding agency is based on the prorations which have been determined for each line item. Each agency will be billed their share of the total charges made against each line item according to the approved prorations.

Funding sources and amounts contained in the UPWP are as follows:

Planning Dept. Fees (City of Billings)	\$260,000
Planning Dept. Fees (Yellowstone Co.)	\$170,000
Yellowstone County (Mill)	\$595,000
PL*	\$1,447,790
TOTAL	\$2,472,790

*The matching ratio is Federal PL--86.58% and State match-13.42%.

SUMMARY

The indirect cost rate is a predetermined fixed rate which is not subject to adjustment. The base period used in determining the rate is the period from July 1, 2022 through June 30, 2023. The calculated rate is applicable to the grant period, which is October 1, 2023 through September 30, 2024.

CHAPTER II

CITY OF BILLINGS TRANSIT DIVISION

SECTION I UNIFIED PLANNING WORK PROGRAM ELEMENTS

44.21.00 PROGRAM SUPPORT & ADMINISTRATION

44.21.01 ADMINISTRATION

OBJECTIVE

- To provide program support, general administration, and grant administration
- To provide training in support of transit planning activities.

ACCOMPLISHMENTS - FISCAL YEAR 2023

Conformance with federal, state, and local administrative and regulatory requirements for maintenance of transit planning and development as well as execution of developed plans.

Staff remained informed of Federal and State requirements concerning all federal funding sources including, but not limited to, sections 5303, 5307, 5310, and 5339. Staff also adjusted grants in response to additional allocations from state sources and successful award of a 5339c competitive capital grant.

Staff continued to manage and execute programmed aspects of awarded 5339, closing out multiple grants, including six capital projects.

Staff attended training opportunities to enhance knowledge and skills, including the Montana Transit Association conference focused on grant management and oversight training, American Public Transportation Mobility Conference with emphasis on improved operator safety, additional safety trainings, and other education opportunities and webinars on various federal requirements.

Staff maintained and updated the Transit Asset Management (TAM) Plan with upcoming and in-process capital projects, as well as fleet and facility metrics to ensure accurate capital and asset planning. In addition, fleet and facility procedure and policy manuals were updated.

Updated the Public Transit Agency Safety Plan for MET Transit for the required annual review; this included additional training program development for operator and dispatch staff, additional mitigation strategies, and expanded safety promotion strategies.

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Staff implemented an additional Road Supervisor personnel position. These three positions support the ongoing implementation and execution of the public transit agency safety plan, as well as support daily operations.

Staff managed FTA Section 5303 grant activities and prepared the transit aspect of Unified Planning Work Program.

Staff completed and received final approval of the Transit Development Plan by all required parties.

Transit Manager worked in depth with the Montana Department of Transportation to identify and address issues pertaining to grant management software and procedures.

Transit members attended and participated in a diverse range of transit-related and general community meetings including the Billings Technical Advisory Committee (TAC), the Policy Coordinating Committee (PCC), City of Billings Transportation Team meetings, Healthy By Design Coalition meetings, City of Billings Annexation Committees, Yellowstone County Health Improvement Planning Meeting, Aging Friendly Community meetings, Safe Routes to Schools, Local Emergency Planning Committee, and various project specific coordinating committees for transportation related projects. As the lead agency on the Coordinated Human Services Transportation Plan Committee, staff also provided guidance and updates to the plan.

PROPOSED ACTIVITIES - FISCAL YEAR 2024

All administrative functions necessary in support of transit planning and development will be performed under this work element. Activities will include:

- Continuing to assess data-keeping and gathering practices with focus on further technology utilization and process improvement in response to findings in the FTA Triennial Review completed in FY2023.
- Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation, Urban Planning Division to maintain funding requirements.
- The FY2024 UPWP will be monitored and revised as necessary.
- The FY2025 UPWP for transit activities will also be developed within this element.
- Staff will execute grant administrative functions; staff will continue research and development regarding the utilization of FTA funding, including furthering innovative funding practices and partnerships.
- Maintenance of coordination agreements with 5310 providers and, as the lead agency, updates to the Billings Area Human Services Transportation Coordination Plan.
- Research feasibility and make recommendations for capital grants in the 5339 Bus and Bus Facilities programs and other funding opportunities utilizing the TAM plan as well as the City Equipment Replacement plan.

- Participation in recognized and approved training programs in order to improve skills and capabilities including further Grant Management programs as recommended.
- Extensive division policy development including procedures, regulations, codes, and practices to ensure compliance with federal, state, and local requirements as they relate to the transit planning process.
- Participate with the TAC, Transportation Coordination Plan Committee, citizen advisory boards and other committees throughout the community as needed.
- Staff will continue updating and maintaining the FTA mandated Transit Asset Management Plan.
- Staff will continue to update and implement required Public Transit Agency Safety Plan, including annual updates as well as further research and development of best practices.
- Assists in development of improved transit integrations in the local area Emergency plan, including regular participation on committee meetings.

STAFFING

120.00 Transit Manager Staff Hours
 160.00 Transit Planner Staff Hours
 30.00 Administrative Support Staff Hours
 60.00 Transit Supervisor Staff Hours (2 positions)
 60.00 Marketing and Outreach Coordinator Staff Hours
 10.00 Aviation/Transit Director Staff Hours

440.00 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

PRODUCT

- An ongoing administrative program to carry out the transit elements identified within this UPWP.
- Administrative oversight and execution of transit planning and development functions including federally required plans.
- Enhancement of transit division skills and knowledge.
- Proper maintenance and administration of grant related activities.

FUNDING SCHEDULE - ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL

MET	\$15,171	\$60,684	\$75,855
TOTAL	\$15,171	\$60,684	\$75,855

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$6,953	\$27,814	\$34,767
TOTAL	\$6,953	\$27,814	\$34,767

SHORT RANGE TRANSPORTATION PLANNING

01 FUTURE SERVICE ANALYSIS AND ENHANCEMENTS

OBJECTIVE

To facilitate considerations of means to ensure citizens will have acceptable and improved public transportation alternatives in the future.

ACCOMPLISHMENTS FISCAL YEAR 2023

Members of the transit division updated projections of future revenues and expenses and directed annual budget and financial resources analysis, including multi-year forecasts.

Staff arranged for and ensured execution of on-going data gathering and analysis efforts to monitor current system effectiveness and efficiency. This assisted in identification of operating and capital needs required to ensure a reliable and effective system into the future.

Transit Division members completed operational planning and route timing activities in support of the previously completed Transit Development Plan; staff further developed and identified additional routing options for implementation.

Staff continued assessment of alternative service models for the transit system in anticipation of changing ridership demands.

Staff tracked and compiled on-going ridership metrics by route and mode to support planning practices.

Staff provided information and comments related to transit at meetings geared toward development, annexation, and traffic projects. Staff also received and responded to system inquiries, concerns, complaints, and suggestions.

Staff identified approximately 500 designated bus stop locations as staff continued to prepare for the transition from a flag-stop bus system to designated stops. In this process, location amenities and ADA requirements were evaluated, and information was used to complete a Bus Stop Master Plan.

PROPOSED ACTIVITIES FISCAL YEAR 2024

Functions necessary in support of future transit planning and development will be performed under this work element, including continuation of activities undertaken in FY 2023. These activities necessitate the ongoing cloud-based software costs and run-cutting module, for route development and planning, which is split between this element and current service enhancements. Activities are as follows:

- Continue investigating feasibility of expanding service beyond existing city limits and engage county stakeholders in discussion regarding potential for service to outlying areas.
- In support of potential to expand service, staff intends to complete a Transit Governance and Sustainability Study to evaluate current funding levels, potential changes to Governance in support of expanded funding and transit opportunities, and model sustainability for each option; this activity will be completed using an outside consulting group.
- Continue to analyze and evaluate current City and other area government practices for right of way requirements regarding future bus stop locations.
- Continued financial analysis and planning in support of further modified frequency and service in conjunction with TDP routing overhaul implementation.
- Assessing ongoing and future capital and operating requirements based upon projected demand and growth. Continue to assess financial and infrastructure requirements of transitioning eligible fleet vehicles to electric or alternative fuel sources. Assess feasibility of adding additional green technology to facility locations.
- Continue research on feasibility of, and make recommendations for, additional technology conveniences for passengers including modifications to established electronic fare system and amenities at transfer centers.
- Continuation of planning efforts regarding public and stakeholder involvement and input opportunities, including recruiting involvement from key partners.
- Facilitation of public meetings to support system improvements as well as specialized services for seniors and disabled.
- Perform additional analysis of fare structure including comparisons to similar systems and populations to ensure equitable and sustainable fare generation.
- Analyze and make recommendations on overall ITS development within the urbanized area in conjunction MPO staff, City departments, and the Montana Department of Transportation.
- Analyze, develop, and recommend opportunities for MPO and Transit collaboration on projects eligible for multiple funding sources, including flex funding, to support integration of transit and overall surface transportation structure.

STAFFING

150.00	Transit Manager Staff Hours
425.00	Transit Planner Staff Hours
40.00	Administrative Support Staff Hours
120.00	Transit Supervisor Staff Hours (2 positions)
150.00	Marketing and Outreach Coordinator Staff Hours
30.00	Aviation/Transit Director Staff Hours

915.00 Total Staff Hours

PRODUCT

- Identification of and plans for efficient and effective transit service into the future.
- Financial and capital analyses for future transit enhancements.
- Identification and assistance in implementation of future system modifications.

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

FUNDING SCHEDULE – FUTURE SERVICE EVALUATION AND ANALYSIS

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$16,390	\$65,562	\$81,952
TOTAL	\$16,390	\$65,562	\$81,952

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$47,863	\$191,452	\$239,315
TOTAL	\$47,863	\$191,452	\$239,315

**The 2024 amounts figure above includes \$150,000 total for programmed studies and \$89,215 budgeted for staff hours.

02 CURRENT SERVICE ENHANCEMENT

OBJECTIVE

To improve service, ridership, and effectiveness of the existing transit system.

ACCOMPLISHMENTS FISCAL YEAR 2023

Staff continued implementation of expanded marketing and outreach programs.

Continued to develop the internal Advertising program, including procurement of spare bench inventory and additional amenity opportunities to support transit operations, as well as opportunities for capital support.

Division members assessed upcoming and immediate operational needs and made recommendations on capital and operational projects.

Continued to leverage data gained from the electronic fare system to make recommendations to admin regarding metric tracking and budget structure.

Staff implemented recommended project to add two transit fare vending machines to increase convenience for passengers.

Staff researched AVL providers and implemented project to procure an updated AVL system that will integrate with Google Maps and provide a substantial improvement in ability to report ridership and NTD data and analytics.

Updated agency website to increase ease of use as well as improve overall communication to the public. Continued to develop and implement an improved social media presence for public engagement, including campaigns about the new AVL system, designated bus stops, hiring events, and new route system.

Completed the capital project converting a vacant lot connected to the main METroplex into a dedicated training space to assist MET in meeting the requirements of the Entry Level Driver Training regulations implemented by the Federal Motor Carriers Services Administration regarding CDL holders. This will further support MET's hiring of non-CDL holders into trainable positions.

Staff researched and recommended the purchase of a bus training simulator project in conjunction with Low-No Grant funding requirements.

Staff reviewed ridership data in analysis of system functioning and passenger miles travelled metrics; members also provided monthly ridership analysis (including ADA lift use and bike rack use), assessed ridership trends, and prepared other information on system functioning as requested.

Staff prepared National Transit Database reports for monthly submission of required metrics, as well as annual reporting requirements.

Staff members regularly participated in group meetings and committee meetings (both in person and virtual) to solicit partner and public feedback on current system usage, demands, successes and shortfalls.

PROPOSED ACTIVITIES FISCAL YEAR 2024

Functions necessary in support of planning and development of enhancements to the current systems will be performed under this work element, including continuation of activities undertaken in FY2023. These activities necessitate the ongoing cloud-based software costs and run cutting module, for route development and planning, which is split between this element and future service enhancements. Activities are as follows:

- Continue to develop and implement criteria for stop amenities and other required items and make changes to stop amenities as needed; make recommendations on funding priorities to support bus stops with high usage and infrastructure needs.
- Continue development and implementation of education and outreach strategies to guide market research, promote public awareness, and engagement to increase ridership.
- Develop and implement further education and outreach programs to increase partnerships and other forms of participation.
- Investigate, analyze, and recommend methods for bringing existing technology solutions into a single portal to streamline customer engagement with and use of the transit system; make recommendations on implementation of an integrated app with existing technology providers.
- Continue to assist in planning and development of one-way to two-way street conversions in downtown Billings.
- Develop, prepare, and update data for publishing in a GTFS format.
- Procurement and implementation of further technology enhancements to the existing technology solutions system to gather data, improve efficiency, provide further customer conveniences, and enhance safety.
- Finalize automated passenger counter implementation and audit plan for approval of data reporting with the National Transit Database.
- Develop further marketing strategies including opportunities for increased revenue generation through amenity expansion and innovative concession programs. Include analysis of potential concession for retail space and other revenue generators at the Downtown Transfer Center.
- Assessment of current personnel usage for areas of improvement in utilization of resources and effectiveness; evaluate effectiveness of current operator staffing levels in support of Transit Development Plan recommended service implementation.
- Maintain monthly ridership figures and summary figures for effective decision-making, complete related National Transit Database reports.
- Solicit and record public reaction to any modified routes, schedules, education efforts, and technology enhancements.
- Assessment of current budgetary impact of recommended improvements.

STAFFING

- 100.00 Transit Manager Staff Hours
- 300.00 Transit Planner Staff Hours
- 30.00 Administrative Support Staff Hours
- 100.00 Transit Supervisor Staff Hours (2 positions)
- 100.00 Marketing and Outreach Coordinator Staff Hours
- 20.00 Aviation/Transit Director Staff Hours

650.00 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

PRODUCT

- Information relating to potential enhancements for existing service and system.
- Recommendations for immediate improvements.
- Information and recommendations on passenger education and outreach
- Analyses of current system functions.
- Budget alternatives.

FUNDING SCHEDULE – CURRENT SERVICE ENHANCEMENTS

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$22,927	\$91,706	\$114,633
TOTAL	\$22,927	\$91,706	\$114,633

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$13,843	\$55,370	\$69,213
TOTAL	\$13,843	\$55,370	\$69,213

44.25.00 Transportation Improvement Program (TIP)

01 T.I.P

OBJECTIVE

To maintain a viable five-year program of transit improvements for the Billings Urbanized Area.

ACCOMPLISHMENTS FISCAL YEAR 2022

Developed Transit specific updates for a TIP/STIP amendment, including programming for selected capital programs. Updated projects were also added to the Division’s Transit Asset Management Plan (TAM), Capital Improvement Plan (CIP), and Equipment Replacement Plan (ERP).

Monitored projects for inclusion in the TIP and STIP. The Statewide Transportation Improvement Program (STIP) process was also addressed and monitored.

Attended and participated in MPO meetings.

PROPOSED ACTIVITIES FISCAL YEAR 2023

Functions necessary in support of transit related project inclusion in the Transportation Improvement Program will be performed under this work element. Activities are as follows:

- Division members will develop and compile information on operating and capital projects for which MET Transit plans to utilize grant assistance for inclusion in the TIP; this includes utilizing and updating the Division’s TAM, CIP, ERP, and other plans as required.
- All applicable projects will be provided to the MPO for inclusion in the program.
- Staff will monitor inclusion in the TIP and STIP to ensure ability to obtain federal Sections 5307, 5310 & 5339 and other applicable grants are not affected.

STAFFING

35.00 Transit Manager Staff Hours
20.00 Transit Planner Staff Hours
10.60 Administrative Support Staff Hours
5.00 Aviation/Transit Director Staff Hours

70.60 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit will provide transit-related information to the City/County Planning Department for the MPO's inclusion in the TIP document.

PRODUCT

- Monitoring of plans including Transit Asset Management, the Capital Improvement Program, and components of the Equipment Replacement Plan for related projects.
- Annual inclusion of projects in TIP as necessary per FTA regulations.
- Amendments to TIP as necessary to include new projects.

FUNDING SCHEDULE – T.I.P.

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$1,616	\$6,465	\$8,081
TOTAL	\$1,616	\$6,465	\$8,081

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$1,298	\$5,191	\$6,489
TOTAL	\$1,298	\$5,191	\$6,489

44.26.00 Implementation of Americans with Disabilities Act (ADA)

01 IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT (ADA)

OBJECTIVE

To ensure optimal use of City of Billings funds in meeting the transportation needs of seniors and individuals with disabilities in both demand response and fixed route transportation in accordance with Federal Regulations, especially concerning the Americans with Disabilities Act (ADA).

ACCOMPLISHMENTS FISCAL YEAR 2022

Staff continued to investigate methods to improve paratransit efficiency and cost-effectiveness.

Continued evaluating dispatch and customer service practices for potential modification in regard to dispatching software implementation, as well as other technology implementations.

Members also continued to assess financial and operational functioning of paratransit services, including contractual agreements with area agencies including the Adult Resource Alliance and the State of Montana Developmental Disabilities Bureau. These agreements were updated with normalized fees to ensure equitable and effective transportation service to seniors and individuals with disabilities.

Staff monitored procedures and policies involving ADA accessible fixed-route service and other accessibility features/requirements and updated with relevant findings.

Assessed and updated paratransit vehicle specifications to support future vehicle purchases; continued implementation and further procurement development of smaller ADA equipped vehicles to enhance paratransit service efficiencies.

Staff familiarized passengers with fixed route system use as appropriate via MET's travel training program.

Staff continued to coordinate transportation services among 5310 transit providers, social service agencies and the public to provide an overall strategy to enhance transportation access, minimize duplication of services and facilitate the most appropriate cost-effective transportation possible within available resources. This also included outreach and engagement to improve and advance the coordination plan as well as to improve community relations.

Increased participation with community groups, including Big Sky Senior Services and Adult Resource Alliance to support Aging-Friendly community initiatives and assessment of available transportation options.

PROPOSED ACTIVITIES FISCAL YEAR 2023

Functions necessary in support of planning and development of transit related Americans with Disabilities projects, procedures, outreach, and other related activities will be performed under this work element. Activities are as follows:

- Continue developing and refining improvements to current travel training options to the public using available technology and updated delivery methods; improve education and outreach surrounding these services.
- Continue to integrate ADA accessibility location assessments into the bus stop master plan.
- Staff will continue to provide outreach and education for professionals, organizations, and other identified entities in the community, including participating on advisory groups in order to maintain positive relationships with individuals with disabilities and senior communities.
- Staff will continue to facilitate and encourage involvement in regular Billings Area Human Services Transportation Coordination Plan meetings with human service providers, social service agencies, transportation providers, and the public to coordinate efforts associated with transit capital and service planning.
- Continue to facilitate effective service provision and usage of lift-equipped fixed-route vehicles; assess and recommend capital and operational projects with the intent of supporting existing service, increased demand, and adding potential enhancements.
- Continue identification of means to address transit and paratransit needs, assessing both short- and long-term paratransit needs, the organizational and financial capabilities of addressing those needs.
- Continue community outreach to the public and organizations in support of improving access to transportation for seniors, individuals with disabilities, and low-income populations; continue participation on community committee meetings while exploring avenues for further outreach and engagement.
- Continue working with contracted providers in execution of agreements including existing agreements with the Adult Resource Alliance and the State of Montana, ensuring modifications are made as necessary to increase the efficiency and effectiveness of service.
- Analyze and recommended improvements to current scheduling practices including more advanced use of available technologies to expand availability of services to seniors and low-income groups.
- Staff intends to assess, evaluate, and recommend improvements to the Paratransit Eligibility process to respond to increased demand for services to ensure all requirements regarding capacity and service are executed efficiently and equitably.

STAFFING

- 110.00 Transit Manager Staff Hours
- 125.00 Transit Planner Staff Hours
- 60.00 Administrative Support Staff Hours
- 80.00 Transit Supervisor Staff Hours (2 positions)

100.00 Marketing and Outreach Coordinator Staff Hours

10.00 Aviation/Transit Director Staff Hours

485.00 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

PRODUCT

- Continued consensus with and support of City of Billings compliance with ADA regulations related to transit.
- Continued community consensus and support of City of Billings methods for addressing of specialized needs, including lift-equipped vehicles and other options for individuals with disabilities and seniors.
- Recommendations and proposals for enhancements to existing system and programs in support of ADA compliance and regulations aimed at increasing efficiency and effectiveness.
- Public involvement and feedback regarding potential system enhancements in support of transportation for seniors and individuals with disabilities.

FUNDING SCHEDULE – ADA SERVICE

FUNDS PROGRAMMED - FISCAL YEAR 2023

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$10,519	\$42,078	\$52,597
TOTAL	\$10,519	\$42,078	\$52,597

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$7,298	\$29,193	\$36,491
TOTAL	\$7,298	\$29,193	\$36,491

SECTION II FUNDING SUMMARY

FEDERAL FISCAL YEAR 2024

WORK ELEMENT	FUNDING SOURCES FY 2024			STAFF HOURS
	LOCAL	FTA	EST. COST	
44.21.01 Administration	\$6,953	\$27,814	\$34,767	440.00
44.24.01 Future Service				
Staff Hours	\$17,843	\$71,372	\$89,215	915.00
Studies	\$30,000	\$120,000	\$150,000	
44.24.02 Current Service	\$13,843	\$55,370	\$69,213	650.00
44.25.01 T.I.P.	\$1,298	\$5,191	\$6,489	70.60
44.26.15 ADA Service	\$7,298	\$29,193	\$36,491	485.00
TOTAL	\$77,255	\$309,020	\$386,275	2560.60

ALLOCATION OF COSTS

Expenditures identified include direct costs, benefits at the rate of 55% of direct salary or wages, and indirect costs at the rate of 9% of direct salary or wages.

Federal Transit Administration Section 5303 funding is available at an 80% reimbursement rate, meaning the local to FTA funding ratio for all categories is 20% local, 80% federal.

LIST OF ACRONYMS

ADA	American Disability Act
ACS	American Community Survey
ARP	American Rescue Plan
AVL	Automated Vehicle Locator
BSED	Big Sky Economic Development
BUILD	Better Utilizing Investments to Leverage Development
CAC	Citizen Advisory Committee
CARES	Coronavirus Aid, Relief, and Economic Security
CDL	Commercial Drivers License
CIP	Capital Improvement Plan
CMAQ	Congestion Mitigation Air Quality
CTSP	Community Transportation Safety Plan
EBURD	East Billings Urban Renewal District
ERP	Equipment Replacement Plan
FAST Act	Fixing America’s Surface Transportation Act
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FY	Fiscal Year
GIS	Geographic Information System
GTFS	General Transit Feed Specification
HPMS	Highway Performance Monitoring System
IIJA	Infrastructure Investment and Jobs Act
ITS	Intelligent Transportation Systems
LRTP	Long Range Transportation Plan
MDT	Montana Department of Transportation
MPO	Metropolitan Planning Organization
NTD	National Transit Database
PCC	Policy Coordinating Committee
PEP	Private Enterprise Participation
PL	Planning Funds
PTASP	Public Transit Agency Safety Plan
RAISE	Rebuilding American Infrastructure with Sustainability and Equity
SBBURD	South Billings Boulevard Urban Renewal District
TA	Transportation Alternative Program
TAC	Technical Advisory Committee
TAM	Transit Asset Management
TAZ	Traffic Analysis Zones
TDP	Transit Development Plan
TIP	Transportation Improvement Program
UPWP	Unified Planning Work Program
VMT	Vehicle Miles Traveled

YCBP

Yellowstone County Board of Planning

Planning Board

Date: 07/25/2023
Title: Review of Conservation Easement - Big Spring Ranch
Presented by: Monica Plecker
Department: Planning & Community Services
Presentation: No

Information

RECOMMENDATION

Planning staff recommends the Board review and provide comment on the proposed conservation easement in accordance with Montana Code Annotated (MCA) 76-6-206. There is no formal action required other than to consider the item and provide comment, if any.

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

Betty, Karen, and Peggy Glantz of Big Spring Ranch, working with Montana Land Reliance, would like to place a conservation easement on their 2,316-acre property in Yellowstone County located approximately 7 miles southeast of Laurel along Duck Creek Road. The property is currently 18 parcels.

The property is predominately rangeland with limited areas of historic crop production. A significant portion of the ranch is currently enrolled in the Conservation Reserve Program (CRP). Species common to the area include mule deer, white-tailed deer, sharp-tailed grouse, and prairie birds. The grazing is currently leased. The family is excluding from the conservation easement approximately 10 acres where the ranch headquarters are located.

MCA 76-2-206 states:

"In order to minimize conflict with local comprehensive planning, all conservation easements shall be subject to review prior to recording by the appropriate local planning authority for the county within which the land lies. It shall be the responsibility of the entity acquiring the conservation easement to present the proposed conveyance of the conservation easement to the appropriate local planning authority. The local planning authority shall have 90 days from receipt of the proposed conveyance within which to review and to comment upon the relationship of the proposed conveyance to comprehensive planning for the area. Such comments will not be binding on the proposed grantor or grantee but shall be merely advisory in nature. The proposed conveyance may be recorded after comments have been received from the local planning authority or the local planning authority has indicated in writing it will have no comments or 90 days have elapsed, whichever occurs first."

This area is located within a remote and undeveloped part of the county and there are no area specific plans that impact this property. The County Growth Policy does recognize agricultural uses as being important to the economy of Yellowstone County and has been a dominating economic driver for the County. Some of the land in the proposed easement is located in Special Zone District (SZD) 14 and 16. These districts are rural in nature and contemplate very little development and are intended to preserve the rural landscape and most land is zoned agricultural. The Planning Board should review the proposal and provide comment, if any.

STAKEHOLDERS

The Planning Board may solicit public comment, but there is no public hearing for this item.

ALTERNATIVES

The Planning Board may:

- Provide comments on the proposed easement; or
- Not provide comments on the proposed easement.

FISCAL EFFECTS

Not Applicable

Attachments

Easement Information
Easement Documents

BIG SPRING RANCH

Betty, Karen, and Peggy Glantz of Big Spring Ranch would like to place a conservation easement on their 2,316-acre property in Yellowstone County located approximately 7 miles southeast of Laurel along Duck Creek Road. The property is currently subdivided into 18 parcels. The Glantz sisters would like the ranch to be restricted to transfer as two unique parcels only.

The property is predominately rangeland with limited areas of historic crop production. A significant portion of the ranch is currently enrolled in the Conservation Reserve Program (CRP). Species common to the area include mule deer, white-tailed deer, sharp-tailed grouse, and prairie birds. The grazing is currently leased to a neighbor. There is not a mortgage on the property.

The family would like to exclude from the conservation easement approximately 10 acres where the ranch headquarters are located.

Human Development:

Existing Structures:

- None

Permitted:

- Two residences within the same or separate 5-acre building envelopes. Building envelopes and the two residences can be located on either parcel. Location(s) to be determined at a future date, with grantee approval.
- Allow for unlimited agricultural structures in the 5-acre building envelope(s). Location(s) to be determined.
- Property would transfer as two parcels only.

Relationship to MLR Goals:

An easement on the property would protect scenic and open space views along Duck Creek Road in Yellowstone County. Due to its proximity to Billings, the property is at risk of subdivision. The land to the north of the property was recently purchased by a Bozeman Developer.

Relationship to IRS Code:

The property is visible to the public driving on Duck Creek Road and those recreating on public lands adjacent to the property.

The landowners are not seeking a tax deduction.

Relationship to MLR Resources:

Staff is requesting this as a special protection project. The landowners have committed to a \$20,000 donation to the MLRF Land Protection Fund spread out over two years.

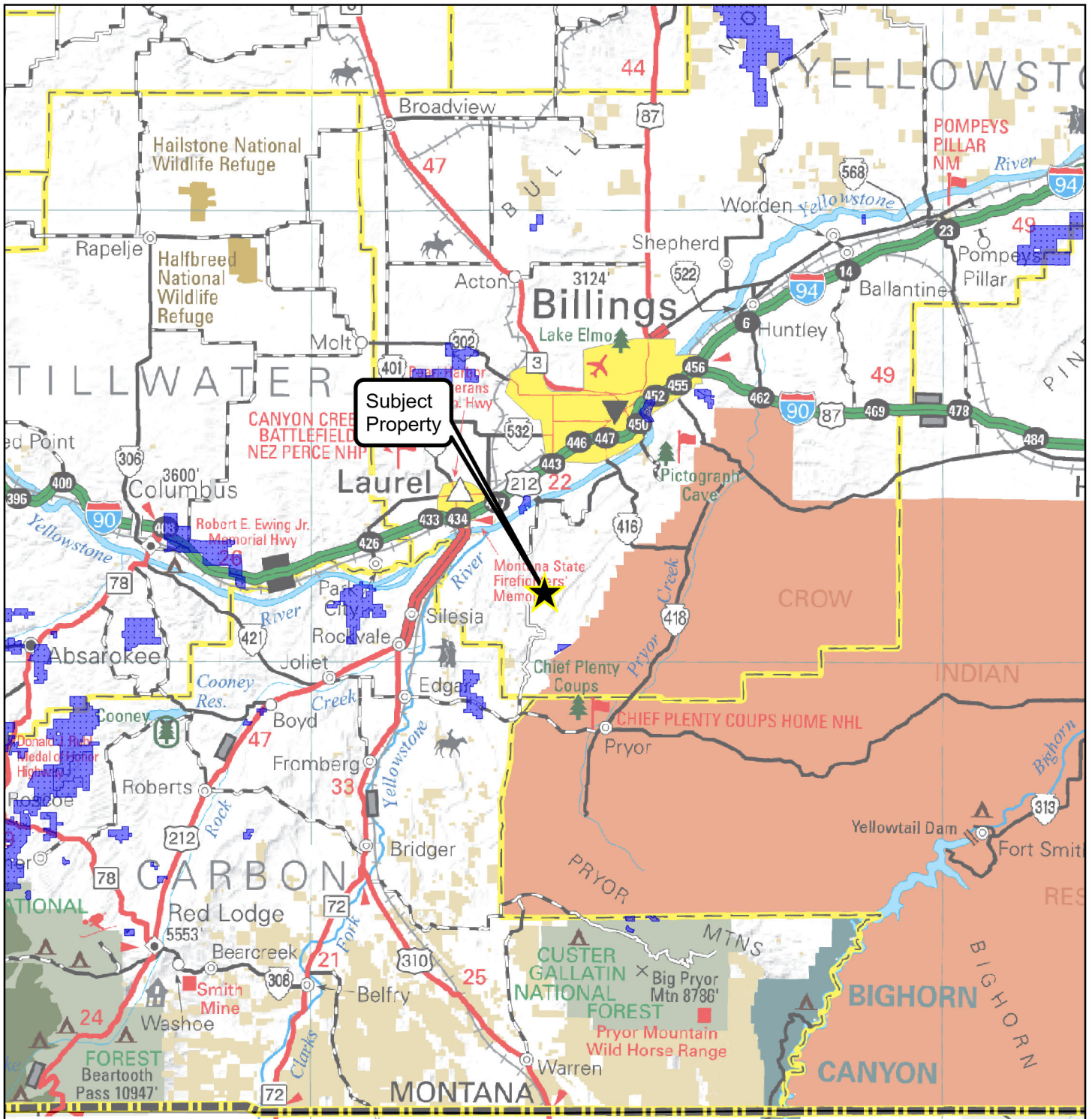
Potential Issues and Challenges:

Landowners are adamant that commercial outfitting be prohibited on the property. A mineral remoteness letter is needed.

Scoring System:

After review staff unanimously approved this project to be presented to the Board for approval with a project score of 78.

Staff contact for the project is Brad Hansen.



Wyoming

Montana State Highway Map 2021

Big Spring Ranch

Acres: 2,316

 Subject Property

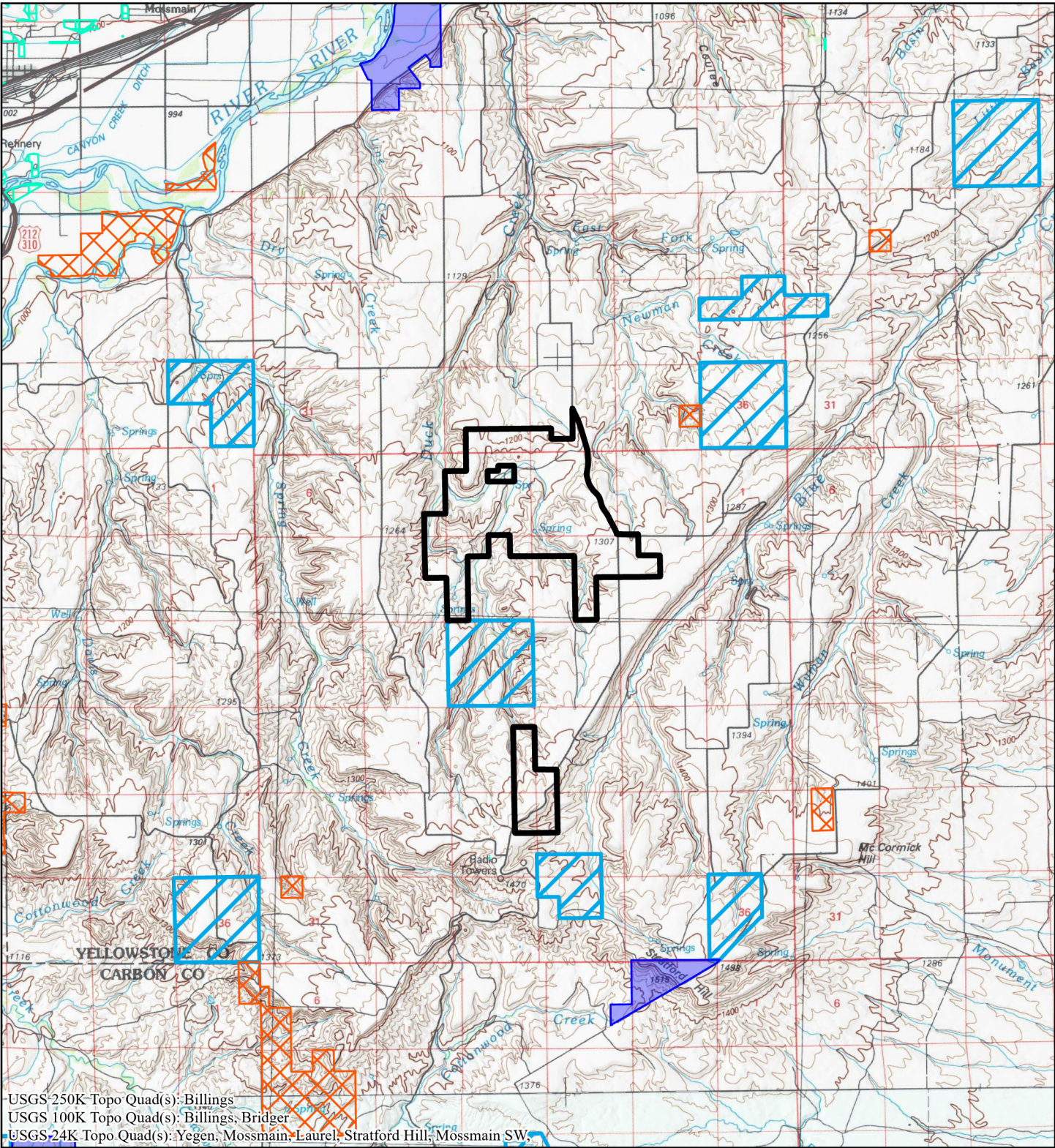
 MLR Conservation Easements



Map Center Coordinates (WGS 84):
 Latitude: 45.580055°N
 Longitude: 108.630057°W



Created On: 02/16/2023




Big Spring Ranch


Acres: 2,316

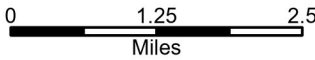
 Subject Property

 State Trust Lands

 BLM

 MLR Conservation Easement

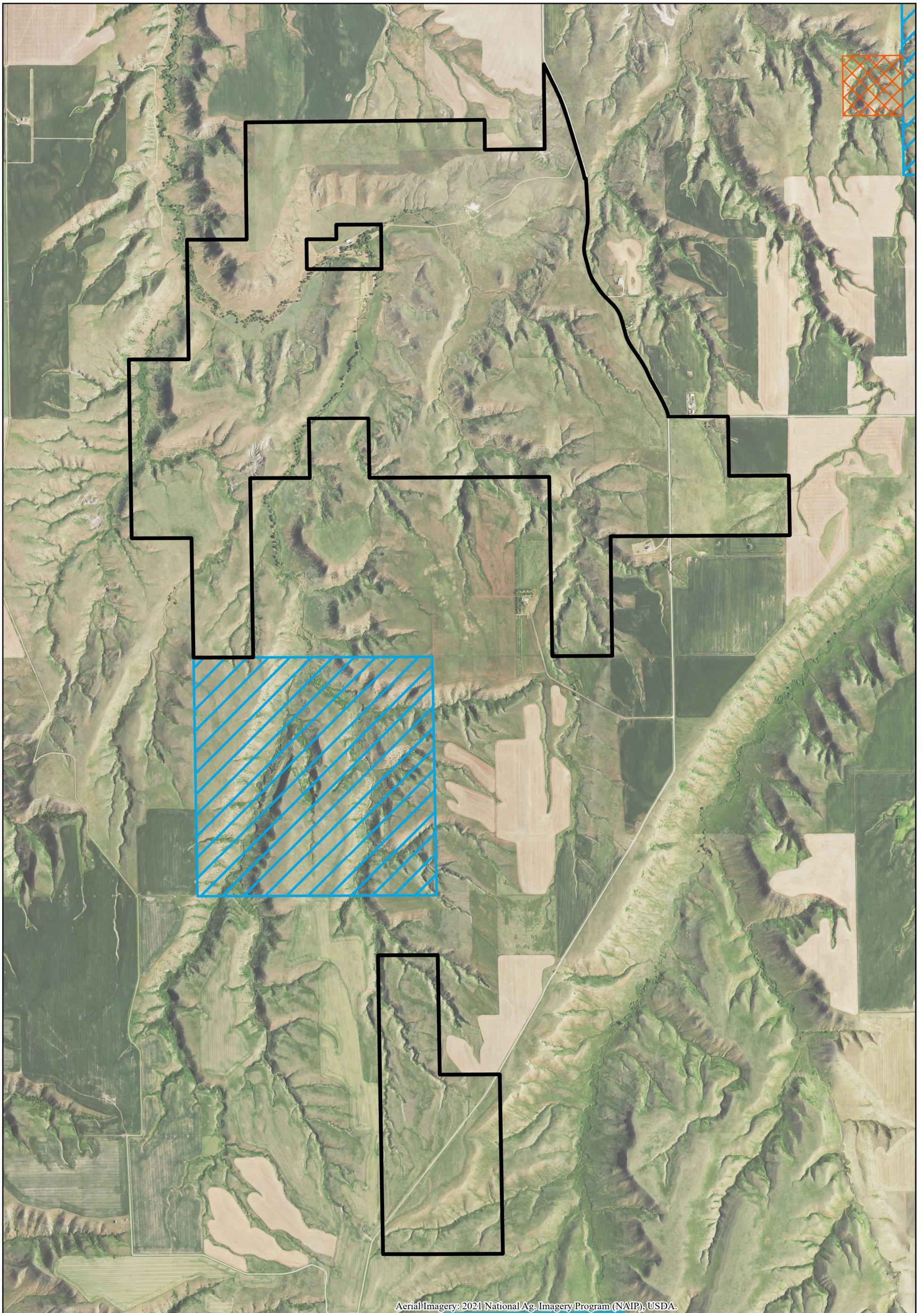
 Other Conservation Easements



Map Center Coordinates (WGS 84):
 Latitude: 45.587716°N
 Longitude: 108.633314°W



Created On: 02/16/2023



Aerial Imagery: 2021 National Ag. Imagery Program (NAIP), USDA.

BIG SPRING RANCH

Acres: 2,316

Subject Property		
State Trust Lands	MLR Conservation Easement	
BLM	Other Conservation Easements	Map Center Coordinates (WGS 84): Latitude: 45.58004°N Longitude: 108.630064°W Created On: 02/16/2023

AFTER RECORDING RETURN TO:

THE MONTANA LAND RELIANCE
P.O. BOX 355
HELENA, MT 59624

TO ENSURE THAT THE MONTANA LAND RELIANCE RECEIVES PROPER NOTICE WHEN ANY PROPERTY ENCUMBERED BY THIS DEED OF CONSERVATION EASEMENT IS SOLD OR TRANSFERRED, SECTION 12 OF THIS DEED OF CONSERVATION EASEMENT MAY REQUIRE GRANTOR TO PAY GRANTEE A TRANSFER FEE OF ONE HUNDRED DOLLARS (\$100.00) AT THE TIME OF TRANSFER. PLEASE CONTACT THE MONTANA LAND RELIANCE FOR FURTHER INFORMATION.

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT (“Easement”) is made this ____ day of _____, 20____, by **BIG SPRING RANCH**, a Montana corporation, with a principal address of 8928 Duck Creek Road, Laurel, Montana 59044, and a mailing address of 2209 Elm Street, Billings, Montana 59101 (together with its successors and assigns “Grantor”) and **THE MONTANA LAND RELIANCE**, a Montana nonprofit corporation with a principal office at 324 Fuller Avenue, Helena, Montana 59601, and with a mailing address of P.O. Box 355, Helena, Montana 59624 (“Grantee”).

RECITALS

1. Grantor owns certain real property in Yellowstone County, Montana, more particularly described in Exhibit A and depicted on Exhibit E, both attached hereto and incorporated by this reference (“Property”) totaling approximately two thousand four hundred three (2,403) acres;
2. Preservation of the Property by this Easement will provide for the preservation of significant open-space land, consistent with the Montana Open-Space Land and Voluntary Conservation Easement Act, § 76-6-101 *et seq.*, Montana Code Annotated (“MCA”) (the “Act”) at §§ 76-6-103(2) and 76-6-204, MCA;
3. Preservation of the Property by this Easement will yield significant public benefits to the people of Yellowstone County and the State of Montana by protecting, preserving, and providing the following significant resources, in perpetuity, in compliance with § 76-6-101, *et seq.*, MCA:
 - a. Open-space land which provides opportunities to maintain and enhance working agricultural lands, historic Montana landscapes, and important natural resources;
 - b. Open-space land which preserves significant scenic views of the Pryor Mountains and Duck Creek Valley for the scenic enjoyment of the general public traveling on Duck Creek Road and Price Hill Road, both public roads, and recreating on adjacent State of Montana Trust Land, which the Montana Department of Natural Resources manages as working and recreational lands for public benefit; and

c. Open-space land which serves a variety of other purposes, including benefiting plants, biotic communities, and fish and wildlife, including, but not limited to, mule deer, white-tailed deer, sharp-tailed grouse, and prairie birds, all of which use the wildlife habitat on the Property;

(collectively referred to as the “Conservation Values”);

4. The 2008 Yellowstone County – City of Billings Growth Policy Update, adopted by the Yellowstone County Commissioners on January 13, 2009, through Resolution #08-104, identifies conservation easements as one of the cooperative “implementation tools available to the City and County to achieve the Goals and Objectives of [the] Growth Policy” and explains that conservation easements allow landowners to “help preserve critical resources such as wildlife habitat, wetlands or riparian areas, agricultural lands, forested lands or lands with other scenic or natural resources,” and accordingly, this Easement is consistent with the Growth Policy by protecting agricultural lands and open-space lands with scenic, wildlife habitat, and natural resource values;

5. Grantor owns the rights to identify, preserve, and protect in perpetuity the Conservation Values of the Property, which are of great importance to Grantor and to the public, and are worthy of preservation in perpetuity;

6. By conveying this Easement and its associated rights freely, voluntarily, and irrevocably to Grantee, Grantor intends to preserve and protect in perpetuity the Conservation Values of the Property; and

7. Grantee is a qualified organization under §§ 76-6-104(5) and 76-6-204, MCA, organized to conserve land for open-space purposes under the Act;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this Easement, and as an absolute, unconditional, unrestricted, irrevocable, and voluntary gift, Grantor hereby gives, grants, and conveys to Grantee, and the successors and assigns of Grantee, with warranties of title, this perpetual Easement on, over, and across the Property in accordance with the terms and conditions set forth below.

SECTION 1. PURPOSES AND GENERAL EFFECT OF EASEMENT

A. Purposes. The purposes of this Easement are to preserve, protect, and enhance the Conservation Values, in perpetuity, and to prevent any use of, or activity on, the Property that will impair the Conservation Values or permit destruction of other significant conservation interests. In achieving these purposes, it is the mutual intention of Grantor and Grantee to permit the continuation of such pre-existing uses of the Property at the time of the grant of this Easement that do not conflict with the purposes and terms of this Easement. If one or more of the purposes of this Easement may no longer be accomplished, such failure of purpose shall not be deemed sufficient cause to terminate the entire Easement as long as any other purposes of the Easement may be accomplished.

Grantor and Grantee recognize that changes in natural conditions, landscapes, technologies, accepted farm, ranch, and forest management practices, and the situation of Grantor may result in an evolution of land uses and practices related to the Property, and these new or unforeseen land uses and practices are allowed, provided that such uses and practices are consistent with protection of the Conservation Values in perpetuity and the purposes and terms of this Easement. Grantor and Grantee have considered the possibility that uses which are prohibited by the Purposes or terms of this Easement may become more economically valuable than the uses that are permitted by this Easement, and it is the mutual intent of Grantor and Grantee that any such economic changes shall

not be deemed to be changed conditions or a change in circumstances impairing the validity of this Easement, and shall not justify the amendment, judicial termination, or extinguishment of this Easement.

B. Perpetual restrictions. This Easement shall run with the land and burden title to the Property in perpetuity and shall bind Grantor and all future owners, tenants, lessees, licensees, occupants, invitees, and users of the Property.

C. Dedication. The Property is hereby declared to be “open-space land” as defined in § 76-6-104(3), MCA, and may not be converted or diverted from open-space land uses, except as set forth in § 76-6-107, MCA, and Section 10 of this Easement.

D. Incorporation of Recitals. The parties agree that the foregoing Recitals are true and correct and that they are incorporated into the terms and conditions of this Easement.

SECTION 2. RIGHTS CONVEYED

The rights conveyed by this Easement to Grantee are the following:

A. Identification and protection. To identify, preserve, and protect in perpetuity the Conservation Values of the Property, including, but not limited to, its significant open-space and scenic values, subject, however, to Grantor’s reserved rights as herein provided and further subject to all third-party rights of record in the Property existing at the time of conveyance of this Easement and not subordinated to this Easement.

B. Access. To enter the Property to inspect and monitor Grantor’s compliance with the terms of this Easement in a manner that will not unreasonably interfere with the use of the Property by Grantor. Grantee shall also have the right to enter the Property to enforce the rights granted to Grantee in this Easement, and Grantor conveys to Grantee a right of immediate entry onto the Property if, in Grantee’s sole judgment, such entry is necessary to prevent damage to or destruction of the Conservation Values protected by this Easement. Aside from the rights of access granted to Grantee in the preceding sentences, this Easement does not grant to Grantee, nor to the public, any rights to enter upon the Property.

C. Enforcement, injunction, and restoration. To enforce the terms and conditions of this Easement, to enjoin any activity on, or use of, the Property which is inconsistent with the purposes or terms of this Easement, including those activities which may have an adverse impact on the Conservation Values or would permit destruction of significant conservation interests, and to enforce the restoration of such areas or features of the Property as may be damaged by such activities or uses.

SECTION 3. RESERVED RIGHTS AND PROHIBITED USES

A. Reserved rights. Grantor reserves to itself and to its successors and assigns all rights accruing from ownership of fee title to the Property, including the right to engage in, or permit or invite others to engage in, all uses of the Property that are not prohibited herein, that do not destroy or impair the Conservation Values, and that are not inconsistent with the terms or purposes of this Easement. The Conservation Values have not been, and will not be, adversely affected by allowing uses of the Property which now exist on the Property or which are permitted by this Easement. Further, the limited additional development of the Property permitted by this Easement will not impair the Conservation Values. Without limiting the generality of the foregoing sentences, those uses and practices described in Exhibit B, attached hereto and incorporated by this reference, are

expressly permitted, subject to any prior written approval requirements and any other conditions specified in Exhibit B.

B. Prohibited uses. Any activity on, or use of, the Property that impairs or destroys the Conservation Values or that is inconsistent with the terms or purposes of this Easement is prohibited. Without limiting the generality of the foregoing sentence, the activities and uses described in Exhibit C, attached hereto and incorporated by this reference, are expressly prohibited.

C. Continuation of Pre-Existing Uses. The Property is currently used for agricultural purposes. Grantor and Grantee agree that the Conservation Values have not been, and are not likely to be, adversely affected by continuing to allow such pre-existing uses of the Property. Accordingly, and as described in Exhibit B, Grantor may continue pre-existing uses of the Property which do not conflict with the conservation purposes of this Easement and which do not impair the Conservation Values.

SECTION 4. PRIOR NOTICE BY GRANTOR AND APPROVAL OF GRANTEE

Any enterprise, use, or activity proposed to be done or undertaken by Grantor requiring Grantee's prior approval, consultation, notification, or mutual agreement (including any provision of Exhibit B or Exhibit C expressly requiring the prior approval of Grantee), or which has the potential to impair, harm, or destroy the Conservation Values if conducted in a manner that is inconsistent with the purposes of this Easement, may be commenced only after satisfaction of the notice and approval conditions of this Section 4. A purpose of requiring notice and prior approval is to afford Grantee the opportunity to ensure the proposed use or activity is consistent with the purposes and terms of this Easement and does not adversely impact the Conservation Values.

A. Grantor's written request for approval. Prior to the commencement of any enterprise, use, or activity for which Grantee's prior approval is required, or which may have an adverse impact on the Conservation Values, Grantor must send Grantee written notice of Grantor's intention to commence or undertake such enterprise, use, or activity. Said notice must inform Grantee of all aspects of such proposed enterprise, use, or activity, including, but not limited to, the nature, siting, size, capacity, and number of structures, improvements, facilities, or uses, and the dates and duration of the activity or uses, as appropriate.

B. Grantee's addresses. Any request for Grantee's approval of a proposed enterprise, activity, or use shall be communicated and delivered by one or more of the following methods:

(1) Delivered to the Grantee in person at Grantee's principal office located at 324 Fuller Avenue, Helena, Montana, 59601 with a signed and dated proof of delivery;

(2) Sent to the Grantee at P.O. Box 355, Helena, Montana, 59624 by registered or certified United States mail with return receipt requested or by Federal Express or other reputable carrier or delivery service with a signed and dated proof of delivery; or

(3) Conveyed to Grantee's Stewardship Director by email. If notice is conveyed by email, it shall be considered effective notice in accordance with this Section 4 only if Grantor receives a non-automated email response from Grantee confirming receipt of Grantor's email within ten (10) days of the date that Grantor's email notice was sent. If Grantor does not receive a non-automated email response from Grantee confirming receipt of Grantor's email notice within ten (10) days, Grantor shall re-send the notice using one of the other notice methods provided for in this Paragraph B, above.

Grantee may, from time to time, designate in writing to Grantor other physical or electronic addresses to which Grantor shall personally deliver, mail, or send requests for approval pursuant to this Section 4. Grantor's request must provide Grantee with an address to which Grantee's response should be sent, and the names, addresses, and contact information of persons authorized by Grantor whom the Grantee may contact about the request.

C. Time for Grantee's response. Within thirty (30) days from Grantee's receipt of a request for approval, as indicated by the date of delivery receipt or proof of delivery, which for email notice is the date of Grantee's non-automated email response as described in this Section 4, paragraph B, Grantee shall review the proposed enterprise, use, or activity and notify Grantor of any objection thereto. The thirty (30) day period shall not begin until such time as Grantee has received adequate information from Grantor to evaluate the proposed activity. If Grantee requires additional information to evaluate the proposed activity, Grantee shall request the information from Grantor as soon as practicable and in any case not later than twenty (20) days after receiving the request for approval. Grantor may not proceed with any action for which Grantor must obtain prior approval from Grantee without first receiving Grantee's express written consent.

Grantee's failure to respond within the time period specified above shall be deemed Grantee's constructive denial of approval, without prejudice, and Grantor may resubmit the same or a similar request for approval of Grantee.

D. Grantee's response to requests for approval. Only upon Grantee's express written approval may the proposed enterprise, use, or activity be commenced and/or conducted, and only in the manner explicitly represented by Grantor and approved by Grantee.

Grantee's decision to approve or disapprove the activity proposed by Grantor shall be sent by registered or certified mail, return receipt requested, or by other delivery or carrier service with proof of delivery, to Grantor at the address provided to Grantee in Grantor's request. A decision by Grantee to disapprove a proposed activity shall be based upon Grantee's reasonable determination that the proposed enterprise, use, or activity is inconsistent with the purposes or terms of this Easement. If, in Grantee's judgment, conformity with the purposes or terms of this Easement is possible, Grantee's response shall inform Grantor of the manner in which the proposed enterprise, use, or activity can be modified to be consistent with this Easement.

E. Acts beyond Grantor's control. Grantor shall have no liability or obligation for any failure to give notice or obtain Grantee's prior approval regarding any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property, or to any person, resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any other cause beyond the control of Grantor similar to those occurrences specified. Grantor shall provide notice to Grantee of any emergency actions taken pursuant to this paragraph.

F. Rejection or refusal. Rejection or other refusal to accept notices, or objections, or approvals by any party hereto shall be deemed receipt thereof.

SECTION 5. BREACH AND RESTORATION

A. Grantee's remedies. If Grantee determines that Grantor, or third parties under Grantor's authority and control or acting with Grantor's knowledge or consent, are in violation of this Easement, Grantee shall give written notice to Grantor of such violation. In said notice of violation, Grantee shall demand corrective action by Grantor sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent

with the purposes or terms of this Easement, to restore the portion of the Property so injured. If Grantor:

(1) Fails to cure the violation within thirty (30) days after receipt of notice thereof from Grantee;

(2) Under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fails to begin curing the violation within thirty (30) days (or within thirty (30) days of Grantor's receipt of notice from Grantee, fails to agree with Grantee in writing on a date by which efforts to cure such violation will reasonably begin); or,

(3) Fails to continue diligently to cure such violation until finally cured,

Grantee may bring an action in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation by a temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement, and to require the restoration of the Property to the condition that existed prior to any such injury, or to the condition at the time of the grant of the Easement, in Grantee's sole discretion.

If Grantee, in its sole discretion, determines that a violation is threatened or imminent or that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values, Grantee may pursue its remedies under this paragraph without giving notice of violation required above and without waiting for the period provided for a cure to expire.

Grantee's rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantee shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. If injunctive relief is inadequate to restore the Conservation Values as a result of a violation, and to compensate Grantee and the public for the loss and damage to Grantee's rights, Grantee shall be entitled to recover damages for violation of the terms of this Easement or injury to any Conservation Value protected by this Easement including, without limitation, damages for the loss of open-space, scenic, aesthetic, or natural resource values. Without limiting Grantor's liability, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property. Grantee's remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

B. Costs of enforcement. Any costs incurred by Grantee in enforcing the terms of this Easement against Grantor, including staff time, expert and consultant fees, reasonable costs of suit and attorneys' fees, and any costs of restoration necessitated by Grantor's violation of the terms of this Easement, shall be borne by Grantor.

C. Forbearance not a waiver. Enforcement of the terms of this Easement shall be at the discretion of Grantee, and forbearance by Grantee in the exercise of its rights under this Easement if there is a breach of any provision of this Easement shall not be deemed a waiver by Grantee of such provision or of any subsequent breach of this Easement, or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

D. Waiver of certain defenses. Grantor hereby expressly waives any defense of laches, estoppel, or prescription.

E. Acts beyond Grantor's control. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control including, without limitation, fire, flood, storm, and earth movement, or from any other cause beyond the control of Grantor similar to those occurrences specified, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes. Grantor shall provide notice to Grantee of any emergency actions taken pursuant to this paragraph.

F. Mediation. If a dispute arises between the parties concerning the consistency of any use or activity with the terms or purposes of this Easement, and if Grantor agrees in writing not to proceed with the use or activity pending resolution of the dispute, either party may request of the other party, in writing, that the matter be mediated. Within fifteen (15) days of the receipt of such a request, the two parties may jointly appoint a single independent third-party mediator to hear the matter. Each party shall pay an equal share of the mediator's fee. In referring any matter arising under this Easement to mediation, Grantor and Grantee agree that mediation offers an alternative to the expense and time required to resolve disputes by litigation and is therefore often preferable to litigation. Nevertheless, mediation pursuant to this Section 5, paragraph F, shall be voluntary, and this mediation provision shall not be interpreted as precluding or limiting the parties from seeking legal or equitable remedies available under this Section 5.

G. Third parties. Grantee shall have the right, but not the obligation, to pursue all legal and equitable remedies provided under this Section 5 against any third party responsible for any violation of this Easement. Grantor shall cooperate fully with Grantee in enforcement of this Easement against any third parties, and at Grantee's option, shall assign Grantor's right of action against any third party to Grantee, join Grantee in any action against a third party, or appoint Grantee as attorney-in-fact for the purpose of pursuing an enforcement action against a third party. This paragraph shall not be construed to relieve Grantor of any obligation to restore the Conservation Values when damaged or to take all reasonable actions to prevent violations of the Easement by third parties, and nothing herein shall prohibit Grantee from bringing an action against Grantor resulting from Grantor's failure to take reasonable actions to prevent violations of the Easement by third parties.

SECTION 6. COSTS AND TAXES

Grantor shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including responsibility for the control of noxious weeds in accordance with Montana law. Grantor shall pay any and all taxes, assessments, fees, and charges levied by competent authority on the Property, except any tax or assessment on this Easement. Any lawful tax or assessment on this Easement shall be paid by Grantee. Grantor shall also be responsible for, and shall bear all costs associated with, ensuring compliance with all federal, state, and local laws, regulations, rules, and ordinances.

SECTION 7. INDEMNITIES

A. Control of risks associated with Property ownership. Grantor and Grantee acknowledge and agree that Grantor retains ownership of fee title to the Property and therefore Grantor controls day-to-day activities on, and access to, the Property, except for the rights conveyed to Grantee in this Easement. Grantor therefore agrees that general liability for risks, damages, injuries, claims, or costs arising by virtue of Grantor's continued ownership, use, and control of the Property shall remain with Grantor as a normal and customary incident of the right of real property ownership, except as specifically provided in paragraph C of this Section 7. Nothing in this Easement shall be construed as giving rise to any right or ability in Grantee to exercise physical or managerial

control over activities on the Property or to become an “owner” or “operator” of the Property within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §9601 *et seq.* (“CERCLA”), or the Montana Hazardous Waste Act, §§ 75-10-401, *et seq.*, and 75-10-601 *et seq.*, MCA, and its successor statutes, and similar state and federal statutes.

B. Grantor’s obligation to indemnify. Grantor agrees to hold harmless and indemnify Grantee from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, Grantee’s reasonable attorneys’ fees and costs of defense, arising from or in any way connected with:

(1) Injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, except as set forth in paragraph C below;

(2) The obligations specified in Section 6; and,

(3) The obligations arising from past, present, or future presence of any Hazardous Substance on the Property, and any obligation associated with the generation, discharge, transport, containment, or cleanup of any such Hazardous Substance. The term “Hazardous Substance” shall mean any chemical, compound, material, mixture, or substance that is now or hereafter defined or classified as hazardous or toxic by federal, state, or local law, regulation, or ordinance.

C. Grantee’s obligation to indemnify. Grantee shall hold harmless and indemnify Grantor from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including reasonable attorneys’ fees and costs of defense, arising from or in any way connected with injury to or the death of any person, or physical damage to any property, resulting from any of Grantee’s acts or omissions while Grantee is on the Property in the course of carrying out the duties and obligations of Grantee under the terms of this Easement.

D. Scope of indemnity. For purposes of this Section 7, Grantor’s and Grantee’s agreements to hold harmless and indemnify shall extend to their respective directors, members, partners, officers, employees, and agents and their heirs, personal representatives, successors, and assigns.

SECTION 8. ASSIGNMENT OF EASEMENT

Grantee may transfer or assign this Easement, in whole or in part, provided that any such assignment or transfer must be made only to a “qualified private organization” or a “public body” qualified to hold conservation easements under §§ 76-6-104(4) and 76-6-104(5), MCA. Grantee shall require, as a condition of transfer or assignment of all of any portion of this Easement, that assignee or transferee continue to uphold and enforce the conservation purposes of this Easement. In the event assignment of this Easement becomes necessary, Grantee shall seek an assignee which is mutually acceptable to Grantee and Grantor. Grantee agrees that it will make a reasonable effort in the event of any assignment to suggest an assignee which is a qualified organization other than a governmental unit, which has protection of open space or other Conservation Values protected by this Easement as an organizational purpose. Grantee further represents to Grantor that its present intention is to assign its interest in this Easement only in connection with a dissolution of Grantee.

SECTION 9. DOCUMENTATION

Grantor has made available to Grantee, prior to the execution of this Easement, information sufficient to document the condition of the Property, including the condition of its Conservation Values, at the time of the grant of this Easement. This information is based in part upon a site visit to the Property by Grantee or Grantee's agents, and consists of mapping of physical features and resources, building envelopes, photographs of structures, developments, and improvements, a description of current and historical uses of the Property, and gathering of other appropriate information to document the condition of the Property and its Conservation Values as of the date of this Easement. The parties acknowledge that this information has been developed into a Resource Documentation Report, dated _____. The parties have signed a written acknowledgment, attached hereto as Exhibit D and incorporated by this reference, that a copy of the Resource Documentation Report has been provided to Grantor and that the Resource Documentation Report accurately represents the condition of the Property as of the date of the grant of this Easement. The Resource Documentation Report shall be maintained on file with Grantee. The parties intend that the Resource Documentation Report shall be used by Grantee to monitor Grantor's future uses of the Property and practices thereon and compliance with the terms and conditions of this Easement. The parties agree that, in the event a controversy arises with respect to the condition of the Conservation Values, the parties shall not be foreclosed from utilizing any other relevant document, survey, or report to assist in the resolution of the controversy. The parties further agree that if the Resource Documentation Report contains any summaries of, or representations about, the terms or conditions of this Easement, including Exhibit E hereof, any conflict or inconsistency between the terms and conditions of this Easement and the Resource Documentation Report shall be governed by the express terms, conditions, and exhibits herein and not in the Resource Documentation Report.

SECTION 10. EXTINGUISHMENT: GRANTEE'S ENTITLEMENT TO PROCEEDS

A. Extinguishment. If circumstances arise in the future which render the purposes of this Easement impossible or impractical to accomplish, this Easement may be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction, and the amount of the compensation to which Grantee shall be entitled from any sale, exchange, or involuntary conversion of all or any portion of the Property, subsequent to such termination or extinguishment, shall be determined in accordance with paragraph B of this Section 10. Grantee shall use any such proceeds received from the termination or extinguishment of its interest in this Easement in a manner consistent with the conservation purposes of this Easement.

B. Compensation. This Easement constitutes a real property interest immediately vested in Grantee, which the parties stipulate to have a fair market value at least equal to the proportionate value that this Easement on the date of this grant bears to the value of the Property as a whole on the date of this grant. The parties agree to a proportionate value (the "Proportionate Share") of twenty-five percent (25%), which is a reasonable estimation of the values described in the preceding sentence.

This Proportionate Share shall remain constant over time. If there is a whole or partial termination, extinguishment, or condemnation under paragraph A or C of this Section 10, Grantee shall be compensated for its property right, in an amount determined by multiplying (1) the fair market value of the Property (or portion thereof, in the case of partial termination, extinguishment, or condemnation) unencumbered by the Easement at the time of termination, by (2) the Proportionate Share.

C. Eminent domain. If all or a portion of the Property is taken for a public purpose in the exercise of eminent domain so as to abrogate the restrictions imposed by this Easement, Grantor

and Grantee may join in appropriate actions to recover the value of each party's interest in the Property (or portion thereof) taken, as established in paragraph B of this Section 10, including the value of Grantee's Easement as it pertains to the condemned Property (or portion thereof) at the time of the taking or condemnation. Grantor and Grantee shall be entitled to any direct and incidental damages resulting from such taking or condemnation. Proceeds shall be divided between Grantor and Grantee in proportion to their interests in the condemned Property (or portion thereof), as established by paragraph B of this Section 10. Grantee shall use any such proceeds received from condemnation of this Easement in a manner consistent with the conservation purposes of this Easement.

SECTION 11. GRANTOR'S REPRESENTATIONS AND WARRANTIES

Grantor represents and warrants that, after reasonable investigation and to the best of its knowledge, as of the date of the conveyance of this Easement:

A. Grantor has clear title to the Property, Grantor has the right to convey this Easement to Grantee, and the Property is free and clear of any encumbrances, except those encumbrances that have been expressly approved by Grantee.

B. Any handling, transportation, storage, treatment, or use of any substance defined, listed, or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, that has occurred on the Property prior to the date of this Easement has been in compliance with all applicable federal, state, and local laws, regulations, and requirements. No deposit, disposal, or other release of any Hazardous Substance, as defined in paragraph B of Section 7, has occurred on or from the Property, in violation of applicable law.

C. No underground storage tanks are located on the Property, whether presently in service or closed, abandoned, or decommissioned, and no underground storage tanks have been removed from the Property in a manner not in compliance with the applicable federal, state, and local laws, regulations, and requirements.

D. Grantor and the Property are in compliance with all federal, state, and local laws, regulations, and requirements applicable to the Property and its use.

E. There is no pending or threatened litigation in any way affecting, involving, or relating to the Property, other than the ongoing statewide adjudication of water rights in Montana.

F. No civil or criminal proceedings or investigations have been instigated at any time or are now pending, and no notices, claims, demands, or orders have been received, arising out of any violation or alleged violation of, or failing to comply with, any federal, state, or local law, regulation, or requirement applicable to the Property or its use, nor do there exist any facts or circumstances that Grantor might reasonably expect to form the basis for any such proceedings, investigations, notices, claims, demands, or orders.

G. The individual who has executed this Easement has actual authority to execute and bind Grantor to the terms and conditions of this Easement, and Grantor has furnished evidence to Grantee in the form of corporate or partnership resolutions of the signatory's authority to enter this Easement and thereby bind that party's principal.

SECTION 12. MISCELLANEOUS PROVISIONS

A. Partial invalidity. If any provision of this Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.

B. “Grantor” and “Grantee”. The terms “Grantor” and “Grantee,” as used herein, and any pronouns used in place thereof, shall mean and include the above-named Grantor and its successors and assigns, and The Montana Land Reliance and its successors and assigns, respectively. If the Property has been transferred by the original Grantor, then the term “Grantor” means the then-current owner of the Property.

C. Titles. Section and paragraph titles and subtitles are for convenience only and shall not be deemed to have legal effect.

D. Subsequent transfers. Grantor agrees to incorporate the terms and conditions of this Easement by reference in any subsequent deed or other legal instrument by which Grantor conveys legal or equitable title to, or any other interest in, all or a portion of the Property, including any leasehold interest. Incorporation of the terms and conditions of this Easement by reference shall be accomplished by, at a minimum, identifying this Easement, listing its date of recording in the public records of Yellowstone County, Montana, and its recording reference, and stating that this Easement is perpetual, runs with the land, and is binding on the Grantor’s successors and assigns. Any failure to comply with the terms of this paragraph shall not impact the perpetual term of this Easement and shall not render this Easement or any term or condition herein unenforceable.

E. Transfer fee and notice of transfer. To ensure that Grantee receives proper notice any time the entire Property, as described in Exhibit A, or any of the two (2) parcels into which the Property may be divided pursuant to Exhibit B, paragraph 5 hereof, or any other interest in the Property or any portion thereof, is granted, sold, exchanged, devised, gifted, disposed of, or otherwise conveyed or transferred (collectively “transferred”) by Grantor to any third party, including any third party under Grantor’s control or ownership, Grantee shall have the right (but not the obligation) to require Grantor to pay a \$100 transfer fee to Grantee. Grantor shall notify Grantee of such transfer within thirty (30) days of such transfer or conveyance in writing as provided in Section 4.

F. Relationship of Easement to the Act. The State of Montana has expressly authorized the creation of conservation easements pursuant to the Act. This Easement is granted in accordance with the Act, but the existence of this Easement shall not depend on the continuing existence of the Act or any provisions thereof.

G. Subordination. No provision of this Easement is to be construed as impairing the ability of Grantor to use the Property as collateral for any loan, provided that any mortgage or lien arising after the date of execution of this Easement shall be subordinate to the terms of this Easement.

H. Notice of suit. Grantor shall immediately provide Grantee with notice of any lawsuit or administrative action involving the Property or which threatens Grantee’s interest in this Easement. Grantor shall send the notice to Grantee’s mailing address in Section 4, paragraph B, and shall include a copy of any lawsuit or administrative action filed or other relevant documentation. Grantor agrees not to object to Grantee’s intervention in any such lawsuit or action. Such lawsuit or action could include, but is not limited to, quiet title action, partition, condemnation or eminent domain, foreclosure, bankruptcy, tax deficiency, environmental clean-up or enforcement, or any other

lawsuit or action affecting the title to the Property and/or potentially affecting the Conservation Values on the Property that are protected by this Easement.

I. Governing law. In the event any dispute arises over the interpretation or enforcement of the terms and conditions of this Easement, the laws of the State of Montana shall govern resolution of such dispute, without regard to conflict of laws.

J. Amendment. Amendment to or modification of this Easement may be considered by Grantee, in its sole discretion, if such changes are in compliance with applicable laws, including but not limited to § 76-6-101, *et seq.*, MCA; with Grantee's conservation easement amendment policies then in effect; and with the following limitations: (a) no amendment shall be allowed that affects the perpetual duration of this Easement, or the status of Grantee as an eligible holder of conservation easements, under state or federal law; (b) any amendment must be consistent with the purposes of this Easement, (c) any amendment either must enhance, or must have no effect on, the Conservation Values which are protected by this Easement; and (d) no amendment may confer prohibited private benefit or inurement on Grantor or third parties. Any such amendment must be executed in writing by Grantor and Grantee and shall be recorded in the public records of Yellowstone County, Montana.

K. Conservation intent. Any ambiguities in this Easement shall be construed in a manner which best effectuates perpetual protection and preservation of the Conservation Values and the policy and purposes of § 76-6-101, *et seq.*, MCA. The parties acknowledge that each party and its counsel have reviewed and revised this Easement, and that no rule of construction that ambiguities are to be resolved against the drafting party shall be employed in the interpretation of this Easement.

L. Entire agreement and merger of previous understanding. This Easement, including all Exhibits attached hereto, constitutes the entire understanding between the parties hereto with respect to Grantor's grant of this Easement on and over the Property described in Exhibit A, and all prior or contemporaneous negotiations, communications, conversations, understanding, and agreements had between the parties hereto, oral or written, are merged in this Easement.

M. Disclaimer. Grantee does not warrant, guarantee, or otherwise offer any assurance as to the deductibility, if any, of the contribution of this Easement, or its qualification under any applicable state or federal laws. Grantor has been advised by Grantee to secure qualified independent legal, tax, and other professional advice pertaining to the grant of this Easement, and Grantor has had ample opportunity to do so.

N. Separate counterparts. This instrument may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same agreement.

O. Calculation of days. When this Easement refers to a specified number of days for purposes of determining a certain amount of time during which a party may, or is obligated to, complete an action, those days shall be considered calendar days for purposes of determining the amount of time.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Easement on the dates set forth by their signatures, below, and this Easement shall be considered effective when it is recorded in the public records of Yellowstone County, Montana.

GRANTOR:

BIG SPRING RANCH, a Montana corporation

By: _____
Its: _____

State of _____

County of _____

This record was signed before me on _____, 20____ by
_____ as _____ of or
for _____.

(Notary Signature)

[Affix stamp above]

GRANTEE:

THE MONTANA LAND RELIANCE, a Montana nonprofit corporation

By: _____
Its: _____

State of _____

County of _____

This record was signed before me on _____, 20____ by
_____ as _____ of The
Montana Land Reliance.

(Notary Signature)

[Affix stamp above]

**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY**

PARCEL 1

Township 2 South, Range 25 East, P.M.M., Yellowstone County, Montana

Section 33: S½SE¼; SE¼SW¼

Section 34: S½SE¼SW¼; SW¼SW¼; that part of Section 34, Township 2 South, Range 25 East, of the Principal Montana Meridian, in Yellowstone County, Montana, described as Certificate of Survey No. 1632 on file in the office of the Clerk and Recorder of said County, under Document #1040949

Township 3 South, Range 25 East, P.M.M., Yellowstone County, Montana

Section 3: E½SE¼, lying west of the County Road;
Government Lots 3 and 4;
Government Lot 2; SW¼NE¼; W½SE¼; S½NW¼; N½SW¼; S½SW¼ excepting
therefrom the following Tract of land from Government Lot 2 and SW¼NE¼:
Certificate of Survey No. 2327

Section 4: Government Lot 1, less and except SW¼SW¼; Government Lot 2, less and except
S½SE¼; Government Lot 3; S½NW¼; S½SW¼NE¼; S½SE¼NE¼; NE¼SE¼NE¼;
E½NW¼SE¼NE¼; NE¼SW¼; SE¼SW¼; W½SE¼; E½SE¼; W½SW¼

Section 5: SE¼SE¼

Section 8: E½NE¼

Section 9: NW¼NW¼; SW¼NW¼; W½SW¼; NE¼NW¼; NE¼NE¼

Section 10: N½NW¼; NW¼NE¼; E½NE¼; SW¼NE¼; W½SE¼

Section 11: W½NW¼; SE¼NW¼

PARCEL 2

Township 3 South, Range 25 East, P.M.M., Yellowstone County, Montana

Section 21: SE¼NE¼; E½SE¼

Section 22: SW¼SW¼

Section 27: W½NW¼

Section 28: E½NE¼

ALL OF THE FOREGOING DESCRIBED PROPERTY IS CONVEYED SUBJECT TO all third-party rights of record in the Property existing at the time of conveyance of this Easement and not subordinated to this Easement.

EXHIBIT B PERMITTED USES AND PRACTICES

The following uses and practices, though not an exhaustive recital of consistent uses and practices, may be conducted consistent with the terms and purposes of this Easement and are permitted as described herein. Some of these consistent land uses and practices are identified below as being subject to specified conditions or to the provisions of Section 4 requiring Grantee's prior written approval. All uses of the Property, and any construction, maintenance, or development on the Property, must be conducted in a manner consistent with the terms and purposes of this Easement.

1. Agricultural activities. To continue historic and existing farming, ranching, and other agricultural activities, and to conduct new farming, ranching, and other agricultural activities, including raising and managing livestock and planting, raising, and harvesting agricultural crops, provided that all such agricultural activities on the Property must remain consistent with protection and preservation of the Conservation Values.

2. Recreational activities. To use the Property for recreational activities, including, but not limited to, hunting of game animals and birds, fishing, hiking, wildlife viewing, and quiet enjoyment by Grantor and invitees, provided that all such recreational activities on the Property must remain consistent with protection and preservation of the Conservation Values. Commercial uses of the Property for recreation are permitted only as set forth in this Exhibit B, paragraph 11. This paragraph shall not be construed to permit construction of any recreational facilities, structures, or improvements on the Property, except for those structures that are specifically permitted in this Exhibit B, paragraph 4b.

3. Water resources. To maintain, enhance, and develop water resources on the Property for permitted agricultural uses, fish and wildlife uses, domestic needs, and permitted commercial activities described in paragraph 11 of this Exhibit B. Permitted uses may include, but are not limited to, the following: the right to restore, enhance, and develop water resources, including ponds, wetlands, rivers, and streams; to locate, construct, repair, and maintain irrigation systems; and to develop and maintain stock watering facilities and domestic groundwater wells.

4. Structures and Building Envelopes. To construct, maintain, repair, remodel, and make limited additions to, and in the event of their removal or destruction, to replace structures on the Property only as allowed by this paragraph 4. New or replacement structures must be constructed in a manner consistent with protection of the Conservation Values, and must adhere to any height and square footage limitations described herein. Grantee retains sole discretion to make determinations regarding the criteria contained in this paragraph 4.

a. Residential dwelling units. For the purpose of this Easement, the term "residential dwelling unit" means a structure, or a portion thereof, with sleeping accommodations and kitchen facilities that is provided, used, constructed, converted, remodeled, added onto, or replaced for habitation or occupation by one or more people. The definition of residential dwelling units includes, but is not limited to, structures used as residences; apartments or suites that are a part of non-residential outbuildings described in subparagraph 4b below; guest houses; employee houses; cabins; mobile homes, trailers, and other moveable living units.

No residential dwelling units exist on the Property, and no more than two (2) residential dwelling units are permitted on the Property. All residential dwelling units, and replacements thereof, must be located within the designated Building Envelopes defined in subparagraph 4c below and adhere to the following square footage and height limitations. No other habitations, living, or sleeping quarters are permitted on the Property.

Each of the two (2) permitted residential dwelling units shall not individually exceed three thousand (3,000) square feet, as measured from exterior wall dimensions (including any daylight basement) but not including exterior decks, porches, or an attached garage. The two (2) permitted residential dwelling units also shall not exceed three (3) stories in height, as measured from the highest point above finished grade.

To ensure that permitted new, remodeled, or replacement residential dwelling units are constructed in a manner consistent with protection of the Conservation Values and with the criteria herein, Grantor must submit copies of architectural/construction plans to Grantee for prior approval, as provided in Section 4 hereof.

b. Non-residential outbuildings. Non-residential structures and improvements, which are used for agricultural purposes or used in association with the permitted residential dwelling units (“non-residential outbuildings”), are permitted only within the Building Envelopes defined in subparagraph 4c, and include, but are not limited to, barns, shelters, corrals, other agricultural facilities and improvements, garages, workshops, sheds, and recreational structures, all used for non-residential purposes.

c. Building Envelopes. The two (2) permitted residential dwelling units and all their non-residential outbuildings must be located within two (2) newly defined building envelopes to be called “Building Envelope #1” and “Building Envelope #2”. Building Envelope #1 and Building Envelope #2 shall each be no more than five (5) acres in size. No more than two (2) Building Envelopes are permitted on the Property. The dimensions and precise locations of Building Envelope #1 and Building Envelope #2 are not defined at the time of the grant of this Easement. Prior to beginning construction of either of the permitted new residential dwelling units or any non-residential outbuildings, Grantor must designate specific boundaries of Building Envelope #1 and/or Building Envelope #2 by legal survey or other mutually agreeable method of delineation on the ground, and Grantor must submit the proposed boundaries of Building Envelope #1 and/or Building Envelope #2 to Grantee for prior approval, as provided in Section 4 hereof, to ensure the proposed Building Envelope is consistent with protection of the Conservation Values and meets the criteria set out in this paragraph. After Grantee approves the dimensions and location of Building Envelope #1 and/or Building Envelope #2, Grantor and Grantee agree that Grantee may file in the public records of Yellowstone County a notice of the location and description of Building Envelope #1 and/or Building Envelope #2, as applicable, at no cost to Grantor.

The purposes of the Building Envelopes are to limit development to locations on the Property consistent with preservation and protection of the Conservation Values, in perpetuity; to allow Grantor flexibility in use of the residential dwelling units and non-residential outbuildings; and to cluster more intensive residential, agricultural, and other permitted uses and activities, and associated structures, on the Property. Grantor and Grantee shall carefully select the locations and sizes of the permitted Building Envelopes to ensure that Grantor’s reserved rights are exercised consistently with perpetual protection of the Conservation Values. If necessary, wells and drain fields may be located outside of the Building Envelopes.

d. Temporary structures. For purposes of this subparagraph, “temporary structures” are defined as structures that are not constructed or permanently anchored in the ground, and that are used in conjunction with, and are supportive of, agricultural and other activities permitted by this Easement. Subject to Grantee’s prior approval pursuant to Section 4, temporary structures may be located anywhere on the Property, provided such locations are consistent with protection of the Conservation Values. Temporary structures do not include pole barns, sheds, or any structures utilizing a foundation or posts permanently anchored in the ground, all of which shall be considered “non-residential outbuildings” for the purposes of this Easement and must be located within the Building Envelopes. Grantee’s prior approval is not required to locate temporary structures within the Building Envelopes described in subparagraph 4c.

e. Structural Remains. At the time of this grant, there are two (2) structural remains in the locations depicted as “Structural Remains” on Exhibit E. At no time may these structures be repaired, replaced, or utilized. Grantor reserves the right to dismantle or remove these structures from the Property.

5. Transfer of land. Grantor may grant, sell, exchange, devise, gift, dispose of, or otherwise convey or transfer (collectively “transfer”) all or any portion of Grantor’s right, title, estate, and interest in the Property in unified title and as two (2) parcels only, subject to the terms, conditions, rights, restrictions, and obligations contained in this Easement. The parcels that may be independently transferred and owned pursuant to this Easement are described in Exhibit A hereof as “Parcel 1” and “Parcel 2.” At no time may either of the Building Envelopes provided for in this Exhibit B, paragraph 4c be divided or split by a boundary line between parcels. Grantor shall furnish Grantee with a copy of any document or instrument of conveyance utilized to effect the transfer of the Property or either of the two (2) permitted parcels within thirty (30) days of the execution of said document or conveyance, and Grantor shall comply with the transfer provisions in Section 12, paragraphs D and E. **ANY SUCH TRANSFER MUST COMPLY WITH THE TRANSFER FEE REQUIREMENTS AS DESCRIBED IN SECTION 12(E) OF THIS EASEMENT.**

In any deed, contract, or other instrument which conveys legal or equitable title either Parcel 1 or Parcel 2, but not the entire Property as described on Exhibit A, Grantor expressly agrees to allocate the following reserved rights between the parcels of the Property that are transferred and/or held in separate title:

(1) The rights to designate Building Envelope #1 and/or Building Envelope #2 for purposes of this Easement, as provided in this Exhibit B, paragraph 4c, if such rights have not yet been exercised at the time of the transfer and separation of title to the Property into distinct parcels; and,

(2) The rights to construct one or both of the two (2) permitted residential dwelling units, as provided in this Exhibit B, paragraph 4a, if such rights have not yet been exercised at the time of the transfer and separation of title to the Property into distinct parcels.

Grantor may allocate the rights to designate both Building Envelope #1 and Building Envelope #2 to one (1) of the two (2) permitted parcels, in which case the construction of structures on the other permitted parcel shall be prohibited, except for temporary structures permitted under this Exhibit B, paragraphs 4d and 6b(5). Grantor may allocate the rights to construct both of the two (2) permitted residential dwelling units to a parcel with only one (1) Building Envelope, in which case the other parcel shall have a Building Envelope in which Grantor may construct only non-residential outbuildings and temporary structures, as provided in this Exhibit B, paragraphs 4b and 4d. If Grantor does not allocate such designation and construction rights, all rights not allocated at the time of transfer shall remain with the retained parcel unless Grantor is completely divested of title when the separate parcels are created and transferred and therefore there is no “retained parcel.” In such an event, allocation of unallocated rights between Parcel 1 and Parcel 2 may occur only with the prior written approval of Grantee pursuant to Section 4 hereof and with the written consent of all of Grantor’s successors-in-interest currently owning a portion of the Property.

Nothing in this Easement shall be construed to prevent Grantor from owning the Property in co-tenancy or joint tenancy, wherein each cotenant or joint tenant shall have undivided interests in the whole of the Property, as described in Exhibit A, or in either of the two (2) parcels into which the Property can be divided. Grantor also retains the right to enter into leases, licenses, or other transfers of a right to use the Property and/or to occupy the residential dwelling units, provided such agreements are made expressly subject to the terms and conditions of this Easement. Grantor

expressly conveys to Grantee the right to enforce this Easement against, and to seek and recover all remedies for violation of the terms of this Easement from, tenants, lessees, licensees, occupants, invitees, and other third parties using the Property with Grantor's knowledge or consent.

All leases, including all short-term leases or rental agreements that confer rights of use or occupancy, must include reference to this Easement and include an obligation of the lessee to comply with the terms and conditions of this Easement.

6. Minerals. Subject to the prior approval of Grantee as provided in Section 4 hereof, to explore for and extract oil, gas, and other subsurface minerals (or to lease, sell or otherwise dispose of the rights thereto) in or under the Property, subject, however, to the following conditions:

a. Surface mining prohibited. As provided in Exhibit C, paragraph 2, there shall be no extraction or removal of any minerals by any surface mining method, and there shall be no extraction or removal of any non-mineral substance (including, but not limited to, soil, sand, gravel, rock, and peat) by surface mining methods.

b. Subsurface mining. There shall be no exploration for or extraction of oil, gas, or other subsurface minerals by any subsurface mining method if such activity would result in the permanent or irreparable destruction or impairment of any Conservation Value of the Property. Subsurface mineral exploration or extraction may be permitted, after prior approval of Grantee as provided in Section 4, only if the mining methods used are not irreparably destructive of the Conservation Values and if surface impacts are limited, localized, and temporary. No method of mining may be used that is or would be inconsistent with perpetual protection of the Conservation Values. Subsurface mining methods used must adhere to the following conditions:

(1) Water. No exploration or extraction shall take place within any stream, waterway, or protected wetland, and no mining operation or oil and gas extraction activities may materially degrade the quality of any lake, pond, well, stream, groundwater, or surface water, including, but not limited to, any source of water utilized by Grantor for agricultural or residential purposes. Any waste water resulting from permitted exploration or extraction activities which is of materially poorer quality than existing water supplies must be treated so that its quality is substantially equivalent to existing natural water quality where the waste water is discharged or released into surface waters and when groundwater is reinjected or otherwise disposed of on or under the Property.

(2) Surface disturbance. Any surface disturbance resulting from permitted subsurface mineral exploration or extraction activities must be limited, localized, and temporary, and the surface of the land shall be restored upon completion of such activities to a condition equivalent to or better than its state prior to the disturbance. This shall be accomplished by reclaiming land contours, restoring soils, replanting native vegetation, and husbanding replanted native vegetation until the vegetation is mature, established, and self-perpetuating.

(3) Reclamation. All permitted subsurface mineral exploration or extraction activities and associated reclamation activities shall be in compliance with other provisions of this paragraph, and with applicable state and federal laws.

(4) Roads. Whenever possible, access to exploration or extraction sites shall be by existing roads. Any new road shall be subject to prior approval by Grantee as provided in Section 4 and shall be sited and maintained in accordance with this Exhibit B, paragraph 9, so as to minimize adverse impact to the Conservation Values. Any new roads shall be reclaimed after exploration and extraction activities are concluded.

(5) Structures. The number and kind of disturbance areas and structures

used in the exploration for or extraction of oil, gas, and other subsurface minerals shall be limited to the minimum necessary to accomplish said exploration or extraction. All such structures shall be removed at the termination of exploration and extraction activities and the site shall be restored and reclaimed pursuant to subparagraphs (2) and (3) above.

(6) Request for approval. Grantor shall request Grantee's prior approval in writing at least sixty (60) days prior to engaging in any exploration for or extraction of oil, gas, and other subsurface minerals (or leasing, selling, or otherwise disposing of the rights thereto) whether or not such exploration or extraction (or leasing, selling, or otherwise disposing of the rights thereto) could result in any surface disturbance. For the purpose of this paragraph, Grantee's period in which to grant or deny approval of any subsurface mineral exploration or extraction proposal under Section 4, paragraph C, shall be extended from thirty (30) days to sixty (60) days.

c. Surface use agreements. Grantor agrees that by granting this Easement to Grantee, Grantor has granted to Grantee a portion of its rights to the surface of the Property on which mining (including oil and gas operations) may be conducted by holders of mineral rights whose rights are superior to Grantee's rights in this Easement, and Grantee shall have the right to receive notices of proposed mineral activities as a party with a significant real property interest in the surface of the Property. In the case of subsurface mineral, oil, gas, or hydrocarbon exploration, extraction, development, production, or removal activities by third parties (including without limitation third parties owning mineral rights severed from fee ownership of the Property as of the date of this grant), Grantor hereby grants to Grantee the non-exclusive right to protect Grantee's vested property rights and its obligations under the terms of this Easement to preserve the Conservation Values in perpetuity, as set forth below. To protect the Conservation Values, the rights granted to Grantee by this subparagraph include, but are not limited to, the rights to negotiate and enter surface-use agreements, right-of-way agreements, leases, assignments, non-surface occupancy agreements, including agreements for the payment of surface damages, and any other agreements arising from or related to mineral, oil, gas, or hydrocarbon exploration and extraction, development, production, and removal activities.

Grantor and Grantee agree that neither party shall unilaterally enter into oil, gas, or other subsurface mineral exploration and extraction leases, surface-use agreements, or non-surface occupancy agreements with a third party regarding any oil, gas, or mineral development, production, and removal activities. If Grantor is contacted regarding the exploration for or extraction of minerals by any mineral rights holder, Grantor shall provide notice to Grantee of said contact within ten (10) days. Grantor and Grantee shall require, to the greatest extent possible, that any mineral activities conducted by third parties are conducted in accordance with this paragraph 6.

7. Timber management. To conduct forest management activities and selectively harvest timber on the Property in accordance with all federal, state, and local laws, regulations, rules, and ordinances, provided such activities protect and minimize impacts to the Conservation Values, as further detailed below.

a. Selective harvest for safety and permitted uses. Grantor reserves the right to remove select trees that present a hazard to persons or property, and to cut firewood, posts, and poles for uses of the Property that this Easement permits, solely under the criteria set forth in this paragraph. All timber harvested by Grantor pursuant to this subparagraph must be used or disposed of on the Property. All selective timber harvests pursuant to this subparagraph must protect and minimize impacts to the Conservation Values. In connection with the upkeep, maintenance, and repair of permitted structures and residential areas, Grantor specifically reserves the rights to clear brush; to prune, trim, and remove trees; and to plant trees, shrubs, flowers, and other native or non-native species for landscaping or gardening purposes, all within the Building Envelopes described in paragraph 4 of this Exhibit B.

b. With prior written approval of a timber harvest plan pursuant to Section 4.

Upon obtaining the prior approval of Grantee as provided in Section 4 hereof, Grantor may selectively harvest timber for use off the Property, including selective timber harvests for the abatement of disease or insect infestations, provided such harvest is conducted consistently with protection of Conservation Values and solely under the conditions in this paragraph. Any timber harvest permitted by this subparagraph must be consistent with the purposes of this Easement; must protect and minimize adverse impacts to the Conservation Values; and shall require preparation, at Grantor's expense, of a timber harvest plan by a qualified natural resource professional. Grantor shall contact Grantee prior to the preparation of a timber harvest plan to obtain the required information to be included in any such plan, which shall include an evaluation of the criteria in this subparagraph in addition to other information that Grantee may require, to ensure that the Conservation Values are protected in perpetuity. The timber harvest plan shall be furnished to Grantee in connection with Grantor's request for prior approval of any proposed timber harvest pursuant to this subparagraph. Any timber harvest, if approved by Grantee as provided in Section 4 hereof, shall be conducted in accordance with the approved timber harvest plan. Grantor must obtain Grantee's written approval of such plan prior to the initiation of any timber harvest pursuant to this subparagraph.

8. Fences. To construct, maintain, and repair fences, including but not limited to livestock corrals, loading chutes, holding pens, and other enclosed fencing for temporary livestock management and transport.

9. Roads. For purposes of this Easement, "road" means a road that is intentionally constructed, periodically graded or maintained, has an improved surface and raised roadbed, consists of dirt, gravel, or paved surfaces, and may have excavated cut and fill areas where it traverses hillslopes. The term does not include "two-tracks" created incidentally by driving vehicles over the same path until ground and vegetation show lasting signs, or tracks, of such use. Grantor may use and create unimproved trails and two-tracks that are necessary for the agricultural purposes protected by this Easement. Such unimproved trails and two-tracks may include two-track byways used by agricultural equipment and off-road vehicles for crop cultivation, field access, livestock management and monitoring purposes, and access to irrigation ditches, pumps, and infrastructure.

a. New roads. To construct, repair, improve, and maintain new roads after the date of the grant of this Easement: (a) for agricultural activities as permitted in this Exhibit B, paragraph 1; (b) for access to the residential dwelling units and other structures as permitted in this Exhibit B, paragraph 4; (c) in connection with timber management activities as permitted in this Exhibit B, paragraph 7; (d) for mineral activity as permitted in this Exhibit B, paragraph 6; or (e) for access to Parcels 1 or 2, as permitted in this Exhibit B, paragraph 5. Except inside the Building Envelopes described in this Exhibit B, paragraph 4, and in the locations delineated in Exhibit E hereto, new roads may not be paved or constructed of concrete, asphalt, or other impervious material that does not allow water to percolate into the soil. Any new roads must be sited and maintained so as to minimize adverse impact on the Conservation Values. New roads shall be subject to prior written approval of Grantee pursuant to Section 4 to ensure that the Conservation Values are protected. Grantor's written notice shall include a construction plan describing the purpose of the road and how it is consistent with protection of the Conservation Values, its location on a topographic map, and, to the extent deemed necessary by Grantee, discussion of the following: road grade, drainage, erosion/sedimentation impacts and mitigating efforts, areas of cut and fill, and special concerns such as culvert placement, bridges, fords, and buffer strips between roads and streams. Seeding and reestablishment of cover vegetation on exposed road cuts, fills, and banks shall be required.

b. Road rights-of-way. Grantor may grant right-of-way easements to neighbors over existing roads or over new roads that are constructed pursuant to the terms of this paragraph.

10. Utilities. To install, maintain, repair, and replace utility structures, lines, conduits, cables, wires, or pipelines (“utilities” and “utility services”) upon, over, under, within, or beneath the Property to existing and subsequently constructed structures and improvements permitted by this Easement, solely under the criteria set forth in this paragraph. Any such utilities or utility services must be buried where technically and economically feasible, and must not impair the Conservation Values, in Grantee’s sole judgment.

a. Renewable energy facilities. Within the Building Envelopes described in this Exhibit B, paragraph 4, Grantor may construct, maintain, repair, and, in the event of their removal or destruction, replace wind, solar, hydroelectric, geothermal, and other types of renewable energy generation facilities solely for uses permitted on the Property by this Easement, except that any incidental surplus energy may be sold commercially for use off of the Property or credited to Grantor’s utility service (net metering).

b. Utility easements. Grantor may grant easements on and over the Property to utility service providers for utilities or utility services that serve existing and subsequent constructed structures and improvements permitted by this Easement. Grantor may also grant utility easements for buried utilities and utility services to neighboring properties, provided that any such new easements do not impair the Conservation Values protected by this Easement, in Grantee’s sole judgement.

c. Utility distribution services. Grantor may permit the replacement, maintenance, and repair of existing utility distribution services running through the Property at the time of the grant of this Easement, including the reconstruction of electrical utility distribution lines to replace existing infrastructure (but not electrical transmission lines which are prohibited by Exhibit C, paragraph 10). Further, with prior approval of Grantee pursuant to Section 4, Grantor may grant new or upgraded utility distribution line right-of-way easements if the utility easement does not impair the Conservation Values protected by this Easement, in Grantee’s sole judgement. Grantee’s prior approval of new or upgraded utility distribution services and right-of-way easements will require submission by Grantor of a construction/installation plan to ensure that the Conservation Values are protected. Grantor shall contact Grantee prior to the preparation of the construction/installation plan to obtain the required information to be included in any such plan, which shall include, but not be limited to, a description of how such plan is consistent with protection of the Conservation Values. Any construction/installation, if approved by Grantee as provided in Section 4 hereof, must be conducted in accordance with said plan. Any new or upgraded utility distribution services right-of-way easements must be memorialized in a written agreement that is recorded in the public records of Yellowstone County, signed by Grantor, Grantee, and the utility service provider prior to beginning construction or upgrading work.

11. Commercial activities. Businesses, trades, professions, arts, crafts, and other commercial activities (hereafter “commercial activities”) that are consistent with protection of the Conservation Values are permitted on the Property as provided in this paragraph. Nothing in this Exhibit B, paragraph 11 shall apply to Grantor’s rights to engage in commercial uses that are specifically reserved to Grantor elsewhere in this Exhibit B.

a. Home occupations. Persons living on the Property may conduct customary rural businesses, trades, or professions within existing or permitted structures in a manner that is consistent with the protection of the Conservation Values protected by this Easement. Non-agricultural commercial or industrial enterprises that require structures other than those expressly permitted in this Exhibit B, paragraph 4 are prohibited without the prior approval of Grantee pursuant to Section 4.

b. Rental and commercial guest lodging. Grantor may lease or rent any residential dwelling unit, or portion thereof, on the Property, and may provide commercial guest

lodging services in connection with such rental. Activities permitted by this subparagraph include short-term vacation rentals, bed and breakfast businesses, guest ranching, agritourism, and ecotourism.

c. Recreational uses. Grantor may engage in recreational uses of the Property as permitted commercial activities, including those recreational uses permitted by this Exhibit B, paragraph 2, provided that all such recreational activities on the Property must remain consistent with protection and preservation of the Conservation Values.

d. Use of structures for permitted commercial activities. All existing and subsequently constructed structures and improvements permitted by this Easement may be used in conjunction with permitted commercial activities, except that only permitted residential dwelling units may be used for guest lodging, rentals, or other commercial activities permitted in subparagraph (b). This paragraph shall not be construed to permit construction or development of any facilities, structures, or improvements on the Property, except as specifically permitted in this Exhibit B, paragraph 4.

e. Third-party agreements. Grantor may enter into agreements with third parties to operate, maintain, or engage in any permitted commercial activity under this Exhibit B, paragraph 11b, paragraph 11c, and with Grantee's prior approval, paragraph 11f, if such agreements are (i) in writing, (ii) made expressly subject to the terms and purposes of this Easement, and (iii) Grantee is expressly authorized in the agreement to enforce this Easement against third-parties who violate the terms or purposes of the Easement. All commercial activities must be conducted in a manner and at levels of intensity consistent with perpetual protection of the Conservation Values.

f. Other permitted commercial uses. Subject to Grantee's prior written approval under Section 4, other commercial activities not expressly permitted in this Exhibit B, paragraph 11 may be conducted on the Property if they are small-scale and low-impact and do not harm or impair the Conservation Values. Grantor's request for prior approval of such commercial activities shall inform Grantee of the duration, location, and scale of the proposed activities, and such other information as Grantee may require to assess the impact of the proposed activities on the Conservation Values.

12. Carbon. Grantor retains all rights relating to carbon, which are appurtenant to the Property, as such rights may exist on the date this Easement was executed, or as may be granted, discovered, created, declared, or developed in the future. Such carbon rights include, but are not limited to, the right to trade, sell, transfer, credit, or lease these rights, and the right to use, store, sequester, accumulate, and/or depreciate carbon within the Property by flora that exists, or may exist, on the Property. This Easement shall be interpreted to enhance the security and economic viability of any such carbon rights appurtenant to the Property.

----- END EXHIBIT B -----

EXHIBIT C PROHIBITED USES AND PRACTICES

The following uses and practices, though not an exhaustive recital of inconsistent uses and practices, are hereby deemed to be inconsistent with the purposes of this Easement and are expressly prohibited:

1. Subdivision. The entire Property described in Exhibit A must be maintained and granted, sold, exchanged, devised, gifted, transferred, or otherwise conveyed as no more than two (2) parcels, so long as each parcel is held in unified ownership. The parcels that may be independently transferred and owned pursuant to this Easement are described in Exhibit A hereof as "Parcel 1" and "Parcel 2," Even if the Property consists of more than two (2) parcels for real estate tax or any other purpose or if it may have been acquired previously as separate parcels, it will be considered two (2) parcels for purposes of this Easement, unless divided, transferred, and conveyed in accordance with the terms of this Easement. In all subsequent conveyances, the restrictions and covenants of this Easement will apply to the Property as a whole, as well as each parcel transferred and conveyed.

Therefore, except as provided in Exhibit B, paragraph 5, the division, subdivision, or de facto subdivision of the Property is expressly prohibited. Prohibited property divisions under this Easement include, but are not limited to, any subdivision, short subdivision into remainder tracts, platting, testamentary division, partitions in kind among tenants-in-common or joint tenants, judicial partitions in kind, partitions in kind in bankruptcy, partitions in kind as defined in § 70-29-402(7), MCA, allocation of title or real property interests among partners, shareholders, trustees or trust beneficiaries, or members of any business entity, time-share or interval ownership arrangements, or other process, including tax sales, by which the Property is divided in ownership or in which legal or equitable title to different portions of the Property (including any permanent structures or fixtures on the Property) are held by different owners, other than different ownership of the up to two (2) parcels permitted by this Easement. Partitions by sale and co-tenancy or joint tenancy are not prohibited, provided that title to the whole Property described in Exhibit A, or title to the separate parcels permitted by Exhibit B, paragraph 5 and this paragraph 1, remains in unified, undivided ownership in which each cotenant or joint tenant shall have undivided interests in the whole of the Property or in the separate parcels permitted by Exhibit B, paragraph 5 and this paragraph 1. Notwithstanding any provision herein that may be construed to the contrary, the Property may be leased for agricultural purposes or other purposes as described in Exhibit B, provided any such leases are subordinate to the terms and purposes of this Easement and do not create a de-facto subdivision of the Property.

2. Mineral removal. Surface mining or removal of any minerals or materials by surface mining methods is prohibited. Exploration for, or the removal or extraction of any subsurface mineral or non-mineral materials or substances, including, but not limited to oil, gas, or hydrocarbons, by any subsurface mining or extraction method, or the lease, sale, or disposal of the rights thereto, is prohibited except as provided in Exhibit B, paragraph 6.

3. Alteration of land surface or natural waters. Except as expressly provided for in Exhibit B or in necessary conjunction with a use permitted by Exhibit B, the alteration of the surface of the land or natural water features on the land is prohibited. Alteration of the surface of the land includes, but is not limited to, the movement, excavation, or removal of soil, rock, peat, or sod. In accordance with Section 5, paragraph E, nothing in this paragraph shall be interpreted to preclude Grantor from taking emergency actions to mitigate flooding, provided Grantor provides notice to Grantee of any such emergency actions taken as soon as reasonably practical.

4. Commercial activities and facilities. The establishment of any commercial or industrial activities or facilities is prohibited, except as provided in Exhibit B. Prohibited activities

and facilities include, but are not limited to, commercial feed lots (defined as a confined livestock feeding operation where the owner or operator of the feedlot feeds livestock belonging to others for a fee), sales or service businesses, restaurants, night clubs, campgrounds, trailer parks, motels, hotels, gas stations, retail outlets, or manufacturing or distribution facilities. The retail sale of goods produced and manufactured by such businesses shall not take place on the Property. Commercial recreational activities and facilities are prohibited, except as specifically permitted in Exhibit B, paragraph 11.

5. Dumping and waste storage. The dumping, storage, or disposal of non-compostable refuse on the Property is prohibited, except for nonhazardous wastes generated by activities permitted in Exhibit B, including agricultural and timber management activities, provided such dumping and/or storage of non-hazardous waste does not harm the Conservation Values.

6. Construction. The construction or placement of any improvements, buildings, facilities, or other structures is prohibited, except for those structures specifically permitted in Exhibit B.

7. Campers, trailers, and recreational vehicles. The placing or use of campers, trailers, and recreational vehicles on the Property is prohibited, provided, however, Grantor may store personal campers, trailers, and recreational vehicles within the Building Envelopes defined in Exhibit B, paragraph 4, and Grantor and Grantor's guests may park and use campers, trailers, or recreational vehicles on the Property on a temporary basis to accommodate short-term visitation. Except as provided in Exhibit B, paragraph 4, campers, trailers, or recreational vehicles may not be inhabited or used as residential dwelling units.

8. Billboards. The construction, maintenance, or erection of any billboards is prohibited. Roadside signs are permitted only for the purposes of posting the name of the Property, advertising any business permitted on the Property, controlling public access, providing public notification of this Easement, or advertising the Property for sale.

9. Roads. The construction of roads and granting or reserving of right-of-way easements across or upon the Property are prohibited, except as provided in Exhibit B, paragraph 9. Off-road vehicle courses for all-terrain vehicles, motorcycles, or other motorized vehicles are expressly prohibited.

10. Utilities. The construction of utilities, utility services, or utility infrastructure, and the granting of utility line right-of-way easements is prohibited, except as permitted in Exhibit B, paragraph 10. The granting and expansion of utility transmission lines and utility transmission corridor right-of-way easements is expressly prohibited.

11. Game, fur, or fish farms. The raising or confinement for commercial purposes of (a) "alternative livestock" and "game animals" as defined in § 87-4-406, MCA, or its successor statute, (b) native or exotic fish, except that "private fish ponds," as defined by § 87-4-603, MCA, or its successor statute, may be maintained for recreational use, (c) game birds, (d) furbearers, including mink and fox, or (e) other "wild animals" as defined in § 87-4-801, MCA, or its successor statute, and "non-game wildlife" as defined in § 87-5-102(6), MCA, or its successor statute are all prohibited.

12. Timber harvest. Except as provided in Exhibit B, paragraph 7, the harvest of timber on the Property is prohibited.

13. Conservation Values. Notwithstanding any other provision of this Easement, the impairment of any of the Conservation Values on the Property is prohibited.

----- END EXHIBIT C -----

EXHIBIT D
ACKNOWLEDGMENT OF RESOURCE DOCUMENTATION REPORT

BIG SPRING RANCH, as Grantor of this Easement, and THE MONTANA LAND RELIANCE, as Grantee of the Easement, hereby acknowledge, declare, and agree that they have reviewed the information contained in the Resource Documentation Report and that the Resource Documentation Report is an accurate representation of the condition of the real property and Conservation Values to be protected by this Easement at the time of this grant.

DATED this _____ day of _____, 20_____.

GRANTOR: **BIG SPRING RANCH**, a Montana corporation

By: _____
Its: _____

State of _____

County of _____

This record was signed before me on _____, 20_____ by
_____ as _____ of or
for _____.

(Notary Signature)

[Affix stamp above]

GRANTEE:

THE MONTANA LAND RELIANCE, a Montana nonprofit corporation

By: _____
Its: _____

State of _____

County of _____

This record was signed before me on _____, 20____ by _____ as _____ of The Montana Land Reliance.

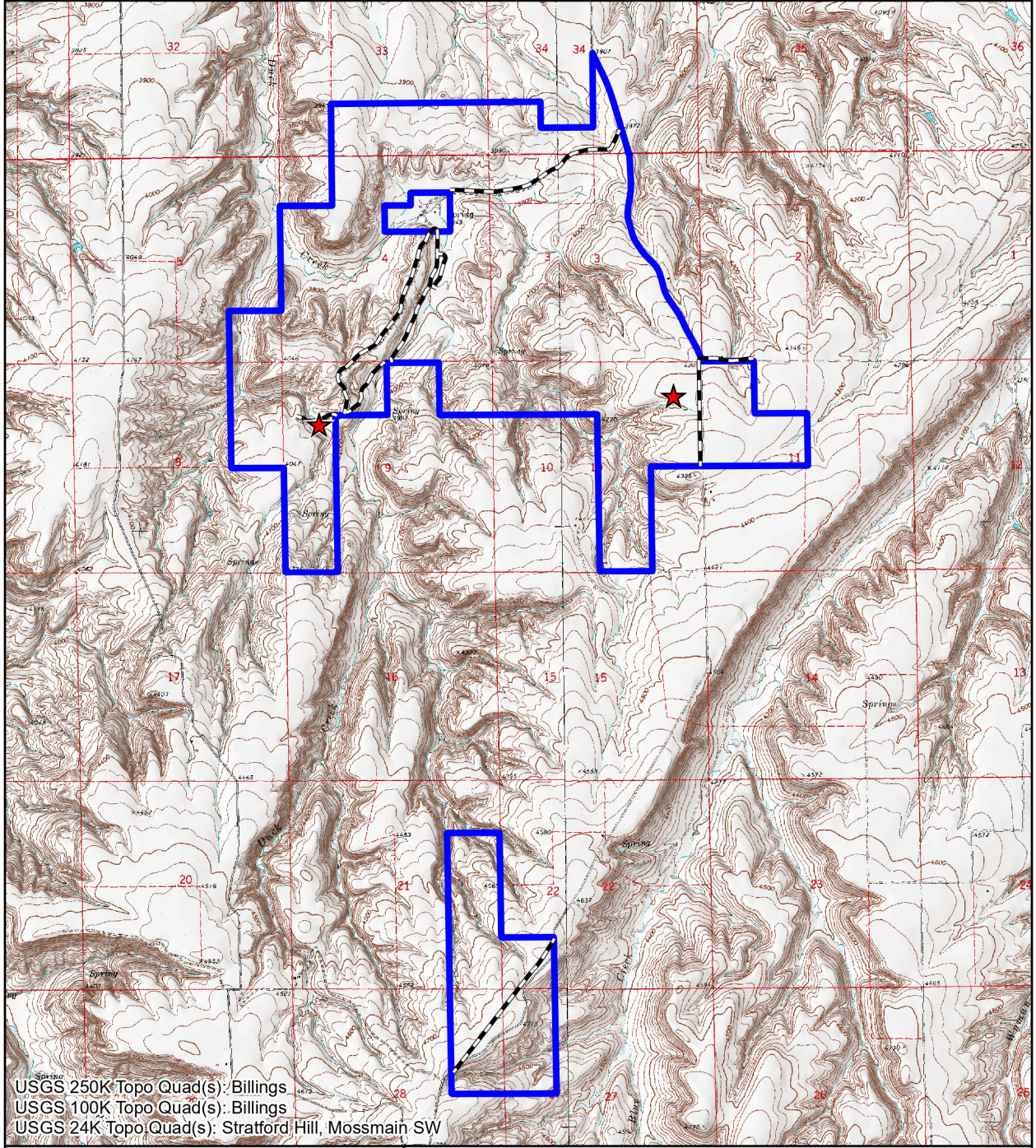
(Notary Signature)

[Affix stamp above]

EXHIBIT E

EXISTING ROADS, STRUCTURAL REMAINS
ETC.

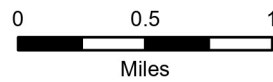
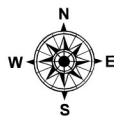
EXHIBIT E



 Easement Boundary

 Structural Remains

 Existing Roads



Location: T2S, R25E; T3S, R25E

Big Spring Ranch



Map Date: February 28, 2023