



YELLOWSTONE COUNTY BOARD OF PLANNING

CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

AUGUST 8, 2023 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

NOTICE TO THE PUBLIC

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://tinyurl.com/yckr478k>
- Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:
 - Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: deinest@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at 406.237.6165. All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

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

- Please direct questions to 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. **APPROVAL OF MEETING MINUTES: JULY 25, 2023**

Attachments
PLNB_2023_07_25_DRAFT
4. **PUBLIC COMMENT PERIOD** -- As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
4a) Comments on items not on agenda and requests to add items to future agendas
4b) Comments on items on the non-public hearing agenda items
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
 - a. **Motion/Recommendation to City 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.

Attachments
Draft 2024 UPWP
8. **NEW BUSINESS:** (Agenda items new to this meeting).
 - a. **Plat Review. Discussion. Gresham Subdivision County Major Subdivision.** Heath Olson, Applicant. Greg Reid and Aaron Redland, WWC Engineering, Agents. Hunter Kelly, Planner I.

Attachments

Preliminary Plat

Draft Subdivision Improvement Agreement

Findings of Fact

- b. Plat Review. Board Discussion. Onyx Pointe Subdivision. County Major Subdivision. Myron S Gross & Nancy J Gross, applicants. Forrest Mandeville, Land Development Solutions, agent. Dave Green, Planner II.

Attachments

Findings of Fact

Proposed Plat

SIA Draft

9. **OTHER BUSINESS:**

- a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, AUGUST 22, 2023

- a. Public Hearing. Motion/Recommendation to BOCC. Onyx Pointe Subdivision. County Major Subdivision. Myron S Gross & Nancy J Gross, applicants. Forrest Mandeville, Land Development Solutions, agent. Dave Green, Planner II.
- b. Public Hearing. Motion/Recommendation to BOCC. Board Discussion Gresham Subdivision AKA Heath Olson Subdivision. Health Olson, Applicant. Aaron Redland, WWC Engineering. Dave Green, Planner II, presenting.
- c. **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN,CPTED, Presentation.** Staff and Board Discussion. - Billings Police Department and Planning Staff

Public Hearing Participation Guidelines

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

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

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

-Effect on agriculture and agricultural water user facilities

-Effect on local services

-Effect on the natural environment

-Effect on wildlife and wildlife habitat

-Effect on public health and safety

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

Thank you for participating.

Planning Board Meeting I (2nd Tuesday)

3.

Meeting Date: 08/08/2023

Information

Subject

APPROVAL OF MEETING MINUTES: JULY 25, 2023

Attachments

PLNB_2023_07_25_DRAFT

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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	1									
Roger Gravgaard	Mayor/Billings Ward II	1	1	1	1	1	1	1	1	1	1	V	1	V	V									
Dennie Stephenson	Mayor/Billings Ward III	1	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	1									
David Nordel	Mayor/Billings Ward V	1	E	E	1	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	A									
Dennis Cook	YC District 2	1	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	1									
Vacant	YC District 6	-	-	-	-	-	-	-	-	-	-	-	-	-	-									
Morgan Tuss	YC District 7	-	-	-	-	-	-	-	-	-	-	V	1	E	A									
Vacant	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-									

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

3. Approval of Minutes: July 11, 2023

Motion by Board member John Staley and seconded by Board member David Nordel to approve the July 11, 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

7a.1 Public Hearing/Motion Recommendation to BOCC. Yellowstone River Ranch (36 Space RV Development). Cameron Jones, applicant. Anna Vickers, IMEG, agent. Dave Green, Planner II, presenting.

Planner Dave Green opened the agenda item and gave an overview of the staff report.

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 east of Nibbe. This parcel of land is outside of zoning and surrounded by farmland with few residential properties. The proposed land use is a RV park with 36 spaces on 43.7 acres.

VARIANCES REQUESTED No variance has been requested from the County Subdivision Regulations.

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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.

DISCUSSION

President Cook asked the Board Members for questions and discussion. There were no questions.

PUBLIC HEARING

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against the Yellowstone River Ranch RV Park.

APPLICANT PRESENTATION

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

Ms. Vickers represents the applicant, Cameron Jones proposing 36 short-term RV spaces providing recreational use. Limitations would be placed within the covenants to prohibit people from using it over 16 days, which is the same as what it is for State law whenever you are using any sort of public land in general, so the intention is to follow it as well.

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

MOTION

Motion by Board Member Dennie Stephenson and seconded by Board Member Woody Woods that the Planning Board recommend to the Board of County Commissioners conditional

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approval for the preliminary plan of Yellowstone River Ranch RV Park, and adoption of the Findings of Fact as presented in the staff report.

DISCUSSION

President Cook called for discussion on the motion. There was none. Motion carried with a unanimous voice vote.

7a.2 Public Hearing. Staff Presentation. Billings Urban Area Unified Planning Work Program, (UPWP), 2024-Highway and Transit DRAFT. Scott Walker, Transportation Coordinator presenting.

RECOMMENDATION

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

BACKGROUND

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. There are 12 work elements in the MPO Work Program and the staff activity that is reimbursed to the MPO must be defined in those elements.

DISCUSSION

President Cook asked the Board Members for questions and discussion.

Monica asked about contingency funds being left over due to the lack of revenue to utilize all the funds we've been given. Scott said that is correct, the Work Element 700 Un-Programmed Funds have been held back and are not lost. It returns in 2026 after two year waiting period before there's a return of funds. Board member John Staley asked about the definition of Work Element 102 Citizen Involvement. Scott Walker said it involves meetings with the general public or any interaction with the general public. Board member David Nordel asked about any causes that may present a problem that can put stress on our fiscal responsibility. Scott Walker said not really, we control our own future, and

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the planning studies are very fluid. Board member Woody Woods asked if any of the other MPO's are in line to receive funds. Scott said it is based on the 50k census, which east Helena is close but bringing in Laurel would increase our funding share.

Rusty Logan presented the Transit Section of the UPWP. The Transit section of the UPWP is also structured into separate elements with specific activities and functions outlined within each element. Transit 2023 requires plan updates, PTASP, DBE, TAM, and significant facility related capital planning and environmental review. Transit 2024 includes ongoing capital and equipment planning, and assessment and development of a solution to centralize public facing technology issues. There are four proposed electric buses scheduled for the end of 2024.

Scott Walker, Transportation Coordinator provided the review schedule targeting PCC adoption or recommendation for adoption by September 30, 2023.

PUBLIC HEARING

President Cook opened the public hearing and asked if there is anyone wishing to speak in favor or against the Draft 2024 UPWP. There were no members of the public.

President Cook closed the public hearing. Planning Board will forward a recommendation to PCC during the August 8, 2023 meeting.

8. NEW BUSINESS

8a. 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. Monica Plecker, Planning Division Manager opened this agenda item.

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

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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 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.

DISCUSSION

President Cook asked the Board Members for questions and discussion. There were no questions.

ADJOURNMENT 6:44 pm

DRAFT—TO BE APPROVED BY A MOTION August 8, 2023

Brenda Berns, Planning Clerk

Planning Board

Date: 08/08/2023
Title: Draft 2024 Unified Planning Work Program (UPWP)
Presented by: Scott Walker
Department: Planning & Community Services
Presentation: No

Information

RECOMMENDATION

Staff recommends the Planning Board complete its review of the Draft 2024 UPWP and take action at this meeting. The Board reviewed the UPWP and conducted a public hearing at its meeting on August 8th and is scheduled to take action on the 2024 UPWP at this meeting and instruct PCC Designee President Cook to give a positive recommendation to PCC for final local approval.

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 recommendation to the Billings Policy Coordinating Committee (PCC). At this meeting, the Board is scheduled to review the document and take action on the UPWP. At the July 25th Planning Board meeting, the Board reviewed the UPWP and conducted a public hearing. The Board is scheduled to forward a recommendation to the PCC 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 21st Street Underpass Feasibility Study, and comprehensive transportation specific analysis and updates to two neighborhood plans - the West Billings Plan and the Heights Neighborhood Plan. 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 was held on July 25th and no public testimony was received. The Planning Board will take action on the item at this meeting to forward a recommendation to PCC.

ALTERNATIVES

The Planning Board may:

- 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 directs its designee Board President Dennis Cook to take that recommendation to the PCC; or,
- Not recommend approval of 2024 UPWP to the PCC and directs 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/\$525,000 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 IJIA 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 IJIA 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 IJA 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 IJA 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: 08/08/2023
Title: Gresham Subdivision - County Major Preliminary Plat - Plat Review
Presented by: Hunter Kelly, Planner 1
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 plat of Gresham Subdivision, and adoption of the Findings of Fact as presented in the staff report.

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

On July 3, 2023, WWC Engineering, agent for Heath Olson, applied for preliminary major plat approval of Gresham Subdivision. The subject property is generally located north of Hesper Road and east of South 64th Street West. This parcel of land is outside of zoning. There is residential development to the north and south, farmland to the east of the subject property and to the west, farmland and Elder Grove Middle School.

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 plat approval, the applicant will receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will create an RSID for the new public roads within the subdivision.
3. To protect public health and safety and the impact to local services, prior to final plat approval, the applicant may be required by Public Works to include mitigation measures based on the approved Traffic Impact Study. Required mitigation measures shall be adequately addressed in the Subdivision Improvement Agreement.
4. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will expand the existing RSID #810M created to maintain the 30,000-gallon dry hydrant system in Hesper Meadows Subdivision. This information is outlined in the SIA under the heading IV. Emergency Service.
5. To provide for the correct cash-in-lieu contribution for parkland, prior to final plat approval, the applicant will follow Section 10.6 Determining Cash Contributions for Parkland, for the correct amount to be paid to Yellowstone County parks department. The applicant will also create and RSID for parkland maintenance of any public parkland.
6. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
7. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
8. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
9. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, regulations, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY

- Pre-application meeting January 19, 2023
- Preliminary plat application submitted to Planning Division on July 3, 2023
- Departmental review meeting July 13, 2023
- Preliminary plat resubmittal July 20, 2023
- Planning Board plat review August 8, 2023
- Planning Board public hearing August 22, 2023
- Preliminary plat to Board of County Commissioners, September 19, 2023
- 60 working-day preliminary plat review period ends September 27, 2023

PLAT INFORMATION

General location: North of Hesper Road and east of South 64th Street West

Legal Description: Lot 2, Miller Farm Subdivision

Owner/Subdivider: Heath Olson

Engineer and Surveyor: WWC Engineering

Existing Zoning: Outside zoning

Existing land use: Farmland

Proposed land use: Residential

Gross and Net area: 39.166 acres 31.86 acres

Proposed number of lots: 40

Lot size: Max: 1.50 acres

Min.: 0.246 acres

Parkland requirements: 2.18 acres required / 0.80 acres provided, maintained by an RSID. The remaining 1.38 acres of required parkland dedication will be covered by a cash-in-lieu contribution.

STAKEHOLDERS

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on August 22, 2023.

ALTERNATIVES

In accordance with state law, the Board of County Commissioners has 60 working days to act upon this major preliminary plan. The 60 working day review period for the proposed subdivision ends on September 27, 2023. State and County subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The County may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the Board of County Commissioners is required to:

- Approve;
- Conditionally Approve; or
- Deny the Preliminary Plan

FISCAL EFFECTS

This plat will have no fiscal impacts on the City/County Planning Division.

Attachments

Preliminary Plat

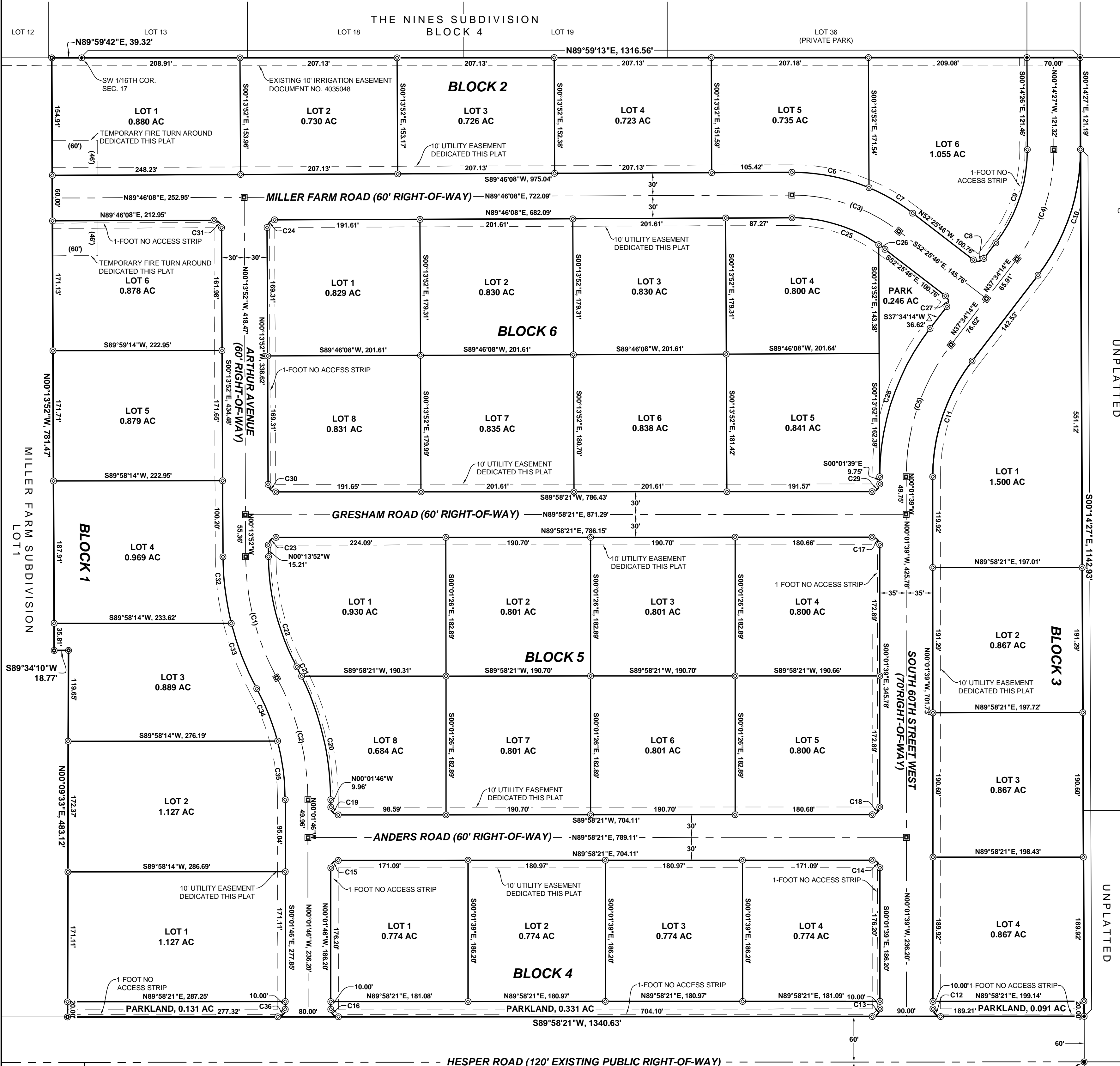
Draft Subdivision Improvement Agreement

Findings of Fact

PLAT OF GRESHAM SUBDIVISION

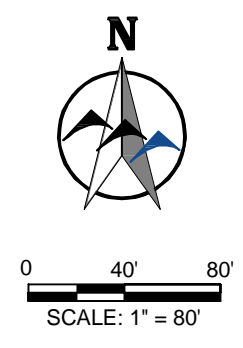
BEING LOT 2 OF MILLER FARM SUBDIVISION, DOCUMENT NO. 4035046
SW 1/4 OF SECTION 17, T. 01 S., R. 25 E., P.M.M.
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: BIGHORN DRYWALL AND CONSTRUCTION, LLC
DATE SURVEYED: AUGUST 2022
PREPARED BY: WWC ENGINEERING



Road Centerline Curve Table					
Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
(C1)	336.00	166.52	28°23'42"	N14°25'43"W	164.82
(C2)	336.00	167.70	28°35'48"	N14°19'40"W	165.97
(C3)	230.00	151.75	37°48'06"	S71°19'49"E	149.01
(C4)	235.00	155.08	37°48'41"	N18°39'53"E	152.29
(C5)	285.00	187.02	37°35'53"	N18°46'17"E	183.69

Curve Table					
Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C6	260.00	104.55	23°02'25"	N78°42'40"W	103.86
C7	260.00	66.98	14°45'41"	N59°48'37"W	66.80
C8	10.00	15.71	90°00'00"	S82°34'14"W	14.15
C9	200.00	131.99	37°48'41"	N18°39'53"E	129.61
C10	270.00	178.18	37°48'41"	S18°39'53"W	174.97
C11	250.00	164.05	37°35'53"	N18°46'17"E	161.13
C12	10.00	15.71	90°00'00"	N45°01'39"W	14.15
C13	10.00	15.71	90°00'00"	S44°58'21"W	14.15
C14	10.00	15.71	90°00'00"	S45°01'39"E	14.15
C15	10.00	15.71	90°00'00"	N44°58'17"E	14.15
C16	10.00	15.71	89°59'53"	N45°01'43"W	14.15
C17	10.00	15.71	90°00'00"	S45°01'39"E	14.15
C18	10.00	15.71	90°00'00"	S44°58'21"W	14.15
C19	10.00	15.71	89°59'53"	N45°01'43"W	14.15
C20	366.00	168.86	26°26'01"	N13°14'47"W	167.37
C21	366.00	13.82	2°09'48"	N27°32'41"W	13.82
C22	306.00	151.65	28°23'42"	N14°25'43"W	150.11
C23	10.00	15.74	90°12'13"	N44°58'21"E	14.17
C24	10.00	15.71	90°00'00"	N44°46'08"E	14.15
C25	200.00	89.65	25°40'55"	S68°11'34"E	88.90
C26	200.00	10.20	2°55'20"	S53°53'26"E	10.20
C27	10.00	15.71	90°00'00"	S7°25'46"E	14.15
C28	320.00	209.99	37°35'53"	S18°46'17"W	206.25
C29	10.00	15.71	90°00'00"	S44°58'21"W	14.15
C30	10.00	15.67	89°47'47"	N45°07'46"W	14.12
C31	10.00	15.71	90°00'00"	S45°13'52"E	14.15
C32	366.00	88.61	13°52'17"	S7°10'01"E	88.40
C33	366.00	92.78	14°31'26"	S21°21'52"E	92.53
C34	306.00	74.56	13°57'35"	S21°38'47"E	74.38
C35	306.00	78.17	14°38'13"	S7°20'53"E	77.96
C36	10.00	15.71	90°00'00"	S44°58'17"W	14.15



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

CERTIFICATE OF RIVERSTONE HEALTH
This Subdivision Plat has been reviewed and approved by the Yellowstone City/County Health Department (d/b/a/ RiverStone Health).
Dated this _____ day of _____, 20__.

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

CERTIFICATE OF FILING BY CLERK AND RECORDER

AREA DATA		BASIS OF BEARING	
36 RESIDENTIAL LOTS	30.964 ACRES	Coordinate System (MT83-BLGS-IF)	North American Datum 1983(2011)
4 PARKS/TRAILS	.799 ACRES	Lambert Conformal Conic Projection	(Single Parallel)
NET AREA	31.763 ACRES	Standard Parallel & Grid Origin: 45°47'00"	Central Meridian: 108°25'00"
ROAD DEDICATION	7.403 ACRES	False Northing: 50,000m	False Easting: 200,000m
GROSS AREA	39.166 ACRES	Standard Parallel Scale: 1.0001515	

- LEGEND**
- FOUND PURPLE PLASTIC CAP (BRUCKNER 63052 LS)
 - FOUND YELLOW PLASTIC CAP (SANDERSON STEWART 83775)
 - FOUND BRASS CAP
 - SET 5/8" REBAR W/ PURPLE PLASTIC CAP (COLLINS 18626LS)
 - SET CENTERLINE MONUMENT
 - NEW PROPERTY LINE
 - SUBDIVISION BOUNDARY
 - - - EASEMENT DEDICATED THIS PLAT AS NOTED
 - - - EXISTING EASEMENT AS NOTED

CERTIFICATE OF DEDICATION
State of _____)
County of _____)SS
KNOW ALL BY THESE PRESENTS: That Bighorn Drywall & Construction, LLC, the owner of the following described tract of land, does hereby certify that it has caused to be surveyed, subdivided and platted into lots, blocks, and streets as shown on the annexed plat, said tract being situated within the SW1/4 of Section 17, T.01S., R.25E., P.M.M., Yellowstone County, Montana, being Lot 2 of Miller Farm Subdivision filed as Document No. 4035046 in the office of the Yellowstone County Clerk and Recorder.

The undersigned hereby grants unto all utility companies, as such as defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair and removal of their lines over, under and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever.
Said tract of land contains a gross area of 39.166 acres and net area of 30.964 acres, more or less, and is subject to any easements, reservations, or other encumbrances that have been legally acquired.
Pursuant to Section 76-3-621(1), the parkland dedication shall be provided by land and cash donation.
Said tract to be known and designated as Gresham Subdivision, and the lands included in Miller Farm Road, Gresham Road, Anders Road, Arthur Street, and South 80th Street West as shown on the annexed plat are hereby granted and donated to the use of the public forever.

Bighorn Drywall & Construction, LLC
Heath Olson, Managing Member

ACKNOWLEDGEMENT
State of _____)
County of _____)SS

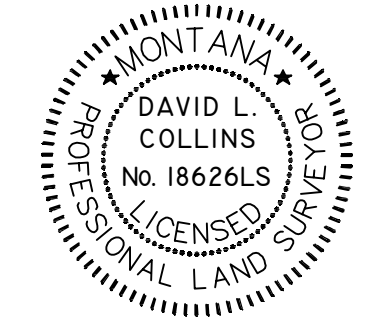
on this _____ day of _____, 20__ before me, the undersigned a notary public for the State of _____, personally appeared Heath Olson, Managing Member of Bighorn Drywall & Construction, LLC known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public for the State of _____

CERTIFICATE OF SURVEYOR

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

Dated this _____ day of _____, 20__
David L. Collins
Registration Number 18626LS



CERTIFICATE OF APPROVAL
STATE OF MONTANA)
County of Yellowstone) SS

We do hereby certify that we have examined the PLAT OF GRESHAM SUBDIVISION, and find that said plat conforms with the requirements of the laws of the State of Montana and approves it.

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

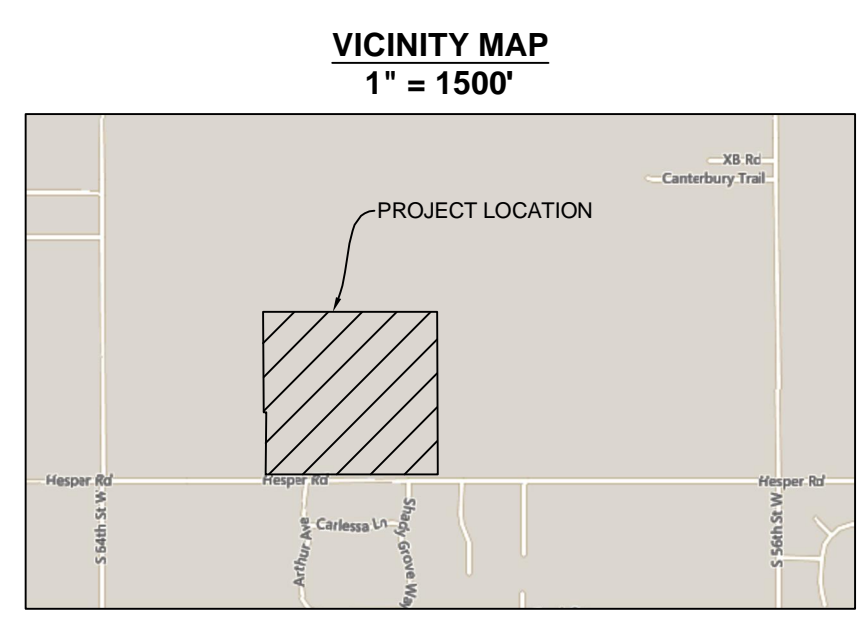
BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

By: _____
Commissioner
By: _____
Commissioner
By: _____
Commissioner

Attest: _____
Clerk and Recorder

NOTICE OF APPROVAL
STATE OF MONTANA)
County of Yellowstone) SS
This plat has been approved for filing by the City of Billings/Yellowstone County Board of Planning and conforms to the recommendations of this board.

President _____ Date _____
Executive Secretary _____ Date _____



QTR.	SEC.	TWP.	RGE.
17	01S.	25E.	

GRESHAM SUBDIVISION
JOB #: 2022-195
REVISIONS
Date By
WWC ENGINEERING
550 S. 24TH ST. W., SUITE 201
BILLINGS, MT 59102
(406) 894-2210
Checked By: AMB/ELC Date: DEC 2022 Scale: 1" = 80'

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

GRESHAM SUBDIVISION, 1st FILING
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(Yellowstone County)

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Gresham Subdivision, 1st Filing

This agreement is made and entered into this ____ day of _____, 20____, by and between *Bighorn Drywall and Construction, LLC*, whose address for the purpose of this agreement is **6114 Arthur Avenue, Billings, MT 59106**, 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 *Gresham Subdivision, 1st Filing*; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20____, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *Gresham Subdivision, 1st Filing*; and

WHEREAS, a Subdivision Improvements Agreement is required by the County prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to *Gresham Subdivision, 1st Filing* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

There are no variances being requested with this subdivision.

II. CONDITIONS THAT RUN WITH THE LAND

- A. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

- B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner, or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.

III. TRANSPORTATION

A. Streets

The streets within this subdivision Miller Farm Road, Gresham Road, Anders Road, Arthur Road, and South 60th Street West, shall have a 60-foot-wide easement and be constructed to county paved road standards with a satisfactory subbase, base course, and asphalt surface. The roads within the subdivision shall be maintained by creation of an RSID.

B. Traffic Control Devices

Street name and stop signs for streets within the subdivision, or located immediately adjacent thereto, shall be furnished and installed in accordance with the specifications of the Yellowstone County Public Works Departments. A stop sign will be located at the intersections of the two subdivision roads that exit onto Hesper Road.

C. Access

Access to this subdivision shall be from Hesper Road which is a paved county dedicated road with 120-foot-wide right-of-way and shall be maintained by the county.

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

This subdivision is located within the area of the BABTMP. A 10-foot-wide paved pathway will be constructed adjacent to Hesper within the designed parkland area.

IV. EMERGENCY SERVICE

A 30,000-gallon water storage tank/dry hydrant was installed as part of Hesper Meadows Subdivision. The dry hydrant is located in a dry hydrant easement filed under Document No. 4042160. RSID #810M was created to maintain and service the dry hydrant. RSID #810M will be expanded to include this subdivision.

V. STORM DRAINAGE

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

Stormwater improvements for roadway construction shall be constructed as designed and permitted with Montana DEQ. Stormwater improvements for residential home construction will be completed when the home size and location on lot have been determined by a future lot owner.

VI. UTILITIES

A. Water

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

Individual wells will be permitted for the lots. An approval letter from MDEQ will be submitted with the final plat. The maintenance and operation of the individual wells will be facilitated by the individual lot owner.

B. Septic System

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

Individual septic systems will be permitted. An approval letter from MDEQ will be submitted with the final plat. The maintenance and operation of the individual systems will be facilitated by the individual lot owner.

C. Power, Telephone, Gas, and Cable Television

The private utilities shall be installed within the 10' utility easements that were dedicated on the plat for Gresham Subdivision per the request of the utility companies.

VII. PARKS/OPEN SPACE

The area of parkland dedication required for this subdivision is 2.18 acres. A total of 0.80-acre park is planned to be dedicated. A 10-foot-wide paved pathway adjacent to Hesper will also be completed. The remaining parkland will be finished graded and seeded with native prairie grass mixture. An RSID will be created for the maintenance of the parkland. The remaining balance, 1.38 acre of required parkland dedication, will be addressed by a cash-in-lieu contribution.

VIII. IRRIGATION

There are no irrigation systems located within this subdivision.

IX. WEED MANAGEMENT

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

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

X. SOILS/GEOTECHNICAL STUDY

A geotechnical study is not required for this subdivision.

XI. FINANCIAL GUARANTEES

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.

XII. LEGAL PROVISIONS

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G. Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“SUBDIVIDER”

Bighorn Drywall and Construction, LLC

By: _____
Heath Olson, managing member

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this _____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared Heath Olson, known to me to be the managing member of *Bighorn Drywall and Construction, LLC*, who executed the foregoing instrument and acknowledged to me that they executed the same.

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

This agreement is hereby approved and accepted by Yellowstone County, this _____ day of _____, 20 ____.

“COUNTY”
COUNTY OF YELLOWSTONE
MONTANA

County of Yellowstone
Board of County Commissioners

By: _____
Chairman

Commissioner

Commissioner

Attest: _____
County Clerk and Recorder

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Gresham Subdivision. These findings are based on the preliminary plat application and supplemental documents addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health and safety (76-3-608 (3) (a) MCA) (Section 3.2 (H) (2) YCSR)

1. Effect on agriculture and agricultural water users' facilities

The subject property is currently farmland. There are no water rights or shares that will be available for the future property owners in this subdivision. Any surrounding ditches will be left in place with access to them for maintenance purposes. This proposed subdivision will have minimal impact on water users' facilities.

2. Effect on local services

a. **Water** – The applicant is proposing this subdivision will have individual wells for each lot. They will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the DEQ. The operation and maintenance of the well is the responsibility of the lot owner.

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

Both the proposed water and septic systems will be reviewed and approved by MDEQ with a copy of the approval provided with the final plat. (**Condition #1**)

All private utilities, power, telephone, gas and cable television will be installed in the 10-foot utility easement along the lot frontage shown on the plat.

c. **Streets and roads** – The streets within this subdivision: Miller Farm Road, Gresham Road, Anders Road, Arthur Road, and South 60th Street West, shall have a 60-foot-wide easement and be constructed to county paved road standards with a satisfactory subbase, base course, and asphalt surface. The roads within the subdivision shall be maintained by creation of an RSID.

The applicant has submitted a TIS to the Yellowstone County Public Works department for their review and comment. The County has provided initial comments to the applicant which will need to be addressed prior to final acceptance of the TIS and required mitigation measures will be identified prior to final plat approval. Any information in the

TIS that needs to be included in the SIA will be added to the final SIA for the subdivision. **(Condition #3)**

d. **Fire and Police services** – The property is within the BUFSA firefighting area, which is handled by the Billings Fire Department. Subdivision regulations require that major subdivisions have a 30,000-gallon dry hydrant system for the subdivision. There is a dry hydrant located in Hesper Meadows Subdivision across Hesper Road south of the proposed subdivision. This 30,000-gallon dry hydrant will provide the needed fire suppression for both subdivisions. Gresham Subdivision will expand the existing RSID #810M created to maintain the 30,000-gallon dry hydrant system in Hesper Meadows Subdivision. This information is outlined in the SIA under the heading IV. Emergency Service. **(Condition #4)**

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

e. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.

f. **Storm water drainage** – The storm water drainage will be collected onsite using a combination of swales, culvers, and the natural slope of the land. 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 Elder Grove School District. Elder Grove School will provide educational services for students from K-8. Students will attend West High School for 9-12.

h. **Parks and recreation** – This proposed subdivision is required to provide parkland. The amount the applicant is required to provide is 2.18 acres, they are proposing to provide 0.80 acres. They will be creating an RSID for the maintenance of the parkland. The remaining 1.38 acres of required parkland dedication will be covered by a cash-in-lieu contribution. This information is outlined in the SIA under the heading VII. Parks/Open Space. **(Condition #5)**

i. **Postal Service** – The applicant will coordinate with the USPS to provide areas for Central Box Units for the subdivision and enough area for the postal delivery person to safely deliver the mail. **(Condition #6)**

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

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

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. As required by County Subdivision Regulations Section 4.15 all county subdivisions are required to apply for and obtain a weed management plan with the County Weed Department. That plan will be submitted with final plat approval. **(Condition #7)**

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

4. Effects on wildlife and wildlife habitat

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

5. Effects on public health and safety

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

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

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

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

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]

1. Yellowstone County - 2008 Growth Policy

The subdivision is consistent with the following goals of the Growth Policy:

- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns.

There is existing residential development on the land north and south of the proposed subdivision.

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

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

- Goal: Controlled weed populations.

The developer shall complete a weed management plan and shall provide a re-vegetation plan as required by County Subdivision Regulations.

2. 2018 Billings Urban Area Long Range Transportation Plan

The subject property maintains the road study area of the Transportation Plan. As proposed, the internal streets are neighborhood streets associated with this subdivision.

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

This subdivision is within the BABTMP boundaries for trails. There is a long-term trail identified along Hesper Road. A 10-foot-wide paved pathway will be constructed adjacent to Hesper within the designed parkland area.

D. Does the subdivision conform to the Montana Subdivision and Platting Act (MSPA) and to local subdivision regulations? [MCA 76-3-608 (3) (b) and Section 3.2 (3) (a) YCSR]

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [Section 4.8 (C) and 4.9 (C), YCSR]

The subdivider must receive approval from the MDEQ prior to final approval. New parcels, without existing septic systems, are subject to MDEQ review.

F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2 (H) (3) (e), YCSR]

The proposed subdivision is outside County Zoning Jurisdiction. There are no Yellowstone County zoning regulations on the subject property.

G. Does the subdivision provide for necessary planned utilities? [MCA 76-3-608 (3) (c) and Section 3.2 (H) (3) (b), YCSR]

Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies.

H. Does the proposed subdivision provide for Legal and Physical Access to all lots? [MCA 76-3-608 (3) (d) and Section 3.2 (H) (3) (c) (d), YCSR]

Legal and physical access will be provided for the subdivision by Hesper Road.

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 proposes the Planning Board recommend to the Board of County Commissioners conditionally approval for the preliminary plat of Gresham Subdivision, and adopt the Findings of Fact as presented in the staff report.

Planning Board

Date: 08/08/2023
Title: Onyx Pointe Subdivision - Preliminary Major Plat - Plat Review
Presented by: Monica Plecker
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

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

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

On July 3, 2023, Land Development Solutions, LLC, agent for Myron and Nancy Gross, applied for preliminary major plat approval of Onyx Pointe Subdivision. The subject property is generally located west of South 64th Street West and south of Hesper Road. This parcel of land is outside of zoning. It is surrounded by residential uses and farmland.

VARIANCES REQUESTED

The applicant is not requesting a variance.

PROPOSED CONDITIONS OF APPROVAL

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

1. To protect public health and safety and ensure maintenance of the proposed community septic system for some of the lots within this subdivision, prior to final plat approval, the applicant will create RSID's for the maintenance of the community septic systems and define which lots are part of which RSID.
2. 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.
3. To protect public health and safety and provide for future road maintenance, prior to final plat approval, the applicant will create an RSID for the maintenance of the new public roads within the subdivision.
4. To protect public health and safety, prior to final plat approval, any information in the TIS that needs to be included in the SIA will be added to the final SIA for the subdivision. Any recommendations County Public Works and the Board of County Commissioners determine need to be built will also be included in the final SIA.
5. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings of the dry hydrant system to Billings Fire Department for review and approval. Once installed the applicant will request Billings Fire Department to test the system to ensure it works correctly and get a sign off from Billings Fire Department. The applicant will also create an RSID for the dry hydrant system maintenance and create a public easement for where the fire tank is located.
6. To provide for the correct cash-in-lieu contribution for parkland, prior to final plat approval, the applicant will follow Section 10.6 Determining Cash Contributions for Parkland, for the correct amount to be paid to Yellowstone County parks department. The applicant will also create and RSID-M for parkland maintenance of any public parkland.
7. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
8. 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.
9. 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.
10. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, regulations, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY

- Pre-application meeting December 1, 2022
- Preliminary plat application submitted to Planning Division on July 3, 2023
- Departmental review meeting July 13, 2023
- Preliminary plat resubmittal July 20, 2023
- Planning Board plat review August 8, 2023

- Planning Board public hearing August 22, 2023
- Preliminary plat to Board of County Commissioners, September 19, 2023
- 60 working-day preliminary plat review period ends September 27, 2023

PLAT INFORMATION

General location: West of South 64th Street West and south of Hesper Road

Legal Description: Tract 3 of COS 3753

Owner/Subdivider: Myron and Nancy Gross

Engineer and Surveyor: Land Development Solutions, LLC

Existing Zoning: Outside of zoning

Existing land use: Farmland

Proposed land use: Residential

Gross and Net area: 40 acres 31.37 acres

Proposed number of lots: 36

Lot size: Max: 1.65 acres
Min: 0.56 acres

Parkland requirements: Parkland dedication requirement is 1.86 acres.

STAKEHOLDERS

There are no stakeholder responses at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on August 22, 2023.

ALTERNATIVES

In accordance with state law, the Board of County Commissioners has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed subdivision ends on September 27, 2023. State and County subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The County may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the Board of County Commissioners is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

FISCAL EFFECTS

This plat will have no fiscal impacts on the City/County Planning Division.

SUMMARY

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 Onyx Pointe Subdivision. These findings are based on the preliminary plat application and supplemental documents addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health and safety (76-3-608 (3) (a) MCA) (Section 3.2 (H) (2) YCSR)

1. Effect on agriculture and agricultural water users' facilities

The subject property has historically been used for farming purposes. There are no water rights or shares that will be available for the future property owners in this subdivision. Any surrounding ditches will be left in place with access to them for maintenance purposes. This proposed subdivision will have minimal impact on water users' facilities.

2. Effect on local services

a. **Water** – The applicant is proposing individual wells for each lot. They will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the DEQ. The operation and maintenance of the well shall be the responsibility of the lot owner.

b. **Septic** - The applicant is proposing each lot will have its own septic system. Some of the systems will be on the individual lots and other on utility lots. They are proposing 2 utility lots for community septic systems. Those systems are for some of the smaller lots on the east end of the subdivision. Utility Lot 1 is for Lots 1-4 and 24-27. Utility Lot 2 is for Lots 6, 19-23 and 28-30. Those lots will be dedicated to the public and an RSID created to maintain the community septic systems. The lots using the community septic systems will be part of the RSID's for maintenance. This is also outlined in the SIA under VI Utilities B. second paragraph. **(Condition #1)** They will be built in compliance with the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations and the DEQ. Each system will be maintained by the individual lot owner.

Both the proposed water and septic systems will be reviewed and approved by MDEQ with a copy of the approval provided with the final plat. **(Condition #2)**

All private utilities, power, telephone, gas and cable television will be installed in the public right of way or easements.

c. **Streets and roads** – Roads within the subdivision will be built in 60-foot-wide right of ways with a 24-foot paved surface and 2-foot-wide shoulders on each side. Drainage swales will be installed along the road sides as required by MDEQ for stormwater management. The applicant will be required to create an RSID for maintenance of roads within the subdivision. **(Condition #3)**

The applicant has submitted a TIS to the Yellowstone County Public Works department for their review and comment. Once County Public works has reviewed the document, any corrections or clarifications will be worked out between Public Works and the applicant for a complete and acceptable TIS. Any information in the TIS that needs to be included in the SIA will be added to the final SIA for the subdivision. Any recommendations from the TIS are only implemented by the Board of County Commissioners based on recommendations from County Public Works. **(Condition #4)**

d. **Fire and Police services** – The property is within the BUFSA firefighting area, which is handled by the Billings Fire Department. Subdivision regulations require that major subdivisions have a 30,000-gallon dry hydrant system for the subdivision. The proposed location of the dry hydrant is on utility Lot 3. They will be providing a public easement for it and creating an RSID for its maintenance. The applicant will provide drawings and specification to the Billings Fire Department for review and approval prior to installation. The dry hydrant will be tested and signed off by the Billings Fire Department prior to final plat. This information is outlined in the SIA under the heading IV. Emergency Service. **(Condition #5)**

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

e. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.

f. **Storm water drainage** – Proposed storm water drainage shall be submitted to the MDEQ for review and approval prior to final plat. All proposed stormwater systems shall meet the requirements of Section 4.7 of Yellowstone County Subdivision Regulation's and the requirements of MDEQ. **(Condition #2)**

g. **School facilities** – The proposed subdivision is located within Elder Grove School for K through 8. Students will attend West High School for 9-12.

h. **Parks and recreation** – This proposed subdivision is required to provide parkland. The amount the applicant is required to provide is 1.86 acres, they are proposing to provide that acreage with a combination of parkland and a cash in lieu contribution. Any parkland dedication will be maintained by an RSID-M for parks created with the subdivision. **(Condition #6)** This information is outlined in the SIA under the heading VII. Parks/Open Space.

i. **Postal Service** – The applicant will coordinate with the USPS to provide areas for Central Box Units for the subdivision and enough area for the postal delivery person to safely deliver the mail. **(Condition #7)**

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

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

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. As required by County Subdivision Regulations Section 4.15 all county subdivisions are required to apply for and obtain a weed management plan with the County Weed Department. That plan will be submitted with final plat approval. **(Condition #8)**

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

4. Effects on wildlife and wildlife habitat

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

5. Effects on public health and safety

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

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

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

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

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]

1. Yellowstone County - 2008 Growth Policy

The subdivision is consistent with the following goals of the Growth Policy:

- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns.

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

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

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

- Goal: Controlled weed populations.

The developer shall complete a weed management plan and shall provide a re-vegetation plan as required by County Subdivision Regulations.

2. 2018 Billings Urban Area Long Range Transportation Plan

The subject property maintains the road study area of the Transportation Plan. As proposed, the internal streets are neighborhood streets associated with this subdivision.

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

This subdivision is within the BABTMP boundaries for trails. There is a long-term trail identified along South 64th Street West. They will not be required to build any trail as part of the development.

D. Does the subdivision conform to the Montana Subdivision and Platting Act (MSPA) and to local subdivision regulations? [MCA 76-3-608 (3) (b) and Section 3.2 (3) (a) YCSR]

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [Section 4.8 (C) and 4.9 (C), YCSR]

The subdivider must receive approval from the MDEQ prior to final approval. New parcels are subject to MDEQ review for water and septic systems.

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]

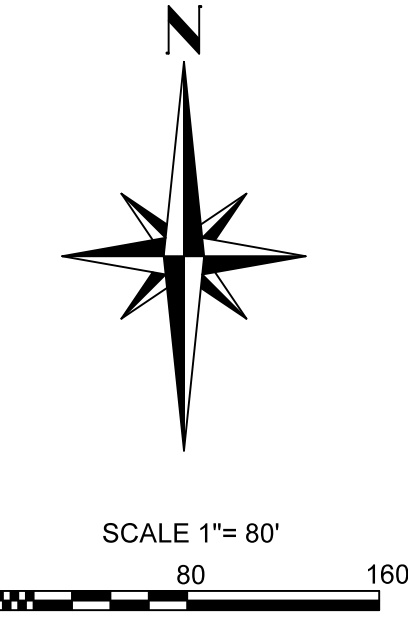
Legal and physical access will be provided for the subdivision from South 64th Street West. Access to individual lots will be from internal streets.

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.

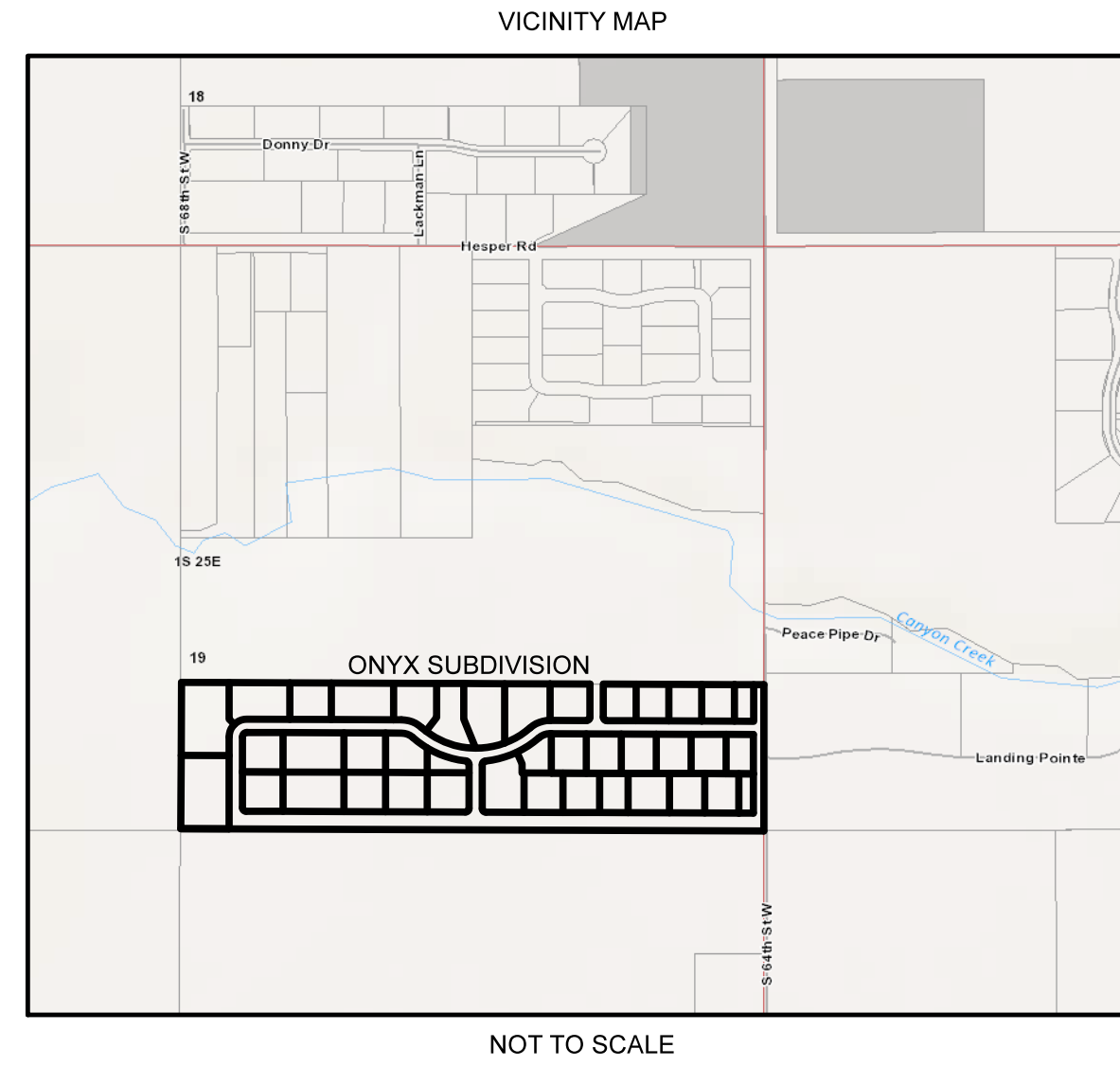
RECOMMENDATION

The Planning Board is forwarding to the Board of County Commissioners, the preliminary plat of Onyx Pointe Subdivision, recommending conditional approval and adopt the Findings of Fact as presented in the staff report.



LEGEND

- SET NO. 5 REBAR WITH 1-1/4" YELLOW PLASTIC CAP VIA RED LODGE SURVEYING LLC AND UNDERSIGNED PLS
- FOUND YPC VIA SANDERSON STEWART
- ⊠ FOUND YPC VIA PINPOINT
- ⊙ FOUND ALUMINUM CAP VIA SANDERSON STEWART
- NO MONUMENT SET
- ⊙ FOUND PEDESTAL
- ⊙ POWERPOLE
- P — OVERHEAD POWER
- G — GAS LINE
- — — EDGE OF PAVEMENT



TRACT 2
C.O.S. 3753

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	89°45'49"	25.07'	16.00'	S44°52'54"E	22.58'
C2	90°14'11"	25.20'	16.00'	N45°07'05"E	22.67'
C3	41°24'13"	106.23'	147.00'	S69°31'03"W	103.93'
C4	20°06'25"	126.34'	360.00'	N58°52'13"E	125.69'
C5	41°25'10"	99.04'	137.00'	S69°31'32"W	96.90'
C6	20°42'09"	133.69'	370.00'	N59°10'06"E	132.97'
C6A	5°59'05"	38.65'	370.00'	N69°31'36"E	38.63'
C6B	14°43'04"	95.04'	370.00'	N58°10'34"E	94.78'
C7	20°47'04"	134.22'	370.00'	N79°54'33"E	133.48'
C8	37°17'18"	240.80'	370.00'	S71°03'11"E	236.57'
C8A	6°48'50"	44.00'	370.00'	S55°48'56"E	43.98'
C8B	30°28'29"	196.80'	370.00'	S74°27'36"E	194.49'
C9	40°3'50"	26.24'	370.00'	S50°22'36"E	26.24'
C10	41°25'09"	99.04'	137.00'	N69°31'17"W	98.90'
C11	41°25'11"	77.35'	107.00'	S69°31'30"W	75.68'
C12	41°25'10"	289.16'	400.00'	N69°31'31"E	282.91'
C13	41°25'11"	289.16'	400.00'	S69°31'17"E	282.91'
C14	41°25'11"	77.35'	107.00'	N69°32'20"W	75.68'
C15	41°25'11"	55.66'	77.00'	S69°31'29"W	54.46'
C16	15°43'55"	118.07'	430.00'	N56°40'57"E	117.70'
C16A	15°03'55"	113.06'	430.00'	N56°20'58"E	112.74'
C16B	0°40'00"	5.00'	430.00'	N64°12'30"E	5.00'
C17	19°31'23"	146.52'	430.00'	N74°18'33"E	145.81'
C17A	8°22'04"	62.80'	430.00'	N79°54'13"E	62.74'
C17B	11°09'20"	83.72'	430.00'	N70°07'31"E	83.59'
C18	95°33'40"	26.69'	16.00'	S42°39'57"W	23.70'
C19	95°03'07"	26.54'	16.00'	N42°27'38"W	23.60'
C20	24°28'30"	183.31'	430.00'	S71°28'08"E	181.92'
C20A	7°09'23"	53.71'	430.00'	S80°04'10"E	53.67'
C20B	8°00'48"	60.14'	430.00'	S72°29'08"E	60.09'
C20C	9°15'19"	69.46'	430.00'	S63°51'01"E	69.38'
C21	10°52'40"	81.64'	430.00'	S53°47'02"E	81.51'
C22	41°25'09"	55.66'	77.00'	N69°31'17"W	54.46'
C23	44°53'34"	62.68'	80.00'	S67°47'22"W	61.09'
C23A	37°28'35"	52.33'	80.00'	S64°04'54"W	51.40'
C23B	7°24'59"	10.36'	80.00'	S86°31'34"W	10.35'
C24	45°20'34"	63.31'	80.00'	S22°40'17"W	61.67'
C25	90°14'06"	78.74'	50.00'	S45°07'06"W	70.85'
C26	90°14'06"	31.50'	20.00'	S45°07'12"W	28.34'
C27	89°46'54"	25.07'	16.00'	S44°53'33"E	22.58'
C28	89°46'55"	72.08'	46.00'	S44°53'29"E	64.93'
C29	80°13'06"	25.19'	16.00'	S45°08'39"E	22.67'
C30	89°46'54"	25.07'	16.00'	S44°53'26"E	22.58'

PRELIMINARY PLAT OF
ONYX POINTE SUBDIVISION
LOCATED IN TRACT 3 OF CERTIFICATE OF SURVEY NO. 3753 LYING
IN THE NE1/4 OF SECTION 19, T.1S., R.25E., P.M.M.,
YELLOWSTONE COUNTY, MONTANA

SURVEYED BY: RED LODGE SURVEYING LLC
PO BOX 986 | 606 S GRANT AVE
RED LODGE, MT 59068

DURING: MARCH OF 2022

LANDOWNERS: MYRON S. GROSS AND NANCY J. GROSS

CERTIFICATE OF DEDICATION AND LEGAL DESCRIPTION:

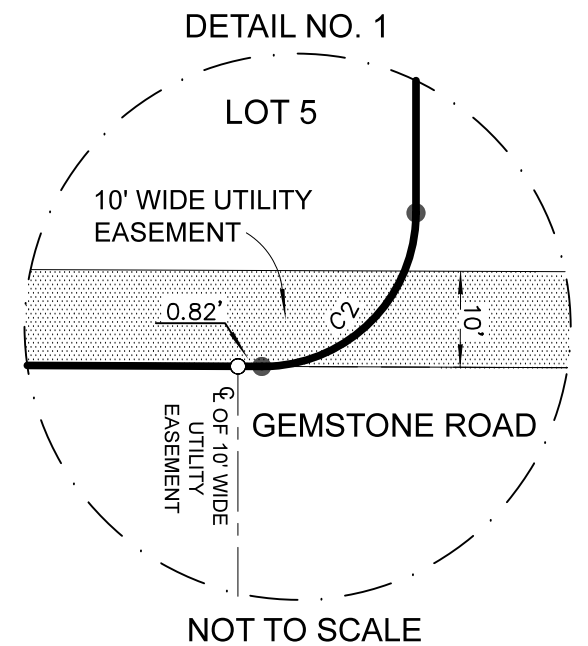
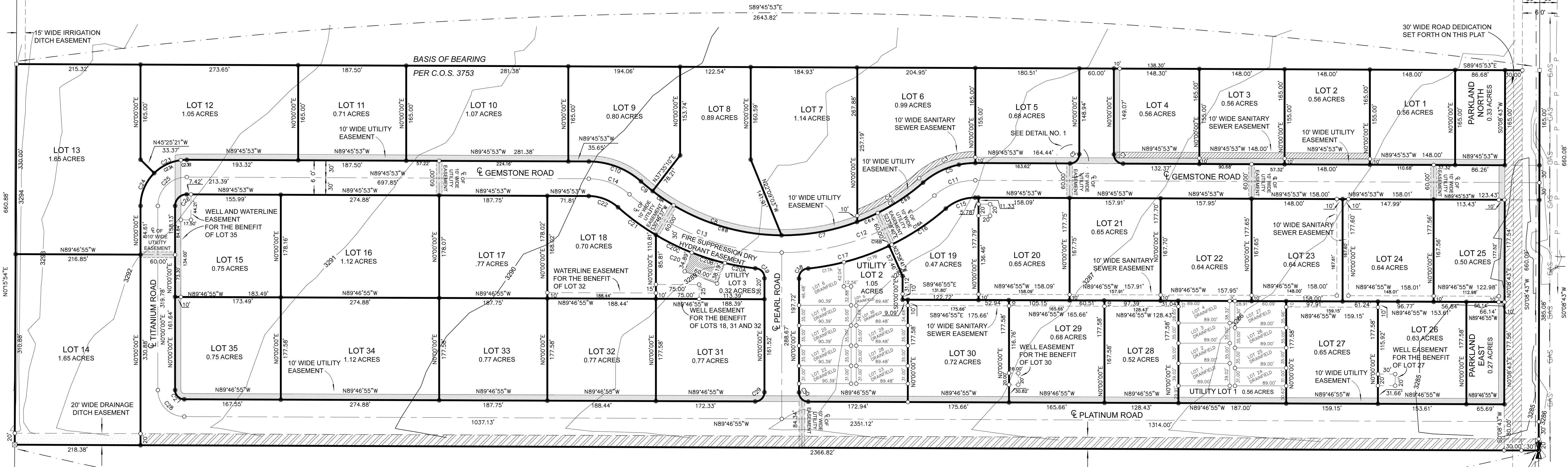
We, the undersigned landowners do hereby certify that we have caused to be surveyed, subdivided and platted into lots, as shown by the plat hereto annexed, a tract of land located in NE1/4 Section 19, T.1S., R.25E., Yellowstone County, Montana, the perimeter boundary of which is described as follows:

That part of the NE/4 Section 19, T.1S., R.25E., Yellowstone County, Montana, described as Tract 3 of Certificate of Survey No. 3753, recorded in the office of the clerk and recorder of Yellowstone County as document no. 3923939, containing 40.10 acres, more or less, and all according to the attached plat. Subject to easements and/or rights-of-way of record, apparent on the ground, and/or reserved per this survey.

Legal and physical access is provided each lot per MCA 76-3-608(3)(d) and Section II.B.4.p.

The above described tract of land is to be known and designated as "ONYX POINTE SUBDIVISION". The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, television, water or sewer service to the public, the right to joint use of an easement for the construction, maintenance, repair and removal of their lines and other facility, in, over, under and across each area designated on this plat as "utility easement" to have and to hold forever. No land is being dedicated to the public.

- 15' WIDE IRRIGATION DITCH EASEMENT PER C.O.S. 3753
- CENTURYLINK PEDESTAL
- PHONE PEDESTAL



TRACT 1A
C.O.S. 3282

SUBDIVISION IMPROVEMENTS AGREEMENT
Onyx Pointe Subdivision
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SUBDIVISION IMPROVEMENTS AGREEMENT

Onyx Pointe Subdivision

This agreement is made and entered into this ____ day of _____, 20__, by and between *Myron and Nancy Gross*, whose address for the purpose of this agreement is **21 Old Mill Road, Park City, Montana 59063**, hereinafter referred to as “Subdivider,” and **YELLOWSTONE COUNTY**, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, the plat of *Onyx Pointe Subdivision*, located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

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

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Board of County Commissioners (BOCC) conditionally approved a preliminary plat of *Onyx Pointe Subdivision*; and

WHEREAS, a Subdivision Improvements Agreement is required by the County prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to *Onyx Pointe Subdivision* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

No variances have been requested.

II. CONDITIONS THAT RUN WITH THE LAND

- A.** Lot owner and unit 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 owner and unit 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.
- D.** There is attached hereto a Waiver waiving the right to protest the creation of the Rural Special Improvement District or districts (RSID) 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.** Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.
- F.** Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- G.** When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- H.** Lot owner or their agent will obtain an Access Permit from County Public Works prior to any construction for the subdivision. The application will include a site plan showing the desired location of the access and show that it meets the

requirements outlined by the DEQ storm water requirements for the subdivision. Failure to do so will result in the lot owner or their agent removing what has been installed and locating the access in an approved location at the lot owners' expense.

III. TRANSPORTATION

A. Streets

- The property has access to S 64th St. W. on the east side of the subdivision.
- S 64th St. W. is a paved County road approximately 23-feet wide.
- Internal access roads, Platinum Drive, Graphite Drive, Jade Drive, and Tungsten Drive will be paved built to at least 24-feet in width with 2-foot gravel shoulders in 60-foot rights of way. Internal access roads will provide access to individual lots.
- An RSID will be established for the maintenance of the internal roads.
- Drainage ditches shall be constructed adjacent to the roadways in accordance to Yellowstone County Public Works and DEQ standards.

B. Sidewalks

- There are no existing sidewalks in the area and no sidewalks are proposed or required to be developed as part of this subdivision.

C. Street Lighting

- No street lighting is proposed or required to be developed as part of this subdivision.

D. Traffic Control Devices

- The Subdivider shall furnish and install street name signs for streets within the subdivision or located immediately adjacent thereto in accordance with the specifications of the County Public Works and the local Fire Department.

E. Access

- Access to the subdivision will be from S 64th St. W. Internal roads will provide access to each lot.

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

- The subdivision is within the BABTMP. There is a long-range bike lane identified on S. 64th St. W. This subdivision will not be responsible for building the bike lane.

G. Public Transit

- The area is not on a Billings MET Transit route.

IV. EMERGENCY SERVICES

- The subdivision is located within the Billings Urban Fire Service Area (BUFSA).
- A 30,000-gallon dry hydrant will be located within the subdivision on Utility Lot 3. Drawings and specifications will be provided to the Billings Fire Department for review and approval. The tank will be tested and approved prior to final plat by the Billings Fire Department. The maintenance for the tank and dry hydrant will require the formation of an RSID for maintenance.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions set forth in Section 4.7 of the Yellowstone County Subdivision Regulations and a stormwater management plan shall be submitted to and approved by the Montana Department of Environmental Quality (MDEQ), or its designee.

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.

- The Subdivision shall be supplied by individual wells located either on the lot it serves or on another lot. Lots served by wells not located on the lot will have a pump/piping system to supply water.
- The water distribution system shall conform to the standards set forth by the Yellowstone City-County Health Department and MDEQ.
- A MDEQ approval letter will be submitted with the final plat.

B. Sanitary Sewer

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

- The Subdivision will utilize community drainfields, located on Utility Lots 1 and 2. The utility lots will be dedicated to the public and a maintained through RSIDs specific to the lots using the drainfields.
- The system shall conform to the standards set forth by the Yellowstone City-County Health Department and MDEQ.
- A MDEQ approval letter will be submitted with the final plat.

C. Power, Telephone, Gas, and Cable Television

- Power, telephone, and cable will all be located within the right-of-way and utility easements shown on the plat.

VII. PARKS/OPEN SPACE

The required parkland dedication requirement will be met by a combination of land and cash-in-lieu. with a land dedication, as shown on the plat. 1.86 acres of parkland is required. Any land dedication will be maintained through an RSID.

VIII. IRRIGATION

The property is not located within the boundary of an Irrigation District. No water shares will be transferred to the individual unit owners.

IX. WEED MANAGEMENT

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

The weed plan shall include the following and shall be referenced in this SIA:

- 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 by the Yellowstone County Subdivision Regulations as part of this plat. Unit 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 limitation for proposed construction on the lots, which may require a geotechnical survey prior to construction.

XI. PHASING OF IMPROVEMENTS

There is no intended phasing of improvements. Internal roads and utilities will be constructed at the time of development.

XII. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the Planning Board and Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be designed by and constructed under the supervision of a professional engineer competent in civil engineering, licensed in the state of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C. of the Yellowstone County Subdivision Regulations.

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

XIII. LEGAL PROVISIONS

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.

- D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G. Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“SUBDIVIDER”

Myron Gross

By: _____

By: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this _____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be *Nancy J. Gross* who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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

This agreement is hereby approved and accepted by Yellowstone County, this _____ day of _____, 20__.

“COUNTY”
COUNTY OF YELLOWSTONE
MONTANA

County of Yellowstone
Board of County Commissioners

By: _____
Chairman

Commissioner

Commissioner

Attest: _____
County Clerk and Recorder

STATE OF MONTANA)
 : ss
County of Yellowstone)

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

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

Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's) which the Yellowstone County may require for a period of twenty years from the date of this document's recording.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

Onyx Pointe Subdivision

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

“SUBDIVIDER”

Myron Gross

By: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be *Myron Gross*, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

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

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

