****ATTENTION****

The City Council meeting will be held in a hybrid format that may include both in-person AND virtual attendance via Zoom. Unless they have cause to appear virtually, Councilmembers will attend the meeting in person in Council Chambers, second floor of City Hall, 220 N. 27th Street. In order to honor the Right of Participation and the Right to Know in Article II, Sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: www.billingsmt.gov and click on "Your Government," "City Council," and "Agendas & Minutes".
- View the meeting:
  - On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable. *(On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.)* Channel 7 or Channel 978 - TDS Fiber.
  - Online at www.comm7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
  - On the City's website at www.billingsmt.gov and click on "Watch Meetings Online" on the homepage.
  - In-Person.

Citizens may submit public comment via the following methods:

- Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- Email: Council@billingsmt.gov.
  - Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- Attend the meeting in person

Please contact Denise Bohlman, City Clerk, at bohlmand@billingsmt.gov, or at 406.657.8210, with any questions.

CITY OF Billings

VISION STATEMENT:
"The Magic City: A diverse, welcoming community where people prosper and business succeeds."

REVISED 10.23.2024
* Time Changed for Start of Closed Executive Session
CITY COUNCIL
REGULAR BUSINESS MEETING
AGENDA

CLOSED EXECUTIVE SESSION BEGINS AT 4:00 P.M.

COUNCIL CHAMBERS OCTOBER 28, 2024 BUSINESS SESSION BEGINS AT 5:30 P.M.

CALL TO ORDER: Mayor Cole

RECESS TO CLOSED EXECUTIVE SESSION (4:00 PM - 5:30 PM) - * City Administrator, Chris Kukulski's Annual Review

*Note: The Executive Session will be closed, as allowed in Section 2-3-203(3), MCA, as discussions relate to matters of individual privacy and wherein the demands of individual privacy exceed the merits of public disclosure.

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Tidswell

ROLL CALL: Councilmembers present on roll call were: ☐ Shaw, ☐ Gulick, ☐ Neese, ☐ Owen, ☐ Joy, ☐ Kennedy, ☐ Aspenlieder, ☐ Tidswell, ☐ Boyett, ☐ Rupsis

MINUTES:

- September 23, 2024
- October 14, 2024

COURTESIES: USS Billings Crew

PROCLAMATIONS:

- Epilepsy Awareness Month - November
- Lung Cancer Awareness Month - November

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2c, 4, 5 and 6 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium. Comments on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For items not on this agenda, public comment will be taken at the end of the agenda.)

1. CONSENT AGENDA -- Separations:

A. **Mayor Cole recommends that Council confirm the following appointments:**

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Matt Mikkelson	Billings BID*	10/28/24	12/31/25
2	No Applications	Community Development Board - Low Mod*	10/28/24	12/31/26
3	Donald White	Community Development Board*	10/28/24	12/31/26

*1 Unexpired term of Lea Morford
*2 Unexpired term of Valerie Courtney
*3 Unexpired term of Jenna Martin

B. Bid Awards:

1. **W.O. 23-22: WRF Digester Boiler.** (Opened 10/01/24) Recommend Star Service.

C. **Par 3 Golf Course Management Agreement** with the Exchange City Golf Corporation.

D. **Memorandum of Agreement (MOA)** with the Billings Bench Water Association (BBWA) for the combined application for the FEMA HMGP Grant.

E. **Amendment No. 5,** Professional Engineering Services Contract with HDR Engineering for W.O. 19-12: West End Project Preliminary Reservoir Design and BBWA Unloader Raw Water Delivery Design, Bidding and Construction Administration Services.

F. **Acceptance** of 2025 Domestic Violence Grant Award to the Police Department for the Domestic Violence Investigator Program and **Authorization** for the Police Chief to sign all required grant materials.

G. **Acceptance** of State Homeland Security Program FY 2024 Grant Award for the Information Technology Department.

H. **Second/Final Reading Ordinance** expanding the boundaries of Ward I - Annexation 24-03.

I. **Second/Final Reading Ordinance** for Zone Change 1054 - Montana National Guard Project - Hwy 3.

J. **Bills for the Weeks of:**

1. September 23, 2024
2. September 30, 2024

Recommended Motion: I move to approve the items of the Consent Agenda as submitted, with the exception of items moved for separation.

REGULAR AGENDA:

2. **THOMAS ROMINE PROPERTY - 58th Street West and Rimrock Road.**
   JOINT PUBLIC HEARING FOR ANNEXATION 24-04 and ZONE CHANGE 1057:

   a. **RESOLUTION APPROVING ANNEXATION 24-04:** a portion of Lot 27A of the Sunny Cove Fruit Farms Subdivision. Staff recommends conditional approval. *Quasi-Judicial

      Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution conditionally approving Annexation 24-04, as recommended by staff.

   b. **FIRST READING ORDINANCE FOR ZONE CHANGE 1057:** a portion of Lots 6A-1 and 27A of the Sunny Cove Fruit Farms Subdivision, generally located at 58th Street West and Rimrock Road. Zoning Commission recommends approval and adoption of the 10 review criteria. *Quasi-Judicial

      Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance for Zone Change 1057 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission.

   c. **ANNEXATION AGREEMENT** with Thomas Romine. Staff recommends approval.

      Recommended Motion: I move to approve an Annexation Agreement with Thomas Romine, as recommended by staff.

   d. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward IV to include recently annexed property in Annexation 24-04. Staff recommends approval.

      Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the First Reading Ordinance expanding the boundaries of Ward IV, as recommended by staff.

3. **PUBLIC HEARING AND FIRST READING ORDINANCE** adopting 2021 International Fire Code (IFC). Staff recommends approval.

   Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance adopting 2021 International Fire Code (IFC), as recommended by staff.

4. **TAX INCREMENT FINANCING ASSISTANCE** from the South Billings Boulevard Tax Increment Finance District to Tropicana Inn-Vestments 2.0, LLC, for Montana Trailhead Inn partial demolition - 5500 Midland Road. South Billings Urban Renewal Association (SBURA) Board recommends approval.

   Recommended Motion: I move to conditionally approve tax increment financing assistance from the South Billings Boulevard Tax Increment Finance District to Tropicana Inn-Vestments 2.0, LLC, for Montana Trailhead Inn partial demolition - 5500 Midland Road, as recommended by SBURA Board.

5. **SECOND/FINAL READING ORDINANCE** amending Sections 23-100 through 23-1100, Billings, Montana City Code (BMCC), Subdivision Regulations, to conform to State Legislation passed in 2023 and local changes provided by City Council, Planning, Engineering, Parks and Fire Department staff. Planning Board and staff recommends approval.

   Recommended Motion: I move to approve second/final reading ordinance amending Sections 23-100 through 23-1100, Billings, Montana City Code (BMCC), Subdivision Regulations, to conform to State Legislation passed in 2023 and local changes provided by City Council, Planning, Engineering, Parks and Fire Department staff, as recommended by the Planning Board and staff.

6. **CITY ADMINISTRATOR'S** Annual Performance Evaluation and **APPROVAL** of Employment Contract.

   Recommended Motion: I move to approve the employment contract with Chris Kukulski, City Administrator, as written.

PUBLIC COMMENT on "NON-AGENDA ITEMS". Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)*

COUNCIL INITIATIVES:

ADJOURN:

Council Chambers are readily accessible to individuals with physical disabilities.

For more information or to make requests for special arrangements, please contact the City Clerk's Office at 657-8210 or e-mail bohlmand@billingsmt.gov, 72 hours prior to the meeting date.

~ ~ ~

City Council Regular
Date: 10/28/2024
Title: Boards & Commissions Appointments
Presented by: Chris Kukulski, City Administrator
Department: City Hall Administration
Presentation: No
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

Mayor Cole recommends that the City Council confirm the appointments to the following boards and commissions.

	Name	Board/Commission	Term	
			Begins	Ends
1	Matt Mikkelson	Billings BID*	10/28/24	12/31/25
2	No Applications	Community Development Board - Low Mod*	10/28/24	12/31/26
3	Donald White	Community Development Board*	10/28/24	12/31/26

*1 Unexpired term of Lea Morford
*2 Unexpired term of Valerie Courtney
*3 Unexpired term of Jenna Martin

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

The Mayor is requesting that the City Council confirm appointments for Board and Commission positions that are vacant due to a resignation or unfilled vacancy.

STAKEHOLDERS

N/A

ALTERNATIVES

Council may:

- Confirm the proposed appointments; or
- Not confirm the appointments.

FISCAL EFFECTS

The proposed action has no financial impact.

City Council Regular

Date: 10/28/2024
Title: W.O. 23-22: WRF Digester Boiler
Presented by: Debi Meling
Department: Public Works
Presentation: No
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

Staff recommends the City Council award a contract for W.O. 23-22, WRF Digester Boiler Replacement, to Star Service, Inc., in the amount of $736,750.

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

W.O. 23-22, WRF Digester Boiler, will replace the single aging digester boiler with three smaller boilers at the City of Billings Water Reclamation Facility (WRF). The digester boiler is a critical component to the operations of the digesters at the WRF, and is at the end of its useful service life. The existing boiler is currently the only source of heat for the digesters. If the boiler goes down, the digestion process fails, wastewater cannot be treated to acceptable limits, and the City would be in violation of its discharge permit, resulting in potential fines.

By replacing the existing single boiler with three smaller boilers, the plant is able to achieve greater efficiency during normal operations, which in turn will lower the daily operating costs. If the demand is low, only one boiler will be utilized. When the demand is high, all three boilers will be used. Three boilers provide the plant with redundancy if one of the boilers were to be out of service for an extended period of time. The new boilers will be installed in a new location that will provide added safety for operations and maintenance staff. The project was a planned CIP project for FY25 and was budgeted for construction in FY25.

The project was advertised on August 30, September 6, September 13, September 20, and September 27, 2024, in the Yellowstone County News and on the City's website. Bids were opened on October 1st and two bids were received. Star Service, Inc. submitted the lowest, responsible bid. The Star Service, Inc. bid ($736,750) was lower than the Engineer's opinion of probable cost of $865,000 and staff recommends award.

ALTERNATIVES

City Council may:

- Award W.O. 23-22, WRF Digester Boiler, to Star Service, Inc. in the amount of $736,750; or,
- Not award a contract and reject all bids. If the project is not awarded, the digester boiler will operate beyond its useful service life, leading to increased operations and maintenance costs. In the event of a failure of the digester boiler, the plant would not be able to meet DEQ compliance limits.

FISCAL EFFECTS

The following bids were received:

Contractor	Base Bid
Star Service, Inc.	$736,750.00
Loenbro, LLC.	$975,429.00

The project was budgeted in FY25 using Wastewater Funds in the amount of $1,000,000. Considering previously encumbered funds for design and construction contract administration ($50,000), $213,250 remains for any change orders. There is adequate budget to award the contract.

City Council Regular

Date:	10/28/2024
Title:	Par-3 Management Agreement
Presented by:	Brandon Schmidt
Department:	Parks/Rec/Public Lands
Presentation:	No
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends a motion to approve the agreement between the Par 3 Golf Course Management Agreement between the Exchange City Golf Corporation and the City of Billings for the management of Par-3 golf course.

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

There are no changes to the prior agreement proposed by either Exchange City Golf Corporation or City Staff other than the effective date.

Exchange City Golf Corporation, a Montana nonprofit, developed, manages, and maintains the City-owned, Par-3 golf course. They do so consistent with a management agreement between themselves and the City of Billings. The management agreement is reviewed and approved on a four-year basis. The most recent agreement lapsed Dec 31, 2023.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Proceeds from the operation of the golf course shall be divided between the City of Billings and the Downtown Exchange Club of Billings at the ratio of 2 to 1 respectively, after: expenses of operation, debt retirement on any ECGC operating loans, reserve for expenses of operation and reserve for capital expenditures,

In the event that this Agreement is not renewed at the end of the term hereof, all debt that ECGC incurs towards the operation of the golf course shall be retired as provided in this Agreement or by such other means as the parties agree. Upon termination of this Agreement, any and all properties, including improvements, that ECGC owns shall be transferred to the City without any cost to the City. If the agreement is terminated, the city would then need to close Par-3, take over operation, or enter into an agreement with another organization to manage the course.

Attachments

Expired Agreement
proposed agreement

PAR 3 GOLF COURSE
MANAGEMENT AGREEMENT

THIS AGREEMENT is made this 16th day of Dec., 2019 between the City of Billings, a Montana municipal corporation herein after referred to as "City", and the Exchange City Golf Corporation, a Montana nonprofit corporation, of Billings, Yellowstone County, State of Montana, hereinafter referred to as "ECGC".

WHEREAS, the parties to this Agreement desire to enter into a contract that provides for ECGC's management of a City owned, 18 hole, Par 3 golf course which is located at 19 South 19th Street West, Billings, Montana 59102 ("the golf course").

In consideration of the mutual covenants and conditions set forth herein, the parties hereto agree as follows:

1. **Management of Golf Course**. During the term of this Agreement, ECGC shall provide all supervisory, administrative, and management services that are required or desirable for the proper maintenance and operation of the golf course. Notwithstanding the foregoing, with the prior written approval of the City, ECGC may contract with one or more third parties to perform any of such services. Additionally, with the prior written approval of the City, ECGC may negotiate and enter into loans for golf course purposes, but the terms of such loans shall not provide any recourse for payment other than in a manner that is allowed under this Agreement or otherwise approved by the City.

2. **Contract Monitoring and Budget for Golf Course Operations.** The management and operation of the golf course will be subject to an annual review by City Staff. Such review will include financial statements, maintenance performance, course usage and activities, capital improvements, facilities maintenance, and future programs. On or before the last Monday before Thanksgiving of each year, ECGC shall submit an annual budget to the City Council for approval, setting forth the anticipated expenditures for the operation of the golf course. The City Council shall review and consider approving the proposed budget on or before the last regularly scheduled meeting in December of each year.

3. **Maintenance of Financial Records.** ECGC shall maintain proper books of account and other records of the golf course's operations. From time to time in its discretion, the City may require an audit of such books of account and other records.

4. **Fees and Hours of Operation.** The City shall determine and set the green fees and other appropriate fees that ECGC charges. Additionally, the City shall determine the hours of operation for the golf course.

5. **Insurance and Indemnification.** ECGC shall carry workers compensation insurance in accordance with the applicable laws of the State of Montana. ECGC shall carry and charge as expense of operating the golf course, comprehensive general liability insurance with limits of at least $750,000 for each claim and $1,500,000 for each occurrence. ECGC shall name the City of Billings as an additional insured under its comprehensive general liability insurance policy. In the event that ECGC contracts with one or more third parties to perform services for the golf course, ECGC shall require that any such third party comply with the workers' compensation laws of the State of Montana and carry comprehensive general liability insurance limits of at least $750,000 for each claim and $1,500,000 for each occurrence. The comprehensive general liability insurance policy of any such third party shall name the City of Billings as an additional insured. ECGC shall, at all times, indemnify and hold the City harmless from and against all liability, loss, damages, costs and expenses, including

litigation expenses and reasonable attorneys' fees, which the City sustains or incurs as a result of the activities of ECGC or its agents or employees in the operation and management of the golf course.

6. **Term.** The term of this Agreement shall commence on its date of execution and shall terminate on December 31, 2023 and shall thereafter be renewable for like terms if both parties consent.

7. **Expenses.** Any item of expense that the City incurs and determines to be a direct or indirect result of the operation of the golf course shall be charged as an expense of operation of the golf course in an amount equal to the portion of such expense that is attributable to the operation of the golf course.

8. **Proceeds from Golf Course Operations.** The parties agree that the proceeds from the operation of the golf course shall be disbursed in the following order of priority:

(a) expenses of operation;

(b) debt retirement on any ECGC operating loans;

(c) reserve for expenses of operation;

(d) reserve for capital expenditures; and

(e) discretionary distributions to the City of Billings and the Downtown Exchange Club of Billings in the ratio of 2 to 1 respectively.

Any discretionary distribution that the Downtown Exchange Club of Billings receives from ECGC shall be utilized for outdoor recreation projects within the City of Billings and/or for the development of such City-owned cemeteries, park properties, and recreation programs as the Downtown Exchange Club of Billings determines.

9. **Termination.** In the event that this Agreement is not renewed at the end of the term hereof, all debt that ECGC incurs toward the operation of the golf course shall be retired as provided in this Agreement or by such other means as the parties agree. Upon termination of this Agreement, any and all properties, including improvements, that ECGC owns shall be transferred to the City without any cost to the City.

10. **Subcontracts.** Any subcontracts for prov1s1on of services and/or equipment shall ensure that the City is indemnified, saved and held harmless from and against any and all claims of damage, loss, and cost (including its reasonable attorney fees) of any kind related to those matters described in this Agreement. ECGC expressly understands and agrees that it shall assume and be solely responsible for all legal and financial responsibilities related to the execution of a subcontract. ECGC agrees and understands that utilization of a sub-contractor to provide any of the equipment or services in the contract shall in no way relieve it of the responsibility for providing the services as described and set forth herein. ECGC shall require any subcontractor it employs to pay wages, benefits, and expenses in accordance with §§18-2-403, and 18-2-422, MCA.

11. **Bankruptcy.** Upon filing for any bankruptcy or insolvency proceeding by or against ECGC, whether voluntary or involuntary, or upon the appointment of a receiver, trustee, or assignee for the benefit of creditors, ECGC must notify the City. Upon learning of the actions herein identified, the City reserves the right at its sole discretion to either cancel the contract or re-affirm the contract.

12. **Default.** If ECGC abandons or vacates the golf course prior to the expiration of the term hereof, or if ECGC fails to make payments as set forth herein and said payment is not made within 15 days after written notice Is given to ECGC, or if ECGC fails to perform in accordance with any of the other terms and conditions contained herein, and such default is not cured within thirty (30) days after written notice is given to ECGC, then the City, at the City's option and without further notice or demand to ECGC, may enter into possession of the golf course and all improvements thereon and remove all persons there from and may either take possession of

all furniture, equipment, and other personal property of ECGC found on the golf course or remove such property or any part of it and store it at ECGC's expense. The City may then terminate this Agreement.

13. **Governing Law and Venue.** This Agreement shall be construed and enforced in accordance with the laws of the State of Montana. Venue for any suit between the parties arising out of this Agreement shall be the State of Montana Thirteenth Judicial District Court, Yellowstone County.

14. **Cancellation of Insurance**. No change or cancellation in insurance shall be made without thirty (30) days written notice to the City. Insurance coverage required in Agreement shall be in force throughout the contract term. Should ECGC fail to provide acceptable evidence of current insurance within ten (10) days of receipt of written notice at any time during the contract term, the City shall have the right to consider the contract breached, justifying the termination thereof.

15. **Independent Contractor Status**. The parties agree that ECGC is an independent contractor for purposes of the Agreement and is not to be considered an employee of the City for any purpose. Agents and employees of ECGC are not subject to the terms and provisions of the City's personnel policies handbook and may not be considered City employees for workers' compensation or any other purpose. ECGC is not authorized to represent the City or otherwise bind the City in any dealings between ECGC and any third parties.

ECGC shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA. ECGC shall maintain workers' compensation coverage for all members and employees of ECGC's business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA.

ECGC shall furnish City with copies showing one of the following: (1) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or (2) proof of exemption from workers' compensation granted by law for independent contractors.

16. **No Implied waivers.** No provision in this document shall be construed, expressly or impliedly, as a waiver by the City of any existing or future right and/or remedy available by law in the event of any claim of default or breach of contract. Any waiver by the City of any breach of any one (1) or more of the covenants, conditions, terms and agreements herein contained shall not be construed to be a waiver of any subsequent or other breach of the same or of any other covenant, condition, term of agreement herein contained, nor shall failure on the part of the City to require exact, full or complete compliance with any of the covenants, conditions, terms or agreements herein contained be construed as in any manner changing the terms of this Agreement or stopping the City from enforcing the full provisions.

17. **Non-Discrimination and Civil Rights Compliance.** ECGC shall not conduct its business at the Golf Course or act in a manner which violates Title VI or Title VII of the Civil Rights Act of 1964, as amended, or Title 49 of the Montana Code Annotated. All hiring must be on the basis of merit and qualifications and there may not be discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the contract. ECGC shall maintain open hiring and employment practices and shall receive applications for employment in compliance with all requirements of applicable federal, state and local laws and regulations issued pursuant thereto relating to nondiscriminatory hiring and employment practices. ECGC shall serve its customers at the golf course without unlawful discrimination as to any person's age, sex, race, religion, color, national original or handicap.

18. **Applicable Laws**. In connection with the furnishing of supplies of performance of work under the contract, ECGC agrees to comply with the Fair Labor Standard Act, Equal Opportunity Employment Act, and all other applicable Federal and State laws, regulations and executive orders to the extent that the same may be applicable.

19. **Maintenance and Repairs**. ECGC will maintain the below ground level water and sewer lines to the point of services as provided by the utility during the term of the agreement. ECGC shall, to the satisfaction of the City, provide normal and routine daily maintenance of the courses and facilities, designed to keep golf course and equipment in a good state of repair, free from hazardous conditions and deterioration, thus providing for the comfort and safety of visitors and patrons. The standard to be used shall be consistent with Municipal Golf Course operation. The City may retains a golf consultant to evaluate the course. Course deficiencies will be reported in writing to the ECGC. ECGC will respond within 15 days and must take action to correct the deficiencies within 10 days of the response or the City may take action to correct the deficiencies at ECGS's expense.

20. **Facilities.** ECGC represents and acknowledges that it is receiving management and control of the golf course and the personal property on the premises in good order and sanitary condition at the outset of this Agreement.

ECGC assumes sole responsibility for maintenance and repair of all buildings and other improvements on the golf course and ECGC will maintain the golf course in good order and in sanitary and safe condition.

The City will require ECGC to make necessary repairs to meet all code and ADA (Americans with Disabilities Act) requirements and correct any obvious defects.

21. **Capital Improvements**. During the term of this Agreement, ECGC will finance and construct capital improvements as provided for and agreed upon as part of the management agreement. In planning and making capital improvements, ECGC will seek to attain standards comparable to those achieved at other public municipal golf courses.

22. **Ownership of Capital Improvements**. All capital improvements, alterations or additions shall be made at ECGC's sole expense and shall become the property of the City upon termination of this Agreement. ECGC will provide the City with as-built plans for any structural capital improvements or for any underground irrigation system that may be constructed or employed on the golf course.

23. **Liens**. ECGC shall not have the right to create or permit the creation of any lien attaching to any interest in the golf course as a result of any construction of capital improvements, alterations or additions.

24. **Golf Course Uses Only**. The golf course shall be used only and exclusively for golf course operations and such other purposes as are related, and for no other purposes whatsoever, unless approval is granted in writing by the City.

25. **Food and Beverage**. ECGC is hereby authorized to sell food and beverages, including alcoholic beverages, on the golf course, subject to Federal, State, and local laws and/or ordinances. ECGC shall ensure that all local and state health permit and inspections are adhered to, including any services contracted with an outside food/beverage provider. Food and Beverage Operations shall meet the following minimum standards: (1) Yellowstone County Health Department inspection rating of an A at all times during the term of this agreement and (2) At no time shall ECGC allow any condition to exist that would result in an immediate suspension or revocation or intent to suspend or revoke the operational health permit. In the event that ECGC's food and beverage products are reasonably and legally deemed by the City to be of an inappropriate or illegal quality for public sale and consumption, the City shall have the right to order the removal of or improvement in the quality of any such product kept or offered for sale. ECGC represents that it contracts food and beverage sales at the golf course to the Club Pro, and neither receives any revenue nor incurs any expenses directly related to food and beverage sales, but this does not excuse ECGC from complying with the standards set forth in this paragraph or from taking action to assure that the Club Pro or his agents and employees meets or exceeds these standards for all food and beverage sales at the golf course.

26. **Accounts and Books**. ECGC shall maintain a method of accounting in accordance with generally accepted accounting principles on an accrual and/or cash basis as agreed upon by the parties, which correctly and accurately reflects the financial position of ECGC in connection with the operation of the golf course. ECGC shall be required to provide the City access to information relating to the income and expenses incurred in the operation of the golf course.

27. **Sanitation**. No offensive matter or refuse or substance constituting an unnecessary, unreasonable, or unlawful fire hazard, or material detrimental to the public or environmental health shall be permitted to remain on the golf course and ECGC shall prevent any accumulation from occurring.

28. **Destruction of the Golf Course**. In the event the golf course or any portion thereof shall be totally or partially destroyed by risk covered by the insurance required, ECGC shall either restore the destroyed portion or terminate this Agreement. ECGC shall make the loss adjustment with the insurance company insuring the loss. If ECGC restores the golf course, ECGC shall receive payment of the proceeds of insurance. If this Agreement is terminated, the City shall receive the payment of proceeds. If the destruction is from a risk for which coverage is not required or provided under said policy of insurance, ECGC may elect to restore the destroyed portion of the golf course at its expense. Said insurance proceeds, if any, shall be held for the benefit of ECGC only in the event of an election by ECGC to restore the destroyed portion of the golf course and shall be disbursed in installments as construction progresses for payment of the costs of restoration.

If ECGC has failed to procure and maintain the required insurance coverage in the amounts specified and the proceeds of such insurance are insufficient to pay the actual costs of restoration, ECGC shall be responsible for the amount of the deficiency.

If ECGC elects to restore the destroyed portion of the golf course, the plans, specifications and construction cost estimates for the restoration shall be prepared by ECGC and forwarded to the City for approval prior to the performance of any work. The City's approval shall not be unreasonably withheld. All work shall be performed in accordance with the approved plans and specifications, unless changes are approved in advance by the City, and in accordance with all laws of the State of Montana pertaining to public works contracts as set forth in §18-2-401, MCA, et seq. and all applicable provisions of Paragraph 10 of this Agreement.

If the destroyed portion or portions of the golf course are restored, this Agreement shall continue in full force and effect. If the destroyed portion or portions of the golf course are not restored, this Agreement shall terminate.

29. **Complete Agreement**. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement that either party or agent of either party makes which is not contained in this Agreement shall be valid or binding. This Agreement may not be enlarged, modified, or amended except in a writing that the parties sign.

30. **Successors and Assigns**. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns. Notwithstanding the foregoing, ECGC may not assign this Agreement without the prior written consent of the City.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement ~~on this~~ effective 16th day of Dec, 2019.

CITY OF BILLINGS, MONTANA

By William A. Cole
WILLIAM A. COLE,
MAYOR

APPROVED AS TO FORM:

By Brent Brooks
BRENT BROOKS, CITY ATTORNEY

Exchange City Golf Corporation

By _____

Print Name Brian Beutler

Print Title President

PAR 3 GOLF COURSE
MANAGEMENT AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 2024, between the City of Billings, a Montana municipal corporation herein after referred to as "City", and the Exchange City Golf Corporation, a Montana nonprofit corporation, of Billings, Yellowstone County, State of Montana, hereinafter referred to as “ECGC."

WHEREAS, the parties to this Agreement desire to enter into a contract that provides for ECGC's management of a City owned, 18 hole, Par 3 golf course which is located at 19 South 19th Street West, Billings, Montana 59102 (“the golf course").

In consideration of the mutual covenants and conditions set forth herein, the parties hereto agree as follows:

1. **Management of Golf Course**. During the term of this Agreement, ECGC shall provide all supervisory, administrative, and management services that are required or desirable for the proper maintenance and operation of the golf course. Notwithstanding the foregoing, with the prior written approval of the City, ECGC may contract with one or more third parties to perform any of such services. Additionally, with the prior written approval of the City, ECGC may negotiate and enter into loans for golf course purposes, but the terms of such loans shall not provide any recourse for payment other than in a manner that is allowed under this Agreement or otherwise approved by the City.

2. **Contract Monitoring and Budget for Golf Course Operations.** The management and operation of the golf course will be subject to an annual review by City Staff. Such review will include financial statements, maintenance performance, course usage and activities, capital improvements, facilities maintenance, and future programs. On or before the last Monday before Thanksgiving of each year, ECGC shall submit an annual budget to the City Council for approval, setting forth the anticipated expenditures for the operation of the golf course. The City Council shall review and consider approving the proposed budget on or before the last regularly scheduled meeting in December of each year.

3. **Maintenance of Financial Records.** ECGC shall maintain proper books of account and other records of the golf course's operations. From time to time in its discretion, the City may require an audit of such books of account and other records.

4. **Fees and Hours of Operation.** The City shall determine and set the green fees and other appropriate fees that ECGC charges. Additionally, the City shall determine the hours of operation for the golf course.

5. **Insurance and Indemnification**. ECGC shall carry workers compensation insurance in accordance with the applicable laws of the State of Montana. ECGC shall carry and charge as expense of operating the golf course, comprehensive general liability insurance with limits of at least $750,000 for each claim and $1,500,000 for each occurrence. ECGC shall name the City of Billings as an additional insured under its comprehensive general liability insurance policy. In the event that ECGC contracts with one or more third parties to perform services for the golf course, ECGC shall require that any such third party comply with the workers' compensation laws of the State of Montana and carry comprehensive general liability insurance limits of at least $750,000 for

each claim and $1,500,000 for each occurrence. The comprehensive general liability insurance policy of any such third party shall name the City of Billings as an additional insured. ECGC shall, at all times, indemnify and hold the City harmless from and against all liability, loss, damages, costs and expenses, including litigation expenses and reasonable attorneys' fees, which the City sustains or incurs as a result of the activities of ECGC or its agents or employees in the operation and management of the golf course.

6. **Term**. The term of this Agreement shall commence on its date of execution and shall terminate on December 31, 2027, and shall thereafter be renewable for like terms if both parties consent.

7. **Expenses**. Any item of expense that the City incurs and determines to be a direct or indirect result of the operation of the golf course shall be charged as an expense of operation of the golf course in an amount equal to the portion of such expense that is attributable to the operation of the golf course.

8. **Proceeds from Golf Course Operations**. The parties agree that the proceeds from the operation of the golf course shall be disbursed in the following order of priority:

(a) expenses of operation;

(b) debt retirement on any ECGC operating loans;

(c) reserve for expenses of operation;

(d) reserve for capital expenditures; and

(e) discretionary distributions to the City of Billings and the Downtown Exchange Club of Billings in the ratio of 2 to 1 respectively.

Any discretionary distribution that the Downtown Exchange Club of Billings receives from ECGC shall be utilized for outdoor recreation projects within the City of Billings and/or for the development of such City-owned cemeteries, park properties, and recreation programs as the Downtown Exchange Club of Billings determines.

9. **Termination**. In the event this Agreement is not renewed at the end of the term hereof, all debt that ECGC incurs toward the operation of the golf course shall be retired as provided in this Agreement or by such other means as the parties agree. Upon termination of this Agreement, any and all properties, including improvements, that ECGC owns shall be transferred to the City without any cost to the City.

10. **Subcontracts.** Any subcontracts for provision of services and/or equipment shall ensure that the City is indemnified, saved and held harmless from and against any and all claims of damage, loss, and cost (including its reasonable attorney fees) of any kind related to those matters described in this Agreement. ECGC expressly understands and agrees that it shall assume and be solely responsible for all legal and financial responsibilities related to the execution of a subcontract. ECGC agrees and understands that utilization of a sub-contractor to provide any of the equipment or services in the contract shall in no way relieve it of the responsibility for providing the services as described and set forth herein. ECGC shall require any subcontractor it employs to pay wages, benefits, and expenses in accordance with §§18-2-403, and 18-2-422, MCA.

11. **Bankruptcy**. Upon filing for any bankruptcy or insolvency proceeding by or against ECGC, whether voluntary or involuntary, or upon the appointment of a receiver, trustee, or assignee for the benefit of creditors, ECGC must notify the City. Upon learning of the actions herein identified, the City reserves the right at its sole discretion to either cancel the contract or re-affirm the contract.

12. **Default.** If ECGC abandons or vacates the golf course prior to the expiration of the term hereof, or if ECGC fails to make payments as set forth herein and said payment is not made within 15 days after written notice Is given to ECGC, or if ECGC fails to perform in accordance with any of the other terms and conditions contained herein, and such default is not cured within thirty (30) days after written notice is given to ECGC, then the City, at the City's option and without further notice or demand to ECGC, may enter into possession of the golf course and all improvements thereon and remove all persons there from and may either take possession of all furniture, equipment, and other personal property of ECGC found on the golf course or remove such property or any part of it and store it at ECGC's expense. The City may then terminate this Agreement.

13. **Governing Law and Venue**. This Agreement shall be construed and enforced in accordance with the laws of the State of Montana. Venue for any suit between the parties arising out of this Agreement shall be the State of Montana Thirteenth Judicial District Court, Yellowstone County.

14. **Cancellation of Insurance**. No change or cancellation in insurance shall be made without thirty (30) days written notice to the City. Insurance coverage required in Agreement shall be in force throughout the contract term. Should ECGC fail to provide acceptable evidence of current insurance within ten (10) days of receipt of written notice at any time during the contract term, the City shall have the right to consider the contract breached, justifying the termination thereof.

15. **Independent Contractor Status**. The parties agree that ECGC is an independent contractor for purposes of the Agreement and is not to be considered an employee of the City for any purpose. Agents and employees of ECGC are not subject to the terms and provisions of the City's personnel policies handbook and may not be considered City employees for workers' compensation or any other purpose. ECGC is not authorized to represent the City or otherwise bind the City in any dealings between ECGC and any third parties.

ECGC shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA. ECGC shall maintain workers' compensation coverage for all members and employees of ECGC's business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA.

ECGC shall furnish City with copies showing one of the following: (1) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or (2) proof of exemption from workers' compensation granted by law for independent contractors.

16. **No Implied waivers**. No provision in this document shall be construed, expressly or impliedly, as a waiver by the City of any existing or future right and/or remedy available by law in the event of any claim of default or breach of contract. Any waiver by the City of any breach of any one (1) or more of the covenants, conditions, terms and agreements herein contained shall not be construed to be a waiver of any subsequent or other breach of the same or of any other covenant, condition, term of agreement herein contained, nor shall failure on the part of the City to require exact, full or complete compliance with any of the covenants, conditions, terms or agreements herein contained be construed as in any manner changing the terms of this Agreement or stopping the City from enforcing the full provisions.

17. **Non-Discrimination and Civil Rights Compliance.** ECGC shall not conduct its business at the Golf Course or act in a manner which violates Title VI or Title VII of the Civil Rights Act of 1964, as amended, or Title 49 of the Montana Code Annotated. All hiring must be on the basis of merit and qualifications and there may not be discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical

or mental disability, or national origin by the persons performing the contract. ECGC shall maintain open hiring and employment practices and shall receive applications for employment in compliance with all requirements of applicable federal, state and local laws and regulations issued pursuant thereto relating to nondiscriminatory hiring and employment practices. ECGC shall serve its customers at the golf course without unlawful discrimination as to any person's race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

18. **Applicable Laws**. In connection with the furnishing of supplies of performance of work under the contract, ECGC agrees to comply with the Fair Labor Standard Act, Equal Opportunity Employment Act, and all other applicable Federal and State laws, regulations and executive orders to the extent that the same may be applicable.

19. **Maintenance and Repairs**. ECGC will maintain the below ground level water and sewer lines to the point of services as provided by the utility during the term of the agreement. ECGC shall, to the satisfaction of the City, provide normal and routine daily maintenance of the courses and facilities, designed to keep golf course and equipment in a good state of repair, free from hazardous conditions and deterioration, thus providing for the comfort and safety of visitors and patrons. The standard to be used shall be consistent with Municipal Golf Course operation. The City may retain a golf consultant to evaluate the course. Course deficiencies will be reported in writing to the ECGC. ECGC will respond within 15 days and must take action to correct the deficiencies within 10 days of the response or the City may take action to correct the deficiencies at ECGS's expense.

20. **Facilities**. ECGC represents and acknowledges that it is receiving management and control of the golf course and the personal property on the premises in good order and sanitary condition at the outset of this Agreement.

ECGC assumes sole responsibility for maintenance and repair of all buildings and other improvements on the golf course and ECGC will maintain the golf course in good order and in sanitary and safe condition.

The City will require ECGC to make necessary repairs to meet all code and ADA (Americans with Disabilities Act) requirements and correct any obvious defects.

21. **Capital Improvements**. During the term of this Agreement, ECGC will finance and construct capital improvements as provided for and agreed upon as part of the management agreement. In planning and making capital improvements, ECGC will seek to attain standards comparable to those achieved at other public municipal golf courses.

22. **Ownership of Capital Improvements**. All capital improvements, alterations or additions shall be made at ECGC's sole expense and shall become the property of the City upon termination of this Agreement. ECGC will provide the City with as-built plans for any structural capital improvements or for any underground irrigation system that may be constructed or employed on the golf course.

23. **Liens**. ECGC shall not have the right to create or permit the creation of any lien attaching to any interest in the golf course as a result of any construction of capital improvements, alterations or additions.

24. **Golf Course Uses Only**. The golf course shall be used only and exclusively for golf course operations and such other purposes as are related, and for no other purposes whatsoever, unless approval is granted in writing by the City.

25. **Food and Beverage**. ECGC is hereby authorized to sell food and beverages, including alcoholic beverages, on the golf course, subject to Federal, State, and local laws and/or ordinances. ECGC shall ensure that all local and state health permits and inspections are adhered to, including any services contracted with an outside food/beverage provider. Food and Beverage Operations shall meet the following minimum standards: (1) Yellowstone County Health Department inspection rating of an A at all times during the term of this agreement and (2) At no time shall ECGC allow any condition to exist that would result in an immediate suspension or revocation or intent to suspend or revoke the operational health permit. In the event that ECGC's food and beverage products are reasonably and legally deemed by the City to be of an inappropriate or illegal quality for public sale and consumption, the City shall have the right to order the removal of or improvement in the quality of any such product kept or offered for sale. ECGC represents that it contracts food and beverage sales at the golf course to the Club Pro, and neither receives any revenue nor incurs any expenses directly related to food and beverage sales, but this does not excuse ECGC from complying with the standards set forth in this paragraph or from taking action to assure that the Club Pro or his agents and employees meets or exceeds these standards for all food and beverage sales at the golf course.

26. **Accounts and Books**. ECGC shall maintain a method of accounting in accordance with generally accepted accounting principles on an accrual and/or cash basis as agreed upon by the parties, which correctly and accurately reflects the financial position of ECGC in connection with the operation of the golf course. ECGC shall be required to provide the City access to information relating to the income and expenses incurred in the operation of the golf course.

27. **Sanitation**. No offensive matter or refuse or substance constituting an unnecessary, unreasonable, or unlawful fire hazard, or material detrimental to the public or environmental health shall be permitted to remain on the golf course and ECGC shall prevent any accumulation from occurring.

28. **Destruction of the Golf Course**. In the event the golf course or any portion thereof shall be totally or partially destroyed by risk covered by the insurance required, ECGC shall either restore the destroyed portion or terminate this Agreement. ECGC shall make the loss adjustment with the insurance company insuring the loss. If ECGC restores the golf course, ECGC shall receive payment of the proceeds of insurance. If this Agreement is terminated, the City shall receive the payment of proceeds. If the destruction is from a risk for which coverage is not required or provided under said policy of insurance, ECGC may elect to restore the destroyed portion of the golf course at its expense. Said insurance proceeds, if any, shall be held for the benefit of ECGC only in the event of an election by ECGC to restore the destroyed portion of the golf course and shall be disbursed in installments as construction progresses for payment of the costs of restoration.

If ECGC has failed to procure and maintain the required insurance coverage in the amounts specified and the proceeds of such insurance are insufficient to pay the actual costs of restoration, ECGC shall be responsible for the amount of the deficiency.

If ECGC elects to restore the destroyed portion of the golf course, the plans, specifications and construction cost estimates for the restoration shall be prepared by ECGC and forwarded to the City for approval prior to the performance of any work. The City's approval shall not be unreasonably withheld. All work shall be performed in accordance with the approved plans and specifications, unless changes are approved in advance by the City, and in accordance with all laws of the State of Montana pertaining to public works contracts as set forth in §18-2-401, MCA, et seq. and all applicable provisions of Paragraph 10 of this Agreement.

If the destroyed portion or portions of the golf course are restored, this Agreement shall continue in full force and effect. If the destroyed portion or portions of the golf course are not restored, this Agreement shall terminate.

29. **Complete Agreement**. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement that either party or agent of either party makes which is not contained in this Agreement shall be valid or binding. This Agreement may not be enlarged, modified, or amended except in a writing that the parties sign.

30. **Successors and Assigns**. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns. Notwithstanding the foregoing, ECGC may not assign this Agreement without the prior written consent of the City.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

CITY OF BILLINGS, MONTANA

By_____
WILLIAM A. COLE,
MAYOR

APPROVED AS TO FORM:

By_____

GINA DAHL, CITY Attorney

Exchange City Golf Corporation

By_____

Print Name **Ron Cole**

Print Title **President**

City Council Regular

Date:	10/28/2024
Title:	FEMA HMGP Grant - Agreement with BBWA for combined application
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends that City Council approve the MOA with Billings Bench Water Association BBWA for the FEMA HMGP Grant.

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

The City of Billings and the Billings Bench Water Association (BBWA) are applying together for a FEMA Hazard Mitigation Grant Program to address flooding mitigation along the BBWA Canal. FEMA has requested that the City of Billings and BBWA combine grant applications for the proposed BBWA Headgate Upgrade and City of Billings Stormwater Unloaders built to mitigate flooding along the canal. As a branch of local government, the City of Billings is the only eligible entity on the application to apply as a subrecipeint of the grant. As the subrecipient of the grant, the City has liability to ensure the BBWA Headgate Upgrade project is done in accordance with FEMA requirements or grant funding for the entire proposal could be revoked. This Memorandom of Agreement (MOA) between the City of Billings (subrecipient) and the Billings Bench Water Association (stakeholder) serves to limit the city's financial liability by ensuring the BBWA carries the financial burden of the Headgate Upgrade. In the event the BBWA does not perform the Headgate Upgrade project to completion and provide the required financial match, the City should be absolved of repercussions from the grant. The MOA only addresses the BBWA Headgate Upgrade project because the BBWA will receive payments for their project through the City of Billings. The Stormwater Unloaders will be the responsibility of the City and are not included in the MOA between the BBWA and the City of Billings.

The City of Billings will be the sub-recipient of the grant and will be responsible for documentation and requesting reimbursement from the FEMA grant. If the BBWA complies with the agreement, the City will pay grant funds to the BBWA for construction of the Headgate Upgrade. The MOA requires the BBWA to provide all documentation for their project to the City. The MOA will also require compliance with all Federal and State statutes that apply to the grant and then require the BBWA to cover the 25% match required for the Headgate Upgrade project including covering any overages for the Headgate Upgrade project above the grant match and request.

The entire application for the FEMA Hazard Mitigation Grant Program will include the following projects:
The BBWA proposes automating and modernizing their headgate located in Laurel, Montana to improve the response time to close the headgates in the event of a flood, breach, or other event. The City of Billings proposes to install stormwater unloaders along the BBWA canal at Canyon Creek, Lillis Park, 17th and Parkhill, and Virginia and Poly. These locations have the most capacity for stormwater diversion within city limits. The headgate automation and stormwater unloaders will work together to divert water from the canal in the event of an emergency.

ALTERNATIVES

City Council may:

- Approve the MOA with the BBWA; or,
- Not approve the MOA.

FISCAL EFFECTS

Signing the Memorandom of Agreement will not affect the budget and no portion of City funds will cover the BBWA Headgate Upgrade.

If the FEMA Hazard Mitigation Grant Program is awarded, the City of Billings project match for the Stormwater Unloaders will be funded by $1,182,000 in Water Funds and $283,750 from the General Fund.

Attachments

MOA City and BBWA

Exhibit A
Exhibit B

MEMORANDUM OF AGREEMENT
BETWEEN CITY OF BILLINGS AND BBWA
FOR PERFORMANCE OF FEMA HAZARD MITIGATION GRANT PROJECT

THIS MEMORANDUM OF AGREEMENT ("MOA") is made and entered into this (day, month) , 2024, by and between the CITY OF BILLINGS ("CITY" or "Subrecipient"), a Montana municipal corporation having its principal office at City Hall, Billings, MT 59101, and the BILLINGS BENCH WATER ASSOCIATION ('BBWA" or "Stakeholder"), a non-profit private irrigation ditch company having its principal office at 1111 Main Street, Suite 14, Billings, Montana, 59105, each referred separately, herein, as "the Party," or collectively as "the Parties".

RECITALS

A. CITY is Subrecipient of a Federal Emergency Management Agency ("FEMA") Hazard Mitigation Grant subaward (the "GRANT") passed through and administered by the State of Montana Department of Emergency Services ("DES") for purposes which include the rebuilding and automating of BBWA's irrigation ditch headgates to reduce or eliminate long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of flooding disasters in and around the City of Billings (the "GRANT PROJECT"); and
B. As Stakeholder benefitting from the GRANT PROJECT, BBWA agrees to contribute the necessary 25% of the third-party in-kind contributions and the portion of the costs of a federally assisted project or program not borne by the Federal Government (44 CFR 13.3) required by the GRANT for the completion of rebuilding and automating BBWA's headgates. Examples of eligible matches include cash or in-kind services.; and
C. The Parties agree that BBWA, as Stakeholder, can better supervise and construct the rebuilding and automating of BBWA's ditch headgates for this component of the GRANT PROJECT, which headgates the Parties agree shall be entirely owned, operated, and maintained by BBWA upon completion of the GRANT PROJECT; and
D. DES requires CITY to execute an agreement with BBWA to delegate this component of the GRANT PROJECT to BBWA; and
E. The Parties understand that neither CITY nor BBWA has in any way, expressly or implied, abrogated any of its individual powers, and this MOA does not create any joint venture, partnership, new organization, or legal entity; and
F. BBWA understands and acknowledges that CITY is relying on available FEMA subaward funds to meet its obligations under the GRANT for the GRANT PROJECT. As such, BBWA agrees to comply with all applicable federal, state, and local laws, regulations, policies,

directives, procedures and requirements in the conduct of BBWA's Scope of Work, set forth herein; and

G. This MOA has been approved by the City Council of CITY and BBWA's governing board of directors.

NOW, THEREFORE, in consideration of the mutual covenants and obligations herein contained, including attachments, and subject to the terms hereinafter stated, the Parties hereto understand and agree as follows:

1. Recitals.

The above recitals are true and correct and are specifically incorporated herein, forming a material part of this MOA.

2. BBWA Scope of Work and Duties

i. BBWA agrees to perform the services identified as the Scope of Work (the "Work") specified and described in Exhibit A, attached hereto and incorporated herein by reference, as a component project of the GRANT PROJECT in accordance with the terms of this MOA.

a. The Work specified and described in Exhibit A must include a description of the Work to be performed, a schedule for completing the work, and a budget.
b. BBWA shall perform the Work in a professional manner consistent with industry standards and in a timely manner as required in the GRANT and this MOA.
c. In performing the Work, BBWA must comply with the Agreement Articles as specified and described in Exhibit B, attached hereto and incorporated herein by reference.
d. BBWA is a non-Federal entity ("NFE") which recognizes that CITY, as an NFE, will be using use Federal funds to pay and reimburse expenses for equipment and services under this MOA. Therefore, BBWA must maintain and use documented procurement procedures for procurement transactions consistent with State and local laws and regulations and the standards identified in 2 C.F.R. §§ 200.318 through 200.327, and 2 C.F.R. Part 200, Appendix II, for the acquisition of property and services required under a Federal award or subaward.

e. Time is of the essence as to all aspects of Stakeholder's Work and performance under this MOA.

ii. BBWA shall provide a written monthly progress report of the ongoing Work to CITY'S FEMA GRANT LIAISON during the first week of every month. CITY'S FEMA GRANT LIAISON is:

Fiscal Services Manager
Public Works Administration
406.237.6208
(City to provide updated name and email of Fiscal Service Manager to BBWA on effective date of MOA.)

3. BBWA Financial Contribution

i. BBWA understands and agrees that it shall provide the 25% local cost share of funding in cash or in-kind labor for completion of the Work required by the GRANT and this MOA, which is equivalent to 25% of any and all invoices for reimbursement submitted pursuant to the GRANT and this MOA in the amount of THREE HUNDRED EIGHT THOUSAND DOLLARS SEVEN HUNDRED FIFTY DOLLARS ($308,750). BBWA shall pay this full amount in cash or in-kind labor at the time of completion of the Work performed by BBWA or, in any event, no later than thirty-six (36) months from the date the GRANT subaward is fully obligated to CITY.

ii. In addition, BBWA agrees to be responsible for payment of any overage amounts specific to the Work for the GRANT PROJECT above the 25% local cost sharing amount of $308,750.

4. Records

i. BBWA will maintain reasonable records of its expenses and performance hereunder in a manner consistent with generally accepted accounting principles. BBWA will allow the CITY, State of Montana, and FEMA and their authorized representatives access to these records at any time during normal business hours.

ii. As Stakeholder and non-Federal party receiving Federal awards, BBWA must comply with the audit procedures in 2 CFR Section 200.501. Accordingly, all records relating to costs, work performed including in-kind labor, and supporting documentation for expenditure of the funds transferred by CITY to BBWA, along with copies of all deliverables submitted to CITY pursuant to this MOA, shall be retained and made available by BBWA for audit by the State of Montana (including CITY, the Auditor of the State of Montana, Inspector General or duly authorized law enforcement officials), and agencies of the United State government for a minimum of three (3) years from the date that CITY submits to

DES/FEMA the final expenditure report for the GRANT PROJECT. If any litigation, claim, negotiation, audit, request for information, or other action involving the GRANT or this MOA is initiated during this time period, BBWA shall retain such records until the audit is concluded and all issues are resolved.

5. Payment of Work Incurred by BBWA

In consideration of BBWA's performance of the Work, specifically described in Exhibit A, CITY agrees to the following:

i. Upon receipt of a valid claim for payment from BBWA for allowable Work costs as specified in the GRANT and this MOA, CITY will request the required amount of GRANT funds from the GRANT and upon receipt of these funds, CITY will honor BBWA's claim and pay BBWA accordingly. GRANT funds may be reimbursed directly to contractors and not to entities ineligible to receive GRANT funds.

ii. Each payment for engineering costs will be drawn from the GRANT in amounts that are proportionate to the percentage that such funds represent of the total cost of the Work for the PROJECT.

iii. Costs incurred shall be reasonable pursuant to applicable federal regulations and federal cost principles. A cost is considered reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

iv. CITY may refuse to pay any claim which it deems not valid under the terms of the GRANT (Attachment B) and this MOA.BBWA will submit invoices to CITY and other bills and Work documentation that CITY may require pursuant to the GRANT.

v. Upon the expiration of this MOA, the BBWA will transfer to CITY any GRANT funds on hand at the time of expiration and any accounts receivable attributable to the use of the GRANT funds.

6. Effective Date and Duration of MOA

This MOA takes effect on the date CITY receives a fully obligated award of the GRANT for the GRANT PROJECT. This MOA's term and duration is thirty-six (36) months from the date of the award of the GRANT for completion of the GRANT PROJECT. Should an extension for completion of the GRANT PROJECT be necessary and approved by FEMA, the duration of this MOA will automatically extend to FEMA's amended date of completion of the GRANT PROJECT.

7. Administration

For purposes of implementing this MOA, the City Administrator or Designee of CITY and BBWA's governing board hereby agree to coordinate with the CITY's FEMA GRANT Liaison, the Work and GRANT PROJECT engineers, and a designated representative of BBWA. These individuals may meet on a regular basis during the term of the Work and GRANT PROJECT to provide for the efficient and effective implementation of the Work and GRANT PROJECT.

8. Indemnification

BBWA agrees to defend, indemnify and hold harmless CITY, its elected and appointed officials, officers, agents, and employees from and against any and all loss, liability, penalties, damages of whatever nature, causes of action, suits, demands, judgments, injunctive relief, awards, and settlements, including, without limitation, payment of claims of liability resulting from any injury or death of any person or damage to or destruction of any property arising out of the willful misconduct, negligent, or tortious act or omission of BBWA, its agents, employees, licensees, contractors, or subcontractors and waives any and all claims and recourse against CITY, including the right of contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to BBWA's performance of this MOA except claims arising from the concurrent or sole negligence of CITY or its officers, agents, or employees in performance of this MOA.

9. Suspension and Termination

CITY may suspend or terminate this MOA if BBWA materially fails to comply with any term of the MOA. In addition, CITY may terminate this MOA for convenience with reasonable notice.

10. Remedies

In the event BBWA violates any terms of this MOA or does not properly procure and document costs, CITY may recoup any State or Federal funds spent under this MOA. In the event a State or Federal audit concludes that State or Federal monies were spent in violation of State or Federal law and regulation, BBWA will be responsible for paying back any amounts of money the audit determines were not spent properly.

11. Waiver

The waiver by CITY of any occurrence of breach or default is not a waiver of such subsequent occurrences of breach or default, and CITY retains the right to exercise all remedies under the law.

12. Assignment

The terms and provisions of this MOA shall inure to the benefit of and be binding upon the successors and assigns of the Parties hereto.

13. Amendment

No amendment or modifications to this MOA shall be of any force or effect unless in writing and executed by the Parties hereto with the same formality as this MOA and approved by DES/FEMA.

14. Other Agreements

As Stakeholder, BBWA understands and acknowledges that CITY is relying on available FEMA subaward funds to meet its obligations under the GRANT for the GRANT PROJECT, including the Work to be performed by BBWA, as Stakeholder, agreed upon by the Parties in this MOA. As such, BBWA agrees to comply with all applicable Federal, State, and local laws, regulations, policies, directives, procedures, and requirements pursuant to the GRANT and GRANT PROJECT in performance of the Work.

15. Severability

In the event any term or provision of this MOA is determined invalid or unenforceable, then said term or provision shall be deemed severed from the balance of this MOA, which shall remain in full force and effect.

16. Jurisdiction and Venue

This MOA shall be construed in accordance with the laws of Montana and applicable Federal laws, and the Parties agree that venue shall be in Yellowstone County, 13th Judicial District Court of the State of Montana or U.S. District Court for the District of Montana, Billings location, if required.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

CITY OF BILLINGS, MONTANA

_____	_____
WILLIAM A. COLE, **MAYOR**	**BBWA SIGNATURE**
_____	_____
APPROVED AS TO FORM:	**PRINT NAME**

_____

PRINT TITLE

_____

CITY ATTORNEY'S OFFICE

EXHIBT A

Scope of Work

EXHIBIT B

AGREEMENT ARTICLES

Exhibit A

Scope of Work

The GRANT PROJECT will include a component project whereby BBWA will rebuild, construct, own, maintain, and operate BBWA's canal headgates on the Yellowstone River installed near Laurel, MT (the "Work"). The time frame for completion of the Work to be performed by BBWA shall be 36 months from the date the grant subaward is fully obligated to CITY.

BBWA will be responsible for all necessary permitting for the Work to be supported by WWC Engineering. Documentation of all necessary permits shall be available for audit by State and Federal Agencies at any stage of the Work. The following state and federal statutes, rules, and regulations may apply to each location: Montana Water Quality Act, Short-Term Water Quality Standard for Turbidity, Stormwater Discharge General, Montana Sage Grouse Habitat Conservation Program, National Historic Preservation Act Section 106. Additionally, the Federal Rivers and Harbors Act Protection of Wetlands Act, Migratory Birds Treaty Act, Fish and Wildlife Coordination Act, Endangered Species Act may be required.

The Work will include a reinforced concrete structure, removal of old headgates, installation of new headgates, electrical components, and automation equipment. Design, permitting, and construction administration will be overseen by WWC Engineering in cooperation with FCA Solutions.

BBWA will complete the construction bid process with support from WWC Engineering. This process will include preparing construction bidding documents, issuing a request for proposals, and executing a construction contract with the selected firm(s) for the different components of the Work. Design, permitting, construction, and construction administration for the Work will be the responsibility of BBWA. BBWA will provide all documentation to the City of Billings for each stage of the project.

BBWA will provide a minimum match for the Work, as a component of to the GRANT PROJECT of in the amount $308,750. BBWA shall pay this full amount in cash or in-kind labor.

WWC ENGINEERING

BBWA Headgate Replacement Engineer's Estimate

Item	Quantity	Units	Unit Cost	Total Cost
Mobilization	1	LS	$66,158.06	$66,158.06
Taxes, Bonds, Insurance	1	LS	$30,873.76	$30,873.76
Inspection, Testing, Certification	1	LS	$2,300.00	$2,300.00
Waterproof - Bladder Bag	1	LS	$74,750.00	$74,750.00
Headgate Reinforced Concrete Removal/Replacement	25	CY	$3,737.50	$93,437.50
Removal and Disposal of Headgates	1	LS	$11,500.00	$11,500.00
New 72" Headgate	4	EA	$103,500.00	$414,000.00
Automation Controls	1	LS	$110,400.00	$110,400.00
Headgate Acuators	4	EA	$21,850.00	$87,400.00
Headgate Stem and Steel Mounting Fabrication	4	EA	$5,750.00	$23,000.00
Headgate Screen Install	4	EA	$4,025.00	$16,100.00
Pole Mounted Electrical Service	1	LS	$8,050.00	$8,050.00
Electrical Conduit and Wiring	1800	LF	$24.15	$43,470.00
			Subtotal	**$980,000**
			5% Construction Contingency	$49,000
			Permitting and Filing Fees	$10,000
			20% Engineering Design & Construction Administration	$196,000
			Total	**$1,235,000**

AGREEMENT ARTICLES

SUBRECIPIENT:	City of Billings, Montana
STAKEHOLDER:	Billings Bench Water Association (BBWA)
PROGRAM:	Hazard Mitigation Grant
AGREEMENT NUMBER:	Pending Award

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ARTICLE DESCRIPTION

Article 1	Assurances, Administrative Requirements, Cost Principles, Representations, and Certifications. Recipients must complete either the Office of Management and Budget (OMB)Standard Form 424B Assurances – Non- Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the federal awarding agency.
Article 2	General Acknowledgements and Assurances Recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in effect as of the federal award date and located at 2 C.F.R. Part 200 and adopted by DHS at 2 C.F.R. § 3002.10. All recipients and subrecipients must acknowledge and agree to provide DHS access to records, accounts, documents, information, facilities, and staff pursuant to 2 C.F.R. § 200.337. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities and personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements required by law, federal regulation, Notice of Funding Opportunity, federal award specific terms and conditions, and/or federal awarding agency program guidance. V. Recipients must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receiving the Notice of Award for the first award under which this term applies. Recipients of multiple federal awards from DHS should only submit one completed tool for their organization, not per federal award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active federal award, not every time a federal award is made. Recipients must submit the completed tool, including supporting materials, toCivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in these DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at https://www.dhs.gov/publication/dhs- civil-rights-evaluation-tool. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension to the 30-day deadline if the recipient identifies steps and a timeline for completing the tool. Recipients must request extensions by emailing the request toCivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.
Article 3	Acknowledgement of Federal Funding from DHS Recipients must acknowledge their use of federal award funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal award funds.
Article 4	Activities Conducted Abroad Recipients must coordinate with appropriate government authorities when performing project activities outside the United States obtain all appropriate licenses, permits, or approvals.
Article 5	Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (codified as amended at 42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 6	Americans with Disabilities Act of 1990Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C.§§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 7	Best Practices for Collection and Use of Personally Identifiable Information Recipients who collect personally identifiable information (PII) as part of carrying out the scope of work under a federal award are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and

Privacy Template as useful resources respectively.

Article 8	Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of1964, Pub. L. No. 88-352 (codified as amended at 42 U.S.C. § 2000d et seq.),which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part7.
Article 9	Civil Rights Act of 1968Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No.90-284 (codified as amended at 42 U.S.C. § 3601 et seq.) which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection. therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex, as implemented by the U.S. Department of Housing and Urban Development at 24C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units— i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)
Article 10	Copyright Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. §200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.
Article 11	Debarment and Suspension Recipients must comply with the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689 set forth at 2C.F.R. Part 180 as implemented by DHS at 2 C.F.R. Part 3000. These regulations prohibit recipients from entering into covered transactions (such as subawards and contracts) with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.
Article 12	Drug-Free Workplace Regulations Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government- wide implementation (2 C.F.R. Part 182) of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).
Article 13	Duplicative Costs Recipients are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of another federal award in either the current or a prior budget period. (See 2 C.F.R. §200.403(f)). However, recipients may shift costs that are allowable under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.
Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) –Title IX Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (codified as amended at 20 U.S.C. §1681 et seq.), which provide that no person in the United States will, on the basis offset, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17. Recipients of an award from the Federal Emergency Management Agency (FEMA)must also comply with FEMA's implementing regulations at 44 C.F.R. Part 19.
Article 15	E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.
Article 16	Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. §6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 17	False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C.§§ 3729- 3733, which prohibit the submission of false or fraudulent

claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

Article 18	Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 19	Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving recipient-owned, recipient-rented, or privately owned vehicles when on official government business or when performing any work for or on behalf of the Federal Government. Recipients are also encouraged to conduct the initiatives of the type described in Section 3(a) of E.O. 13513.
Article 20	Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (a list of certified air carriers can be found at: Certificated Air Carriers List | US Department of Transportation, https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list)for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
Article 21	Hotel and Motel Fire Safety Act of 1990 Recipients must ensure that all conference, meeting, convention, or training space funded entirely or in part by federal award funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990,15 U.S.C. § 2225a.
Article 22	John S. McCain National Defense Authorization Act of Fiscal Year 2019 Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors– prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.
Article 23	Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help- department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov.
Article 24	Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352 and 6 C.F.R. Part 9, which provide that none of the funds provided under a federal award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification. Per 6 C.F.R. Part 9, recipients must file a lobbying certification form as described in Appendix A to 6 C.F.R. Part 9 or available on Grants.gov as the Grants.gov Lobbying Form and file a lobbying disclosure form as described in Appendix B to 6 C.F.R. Part 9 or available onGrants.gov as the Disclosure of Lobbying Activities (SF-LLL).
Article 25	National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.
Article 26	Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statues, regulations, and guidance governing the participations of faith- based organizations in individual DHS programs.

Article 27	Non-Supplanting Requirement Recipients of federal awards under programs that prohibit supplanting by law must ensure that federal funds supplement but do not supplant non-federal funds that, in the absence of such federal funds, would otherwise have been made available for the same purpose.
Article 28	Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, scope of work, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this federal award are incorporated by reference. All recipients must comply with any such requirements set forth in the NOFO. If a condition of the NOFO is inconsistent with these terms and conditions and any such terms of the Award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.
Article 29	Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. and applicable regulations governing inventions and patents, including the regulations issued by the Department of Commerce at 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Awards, Contracts, and Cooperative Agreements) and the standard patent rights clause set forth at 37 C.F.R. § 401.14.
Article 30	Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act at 42 U.S.C. § 6962) and 2 C.F.R. § 200.323. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
Article 31	Rehabilitation Act of 1973Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
Article 32	Reporting of Matters Related to Recipient Integrity and Performance If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of the federal award, then the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated by reference.
Article 33	Reporting Subawards and Executive Compensation For federal awards that equal or exceed $30,000, recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation set forth at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated by reference.
Article 34	Required Use of American Iron, Steel, Manufactured Products, and Construction Materials Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers, when necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements. (a) When the Federal agency has determined that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines

	that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described as "Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure |FEMA.gov. Definitions The definitions applicable to this term are set forth at 2C.F.R. § 184.3, the full text of which is incorporated by reference.
Article 35	SAFECO Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. The SAFECOM Guidance is updated annually and can be found at Funding and Sustainment | CISA.
Article 36	Terrorist Financing Recipients must comply with E.O. 13224 and applicable statutory prohibitions on transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible for ensuring compliance with the E.O. and laws.
Article 37	Trafficking Victims Protection Act of 2000 (TVPA)Recipients must comply with the requirements of the government-wide financial assistance award term which implements Trafficking Victims Protection Act of2000, Pub. L. No. 106-386, § 106 (codified as amended at 22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated by reference.
Article 38	Universal Identifier and System of Award Management Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated reference.
Article 39	USA PATRIOT Act of 2001Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§175–175c.
Article 40	Use of DHS Seal, Logo and Flags Recipients must obtain written permission from DHS prior to using the DHS seals, logos, crests, or reproductions of flags, or likenesses of DHS agency officials. This includes use of DHS component (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.
Article 41	Whistleblower Protection Act Recipients must comply with the statutory requirements for whistleblower protections at 10 U.S.C § 470141 U.S.C. § 4712.
Article 42	Environmental Planning and Historic Preservation (EHP) Review DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website at: https://www.fema.gov/grants/guidance-tools/environmental-historic. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.
Article 43	Applicability of DHS Standard Terms and Conditions to Tribes the DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-

recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article 44 Acceptance of Post Award Changes In the event FEMA determines that an error in the award package has been made, or if an administrative change must be made to the award package, recipients will be notified of the change in writing. Once the notification has been made, any subsequent requests for funds will indicate recipient acceptance of the changes to the award. Please call FEMA Grant Management Operations at (866) 927-5646 or via e-mail to: ASK-GMD@fema.dhs.gov if you have any questions.

Article 45 Disposition of Equipment Acquired Under the Federal Award For purposes of original or replacement equipment acquired under this award by anon-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.

Article 46 Prior Approval for Modification of Approved Budget Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently $250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 47 Indirect Cost Rate2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

Article 48 Clean Water Act (CWA)The project may require a Section 404 permit from the Corps of Engineers. The City of Three Forks shall consult with USACE regulatory office to determine project requirements. The City of Three Forks is responsible for obtaining any needed permits and verifying and complying with all permit requirements, including wetland mitigation, any permit conditions, pre-construction notification requirements, and regional conditions as provided by the Army Corps of Engineers. The City of Three Forks is responsible for implementing, monitoring, and maintaining all Best Management Practices (BMPs) and Pre-Construction Notification (PCN) conditions of applicable NWP. This is to include any requirements per the Montana Dept of Environmental Quality 401 Water Quality Certification for Clean Water Act permits.

Article 49 State Hazardous Materials and Solid Waste Laws1. All waste material associated with the project must be disposed properly and not placed in identified floodplains/floodways or wetland areas. 2. In the unlikely event a spill or leak would occur from the construction equipment within the project area, construction activities must cease, and Montana Department of Environmental Quality (DEQ) must be contacted regarding the appropriate procedure for handling any contaminated soils or water. 3. All solid and hazardous waste materials must be disposed of, managed, and transported in accordance with the guidelines outlined in Montana DEQ regulations.

Article 50 National Historic Preservation Act (NHPA)1. The City of Three Forks and/or its designated contractor is responsible for complying with the Cultural Resource Guidance for Material Sources stipulated by the Montana Historical Society. Any fill material used for back filling, grading or ground restoration for this project must be obtained on-site from within the project APE, from a permitted MT DEQ Open cut pit, or from previously approved sources (existing commercial sources, existing contractor or County Stockpiles); otherwise, additional coordination with FEMA and the MT SHPO will be required to obtain necessary approvals. Documentation must be supplied to FEMA at project closeout. Failure to comply

	with this requirement may jeopardize FEMA funding. 2.If discovery of unexpected cultural or historic resources occurs during construction, activities must immediately cease in the area of discovery. The applicant must notify FEMA and take all reasonable measures to avoid or minimize harm to the property until FEMA, in coordination with the SHPO, participating Tribe(s), and any other consulting parties can evaluate the discovery and the effects of the Undertaking on the resources.
Article 51	State Water and Soil Laws1. The Applicant is responsible for obtaining any required water quality permits from the Montana Department of Environmental Quality. This is to include, but not limited to, turbidity 318 Authorization permits and MPDES (Montana Pollutant Discharge Elimination System) storm water construction general permits. 2. The Applicant must coordinate with the Montana Dept of Environmental Quality and obtain appropriate Clean Water Act Section 401 Water Quality Certifications, as applicable. 3. The Applicant is responsible for coordinating with the MT DEQ Water Protection Bureau and obtaining a construction dewatering permit, as applicable. 4.Areas of ground disturbance will be re-vegetated with native grasses to minimize and/or control the potential for spreading of noxious weeds. Construction equipment must be decontaminated before and after construction activities to prevent spread of invasive species.
Article 52	State Fish, Wildlife and Natural Heritage Laws The applicant is responsible for coordinating with Montana Fish, Wildlife and Parks and obtaining any necessary permits (FWP-SPA 124) prior to construction, as applicable.
Article 53	Migratory Bird Treaty Act (MBTA)Project activities have the potential to impact migratory birds and raptors. The proposed actions are subject to compliance with the Migratory Bird Treaty Act (MBTA). In accordance with US Fish and Wildlife (USFWS) guidelines, the sub-applicant is responsible for obtaining and complying with any necessary permits from USFWS. To avoid impacts to migratory birds and raptors, the project area must be inspected for nesting activity prior to the start of work. If active nests are discovered, the Montana Ecological Services Field Office must be contacted. Appropriate USFWS buffer zones and/or seasonal restrictions may be required. Alternatively, work can be completed outside of the nesting season (generally April15 through August 31). For more specific information on nesting season dates, please contact the USFWS Montana Ecological Services Field Office.
Article 54	Bald and Golden Eagle Protection Act (BGEPA)Project activities have the potential to impact migratory birds and raptors. The proposed actions are subject to compliance with the Bald and Golden Eagle Protection Act (BGEPA). In accordance with US Fish and Wildlife (USFWS)guidelines, the sub-applicant is responsible for obtaining and complying with any necessary permits from USFWS. To avoid impacts to migratory birds and raptors, the project area must be inspected for nesting activity prior to the start of work. If active nests are discovered within action area line of sight, the Montana Ecological Services Field Office and FEMA must be contacted. Appropriate USFWS buffer zones and/or seasonal restrictions may be required. Alternatively, work can be completed outside of the nesting season. For eagles in Montana the nesting season exclusion dates are February 1 - August 15th. If work must occur February 1 -August 15th, the sub-applicant must follow the Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Management Plan (1994). The guidelines can be found at: https://fwp.mt.gov/binaries/content/assets/fwp/conservation/wildlife-reports/bald-eagle/bald-eagle-guidelines-final-5_05_10.pdf
Article 55	Endangered Species Act (ESA)The City of Three Forks must implement the following construction best management practices and other minimization measures outlined in Section 1.3 of the Biological Assessment dated August 4, 2023: 1. Minimize disturbance to ground cover and vegetation within known Ute Ladies'-tresses habitats. Where possible use existing roads and trails. 2. Avoid bringing in non-native seed on vehicles and equipment. 3. Minimize temporary ground/vegetation clearing within and outside the construction limits. 4.Disturbed soils and native vegetation should be segregated and salvaged for re-planting and restoration efforts wherever feasible. 5. Clean all machinery and equipment prior to entering the project site. 6. Removal/disturbance of Ute Ladies'-tresses habitat should be avoided during the time of year when they are inflorescence (generally a span of about three to four weeks in mid-August to early-September).
Article 56	Executive Order 11988 - FloodplainsA Floodplain Development Permit must be obtained from the City of Three Forks Floodplain Administrator and/or designated County official.
Article 57	Executive Order 11990 - Wetlands1. To minimize impacts to wetlands, appropriate erosion and sediment control measures will be installed to control the discharge of pollutants from the construction site. 2. Impacts to jurisdictional wetlands must be addressed incompliance with Section 404 of the Clean Water Act. Wetland impacts will be mitigated through purchase of credits from a wetland mitigation bank or other approved method designated by USACE. 3. Reseeding and replanting of any disturbed

areas shall be incorporated into the project design.

Article 58	NEPA Condition1. Construction noise levels will be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order or implementation of other appropriate measures. Impact to noise levels could be minimized by limiting construction activities that occur during early morning or late evening hours. 2. To mitigate for fugitive dust during construction, periodic watering of active construction areas, particularly in areas close to sensitive receptors (e.g., hospitals, senior citizen homes, and schools) will be implemented. 3. To minimize any potential hazards to occupational health and safety, construction workers and equipment operators are required to wear appropriate PPE and to be properly trained for the work being performed.
Article 59	Standard Condition #1Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
Article 60	Standard Condition #2This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
Article 61	Standard Condition #3If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

City Council Regular

Date:	10/28/2024
Title:	W.O. 19-12: West End Project Preliminary Reservoir Design and BBWA Unloader Raw Water Delivery Design, Bidding and Construction Administration Services
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

Staff recommends that the City Council approve Amendment No. 5 to the City's professional engineering services contract with HDR Engineering, Inc. for W.O. 19-12: West End Reservoir (WER) Project in the amount of $2,115,400.

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

HDR's preliminary design contract for the WER project in the amount of $1,564,000 was approved by Council in March 2019. This project phase evaluated raw water sources and quality, conducted a West End Water Treatment Plant (WEWTP) siting and Hesper Road evaluation, performed geotechnical evaluations, initiated permitting activities, completed preliminary assessment of groundwater impacts, prepared a preliminary design report, developed a master plan and conceptual designs for end-land use improvements and completed a planning level cost estimate.

Council approved Amendment No. 1 in the amount of $2,096,200 in April 2020 to design a new Yellowstone River intake near the Duck Creek Bridge and 4-mile-long pipeline to the WEWTP; a shale material processing study was also included in this amendment. Amendment No. 2 in the amount of $698,400 was approved in May 2020 to perform additional geotechnical investigations and topographic survey, and Amendment No. 3 in March 2022 for $73,900 enabled some additional data collection, field work and permitting activities.

Council approved Amendment No. 4 in the amount of $1,991,300 in August 2022 to enable bidding, construction administration, field inspection, training, startup, and programming services for the River Intake & Pump Station (IPS), and Raw Water Pipeline (RWP) projects. This amendment also included some additional survey, permitting and environmental work at the river and the pipeline crossing of I-90 and Montana Rail Link.

In October 2022, the City's General Contractor/Construction Manager (GC/CM) for the RWP project (COP Construction) presented an $18.0 million Guaranteed Maximum Price (GMP) to construct the pipeline. In November 2022, one bid of $18.0 million was received for the intake pump station project. The cost of these two projects substantially exceeded the City's projections and neither project was awarded; instead, the City pursued a more cost-effective option to deliver raw water to the WER and WEWTP. In May 2023, the City entered into an agreement with the Billings Bench Water Association (BBWA) to receive water from the BBWA Canal. The agreement allows the City to utilize it for up to 20 years.

Amendment No. 5 now under consideration totals $2,115,400 and generally consists of:

- Reducing the current Amendment No. 4 work scope by $1,660,200 to eliminate Construction Administration services for the previously designed Intake-Pump Station and Raw Water Pipeline projects which were not awarded;
- GC/CM coordination and assistance for the West End Reservoir and BBWA Unloader Raw Water Delivery projects that have already been awarded by Council to Dick Anderson Construction; the 60% cost estimate currently being developed by Dick Anderson indicates that the new Raw Water Delivery project will cost approximately $18-20 million less than the previously designed intake, pump station and pipeline projects;
- Agency coordination, environmental, permitting and grant assistance;
- Design to 30% completion;
- Raw Water Delivery final design, bidding, construction programming, startup and training services
- End Land Use preliminary planning.

The detailed scope of work is provided in the attached contract Amendment No. 5.

ALTERNATIVES

City Council may:

- Approve Contract Amendment No. 5 with HDR Engineering; or
- Not approve Contract Amendment No. 5. If this amendment is not approved, the City will need to revert to constructing a river intake, pump station and pipeline to serve the reservoirs and water treatment plant. The cost of these facilities would require rate increases to water users. The City will also be unable to continue with design of the reservoirs which provide essential water storage capabilities in the event raw water cannot be withdrawn from the Yellowstone River.

FISCAL EFFECTS

Water funds budgeted through FY25 are adequate and will be used for this project amendment.

Original Contract	$1,564,000
Previous Amendments 1 through 4	$4,859,800
This Amendment No. 5	$2,115,400
Contract Total	$8,539,200

Attachments

WO1912 WER PES Contract Amend. No. 5

AMENDMENT NO. 5

TO

CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

W.O. 19-12

WEST END RESERVOIR PROJECT

THIS AGREEMENT, made and entered into on _____, by and between the following:

CITY OF BILLINGS, a Municipal Corporation,
Billings, Montana 59103,
Hereinafter designated the City

and

HDR Engineering, Inc.
970 South 29th Street West
Billings, Montana 59102
Hereinafter designated the Contractor

WITNESSETH:

WHEREAS, the City and Contractor have entered into a contract dated April 2, 2019, for Contractor to provide engineering services to the City for Work Order 19-12 West End Reservoir Project, and;

WHEREAS, the City has need for additional engineering services, and;

WHEREAS, the City has authority to contract for consulting engineering services, and;

WHEREAS, the Contractor represents that he is qualified to perform such services, is in compliance with Montana Statutes relating to the registration of professional engineers and is willing to furnish such services to the City;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated herein, the Parties hereto agree as follows:

PART 1, Section 3. Change the termination date to December 31, 2028

Appendix A, Section 3. Modify the Scope of Work as follows:

Amendment No. 4

- Delete the following Task Series
    - Task Series 1500
    - Task Series 1700
    - Task Series 2300
- Reduce the scope of Task 940 to be for Project Management of only the Task Series (1000, 1400, 2100, and 2200) completed in Amendment No. 4.

Amendment No. 5 – Add the following:

West End Project Preliminary Reservoir Design and BBWA Unloader Raw Water Delivery (BBWA RWD) Design, Bidding, Construction and Programming Related Services

- Design West End Reservoir (WER) Facilities for Ultimate Capacity of 48 mgd unless otherwise noted.
- Provide design for the BBWA RWD project components, as defined below, for the GC/CM Contractor to provide pricing through the Preconstruction process. Provide final design (final design is defined as 100% drawings and specifications) for components that will be constructed. Major project components include:
    - BBWA Unloader
        - Final design.
        - Capacity – minimum 100 cfs
        - Provision to manually shutoff the BBWA downstream of diversion to facilitate winter operation.
        - Open/close electric actuated gates for unloading a minimum of 100 cfs from the BBWA in an emergency or routine draining operation.
        - Modulating electric actuated weir gates for diverting a measured BBWA water flow to the RWD system.
        - Level indication on each side of the weir gates.
        - Provisions for gates to be operated remotely by the City as directed by BBWA.
        - Manually cleaned trash rack adjacent to the BBWA channel.
    - Screen Structure
        - Final design.
        - Screening capacity: 48 mgd through the screen and 100 cfs for bypass of screen.
        - Facility will be outdoors
        - Provide one screen. Screen to be a bar type screen with an automatic rake type removal system that does not require any spray water.

        - Screen removable from the channel by rotating the screen out of the channel.
        - Screenings to be collected in a small dumpster for collection by the City. No screenings dewatering will be included.
        - Electric actuated open/close gate for the primary purpose passing 100 cfs of flow to the Diversion Channel in a BBWA emergency
        - Provide manual open/close gate for bypassing Diversion Channel.
        - Provide water level upstream and downstream of screen to determine screen headloss.
        - Provide an earthen pad for an excavator to clean out the area downstream of the gates.
    - Diversion Channel
        - Final design.
        - Diversion Channel to convey BBWA 100 cfs emergency flow to the Canyon Diversion Structure (CCDS) for discharge to Canyon Creek, convey Reservoir Spillway discharge to CCDS for discharge to Canyon Creek and provide settling for raw water suspended solids.
        - Provide bypass of Diversion Channel.
        - Provide cutoff wall around channel to prevent groundwater from entering channel.
        - Provide concrete ramp to bottom of Diversion Channel to facilitate equipment access to bottom of channel for removing settled solids.
    - Canyon Creek Diversion Structure
        - Final design
        - Capacity: 100 cfs to Canyon Creek
        - Provide a fixed weir wall to maintain a minimum water level in the Diversion Channel and to allow a minimum of 100 cfs to overflow for conveyance to Canyon Creek.
        - Manual gate for draining the Diversion Channel.
        - A sump to allow a City furnished portable sump pump to be installed to pump down the diversion channel.
        - Level measurement of the Diversion Channel.
    - Raw Water Pump Station
        - Final design.
        - Total capacity: 48 mgd to the Reservoir.
        - Provide submersible pumps on variable frequency drives
        - Provide wetwells to collect flow from the Reservoir, Screen Structure and Diversion Structure.
        - Provide manual operated gates for isolating flows for all flow conditions.
        - Provide electric actuated gate on the waterline to WEWTP to open/close based on ability to gravity flow water from the Reservoir to the WEWTP.
        - Pump design capabilities

                - Discharge to WEWTP
                - Discharge to one Reservoir location.
                - Recirculate flow between or within a cell.
                - Discharge to Diversion Channel.
            - Valve vault for housing pump discharge valves and header.
                - Vault will be confined space as regular maintenance access is not anticipated.
                - Include a sump pump
            - Wetwells and valve vault will have covered fiberglass grating which will not be weatherproof.
            - A sump to allow a City furnished portable sump pump to be installed to pump down the lower portions of the wetwell or diversion channel.
            - Exclusions:
                - No building
    - Site Piping
        - Design capacity: 48 mgd.
        - Final design.
        - Raw waterline from BBWA Unloader to Screen Structure.
        - Waterline from Screen Structure to RWPS for bypassing Diversion Channel.
        - Waterline from Diversion Channel to RWPS
        - Waterline from CCDS to Canyon Creek
        - Waterline from RWPS to Reservoir (Final Design to just south of Hesper Road, 30% Design to North Cell)
        - Waterline from RWPS to WEWTP
        - Waterline from North Cell to South Cell with provisions for a waterline going from this interconnecting pipe to the RWPS and the WEWTP influent waterline (30% Design)
        - Waterline from South Cell Outlet to RWPS (30% Design).
- Reservoir Preliminary Design
    - Provide preliminary design for the Reservoir project including multiple configurations for the GC/CM Contractor to provide pricing and for coordination with Knife River/adjacent landowners and to develop figures for the City Administration/Council to review.
    - Initial capacity for cost estimating – 3500 acre-feet. Minimum size of 2300 acre-feet to meet requirements of 40 days of storage at 18 mgd.
    - Process design flow: 48 mgd.
    - Design for two cells with two options: 1) North Cell water level approximately 10 feet higher than the South Cell and 2) North Cell and South Cell hydraulically directly connected.
    - Spillways designed for worst-case probable maximum precipitation (PMP) event and process flow (48 mgd) if required by Department of Natural Resources (DNRC).
    - South Cell spillway to handle PMP for both North Cell and South Cell and process flow if necessary.
    - Drainage facilities designed to DNRC criteria for reservoir drainage.
    - Inlet and outlet structures designed for the process design flow.

- Evaluate cutoff walls versus processed shale embankment core to provide impervious barrier.
    - Conduct a shale pilot study in South Cell area.
        - Coordinate with contractor and City to develop a shale piloting operation for the South Cell including materials testing.
    - Based on shale pilot testing, estimate the effectiveness of each option for providing an impermeable barrier.
    - Determine the preferred option
- Provide iterations of horizontal and vertical layouts of cells to determine configuration that meets project budget including considerations for Knife River property.
- North and South Cell Components, each
    - Cut-off wall or shale core impervious embankment
    - Rip rap protection of embankment
    - Inlet Structure
    - Water quality modeling of the reservoir system
    - Spillway Structure
    - Outlet Structure with access from shore
        - Coarse and fine screening – evaluate excluding fine screening.
        - Ability to drain cells.
        - Ability to draw water from two different submerged elevations and the surface
    - Gravel path around perimeter of cell on top of embankment
    - Not included:
        - Design of mixing/aeration system
- Raw Water Delivery System and Site Piping
    - For each Reservoir configuration update the raw water delivery system as needed and site piping for delivering water to the Reservoir and the WEWTP.
- Preliminary Geotechnical Evaluation
    - Groundwater characterization
    - Soil and rock parameter development
    - Embankment foundation design
    - Embankment design
    - Slope stability analysis – filling, steady state, rapid drawdown and seismic events
    - Erosion, freeze/thaw and wave protection design for embankment
    - Piping penetrations
    - Foundation design for reservoir structures
- Wind-Wave Analysis
    - Provide preliminary wind-wave analysis for Reservoir configurations to determine required freeboard.
- Groundwater Modeling
    - Update groundwater model based on final reservoir configuration.

- Site Work
    - Final design for BBWA RWD facilities and to 30% for remaining Reservoir site.
    - Provide waterway channel from North Cell spillway to South Cell
    - Provide drainage for Reservoir spillway and South Cell Outlet Structure to Canyon Creek via the Diversion Channel and CCDS.
    - Provide gravel access roads to BBWA RWD facilities (100 percent design) and Reservoir Inlet Structure, Outlet Structure(s) and Spillway(s) (30 percent design).
    - Provide a light pole at each BBWA RWD facility and include provisions, where pertinent, for light poles at Reservoir Outlet and Spillway structures.
    - Provide storm drainage concepts and preliminary grading around reservoir cells.
    - Provide site restoration plan (e.g. likely consisting of hydroseeding for finished landscaping) around BBWA RWD facilities disturbed by construction.
    - Hesper Road Crossing Design
        - Evaluate and provide preliminary design for four options.
            1. Three box culvert structures for 2 access paths and a waterway from North Cell to South Cell.
            2. One box culvert for waterway only.
            3. A bridge across 2 access paths and waterway.
            4. No structure and only an interconnecting pipe between cells below Hesper Road.
        - Coordinate with the Zone 3 Waterline and Hesper Sewer projects.
    - Renderings of Potential Development East of the North Cell
        - Develop a grading plan for the Knife River property east of the North Cell that shows potential grading based the WER project delivering 440,000 cubic yards to the Knife River site with and without cutting and filling existing grade on the Knife River Property.
        - Provide renderings that show the potential grade of the Knife River site and how buildings, streets and paths could look on the site.
- Structural and Geotechnical
    - Provide structural design and geotechnical analysis for each structure.
        - Drill 4 bore holes at RWD delivery site and provide Geotechnical Report of existing conditions as well as recommendations for new facilities.
- Mechanical
    - Provide heat for RWPS discharge piping vault.
- Electrical
    - Coordinate power requirements with WEWTP and NWE.
    - Provide power to the BBWA Unloader, Screen Structure, CCDS and RWPS.

    - Plan for power to Reservoir structures and include provisions in BBWA RWD facilities where appropriate.
    - Assume a looped power system with the WEWTP for a medium voltage power supply.
    - Provide electrical gear and control panel in outdoor enclosures with a canopy to cover enclosures.
    - Provide a docking station for portable generators. No permanent backup power will be included.
    - Provide variable frequency drives for raw water pumps in rated outdoor enclosures and under a canopy.
- Instrumentation/Controls
    - Provide antennas, antenna tower, associated radios and control equipment for communicating with City SCADA system.
    - Provide instrumentation and controls for the BBWA RWD facilities.
    - Provide control panel at each RWD facility for I/O and for future security cameras to be provided and installed by the City.
    - Plan for instrumentation and controls for Reservoir and include provisions where appropriate.
    - Coordinate network interface with WEWTP.
- Survey
    - Survey gas line along BBWA
    - Provide supplemental (beyond lidar survey) site survey as required for reservoir design.
    - Provide site survey of BBWA Unloader site.
    - Provide site survey of Canyon Creek in area of discharge from CCDS.
    - Provide survey of BBWA water level from the Yellowstone River through the siphon in the Heights. Survey the levels in May, July and September of 2024.
    - Provide survey along BBWA in areas where the canal bank is low for potential project to increase embankment height.
- Security
    - Provide intrusion alarms for outdoor electrical/control panels.
    - Include provisions for City to add cameras at each light pole.
- Design Report
    - Provide design report for BBWA RWD project including Reservoir preliminary configuration at time of report.
- Permitting
    - Dam Construction Permit
        - Coordinate with DNRC during preliminary design of the Reservoir for various design options.
    - Stormwater Construction Discharge Permit
        - To be completed by Contractor
    - Department of Environmental Quality (DEQ) Permit to Construct
        - Complete at the end of design for the BBWA RWD project.
        - Submit Drawings, Specifications and Design Report
    - Yellowstone County
        - Floodplain Permit
    - Building Permit

        - Develop information and submit Building Permit for RWD structures to the State.
- GC/CM related services
    - Support the City during the selection of a Contractor for both the Reservoir project (through Pre-Design) and the BBWA RWD project.
    - Assist the City with GC/CM Contractor contract development.
    - Lead coordination with Contractor, City and HDR team throughout Preconstruction for the Reservoir and the BBWA RWD combined project.
    - Coordinate and observe shale piloting on South Cell.
    - Develop information for Contractor to prepare cost estimates and guaranteed maximum price (GMP).
    - Review Contractor cost estimates and GMPs.
    - Provide bidding assistance to Contractor for Electrical Procurement and BBWA RWD projects.
- Groundwater Monitoring
    - Install eight new groundwater monitoring wells around the exterior of the Reservoir site.
- Environmental
    - Complete wetlands delineation for extents of City Reservoir property, area between City property and Canyon Creek, area north of City property along proposed Zone 3 Waterline route and area along proposed sewer route east of Shiloh Road.
    - Update 404 Individual Permit (IP) (Preliminary efforts completed prior to initial decision to change Reservoir project to permanently effect less than 0.5 acres of wetlands).
        - Change Intake/Pump Station recommended alternative to exclude rock structures and provide additional figures requested by the USACE.
        - Add a “no permit” alternative for the Intake/Pump Station
        - Add alternatives for the Reservoir cells and West End Water Treatment Plant (WEWTP).
        - Include the Intake/Pump Station, Raw Water Pipeline, North Cell, South Cell, WEWTP, Zone 3 Waterline and associated components of the West End Water System in the IP.
    - Prepare requests for Jurisdictional Determination for the North Cell area and the South Cell area.
    - Investigate if the wetlands south of the Hesper are considered Waters of the US.
    - Complete a functional analysis of the delineated wetlands south of Hesper Road.
    - Complete a Joint Application for the BBWA Raw Water Delivery Project.
    - Provide coordination with the US Army Core of Engineers for the Reservoir project and the BBWA RWD project.
    - Exclusions
        - Does not include Joint Application for Reservoir Final Design and any wetlands mitigation.
- Agency Coordination

    - DEQ
    - DNRC
    - USACE
    - Yellowstone County
    - NWE
    - BBWA
        - BBWA improvements and effect on WER
        - Operations based on available BBWA flow and the BBWA controlling flow to the WER system.
        - Follow-up from preliminary engineering report on potential BBWA upstream improvements to increase flow to the WER system.
- Coordination with WEWTP Project
    - Modify Reservoir configuration for WEWTP being located on the west side of the site.
    - Provide information on how the WEWTP location on the west side could affect ELU facilities.
    - Facilities location
    - Utilities interface
    - Earthwork
    - Water system operation
    - Zone 3 waterline
    - Future waterlines
- ARPA Grant submission assistance
- BBWA RWD Electrical Procurement
    - Provide drawings and specifications for early procurement of electrical gear for long lead items.
    - Provide bidding assistance and recommendation of award.
    - Provide shop drawing reviews.
- Probable Maximum Precipitation (PMP)
    - Provide a study that determines the PMP for the Reservoir site to facilitate spillway design and potential conveyance of storm event to Canyon Creek.
- Design bidding construction and programming services for BBWA RWD.
- Provide construction administration assistance for Clear and Grub Project
    - Review quantity amounts and cost estimates
- Exclusions
    - Individual Permit with USACE (other than work completed prior to decision to configure West End Water System on south side of Hesper to be less than 0.5 acres of wetland disturbance).
    - WEWTP connection(s) to distribution system.
    - WEWTP connection to sewer.
    - Irrigation provisions.
    - Hesper Road upgrades other than at utility crossing.
    - BBWA improvements
        - Upgrade or replacement of flume across Canyon Creek
        - Upgrade of river intake structure
    - End land use planning and detailed design

Appendix A, Section 3. Add the following to the Scope of Work after Task 2200.

DETAILED SCOPE OF SERVICES

The scope of services that will be utilized on the Reservoir Design is presented in Tasks 2300 - 2900. The scope of services is organized as follows:

Task Series	Description
2300	Project Initiation, Coordination and Management (Preliminary Reservoir Design and BBWA RWD Delivery)
2400	GC/CM Coordination and Assistance (Reservoir and BBWA RWD)
2500	Agency Coordination, Environmental, Permitting and Grant Assistance
2600	Reservoir 30% Design
2700	BBWA RWD 60% Design
2800	BBWA RWD Final Design
2900	BBWA RWD Bidding, Construction, Programming, Startup and Training Services

Scope items to be added by future amendment include but are not limited to:

- Final design of the Reservoir project.
- Construction, Programming, startup and training services for the Reservoir project.
- End land use planning and detailed design

TASK SERIES 2300 – PROJECT INITIATION, COORDINATION AND MANAGEMENT (PRELIMINARY RESERVOIR DESIGN AND BBWA RAW WATER DELIVERY)

Task 2310 – Project Management

As part of this task, the Engineer's Project Manager will lead coordination of the design team with the City and supervise the design team. Project Manager and Accountant will set up the project for the amendment financially, monitor project status, maintain project schedule, prepare financial documents and contracts with subconsultants.

Deliverables:

- Monthly invoices and project progress updates

TASK SERIES 2400 – GC/CM Coordination and Assistance (Reservoir and BBWA RWD)

Task 2410 – Contractor Selection Support

Work with the City to develop Statement of Qualifications (SOQ) and Requests for Proposals (RFP) for the Reservoir project and the BBWA Raw Water Delivery project. Support the City as they determine the shortlist and selection of the Contractor.

Task 2411 – Contracts Development Assistance
Assist the City in developing the Contract for the selected Contractor. Develop a detailed scope and schedule of the Contactor involvement in the design and guaranteed maximum price development (GMP).

Task 2412 – Coordination and Meetings with City/Contractor and Review of GMPs
Plan, conduct and provide follow-up for meetings with the City, the Contractor and HDR. Coordinate with the City and the Contractor on design development and the CM/GC process. CM/GC process includes but is not limited to cost estimate development/review, schedule development, Risk Plan development, and Guaranteed Maximum Price (GMP) review and recommendation at 60%, 95% and 100% design.

- Assumptions – Includes services for BBWA Design and Reservoir Design.

Task 2413 – Shale Pilot Study
Provide recommendations for shale pilot study in the South Cell area to determine adequacy of the buried shale to be excavated and processed to be utilized as an impervious core in the reservoir cells embankments. Provide materials testing of the processed shale. Review Contractor's proposal for completing the pilot study and review their pay applications.

Task 2414 – Contractor Bidding Services
Provide assistance to the Contractor for preparing bid packages, attending pre-bid meetings and answer bidder questions for Electrical Procurement and BBWA RWD projects.

Task 2415 – North Cell Clear and Grub Project
Provide assistance to the City for preparation of a GMP for a North Cell Clear and Grub project and for construction services including construction observation. Construction duration assumed to be 5 months. Construction observation assumed to be 2 hours per day including travel and one hour per day of paperwork.

TASK SERIES 2500 – AGENCY COORDINATION, ENVIRONMENTAL, PERMITTING AND GRANT ASSISTANCE

Task 2510 – Department of Environmental Quality (DEQ)
Coordinate with DEQ on design criteria for BBWA RWD facilities. Submit variances or design criteria to DEQ. Submit design report and 100% drawings and specifications to DEQ to apply for Permit to Construct for the BBWA RWD facilities.

- Deliverables – Information required for DEQ Permit to Construct.
- Assumptions – The City pays for DEQ review fee.

Task 2511 – Department of Natural Resources (DNRC)
Coordinate with DNRC on the conditions of the City's Water Reservation. Coordinate with DNRC Dam Safety on applicable Reservoir design criteria.

Task 2512 – US Army Corps of Engineers (USACE)
Coordinate with USACE on Jurisdictional Determination (JD) of the north and south sides of Hesper Road. Research site conditions south of Hesper Road to determine if identified wetlands are Waters of the US. Complete JDs for the north and south side of Hesper Road and submit to USACE. Discuss options for wetland mitigation with the USACE.

Task 2513 – Yellowstone County
Coordinate with Yellowstone County on the affects to the Canyon Creek floodplain from discharging 100 cfs to Canyon Creek to achieve a No Rise Certification.

- Deliverable – Memo to Yellowstone County summarizing the minimal risk of a BBWA breach and a 100-year flood happening at the same time.

- Exclusions – This scope does not include development or submittal of a Certified Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR). If a CLOMR or LOMR is necessary, an amendment will be required.

Task 2514 – Northwestern Energy (NWE)
Assist with coordination with NWE for power supply to North Cell dewatering site and to WEWTP/BBWA RWD facilities.

Task 2515 – BBWA
Engage discussions with the BBWA on the following:

- BBWA typical operation
- Potential operation if there is an emergency on the BWWA requiring water to be diverted out of the canal
- Design of the BBWA Unloader
- Operation of the BBWA RWD facilities
- Potential options to consistently deliver a minimum of 30 cfs to the City in the summer.
- Operation of the BBWA in the irrigation offseason for delivering up to 74 cfs to the City.

Task 2516 – Joint Application Permitting
As part of this task the Joint Application for the Intake/Pump Station will be updated to address comments by the USACE and a new Joint Application will be developed for the BBWA RWD project. The scope for the BBWA RWD Joint Application is based on a 404 Nationwide Permit with the USACE and that an individual permit will not be required. Floodplain permitting and wetland delineations as part of other tasks will be included in the Joint Application. The update of the Joint Application for the Intake/Pump Station will be based on excluding the rock structures in the river and only include the Rip Rap (note the Joint Application for the Intake/Pump Station will not be finalized due changes

in the RWD approach for the project). A Joint Application for the Reservoir will be included in an upcoming amendment once a final configuration is determined.

Assumptions:

- Permit application fees will be paid for by the City.
- A 404 Nationwide Permit will be applicable and not an Individual Permit for the BBWA RWD project.

Exclusions

- Final Joint Application for the Intake/Pump Station.
- Joint Application for the rip rap along the City's property on the Yellowstone River.

Deliverables:

- Joint Application including 404 Nationwide Permit for the BBWA RWD facilities.

Task 2517 – Wetland Delineation

This task consists of services necessary to complete the wetland delineation for the Project required for the Joint Application. The project area will include the WEWTP site, Reservoir site, Zone 3 waterline route north of the Reservoir Site and the Hesper Sewer route east of Shiloh Road. A formal delineation needs to be completed to confirm the presence and boundaries of wetlands and other Waters of the U.S. The following items are included with the preparation of the wetland delineation report:

Field Visits. A wetland delineation will be conducted utilizing the USACE current methodology in order to determine the Waters of the U.S. and determine the wetland boundaries within the designated Study Area. A GPS unit with sub-meter accuracy will be utilized to capture the boundaries. Additionally, HDR will meet with the USACE on site for verification of the wetlands delineation and provide follow-up delineation and reporting associated with the field coordination.

Prepare Wetland Delineation Report. The delineation report will consist of a narrative discussing wetland delineation methodology and information regarding the findings of the field investigation. Figures will be developed that utilize the electronic file of the wetland area boundaries collected in the field. The wetland delineation report containing methodology and findings of the wetland delineation will be provided in pdf format. The findings of the delineation include identification of the type, size, and location of potential Waters of the U.S. USACE data forms will be provided for areas of investigation.

A functional assessment of the wetlands south of Hesper Road will be completed as recommended by the USACE. The functional assessment will aid in determining wetland the functional units that will need to be mitigated for the entire West End Project.

Deliverables:

- Wetland Delineation Report
- Functional Assessment

Task 2518 – Floodplain Permitting

Floodplain permitting will be required as part of the Joint Application. The discharge from the Reservoir spillway and the Reservoir drain will route to the Diversion Channel and then the CCDS for discharge to Canyon Creek where there is a designated floodplain (Special Flood Hazard Area Zone AE with Floodway by the Federal Emergency Management Agency (FEMA)).

- Assumption – The City pays for any permit costs.

Task 2519 – Building Permit

HDR will assemble the documents required for a State of Montana building permit and submit the information along with the Drawings Specifications to the State.

- Deliverables – Building permit application and backup information.
- Assumption – The City pays for the building permit.

Task 2520 – ARPA Grant Assistance

As part of this task, HDR will review documents for updating the City's ARPA Grant from the Raw Water Intake/Pump Station to the RWPS associated with the WER project. HDR will keep track of fee for the RWPS design and construction fee separately from the rest of the project. HDR will complete MEPA checklists for the Reservoir/BBWA RWPS and Zone 3 Waterline projects.

Task 2521 – FEMA Grant Assistance

As part of this task, HDR will meet with FEMA and the City to review the grant application and provide any additional information requested by FEMA. HDR will keep track of preliminary design fee for the BBWA Unloader facilities separate from the rest of the project.

TASK SERIES 2600 – RESERVOIR 30% DESIGN

Design services for developing the project elements listed below to a 30% design level. At end of the 30% design the reservoir configuration, impervious embankment approach and project components will be determined.

Task 2610 – Reservoir Configuration

Analysis of the reservoir will be completed to determine the preferred approach to providing an impervious barrier. Analysis will compare using a cutoff wall versus processing shale. Based on the selected approach, iterations of the reservoir configuration will be completed to determine a reservoir size that meets the project budget. Preliminary embankment and foundation design will be completed as necessary to facilitate cost estimating.

Assumptions:

- A maximum of 6 iterations of reservoir configuration will be completed once the City provides direction based coordination with Knife River.

Deliverables:

- Contours, typical sections and earthwork quantities for each iteration.
- Figures showing the final reservoir configuration, reservoir structures and BBWA RWD facilities.

Task 2611 – Reservoir Structures

Reservoir structures will be sized including concrete element size/thicknesses. Process items such as gates and screens will be laid out. Special foundation requirements such as piers will be sized. Reservoir structures included in this task are: inlet structures, spillway structures and outlet structures.

Deliverables:

- BIM model of each structure and 2-D drawings required for review and update cost estimating.

Task 2612 – Reservoir Water Quality Modeling

A 3D hydrodynamic and water quality model will be developed of the selected reservoir cells to analyze water quality to estimate nutrients, dissolved oxygen, suspended algae and other water quality parameters without aeration/mixing for various process flows. Aeration/mixing will be added to the model to predict level of improvements in water quality.

Deliverables:

- Water quality modeling results

Task 2613 – BBWA RWD Facilities

The BBWA RWD facilities will be developed to a level of design to facilitate preliminary cost estimating. The layout of the facilities will be modified to accommodate the WEWTP construction, wetland locations, FEMA grant, BBWA coordination and each Reservoir configuration. The facilities design will be updated based on Contractor's preliminary cost estimates.

Deliverables:

- BIM model and 2-D drawings of facilities and site.

Task 2614 – Hesper Road Crossing

An evaluation will be completed to determine the preferred approach for crossing Hesper Road for a waterway, two trails on either side of the waterway (optional), electrical, reservoir waterlines, future waterlines and the Zone 3 waterline. Preliminary design will be completed for the structure and components noted previously. The future Hesper Road sewer will also be taken into consideration and coordinated.

Deliverables:

- 2-D drawings required for review and cost estimating.

Task 2615 – Site Piping

The major site piping will be sized and routed in plan view and approximate inverts provided. Update piping for each Reservoir configuration and changes to the BBWA RWD facilities.

Deliverables:

- Piping layouts in 2-D drawings in pdf.

Task 2616 – Groundwater Modeling Update

Update the preliminary groundwater modeling from the Preliminary Engineering Report to incorporate final Reservoir configuration and groundwater monitoring information.

Deliverables:

- Update groundwater contours.

Task 2617 – Probable Maximum Precipitation (PMP) Development

Applied Weather Associates (AWA) will produce the PMP based on DNRC's guidance for the reservoirs in this system to set a conservative baseline for the precipitation input into the PMF modeling. AWA will prepare a report detailing the PMP. This report shall document the procedures used and comparisons against HMR 55A, including geospatial and statistical analyses, rationale for input data, and a record of critical decisions shall be included.

Deliverables:

- Final PMP Report

Task 2618 – Inundation and Loss of Life Analysis

Preliminary breach analysis and loss of life determination will be completed for preliminary Reservoir configurations to facilitate discussions with the City and DNRC. Final analyses and deliverables will be completed during the Reservoir final design.

Task 2618.a – Breach Parameter Development

A preliminary breach analysis will be performed using the Simplified Breach Method per DNRC's Technical Note 2. The dam breach parameters of average breach width and breach development time will be calculated using the equations developed in 2008 by Dr. David Froehlich. The initial water surface elevation is located at the top of dam. There is no additional discharge related to the spillway or outflow. The total volume of

the reservoir at the top of dam (Vw) and the total height of the dam (Hw) will be used. Vertical breach side slopes will be used.

A Clear Weather Breach will be performed, and the results will be included in the EAP maps. The dam breach parameters of average breach width and breach development time will be calculated using the equations developed in 2008 by Dr. David Froehlich. The initial water surface elevation of the reservoir will be assumed to equal the spillway crest elevation. There will be no baseflow in the downstream receiving waters.

In addition, a PMP Breach will be performed. The dam breach parameters of average breach width and breach development time will be calculated using the equations developed in 2008 by Dr. David Froehlich. The initial water surface elevation of the reservoir will be assumed to equal the principal spillway crest elevation. There will be minimal baseflow in the downstream receiving waters. Once a steady state is achieved in the downstream waters, the reservoir will receive the PMP. As the reservoir level increases, the spillway is activated. The breach will be initiated at the maximum spillway discharge, which is the peak outflow from the PMP.

2618.b – Loss of Life Determination

HDR will determine the Loss of Life (LOL) value for West End Reservoir Dams utilizing the results of the Simplified Breach Method along with the measures outlined in USBR's Reclamation Consequence Estimating Methodology (RCEM) (2014). To calculate a range of LOL per the RCEM Methods, a spreadsheet will be developed that considers assumptions of time of breach, warning time, and links to the GIS data representing the PAR.

Task 2619 – Site Work

New contours will be developed for each new reservoir configuration. Perimeter paths will be provided around each reservoir cell and will connect to Shiloh Conservation Area and run underneath Hesper Road between cells (if budget allows). Access roads will be provided to facilities that require large vehicle access.

Deliverables:

- 2D drawings for each configuration

Task 2620 – Electrical, Instrumentation, Controls Security Concepts

Electrical service approach from either the appropriate utility or WEWTP will be developed. One-line drawings will be developed for the facilities. Preliminary site drawings for electrical loads and duct bank routing will be designed. Security provisions for facilities will be developed.

Deliverables:

- 2D drawings

Task 2621 – Survey

Provide survey of key areas of the Reservoir site on an as needed basis for locations not accurately defined by the lidar survey.

Deliverables:

- Contours of existing grade and utility locates.

Task 2622 – Preliminary Reservoir Geotechnical Design/Analysis

Provide preliminary design and analysis of the original (August 2023) accepted Reservoir configuration. Design and analysis scope items started include:

- Geotechnical basis of design
- Site geology
- Subsurface exploration program
- Groundwater characterization
- Laboratory test results
- Soil and rock parameter development
- Embankment design
  - Foundation design
  - Slope stability analysis – filling, steady state, rapid drawdown and seismic events
  - Erosion protection design for embankment
  - Inlet/Outlet piping penetration design
  - Freeboard provision
- Seismicity
  - Faults and faulting history
  - Deterministic Seismic Hazard Analyses (DSHA) ground motion development for the project site
- Seepage analysis

Task 2623 – Groundwater Monitoring

Develop plan for installing additional groundwater monitoring wells. Field locate and install eight additional wells. Review groundwater data monthly.

Assumption:

- City obtains groundwater levels monthly and distributes information.

Task 2624 – Renderings of Knife River Site

Develop grading contours for the Knife River land east of the North Cell for the option of delivering 440,000 cubic yards to this area. Include bike/walking paths along Hesper Road. Based on the resultant contours create renderings that show how the grading would look as well as potential development buildings and roads on the Knife River Property. Provide one version of contours for cut and fill over the whole Knife River site and one version of contours that just shows fill for the 440,000 cubic yards.

Task 2625 – WEWTP Coordination

Coordinate with the WEWTP consultants, the WEWTP Contractor, the City, NWE and USACE on items associated with the WEWTP that interface with the BBWA RWD and Reservoir projects.

Task 2626 – Reservoir 30% Design Review

BIM models, 2D drawings and evaluations will be reviewed throughout the 30% design process. The overall 30% design will be reviewed along with the Contractor's cost estimate and determine potential value engineering opportunities. Major changes will be re-designed to the 30% level and the cost estimate updated prior to moving to 60%.

Deliverables:

- BIM model and 2D drawings for review

TASK SERIES 2700 – BBWA RWD 60% DESIGN

Design services for developing the project elements listed below to a 60% design level. Comments from the 30% design (not previously addressed) will be incorporated into the 60% design. The 60% design will advance project elements to provide a more accurate cost estimate.

Task 2710 – BBWA Unloader

Structural design will be developed for the BBWA Unloader structure and process design will be updated based on hydraulics through the RWD facilities and coordination with BBWA. Rebar requirements will be provided and along with changes in structure dimensions. Piping and gate design will be advance to include significant elements. Major details for structural and process will be developed.

Deliverables:

- BIM model
- 2-D drawings with major sections and details.

Task 2711 – Screen Structure

Structural design will be developed for the Screen Structure. Rebar requirements will be provided along with changes in structure dimensions. Screen design will be advance to include significant elements. Major details for structural and process will be developed.

Deliverables:

- BIM model
- 2-D drawings with major sections and details.

Task 2712 – Diversion Channel

Update configuration of Diversion Channel to accommodate other RWD facilities and for simplified piping layout. Provide a concrete ramp for maintenance access. Layout a cutoff wall to avoid RWD facilities and the access roads as much as feasible. Include a typical section through the cutoff wall and pipe penetration details.

Deliverables:

- 2-D drawings.

Task 2713 – Canyon Creek Diversion Structure

Update CCDS design for the latest hydraulic grade line and Diversion Channel configuration. Rebar requirements will be provided along with changes in structure dimensions. Major details for structural and process will be developed.

Deliverables:

- BIM model
- 2-D drawings with major sections and details.

Task 2714 – Raw Water Pump Station

Structural design will be developed for the RWPS. Rebar requirements will be provided along with changes in structure dimensions. Pump, piping and gate design will be advanced to include significant elements. Major details for structural and process will be developed.

Deliverables:

- BIM model
- 2-D drawings with major sections and details.

Task 2715 – Site Piping

Site piping will be advanced to include plan and profiles of interconnecting piping between BBWA RWD facilities and discharges from the CCDS and the RWPS. The raw waterline to the WEWTP will be extended to the point of connection shown on the WEWTP latest drawing. The Reservoir inlet raw waterline will be designed to a location just south of Hesper Road. Major site piping details will be developed.

Deliverables:

- Piping plans and profiles in 2-D drawings and/or Civil 3-D.

Task 2716 – Site Work

RWD site work from the preliminary design will be advanced to include site changes and pertinent details. Access roads will be designed from the WEWTP and around BBWA RWD facilities.

Deliverables:

- 2D drawings

Task 2717 – Electrical, Instrumentation, Controls Security Concepts

Design of Electrical, Instrumentation, Controls and Security provisions will be further developed. Wiring schematics, panel schedules and I/O lists will be developed. P&IDs will be updated. A network will be designed to accommodate the BBWA RWD facilities, security provisions, radio communications from antennas and interface with the WEWTP and existing SCADA system.

Deliverables:

- 2D drawings
- I/O List

Task 2718 – Technical Specifications
Technical specifications will be developed for the BBWA RWD project to facilitate contractor cost estimating.

Deliverables:
- Electronic and hard copies of Technical Specifications

Task 2719 – Design Report
A design report will be developed to describe the overall project to facilitate DEQ project review. The design report will exclude information included in the DNRC Design Report and other reports.

Deliverables:
- Electronic draft copy
- Electronic and five hard copies of final report.

Task 2720 – Surveying
Survey the BWWA Canal ground surface, the area of the CCDS discharge, natural gas line along the BBWA and other pertinent areas as needed for the BBWA RWD design. In May, July and September, survey the water elevation of the BBWA from the Headworks to just past the siphon in the Heights. Survey bank elevations along the BBWA access road south of Allendale Road for one mile.

Deliverables:
- Survey mapping and electronic data.

Task 2721 – BBWA RWD Electrical Procurement
Develop review drawings and specifications for the unit substation that will provide power to BBWA RWD facilities. Design to allow bidding for a combined unit substation or individual components. Complete internal QC review and external review. Provide final drawings for Contractor use in bidding. Provide bidding assistance and coordinate recommendation of award. Provide revised design of medium voltage switch to accommodate WEWTP looped power scheme and prepare change order information.

Deliverables:
- Electronic review set of drawings and specifications.
- Electronic final drawings and specifications.
- Addenda as needed.
- Change order information.

Task 2722 – Internal and External 60% Review
BIM models, 2D drawings, technical specifications and calculations will be reviewed internally for the design elements. Review comments will be resolved and applicable comments incorporated in City/Contractor review set. City/Contractor review comments will be resolved and applicable comments will be incorporated for a final 60% design set that the Contractor can use to develop a 60% GMP from.

Deliverables:

- 2D drawings and technical specifications for review – electronic.
- List of review comments and how the comments were resolved
- Final drawings and technical specifications – electronic and 8 hard copies.

TASK SERIES 2800 – BBWA RWD 95% AND FINAL DESIGN

Task 2810 – Prepare 95% BIM Model, Civil 3D Model and Drawings

The BIM models for various disciplines will be fully developed showing details necessary for construction. Plan and section drawings will be extracted from the Building Information Model. Civil 3D model will be updated for latest contours and piping layouts. Notes and additional details will be added to the drawings to complete the design. Existing 2D drawings will be further detailed. 2D site drawings, P&IDs drawings, plan and profile and 2D electrical drawings will be detailed for construction. A list of changes from the 60% drawings will be maintained to assist the Contractor with updating their costs.

Deliverables:

- BIM model
- 2D drawing set
- Summary of changes from 60%

Task 2811 – Prepare 95% Technical Specifications

60% technical specifications will be further developed along with remaining technical specifications required for the project will be developed. No front-end specification will be prepared. A list of changes from the 60% specifications will be maintained to assist the Contractor with updating their costs.

Deliverables:

- 95% Specifications for review
- Summary of changes from 60%

Task 2812 – Internal and External 95% Review

BIM model, Civil 3D model, 2D drawings and specifications will be reviewed internally. Review comments will be resolved and applicable comments incorporated in City/Contractor review set. BIM model will be reviewed with City/Contractor as well as the 2D drawing set. Key components for the specifications will be reviewed. Review comments will be resolved and applicable comments will be carried forward into the final bid set.

Deliverables:

- BIM model
- 2D drawing set and specifications for review
- List of review comments and how the comments were resolved

Task 2813 – Final Design

Based on review comments, update BIM model, Civil 3D model and finalize 2D drawings and specifications.

Deliverables:

- Final plans and specifications
- 8 sets of hard copy documents (half-sized drawings) and one electronic set.
- BIM model and Civil 3D model for Contractor use.

TASK SERIES 2900 – BBWA RWD BIDDING, CONSTRUCTION, PROGRAMMING, STARTUP AND TRAINING SERVICES

Construction Phase scope of work is based on a 12-month construction period to substantial completion and a 30-day period to final completion.

2910 – Bidding Assistance

Support the Contractor with portions of the project that are bid out. Provide electronic documents of the Drawings and Technical Specification as needed. Assist with answering bidder questions and preparation of addendums. Support the Contractor with evaluation of bids and recommendations of bid awards.

2911 – Construction Initiation Services

The Consultant will provide the owner with three sets and the Contractor with 4 sets or hard copy “Issue for Construction” half size plans and specifications as well as a pdf. The Consultant will participate in Pre-Construction meeting.

2912 – Office Assistance and Administration

During the construction phase of the project, the Consultant will provide office assistance to the City on the administration of the project. This effort will include review and preparation of change orders, shop drawing review, interpretation of drawings and specifications including answering requests for information (RFI), monitoring of compliance with procedure requirements on the project, coordinating with the contractors, evaluation of pay estimates, and conducting weekly (or as needed) construction meetings.

2913 – Field Services

The Consultant will provide on-site construction observation services. A resident project representative will be provided based on (50) 15-hour weeks (2) weeks of no field observation for a total of 750 hours. The resident project representative will monitor the project for compliance with contract documents and record daily activities. A geotechnical engineer will be provided for full-time observation of cutoff wall construction and pipe penetration construction. Quality Assurance testing services are included with Quality Control testing provided by the Contractor. The observation hours are an estimate and will be totaled monthly and shown in the invoice. If observation hours go beyond the total hours indicated above an amendment will issued for the additional cost.

2914 – Training
Coordinate training of new equipment and development of protocols for equipment operation with the Contractor and the City.

2915 – Startup
Work with Contractor to verify installation of new equipment per manufacturer's recommendations and per the Project Documents. Coordinate startup of equipment with Contractor and the City. Verify new systems are functioning as intended.

2916 – Construction Wrap-Up and Acceptance
Upon completion of the construction of the improvements, the Consultant will schedule and hold a final project walk-through and assist the City in the final wrap-up of the project, including preparing record drawings, preparation of a punch list, preparation of Certificate of Substantial Completion, recommendation of final acceptance and project close out.

2917 – Post-Construction Warranty Services
After final acceptance, the Consultant will provide warranty item consultation, assist in the twenty three-month warranty inspection, and provide warranty follow-up.

2918 – Programming
Provide programming for the BBWA RWD facilities. Programming will be completed for the PLC for new data points. Develop new screens for OIT and SCADA. HDR will coordinate with the WEWTP programmer to add new SCADA screens to their system. Scope excludes any software or hardware. These items will be provided by the Hardware Integrator subcontractor to the General Contractor.

2919 – Programming Workshops and Meetings
Conduct two workshops and meetings to review programming requirements. Workshop No. 1 – Preprogramming and Standards meeting to discuss design intent and initial system overview including coordination of programming and standards on the WEWTP. Workshop No. 2 – PLC programming progress review with tagging, HMI and OIT screens review, trending, alarming and reporting.

2920 – Programming Testing and Commissioning
Provide on-site services for commissioning new programming and screens. Testing and Commissioning hours and expenses are based on three trips maximum.

Appendix B, Section 1, Paragraph A. Modify paragraph 9 from Amendment 4 by replacing it with the following:

9. TASK SERIES 900 – PROJECT MANAGEMENT	$20,900
10. TASK SERIES 1000 – DATA COLLECTION AND FIELD WORK	$121,500
14. TASK SERIES 1400 – BIDDING SERVICES (INTAKE/PUMP STATION)	$46,900
15. TASK SERIES 1500 – CONSTRUCTION ADMINISTRATION (IPS)	$0
17. TASK SERIES 1700 – APPLICATION SOFTWARE PROGRAMMING	$0
21. TASK SERIES 2100 – FWP DESIGN AND PERMITTING	$24,100
22. TASK SERIES 2200 – CM/GC (RAW WATER PIPELINE)	$117,700
23. TASK SERIES 2300 – CONSTR ADMIN (RAW WATER PIPELINE)	$0
Revised Amendment 4 Total	$331,100

The result is a deduct in the Contract of ($1,660,200)

Appendix B, Section 1, Paragraph A. Add paragraph 10, Reservoir Final Design with the following Task breakdown:

24. TASK SERIES 2300 – PROJECT INITIATION, COORDINATION AND MANAGEMENT (BBWA RWD DESIGN, BIDDING AND CONSTRUCTION AND RESERVOIR PRELIMINARY DESIGN)	$41,100
25. TASK SERIES 2400 – GC/CM COORDINATION AND ASSISTANCE (RESERVOIR AND BBWA RWD)	$581,700
26. TASK SERIES 2500 – AGENCY COORDINATION, ENVIRONMENTAL, PERMITTING, AND GRANT ASSISTANCE	$335,400
27. TASK SERIES 2600 – RESERVOIR 30% DESIGN	$1,143,200
28. TASK SERIES 2700 – BBWA RWD 60% DESIGN	$746,100
29. TASK SERIES 2800 – BBWA RWD 95% AND FINAL DESIGN	$329,900
30. TASK SERIES 2900 – BBWA RWD BIDDING, CONSTRUCTION, PROGRAMMING, STARTUP AND TRAINING SERVICES	$598,200
BBWA RWD and Reservoir 30% Design Total	$3,775,600
Amendment 5 Total Including deduct from Amendment 4	**$2,115,400**

Appendix E. Delete Paragraphs N, O, and P and Add Paragraphs N-S:

N. Complete RWD Environmental and Permitting	December 2024
O. Complete RWD 60% Design	September 2024
P. Complete RWD Final Design	December 2024
Q. Complete Reservoir 30% Design	January 2025
R. Complete RWD Construction and Programming	April 2026

All other terms and conditions of the contract to which this amendment applies shall remain in full effect.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

CONSULTANT

NAME: _____

BY: _____

TITLE: _____

DATE: _____

CITY OF BILLINGS, MONTANA

BY: _____
Mayor

DATE: _____

City Council Regular

Date:	10/28/2024
Title:	Approval of the 2025 Domestic Violence Grant Award for DV Investigator Program
Presented by:	Rich St. John, Police Chief
Department:	Police
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

Staff recommends that City Council accept the 2025 Domestic Violence Grant in the amount of $69,235 and authorize the Chief to sign all required grant material.

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

The Billings Police Department has been offered a sub-grant for Domestic Violence (DV) training and continuation of the "Domestic Violence Investigator" program for the 24th year. The amount for this grant totals $69,235. This grant provides funding for overtime, training, and supplies related to fulfilling the need for intense investigation of domestic violence cases.

The domestic violence investigator, prosecutor, and victim-witness specialist plan to attend a national conference to stay current on investigative techniques involving domestic violence issues. The grant also funds the DV Investigator's JustWare license and cell phone plan, as well as other supplies and training needed.

ALTERNATIVES

City Council may:

- Approve the Domestic Violence Grant Award in the Amount of $69,235; or,
- Not Approve the Domestic Violence Grant Award in the Amount of $69,235, which would reduce specialized warrant roundups and overtime work for police officers investigating these crimes.

FISCAL EFFECTS

The Billings Police Department has two officers assigned as a Domestic Violence Investigator. These grant funds will finance the additional supporting for training and overtime as well as some supplies.

City Council Regular

Date:	10/28/2024
Title:	State Homeland Security Program FY 2024 Award Acceptance (IT Department)
Presented by:	Ted Wilson, Grants Coordinator
Department:	Information Technology
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

Staff recommends the acceptance of the State Homeland Security Program FY 2024 award administered by the Montana Disaster Emergency Services (DES) in the amount of $90,000.

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

The City of Billings Information Technology department received a $90,000 grant from the Montana Department of Emergency Services and the Federal Emergency Management Agency (FEMA) to help fund a three-phase cybersecurity tightening project. Coming at a time when public-facing networks are under increased cyberattacks, the effort is a continuation of efforts IT has made to secure its networks.The grant will fund:

- a complete third party assessment of our current vulnerabilities, including network, end user training and access, policies, and internal IT structures/procedures.
- development of a cybersecurity roadmap to reduce/eliminate vulnerabilities and develop policies as needed.
- leverage outside professional consulting services to provide guidance and assist our internal IT staff as we implement the recommendations outlined in the cybersecurity roadmap. This will include focusing on changes to areas such as our cybersecurity related policies, procedures, infrastructure, staffing, etc.

STAKEHOLDERS

- The municipal court system.
- Public works water, sewer, solid waste, and other systems.
- All City offices, their data systems, and archives.
- Airport non-flight services, including the Transportation Security Administration (TSA).
- Library services, Human Resources, payroll, licensing, parking, etc.
- All critical safety systems including 9-1-1, Police, and Fire.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Acceptance of the grant will provide $90,000 in funding to complete the external cybersecurity assessment, road map development, and assistance in implementing recommendations.

SUMMARY

This grant will provide IT with funds to support an external cybersecurity review and ability to work with a consultant to tighten cybersecurity protocols and planning.

Attachments

Grant Award Letter
Grant Application
Grant Guidance

State Homeland Security Program (SHSP)

FY 2024 Award Letter

Bill Cole
City of Billings
PO Box 1178
Billings, Montana 59103-1178

Mayor Bill Cole,

Congratulations, on behalf of Montana Disaster and Emergency Services (MT DES), the application for financial assistance submitted under the Fiscal Year (FY) 2024 State Homeland Security Program, Cybersecurity Assessment and Planning project, has been approved in the amount of $90,000.00. City of Billings is not required to match this award with any amount of non-Federal funds.

Before City of Billings requests and receives any of the Federal funds awarded, acceptance of the award must be established. By accepting this award, City of Billings acknowledges that the terms of the following documents are incorporated into the terms of this award:

- Agreement Articles (attached to this Award Letter)
- Obligating Document for Award (attached to this Award Letter)
- FY 24 Homeland Security Grant Program Notice of Funding Opportunity

Per the Notice of Funding Opportunity (NOFO), all sub-recipients are required to complete the Nationwide Cybersecurity Review (NCSR), see Agreement Article 52.

Please make sure you read, understand, and maintain a copy of these documents in the official file for this award. In order to establish acceptance of the award and its terms, please complete, sign and return the Obligating Document for Award to your MT DES Grant Coordinator.

For additional assistance, please contact your MT DES Grant Coordinator.

Burke S. Honzel
Preparedness Bureau Chief
Montana Disaster and Emergency Services

CC Ted Wilson

AGREEMENT ARTICLES
State Homeland Security Program

SUB-RECIPIENT: City of Billings
PROGRAM: State Homeland Security Program
STATE GRANT NUMBER: 24HSBLNGCYB

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Article 1 Assurances, Administrative Requirements, Cost Principles, Representations, and Certifications

I. Recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non- Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the federal awarding agency.

Article 2 General Acknowledgements and Assurances

Recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in effect as of the federal award date and located at 2 C.F.R. Part 200 and adopted by DHS at 2 C.F.R. § 3002.10. All recipients and subrecipients must acknowledge and agree to provide DHS access to records, accounts, documents, information, facilities, and staff pursuant to 2 C.F.R. § 200.337. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities and personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements required by law, federal regulation, Notice of Funding Opportunity, federal award specific terms and conditions, and/or federal awarding agency program guidance. V. Recipients must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receiving the Notice of Award for the first award under which this term applies. Recipients of multiple federal awards from DHS should only submit one completed tool for their organization, not per federal award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active federal award, not every time a federal award is made. Recipients must submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and

related reporting requirements contained in these DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at https://www.dhs.gov/publication/dhs- civil- rights-evaluation-tool. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension to the 30-day deadline if the recipient identifies steps and a timeline for completing the tool. Recipients must request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3 Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal award funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal award funds.

Article 4 Activities Conducted Abroad

Recipients must coordinate with appropriate government authorities when performing project activities outside the United States obtain all appropriate licenses, permits, or approvals.

Article 5 Age Discrimination Act of 1975

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (codified as amended at 42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article 6 Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

Article 7 Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (PII) as part of carrying out the scope of work under a federal award are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

Article 8 Civil Rights Act of 1964 – Title VI

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44
C.F.R. Part 7.

Article 9 Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284 (codified as amended at 42 U.S.C. § 3601 et seq.) which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection. therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex, as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units— i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article 10 Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced

under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. § 200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

Article 11 Debarment and Suspension

Recipients must comply with the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689 set forth at 2 C.F.R. Part 180 as implemented by DHS at 2 C.F.R. Part 3000. These regulations prohibit recipients from entering into covered transactions (such as subawards and contracts) with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article 12 Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government- wide implementation (2 C.F.R. Part 182) of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

Article 13 Duplicative Costs

Recipients are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f)). However, recipients may shift costs that are allowable under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article 14 Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part 19.

Article 15 E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

Article 16 Energy Policy and Conservation Act

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article 17 False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

Article 18 Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

Article 19 Federal Leadership on Reducing Text Messaging while Driving

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving recipient-owned, recipient-rented, or privately owned vehicles when on official government business or when performing any work for or on behalf of the Federal Government. Recipients are also

encouraged to conduct the initiatives of the type described in Section 3(a) of E.O. 13513.

Article 20 Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (a list of certified air carriers can be found at: Certificated Air Carriers List | US Department of Transportation, https://www.transportation.gov/policy/aviation-policy/certificated- air-carriers-list)for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article 21 Hotel and Motel Fire Safety Act of 1990

Recipients must ensure that all conference, meeting, convention, or training space funded entirely or in part by federal award funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a.

Article 22 John S. McCain National Defense Authorization Act of Fiscal Year 2019 Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Article 23 Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help- department-supported- organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov.

Article 24 Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352 and 6 C.F.R. Part 9, which provide that none of the funds provided under a federal award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification. Per 6 C.F.R. Part 9, recipients must file a lobbying certification form as described in Appendix A to 6 C.F.R. Part 9 or available on Grants.gov as the Grants.gov Lobbying Form and file a lobbying disclosure form as described in Appendix B to 6 C.F.R. Part 9 or available on Grants.gov as the Disclosure of Lobbying Activities (SF-LLL).

Article 25 National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article 26 Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statues, regulations, and guidance governing the participations of faith- based organizations in individual DHS programs.

Article 27 Non-Supplanting Requirement

Recipients of federal awards under programs that prohibit supplanting by law must ensure that federal funds supplement but do not supplant non-federal funds that, in the absence of such federal funds, would otherwise have been made available for the same purpose.

Article 28 Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, scope of work, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this federal award are incorporated by reference. All recipients must comply with any such requirements set forth in the NOFO. If a condition of the NOFO is inconsistent with these terms and conditions and any such terms of the Award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.

Article 29 Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. and applicable regulations governing inventions and patents, including the regulations issued by the Department of Commerce at 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Awards, Contracts, and Cooperative Agreements) and the standard patent rights clause set forth at 37 C.F.R. § 401.14.

Article 30 Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act at 42 U.S.C. § 6962) and 2 C.F.R. § 200.323. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article 31 Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 32 Reporting of Matters Related to Recipient Integrity and Performance If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of the federal award, then the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated by reference.

Article 33 Reporting Subawards and Executive Compensation

For federal awards that equal or exceed $30,000, recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation set forth at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated by reference.

Article 34 Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing

processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers, when necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements. (a) When the Federal agency has determined that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described as “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. Definitions The definitions applicable to this term are set forth at 2 C.F.R. § 184.3, the full text of which is incorporated by reference.

Article 35 SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. The SAFECOM Guidance is updated annually and can be found at Funding and Sustainment | CISA.

Article 36 Terrorist Financing

Recipients must comply with E.O. 13224 and applicable statutory prohibitions on transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible for ensuring compliance with the E.O. and laws.

Article 36 Trafficking Victims Protection Act of 2000 (TVPA)

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 106 (codified as amended at 22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated by reference.

Article 38 Universal Identifier and System of Award Management

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated reference.

Article 39 USA PATRIOT Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

Article 40 Use of DHS Seal, Logo and Flags

Recipients must obtain written permission from DHS prior to using the DHS seals, logos, crests, or reproductions of flags, or likenesses of DHS agency officials. This includes use of DHS components (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.

Article 41 Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections at 10 U.S.C § 470141 U.S.C. § 4712.

Article 42 Environmental Planning and Historic Preservation (EHP) Review

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website at: https://www.fema.gov/grants/guidance-tools/environmental-historic. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, the applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article 43 Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article 44 Acceptance of Post Award Changes

In the event FEMA determines that an error in the award package has been made, or if an administrative change must be made to the award package, recipients will be notified of the change in writing. Once the notification has been made, any subsequent requests for funds will indicate recipient acceptance of the changes to the award. Please call FEMA Grant Management Operations at (866) 927-5646 or via e-mail to: ASK-GMD@fema.dhs.gov if you have any questions.

Article 45 Disposition of Equipment Acquired Under the Federal Award

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.

Article 46 Prior Approval for Modification of Approved Budget

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently $250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers

between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 47 Indirect Cost Rate

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

Article 48 HSGP Performance Goal

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, recipients must demonstrate how the grant-funded project addressed the core capability gap associated with this project and identified in the Threat and Hazard Identification and Risk Analysis (THIRA) or Stakeholder Preparedness Review (SPR) or sustains existing capabilities as applicable. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

Article 49 MT DES Specific Acknowledgements and Assurances

Sub-recipients must acknowledge and agree to comply with applicable provisions governing MT DES access to records, accounts, documents, information, facilities, and staff.

1. Sub-recipients must cooperate with any compliance reviews or compliance investigations conducted by MT DES.
2. Sub-recipients must give MT DES access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by MT DES regulations and other applicable laws or program guidance.
3. Sub-recipients must submit timely, complete, and accurate reports to the appropriate MT DES officials and maintain appropriate backup documentation to support the reports.
4. Sub-recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. The State of Montana shall not be liable for any reimbursement amount greater than the award amount available to each sub-recipient.
6. Failure of the sub-recipient to accomplish HSGP objectives may result in the reduction or withholding of funds, or other action, as determined by MT DES.

The State of Montana has the right to seek judicial enforcement of these obligations.

Article 50 Accruals

As established within Montana Operations Manual Policy, accrual documentation is required of all sub-recipients by the Montana Department of Administration, State Financial Services Division, and must be submitted to MT DES no later than the second week of June, or as instructed by MT DES.

Article 51 Authorized Representative

As evidenced by the signatures found in the Letter of Obligation, the Sub-Recipient Signatory Official agrees to appoint the Sub-Recipient Authorized Representative to act on behalf of City of Billings. This individual shall be duly authorized with all necessary powers with regard to the administration and oversight of the 2024 State Homeland Security Program grant, 24HSBLNGCYB. The Catalog of Federal Domestic Assistance (CFDA) number associated with this grant is 97.067.

Article 52 Nationwide Cybersecurity Review

Subrecipients of FY 2024 grant awards will be required to complete the 2024 Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each recipient and subrecipient should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 3-6 hours to complete. The 2024 NCSR will be open from October – February 2024. MT DES will provide subrecipients with additional information upon opening of the review.

Article 53 State Homeland Security Grant Funding Hold

There is no State Homeland Security Program hold regarding this award.

Obligating Document for Award

STATE GRANT NUMBER: 24HSBLNGCYB FEDERAL AGREEMENT NUMBER: EMW-2024-SS-05128 AMENDMENT NUMBER:	SUB-RECIPIENT NAME AND ADDRESS: City of Billings PO Box 1178 Billings, Montana 59103-1178,	ISSUING STATE OFFICE AND ADDRESS: Montana Disaster and Emergency Services P.O. Box 4789 1956 MT Majo Street Fort Harrison, MT 59636-4789
NAME OF SUB-RECIPIENT AUTHORIZED REPRESENTATIVE: Ted Wilson	SUB-RECIPIENT AUTHORIZED REPRESENTATIVE CONTACT INFORMATION: wilsont@billingsmt.gov (406) 869-3997	

EFFECTIVE DATE OF THIS ACTION: 10/01/2024	METHOD OF PAYMENT: EFT	NAME AND CONTACT INFORMATION OF MT DES GRANT COORDINATOR: Vacant TBD - Contact Amanda Avard amanda.avard@mt.gov (406) 202-4195
FEDERAL AWARD AMOUNT: $90,000.00		PERIOD OF PERFORMANCE: From: 10/01/2024 To: 09/30/2026 Budget Period: From: 10/01/2024 To: 09/30/2026
ASSISTANCE ARRANGEMENT: Cost Reimbursement	CFDA #: 97.067	

SUB-RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
SUB-RECIPIENT AUTHORIZED REPRESENTATIVE (Name and Title)	DATE

MT DES SIGNATORY (Name, Title and Date)

Amanda Avard, Preparedness Program Manager, Authorized Organizational Representative

City of Billings

Prepared by City of Billings
for Montana Disaster and Emergency Services FY24 Homeland Security

Primary Contact: Ted Wilson

Opportunity Details

Opportunity Information

Title

FY24 Homeland Security

Description

IMPORTANT

Please review and follow the State Homeland Security Program (SHSP) grant guidance document. FEMA/DHS expects all grant recipients and subrecipients to utilize the State Homeland Security Program (SHSP) grant funding to address the high priority-low capacity core capabilities. SHSP provides financial support to build and deliver core capabilities that improve the ability of jurisdictions to prepare for and prevent terrorism and other catastrophic events.

The Grant Program Guidance document provides information on the top priorities for the coming years SHSP project applications. The State of Montana solicits projects that will measurably improve these high priority-low capacity capabilities and increase our resiliency all across the State.

Overview

The purpose of this fiscal year's SHSP is to support state and local efforts to prevent terrorism and other terrorist related catastrophic events and to prepare the nation for the threats and hazards that pose the greatest risk to the security of the United States. This year's SHSP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the national preparedness goal of a secure and resilient nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community, inclusive of children, individuals with disabilities and other with access and functional needs, diverse communities, and people with limited English proficiency. This year's SHSP supports the core capabilities across the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery based on allowable costs.

• Prevent a threatened or an actual act of terrorism;

• Protect citizens, residents, visitors, and assets against the greatest threats that pose the greatest risk to the security of the United States;

• Mitigate the loss of life and property by lessening the impact of future catastrophic events caused by terrorism;

• Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident caused by terrorism;

• Recover through a focus on the timely restoration, strengthening, accessibility and revitalization of infrastructure, housing, and a sustainable economy, as well as the health, social, cultural, historic, and environmental fabric of communities affected by a catastrophic incident caused by terrorism; and do so in a manner that engages the whole community while ensuring the protection of civil rights.

Awarding Agency Name

Montana Disaster and Emergency Services

Agency Contact Name

Amanda Avard

Agency Contact Phone

406-324-4777

Agency Contact Email

mtdesprep@mt.gov

Fund Activity Categories

Disaster Prevention and Relief

Category Explanation

Departments
Montana Disaster and Emergency Services

Subjects
HS

Opportunity Manager
Amanda Avard

Opportunity Posted Date
1/3/2024

Opportunity Archive Date

Announcement Type
Initial Announcement

Funding Opportunity Number

Agency Opportunity Number

Assistance Listings Number

Public Link
https://mt.amplifund.com/Public/Opportunities/Details/b6c805b5-ec3f-4a91-87d6-849978d6d88e

Is Published
Yes

Funding Information

Total Program Funding
$0.00

Funding Sources
Federal Or Federal Pass Through

Funding Source Description

Funding Restrictions

Award Information

Award Period
Ends 09/30/2025

Award Announcement Date
9/4/2024

Award Type
Competitive

Capital Grant
No

Indirect Costs Allowed

Yes

Restrictions on Indirect Costs

Yes

Matching Requirement

No

Submission Information

Submission Window

01/03/2024 8:00 AM - 03/16/2024 5:59 AM

Submission Timeline Type

One Time

Submission Timeline Additional Information

No more than 3 applications from a jurisdictional area will be considered under the competitive pool. Senior Advisory Committee (SAC) approved regional projects and Combating Domestic Violence Extremism projects are not counted against the 3 projects.

Allow Multiple Applications

Yes

Application Review Start Date / Pre-Qualification Deadline

03/18/2024 12:00 AM

Question Submission Information

Attachments

- AmpliFund Applicant Portal Guide for SHSP
- FY24 SHSP State Guidance Jan 2024

Eligibility Information

Eligibility Type

Public

Eligible Applicants

- State Governments
- County Governments
- City or township governments
- Public and State controlled institutions of higher education
- Native American tribal governments (Federally recognized)

Additional Eligibility Information

Nonprofits who provide services to a local government agency may also submit applications. A local jurisdiction may act as a host on behalf of an entity, including non-profits and associations, to address critical needs.

Additional Information

Additional Information URL

https://des.mt.gov/Grant-Programs/State-Homeland-Security-Grants

Award Administration Information

State Award Notices

This is a competitive state grant, and there are often more funding requests than funding available. The State Homeland Security Advisor will make the final decision on projects to be included in the state application to FEMA in late spring. All applicants will be informed as to the status of their projects after the state application has been submitted. Please note - project period of performance will not begin until 10/1/2024.

Administrative and National Policy Requirements

We anticipate that the national priorities from last year will remain the same. Updated information will be provided when the Notice of Funding Opportunity is released, typically around February.

State Awarding Agency Contacts

State Awarding Agency Contacts
Amanda Avard - State Authorized Representative

Pam Fruh
Pam.Fruh@mt.gov
406-439-5917

Sarah Harmon
SarahHarmon@mt.gov
406-417-9354

Project Information

Application Information

Application Name
City of Billings

Award Requested
$90,000.00

Total Award Budget
$90,000.00

Primary Contact Information

Name
Ted Wilson

Email Address
wilsont@billingsmt.gov

Address
PO Box 1178
Billings, Montana 59103-1178

Phone Number
(406) 869-3997

Project Description

SHSP Overview

Jurisdiction/Agency Information

Entity Name
City of Billings

Entity Street Address
PO Box 1178

Entity City
Billings

Entity State
Montana

Entity Zip
59103-1178

Principal Elected Official (PEO) or Commissioner Information

The PEO or Commissioner listed has been informed of the submission of this grant and may receive notices about reports submitted by the Authorized Representative.

Name of PEO or Commissioner
Bill Cole

Title
Mayor

PEO Email Address
coleb@billingsmt.gov

PEO Phone Number (xxx-xxx-xxxx)
406657-8296

Project Manager (Authorized Representative)

Project Manager First Name
David

Project Manager Last Name
Watterson

Project Manager Phone Number (xxx-xxx-xxxx)
406-657-8330

Project Manager Email Address
wattersond@billingsmt.gov

Project Manager Street Address
PO Box 1178

Project Manager City

Billings

Project Manager State
MT

Project Manager Zip
59103-1178

Fiscal Officer / Agent Information

Fiscal Officer Name
Andy Zoeller

Title
Finance Director

Organization
City of Billings

Fiscal Officer Telephone Number (xxx-xxx-xxxx)
406-657-8209

Fiscal Officer Email Address
zoellera@billingsmt.gov

Administrative

Organization Type
- ○ County Government
- ○ Tribal Government
- ◉ Local/City Government
- ○ State Government
- ○ Other Non-Profit Entity

UEI Number

Provide your valid Unique Entity Identification (UEI) number. This is NOT your Employer Identification Number (EIN).

Please be aware that the federal government has discontinued use of the Data Universal Number System (DUNS). The Unique Entity Identification (UEI) number is now the required means of entity identification for federal awards government-wide. ***If you are registered in SAM.gov, you've already been assigned a new UEI. It's viewable in your SAM.gov entity registration record. If you do not know your UEI number, ask your local clerk and recorder or finance person, they will typically have that information. Refer to the link provided for more information regarding this update and how to obtain a UEI number.*** ***Click Here for Unique Entity Identifier Update Information***

Applicant's Unique Entity Identification (UEI) Number (UEI is a 12 digit number with a combination of letters and numbers)
FAEFYK4YL4M1

Applicant Assessment

Fiscal Assessment

Has applicant organization substantially changed their financial management and/or grant administration systems in the last 24 months?

- ○ Yes
- ◉ No

Does applicant organization's fiscal officer maintain written policies and procedures regarding the operation of all financial management systems?

- ◉ Yes
- ○ No

Has applicant organization received federal awards directly from a Federal Awarding agency over the last 24 months?

- ◉ Yes
- ○ No

If yes to above, list the grant name, year(s) received and awarding agency name. If there are to many to list enter the most recent 5.

RAISE, 2022, Department of Transportation; Operating Subsidy Grant, 2023, Department of Housing and Urban Development; Community Development Block Grant, 2023, Department of Housing and Urban Development; Home Investment Partnerships Program, 2023, Department of Housing and Urban Development; Treatment Court, 2021, Department of Justice; Public Housing Operating Fund, 2020, Department of Housing and Urban Development.

Has the applicant organization applied for any other grant funding to support the project that is being submitted?

- ○ Yes
- ◉ No

Have there been any audit/financial findings for your organization within the last 24 months?

- ○ Yes
- ◉ No

Procurement Procedures

For non-state agencies, does your jurisdiction have a locally written and approved procurement policy?

- ◉ Yes
- ○ No
- ○ N/A - State Agency

If yes to above, please upload your local procurement policy (if applicable)

AO149 Purchasing Procedures.pdf

Conflict of Interest

Does the jurisdiction have a potential or real conflict of interest?

- ○ Yes
- ◉ No

Non-Tax Revenue Source

Does this project fall under a program that is supported by a non-tax revenue source (i.e. enterprise fund)?

- ○ Yes
- ◉ No

If "YES", additional information may be required on the project.

Indirect Cost Rate Documents - Only fill this section out if applicable for your organization.

Indirect Cost Rate Proposal

Indirect Cost Allocation Plan

Indirect Cost Certification

Project Information

Instructions

APPLICATIONS ARE DUE NO LATER THAN 11:59PM FRIDAY, MARCH 15, 2024.
Applicants are not guaranteed to receive funding even if the project falls within a state or national priority.

To qualify as a single project, all parts of the project must be integral towards achieving one precise objective. If additional items are included in the project that do not support the primary objective, they may be removed from the project application.

Scoring Criteria

Attachment E - Criteria with Standard issue Section.pdf

PROJECT

Please include your entity name in the Project Title. For example: County ABC Warning System.

Project Title

City of Billings Cyber Security Enhancement Internal Assessment and Response

CORE CAPABILITIES

Please use the drop-down box to select the core capability the project supports. Applicants must show justification as to how the project supports the core capability. Definitions of the core capabilities are attached below.

Core Capabilities Definitions

Attachment F - CC Definitions.pdf

Select the Primary Core Capability

Make your selection from the drop-down box below

Cyber Security

NATIONAL PRIORITIES

Please use the drop-down box to select the national priority the project supports. If your project does not support a national priority please select "Not a National Priority". Definitions of the national priorities are attached below.

National Priorities Definitions

Attachment C - National Priorities.pdf

Select the National Priority

Make your selection from the drop-down box below.

Enhancing Cybersecurity

ENVIRONMENTAL AND HISTORICAL PRESERVATION (EHP)

Projects that have the potential to impact the environment and/or historic properties, including but not limited to construction of communication towers or repeaters, modification or renovation of existing buildings, structures, or facilities, updating electrical wiring, or new construction including replacement of facilities, or sonar equipment must participate in the DHS/FEMA Environmental and Historic Preservation (EHP) review process. If you have questions regarding EHP please contact MT DES Grant Section.

Does this project require EHP Approval?

- ○ Yes
- ◉ No

Local Emergency Planning Committees (LEPC) Project Priority Letter

LEPC Project Priority Letter Template

Attachment G - LEPC Project Priority Letter Template.docx

Please attach a signed LEPC project priority letter, required for SHSP sub-recipients. This is not required for state agencies as the governor and HSA prioritize state applications. SAC approved regional projects and National Priority - Combating Domestic Violence Extremism projects do not count against the 3-project limit.

LEPC Project Priority Letter

Project Information

Please provide a detailed explanation of the project including how the project supports the priority selected and any identified gaps it addresses. Describe how this project would prevent, protect, or reduce the impact to the community population from terrorism.

Remember that individuals from various disciplines will be reading this application so spell out acronyms, use plain language and avoid technical jargon.

Project Narrative

The City of Billings has identified a need for improved cybersecurity policies and procedures to protect our networks, data, and IT services from unauthorized use or exploitation. We are requesting grant funding for cybersecurity experts to perform an objective external cybersecurity risk assessment, develop a security roadmap, and to provide support to our organization from a strategic cybersecurity expert to guide us in the implementation of the recommendations identified and outlined throughout the process.

The project will consist of three major phases: a cybersecurity risk assessment, development of a security roadmap, and mitigation of the risks identified in the assessment through policy development, enhancing procedures, system and structural changes to mitigate identified risks, and identifying areas requiring additional investments. Throughout the project and beyond, the City of Billings is committed to providing staffing resources from the entire IT staff including the Network/Security Team and the full resources of our IT Security Engineer. Post-project the city is committed to internally funding resource acquisition (hardware/software/services), ongoing internal and external penetration (PEN) testing, and periodic cybersecurity policy/procedure review.

The risk assessment is the initial major phase. We will require the risk assessment to be based around the standards and best practices established by the National Institute of Standards and Technology (NIST) and the Center for Internet Security (CIS) Critical Controls. The risk assessment will establish a baseline for our current cybersecurity posture so that we can build a functioning, measurable security strategy based on nationally accepted industry standards. The assessment of our environment will focus on the identification of existing vulnerabilities and the documentation of best

practice and standards compliance or non-compliance. Specific areas of investigation will include:

Administrative Controls: End-user and departmental appropriate use standards, end-user security awareness, risk management, policy relevance, policy enforcement, endpoint compliance scanning, patching and update procedures, resource access auditing, backup, archive, and retention.

Technical Controls: Perimeter security (firewalls, log management and analysis), multi-factor authentication, pen-testing, VPN access, contract/vendor remote access auditing, and web application development.

Physical Controls: Physical access restrictions to communications, computer and storage equipment, surveillance and access audit for high security areas, signage for equipment areas proximate to publicly accessible areas.

The next major phase will be the development of a Security Roadmap: Once we have a clear understanding of our current risk and deviations from best practices, the next step is to determine how to move forward. We need to define what tasks require attention, assign a priority for each task, and determine who will take on each task. This will include participation by contract information security consultant(s), city officials, external security partners, and IT staff. The decisions made in this phase would address the deficiencies documented in the assessment phase. The foundational work product will be formal policy documents adopted by our city council.

The final major phase of the project will be to leverage the professional services of a cybersecurity expert to assist and guide us as we address the technical planning and process issues identified by the previous stages. Major components of this phase will include documenting new or improved processes, managing the organization and employee change process, update of the security roadmap as we progress, answer questions concerning compliance with regulatory & best practices, enhanced incident response plans for scenarios including malicious and natural events as well as identification, and prioritization of post-project funding requirements for improving our prevention and recovery abilities. The City of Billings has committed to funding regular external network penetration (PEN) testing to identify new or developing risks, maintain awareness and manage existing risks, and to document mitigation of known risks eliminated by our efforts. We plan to further utilize the expertise of a cybersecurity expert to review the results of our PEN tests and provide analytical and strategic advice on how to address identified risks through policy, procedure, updates to our Security Roadmap, and/or future investments.

Though this project is primarily involved with cyber security it also addresses several of Montana' s State Homeland Security Program Core Capabilities priorities. For example, the development of administrative controls and IR/DR plans are consistent with the goals described in the planning priority. Physical, internal, and external controls speak to several of the core capabilities including interdiction, detection, and access control.

Please attach supporting documentation like AAR that points directly to the identified gap being addressed.

Identified Gap Supporting Document(s)

iv.pdf, pentest.pdf, exec-summary-report.pdf

Please provide a detailed explanation of the project objective(s) and desired measureable outcome(s). The objective(s) of this project should be clear and realistic, with clearly defined and quantified project benefits. The project should reflect specific, measurable, achievable, relevant, and time-bound (SMART) objectives that directly contribute to the achievement of the project goals.

Project Objective/Outcome

The primary goal of this project is to improve our ability to protect and recover city IT data and resources over the long term. To accomplish this goal IT needs to communicate the security issues, solutions and potential costs to our departmental leadership team, city administration, and city officials. By committing to an independent risk assessment based on nationally accepted industry security standards of where we are and developing a clear roadmap for how to move forward, we can present this information to key stakeholders and provide invaluable periodic updates on our progress and current environment. It is our intention to involve a wide spectrum of city decision-makers, end-users, and City Council to ensure a consensus buy-in to the project goals and commitment to funding post-project costs.

Our risk assessment will include professional evaluation of our bi-annual external network penetration (PEN) testing based on the Penetration Testing Execution Standard (PTES) and adjustment of our security roadmap to address and prioritize mitigation of identified risks.

City Council will adopt revised IT cybersecurity policies as identified by the policy committee within one year of the initial system scan and roadmap development. IT and administration will implement policies adopted by Council. IT will implement policies within 90 days of adoption.

The outcome of this project will be a non-biased picture of our current cybersecurity posture followed by the development of enhanced policies and procedures and a security roadmap to formally identify what needs to be done, by whom, and when. IT will adopt the new policies and procedures, actively address risks and exposures identified throughout this project, and utilize the new security roadmap to advance our overall cybersecurity today and into the future.

Multi-Jurisdictional Impact and Support

Please explain the impact this project will have on other entities or jurisdictions. What elements within the project scope may be shared, deployed, or utilized by other entities or jurisdictions?

Impact Narrative

The city shares information with a variety of local, state, and federal agencies. We also provide ownership, taxation, permitting, planning, and GIS data to local, regional, and national private entities such as banks, mortgage brokers, real estate appraisers, contractors, developers, and title companies. Improving our security policies and procedures will include documenting the types of information that will be shared, approved sources and destinations, and the means by which data is transmitted and received. This in turn will provide better security for all parties by ensuring the provenance and accuracy of shared data. For our CJIS partners meeting required standards and practices will allow city and non-city public safety services to continue to share timely and accurate information.

Please attach any signed letters demonstrating support from other entities or contiguous jurisdictions.

Letter of Support Template
Attachment D - Letter of Support Template.docx

Letter of Support 1
Judge Kolar LOS.pdf

Letter of Support 2
Billings Cybersecurity LOS Chamber.pdf

Letter of Support 3
2024 City of Billings Cybersecurity BSED.pdf

Letter of Support 4
City of Billings LOS from Yellowstone County.pdf

Letter of Support 5
Combined City LOS.pdf

Resource Availability

Please provide information on the availability of this resource, training, or equipment from a contiguous jurisdiction. If the project duplicates a resource, training, or equipment currently available from a contiguous jurisdiction, please provide justification as to why this project is necessary.

Resource Availability

The City of Billings has unique statutory and regulatory responsibilities to deliver services and information to our residents, as well as public and private entities. The city is accountable and liable for the security of the information systems that store and communicate the data we are tasked to maintain, no matter who owns and operates the systems. Our own staff needs to be trained, and our own organization needs to have policies and procedures in place to protect our data and systems. We cannot cede this responsibility to another jurisdiction - nor would another jurisdiction wish to take it on.

Maintenance, Support, and Sustainment Plan

Provide detailed information on how the project will be maintained, supported, and sustained following the cessation of federal funding.

Maintenance, Sustainment, and Support Plan

The City of Billings Information and Technology Department has existing staffing, including a full-time IT security engineer, that are focused on the daily ongoing protection of our network and critical data. They are committed to engaging in this project, the ongoing support of the assessment and development of the security roadmap, to the development of our policies and procedures, and to leveraging the outcomes to strengthen our overall cybersecurity organizational health for years to come.

By engaging city leadership throughout the project, we will be able to demonstrate the compliance and operational cyber security deficiencies that face the city now as well as inform them of the potential costs of not addressing these deficiencies. Also, by providing a planning and prioritization framework we can provide a normalized capex and maintenance schedule over a three to five-year fiscal horizon. Historically our City Council has been very responsive to supporting budget requests related to mitigating risks on IT operations. We are confident that post-project funding will be available to accomplish our mid- to long-term goals.

Budget

Proposed Budget Summary

Expense Budget

	Grant Funded	Total Budgeted
Consultants/Contracts		
Cybersecurity Risk Assessment, Security Roadmap Development, and Consulting Services/Implementation	$90,000.00	$90,000.00
Subtotal	**$90,000.00**	**$90,000.00**
Total Proposed Cost	**$90,000.00**	**$90,000.00**

Revenue Budget

	Grant Funded	Total Budgeted
Grant Funding		
Award Requested	$90,000.00	$90,000.00
Subtotal	**$90,000.00**	**$90,000.00**
Total Proposed Revenue	**$90,000.00**	**$90,000.00**

Proposed Budget Detail

See attached spreadsheet.

Proposed Budget Narrative

Consultants/Contracts

Include specifics in the narrative section

Cybersecurity Risk Assessment, Security Roadmap Development, and Consulting Services/Implementation

The City will follow its procedures for soliciting and approving contracts in order to complete a full risk assessment of IT systems security, development of a security roadmap, and engage the services of a cybersecurity consultant to aide in the implementation of enhanced policy, new and refined procedures, review of external & internal PEN tests, and identifying future investments. Our request is based on a quote provided by a local firm in which one year costs are estimated to be $73,500 for assessment tasks, $10,920 for roadmap development, and $6,000 for consulting services, plus additional room for inflation and projected actual costs when the project goes out to bid.

Performance Plan

Proposed Performance Plan

Quarter 1 - 10/1/24 to 12/31/24

Goal Name	Goal Type	Goal Details
Recruit Cybersecurity Committee Members	Milestone	Due Date 12/20/2024
Contract Services	Milestone	Due Date 12/31/2024
Initiate Full Security Risk Assessment	Milestone	Due Date 12/31/2024

Quarter 2 - 1/1/25 to 3/31/25

Goal Name	Goal Type	Goal Details
Develop Roadmap	Milestone	Due Date 03/31/2025
Cybersecurity Committee Meets	Milestone	Due Date 03/31/2025

Quarter 3 - 4/1/25 to 6/30/25

Goal Name	Goal Type	Goal Details
Policy Formulation and Risk Mitigation Planning	Milestone	Due Date 06/27/2025

Quarter 4 - 7/1/25 to 9/30/25

Goal Name	Goal Type	Goal Details
IT Procedure Documentation, Post-project Goal Prioritization, Policy Implementation, and Review	Milestone	Due Date 09/30/2025

Quarter 5 - 10/1/25 to 12/31/25

Goal Name	Goal Type	Goal Details
Post-project Assessments, Project Closeout	Milestone	Due Date 12/31/2025

Proposed Performance Narrative

Quarter 1 - 10/1/24 to 12/31/24

Please provide goals or milestones to account for anticipated project activities being accomplished during the first quarter.

Recruit Cybersecurity Committee Members

Put together a cybersecurity committee from city leadership, external security partners, contractor, and IT staff.

Contract Services

Follow procurement guidelines to secure contract services.

Initiate Full Security Risk Assessment

Initiate security risk assessment process, including pre-project internal and external pen testing.

Quarter 2 - 1/1/25 to 3/31/25

Please provide goals or milestones to account for anticipated project activities being accomplished during the second quarter.

Develop Roadmap

Develop a security roadmap to determine how to address identified risks, determine who will own the execution of those decisions, and when to act.

Cybersecurity Committee Meets

Cybersecurity committee meets to review assessment results and review roadmap proposed by contractor.

Quarter 3 - 4/1/25 to 6/30/25

Please provide goals or milestones to account for anticipated project activities being accomplished during the third quarter.

Policy Formulation and Risk Mitigation Planning

Work on policy recommendations and adoption. Implement risk mitigation based on roadmap. Update City Council on risk assessment results, developing policies, and additional steps being taken to address identified risks.

Quarter 4 - 7/1/25 to 9/30/25

Please provide goals or milestones to account for anticipated project activities being accomplished during the fourth quarter.

IT Procedure Documentation, Post-project Goal Prioritization, Policy Implementation, and Review

Document enhanced IT security procedures and roadmap. Create multi-year budget projections for hardware, software, and services related to the risks identified by this project and priorities assigned in the roadmap.

Quarter 5 - 10/1/25 to 12/31/25

Please provide goals or milestones to account for anticipated project activities being accomplished during the fifth quarter.

Post-project Assessments, Project Closeout

Conduct internal and external pen tests to evaluate post-project system vulnerability improvements. Perform project closeout activities.

FFY 2024 State Homeland Security Grant Program Guidance

Guidance Released: January 3, 2024

MONTANA DISASTER AND EMERGENCY SERVICES

1956 Mt. Majo Street
PO Box 4789
Fort Harrison, MT 59636

Application Due Date: 11:59 pm Friday, March 15, 2024

STATE HOMELAND SECURITY GRANT PROGRAM
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State Homeland Security Program (SHSP) Grant

Funding for this program is provided to Montana Disaster and Emergency Services (MT DES). MT DES is the State Administrative Authority for this program. Funding is provided by the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD).

Catalog of Federal Domestic Assistance (CFDA) Number: 97.067
CFDA Title: Homeland Security Grant Program (HSGP)

Applications will only be accepted on-line through the AmpliFund system.
https://mt.amplifund.com/account/Login.aspx

If you have not been in AmpliFund prior to this, you will need to choose "register" on the login page. If you have logged into AmpliFund in the past, you may log in and start your application.

KEY DATES:

- **Open no later than Wednesday, January 3rd, 2024**
- **Closes on Friday, March 15th, 2024 at 11:59 PM MDT**
- **Projected period of performance (POP) is 1 October 2024 – 30 September 2025. Extensions to the period of performance may be granted with justification.**

NOTE: Changes to FFY24 Notice of Funding Opportunity guidance may result in modifications to this document.

1.0 Overview

The purpose of the Federal Fiscal Year (FFY) 2024 State Homeland Security Program (SHSP) is to support state and local efforts to prevent terrorism and to prepare Montana for the threats and hazards that pose the greatest risk to its security. The SHSP grant provides funding to implement investments that build, sustain, and deliver FEMA's 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Building, sustaining, and delivering core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community, inclusive of children, individuals with disabilities, individuals with access and functional needs, diverse communities, and people with limited English proficiency. The Homeland Security Grant Program (HSGP) supports the core capabilities across the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery based on allowable costs. The HSGP supports the Quadrennial Homeland Security Review Mission to Strengthen National Preparedness and Resilience.

SHSP funds a range of activities, including planning, organization, equipment purchase, training, exercises, and management and administration across all core capabilities and mission areas. Eighty percent (80%) of SHSP funds must be passed through to local or tribal units of government. At least thirty percent (35%) of the overall SHSP funds received must be dedicated towards law enforcement

terrorism prevention activities (LETPA). Thirty percent (30%) of SHSP funds must be used for National Priorities as described in the Notice of Funding Opportunity (NOFO).

The Department of Homeland Security has not yet released the FFY 2024 HSGP Notice of Funding Opportunity (NOFO). When it becomes available, it can be found at: https://des.mt.gov/Grant-Programs/State-Homeland-Security-Grants.

The funding amount Montana will receive under the SHSP in FFY 2024 has not yet been released. It will be released with the FFY 2024 NOFO. The FFY 2023 funding amount was $4,847,500.00 and we anticipate FFY 2024 to be close to the same.

2.0 Purpose

The SHSP assists state, tribal, and local preparedness activities that address high-priority preparedness gaps across all core capabilities where a nexus to terrorism exists. All supported investments are based on capability targets and gaps identified during the Threat and Hazard Identification and Risk Assessment (THIRA) process and assessed in the Stakeholder Preparedness Review (SPR).

The program is based on risk-driven, capabilities based strategic plans that outline high-priority needs relating to terrorism preparedness. Many capabilities which support preparing for terrorism simultaneously support preparedness of other hazards. To ensure these plans are effective, government officials and elected leaders, work with the whole community to consider how to sustain current capability levels, while also addressing gaps.

3.0 Priorities

MT DES anticipates receiving more applications for projects than the SHSP grant will be able to support. The Montana Homeland Security Advisor (HSA) has provided funding priorities for state projects. See Attachment A, Homeland Security Advisor Funding Priorities, for additional details. The Senior Advisory Committee (SAC), in consultation with the HSA, has set funding priorities for local projects that have a statewide or significant regional impact. See Attachment B, SAC Funding Priorities, for additional details. MT DES anticipates FEMA's National Priority Areas to remain the same as identified under FY 2023 SHSP. See Attachment C, National Priorities, for additional details.

NATIONAL PRIORITY AREAS
Enhancing the protection of soft targets/crowded places
Enhancing information and intelligence sharing and analysis
Combating domestic violent extremism
Enhancing cybersecurity
Enhancing community preparedness and resilience
Enhancing election security

SHSP Grant Applicants are encouraged to develop projects that address National, State, and local priority Capabilities. High priority capabilities are identified through a jurisdiction Stakeholder Preparedness Report (SPR).

NOTE: Applicants are not guaranteed to receive funding even if the project falls within a local or national priority capability.

MT DES collaborates with the SAC to develop guidance, funding targets, application evaluation criteria, and methodology for reviewing SHSP Grant applications. The SAC ensures projects meet the intent of the State Homeland Security Program.

Federal program guidance requires at least thirty-five percent (35%) of the SHSP funds be dedicated to law enforcement terrorism prevention activities. MT DES staff will advise the Senior Advisory Committee (SAC) if the total approved projects do not meet the 35% threshold.

The National Prevention Framework describes LETPA activities as those that should be executed upon discovery of intelligence or information regarding an imminent threat to the homeland, in order to prevent an initial or follow-on terrorist attack and provides guidance to ensure the Nation is prepared to prevent, avoid, or stop a threatened or actual act of terrorism. Activities outlined in the National Prevention Framework are eligible for use as LETPA funds. Additionally, projects whose capabilities are shared with the protection mission area are also eligible for LETPA use. Other terrorism prevention activities proposed for funding under LETPA must be approved by the FEMA Administrator.

The SAC will prioritize local projects and provide a recommendation for funding to the Homeland Security Advisor for approval. Criteria for initially rating projects is included in Attachment E, *Application Evaluation Criteria*. MT DES will pre-screen applications to ensure projects are eligible and applications are complete. **The Senior Advisory Committee reserves the right to prioritize projects with the most benefit to meet the intent of the State Homeland Security Grant Program in reducing vulnerabilities or increasing capabilities across Montana**. The SAC may recommend partial funding for some projects if deemed appropriate. As an example, if a project application is requesting $50,000 and there is only $35,000 remaining in SHSP funds to allocate, the SAC may offer to award the remaining $35,000 instead of the full amount applied for. If reverted funds become available, projects that are partially funded may be prioritized for funding.

Projects for items considered standard equipment (handheld radios, ballistic vest, other eligible PPE, etc.) will be evaluated but not given as high a priority.

4.0 Eligibility Requirements for Applicants

4.1 Eligible Applicants

Eligible applicants (sub-recipients) are local units of government within Montana (county, city, town, special district, agency of a local government), state agencies, and federally recognized tribal governments within Montana. Nonprofits who provide services to a local government agency may submit an application, but still need their projects to be endorsed by the local jurisdiction. A local jurisdiction may act as a host on behalf of an entity, including non-profits and associations, to address critical needs.

Jurisdictions may submit up to a maximum of three (3) ranked project applications from the entities in the eligible applicants listed above. This is in addition to applications submitted as Regional or

Statewide projects as listed in Attachment B. Hosting an approved regional project will not restrict a Jurisdiction from submitting additional project for their jurisdiction. Additionally, projects that fall within the national priority of *Combating Domestic Violence Extremism* will not count against the 3 ranked projects application maximum. Applications are for a single project and all costs in the project application must be in support of the overall objective and outcome of the project. Applications that contain multiple projects may be returned for corrections or disqualified for evaluation.

Projects shall be ranked by their respective Local Emergency Planning Committee (LEPC) or Tribal Emergency Response Commission (TERC). Projects without a LEPC ranking will not be initially evaluated or considered for funding. See Attachment G, *Project Ranking Form for LEPCs/TERCs*. This form is to be signed by the Chairperson of the LEPC or TERC.

4.2 National Incident Management System (NIMS)

Prior to allocation of any Federal preparedness awards in FFY 2024, sub-recipients must ensure and maintain adoption and implementation of NIMS. NIMS uses a systematic approach to integrate the best existing processes and methods into a unified national framework for incident management. Incident management refers to how incidents are managed across all homeland security activities, including prevention, protection, response, mitigation, and recovery. Additional information can be referenced in attachment I.

4.3 Emergency Management Assistance Compact (EMAC)

In support of the National Preparedness Goal, the State of Montana is a member of EMAC. Assets supported in part or entirely with HSGP funding must be readily deployable to support emergency or disaster operations per existing EMAC agreements. In addition, funding may be used for the sustainment of core capabilities that, while they may not be physically deployable, support national response capabilities such as interoperable communications systems, capabilities as defined under the mitigation mission area of the National Preparedness Goal, and identified fusion centers.

4.4 Cost Share or Match

Cost share or match is not required for the FFY 2024 SHSP.

5.0 Project Categories and Activities

Federal funds made available through this award may only be used for the purpose set forth in this award and must be consistent with statutory authority for the award. Award funds may not be used for matching funds for any other Federal award, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the Federal Government or any other government entity.

Sub-recipients must comply with all the requirements in 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

Costs charged to SHSP must be consistent with the Cost Principles for Federal Awards, 2 C.F.R Part 200, Subpart E.

Applicants are encouraged to provide project and budget details related to Planning, Organization (including travel and personnel), Equipment, Training, Exercise, Construction and Renovation, and Management and Administration (M&A) activities. This list is not all-inclusive.

5.1 Planning

SHSP funds may be used for a range of emergency preparedness and management planning activities such as those associated with the update of the THIRA, SPR, continuity of operations plans and other planning activities that support the goal and placing an emphasis on updating and maintaining a current EOP that conforms to the guidelines outlined in CPG 101 v2.0.

Planning should include participation from all stakeholders in the community who are able to contribute critical perspectives and may have a role in executing the plan. Planning should be flexible enough to address incidents of varying types and magnitudes. Jurisdictions should focus planning efforts to enhance and expand capabilities through partnerships. All jurisdictions are encouraged to work through Citizen Corps Councils, nongovernmental entities, and the general public in planning activities.

Entities receiving SHSP funds to create a plan (EOP, annex, SOP, etc.) must validate the plan through no less than a table top-level exercise. The exercise must be facilitated and documented using the HSEEP process, and the After-Action Report and Improvement Plan submitted to MT DES.

5.2 Organization – Personnel

Personnel hiring, overtime, and backfill expenses are permitted under this grant in order to perform allowable SHSP planning, training, exercise, and equipment activities. SHSP funds may not be used to support the hiring of any personnel for the purpose of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities. Personnel may include but is not limited to: training and exercise coordinators, program managers for activities directly associated with SHSP funded activities, intelligence analysts, and statewide interoperability coordinators.

5.3 Organizational – Travel

Domestic travel costs are allowed under this program. International travel is not an allowable cost under this program unless approved in advance by DHS/FEMA.

5.4 Equipment

The allowable equipment categories and equipment standards for SHSP are listed on the DHS Authorized Equipment List (AEL). Additional information can be referenced in attachment I.

Unless otherwise stated, equipment must meet all mandatory regulatory and/or DHS/FEMA-adopted standards to be eligible for purchase using these funds. In addition, agencies will be responsible for, at their own expense, obtaining and maintaining all necessary certifications and licenses for the requested equipment. When completing the Budget portion of the application, installation and construction costs shall go under the construction and renovation budget line. Only the cost of equipment should be included in the equipment line.

The use of FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable under all active and future grant awards, unless otherwise noted. Federal guidance (FEMA Policy 205-402-125-1) also provides guidance on the support of equipment previously purchased with both federal grant and non-federal grant funding. While these activities may be submitted, they are not a priority for the state. General maintenance and repairs are not allowable.

5.5 Communications Equipment

SHSP funds to support emergency communications activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. Please see the web link in Attachment I with more information.

Subrecipients must ensure all telecommunication, video surveillance equipment or services obtained with homeland security funds are not China made or China affiliated. Reference FEMA policy #405-143-1 https://www.fema.gov/sites/default/files/documents/fema_policy-405-143-1-prohibition-covered-services-equipment-gpd.pdf. To search for ineligible equipment or service providers, subrecipients should search SAM.gov for proposed vendors.

5.6 Controlled Equipment

Grant funds may be used for the purchase of Controlled Equipment, however, because of the nature of the equipment and the potential impact on the community there are additional and specific requirements to acquire this equipment. Refer to IB 407 *Use of Grant Funds for Controlled Equipment* https://www.fema.gov/sites/default/files/2020-08/ib_407_controlled_equipment_03092016.pdf. Please contact your grant coordinator for more information.

5.7 Training

Allowable training-related costs under SHSP include the establishment, support, conduct, and attendance of training specifically identified under the SHSP programs and/or in conjunction with emergency preparedness training by other Federal agencies. Training conducted using SHSP funds should address a performance gap identified through the Montana Stakeholder Preparedness Review, Integrated Preparedness Plan (IPP) or other assessments and contribute to building a capability that will be evaluated through a formal exercise.

DHS/FEMA sponsored training programs or courses developed for and delivered by the Center for Domestic Preparedness (CDP), the Emergency Management Institute (EMI), and the National Training and Education Division's (NTED) training partner programs including the Continuing Training Grants, the National Domestic Preparedness Consortium (NDPC), and the Rural Domestic Preparedness Consortium (RDPC) that are within the scope of the HSGP are generally eligible.

Attendance at non-DHS/FEMA training is allowable if the training is approved by MT DES and falls within the FEMA mission scope and the jurisdiction's Emergency Operation Plan (EOP). FEMA will conduct periodic reviews of all state, local, territory, tribal entities, and high-risk urban area training funded by FEMA. These reviews may include requests for all course materials and physical observation of, or

participation in, the funded training. If these reviews determine that courses are outside the scope of this guidance, sub-recipients will be asked to repay grant funds expended in support of those efforts.

5.8 Exercise

Exercises conducted with grant funding should be managed and conducted consistent with the Homeland Security Exercise and Evaluation Program (HSEEP). There is a web link in Attachment I with more information to HSEEP guidance for exercise design, development, conduct, evaluation, and improvement planning.

SHSP scope of exercise scenarios should consider the jurisdiction's gap analysis, exercise or event After Action Reports, and plans. Acceptable scenarios for SHSP exercises include cyber, natural, or technological disasters, mass care, health and social services, and public information and warning. Exercise scenarios used in SHSP funded exercises must focus on validating existing capabilities, be large enough in scope and size to exercise multiple activities, and warrant involvement from multiple disciplines and non-governmental organizations.

County, Tribal, and/or city emergency management organizations are required to develop an IPP that identifies training and exercise priorities and activities. The Multi-year IPP is submitted to MT DES through a separate program.

Sub-recipients are required to submit an After-Action Report/Improvement Plan (AAR/IP) for each SHSP-funded exercise. AAR/IPs should be submitted to MT DES, through the quarterly Status Report, no more than 90 days after completion of the exercise. Sub-recipients are reminded of the importance of implementing corrective actions. Sub-recipients are required to use the HSEEP AAR/IP template that can be found at https://des.mt.gov/Preparedness/Training_Exercise/AAR-Oct-2018---Participant-Form.docx. The AAR/IP must be submitted prior to requesting reimbursement.

5.9 Construction and Renovation

Construction and Renovation costs to achieve capability targets related to preventing, preparing for, protecting against, or responding to acts of terrorism are allowed under SHSP. For construction costs to be allowed, they must be specifically approved by DHS/FEMA in writing prior to the use of any program funds for construction or renovation. Installation and construction costs associated with equipment shall go under the construction and renovation budget line. Recipients using funds for construction projects must comply with the *Davis-Bacon Act* (40 U.S.C. § 3141 *et seq*.). Recipients must ensure that their contractors or subcontractors for construction projects pay workers no less than the prevailing wages for laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the state in which the work is to be performed.

All construction and renovation projects require EHP review. Recipients and subrecipients are encouraged to have completed as many steps as possible for a successful EHP review in support of their proposal for funding (e.g., coordination with their State Historic Preservation Office to identify potential historic preservation issues and to discuss the potential for project effects, compliance with all state and local EHP laws and requirements). Projects for which the recipient believes an Environmental Assessment (EA) may be needed, as defined in DHS Instruction Manual 023-01-001-01, Rev 01, FEMA

Directive 108-1, and FEMA Instruction 108-1-1, must also be identified to the FEMA HQ Preparedness Officer within six months of the award and completed EHP review materials must be submitted no later than 12 months before the end of the period of performance. EHP policy guidance and the EHP Screening Form, can be found online at: https://www.fema.gov/media-library/assets/documents/90195.

For relevant Construction and Renovation projects, The Build America, Buy America Act (BABAA) requires "*all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States*." For more information about this requirement, please see the interim policy at https://www.fema.gov/sites/default/files/documents/fema_build-america-buy-america-act-policy.pdf.

5.10 Management and Administration

Management and Administration (M&A) activities are those directly relating to the management and administration of SHSP funds, such as financial management and monitoring. Sub-recipients may use a maximum of up to 5% of funding for M&A purposes. SHSP funds used for M&A must have supporting documentation (i.e. timecards (salary), invoices/receipts (goods), and general ledgers). M&A must be coded separately on the general ledger so that it is clear as to how many hours were allocated toward M&A for the grant.

6.0 Unallowable Costs and Activities

6.1 Unallowable Costs

Per FEMA policy, the purchase of weapons and weapon accessories is not allowed with SHSP funds. Grant funds may not be used for the purchase of Prohibited Equipment. Refer to IB 407 *Use of Grant Funds for Controlled Equipment* https://www.fema.gov/sites/default/files/2020-08/ib_407_controlled_equipment_03092016.pdf **and** *Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety* https://www.whitehouse.gov/briefing-room/presidential-actions/2022/05/25/executive-order-on-advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and-public-safety/ for a completed and updated list of prohibited equipment.

Unauthorized exercise-related costs include:

- The maintenance and/or wear and tear costs of general use vehicles, medical supplies, and emergency response apparatus (e.g., fire trucks, ambulances)
- Equipment that is purchased for permanent installation and/or use, beyond the scope of the conclusion of the exercise (e.g., electronic messaging signs).
- Other Unauthorized costs include, but are **not limited to**, the following:
    - General-purpose vehicles (patrol cars, executive transportation, fire apparatus)
    - General maintenance and repairs
    - Parking tickets or other traffic tickets
    - Hiring of sworn public safety officers or to supplant public safety positions and responsibilities
    - Sole source contracts and procurements not pre-approved by MT DES
    - Stand-alone working meals
    - Alcoholic beverages

- Supplanting any expense already budgeted
- Entertainment
- Laundry
- Late payment fees
- Pre-award costs

Activities unrelated to the completion and implementation of the State Homeland Security Program.

6.2 Supplanting

Grant funds must supplement, not supplant, replace or offset state or local funds that have been appropriated for the same purpose. Applications for projects that fall under an enterprise fund or non-tax revenue source may be required to provide additional information on the project.

If supplanting is determined, sub-recipients will be required to repay grant funds expended in support of those efforts.

6.3 Telecommunication, Video Surveillance Equipment and Services

Subrecipients may not use any FEMA funds to procure or obtain China made or China affiliated telecommunication, video surveillance equipment or services. Reference FEMA policy #405-143-1 https://www.fema.gov/sites/default/files/documents/fema_policy-405-143-1-prohibition-covered-services-equipment-gpd.pdf

Please reference the System for Award Management (SAM) for a consolidated exclusion list of subsidiaries of telecommunication companies https://sam.gov/SAM/. Please contact your grant coordinator to determine if equipment or services is eligible under this program.

7.0 Procurement

All FEMA awards are subject to the federal procurement standards under the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* found at 2 C.F.R. § 200.317-200.327. Applicants selected for funding does not constitute award. Any costs incurred or obligated prior to the execution of an award are not allowed.

For a FEMA award recipient or subrecipient to determine which federal procurement rules to follow, it must first determine if it is a state entity or a non-state entity. Please refer to Attachment I for the FEMA Fact Sheet with details on how to make this determination.

When purchasing under a FEMA award, a **state entity** must follow its own procurement policies and procedures pursuant to 2 C.F.R. § 200.317 as well as all other applicable state and federal laws, executive orders, and implementing regulations. Additional rules that impact state procurements are detailed in Attachment I.

When purchasing under a FEMA award, a **non-state entity** must have and use documented procurement procedures, consistent with state, local, and Tribal laws and regulations and conforming to appliable federal law and the procurement standards identified in 2 C.F.R. § 200.317-200.327. For **a non-state entity**, where a difference exists between a federal procurement standard and a state, local, and/or

Tribal procurement standard or regulation, the **non-state entity** must apply the most restrictive standard.

MT DES may request a copy of an entity's own documented procurement procedures which reflect applicable state and local laws and regulations. Procurement procedures must conform to applicable Federal law and the standards identified in 2 C.F.R. § 200.318

For more information on federal procurement see 2 C.F.R. § 200.320.

For more information on MT Procurement laws, rules, policies, and executive orders please visit State Procurement Bureau.

8.0 Application and Submission Information

8.1 Key Dates and Times

Application Period Opens: Application will be available no later than January 3, 2024, on AmpliFund

Application submission deadline: March 15, 2024, at 11:59 PM MDT

8.2 Application Information

Applicants are asked to provide letters of support for their projects from other LEPC/TERC or any other entity that demonstrates whole-community support. To receive recognition as a multi-County/Tribe or regional project, letters of support from County LEPC or TERC must be provided in the application. Letters of support from other entities do not indicate a multi-County/Tribe or regional project. Support letters must state how the project will impact and benefit the community. Attachment D provides guidance for Letters of Support. SHSP is a competitive grant with limited funding, not all projects will be awarded.

Applicants are responsible for planning far enough in advance to complete their application prior to the established deadline. The application deadline is set and will not be extended due to the competitive nature of the grant. If technical difficulties occur, it is the responsibility of the applicant to inform one of the MT DES Grant Coordinators immediately to work on a resolution.

When completing the application, the applicant should consider what the current market price is and then take into consideration any anticipated inflation that may occur between application submittal and the project start date. When estimating real time project costs at the time of application, consider adding 5 – 10% more to the total cost on the application.

The application will consist of the following sections that must be completed:

- Opportunity Details
- Project Information
- Application Forms
- Budget
- Project Performance Plan/Milestone

Applications are for a single project and all the pieces of the project must be integral towards achieving one precise objective/outcome. Applications that combine projects into a single application will be moved to the bottom of the competitive pool or may be disqualified.

Examples of a single project are:

- Purchasing cots, blankets, and storage carts for mass care shelters
- Purchase and installation of a backup generator, including the switches and purchase and installation of a fuel tank
- Purchase and installation of video surveillance cameras on critical infrastructure
- Purchase and installation of a complete (multiple components) Public Alerting System

Examples of combined projects and may be disqualified are:

- Request for multiple generators at different locations
- Request for public alert system and cybersecurity software
- Request for video surveillance cameras and personnel protective gear

8.3 Unique Entity Identifier (UEI)

The federal government now requires the Unique Entity Identifier (UEI) numbers that are created in SAM.gov. This number is required to apply for SHSP. Jurisdictions that do not have a UEI may request one through SAM.gov.

8.4 Applicant Agent or Authorized Representative

The applicant agent or authorized representative is the individual who is able or given authority to make legally binding commitments for the applicant organization.

8.5 Electronic Signature

Applications submitted through AmpliFund constitute a submission as electronically signed applications. When submitting the application, the name of the applicant's authorized representative will be typed into the certification block.

8.6 Application Review and Recommendation

FY2024 SHSP applications will be evaluated by MT DES staff through a review process to determine the application completeness and eligibility based on adherence to state and federal program guidance. The project applications will be reviewed for project relevance to the core capability, feasibility, sustainability, and impact to reducing vulnerability or increasing capability. Applications that meet all the elements are not guaranteed funding.

Eligible projects will be reviewed and prioritized by the Senior Advisory Committee (SAC) for final recommendation to the HSA for funding allocations. The SAC will assess the reasonableness and cost effectiveness of the total request. Prioritization and rankings are used as recommendations but do not constitute an approval for funding. The following are examples, but not all inclusive, of factors that may affect project ranking:

- Duplicated resource
- Costs of project
- Geographic distribution

The SAC Chair may request additional clarifying information from applicants during the review and recommendation process.

See Attachment E for a sample scoring matrix.

9.0 Award Administration Information

9.1 Award Administration

Notification of award approval is made through the sub-recipient's authorized representative in the application.

Awards will be made to the sub-recipients no later than 45 days following the state's acceptance of the Federal award. Sub-recipients who wish to decline the award must provide a written notice of intent to decline.

The Principal Elected Official with the legal authority to enter into an agreement and the Authorized Representative working on the project will be required to sign the Award Obligation Letter and email it back to their respective grant coordinator prior to any funds being reimbursed on the project.

9.2 Environmental and Historic Preservation Compliance

All projects which may have a potential impact to the environment require a FEMA EHP review. Ground-disturbing activities, new construction, including communication towers, or modification/renovation of existing buildings or structures must undergo a FEMA EHP review. Projects requesting to purchase sonar equipment will also need to undergo a FEMA EHP review. Projects that require an EHP review, must have an approval from DHS/FEMA prior to any work being started or funds being expended. To initiate EHP review of your project(s), you must complete all relevant sections of FEMA's EHP form and submit it to MT DES along with all other pertinent project information within 90 days of the period of performance start date. Failure to provide requisite information could result in delays in the release of grant funds. MT DES will work with Grant Programs Directorate for EHP approval. Modifications or change of scope to a project with an approved EHP will require an amendment of the original EHP. The amendment must be approved by FEMA prior to any modified work being performed. Work done outside the approved EHP will not be eligible for reimbursement and jeopardizes the entire project funding. Sub-recipients must ensure the EHP is adhered to.

9.3 Nationwide Cybersecurity Review

All awarded sub-recipients will be required to complete the Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each sub-recipient should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2-4 hours to complete. The NCSR is expected to be open from October – January. Additional information will be provided in the award documents.

9.4 Build America, Buy America Act (BABAA)

All awarded sub-recipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. This requires that any funds used for a project for infrastructure utilizing iron and steel, manufactured products, and construction materials should be produced in the United States. This

preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project.

As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does it apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

For more information or to see if a project is considered an infrastructure program, please see: Programs and Definitions: Build America, Buy America Act | FEMA.gov

Or contact a MT DES Grant Coordinator.

10.0 Reporting

10.1 Quarterly Progress Reports

Sub-recipients are responsible for providing quarterly performance reports using the Performance Progress Report form in AmpliFund detailing milestones and work accomplished during the reporting period. Progress reports must be completed and approved to request reimbursement.

The following reporting periods and due dates apply for the progress reports:

Reporting Period	Report Due Date
October 1 – December 31, 2024	January 10, 2025
January 1 – March 31, 2025	April 10, 2025
April 1 – June 30, 2025	July 10, 2025
July 1 – September 30, 2025	October 10, 2025

Additional reporting periods and due dates will apply for sub-recipients that are approved for an extension beyond September 30, 2025.

10.2 Financial Reporting (Payment Requests)

Sub-recipients must submit at least one payment request upon completion of the project to receive grant funds. However, quarterly payment requests as the project progresses are preferred. The payment request must be done through AmpliFund. All payment requests must include supporting documentation to substantiate claimed expenses. Supporting Documentation must include:

- Proof of payment (i.e., general ledger or warrant check)
- Invoices
- Receipts

Reimbursements are made only for expenditures made during the grant period of performance. Any requests for reimbursements for Salary, Benefits, and corresponding mileage must be submitted together in one claim. Reimbursements requests will be rejected if any quarterly progress reports are outstanding. Projects with outstanding quarterly progress reports may be subject to termination of project funding.

10.3 Accruals

Sub-recipients with an open grant will be required to submit an accrual form prior to the end of the State Fiscal Year (SFY) to account for any expenditures or valid obligations that have occurred in the SFY and not been reimbursed prior to June 30. Sub-recipients that do not submit an accrual form and supporting documentation and then request reimbursement for goods or services from the prior SFY are at risk of non-payment due to lack of accrual funds.

11.0 Scope of Work, Budget Modifications, and Extensions

Any changes to the scope of work will be submitted via a paper request form. Any changes to the budget or period of performance extensions may be made by filling out an amendment request in the AmpliFund system. Scope of work changes may be required to obtain approval by the Senior Advisory Committee (SAC) if the scope is outside the approved application. Subrecipients will need to contact their grant coordinator if any changes are being requested.

12.0 Monitoring/Technical Assistance

12.1 Monitoring

Sub-recipients will be monitored by MT DES staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

12.2 Technical Assistance

Technical Assistance will be accomplished through desk-based reviews of financial reimbursement requests and project status reports. In addition, on-site technical assistance visits will be performed according to MT DES schedules, as requested, or as needed. Technical Assistance will involve the review of the financial, programmatic, performance, compliance, administrative processes, policies, activities, and other attributes of each Federal assistance award and will identify areas where further assistance, corrective actions or other support may be needed.

13.0 Project Closeout and De-Obligated Funds

13.1 Closeout

Closeout of State Homeland Security Grant projects will be administered by MT DES upon determination of grant completion in accordance with 2 C.F.R. § 200.344 and upon receipt of a signed sub-recipient letter requesting closeout. MT DES will complete a project and file review prior to closing out a project and provide the subrecipient with a closeout confirmation letter for the grant files.

13.2 De-obligated Funds

Projects that are completed under budget will have funds de-obligated during the grant closeout process and will no longer be available to the sub-recipient. De-obligated funds will be utilized during the grant period of performance to fund additional projects. The Senior Advisory Committee (SAC) will make recommendations for re-awarding grant funds to eligible and approved projects. The committee reserves the right to conduct an interim application process for de-obligated funds.

14.0 MT DES Contact Information

MT DES will provide programmatic support and technical assistance for the SHSP Grant.

Preparedness Grant Coordinator
Sarah Harmon
SarahHarmon@mt.gov

Preparedness Grant Coordinator
Pamela Fruh
Pam.Fruh@mt.gov

Preparedness Program Manager
Amanda Avard
Amanda.Avard@mt.gov

ATTACHMENT A

Montana State Homeland Security Program
Homeland Security Advisor Funding Priorities

The State of Montana has developed capabilities critical to the prevention, protection, response, recovery, and mitigation related to acts of terrorism and other terrorism related catastrophic events.

The State Homeland Security Advisor will determine priorities for the FY24 State Homeland Security Program (SHSP) Grant. State DES will work with state agencies directly for the HSA priority projects.

Priority	Project	Estimated Funding
1	MT DES M&A – 5% of State Award	TBD
2	DOJ MATIC – Fusion Center	$420,000
3	DOJ CDVE - Analyst and Software	$160,000
4	DOC MATIC - Analyst	$100,000
5	MT DES Community Preparedness and Resiliency	$38,000

State-Level Projects

No more than Twenty (20%) percent of the total SHSP funds will be allocated to state-level projects including the State Management and Administration costs. Remaining and reverted funds will be available for other state or local projects.

ATTACHMENT B

Montana State Homeland Security Program
Senior Advisory Committee Funding Priorities

The State of Montana has developed capabilities critical to the prevention, protection, response, recovery, and mitigation related to acts of terrorism. The following priorities help sustain these capabilities while reducing identified gaps and vulnerabilities across the state.

In consultation with the State Homeland Security Advisor, the Senior Advisory Committee (SAC) has approved the following projects for FY24 State Homeland Security Program (SHSP) Grant. Projects will be funded in the priority order listed.

Local Projects with a Statewide or Regional Impact

Eighty percent of the total SHSP funds overall will be allocated to local projects. Projects listed below are hosted at the local level, however they have either a statewide or regional impact.

Priority	Project	Funding
1	MATIC Information Liaison Officer (Helena PD)	$125,000.00
2	Regional EOD teams	$300,000.00
3	MACO	$160,000.00
4	Montana Law Enforcement Mutual Aid Coordinator	$125,000.00
5	Incident Management Development	$75,000.00
6	Incident Management – Situation Analyst Montana	$75,000.00
	Total	**$860,000.00**

Attachment C

National Priorities - Notice of Funding Opportunity (NOFO)

Until the release of the FY 2024 Notice of Funding opportunity (NOFO) MT DES is not certain what FEMA's national priorities will be. MT DES anticipates the national priorities will remain the same as outlined in the FY 2023 state guidance.

The overall amount required for all 6 national priority areas remained the same at 30% of total funding. Projects that fall within the national priority areas will be competitive within each priority area listed below. Projects are not guaranteed to be included in the state application for funding, even if they fall within the national priorities. LEPC/TERC ranking is required for all projects submitted except for state agencies and regional projects identified as a Senior Advisory Committee priority.

Projects that fall under the Combating Domestic Violence Extremism priority will not count against the 3 ranked project application maximum.

NATIONAL PRIORITY AREA
Enhancing the protection of soft targets/crowded places – 3%
Enhancing information and intelligence sharing and analysis – 3%
Combating domestic violent extremism – 3%
Enhancing cybersecurity – 0%
Enhancing community preparedness and resilience – 3%
Enhancing election security – 3%

Applicants whose project is selected for inclusion in the state application, as a national priority, will go through a national effectiveness review. Additional information may be required prior to final award.

1) Enhancing the protection of soft targets/crowded places

Soft targets and crowded places are increasingly appealing to terrorists and other extremists because of their relative accessibility and the large number of potential targets. This challenge is complicated by the prevalent use of simple tactics and less sophisticated attacks. Segments of our society are inherently open to the public, and by nature of their purpose do not incorporate strict security measures. Given the increased emphasis by terrorists and other extremists to leverage less sophisticated methods to inflict harm in public areas, it is vital that the public and private sectors collaborate to enhance security of locations such as transportation centers, parks, special event venues, and similar facilities.

Examples (not all inclusive):

- Physical security enhancements – **Priority may be given for schools and election security enhancements --** buildings should have a vulnerability assessment
    - Security cameras (CCTV, mobile and stationary)
    - Security screening equipment for people and baggage
    - Lighting
    - Access controls
    - Fencing, gates, barriers, etc.

2) Enhancing information and intelligence sharing and analysis

Cooperation and information sharing among state, federal, and local partners across all areas of the homeland security enterprise, including counterterrorism including both international and domestic terrorism, cybersecurity, border security, transnational organized crime, immigration enforcement, economic security, and other areas is critical to homeland security operations and the prevention of, preparation for, protection against, and responding to acts of terrorism, and other threats to life and criminal acts of targeted violence.

Examples (not all inclusive):

- Fusion center operations
- Information sharing with all DHS components; fusion centers; other operational, investigative, and analytic entities; and other federal law enforcement and intelligence entities
- Cooperation with DHS officials and other entities designated by DHS in intelligence, threat recognition, assessment, analysis, and mitigation
- Identification, assessment, and reporting of threats of violence
- Joint intelligence analysis training and planning with DHS officials and other entities designated by DHS

3) Combating domestic violent extremism

Domestic violent extremists include ideologically motivated offenders, present the most persistent and lethal terrorist threat to the Homeland. These violent extremists capitalize on social and political tensions, which have resulted in an elevated threat environment. They utilize social media platforms and other technologies to spread violent extremist ideologies that encourage violence and influence action within the United States. Recent domestic events have further created an environment that may lead to accelerated mobilization to targeted violence and/or radicalization to domestic terrorism, including driving lawful protests to incite violence, intimidate targets, and promote their violent extremist ideologies.

Examples (not all inclusive):

- Training and awareness programs (e.g., through social media, suspicious activity reporting [SAR] indicators and behaviors) to help prevent radicalization
- Training and awareness programs (e.g., through social media, SAR indicators and behaviors) to educate the public on misinformation campaigns and resources to help them identify and report potential instances of domestic violent extremism
- Anonymous tip line creations
- Creating policy and procedures for use of social media monitoring software

4) Enhancing cybersecurity

Cybersecurity projects must support the security and functioning of critical infrastructure and core capabilities as they relate to preventing, preparing for, protecting against, or responding to acts of terrorism.

Examples (not all inclusive):

- Cybersecurity risk assessments
- Cybersecurity training and planning
- Projects that address vulnerabilities identified in cybersecurity risk assessments:

- Improving cybersecurity of critical infrastructure to meet minimum levels identified by Cybersecurity and Infrastructure Security Agency (CISA)

5) Enhancing community preparedness and resilience

Communities are increasingly complex, and so are the challenges they face. Human-caused and natural disasters are more frequent and costly. Factors like climate change, globalization, and increased urbanization can bring disaster related risks to greater numbers of people. Addressing these threats calls for an approach that combines what we know about preparing for disasters with what we know about actions that strengthen communities every day. Community resilience focuses on enhancing the day-to-day health and wellbeing of communities to reduce the negative impacts of disasters.

Examples (not all inclusive):

- Community Emergency Response Team (CERT) programs to educate volunteers about disaster preparedness for the hazards in their area and train them in basic disaster response skills.
- Student Tools for Emergency Planning curriculum
- Community based continuity training
- Emergency Financial First Aid Kit training
- You are the Help Until Help Arrives workshops

6) Enhancing election security

Elections play a vital role in a free and fair society and are a cornerstone of American democracy. A secure and resilient electoral process is a vital national interest and a national priority for DHS. Working together with stakeholders to manage risk to election infrastructure, including the physical and cyber, is paramount in protecting against evolving threats.

Examples (not all inclusive):

- Physical security planning support and security measures
- Cybersecurity risk assessments for election equipment
- Migrating online services to the ".gov" internet domain

ATTACHMENT D

Montana State Homeland Security Program
FY24 Template Letter of Support

LEPC/TERC/ENTITY LETTERHEAD

Enter Date

Senior Advisory Committee
C/O MT DES
1956 Mt. Majo Street
Fort Harrison, MT 59636

Senior Advisory Committee Members:

[Your LEPC/TERC/Entity] is in support of [Agency/Organization Applying] application for the [Project name] under the FY 2024 State Homeland Security Program grant.

Describe the project and how this project will benefit your organization. Support letters must illustrate the level of impact and benefit this project will have on your organization should it be awarded.

_____

Typed Name
Title
LEPC/TERC/Entity Name

Attachment E - Application Evaluation Criteria

Local Emergency Planning Committee (LEPC) Support - 5 total points				
	5	**3**	**1**	**0**
LEPC Support and Prioritization	LEPC Ranked the project the top priority for the jurisdiction	LEPC Ranked the project as the second priority	LEPC Ranked the project as the third priority	**Projects without a LEPC ranking will not be initially evaluated or considered for funding**

Impact/Support from Other Entities Throughout the State - 15 total points				
	5	**3**	**1**	**0**
Level of Impact	Project benefit has a statewide impact. Resource, training, or equipment can be shared or utilized with entities throughout the state.	Project benefit has a broad impact. Resource, training, or equipment can be shared or utilized with multiple contiguous entities.	Project benefit has a limited impact. Resource, training, or equipment can be shared or utilized with one other entity.	Project only benefits the host entity.

	5	**4**	**3**	**2**	**1**	**0**
Level of Support	Letter of support stating project impact and benefits was provided by multiple LEPC/TERC.	Letter of support stating project impact and benefits was provided by one other LEPC/TERC.	Letter of support stating project impact and benefits was provided by multiple entities.	Letter of support stating project impact and benefits was provided by one other entity.	Letters of Support submitted but no significant support/benefit identified.	No letter of support from other Jurisdictions, entity or group provided

	5	4	3	2	0
Duplication of Shareable Resources	Project **will not** knowingly duplicate sharable resources, training, or equipment currently available from a contiguous **county or tribe.** Applicant provides strong justification.	Project **duplicates** sharable resources, training, or equipment currently available from a contiguous **county or tribe**. **However**, Applicant provides strong justification for duplication.	Project **will not** knowingly duplicate sharable resources, training, or equipment currently available; applicant provides adequate justification. Project **duplicates** sharable resources, training, or equipment currently available from a contiguous **county or tribe. However**, Applicant provides adequate justification for duplication.	Project **will not** knowingly duplicate sharable resources, training, or equipment currently available; applicant provides limited justification. Project **duplicates** sharable resources, training, or equipment currently available from a contiguous **county or tribe. However**, Applicant provides limited justification for duplication.	Applicant does not know if project resources, training, or equipment are available from contiguous entities.

History of Eligible Homeland Security Awards - 5 total points				
	5	**4**	**3**	**2**
History of Homeland Security Award	Applicant has never received a Homeland Security Grant, or previous award was more than 4 years ago.	Applicant received a Homeland Security Award within the last 3 years.	Applicant received a Homeland Security Award within the last 2 years.	Applicant received a Homeland Security Award last year.

Identified Funding Priorities - 5 total points			
	5	**3**	**0**
National/State SPR Priority	Project supports a national priority identified in the NOFO.	Project identified as a local high priority in the jurisdiction SPR	Project not identified as a priority at the national or local level.

Project Sustainment and Milestones - 10 total points					
	5	**4**	**3**	**2**	**0**
Sustainment Plan	Detailed maintenance, support and sustainment plan has been developed and is likely to be implemented without using future State Homeland Security Program grant funding	Sustainment Plan is not applicable to project	Maintenance, support and sustainment plan has been developed and is likely to be implemented but may require State Homeland Security Program grant funds	Maintenance, support and sustainment plan is limited. May require State Homeland Security Program grant funds.	Maintenance, support and sustainment plan is not addressed

	5	**3**	**1**	**0**
Milestones	Milestones are clearly described and account for all project activities, can be realistically achieved within the period of performance.	Milestones are clearly described and account for most of the project activities to be achieved within the period of performace.	Milestones are described and account for some of the project activities to be achieved within the period of performace.	Milestones are vague.

Core Capability Narrative & Project Description - 60 total points *The Senior Advisory Committee will assess the reasonableness and cost effectiveness of the total request. Refer to State Guidance*					
	Score 0 - 15 (Up to 3 points for each of the below areas)				
	0-3	**0-3**	**0-3**	**0-3**	**0-3**
Costs	Costs are **reasonable**, reflecting an accurate estimate for budget items.	Costs are **allowable** and necessary for the scope of project.	All costs to complete the project are included in the budget **and are correctly categorized**	Clear and concise description of budget items	Project is cost effective given the budget and project description

Vision and Objective	**Regular Project** **Score 0 - 45** **The following areas will be considered in this section. The tie to terrorism is more heavily weighted.**					
	0-10	**0-10**	**0-10**	**0-5**	**0-5**	**0-5**
	Applicant described how this project would prevent, protect, or reduce the impact to the community population from terrorism.	Applicant provides a detailed measurable project outcome	Applicantion illustrated clearly defined and quantified project benefits.	All aspects of the application are explained in a manner that is easily understood by persons outside of the applicants profession.	The objective of this project was clear and realistic.	Applicant clearly defines identified gap and is supported through provided documentation such as AAR, etc.
Vision and Objective	**Standard Equipment Project** **Score 0 - 8** **(SCBA, hand held radios, PPE, etc.)** **Projects falling within standard equipment are still eligible to recieve funding, but are considered a lower priority for funding** **The following areas will be considered in this section. The tie to terrorism is more heavily weighted.**					
	0-3	**0-1**	**0-1**	**0-1**	**0-1**	**0-1**
	Applicant described how this project would prevent, protect, or reduce the impact to the community population from terrorism.	Applicant provides a detailed measurable project outcome	Applicantion illustrated clearly defined and quantifying project benefits.	All aspects of the application are explained in a manner that is easily understood by persons outside of the applicants profession.	The objective of this project was clear and realistic.	Applicant clearly defines identified gap and is supported through provided documentation such as AAR, etc.

ATTACHMENT F

Montana State Homeland Security Program
Core Capability Definitions

1. **Planning** – Systematically engage the whole community, as appropriate, in the development of executable strategic, operational, and /or tactical-level approaches to meet defined objectives.

2. **Public Information & Warning** – Deliver coordinated, timely, reliable and actionable information to the whole community regarding any threat or hazard, actions being taken, and the assistance being made available. Distributed information must be clear, consistent, accessible, and culturally and linguistically appropriate.

3. **Operational Coordination** – Establish and maintain a unified and coordinated operational structure and process, integrating all critical stakeholders and supporting the execution of core capabilities.

4. **Forensics & Attribution** – Conduct forensic analysis and attribute acts to their source (including means and methods) in an effort to prevent initial or follow-on acts and/or develop counter-options.

5. **Intelligence & Information sharing** – Provide timely, accurate, and actionable information by gathering, analyzing, consolidating, and sharing raw data and information, from numerous sources, among Federal, State, Tribal, local and/or private sector entities, as appropriate.

6. **Interdiction & Disruption** – Delay, divert, intercept, halt, apprehend or secure threats and/or hazards. Activities include detection and investigation of potential terrorist activities.

7. **Screen, Search & Detection** – Discover, locate and identify threats and/or hazards through active and passive surveillance and search procedures. This may include the use of systematic examinations and assessments, bio surveillance, sensor technologies, or physical investigation and intelligence.

8. **Access Control & Identity Verification**- Apply and support necessary physical, technological, and cyber measures to control admittance to critical locations and systems, limiting access to authorized individuals carrying out legitimate activities.

9. **Cyber Security** – Protect against damage to, unauthorized use of, and/or exploitation of electronic communications systems and services and the information contained therein, while allowing information and systems to be restored, if needed.

10. **Physical Protective Measures** – Implement and maintain risk-informed countermeasures and policies protecting people, borders, structures, materials, produces and systems associated with key operational activities and critical infrastructure sectors in order to reduce or mitigate risks.

11. **Risk Management for Protection Programs & Activities** – Identify, assess and prioritize risks prior to an event to prioritize Protection activities and investments.

12. **Supply Chain Integrity & Security** – Strengthen the security and resilience of the supply chain, which includes food and agricultural production, food processing facilities, laboratory surveillance, transportation, retail points, public notification, and domestic and international confidence in the US food supply.

13. **Community Resilience** – Enable the recognition, understanding, communication of, and planning for risk, and empower individuals and communities to make informed risk management decisions necessary to adapt to, withstand and quickly recover from future events.

14. **Long-term Vulnerability Reduction** – Build and sustain resilient systems, communities, critical infrastructure and key resources to reduce vulnerability and lessen the likelihood, severity and duration of adverse consequences.

15. **Risk & Disaster Resilience Assessment** – Assess risk and disaster resilience so decision makers, responders, and community members can take informed action to reduce risk and increase resilience.

16. **Threats & Hazard Identification** – Identify threats and hazards that occur in the geographic area, determine the frequency and magnitude, and incorporate this information into analysis and planning processes in order to clearly understand the needs of a community or entity.

17. **Critical Transportation** – Provide transportation (including infrastructure access and accessible transportation services) for response priority objectives, including the evacuation of people and animals, and the delivery of vital response personnel, equipment and services.

18. **Environmental Response/Health & Safety** – Conduct appropriate measures to ensure the protection of the health and safety of the public and workers, as well as the environment, from all-hazards in support of responder operations and the affected communities. Provide protective guidance, training and resources to responders and affected communities. Minimize exposure to environmental public health hazards, i.e. contaminated food, air, water, waste, debris and hazardous waste. Manage the consequences of hazardous materials release, including conducting searches of suspected sources, testing and identifying substances, identifying isolation perimeters, decontamination procedures, and the notification of proper authorities.

19. **Fatality Management** Services – Provide services including decedent remains recovery and victim identification. Work with local, state, tribal and federal authorities to provide mortuary processes, temporary storage or permanent internment solutions, sharing information with mass care services for the purpose of reunifying family members and caregivers with missing persons/remains, and providing counseling to the bereaved.

20. **Fire Management and Suppression** – Provide structural, wildland, and specialized firefighting capabilities to manage and suppress fires of all types, kinds and complexities while protecting lives, property, and the environment in the affected area.

21. **Infrastructure Systems** – Stabilize critical infrastructure functions, minimize health and safety threats, and restore systems to support a viable, resilient community. Stabilization activities include damage and safety assessments, and the repair of infrastructure for oil, gas, electric, telecommunications, drinking water, wastewater, and transportations systems.

22. **Logistics and Supply Chain Management** – Deliver essential commodities, equipment, and services in support of impacted communities and survivors, to include emergency power and fuel support, as well as the coordination of access to community staples. Synchronize logistics capabilities and enable the restoration of impacted supply chains.

23. **Mass Care Services** – Provide life-sustaining services, focusing on hydration, feeding, sheltering, temporary housing, evacuee support, reunification, and distribution of emergency supplies.

24. **Mass Search & Rescue Operations** – Deliver traditional and atypical search and rescue capabilities, including personnel, services, animals, and assets to survivors in needs, with the goal of saving the greatest number of endangered lives in the shortest time possible.

25. **On-scene Security, Protection & Law Enforcement** – Ensure a safe and secure environment through law enforcement and related security and protection operations for people and communities located within affected areas and also for response personnel engaged in lifesaving and life sustaining operations.

26. **Operational Communications** – Ensure timely communications in support of security, situational awareness, and operations among and between affected communities and all response forces.

27. **Public Health, Healthcare & Emergency Medical Services** – Provide lifesaving medical treatment via Emergency Medical Services and related operations and avoid additional disease and injury by providing targeted public health, medical, and behavioral health support, and products to all affected populations.

28. **Situational Assessment** – Provide all decision makers with decision-relevant information regarding the nature and extent of the hazard, any cascading effects, and the status of the response.

29. **Economic Recovery** – Return economic and business activities, including food and agriculture) to a healthy state and develop new business and employment opportunities that result in an economically viable community.

30. **Health & Social Services** – Restore and improve health and social services capabilities and networks to promote the resilience, independence, physical and behavioral health, and well-being of the whole community.

31. **Housing** – Implement housing solutions that effectively support the needs of the whole community and contribute to its sustainability and resilience.

32. **Natural & Cultural Resources** – Protect natural and cultural resources and historic properties through appropriate planning, mitigation, response, and recovery actions to preserve, conserve, rehabilitate, and restore them consistent with post-disaster community priorities and best practices and in compliance with applicable environmental and historical preservation laws and executive orders.

ATTACHMENT G

REQUIRED

Montana State Homeland Security Program
FY24 Template LEPC/TERC Project Priority

LETTERHEAD

Enter Date

Senior Advisory Committee
C/O MT DES
1956 Mt. Majo Street
Fort Harrison, MT 59636

Senior Advisory Committee Members:

[Your LEPC/TERC] has reviewed and approved the following applications for consideration for funding under the FFY24 Homeland Security Grant.

Priority	Applicant Agency	Project Name	Funding Amount Requested
1			
2			
3			

_____
Typed name
County/Tribe XXX LEPC/TERC Chairperson

ATTACHMENT H

Montana State Homeland Security Program

Commonly Referenced Websites

Department of Homeland Security (DHS) Authorized Equipment List (AEL):
https://www.fema.gov/grants/guidance-tools/authorized-equipment-list

Amplifund: https://mt.amplifund.com/account/Login.aspx

FEMA Policy #405-143-1, *Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services*:
https://www.fema.gov/sites/default/files/documents/fema_policy-405-143-1-prohibition-covered-services-equipment-gpd.pdf

Cybersecurity & Infrastructure Security Agency/SAFECOM: https://www.dhs.gov/safecom

System for Award Management (SAM): https://sam.gov/SAM/

Homeland Security Exercise and Evaluation Program (HSEEP) Guidance:
https://www.fema.gov/emergency-managers/national-preparedness/exercises/hseep

MT DES Website: https://des.mt.gov/

MT DES Website, Homeland Security Grant Information:
https://des.mt.gov/Grant-Programs/State-Homeland-Security-Grants

MT DES Website, Homeland Security Exercise and Evaluation Program (HSEEP) Overview, under the Exercise Design (HSEEP) Resources tab: https://des.mt.gov/Preparedness/Training-and-Exercise

National Incident Management System (NIMS):
https://www.fema.gov/emergency-managers/nims/components

2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards): https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

Build America, Buy America Act (BABAA):
"Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure

National Cybersecurity Review:
https://www.cisecurity.org/ms-isac/services/ncsr/

FEMA FACT SHEET

Purchasing Under a FEMA Award: State Entities

FEMA grant programs are subject to the federal procurement rules found at 2 C.F.R. §§ 200.317 – 200.327. This Fact Sheet provides information on the federal procurement rules applicable to state entities when purchasing under FEMA awards and disaster declarations issued on or after November 12, 2020.

OMB Revisions

The Office of Management and Budget (OMB) revised sections of *OMB Guidance for Grants and Agreements* found in *Title 2 of the Code of Federal Regulations* and these revisions are applicable to FEMA awards issued on or after November 12, 2020, unless indicated otherwise. These revisions include changes to the federal procurement rules, which govern how FEMA award recipients and subrecipients must purchase under a FEMA award. FEMA award recipients and subrecipients are encouraged to review the *Federal Register Notice 2020-17468* and *Reference Document for Federal Register Notice: 2020-17468* for comprehensive information on the revisions to *OMB Guidance for Grants and Agreements*.

If purchasing under FEMA awards or disaster declarations issued between December 26, 2014 - November 11, 2020, please see *Code of Federal Regulations, Title 2, Grants and Agreements- January 2020* and the PDAT Website for information on applicable federal procurement rules.

Applicable Federal Procurement Rules

For a FEMA award recipient or subrecipient to determine which federal procurement rules to follow, it must first determine if it is a state entity or a non-state entity.

- For purposes of the federal procurement requirements in 2 C.F.R. Part 200 (also known as the Uniform Administrative Requirements), a state means any state or territory of the United States and any agency or instrumentality of that state or territory, *exclusive of local governments, as defined in* 2 C.F.R. § 200.1 (previously 2 C.F.R. § 200.90). Non-state entities are any other eligible FEMA award recipients and subrecipients that do not meet the definition of a state. Non-state entities, which include tribes, local governments, nonprofits, some institutions of higher education, and other non-federal entities, and for-profit

FEMA

organizations must follow the federal procurement rules at 2 C.F.R. §§ 200.318 – 200.327. (*See* 2 C.F.R. § 200.317 and PDAT Field Manual)

State entities serving as pass-through entities should be familiar with the full set of procurement requirements at 2 C.F.R. §§ 200.317 – 200.327 for purposes of pass-through entity responsibilities for subaward management and oversight per 2 C.F.R. § 200.332.

In the case of noncompliance with the federal procurement rules, FEMA may apply a remedy, as appropriate, in accordance with its authorities found at 2 C.F.R. § 200.339 *Remedies for Noncompliance*.

Rules for State Entities

When purchasing under a FEMA award, a state entity must follow its own procurement policies and procedures pursuant to 2 C.F.R. § 200.317 as well as all other applicable state and federal laws, executive orders, and implementing regulations. FEMA may review procurements purchased under a FEMA award to determine whether costs conform to the *Cost Principles* at 2 C.F.R. Part 200, Subpart E. Additional requirements for state entities are detailed below:

- **Socioeconomic affirmative steps (2 C.F.R. § 200.321)**- *(New rule)*

  States must take all necessary affirmative steps to make sure small and minority businesses, women-owned enterprises, and labor surplus area firms are used when possible (*see* PDAT Field Manual for definitions). Affirmative steps must include at least the following six steps:

  1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
  3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
  6. Requiring the prime contractor, if subcontracts are to be let, to take the same affirmative steps as listed in numbers 1 through 5.

- **Domestic preferences (2 C.F.R. § 200.322)**- *(New rule)*

  As appropriate and to the extent consistent with law, states should, to the greatest extent practicable under its FEMA award, provide a preference for the purchase of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award. 2 C.F.R. § 200.322 also provides specific definitions for "Produced in the United States" and "manufactured products" that states should review.

- **Procurement of recovered materials (2 C.F.R. § 200.323)**

State agencies, agencies of political subdivisions of a state, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act requirements:

- For purchases above $10,000, procuring items designated in Environmental Protection Agency guidelines with the highest percentage of recovered materials practicable;
- Procuring solid waste management services in a way that maximizes energy and resource recovery; and
- Establishing an affirmative procurement program for procurement of recovered materials.

State agencies can find additional information on the PDAT website under "Additional Resources" (Procurement of Recovered Materials).

- **Contract provisions (2 C.F.R. § 200.327) –** *(New clauses)*

  All state entity purchase orders and other contracts must include applicable contract clauses as described in Appendix II of 2 C.F.R. Part 200. Some clauses are required depending on the dollar amount of the purchase, while others may be required depending on the goods or services being procured. States can find a list of required clauses and sample language for some clauses in the PDAT Contract Provisions Template.

Additional Rules that Impact State Procurements

In addition to the federal procurement rules found at 2 C.F.R. § 200.317, there are other important sections of 2 C.F.R. Part 200 that apply to states when considering purchasing under a FEMA award. Here are a few:

- States may not award contracts to contractors that are suspended or debarred as listed on SAM.gov (2 C.F.R. § 200.213);
- States must ensure all contract costs are necessary, allocable, reasonable, adequately documented, and otherwise allowable (2 C.F.R. § 200.403); and
- States are prohibited from contracting for covered telecommunications equipment or services (2 C.F.R. § 200.216) *effective August 13, 2020. (See Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services- Interim Policy).*

DISCLAIMER: This Fact Sheet is intended to provide general information on procurement compliance and is not inclusive of every rule that FEMA award recipients and subrecipients may need to comply with. Additional information regarding the federal procurement rules can be found on the PDAT Website: www.fema.gov/grants/procurement.

City Council Regular

Date:	10/28/2024
Title:	Ward Boundary Expansion Ordinance Second Reading - Annexation 24-03
Presented by:	Hunter Kelly, Planner 1
Department:	Planning & Community Services
Presentation:	No
Legal Review:	Not Applicable
Project Number:	PZX-24-00188

RECOMMENDATION

Staff recommends the City Council approve this ordinance on second reading adding recently annexed property to Ward I. Council held a public hearing on October 14, 2024 and recommended approval on first reading. This second reading action would be consistent with the first reading.

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

Mimi Wolok on behalf of Montana Department of Military Affairs submitted a petition to annex land using the provisions MCA 7-2-4600. The property is located north of Highway 3 and west of AJ Way. The land being annexed is described as being that part of E ½ NW ¼ , SW ¼ NE ¼ and NW ¼ SE ¼ of Section 26, Township 1 north, Range 25 east, of the Principal Montana Meridian, in Yellowstone County, Montana, described as Tract 4 and Tract 5 of Certificate of Survey No. 1889 on file in the office of the Clerk and Recorder of said County, under Document No. 1129245; and That part of SW ¼ NE ¼ and NW ¼ SE ¼ of Section 26, Township I North, Range 25 East, of the Principal Montana Meridian, in Yellowstone County, Montana, described as Tract 6A and 6B of Certificate of Survey No. 1889AM, amending Tract 6 of Certificate of Survey No. 1889, on file in the office of the Clerk and Recorder of said County, under Document No. 364410. Said annexation contains 78 gross acres more or less.

Upon Council approval, this annexation requires a change in the boundaries of Ward I. Two readings are required for this action. The first reading and public hearing occurred October 14th. The second reading will occur at this meeting.

STAKEHOLDERS

City Council conducted a public hearing and first reading on October 14, 2024. The City Council received no testimony from the public, and closed the public hearing. The City Council did not have any further discussion. Council Member Shaw made a motion to approve the annexation on first reading and adopt the findings of the annexation criteria. The motion was seconded by Council Member Gulick and unanimously approved 11-0.

ALTERNATIVES

City Council may:

- Approve adding the subject property to Ward I, or;
- Disapprove adding the subject property to Ward I. Disapproval will not modify the boundary of Ward I and will create a problem where property inside the City Limits is not within a City Ward.

FISCAL EFFECTS

This application has no impact on the Planning Division Budget.

Attachments

Ward Boundary Ordinance

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING BILLINGS MUNICIPAL CODE, CHAPTER 11, ELECTIONS, IN PARTICULAR, SECTION 11-102(c), WARD BOUNDARIES; AND CHANGING THE WARD BOUNDARIES ESTABLISHED THEREIN BY ADDING CERTAIN NEWLY ANNEXED REAL PROPERTY TO WARD I PROVIDING FOR CERTIFICATION AND REPEALING OF ALL ORDINANCES AND RESOLUTIONS INCONSISTENT THEREWITH.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102(c) and the State Law, Billings Municipal Code, Section 11-102(c) Ward Boundaries is hereby amended by adding to Ward I the following described real property:

That part of E ½ NW ¼ , SW ¼ NE ¼ and NW ¼ SE ¼ of Section 26, Township I North, Range 25 East, of the Principal Montana Meridian, in Yellowstone County, Montana, described as Tract 4 and Tract 5 of Certificate of Survey No. 1889 on file in the office of the Clerk and Recorder of said County, under Document No. 1129245;
and
That part of SW ¼ NE ¼ and NW ¼ SE ¼ of Section 26, Township I North, Range 25 East, of the Principal Montana Meridian, in Yellowstone County, Montana, described as Tract 6A and 6B of Certificate of Survey No. 1889AM, amending Tract 6 of Certificate of Survey No. 1889, on file in the office of the Clerk and Recorder of said County, under Document No. 3644104.

Said annexation contains 78 gross acres more or less.

(# 24-03) See Exhibit "A" Attached

2. EFFECTIVE DATE. This ordinance shall be effective either thirty (30) days after second reading and final adoption as provided by law, or upon the effective date of Resolution No. 24-_____ approving the annexation of the above territory, whichever date is later.

3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

4. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets,

avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.

PASSED by the City Council on the first reading this 14th day of October, 2024.

PASSED by the City Council on the second reading this 28th day of October, 2024.

THE CITY OF BILLINGS:

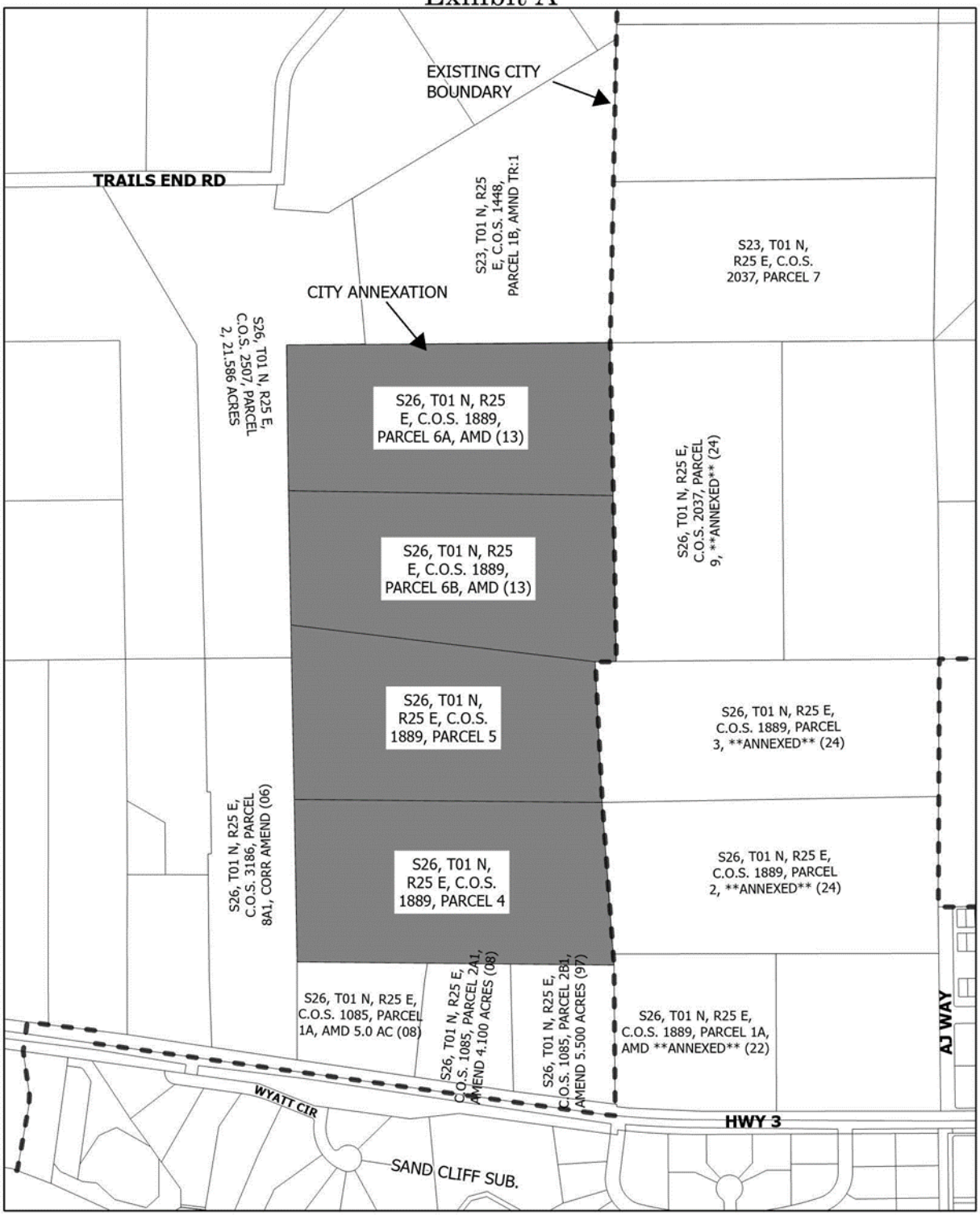
_____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK

(#24-03)

Exhibit A


EXISTING CITY BOUNDARY
TRAILS END RD
S23, T01 N, R25 E, C.O.S. 1448, PARCEL 1B, AMND TR:1
S23, T01 N, R25 E, C.O.S. 2037, PARCEL 7
CITY ANNEXATION
S26, T01 N, R25 E, C.O.S. 2507, PARCEL 2, 21.586 ACRES
S26, T01 N, R25 E, C.O.S. 1889, PARCEL 6A, AMD (13)
S26, T01 N, R25 E, C.O.S. 2037, PARCEL 9, **ANNEXED** (24)
S26, T01 N, R25 E, C.O.S. 1889, PARCEL 6B, AMD (13)
S26, T01 N, R25 E, C.O.S. 1889, PARCEL 5
S26, T01 N, R25 E, C.O.S. 1889, PARCEL 3, **ANNEXED** (24)
S26, T01 N, R25 E, C.O.S. 3186, PARCEL 8A1, CORR AMEND (06)
S26, T01 N, R25 E, C.O.S. 1889, PARCEL 4
S26, T01 N, R25 E, C.O.S. 1889, PARCEL 2, **ANNEXED** (24)
S26, T01 N, R25 E, C.O.S. 1085, PARCEL 1A, AMD 5.0 AC (08)
S26, T01 N, R25 E, C.O.S. 1085, PARCEL 2A1, AMEND 4.100 ACRES (08)
S26, T01 N, R25 E, C.O.S. 1085, PARCEL 2B1, AMEND 5.500 ACRES (97)
S26, T01 N, R25 E, C.O.S. 1889, PARCEL 1A, AMD **ANNEXED** (22)
AJ WAY
WYATT CIR
HWY 3
SAND CLIFF SUB.

City Council Regular

Date:	10/28/2024
Title:	ZC 1054 - Montana National Guard Project - Hwy 3 - Second Reading Ordinance
Presented by:	Hunter Kelly, Planner 1
Department:	Planning & Community Services
Presentation:	No
Legal Review:	Not Applicable
Project Number:	PZX-24-00188

RECOMMENDATION

The Zoning Commission recommended approval and adoption of the findings of the 10 review criteria for Zone Change 1054. The City Council approved the zone change on first reading on October 14, 2024. A second reading is required to approve the zone change.

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

This is a zone change request for property legally described as Tracts 4 and 5 of COS 1889 and 6A and 6B of Certificate of Survey 1889 Amended, approximately 78.15 acres of land, from Agriculture (A), a county zone district, to Public 3 - Civic Campus (P3- Civic), a city zone district. The proposed zoning would facilitate the Department of Montana Military Affairs in the development of an Army National Guard facility. In order for these parcels to be developed, they will be annexed into the City of Billings. This will give access to municipal water and sewer, among other utilities. When properties are annexed into the City of Billings (City), they must also go through a concurrent process to have the property re-zoned to a City Zoning District. In this case, the applicant is seeking a zone change to Public 3 Campus (P3). The P3 district is intended for public and civic uses involving multiple structures that are developed in a campus-like environment. P3 zoning is available for medical campuses, educational campuses, and civic campuses with three (3) or more principal buildings. The Army National Guard facility, more specifically known as the Billings Readiness and Innovation Campus (BRIC) is considered a civic campus in accordance with zoning and buildings will likely be constructed over the course of several years. But once the project is completed, it will achieve the campus feel as intended by the district.

The following is background information on the proposed facility and operations provided by the Army National Guard:

> " *We intend to build a Montana Army National Guard Readiness Center on the site as a whole -- the parcels we are proposing to annex now and the 2 parcels adjacent to Hwy 3 that are zoned heavy commercial. The neighborhood meeting notes in the application narrative state that the current leadership's intent is for a Readiness Center and a Vehicle Maintenance Shop. LTC John Gerhing is heading the planning process, with the assistance of engineering firms. A typical readiness center would have 1-3 full time staff conducting office work and minor vehicle maintenance M-F. One weekend a month around 50-150 part time staff would arrive for training on a scheduled drill weekend. Depending on the month this could include classroom instruction, group physical fitness and more significant vehicle maintenance. For a consecutive 15 days (usually in the summer) it would be most intensively used by the entire staff for an annual training period. This could include convoy practice, a community open house and more of the activities that happen on the drill weekends.*
>
> *We have a total of 138 acres that make up the Billings Readiness and Innovation Campus (BRIC). 40 acres have already been changed from Agricultural to P3 and annexed into the City of Billings. The 78 acres we are currently requesting zone change for will complement our development of that initial 40 acres. It is our intent to have all 138 acres developed in a campus-like environment. We are not currently funded for any projects on the property in question, but it is our intent to incorporate a vehicle maintenance facility, a short-term lodging facility, a dining facility, and dedicated outdoor physical fitness area. Additionally, this property will serve as a buffer to our aviation support facility under construction. The northernmost track is essentially undevelopable due to airport height restrictions and will purely be a buffer. Our intent would be for a low-density use of the four tracts in question. Parcel 6A has significant FAA restrictions based on proximity to the Logan Intl Airport. Then portions of Parcels 5 and 6B will have FAA restrictions resulting from our helipad."*

APPLICATION DATA

OWNER: Montana Department of Military Affairs
LEGAL DESCRIPTION: Tracts 4 and 5 of COS 1889 and Tracts 6A and 6B of COS 1889 Amended located in Section

26, Township 1 north, Range 26 east, Principal Meridian Montana, Yellowstone County, Montana
ADDRESS: N/A
CURRENT ZONING: Agriculture (County)
PROPOSED ZONING: Public 3 (City)
EXISTING LAND USE: Agriculture/Vacant
PROPOSED LAND USE: Civic Facility - Montana National Guard Readiness Center
SIZE OF PARCEL(S): approximately 78.15 acres

SURROUNDING LAND USE & ZONING:

NORTH: County Agriculture - Residential/Vacant
SOUTH:County Rural Residential 3 - Residential
EAST: Public 2 and Public 3 - Aviation
WEST: County Agriculture - Residential

The Zoning Commission recommends approval and adoption of the findings for the 10 review criteria for Zone Change 1054 as detailed in the summary section of this report. The proposed P3 zone is compatible with nearby existing aviation facilities and would not be overly intrusive to nearby low-density residential developments considering existing aviation activity. The City Council approved this zone change on first reading at its regular meeting on October 14. Two readings are required to complete the zone change.

STAKEHOLDERS

Planning staff notified the surrounding owners, published a legal ad, and posted the property as required by the zoning regulations. Planning staff did not received any correspondence on the proposed zone change from surrounding owners prior to the Zoning Commission meeting. A pre-application neighborhood was conducted by the applicant on July 17, 2024 at 2121 Hangar Drive, and 16 persons signed the attendance sheet. The pre-application meeting notes and sign in sheet are attached.

Zoning Commission Public Hearing, September 3, 2024

Staff gave a presentation to the Zoning Commission and gave staff's recommendation of approval. Chairman Brooks asked if his fellow commissioners had any questions; the Zoning Commission had no further questions. The Chairman invited the applicant to give any comments. Applicants Mimi Wolok and Joel Miller spoke about the greater scope of the project and provided additional clarification on the proposal and why it was done in stages. The applicant stated the soonest construction could possibly start is 2034.

Chairman Brooks then opened the public hearing. There were no public comments. Chairman Brooks then closed the hearing. There were no additional comments from any of the commissioners. Commissioner McCall made a Motion, Seconded by Commissioner Goss to recommend approval for Zone Change 1054 to the City Council. Motion was passed with a unanimous vote.

City Council Meting, October 14, 2024

Staff gave a presentation to the City Council and forwarded the Zoning Commission's recommendation of approval. Mayor Cole opened the floor for questions. Council Member Neese raised concern over an incorrectly attached waiver of right to protest document relating to the annexation agreement. Staff made a note of the error for future reference. The correct waiver of right to protest will be used in conjunction with the annexation agreement. The Council had no more questions for staff. The applicants, the Montana Department for Military Affairs, were then invited to speak. Col. Traynham spoke to the City Council regarding the scope of the project for the future readiness center, and confirmed with the Council that development will likely commence several years to a decade from now due to budgetary constraints. The Council had no more questions for the applicant.

Mayor Cole then opened up the public hearing. There were no public comments. Mayor Cole then closed the hearing. There were no additional comments from any member of City Council. Councilmember Gulick, seconded by Councilmember Shaw, to approve Zone Change 1054. The motion was passed with a unanimous vote.

ALTERNATIVES

The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1055 as recommended by the Zoning Commission; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1055; or,
- Delay action on the zone change request for up to 30 days at the request of the applicant or on its own motion;or
- Refer the application back to the Zoning Commission for an additional public hearing based on 1) new information submitted that the applicant and public has not had an opportunity to examine; or 2) new information

has been presented that was never submitted or considered by the Zoning Commission or staff; or
- Allow the applicant to withdraw the zone change request.

The applicant has not requested a delay or withdrawal of the application. The City Council approved the zone change on first reading.

FISCAL EFFECTS
Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY
Before making a decision, the City Council shall consider the recommended findings from the Zoning Commission on Zone Change 1054

1. Is the new zoning designed in accordance with the Growth Policy and neighborhood plans?
The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:
Essential Investments (relating public and private expenditures to public values)

- Infill development and development near existing City infrastructure may be the most cost-effective
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Mobility and Access (transportation choices in places where goods and services are accessible to all)

Prosperity (promoting equal opportunity and economic advancement)

- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses

The proposed zoning would allow for the development of a military facility that would serve the region and promote safety. There is only one other facility in the state that serves this role, and a facility like this in Billings will provide faster response times to this part of the state. Additionally, this activity is being located in proximity to an area of the city that already has established aviation operations. The proposed zone aligns with allowed development on adjacent parcels. The P3 district allows civic campuses.

2. Is the new zoning designed to secure from fire and other dangers?
The new zoning requires minimum setbacks, open and landscaped areas, and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. Additionally, the annexation of the property provides for municipal water service for the site. Any new construction on the site will follow applicable building codes.

3. Whether the new zoning will promote public health, public safety and general welfare?
Public health and public safety are promoted by the proposed zoning. This is not unique to the P3 zone, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-500.1 in the P3 district promote the minimum standards to ensure public health and safety and promote general welfare. New construction on the site will follow building code requirements to ensure and promote public health, public safety and general welfare. Public health and public safety will be promoted by the proposed zone change.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning itself will have no appreciable effect on the adjacent transportation network, however once the property is developed there will be some impact to nearby roadways. The property will be served by AJ Way, a public road that is accessed by Highway 3. Montana Highway 3 is a National Highway System (NHS) non-interstate route that extends from Billings to Great Falls. In the project vicinity, Highway 3 generally runs east to west providing access to several public streets and numerous residential driveways. Currently, the facility has a single travel lane in each direction with left-turn lanes at Rod & Gun Club Road (eastbound), Zimmerman Place (westbound), Apache Trail (westbound). Highway 3 also has right-turn lanes at its intersections with Rod & Gun Club Road (westbound) and a roundabout at Zimmerman Trail. In prior actions, the Army National Guard annexed Tracts 2 and 3 of COS 1889, as part of the annexation agreement any development on the property requires a traffic impact study. The City of Billings Master Site Plan requires that all developments generating over 500 Average Daily Trips (ADT) shall submit a traffic impact study.

The Billings Area Long Range Transportation Plan classifies Highway 3 as a Principal Arterial. Principal arterial roadways are built to carry higher volumes of traffic generally between 30,000-55,000 (ADT). Today, traffic volumes in the corridor are approximately 11,500 Average Daily Traffic (ADT). Projections indicate that traffic will increase to approximately 17,000 ADT by the year 2040.

Generally, the Level of Service (LOS) through the corridor operates at A or B which is well above the average LOS for the Billings community.

The Army National Guard (ANG) will have an estimated 14 full-time employees. Additionally, the ANG will host monthly trainings 1 weekend per month. Staff has identified no concerns with access from AJ Way and Highway 3 that would create a negative finding given the above-mentioned information specific to the function of Highway 3.

Water and Sewer: The City provides water and sewer to the property. The utilities will be provided in accordance with the associated annexation agreement that is mutually agreed upon between the City of Billings and the Property Owner/Developer. This agreement is a strict condition of approval for annexations. Water will be extended to the property via AJ Way. Per the annexation agreement, the Developer shall pay any water system and wastewater system development fee prior to the issuance of any building permits.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The proposed development does not include residential uses, therefore, additional students due to this zone change would not be anticipated. It should be acknowledged that with new jobs in the community, the school district may realize some increase in student population, however, the zone change does not have a direct correlation to this.

Fire and Police: The subject property is served by city public safety services. The property is currently served by the Billings Fire Department and upon annexation will continue to be served. The nearest fire station is Fire Station 1 which is located approximately 4.0 miles away. The Police and Fire Departments expressed no concerns with the zone change.

5. Will the new zoning provide adequate light and air?
Similar to criteria 2 and 3, the proposed P3 zone, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently vacant, therefore any new structure(s) will be required to meet the standards required by Section 27-500.1 and Building Code Requirements.

6. Will the new zoning effect motorized and non-motorized transportation?
The new zoning itself will not impact motorized and non-motorized transportation. Once developed, there will be increased volume to the transportation network, both motorized and non-motorized. At this time, the readiness center will house up to 3 full-time employees and will host trainings once per month with an estimated 50-150 personnel. AJ Way provides direct access to the property and upon annexation of these parcels, the access will be in the same location. Highway 3 provides access to AJ Way. Highway 3 is a principal arterial road and a United States (US) highway. Principal arterial roads are built to carry higher volumes of traffic generally between 30,000-55,000 ADT. Today, traffic volumes in the corridor are approximately 11,500 ADT. Projections indicate that traffic will increase to approximately 17,000 ADT by the year 2040, well under the designed capacity.

Over time, some improvements may need to be made along Highway 3. In prior action, the Army National Guard annexed Tracts 2 and 3 of COS 1889, as part of the annexation agreement any development on the property requires a traffic impact study. All identified improvements shall be the responsibility of the developer. Should any improvements be required at the intersection of A J Way and Highway 3, the Developer shall contribute its proportionate share. The City of Billings Master Site Plan requires that all developments generating over 500 Average Daily Trips (ADT) shall submit a traffic impact study. These may include traffic management facilities like turn lanes. The addition of improvements such as these will need to be coordinated with the Montana Department of Transportation. Also in the vicinity is the Skyline Trail, which is located south of Highway 3. The Skyline Trail is a multi-use trail that extends from the intersection of Highway 3 and Zimmerman Trail through Airport Road along the south side of Highway 3. Users of the trail system will observe more air traffic, but the development of the parcel would not obstruct access to the trail.

7. Will the new zoning promote compatible urban growth?
The proposed zoning is compatible with the adjacent zoning and existing uses in the vicinity. This property is near the Billings Flying Service, the Billings Airport and other undeveloped P2 zoned land owned by the City of Billings. The Billings Flying service is a commercial heliport. The use of this property for the Army National Guard close to a heliport and municipal airport does not create compatibility concerns. The proposed Army National Guard readiness center will also be adjacent to agricultural lands, some that have single family residences. These residences will remain in Yellowstone County. Based on existing activity from the Billings Airport and Billings Flying Service, there are no additional findings to suggest the P3 zone for the use of the National Guard would not be suitable next to agricultural zoned land.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property

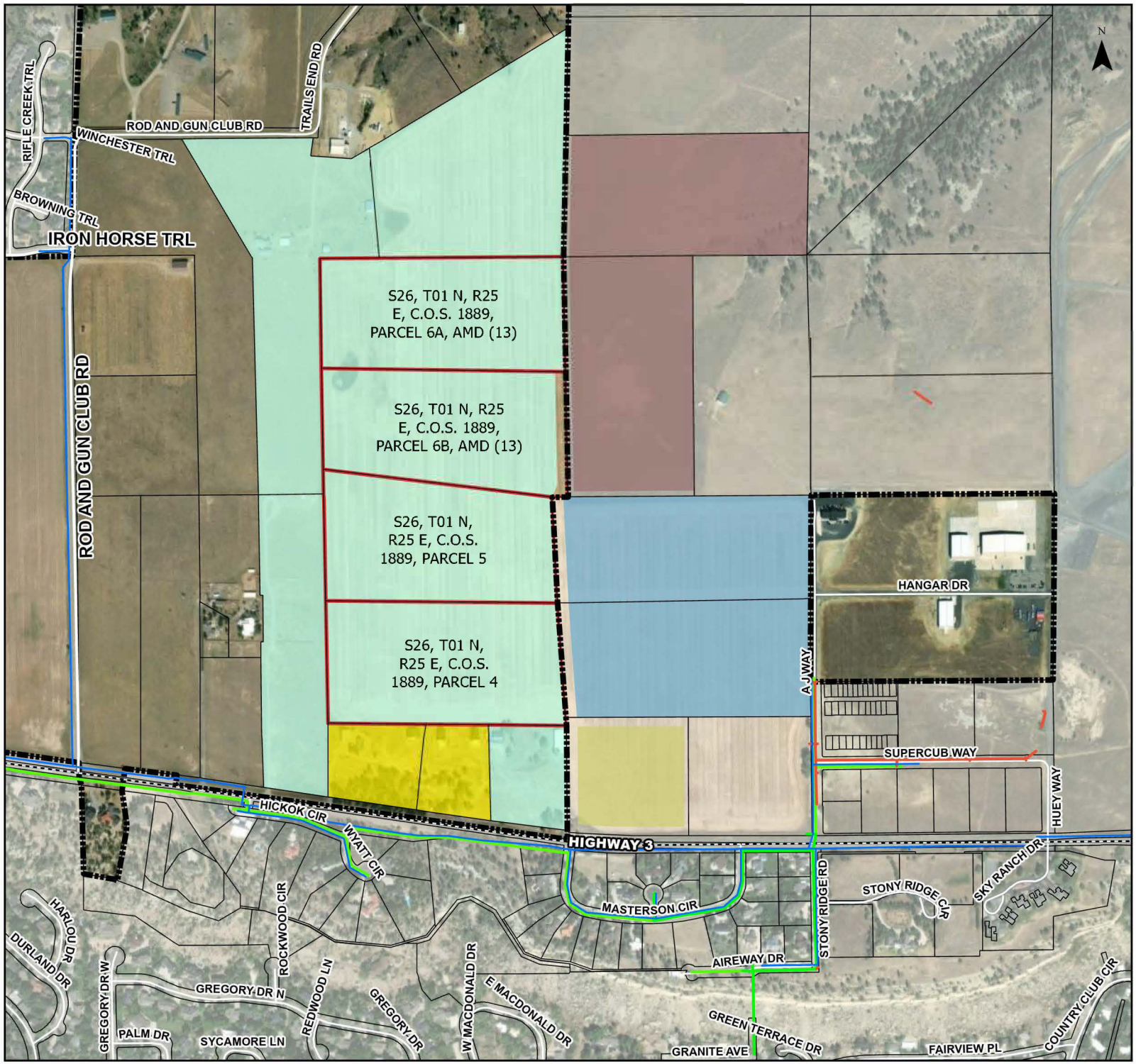
for particular uses?
The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow a civic campus to be used by the Army National Guard. The proposed zoning is compatible with the adjacent zoning and existing development and uses in the vicinity. The property is suitable for the proposed use and will fit in with the already existing and established aviation uses in the vicinity (Billings Airport and Billings Flying Service). Further, this use is compatible with the character of the surrounding districts of Public 2 (P2), Public 3 (P3), Heavy Commercial (CX), and Agriculture (A).

9. Will the new zoning conserve the value of buildings?
The property is currently vacant, therefore the new zoning will not have an impact on the value of buildings for the parcel. Any new structures will need to be in compliance with zoning and building codes, therefore, there are no concerns related to the conservation of value of buildings on the parcels subject to the zone change.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
In order for the property to be annexed into the City, it requires the property be rezoned to a zone recognized by the City. The Department of Military Affairs owns the property and intends to develop it for the Army National Guard. The landowner has chosen the P3 zone as the most appropriate zone and intends to develop the property in accordance with the requirements of the zoning. A use like this near already established civic facilites, aviation operations, and businesses does encourage the most appropriate use throughout the City of Billings.

Attachments

Zoning Map and Site Photos
Zoning Application
Chart of Zoning History
Zoning Ordinance



Annexation & Rezoning Map

Legend

- Water Main
- Stormwater Main
- Sewer Main
- Sewer Pressurized Main
- Parcel Boundary
- Existing City Limits
- Parcels to be Annexed
- A - Agriculture (10+ acres)*
- CX - Heavy Commercial
- P2 - Public- Civic, Institutional
- P3 - Public- Campuses - Medical, Civic, Educational
- RR3 - Rural Residential (3 to 9.9 acres)*

Date: 3/11/2024
Scale: 1:9,000

0 0.05 0.1 0.2 Miles

ZONING REQUEST

ZONE CHANGE 1054

SPECIAL REVIEW

VARIANCE

MPO

Billings

August 15, 2024

ZAP Zone Change 1054
Project Number: FOS-ZZ-00146

Dear Property Owner,

This is to inform you of the following request recently submitted to the City/County Planning Department.

City Zone Change 1054 – North of Highway 3 – Agriculture to Public (in Ouist Campus). A zone change from Agriculture (AG) to Public (P) zoning district on Parcels 3 Code (PD), all Tracts 5 & 6A and all of C.O. 1885, a Section 23, T1S, R25E, with total acres of 78.23. A concurrent annexation has been submitted. A pre-application has been submitted by Ouist Campus, Inc. for the Billings Logistics Campus located between Swift & Co. Gregory Drive, Tax IDs: D04S25, D04S25, D04S25, D04S25.

The City Zoning Commission will hold its public hearing in Room 2106, 2nd Floor of the Billings portion, on Oct 2 2024, Zoning, Beginning at 5:30 p.m. All interested parties are invited to attend to express their opinions. Written comments may be submitted to the Commission via email to zoning@billingsmt.gov or by mail to the Billings Planning Division, P.O. Box 1178, Billings, MT 59103. Comments must be received by noon on the day of the meeting. Additional information is on file for the zone change, inclusion of Parcels and is available in the Billings Planning Offices at the address given above or by calling (406) 657-8271.

The City Council has designated October 28, 2024, at 6:30 p.m. in the Bill Boyd room to receive the Zoning Commission recommendation on the zone change request. The City Council will hold a public hearing on said zone change request by the owners of twenty-five (25) or more of the adjacent property owners who are within 150 feet from the property in question on Oct 28 2024, at 6:30 p.m. The City Council meetings will be held on the 2nd Floor of City Hall at 210 N 27th st.

Before taking any action on an application for a Zone Change, the Zoning Commission shall first consider the findings and recommendations of the City Zoning Commission and shall also consider the following criteria: (1) Conformance of the zoning request with the City's adopted growth policy plan; (2) the effect of the zoning request on traffic within the area; (3) the suitability of the subject property for the uses permitted by the zoning district; (4) whether the zoning request is detrimental to the health, safety, or welfare of the general public or the residents of the district; (5) whether the zoning request is the most appropriate use of land in the area; (6) whether the zoning request will be in accordance with the purpose of Section 76-2-304, MCA; (7) whether the zoning request will be in accordance with the purpose of Section 76-2-201, MCA; and (8) whether adequate public services and facilities are available to support the proposed zoning request. Upon conclusion of the public hearing, the Zoning Commission shall recommend that the zoning request be approved, conditionally approved, or denied. The Zoning Commission shall forward its recommendation to the City Council. The City Council shall consider the Zoning Commission's recommendation and may approve, conditionally approve, or deny the zoning request. The City Council may also modify the boundaries of the district requested in the petition and may change the district classification requested in the petition to any district classification deemed appropriate by the City Council. The City Council may not act upon a zoning request until it has received the recommendation of the Zoning Commission. The City Council shall not act upon a zoning request until after the next regularly scheduled meeting of the Zoning Commission following receipt of the Zoning Commission's recommendation or the expiration of the 30-day period provided for the Zoning Commission to make its recommendation, whichever occurs first. The City Council may not act upon a zoning request until after the next regularly scheduled meeting of the City Council following the first reading of the ordinance by the City Council.

AMD – 5320 radius map for Zone Change from Agriculture (AG) to Public 2 (P2)

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE **Billings Zone Change #**_____ **Project #**_____

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning: County Ag

Proposed Zoning: P3

PARCEL TAX ID# D045910, D045920, D045930, D045930A CITY ELECTION WARD: Ward 1

Legal Description of Property: Tracts 4 and 5, COS 1889, S26, T1N, R25E; and Tracts 6A and 6B, COS 1889AM, S26, T1N, R25E

Address or General Location (If unknown, contact City Engineering): 3648 AJ Way, Billlings

Size of Parcel (Area square feet or acres): 78.15 acres

Present Land-Use: vacant

Proposed Land-Use: Montana National Guard Readiness Center

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Department of Military Affairs, an agency of the State of Montana
(Record Owner)

1956 Mt. Majo St., Ft. Harrison, MT 59636
(Address)

(406)324-3112 (Phone Number) miriam.s.wolok.nfg@army.mil (email)

Agent(s): Mimi Wolok, Realty Officer
(Name)

1956 Mt. Majo St., Ft. Harrison, MT 59636
(Address)

406324-3112 (Phone Number) miriam.s.wolok.nfg@army.mil (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: _____ Date: 7/23/24
(Record Owner – Digital Signature Allowed)

City Zone Change 1054 – Tracts 4,5,6A and 6B of C/S 1889

Chart of Zoning History

SUBJECT PROPERTY	Application	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Tracts 4,5,6A and 6B of C/S 1889	ZC 1054		A to P3		
SURROUNDING PROPERTY	**Application**	**DATE**	**FOR**	**APPROVED (Y/N)**	**ADDITIONAL DATA**
2300 Block Hwy 3	County ZC 669	4/2016	A-1 to P and CI	Y	Helipad and Ancillary Aviation Businesses
Hwy 3	County ZC 676	11/2016	A-1 to HC	Y	
Hwy 3	County ZC 680	4/2017	CI to HC	Y	
3648 AJ Way	City ZC 1026	5/2/23	A to P3	Y	Same applicant

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION for Tracts 4, 5, 6A, and 6B of Certificate of Survey 1889, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. **RECITALS.** *Title 76, Chapter 2, Part 3, MCA,* and *Sections 27-1628, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. **DESCRIPTION. Tracts 4, 5, 6A, and 6B of Certificate of Survey 1889** is presently zoned **Agriculture (A),** and is shown on the official zoning map within this zone districts.

Section 3. **ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **Tracts 4, 5, 6A, and 6B of Certificate of Survey 1889,** is hereby changed from **Agriculture (A),** to **Public 3-Civic (P3),** and as shown on Exhibit A, and from the effective date of this ordinance, the area shown on Exhibit A shall be subject to all the rules and regulations pertaining to **Public 3-Civic (P3),** as set out in the Billings, Montana City Code.

Section 4. **EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. **REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. **SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 14th day of October, 2024.

PASSED, ADOPTED and APPROVED on second reading this 28th day of October, 2024.

CITY OF BILLINGS

BY:_____

William A. Cole, Mayor

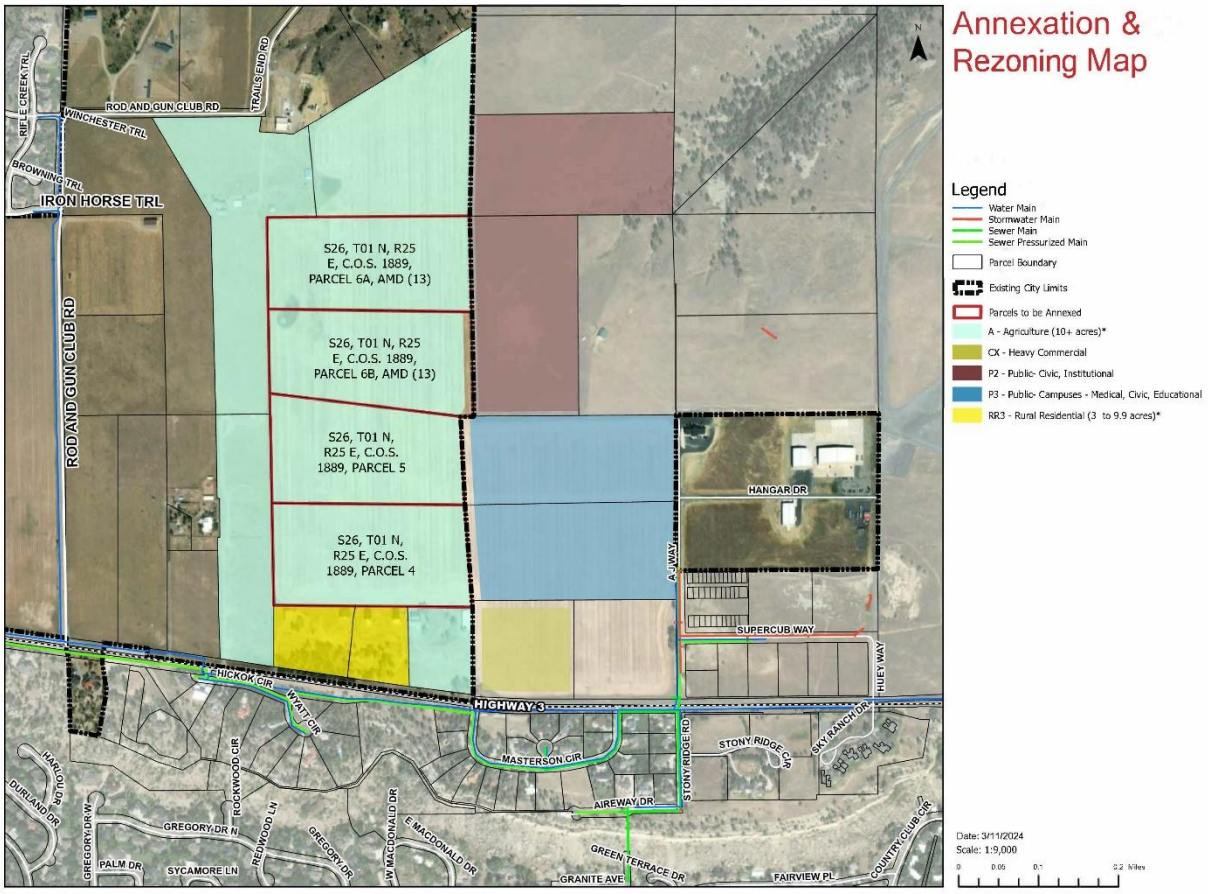
Attest:

BY:_____

Denise R. Bohlman, City Clerk

Zone Change 1054 – Tracts 4, 5, 6A, and 6B of Certificate of Survey 1889

Exhibit A



City Council Regular

Date:	10/28/2024
Title:	Payment of Claims for week of September 23rd, 2024
Presented by:	Erin Watterud
Department:	Finance
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of $4,811,574.64 have been reviewed and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department. Payment Approval Process Every invoice for payment is entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.). Each invoice goes through a multi-step approval process depending upon the amount of the payment. First, invoices are entered by the department requesting the payment and the department director or designee must perform an initial review and approval of the purchase. The number of approvals within the department can vary based upon the size of the department, but no less than one approver within each department must verify the payment. Second, all payments, regardless of size, must be approved by the Purchasing Agent or designee. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached. If the payment is greater than $1,000, then it must be approved by the Finance Director or designee. If that payment is greater than $10,000, then it must be approved by the City Administrator or Assistant City Administrator. Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of $2,500 is generated and placed on the next City Council meeting for review.

ALTERNATIVES

No other alternatives were analyzed.

FISCAL EFFECTS

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

Attachments

CouncilMemo wk of 09232024

Check Date	Check #	Name	Fund Name	Amount	Item Desc
09/23/2024	874320	A & E Architects	Park Dist 1	$ 1,080.00	Aquatic Facilities south park pool
09/23/2024	874320	A & E Architects	Park Dist 1	$ 4,111.48	Aquatic Facilities south park pool
09/23/2024	ACH	A & I Distributors	Airport	$ 1,126.97	Invoice #4099708. Motor Oil 15W40
09/23/2024	ACH	A & I Distributors	Airport	$ 1,584.55	Invoice #4103694. Hydraulic Oil.
09/23/2024	ACH	A & I Distributors	Fleet	$ 833.25	4101391
09/23/2024	ACH	A & I Distributors	Fleet	$ 818.15	4101391
09/23/2024	ACH	A & I Distributors	Fleet	$ 2,089.30	4101391
09/23/2024	ACH	A & I Distributors	Fleet	$ 1,636.27	4102951
09/23/2024	ACH	A & I Distributors	Fleet	$ 2,089.30	4102951
09/23/2024	ACH	A & I Distributors	Fleet	$ 41.53	4102951
09/23/2024	ACH	A & I Distributors	Fleet	$ 41.53	4102951
09/23/2024	ACH	A & I Distributors	Fleet	$ 41.53	4102951
09/23/2024	ACH	A & I Distributors	Fleet	$ 41.53	4102951
09/23/2024	ACH	A & I Distributors	Fleet	$ 462.81	4103492
09/23/2024	ACH	A & I Distributors	Fleet	$ 562.39	4106659
09/23/2024	ACH	A & I Distributors	Fleet	$ 1,012.40	4106659
09/23/2024	ACH	A & I Distributors	Fleet	$ 696.43	4106659
09/23/2024	ACH	A & I Distributors	Fleet	$ 1,636.26	4106659
09/23/2024	ACH	A & I Distributors	Fleet	$ 236.41	4109383
09/23/2024	ACH	A & I Distributors	Fleet	$ 1,392.86	4109385
09/23/2024	ACH	A & I Distributors	Fleet	$ 129.56	4109385
09/23/2024	ACH	A & I Distributors	Fleet	$ 129.56	4109385
09/23/2024	ACH	A & I Distributors	Fleet	$ 42.60	4109385
09/23/2024	ACH	A & I Distributors	Solid Waste	$ 441.70	10/14z Mystic LithoPlex #2 Grease. Landfill.
09/23/2024	ACH	A & I Distributors	Solid Waste	$ 825.00	330 GAL DEF Tote. Collections.
09/23/2024	ACH	A & I Distributors	Solid Waste	$ 825.00	330 GAL DEF Tote. Landfill.
09/23/2024	ACH	A & I Distributors	Solid Waste	$ 1,301.81	DEF & Antifreeze. Collections.
09/23/2024	ACH	A & I Distributors	Solid Waste	$ 3,896.43	Oil & Grease. Landfill.
09/23/2024	ACH	A & I Distributors	Street/Traffic	$ 825.00	inv#4101443def tote
09/23/2024	ACH	A & I Distributors	Transit	$ 825.00	4100535. DEF Fluid
09/23/2024	ACH	A & I Distributors	Transit	$ 5.19	4103496. Oil 5W40
09/23/2024	ACH	A & I Distributors	Transit	$ 2,263.57	4103496. Oil 5W40
09/23/2024	ACH	A & I Distributors	Transit	$ 71.33	4103496. Oil ATF

Check Date	Check #	Name	Fund Name	Amount	Item Desc
09/23/2024	ACH	A & I Distributors	Transit	$ 825.00	4108909. DEF
09/23/2024	874324	Air Controls-Billings	Facilities	$ 10,749.00	installed new air handler and coil at Park 1 Garage
09/23/2024	874327	Archie Cochrane	Fleet	$ 45.00	5535342
09/23/2024	874327	Archie Cochrane	Fleet	$ 101.00	5535389
09/23/2024	874327	Archie Cochrane	Fleet	$ 234.35	5535412
09/23/2024	874327	Archie Cochrane	Fleet	$ 79.08	5535609
09/23/2024	874327	Archie Cochrane	Fleet	$ 126.50	5535775
09/23/2024	874327	Archie Cochrane	Fleet	$ 250.00	5536508
09/23/2024	874327	Archie Cochrane	Fleet	$ 826.10	5536508
09/23/2024	874327	Archie Cochrane	Fleet	$ 158.47	5538152
09/23/2024	874327	Archie Cochrane	Fleet	$ 439.84	5538332
09/23/2024	874327	Archie Cochrane	Fleet	$ 336.76	5538332
09/23/2024	874327	Archie Cochrane	Transit	$ 34.87	5538136_Unit#1874_Stop Switch
09/23/2024	874329	Avery Dennison	Street/Traffic	$ 36.00	inv#61808434swabs for sign machine
09/23/2024	874329	Avery Dennison	Street/Traffic	$ 1,927.50	inv#61808485ink cartridges/sheeting for sign machine
09/23/2024	874329	Avery Dennison	Street/Traffic	$ 697.50	inv#61808666sheeting for sign machine
09/23/2024	874343	Civicplus	P.W. Admin	$ 6,509.03	SSL Management Renewal 06/2024-06/2024
09/23/2024	874348	Communication Resources	Public Safety	$ 5,900.20	FIRE STATION 1-8 - ACCESS CONTROL
09/23/2024	874349	Cop Construction	Wastewater	$ 1,098,419.98	WO 24-01 Contract 2.. 2024 Sewer Replacement Project
09/23/2024	874350	Cotter's Sewer Service	Park Dist 1	$ 110.00	toilet rental for optimist park
09/23/2024	874350	Cotter's Sewer Service	Wastewater	$ 8,192.75	WO 23-01 Contract 2 2023 Sewer Replaceme
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 283.00	38-170
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 1.05	38-218
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 54.26	38-285
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 54.26	38-322
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 1,645.37	38-401
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 270.00	38-401
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ (472.50)	38-63
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 168.44	38-64
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 542.60	38-704
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 627.86	38-704
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 715.08	38-704
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 3,153.58	38-99848

Check Date	Check #	Name	Fund Name	Amount	Item Desc
09/23/2024	874354	Cummins Inc - Rocky	Fleet	$ 472.50	38-99848
09/23/2024	874355	Dakota Supply Group	Water	$ 2,295.25	PBD034 Briarwood Water Main..Pater Parts and Fittings
09/23/2024	874355	Dakota Supply Group	Water	$ 30,795.58	PBD034 Briarwood Water Main..Pater Parts and Fittings
09/23/2024	874355	Dakota Supply Group	Water	$ 313.34	PBD034 Briarwood Water Main..Pater Parts and Fittings
09/23/2024	874355	Dakota Supply Group	Water	$ 968.26	PBD034 Briarwood Water Main..Pater Parts and Fittings
09/23/2024	874356	Dell Computer	Engineering	$ 2,140.52	Precision Tower 3680-Engineering
09/23/2024	874356	Dell Computer	General	$ 1,220.47	Dell Latitude 5350, i5, 16GB RAM, 1TBSSD laptop -CM Joy
09/23/2024	874359	Dick Anderson	Water	$ 1,801,946.09	WO 19-42 West End WTP Project - Constructio
09/23/2024	874361	DOWL	Storm Sewer	$ 20,745.00	WO 24-26 Stormwater Master Plan, Phase 1 Prof Service
09/23/2024	874361	DOWL	Water	$ 42,726.30	WO 23-01 23 Water and Sewer Main Replacement -Water
09/23/2024	874362	Downtown Billings BID	CDBG	$ 5,600.00	Downtown Public Restroom / Art Wrap Reimbursement
09/23/2024	874362	Downtown Billings BID	Parks Maint	$ 2,500.00	FY25 QUARTER 1 PMD contract July-Sept 2024
09/23/2024	874362	Downtown Billings BID	Parks Maint	$ 2,500.00	FY25 QUARTER 1 PMD contract July-Sept 2024
09/23/2024	874363	EBSCO Industries	Library	$ 6,209.00	91011003883 Academic Search 9/24 - 8/25
09/23/2024	874364	Elreg Distributors	Transit	$ 4,629.49	0141746-IN_Alternator
09/23/2024	874365	Emerson	Wastewater	$ 5,395.46	Replacement air pressure transmitters WR
09/23/2024	874366	Enterprise Rac Of Mt/Wy	PD Program	$ 6,080.96	Invoice #36861696.
09/23/2024	874367	EnvisionWare	Library	$ 13,298.31	INV-US-72655 Annual maintenance agreements
09/23/2024	874367	EnvisionWare	Library	$ 575.00	INV-US-72656 Mobile Print Service 12/24 - 11/25
09/23/2024	874370	Executive Cleaning	Library	$ 3,126.00	78682
09/23/2024	874370	Executive Cleaning	Library	$ 1,509.00	78819
09/23/2024	874375	FCS	Storm Sewer	$ 3,562.94	WO 20-37 Stormwater Utility Development; Pmt 44
09/23/2024	874375	FCS	Storm Sewer	$ 4,467.75	WO 20-37 Stormwater Utility Development; Pmt 45
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 265.60	asphalt
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 392.96	asphalt
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 7,235.20	asphalt
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 4,558.72	asphalt
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 200.32	asphalt
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 13,777.92	asphalt
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 1,834.88	asphalt
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 5,307.52	asphalt
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 573.00	decorative rock
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 13,621.76	asphalt

Check Date	Check #	Name	Fund Name	Amount	Item Desc
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 5,405.44	asphalt
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 1,821.44	asphalt
09/23/2024	874377	Fisher Sand & Gravel	Street/Traffic	$ 323.84	asphalt
09/23/2024	874378	Fisher's Technology	Airport	$ 87.98	Invoice #1363901. Copy Machine Maintenance
09/23/2024	874378	Fisher's Technology	CDBG	$ 79.82	8.5.24 - Duplication Expense
09/23/2024	874378	Fisher's Technology	Central Services	$ 751.97	1363902- Copy Fund
09/23/2024	874378	Fisher's Technology	Central Services	$ 35.35	1365171- Copy Fund
09/23/2024	874378	Fisher's Technology	Central Services	$ 19.37	1365813- Copy Fund
09/23/2024	874378	Fisher's Technology	Central Services	$ 13.29	1366473- Copy Fund
09/23/2024	874378	Fisher's Technology	Central Services	$ 130.96	1368293- Copy Fund
09/23/2024	874378	Fisher's Technology	Central Services	$ 32.60	1369211- Copy Fund
09/23/2024	874378	Fisher's Technology	Central Services	$ 100.93	1369212- Copy Fund
09/23/2024	874378	Fisher's Technology	Central Services	$ 135.19	1370596- Copy Fund
09/23/2024	874378	Fisher's Technology	Engineering	$ 6.92	Contract coverage charge
09/23/2024	874378	Fisher's Technology	Library	$ 59.97	1363900 Library copier charges
09/23/2024	874378	Fisher's Technology	Public Safety	$ 379.11	1367646- Police Fund
09/23/2024	874378	Fisher's Technology	Public Safety	$ 2.50	1368292- Police Fund
09/23/2024	874378	Fisher's Technology	Public Safety	$ 662.60	1371757, service invoice
09/23/2024	874378	Fisher's Technology	Public Safety	$ 423.30	1371930, service invoice
09/23/2024	874378	Fisher's Technology	Public Safety	$ 187.73	1372237, contract invoice
09/23/2024	874378	Fisher's Technology	Public Safety	$ 37.50	1373026, contract invoice
09/23/2024	874378	Fisher's Technology	Public Safety	$ 76.62	911 CENTER CANON/IRC3525IV3-HOST
09/23/2024	874378	Fisher's Technology	Solid Waste	$ 80.81	Contract overage charge for 7/18/24 - 8/17/24. Landfill.
09/23/2024	874378	Fisher's Technology	Street/Traffic	$ 31.50	inv#1370597copier agreement
09/23/2024	874378	Fisher's Technology	Transit	$ 57.90	1377027_Contract Base Rate Charge for 8/29-9/28/2024
09/23/2024	874378	Fisher's Technology	Transit	$ 190.27	1377027_Contract overage charge for 7/29-8/28/2024
09/23/2024	874378	Fisher's Technology	Water	$ 133.72	CITBIL-AOS..07-31/24 to 08/30/2024.contr
09/23/2024	874382	Gunarama Wholesale	Public Safety	$ 9,620.00	1267064, GLOCK gen-5 9mm MOS, 20
09/23/2024	874383	Hach Company	Water	$ 3,178.00	Instrument service for streaming current
09/23/2024	874383	Hach Company	Water	$ 1,552.95	Replaced West Flume PH Probe
09/23/2024	874383	Hach Company	Water	$ 3,944.00	WTP, Instrument servie for UV Transmitta
09/23/2024	874387	Hardrives Construction	Library	$ 10,000.00	Patching, sealing and striping library lot
09/23/2024	874387	Hardrives Construction	Library	$ 12,092.29	Patching, sealing and striping library lot

Check Date	Check #	Name	Fund Name	Amount	Item Desc
09/23/2024	874393	Hydrotech MT	Water	$ 36,400.00	PBD-035 Temp Water Service Agreement...; Invoice # 3844
09/23/2024	874395	Iaff	Payroll Clearing	$ 5,510.16	Payroll Summary
09/23/2024	874398	Inland Truck Parts	Fleet	$ 3,034.56	1666347
09/23/2024	874399	Interstate Power Systems	Fleet	$ 20,803.83	R007060854.01
09/23/2024	874399	Interstate Power Systems	Fleet	$ 212.40	R007061001.01
09/23/2024	ACH	Jacobs Engineering Group	Solid Waste	$ 23,033.51	WO 22-27 Landfill Gas Emissions Compliance
09/23/2024	ACH	Joe Johnson Equipment	Fleet	$ 1,000.00	P02135
09/23/2024	ACH	Joe Johnson Equipment	Fleet	$ 596.00	P02194
09/23/2024	ACH	Joe Johnson Equipment	Street/Traffic	$ 3,795.00	wire for sweepers
09/23/2024	874407	Knife River	Airport	$ 4,800.00	Invoice #22889. Cargo Ramp Concrete Repair
09/23/2024	874407	Knife River	Street/Traffic	$ 85.96	inv#9270751 1/2" crushed
09/23/2024	874407	Knife River	Street/Traffic	$ 88.48	inv#9270761 1/2" crushed base
09/23/2024	874407	Knife River	Street/Traffic	$ 83.30	inv#9273371 1/2" crushed base
09/23/2024	874407	Knife River	Water	$ 138.50	WO 24-96...Rip Rap for Rehberg Ranch Pro
09/23/2024	874411	Less	Public Safety	$ 16,000.00	Secure Warrant 315, 7/1/24-6/30/25
09/23/2024	874414	Madison Agency	Airport	$ 14,348.00	Marketing & Creative for Advertising & Marketing Program
09/23/2024	874415	Magnet Forensics	Public Safety	$ 33,105.00	Q-340028-1, GRayKey License Advance
09/23/2024	874416	Mailing Technical Services	Library	$ 1,498.56	LIBR Library mailing August 2024
09/23/2024	874416	Mailing Technical Services	Library	$ 2,591.24	LIBR Library mailing July 2024
09/23/2024	874423	Montana CSED	Payroll Clearing	$ 5,413.84	Payroll Summary
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 144.60	129 573 1000 1. Car Wash. September 2024
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 21.34	160 723 3573 6. USDA. September 2024
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 176.66	179 053 7751 5. New Concourse. September 2024
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 21.34	185 580 1000 7. TSA. September 2024
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 26.43	229 573 1000 0. Detail Bay 1 Hertz. September 2024
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 21.34	283 116 0655 3. Alpine. September 2024
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 21.34	295 580 1000 4. Aero Interiors. September 2024
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 23.58	329 573 1000 9. Detail Bay 3. September 2024
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 25.28	429 573 1000 8. Detail Bay 4. Avis/Budget. September 2024
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 23.03	529 573 1000 7. Detail Bay 5 Thrifty/Dollar. September 2024
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 247.66	595 580 1000 1
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 25.85	629 573 1000 6. Detail Bay 2 National/Alamo. Sept 2024
09/23/2024	874424	Montana Dakota Utilities	Airport	$ 52.57	706 580 1000 7

Check Date	Check #	Name	Fund Name		Amount	Item Desc
09/23/2024	874424	Montana Dakota Utilities	Airport	$	493.95	788 689 5644 8. Concourse Kitchen. September 2024
09/23/2024	874424	Montana Dakota Utilities	EOC 911	$	77.37	911 Generator September 08293983782
09/23/2024	874424	Montana Dakota Utilities	Park Dist 1	$	87.34	112 138 9381 8
09/23/2024	874424	Montana Dakota Utilities	Park Dist 1	$	18.74	501 473 1000 2
09/23/2024	874424	Montana Dakota Utilities	Park Dist 1	$	22.49	703 760 1000 8
09/23/2024	874424	Montana Dakota Utilities	Park Dist 1	$	470.64	879 660 1000 8
09/23/2024	874424	Montana Dakota Utilities	Park Dist 1	$	28.60	902 360 1000 6
09/23/2024	874424	Montana Dakota Utilities	Public Safety	$	249.80	307 111 5825 0
09/23/2024	874424	Montana Dakota Utilities	Public Safety	$	82.33	668 670 1000 2
09/23/2024	874424	Montana Dakota Utilities	Public Safety	$	38.82	672 860 1000 3
09/23/2024	874424	Montana Dakota Utilities	Public Safety	$	171.67	819 360 1000 8
09/23/2024	874424	Montana Dakota Utilities	Public Safety	$	24.29	930 442 2308 4
09/23/2024	874424	Montana Dakota Utilities	Public Safety	$	16.06	95938991684 August Natural Gas Station 8 Generator
09/23/2024	874424	Montana Dakota Utilities	Wastewater	$	63.35	596 733 1000 5
09/23/2024	874424	Montana Dakota Utilities	Wastewater	$	62.82	713 064 3190 0
09/23/2024	874424	Montana Dakota Utilities	Wastewater	$	61.77	843 879 2205 1
09/23/2024	874424	Montana Dakota Utilities	Water	$	21.92	162 660 1000 4
09/23/2024	874424	Montana Dakota Utilities	Water	$	10.67	373 580 1000 9
09/23/2024	874424	Montana Dakota Utilities	Water	$	10.67	373 580 1000 9
09/23/2024	874424	Montana Dakota Utilities	Water	$	21.34	541 380 1000 1
09/23/2024	874424	Montana Dakota Utilities	Water	$	62.26	921 580 1000 6
09/23/2024	874425	MFPE	Payroll Clearing	$	3,128.46	Payroll Summary
09/23/2024	874427	MSFA	Payroll Clearing	$	5,568.58	Payroll Summary
09/23/2024	874428	Morgan Contractors	Public Safety	$	31,010.40	Washing, sandblasting, painting the BFD Live Burn Facility
09/23/2024	874429	Morrison Maierle	Airport	$	3,972.78	AIP-73 Terminal Expansion - Eligible for Reimbursement
09/23/2024	874429	Morrison Maierle	Airport	$	441.42	AIP-73 Terminal Expansion - Ineligible for Reimbursement
09/23/2024	874429	Morrison Maierle	Airport	$	373.43	AIP-76 Terminal Expansion - eligible for local
09/23/2024	874429	Morrison Maierle	Airport	$	11,073.82	Airport Master Plan Update - Federal Share
09/23/2024	874429	Morrison Maierle	Airport	$	1,230.42	Airport Master Plan Update - Local Share
09/23/2024	874429	Morrison Maierle	Airport	$	10,555.55	Amendment #13 Terminal Expansion Project - Federal
09/23/2024	874429	Morrison Maierle	Airport	$	992.21	Amendment #13 Terminal Expansion Project - Ineligible
09/23/2024	874429	Morrison Maierle	Airport	$	1,172.84	Amendment #13 Terminal Expansion Project - Local
09/23/2024	874429	Morrison Maierle	Wastewater	$	386.06	WO 23-35 Hesper Sanitary Sewer Extension; Pmt 11

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09/23/2024	874429	Morrison Maierle	Wastewater	$	51,490.17	WO 24-01 24 Sewer Main Repl Project
09/23/2024	874431	MPPA	Payroll Clearing	$	4,128.67	Payroll Summary
09/23/2024	874432	MT Dept of Rev-CGR2	Public Safety	$	72.83	1% CGR, ACCESS CONTROL - TAX
09/23/2024	874432	MT Dept of Rev-CGR2	SID Const	$	11.07	Retainage Release Final
09/23/2024	874432	MT Dept of Rev-CGR2	St Maint Dist	$	26.82	Retainage Release Final
09/23/2024	874432	MT Dept of Rev-CGR2	Wastewater	$	279.13	WO 23-24 Belknap Remodel Phase 2
09/23/2024	874432	MT Dept of Rev-CGR2	Wastewater	$	11,095.15	WO 24-01 Contract 2 - 2024 Sewer Replacement Project
09/23/2024	874432	MT Dept of Rev-CGR2	Water	$	75.64	Retainage Release Final
09/23/2024	874432	MT Dept of Rev-CGR2	Water	$	18,201.48	WO 19-42 West End WTP Construction
09/23/2024	874432	MT Dept of Rev-CGR2	Water	$	74.20	WO 23-24 Belknap Remodel Phase 2
09/23/2024	874432	MT Dept of Rev-CGR2	Water	$	6,333.18	WO 24-01 Contract 1: 2024 Water Main Replacement
09/23/2024	874433	Napa Auto Parts	Fleet	$	18.38	597391
09/23/2024	874433	Napa Auto Parts	Fleet	$	5.39	597422
09/23/2024	874433	Napa Auto Parts	Fleet	$	24.73	597502
09/23/2024	874433	Napa Auto Parts	Fleet	$	35.62	597602
09/23/2024	874433	Napa Auto Parts	Fleet	$	60.88	597675
09/23/2024	874433	Napa Auto Parts	Fleet	$	20.60	597678
09/23/2024	874433	Napa Auto Parts	Fleet	$	98.98	597684
09/23/2024	874433	Napa Auto Parts	Fleet	$	25.80	597826
09/23/2024	874433	Napa Auto Parts	Fleet	$	16.14	597829
09/23/2024	874433	Napa Auto Parts	Fleet	$	5.20	597895
09/23/2024	874433	Napa Auto Parts	Fleet	$	88.90	597929
09/23/2024	874433	Napa Auto Parts	Fleet	$	57.66	597978
09/23/2024	874433	Napa Auto Parts	Fleet	$	(98.98)	597988
09/23/2024	874433	Napa Auto Parts	Fleet	$	55.50	597992
09/23/2024	874433	Napa Auto Parts	Fleet	$	15.97	597994
09/23/2024	874433	Napa Auto Parts	Fleet	$	132.79	598083
09/23/2024	874433	Napa Auto Parts	Fleet	$	9.80	598132
09/23/2024	874433	Napa Auto Parts	Fleet	$	8.24	598151
09/23/2024	874433	Napa Auto Parts	Fleet	$	4.67	598168
09/23/2024	874433	Napa Auto Parts	Fleet	$	(9.80)	598245
09/23/2024	874433	Napa Auto Parts	Fleet	$	19.96	598286
09/23/2024	874433	Napa Auto Parts	Fleet	$	21.30	598361

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09/23/2024	874433	Napa Auto Parts	Fleet	$ 38.18	598573
09/23/2024	874433	Napa Auto Parts	Fleet	$ 384.94	598597
09/23/2024	874433	Napa Auto Parts	Fleet	$ 434.66	598597
09/23/2024	874433	Napa Auto Parts	Fleet	$ 77.83	598597
09/23/2024	874433	Napa Auto Parts	Fleet	$ 73.08	598597
09/23/2024	874433	Napa Auto Parts	Fleet	$ (36.13)	601027
09/23/2024	874433	Napa Auto Parts	Fleet	$ 29.30	602828
09/23/2024	874433	Napa Auto Parts	Fleet	$ 251.04	602880
09/23/2024	874433	Napa Auto Parts	Fleet	$ 596.40	602880
09/23/2024	874433	Napa Auto Parts	Fleet	$ 428.94	602880
09/23/2024	874433	Napa Auto Parts	Fleet	$ 7.92	603028
09/23/2024	874433	Napa Auto Parts	Fleet	$ 40.44	603166
09/23/2024	874433	Napa Auto Parts	Fleet	$ 136.06	604080
09/23/2024	874433	Napa Auto Parts	Fleet	$ 112.75	604211
09/23/2024	874433	Napa Auto Parts	Fleet	$ 98.24	604292
09/23/2024	874433	Napa Auto Parts	Fleet	$ 129.20	604807
09/23/2024	874433	Napa Auto Parts	Fleet	$ 25.74	604814
09/23/2024	874433	Napa Auto Parts	Street/Traffic	$ 13.35	inv#599369impact socket
09/23/2024	874438	Northern Industrial Hygiene	CDBG	$ 4,600.00	1302 Parkhill Drive LBP
09/23/2024	874438	Northern Industrial Hygiene	Wastewater	$ 2,288.00	WO 23-22 Digester Boiler...Environmental
09/23/2024	ACH	Northwest Pipe Fittings	Airport	$ 852.24	Invoice #7181748. Boiler #2 Repairs
09/23/2024	ACH	Northwest Pipe Fittings	Fleet	$ 80.12	7188294
09/23/2024	ACH	Northwest Pipe Fittings	Fleet	$ 63.08	7188294
09/23/2024	ACH	Northwest Pipe Fittings	Street/Traffic	$ 59.85	union/rector seal for irrigation
09/23/2024	ACH	Northwest Pipe Fittings	Wastewater	$ 2,800.00	CET, YARD HYD
09/23/2024	ACH	Northwest Pipe Fittings	Wastewater	$ 724.30	Seal Kit for Digester Boiler
09/23/2024	ACH	Northwest Pipe Fittings	Water	$ 604.20	1-1/2" T113 BRASS GATE VALVE P/N: 111-330-00070
09/23/2024	ACH	Northwest Pipe Fittings	Water	$ 919.00	12" HYDRANT EXTENSION K81-A KENNEDY - NO THREADS
09/23/2024	ACH	Northwest Pipe Fittings	Water	$ 306.84	2" BALL CORP STOP CTS - COMPRESSION # 2113312
09/23/2024	ACH	Northwest Pipe Fittings	Water	$ 2,108.34	2" ECODER WALL METER CUFT FLG P/N: 202NS04791
09/23/2024	ACH	Northwest Pipe Fittings	Water	$ 626.10	2" TD METER FLANGES OVAL CI P/N: 2038244
09/23/2024	ACH	Northwest Pipe Fittings	Water	$ 2,108.34	2" X 17" MACH 10 METER P/N: 2022555
09/23/2024	ACH	Northwest Pipe Fittings	Water	$ 4,073.37	4" x 20" MACH 10 STANDALONE C/F METER

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09/23/2024	ACH	Northwest Pipe Fittings	Water	$	1,574.00	6" K81-A KENNEDY HYDRANT EXTENSION - NO THREADS
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	798.60	BREAKING RING #340415B F/ 5-1/4" (K8119)
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	154.98	C86-33U-NL 3/4" MIP X PEP-IPS P/N: 2109548
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	168.20	C86-34U-NL 1" X 3/4" MIP P/N: 2109552
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	84.10	C86-34U-NL 1" X 3/4" MIP P/N: 2109552
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	240.24	C86-44U-NL 1" MIP X ULTRATITE P/N: 2109550
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	583.50	CAST IRON CURB BOX PLUG 1-1/4" P/N: 2175728
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	50.55	Cedar Park Ring Repair
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	107.12	chemical bldg filter aid line repair
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	917.06	HYDRANT COLLISION REPAIR KITS
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	344.64	L-Structure Sample Pumps - Air valves
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	23,833.80	R-900 ENHANCED WALL RR - MIU 13341-200 (RF'S)
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	38.00	Seal Pins for Metershop
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	115.87	Thomas sample line regulator..reducing v
09/23/2024	ACH	Northwest Pipe Fittings	Water	$	51.23	Throttle Valve, Meter Shop
09/23/2024	874440	NorthWestern Energy	Light Maint	$	1,148.91	SILMD 10 Acct# 0712546-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$	2,155.77	SILMD 100 Acct# 0712559-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$	1,762.20	SILMD 107 Acct# 0712560-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$	4,419.50	SILMD 109 Acct# 0712561-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$	232.45	SILMD 113 Acct# 0712562-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$	951.03	SILMD 114 Acct# 0712563-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$	223.77	SILMD 115 Acct# 0712564-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$	587.38	SILMD 116 Acct# 0712565-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$	3,204.82	SILMD 117 Acct# 0712566-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$	208.65	SILMD 118 Acct# 0712567-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$	128.31	SILMD 119 Acct# 0712568-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$	2,517.43	SILMD 121 Acct# 0712570-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$	189.21	SILMD 122 Acct# 0712571-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$	335.66	SILMD 123 Acct# 0712572-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$	979.00	SILMD 124 Acct# 0712573-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$	391.60	SILMD 125 Acct# 0712574-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$	195.79	SILMD 126 Acct# 0712575-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$	709.55	SILMD 127 Acct# 0712576-8

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09/23/2024	874440	NorthWestern Energy	Light Maint	$ 496.66	SILMD 128 Acct# 0712577-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 335.66	SILMD 129 Acct# 0712578-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 5,021.62	SILMD 13 Acct# 0721276-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 120.68	SILMD 130 Acct# 0712579-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 867.12	SILMD 131 Acct# 0712580-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 224.14	SILMD 133 Acct# 0712581-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 517.25	SILMD 134 Acct# 0712582-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 520.32	SILMD 135 Acct# 0712583-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 475.51	SILMD 136 Acct# 0712584-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 388.35	SILMD 137 Acct# 0712585-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 755.23	SILMD 138 Acct# 0712586-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 251.73	SILMD 139 Acct# 0712587-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 2,508.26	SILMD 14 Acct# 0721277-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 4.14	SILMD 14 Acct# 4167204-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 587.38	SILMD 143 Acct# 0712588-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 27.94	SILMD 144 Acct# 0712589-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 473.02	SILMD 145 Acct# 0712590-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 363.63	SILMD 146 Acct# 0712591-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 445.95	SILMD 147 Acct# 0712592-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,706.59	SILMD 149 Acct# 0712593-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 756.85	SILMD 150 Acct# 0712594-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 643.33	SILMD 151 Acct# 0712595-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 4,342.77	SILMD 152 Acct# 0712596-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 543.97	SILMD 153 Acct# 0712597-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,229.88	SILMD 154 Acct# 0712598-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 503.49	SILMD 155 Acct# 0712599-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 922.40	SILMD 157 Acct# 0712600-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 811.18	SILMD 158 Acct# 0712601-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 994.58	SILMD 159 Acct# 0712602-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 727.26	SILMD 160 Acct# 0712603-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,064.33	SILMD 161 Acct# 0712604-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 49.21	SILMD 162 Acct# 0712605-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 837.89	SILMD 163 Acct# 0712606-3

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09/23/2024	874440	NorthWestern Energy	Light Maint	$ 378.42	SILMD 164 Acct# 0712607-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 895.09	SILMD 165 Acct# 0712608-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 236.50	SILMD 167 Acct# 0712609-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,175.55	SILMD 17 Acct# 0712553-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 567.64	SILMD 171 Acct# 0712610-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 517.25	SILMD 172 Acct# 0712611-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,182.57	SILMD 173 Acct# 0712612-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 993.37	SILMD 174 Acct# 0712613-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 331.12	SILMD 175 Acct# 0712614-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 35.17	SILMD 176 Acct# 0712615-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 260.16	SILMD 178 Acct# 0712616-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 520.32	SILMD 179 Acct# 0712617-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 354.78	SILMD 180 Acct# 0712618-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,706.25	SILMD 181 Acct# 0712619-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 591.30	SILMD 182 Acct# 0712620-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,182.57	SILMD 183 Acct# 0712621-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 378.42	SILMD 184 Acct# 0712622-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 141.91	SILMD 185 Acct# 0712623-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 774.82	SILMD 186 Acct# 0712624-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 236.50	SILMD 187 Acct# 0712625-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 283.82	SILMD 188 Acct# 0712626-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 236.50	SILMD 189 Acct# 0712627-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,229.88	SILMD 190 Acct# 0712628-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 422.18	SILMD 191 Acct# 0712629-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 307.47	SILMD 192 Acct# 0712630-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 756.85	SILMD 193 Acct# 0712631-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 345.92	SILMD 194 Acct# 0712632-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 276.73	SILMD 195 Acct# 0712633-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 87.98	SILMD 196 Acct# 0712634-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 87.98	SILMD 197 Acct# 0712635-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 118.27	SILMD 198 Acct# 0712636-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 60.59	SILMD 200 Acct# 0712637-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 496.66	SILMD 201 Acct# 0712638-6

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09/23/2024	874440	NorthWestern Energy	Light Maint	$ 835.39	SILMD 202 Acct# 0712639-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 23.47	SILMD 203 Acct# 0712640-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 463.43	SILMD 204 Acct# 0712641-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 28.13	SILMD 205 Acct# 0712642-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 331.12	SILMD 206 Acct# 0712643-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 378.42	SILMD 207 Acct# 0712644-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 543.97	SILMD 209 Acct# 0712646-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 105.57	SILMD 210 Acct# 0712647-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 58.65	SILMD 211 Acct# 0712648-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 58.65	SILMD 212 Acct# 0712649-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 35.19	SILMD 213 Acct# 0712650-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 385.51	SILMD 214 Acct# 0712651-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 141.91	SILMD 216 Acct# 0712652-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 449.91	SILMD 217 Acct# 0712653-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 317.95	SILMD 220 Acct# 0712654-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 7.03	SILMD 221 Acct# 0712655-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 93.23	SILMD 222 Acct# 0712656-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 140.76	SILMD 223 Acct# 0712657-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,491.09	SILMD 224 Acct# 0712658-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 441.34	SILMD 225 Acct# 0712659-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 261.05	SILMD 226 Acct# 0712660-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 712.18	SILMD 227 Acct# 0712661-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 811.18	SILMD 228 Acct# 0712662-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 419.58	SILMD 229 Acct# 0712663-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 979.00	SILMD 230 Acct# 0712664-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 587.38	SILMD 231 Acct# 0712665-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 2,545.41	SILMD 232 Acct# 0712666-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,032.18	SILMD 233 Acct# 0712667-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 562.36	SILMD 234 Acct# 0712668-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 654.06	SILMD 235 Acct# 0712669-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 207.53	SILMD 236 Acct# 0712670-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 402.08	SILMD 237 Acct# 0712671-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 14.06	SILMD 238 Acct# 0712672-5

Check Date	Check #	Name	Fund Name	Amount	Item Desc
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 94.61	SILMD 239 Acct# 0712673-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 498.09	SILMD 240 Acct# 0712674-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 595.79	SILMD 241 Acct# 0712675-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 83.92	SILMD 242 Acct# 0712676-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 111.89	SILMD 244 Acct# 0712677-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 76.13	SILMD 245 Acct# 0712678-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 335.66	SILMD 246 Acct# 0712679-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,012.33	SILMD 247 Acct# 0712680-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 2,769.17	SILMD 249 Acct# 0718734-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 249.03	SILMD 250 Acct# 0719001-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 3,929.31	SILMD 251 Acct# 0718801-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 559.42	SILMD 252 Acct# 0719162-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,857.16	SILMD 253 Acct# 0719644-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 186.48	SILMD 254 Acct# 0719763-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 153.69	SILMD 255 Acct# 0720813-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,112.45	SILMD 257 Acct# 0720360-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 2,663.53	SILMD 258 Acct# 0720606-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,647.89	SILMD 259 Acct# 0720810-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 503.49	SILMD 261 Acct# 0720705-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 3,136.25	SILMD 262 Acct# 0720937-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,143.41	SILMD 263 Acct# 0720716-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 203.42	SILMD 264 Acct# 0721427-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 366.13	SILMD 265 Acct# 0721556-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 52.79	SILMD 266 Acct# 0721684-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 542.96	SILMD 270 Acct# 0906944-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 974.56	SILMD 271 Acct# 0995095-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 2,856.48	SILMD 272 Acct# 0905005-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 207.93	SILMD 273 Acct# 0926386-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 593.40	SILMD 276 Acct# 0961926-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 859.82	SILMD 277 Acct# 1058710-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 262.88	SILMD 278 Acct# 1087619-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 60.31	SILMD 279 Acct# 1124127-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 719.45	SILMD 280 Acct# 1045653-1

Check Date	Check #	Name	Fund Name	Amount	Item Desc
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 532.22	SILMD 283 Acct# 1172743-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 332.07	SILMD 285 Acct# 1206985-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 246.81	SILMD 286 Acct# 1296582-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,872.20	SILMD 288 Acct# 1303978-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 185.12	SILMD 289 Acct# 1685375-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 66.02	SILMD 289 Acct# 4185749-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 148.80	SILMD 290 Acct# 1433921-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 615.36	SILMD 292 Acct# 1481532-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 236.50	SILMD 293 Acct# 1481534-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 473.02	SILMD 294 Acct# 1481535-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 111.89	SILMD 295 Acct# 1481536-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,253.52	SILMD 296 Acct# 1481537-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 212.85	SILMD 297 Acct# 1481539-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 189.21	SILMD 298 Acct# 1481540-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 413.06	SILMD 300 Acct# 1662840-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 5,209.00	SILMD 301 Acct# 1687005-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 249.14	SILMD 302 Acct# 1607534-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 825.49	SILMD 305 Acct# 1695873-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 208.14	SILMD 306 Acct# 1740353-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 2,799.13	SILMD 307 Acct# 2049005-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 274.22	SILMD 308 Acct# 2072459-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 341.72	SILMD 309 Acct# 2001311-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 68.09	SILMD 310 Acct# 2060519-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 255.71	SILMD 311 Acct# 3014475-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 233.62	SILMD 312 Acct# 3146127-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 384.45	SILMD 315 Acct# 3305804-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,153.12	SILMD 316 Acct# 3291842-7
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 78.63	SILMD 317 Acct# 3253826-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 816.68	SILMD 318 Acct# 3372018-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 67.45	SILMD 320 Acct# 0712569-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 431.09	SILMD 321 Acct# 3338917-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 77.71	SILMD 322 Acct# 3402033-9
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 656.81	SILMD 323 Acct# 3597170-4

Check Date	Check #	Name	Fund Name	Amount	Item Desc
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 286.61	SILMD 324 Acct# 1246537-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 241.05	SILMD 325 Acct# 3587598-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 94.66	SILMD 326 Acct# 3840455-4
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 189.21	SILMD 327 Acct# 3810801-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 557.08	SILMD 328 Acct# 3894879-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 72.82	SILMD 329 Acct# 3939032-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 213.56	SILMD 330 Acct# 3951594-5
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 27.90	SILMD 331 Acct# 0712645-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 10.62	SILMD 331 Acct# 4174590-2
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 33.08	SILMD 331 Acct# 4174591-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 26.02	SILMD 331 Acct# 4174593-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 20.03	SILMD 331 Acct# 4176340-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 123.29	SILMD 332 Acct# 4093467-1
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 402.69	SILMD 8 Acct# 0712544-6
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 369.04	SILMD 9 Acct# 0712545-3
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 548.97	SILMD 95 Acct# 0712556-0
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 9,963.46	SILMD 97 Acct# 0712557-8
09/23/2024	874440	NorthWestern Energy	Light Maint	$ 1,165.37	SILMD 99 Acct# 0712558-6
09/23/2024	874439	NorthWestern Energy	Park Dist 1	$ 39.42	0712387-0
09/23/2024	874439	NorthWestern Energy	Park Dist 1	$ 208.75	0712536-2
09/23/2024	874439	NorthWestern Energy	Park Dist 1	$ 76.15	0720818-4
09/23/2024	874439	NorthWestern Energy	Park Dist 1	$ 3,227.35	0720821-8
09/23/2024	874439	NorthWestern Energy	Park Dist 1	$ 1,399.87	0722287-0
09/23/2024	874439	NorthWestern Energy	Park Dist 1	$ 843.76	0723045-1
09/23/2024	874439	NorthWestern Energy	Park Dist 1	$ 331.53	1191404-1
09/23/2024	874439	NorthWestern Energy	Park Dist 1	$ 12.79	1836666-6
09/23/2024	874439	NorthWestern Energy	Park Dist 1	$ -	4086220-3
09/23/2024	874439	NorthWestern Energy	Park Dist 1	$ 182.47	4177819-2
09/23/2024	874439	NorthWestern Energy	Parks Maint	$ 0.68	1029192-0
09/23/2024	874439	NorthWestern Energy	Parks Maint	$ 0.81	1948667-9
09/23/2024	874439	NorthWestern Energy	Parks Maint	$ 5.05	2055817-7
09/23/2024	874439	NorthWestern Energy	Public Safety	$ 586.60	0720817-6
09/23/2024	874439	NorthWestern Energy	Public Safety	$ 639.80	0871546-8

Check Date	Check #	Name	Fund Name	Amount	Item Desc
09/23/2024	874439	NorthWestern Energy	Street/Traffic	$ 0.81	1740357-7
09/23/2024	874439	NorthWestern Energy	Street/Traffic	$ 0.53	1748896-6
09/23/2024	874440	NorthWestern Energy	Street/Traffic	$ 12,614.26	Signal Bills 09.17.2024
09/23/2024	874439	NorthWestern Energy	Transit	$ 251.96	0719225-5
09/23/2024	874439	NorthWestern Energy	Wastewater	$ 86,725.57	0100591-7
09/23/2024	874439	NorthWestern Energy	Wastewater	$ 189.98	389 62nd St Lift Entrance...Aug 2024
09/23/2024	874439	NorthWestern Energy	Water	$ 12,225.41	0723040-2
09/23/2024	874439	NorthWestern Energy	Water	$ 6.00	0723059-2
09/23/2024	874439	NorthWestern Energy	Water	$ 145.50	1142253-2
09/23/2024	874439	NorthWestern Energy	Water	$ 1,060.84	4374 Hesper Rd, Temp Service, Aug 2024
09/23/2024	874439	NorthWestern Energy	Water	$ 1,077.64	4519 Hesper Rd Temp service, Aug 2024
09/23/2024	874439	NorthWestern Energy	Water	$ 867.95	5809 Canyonwoods Dr, Aug 2024
09/23/2024	874444	OverDrive	Library	$ 46,322.91	CD0152624197969
09/23/2024	ACH	Parker Technology	Parking	$ 115.71	CALL CENTER SERVICES FEBRUARY 2024
09/23/2024	ACH	Parker Technology	Parking	$ 748.37	CALL CENTER SERVICES PARK 2 AUGUST 2024
09/23/2024	ACH	Parker Technology	Parking	$ 748.37	CALL CENTER SERVICES PARK 2 JULY 2024
09/23/2024	ACH	Parker Technology	Parking	$ 87.78	EMPIRE CALL CENTER SERVICES
09/23/2024	ACH	Parker Technology	Parking	$ 1,052.01	EMPIRE CALL CENTER SERVICES AUGUST 24
09/23/2024	ACH	Parker Technology	Parking	$ 211.32	PARK 1 CALL CENTER SERVICES AUGUST 2024
09/23/2024	ACH	Parker Technology	Parking	$ 307.08	PARK 1 CALL CENTER SERVICES JULY 2024
09/23/2024	ACH	Parker Technology	Parking	$ 259.20	PARK 1 CALL CENTER SERVICES MAY MONTHLY SERVICE
09/23/2024	ACH	Parker Technology	Parking	$ 304.25	PARK 3 CAL CENTER SERVICES SEPTEMBER 2024
09/23/2024	ACH	Parker Technology	Parking	$ 304.25	PARK 3 CAL LCENTER SERVICES JULY 2024
09/23/2024	874451	Public Utilities	Airport	$ 134.71	3059379-Corp Air/Alpine
09/23/2024	874451	Public Utilities	Airport	$ 322.92	3059380-Edwards Jet Center West
09/23/2024	874451	Public Utilities	Airport	$ 322.92	3059382-US Postal Service Gate 15
09/23/2024	874451	Public Utilities	Airport	$ 158.56	3059383-Marchi Office
09/23/2024	874451	Public Utilities	Airport	$ 386.10	3070894-Edwards Jet Center 1691 Aviation Place
09/23/2024	874451	Public Utilities	Airport	$ 263.35	3070895-MT State Lands DEQ/DNRC
09/23/2024	874451	Public Utilities	Airport	$ 263.35	3082456-Zone Dispatch-IP6 & IP7
09/23/2024	874451	Public Utilities	Airport	$ 263.35	3082459-Rocky Mountain College-EJC
09/23/2024	874451	Public Utilities	Airport	$ 322.92	3082460-Marchi Hangar
09/23/2024	874451	Public Utilities	Airport	$ 134.71	3082461-TSA

Check Date	Check #	Name	Fund Name	Amount	Item Desc
09/23/2024	874451	Public Utilities	Airport	$ 188.21	3094193-Alpine Air-Maintenance
09/23/2024	874451	Public Utilities	Airport	$ 233.96	3094194-West End T-Hangars
09/23/2024	874451	Public Utilities	Airport	$ -	3094195-Airfield Maintenance Compactor
09/23/2024	874451	Public Utilities	Airport	$ 269.42	3094196-Edwards Jet Center 1871 Aviation Place
09/23/2024	874451	Public Utilities	Airport	$ 193.05	3094197-Aerotronics
09/23/2024	874451	Public Utilities	Airport	$ 263.35	3094198-Billings Fire Center-BLM
09/23/2024	874451	Public Utilities	Airport	$ 467.92	3105643-QTA
09/23/2024	874451	Public Utilities	Airport	$ 246.63	3105644-Executive Hangars
09/23/2024	874451	Public Utilities	Airport	$ 16.72	3105644-Executive Hangars USDA APHIS
09/23/2024	874451	Public Utilities	Airport	$ 649.45	3105645-UPS Gate 21
09/23/2024	ACH	RDO Equipment	Street/Traffic	$ 29,500.00	2024 towmaster trailer
09/23/2024	ACH	RDO Equipment	Water	$ 10,520.00	PBD034...Excavator Rental
09/23/2024	874452	Rimrock Foundation	Court Grants	$ 3,487.69	24 Aug. Rimrock Treatment Services
09/23/2024	874452	Rimrock Foundation	Court Grants	$ 3,256.63	24 Aug. Rimrock Treatment Services
09/23/2024	874456	S & S Machine Inc	Water	$ 3,438.00	Repair/balance pump impeller Staples 3-2
09/23/2024	874459	Sanderson Stewart	Tax Incrmnt S	$ 7,880.13	WO 21-42 SBURA Streets Improvements Phas
09/23/2024	874460	SEL Schweitzer Engineering	Wastewater	$ 5,982.00	Add Functions to WRF Generator"
09/23/2024	874464	Sherwin Williams	Street/Traffic	$ 776.10	inv#0168-6paint for airport shop
09/23/2024	874464	Sherwin Williams	Street/Traffic	$ 51.91	inv#5755-0paint tips for airport shop
09/23/2024	874464	Sherwin Williams	Street/Traffic	$ 53.53	inv#6767-5wire/striping access for crosswalk striper
09/23/2024	874464	Sherwin Williams	Street/Traffic	$ 900.00	inv#9892-5pump for crosswalk striper
09/23/2024	874464	Sherwin Williams	Street/Traffic	$ 86.00	inv#9892-5pump rebuild on paint striper pump
09/23/2024	874464	Sherwin Williams	Water	$ 252.41	RED PAINT IND URE ALKYD SF - RED 6403-84178 (B54R158)
09/23/2024	874464	Sherwin Williams	Water	$ 1,009.62	RED PAINT IND URE ALKYD SF - RED 6403-84178 (B54R158)
09/23/2024	874469	Stahly Engineering & Associates	Facilities	$ 1,577.26	Ret Release for BOC Pavement Assessment
09/23/2024	874469	Stahly Engineering & Associates	Storm Sewer	$ 3,700.00	WO 25-17 Sylvan Lane Drainage Improvemen
09/23/2024	874478	Thorn Run Partners	General	$ 3,750.00	Federal Lobbying Svcs 2 Year Contract.
09/23/2024	874478	Thorn Run Partners	P.W. Admin	$ 3,750.00	Federal Lobbying Svcs 2 Year Contract.
09/23/2024	ACH	Town & Country Supply	Airport	$ 13,650.77	1999 Gal Premium Unleaded, 1999 Gallons Dyed #1
09/23/2024	ACH	Town & Country Supply	Fleet	$ 6,005.18	442544
09/23/2024	ACH	Town & Country Supply	Fleet	$ 13,456.25	442544
09/23/2024	ACH	Town & Country Supply	Fleet	$ 5,654.55	442544
09/23/2024	ACH	Town & Country Supply	Fleet	$ 7,654.03	442544

Check Date	Check #	Name	Fund Name	Amount	Item Desc
09/23/2024	ACH	Town & Country Supply	Transit	$ 16,206.60	442289_Diesel Fuel
09/23/2024	ACH	Town & Country Supply	Transit	$ 5,643.60	442677_Unleaded Fuel
09/23/2024	874483	TraffiCalm Systems	Street/Traffic	$ 17,668.16	quote #16475TCRRFB per attached quote
09/23/2024	874486	TW Ridley	Wastewater	$ 27,634.04	WO 23-24 Belknap Remodel Phase 2; Pmt 8
09/23/2024	874486	TW Ridley	Water	$ 7,345.76	WO 23-24 Belknap Remodel Phase 2; Pmt 8
09/23/2024	874490	Verizon Wireless	Engineering	$ 27.32	PW-Engineering
09/23/2024	874490	Verizon Wireless	Fleet	$ 42.58	Motor Pool
09/23/2024	874490	Verizon Wireless	General	$ 511.89	City Administrator 0100-13130-403450
09/23/2024	874490	Verizon Wireless	General	$ 40.01	Code Enforcement Laptop
09/23/2024	874490	Verizon Wireless	General	$ 10.02	Code Enforcement Manager Laptop
09/23/2024	874490	Verizon Wireless	General	$ 27.32	Public Info Officer Laptop
09/23/2024	874490	Verizon Wireless	PD Program	$ 41.63	CCSIU Cell/PTT
09/23/2024	874490	Verizon Wireless	PD Program	$ 468.68	CCSIU Cell/PTT
09/23/2024	874490	Verizon Wireless	PD Program	$ 80.02	CCSIU RAVEN
09/23/2024	874490	Verizon Wireless	Phone System	$ 801.82	IT Account Cancel Move
09/23/2024	874490	Verizon Wireless	Phone System	$ 80.06	WRF Cradle Point Belknap Cradle Point
09/23/2024	874490	Verizon Wireless	Public Safety	$ 40.01	Bait Car
09/23/2024	874490	Verizon Wireless	Public Safety	$ 40.01	Fire Drone Hotspot
09/23/2024	874490	Verizon Wireless	Public Safety	$ 40.01	Fire MDT -1500-22210-403450
09/23/2024	874490	Verizon Wireless	Public Safety	$ 40.01	Fire MDT -1500-22210-403450
09/23/2024	874490	Verizon Wireless	Public Safety	$ 360.09	MDT Toughbooks
09/23/2024	874490	Verizon Wireless	Public Safety	$ 46.34	Police Bait Car
09/23/2024	874490	Verizon Wireless	Public Safety	$ 50.03	Police Chiefs iPads
09/23/2024	874490	Verizon Wireless	Public Safety	$ 110.02	Police MiFi
09/23/2024	874490	Verizon Wireless	Solid Waste	$ -	PW-Solid Waste
09/23/2024	874490	Verizon Wireless	Solid Waste	$ 94.06	PW-SW-ON CALL Solid Waste On Call
09/23/2024	874490	Verizon Wireless	Solid Waste	$ 24.37	PW-SW-ON CALL Solid Waste On Call
09/23/2024	874490	Verizon Wireless	Solid Waste	$ 257.78	Solid Waste Tablets -Routware
09/23/2024	874490	Verizon Wireless	Street/Traffic	$ 174.67	PW-Streets and Street Cameras
09/23/2024	874490	Verizon Wireless	Street/Traffic	$ -	PW-Streets City Works
09/23/2024	874490	Verizon Wireless	Street/Traffic	$ 243.51	PW-STRT TRFC Streets
09/23/2024	874490	Verizon Wireless	Transit	$ 309.02	MET AVL
09/23/2024	874490	Verizon Wireless	Transit	$ 1,120.28	MET Max Transit

Check Date	Check #	Name	Fund Name		Amount	Item Desc
09/23/2024	874490	Verizon Wireless	Transit	$	970.42	MET Max Transit
09/23/2024	874490	Verizon Wireless	Transit	$	120.03	MET Transit
09/23/2024	874490	Verizon Wireless	Wastewater	$	520.15	MET Tablets
09/23/2024	874490	Verizon Wireless	Water	$	27.32	PWBLKNP Water Treatment
09/23/2024	874490	Verizon Wireless	Water	$	67.33	PWBLNP Comm-Meter CityWorks/Neptune
09/23/2024	874490	Verizon Wireless	Water	$	40.01	PWBLNP Comm-Meter CityWorks/Neptune
09/23/2024	874491	Voegele Acquisitions	Street/Traffic	$	3,900.00	early fall fertilization
09/23/2024	874493	Western Heritage Center	Planning	$	10,000.00	Chandler Cohagen Research and Writing Project
09/23/2024	874494	Western Municipal Construction	Water	$	626,984.96	WO 24-01 Contract 1: 2024 Water Main Replacement
09/23/2024	874498	Yellowstone Valley Elec	Solid Waste	$	5,800.00	WO 20-46 Landfill Compost Facility. Add

City Council Regular

Date:	10/28/2024
Title:	Payment of Claims for week of September 30th, 2024
Presented by:	Erin Watterud
Department:	Finance
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of $2,902,586.52 have been reviewed and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department. Payment Approval Process Every invoice for payment is entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.). Each invoice goes through a multi-step approval process depending upon the amount of the payment. First, invoices are entered by the department requesting the payment and the department director or designee must perform an initial review and approval of the purchase. The number of approvals within the department can vary based upon the size of the department, but no less than one approver within each department must verify the payment. Second, all payments, regardless of size, must be approved by the Purchasing Agent or designee. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached. If the payment is greater than $1,000, then it must be approved by the Finance Director or designee. If that payment is greater than $10,000, then it must be approved by the City Administrator or Assistant City Administrator. Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of $2,500 is generated and placed on the next City Council meeting for review.

ALTERNATIVES

No other alternatives were analyzed.

FISCAL EFFECTS

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

Attachments

CouncilMemo wk of 09302024

Check Date	Check #	Name	First	Fund Name	Amount	Item Desc
09/30/2024	874501	A & E Architects	2600	Library	$ 4,596.00	Branding and marketing for the Library Co+Lab
09/30/2024	874502	A+ Electric Motor	5020	Water	$ 14,412.50	Pump for Thomas Pump Station-Pump # 2 Re
09/30/2024	874503	AAAE	5610	Airport	$ 7,500.00	2025 AAAE Federal Affairs Membership
09/30/2024	874504	Advanced Employment	1500	Public Safety	$ 105.00	1360095737, cleaning PD3
09/30/2024	874504	Advanced Employment	5410	Solid Waste	$ 2,320.50	Contract labor at Landfill for week ending 09/01/24.
09/30/2024	874504	Advanced Employment	5410	Solid Waste	$ 291.20	Contract labor at Landfill for week ending 09/15/24.
09/30/2024	874504	Advanced Employment	5410	Solid Waste	$ 676.50	Contract labor at Landfill for week ending 09/15/24.
09/30/2024	874504	Advanced Employment	5410	Solid Waste	$ 626.50	Contract labor at Landfill for week ending 9/8/24.
09/30/2024	874505	Advanced Protection Systems	6520	Facilities	$ 14,697.00	Fire Alarm System Replacement 4850 Midland Road
09/30/2024	874506	Advantage Companies	2600	Library	$ 9,700.00	Annual microfilm subscription w/digital access
09/30/2024	874509	Askin Construction	1990	Tax Incrmnt S	$ 10,165.53	WO 23-26 Sbura Gravel Streets Phase II,; Pmt Final
09/30/2024	874509	Askin Construction	5030	Water	$ 1,031,592.82	WO 24-01 Contract 3: Cedar Park Water Main Replac
09/30/2024	874512	AT & T	2090	Building	$ 45.22	Building Manager
09/30/2024	874512	AT & T	2900	CDBG	$ 112.11	Comm Dev
09/30/2024	874512	AT & T	7380	Court Grants	$ 90.44	Muni Court DC
09/30/2024	874512	AT & T	6700	Engineering	$ 174.20	Engineering Tablets
09/30/2024	874512	AT & T	6700	Engineering	$ 178.95	PW-Engineering Cell Phones and MiFi
09/30/2024	874512	AT & T	6520	Facilities	$ 45.41	Facilities BOC
09/30/2024	874512	AT & T	6520	Facilities	$ 31.28	Facilities BOC
09/30/2024	874512	AT & T	6540	Facilities	$ 13.58	Facilities BOC
09/30/2024	874512	AT & T	6540	Facilities	$ 45.41	Facilities BOC
09/30/2024	874512	AT & T	6520	Facilities	$ 86.48	Facilities BOC/CH
09/30/2024	874512	AT & T	6540	Facilities	$ 28.80	Facilities BOC/CH
09/30/2024	874512	AT & T	6520	Facilities	$ 45.22	Facilities City Hall
09/30/2024	874512	AT & T	6520	Facilities	$ 45.20	Facilities City Hall
09/30/2024	874512	AT & T	6520	Facilities	$ 45.22	Facilities City Hall
09/30/2024	874512	AT & T	6500	Facilities	$ 90.44	Facilities Managers
09/30/2024	874512	AT & T	0100	General	$ 416.90	Code Enforcement
09/30/2024	874512	AT & T	0100	General	$ 45.22	Finance purchasing agent
09/30/2024	874512	AT & T	0100	General	$ 45.22	Human Resources
09/30/2024	874512	AT & T	0100	General	$ 50.27	Legal
09/30/2024	874512	AT & T	0100	General	$ 243.66	PRPL - Recreation Division
09/30/2024	874512	AT & T	0100	General	$ 87.80	REC Seasonal

Check Date	Check #	Name	First	Fund Name	Amount	Item Desc
09/30/2024	874512	AT & T	0100	General	$ 169.04	Rec Tablets
09/30/2024	874512	AT & T	2600	Library	$ 278.67	Library
09/30/2024	874512	AT & T	2600	Library	$ 107.38	Library Out Reach
09/30/2024	874512	AT & T	6600	P.W. Admin	$ 32.62	PWBLKNP OFFICE -50/50
09/30/2024	874512	AT & T	6600	P.W. Admin	$ 32.61	PWBLKNP OFFICE -50/50
09/30/2024	874512	AT & T	8730	Park Dist 1	$ 573.80	Parks Dept.
09/30/2024	874512	AT & T	8730	Park Dist 1	$ 35.12	Parks Seasonal
09/30/2024	874512	AT & T	8730	Park Dist 1	$ 487.26	PRPL Parks Tablets
09/30/2024	874512	AT & T	5210	Parking	$ 424.48	Parking Phones and scanner
09/30/2024	874512	AT & T	5210	Parking	$ 226.10	Parking Phones and scanner
09/30/2024	874512	AT & T	6060	Phone System	$ 65.02	IT iPads
09/30/2024	874512	AT & T	6060	Phone System	$ 45.22	TeleComm Manager Doug
09/30/2024	874512	AT & T	2400	Planning	$ 67.83	planning
09/30/2024	874512	AT & T	5410	Solid Waste	$ 373.86	SOLID WASTE Cell and iPads
09/30/2024	874512	AT & T	5410	Solid Waste	$ 139.36	SOLID WASTE Cell and iPads
09/30/2024	874512	AT & T	2110	Street/Traffic	$ 634.66	Street Traffic iPads
09/30/2024	874512	AT & T	5710	Transit	$ 645.35	MET Transit Tablets
09/30/2024	874512	AT & T	5120	Wastewater	$ 354.52	PWBELKNAP-DIST COLL CELL PHONES 50/50
09/30/2024	874512	AT & T	5120	Wastewater	$ 473.08	PWBLKNP Electricians -Phones
09/30/2024	874512	AT & T	5120	Wastewater	$ 28.11	PWBLKNP STORES -75/25
09/30/2024	874512	AT & T	5120	Wastewater	$ 1,006.85	Wastewater Treatment Plant/iPads
09/30/2024	874512	AT & T	5120	Wastewater	$ 104.52	Wastewater Treatment Plant/iPads
09/30/2024	874512	AT & T	5120	Wastewater	$ 385.50	PW-Distribution Collection Tablets 50/50
09/30/2024	874512	AT & T	5120	Wastewater	$ 80.28	PW-Environmental
09/30/2024	874512	AT & T	5020	Water	$ 354.51	PWBELKNAP-DIST COLL CELL PHONES 50/50
09/30/2024	874512	AT & T	5020	Water	$ 991.70	PWBELKNAP-WT Water Treatment
09/30/2024	874512	AT & T	5020	Water	$ 472.64	PWBLKNP COMM-METER CityWorks/Neptune
09/30/2024	874512	AT & T	5020	Water	$ 412.35	PWBLKNP MTRSHOP CELL PHONE AND IPADS
09/30/2024	874512	AT & T	5020	Water	$ 288.40	PWBLKNP MTRSHOP CELL PHONE AND IPADS
09/30/2024	874512	AT & T	5020	Water	$ 84.34	PWBLKNP STORES -75/25
09/30/2024	874512	AT & T	5020	Water	$ 385.50	PW-Distribution Collection Tablets 50/50
09/30/2024	874515	Axon Enterprise	5610	Airport	$ 5,880.00	Airport Police Axon X26 Tasers
09/30/2024	874515	Axon Enterprise	5630	Airport	$ 402.50	Airport Police Axon X26 Tasers

Check Date	Check #	Name	First	Fund Name		Amount	Item Desc
09/30/2024	874522	B.I.R.D.	2010	Tax Incrmnt E	$	41,383.75	FY25 EBURD Operating Agreement
09/30/2024	874523	Billings Tourism	7790	Tourism BID #2	$	3,171.98	Paid August Distributed September, 2024
09/30/2024	874531	Century Link	5610	Airport	$	49.20	Airport Terminal Power M
09/30/2024	874531	Century Link	5610	Airport	$	45.66	Airport Alarm
09/30/2024	874531	Century Link	5610	Airport	$	45.19	Airport 1FB Line
09/30/2024	874531	Century Link	5610	Airport	$	83.58	Airport
09/30/2024	874531	Century Link	5610	Airport	$	45.19	Airport P9 Building
09/30/2024	874531	Century Link	5610	Airport	$	466.98	Airport -Charges for Airport phone fax alarm line
09/30/2024	874531	Century Link	5610	Airport	$	31.99	Bill Date: Aug 16, 2021. QTA Phone
09/30/2024	874531	Century Link	6700	Engineering	$	118.40	Measured Lines Depot 50/50
09/30/2024	874531	Century Link	2250	EOC 911	$	45.65	911
09/30/2024	874531	Century Link	2250	EOC 911	$	45.65	911
09/30/2024	874531	Century Link	2250	EOC 911	$	300.00	9-1-1 Center Landfill #2
09/30/2024	874531	Century Link	2250	EOC 911	$	311.26	9-1-1 Center Fox Reservoir #2
09/30/2024	874531	Century Link	2250	EOC 911	$	3,248.80	9-1-1 Center
09/30/2024	874531	Century Link	6010	Fleet	$	44.69	Motor Pool
09/30/2024	874531	Century Link	0100	General	$	-	Cemetery Kenco Line
09/30/2024	874531	Century Link	0100	General	$	63.00	Stewart Park Batting Cages
09/30/2024	874531	Century Link	6200	IT Resources	$	49.20	Kenco Security Alarm IT Alarm
09/30/2024	874531	Century Link	2600	Library	$	177.12	Library 6 lines
09/30/2024	874531	Century Link	6600	P.W. Admin	$	118.40	Measured Lines Depot 50/50
09/30/2024	874531	Century Link	8730	Park Dist 1	$	66.00	Parks
09/30/2024	874531	Century Link	8730	Park Dist 1	$	46.00	Parks 3890 Stillwater
09/30/2024	874531	Century Link	5210	Parking	$	35.19	Park 2 Elevator Phone
09/30/2024	874531	Century Link	5210	Parking	$	49.20	406-657-3054 Park 1 Elevator Phone
09/30/2024	874531	Century Link	6060	Phone System	$	53.17	CPC
09/30/2024	874531	Century Link	6060	Phone System	$	497.02	CH
09/30/2024	874531	Century Link	6060	Phone System	$	53.17	PRPL
09/30/2024	874531	Century Link	6060	Phone System	$	118.08	Library 6 lines
09/30/2024	874531	Century Link	6060	Phone System	$	137.31	PRPL -Fax and Senior center fax
09/30/2024	874531	Century Link	6060	Phone System	$	115.86	Airport Measured Lines
09/30/2024	874531	Century Link	6060	Phone System	$	108.40	Met Measured Lines
09/30/2024	874531	Century Link	6060	Phone System	$	108.40	BOC Measured Lines

Check Date	Check #	Name	First	Fund Name	Amount	Item Desc
09/30/2024	874531	Century Link	6060	Phone System	$ 108.40	PUD Measured Lines
09/30/2024	874531	Century Link	6060	Phone System	$ 2,764.00	Main System Centrex
09/30/2024	874531	Century Link	6060	Phone System	$ 57.98	MET Fax and Kenco Fax
09/30/2024	874531	Century Link	6060	Phone System	$ 49.15	Animal Control Fax
09/30/2024	874531	Century Link	6060	Phone System	$ 169.14	BOC Alarms
09/30/2024	874531	Century Link	6060	Phone System	$ 56.38	Fire Alarm
09/30/2024	874531	Century Link	6060	Phone System	$ 56.38	Four Dances
09/30/2024	874531	Century Link	6060	Phone System	$ 53.17	Miller Building
09/30/2024	874531	Century Link	6060	Phone System	$ 56.38	Pioneer Park
09/30/2024	874531	Century Link	6060	Phone System	$ 57.02	South Park
09/30/2024	874531	Century Link	6060	Phone System	$ 57.98	Streets Fax
09/30/2024	874531	Century Link	6060	Phone System	$ 642.68	Taxes and fees
09/30/2024	874531	Century Link	6060	Phone System	$ 173.94	WWTP Conference Room
09/30/2024	874531	Century Link	2400	Planning	$ 49.20	Planning Traffic Central Broadwater
09/30/2024	874531	Century Link	2400	Planning	$ 49.20	Planning Traffic Central 9th
09/30/2024	874531	Century Link	1500	Public Safety	$ 49.20	Fire Elevator
09/30/2024	874531	Century Link	1500	Public Safety	$ 46.19	Crime Prevention Alarm
09/30/2024	874531	Century Link	1500	Public Safety	$ 119.32	Fire
09/30/2024	874531	Century Link	1500	Public Safety	$ 118.28	Fire RR Crossing Alarm
09/30/2024	874531	Century Link	1500	Public Safety	$ 59.20	Fire 5 911 Line
09/30/2024	874531	Century Link	1500	Public Safety	$ 35.19	Fire Maintenance Shop
09/30/2024	874531	Century Link	6070	Radio	$ 311.26	Fire Airport Radio Tower WCK
09/30/2024	874531	Century Link	6070	Radio	$ 311.26	Fire Airport Radio Tower Jellison
09/30/2024	874531	Century Link	5410	Solid Waste	$ 84.38	Solid Waste Landfill
09/30/2024	874531	Century Link	5410	Solid Waste	$ 187.10	SW Landfill
09/30/2024	874531	Century Link	2110	Street/Traffic	$ 35.19	PW Traffic 3728 McDougall
09/30/2024	874531	Century Link	2110	Street/Traffic	$ 49.20	PW Traffic Signal 24 Central
09/30/2024	874531	Century Link	5120	Wastewater	$ 56.33	PUD Sahara Sand Lift Station
09/30/2024	874531	Century Link	5020	Water	$ 39.44	PUD Alarm Water Tower
09/30/2024	874531	Century Link	5020	Water	$ 169.14	Water Department Alarm
09/30/2024	874548	Dakota Supply Group	5020	Water	$ 259.45	1" EXTENDED CURB VALVE - 10" EXTENSION
09/30/2024	874548	Dakota Supply Group	5020	Water	$ 390.05	12 X 2 TAPPING SADDLE - FOR PVC (H13444)
09/30/2024	874548	Dakota Supply Group	5020	Water	$ 40.43	3/4" X 100' POLY PIPE - SDR9 CTS 250# P/N: 428303

Check Date	Check #	Name	First	Fund Name		Amount	Item Desc
09/30/2024	874548	Dakota Supply Group	5020	Water	$	3,635.58	6' 6" FIRE HYDRANT - PUSH ON
09/30/2024	874548	Dakota Supply Group	5020	Water	$	626.35	6" PVC Pipe - CLASS 200-SDR-14-C900- For Water
09/30/2024	874548	Dakota Supply Group	5020	Water	$	213.14	6" X 15" C1 FC REPAIR CLAMP - F1-724 X 15 SH
09/30/2024	874548	Dakota Supply Group	5020	Water	$	206.23	8 X 2 TAPPING SADDLE - FOR C900 P/N: 342432
09/30/2024	874548	Dakota Supply Group	5020	Water	$	167.14	8" MJ 45 DEGREE BEND P/N: DMB845
09/30/2024	874548	Dakota Supply Group	5020	Water	$	133.99	8" X 3/4" TAPPING SADDLE - FOR C900 PLASTIC PIPE
09/30/2024	874548	Dakota Supply Group	5020	Water	$	357.88	BLUE MARKING PAINT P/N: 111-090-00140
09/30/2024	874548	Dakota Supply Group	5020	Water	$	357.88	MARKING PAINT GREEN - GREEN SPRAYON #3631
09/30/2024	874550	Dell Computer	6700	Engineering	$	2,675.24	Qty. 2 Dell 3460 Precision, i5, 16GB, 1TB
09/30/2024	874550	Dell Computer	6700	Engineering	$	5,930.70	Qty. 3 Mobile Precision 3590 Laptops i5
09/30/2024	874550	Dell Computer	6010	Fleet	$	2,332.98	Qty. 2 Dell OptiPlex 7020+, i7 -Fleet
09/30/2024	874550	Dell Computer	4940	Stillwater Const	$	20,201.08	Qty. 11 Webcams, 17- Stillwater
09/30/2024	874551	Dell Marketing	5020	Water	$	5,784.36	FY25 TRP Replacements
09/30/2024	874552	Desman Associates	5210	Parking	$	7,005.00	Engin Svcs for Billings Parking Garages Repair Specs
09/30/2024	874552	Desman Associates	5210	Parking	$	7,005.00	Engin Svcs for Billings Parking Garages Repair Specs
09/30/2024	874552	Desman Associates	5210	Parking	$	7,005.00	Engin Svcs for Billings Parking Garages Repair Specs
09/30/2024	874554	Dick Anderson Construction	5130	Wastewater	$	90,044.37	WO 20-44 WRF Nutrient Recovery Improvements
09/30/2024	874554	Dick Anderson Construction	5030	Water	$	19,386.28	WO 19-12 West End Reservoir Project
09/30/2024	874556	Dorsey & Whitney	4540	SID Const	$	955.31	Pooled Special Improvement District Bonds
09/30/2024	874556	Dorsey & Whitney	4890	SID Const	$	7,375.37	Pooled Special Improvement District Bonds
09/30/2024	874556	Dorsey & Whitney	4480	Sidewalk Const	$	8,000.00	Pooled Special Sidewalk, Curb, Gutter, Alley Bonds
09/30/2024	874556	Dorsey & Whitney	4490	Sidewalk Const	$	8,000.00	Pooled Special Sidewalk, Curb, Gutter, Alley Bonds
09/30/2024	874556	Dorsey & Whitney	4530	SID Const	$	4,998.70	Pooled Special Improvement District Bonds
09/30/2024	874556	Dorsey & Whitney	4550	SID Const	$	723.71	Pooled Special Improvement District Bonds
09/30/2024	874556	Dorsey & Whitney	4870	SID Const	$	9,946.91	Pooled Special Improvement District Bonds
09/30/2024	874557	DOWL	5030	Water	$	15,964.90	WO24-01 Contract 1: 2024 Water Main Replacement
09/30/2024	874559	Downtown Blngs Partnership	2030	Tax Incrmnt N27	$	26,383.92	DT TIF Operating agreement for FY25
09/26/2024	347330	EBMS Import	6270	City Ins Fund	$	4,088.73	EBMS INSURANCE PAYMENTS
09/26/2024	347356	EBMS Import	6270	City Ins Fund	$	4,714.80	EBMS INSURANCE PAYMENTS
09/26/2024	347366	EBMS Import	6270	City Ins Fund	$	9,080.00	EBMS INSURANCE PAYMENTS
09/26/2024	347368	EBMS Import	6270	City Ins Fund	$	27,101.84	EBMS INSURANCE PAYMENTS
09/26/2024	347369	EBMS Import	6270	City Ins Fund	$	4,356.00	EBMS INSURANCE PAYMENTS
09/26/2024	347370	EBMS Import	6270	City Ins Fund	$	4,871.33	EBMS INSURANCE PAYMENTS

Check Date	Check #	Name	First	Fund Name	Amount	Item Desc
09/26/2024	347372	EBMS Import	6270	City Ins Fund	$ 9,597.20	EBMS INSURANCE PAYMENTS
09/26/2024	347375	EBMS Import	6270	City Ins Fund	$ 51,811.89	EBMS INSURANCE PAYMENTS
09/26/2024	347376	EBMS Import	6270	City Ins Fund	$ 5,730.00	EBMS INSURANCE PAYMENTS
09/26/2024	347379	EBMS Import	6270	City Ins Fund	$ 3,110.70	EBMS INSURANCE PAYMENTS
09/26/2024	347383	EBMS Import	6270	City Ins Fund	$ 2,569.09	EBMS INSURANCE PAYMENTS
09/26/2024	347385	EBMS Import	6270	City Ins Fund	$ 7,762.73	EBMS INSURANCE PAYMENTS
09/26/2024	347397	EBMS Import	6270	City Ins Fund	$ 22,120.59	EBMS INSURANCE PAYMENTS
09/26/2024	347399	EBMS Import	6270	City Ins Fund	$ 147,649.68	EBMS INSURANCE PAYMENTS
09/26/2024	347402	EBMS Import	6270	City Ins Fund	$ 8,931.70	EBMS INSURANCE PAYMENTS
09/26/2024	347429	EBMS Import	6270	City Ins Fund	$ 7,720.00	EBMS INSURANCE PAYMENTS
09/26/2024	347450	EBMS Import	6270	City Ins Fund	$ 8,510.89	EBMS INSURANCE PAYMENTS
09/26/2024	347476	EBMS Import	6270	City Ins Fund	$ 2,562.90	EBMS INSURANCE PAYMENTS
09/26/2024	347478	EBMS Import	6270	City Ins Fund	$ 19,341.37	EBMS INSURANCE PAYMENTS
09/26/2024	347480	EBMS Import	6270	City Ins Fund	$ 3,423.83	EBMS INSURANCE PAYMENTS
09/26/2024	347482	EBMS Import	6270	City Ins Fund	$ 8,506.98	EBMS INSURANCE PAYMENTS
09/26/2024	347484	EBMS Import	6270	City Ins Fund	$ 88,840.06	EBMS INSURANCE PAYMENTS
09/26/2024	347486	EBMS Import	6270	City Ins Fund	$ 10,826.45	EBMS INSURANCE PAYMENTS
09/26/2024	347487	EBMS Import	6270	City Ins Fund	$ 5,795.22	EBMS INSURANCE PAYMENTS
09/26/2024	347516	EBMS Import	6270	City Ins Fund	$ 2,792.88	EBMS INSURANCE PAYMENTS
09/26/2024	347526	EBMS Import	6270	City Ins Fund	$ 6,780.00	EBMS INSURANCE PAYMENTS
09/30/2024	874567	Firemaster Mountain Region	5120	Wastewater	$ 100.00	Tags for plant fire extinguishers
09/30/2024	874567	Firemaster Mountain Region	5020	Water	$ 2,841.98	Fire Extinguisher service
09/30/2024	874568	Fischer Commercial Flooring	6510	Facilities	$ 10,666.79	Replace LVP in County leased space of New City Hall
09/30/2024	874568	Fischer Commercial Flooring	6510	Facilities	$ 9,868.62	Replace LVP in County leased space of New City Hall
09/30/2024	874569	Fisher Sand & Gravel	2110	Street/Traffic	$ 9,048.96	asphalt
09/30/2024	874569	Fisher Sand & Gravel	2110	Street/Traffic	$ 380.80	asphalt
09/30/2024	874569	Fisher Sand & Gravel	2110	Street/Traffic	$ 511.36	asphalt
09/30/2024	874569	Fisher Sand & Gravel	2110	Street/Traffic	$ 194.56	asphalt
09/30/2024	874569	Fisher Sand & Gravel	2110	Street/Traffic	$ 285.44	asphalt
09/30/2024	874569	Fisher Sand & Gravel	2110	Street/Traffic	$ 6,208.00	asphalt
09/30/2024	874569	Fisher Sand & Gravel	2110	Street/Traffic	$ 4,193.92	asphalt
09/30/2024	874575	Hach Company	5020	Water	$ 2,816.95	Replace failed CL17 at Willette
09/30/2024	874578	Hawkins	8730	Park Dist 1	$ 104.00	chemicals for pools - 6814861

Check Date	Check #	Name	First	Fund Name	Amount	Item Desc
09/30/2024	874578	Hawkins	5020	Water	$ 19,000.00	chlorine for process
09/30/2024	874578	Hawkins	5020	Water	$ 190.90	chlorine for water main disinfection
09/30/2024	874578	Hawkins	5020	Water	$ 30,915.86	coagulant for process WTP
09/30/2024	874581	High Point Networks	6200	IT Resources	$ 11,247.00	Juniper Switch TRP Airport 2 MET Administration 1
09/30/2024	874583	Ingram Library	2600	Library	$ 0.19	83537947
09/30/2024	874583	Ingram Library	2600	Library	$ 26.96	83537947
09/30/2024	874583	Ingram Library	2600	Library	$ 0.07	83537948
09/30/2024	874583	Ingram Library	2600	Library	$ 20.40	83537948
09/30/2024	874583	Ingram Library	2600	Library	$ 0.04	83537949
09/30/2024	874583	Ingram Library	2600	Library	$ 16.51	83537949
09/30/2024	874583	Ingram Library	2600	Library	$ 1.54	83537950
09/30/2024	874583	Ingram Library	2600	Library	$ 256.19	83537950
09/30/2024	874583	Ingram Library	2600	Library	$ 17.10	83537950
09/30/2024	874583	Ingram Library	2600	Library	$ 20.40	83537950
09/30/2024	874583	Ingram Library	2600	Library	$ 0.07	83537951
09/30/2024	874583	Ingram Library	2600	Library	$ 17.70	83537951
09/30/2024	874583	Ingram Library	2600	Library	$ 1.04	83537952
09/30/2024	874583	Ingram Library	2600	Library	$ 11.39	83537952
09/30/2024	874583	Ingram Library	2600	Library	$ 180.21	83537952
09/30/2024	874583	Ingram Library	2600	Library	$ 0.05	83537953
09/30/2024	874583	Ingram Library	2600	Library	$ 15.93	83537953
09/30/2024	874583	Ingram Library	2600	Library	$ 1.94	83561142
09/30/2024	874583	Ingram Library	2600	Library	$ 17.70	83561142
09/30/2024	874583	Ingram Library	2600	Library	$ 1.06	83561143
09/30/2024	874583	Ingram Library	2600	Library	$ 19.18	83561143
09/30/2024	874583	Ingram Library	2600	Library	$ 0.09	83609277
09/30/2024	874583	Ingram Library	2600	Library	$ 12.57	83609277
09/30/2024	874583	Ingram Library	2600	Library	$ 0.46	83609278
09/30/2024	874583	Ingram Library	2600	Library	$ 10.17	83609278
09/30/2024	874583	Ingram Library	2600	Library	$ 17.39	83609278
09/30/2024	874583	Ingram Library	2600	Library	$ 2.45	83609279
09/30/2024	874583	Ingram Library	2600	Library	$ 68.63	83609279
09/30/2024	874583	Ingram Library	2600	Library	$ 94.24	83609279

Check Date	Check #	Name	First	Fund Name	Amount	Item Desc
09/30/2024	874583	Ingram Library	2600	Library	$ 10.79	83609279
09/30/2024	874583	Ingram Library	2600	Library	$ 0.13	83613632
09/30/2024	874583	Ingram Library	2600	Library	$ 17.70	83613632
09/30/2024	874583	Ingram Library	2600	Library	$ 1.02	83613633
09/30/2024	874583	Ingram Library	2600	Library	$ 156.32	83613633
09/30/2024	874583	Ingram Library	2600	Library	$ 0.10	83613634
09/30/2024	874583	Ingram Library	2600	Library	$ 16.52	83613634
09/30/2024	874583	Ingram Library	2600	Library	$ 0.15	83613635
09/30/2024	874583	Ingram Library	2600	Library	$ 23.39	83613635
09/30/2024	874583	Ingram Library	2600	Library	$ 1.60	83613636
09/30/2024	874583	Ingram Library	2600	Library	$ 177.00	83613636
09/30/2024	874583	Ingram Library	2600	Library	$ 0.02	83654480
09/30/2024	874583	Ingram Library	2600	Library	$ 17.11	83654480
09/30/2024	874583	Ingram Library	2600	Library	$ 2.90	83654481
09/30/2024	874583	Ingram Library	2600	Library	$ 312.90	83654481
09/30/2024	874583	Ingram Library	2600	Library	$ 437.20	83654481
09/30/2024	874583	Ingram Library	2600	Library	$ 32.37	83654481
09/30/2024	874583	Ingram Library	2600	Library	$ 43.95	83654481
09/30/2024	874583	Ingram Library	2600	Library	$ 996.33	83654481
09/30/2024	874583	Ingram Library	2600	Library	$ 0.08	83654482
09/30/2024	874583	Ingram Library	2600	Library	$ 46.76	83654482
09/30/2024	874583	Ingram Library	2600	Library	$ 10.79	83654483
09/30/2024	874583	Ingram Library	2600	Library	$ 3.95	83655391
09/30/2024	874583	Ingram Library	2600	Library	$ 26.95	83655391
09/30/2024	874585	Invoice Cloud	2090	Building	$ 21.57	invoice Cloud MAR Charges August 2024
09/30/2024	874585	Invoice Cloud	2090	Building	$ 18.13	invoice Cloud MAR Charges July 2024
09/30/2024	874585	Invoice Cloud	2090	Building	$ 15.20	Invoice Cloud MAR Charges June 2024
09/30/2024	874585	Invoice Cloud	6270	City Ins Fund	$ 18.88	invoice Cloud MAR Charges August 2024
09/30/2024	874585	Invoice Cloud	6270	City Ins Fund	$ 15.87	invoice Cloud MAR Charges July 2024
09/30/2024	874585	Invoice Cloud	6270	City Ins Fund	$ 13.30	Invoice Cloud MAR Charges June 2024
09/30/2024	874585	Invoice Cloud	5210	Parking	$ 18.87	invoice Cloud MAR Charges August 2024
09/30/2024	874585	Invoice Cloud	5210	Parking	$ 15.86	invoice Cloud MAR Charges July 2024
09/30/2024	874585	Invoice Cloud	5210	Parking	$ 13.30	Invoice Cloud MAR Charges June 2024

Check Date	Check #	Name	First	Fund Name		Amount	Item Desc
09/30/2024	874585	Invoice Cloud	5410	Solid Waste	$	5,008.67	August 2024 Pmt Portal access fees
09/30/2024	874585	Invoice Cloud	5410	Solid Waste	$	479.98	invoice Cloud MAR Charges August 2024
09/30/2024	874585	Invoice Cloud	5410	Solid Waste	$	403.42	invoice Cloud MAR Charges July 2024
09/30/2024	874585	Invoice Cloud	5410	Solid Waste	$	338.18	Invoice Cloud MAR Charges June 2024
09/30/2024	874585	Invoice Cloud	5410	Solid Waste	$	3,244.00	July 2024 Payment Portal Fees
09/30/2024	874585	Invoice Cloud	5410	Solid Waste	$	4,811.79	June 2024 pmt portal service
09/30/2024	874585	Invoice Cloud	5120	Wastewater	$	7,500.17	August 2024 Pmt Portal access fees
09/30/2024	874585	Invoice Cloud	5120	Wastewater	$	4,866.03	July 2024 Payment Portal Fees
09/30/2024	874585	Invoice Cloud	5120	Wastewater	$	7,146.45	June 2024 pmt portal service
09/30/2024	874585	Invoice Cloud	5020	Water	$	10,227.50	August 2024 Pmt Portal access fees
09/30/2024	874585	Invoice Cloud	5020	Water	$	6,635.49	July 2024 Payment Portal Fees
09/30/2024	874585	Invoice Cloud	5020	Water	$	9,745.15	June 2024 pmt portal service
09/30/2024	874587	Jamar Technologies	2400	Planning	$	4,150.00	Traffic Counters - Parts & Labor
09/30/2024	874593	Knife River	2110	Street/Traffic	$	911.26	1/2" crushed base
09/30/2024	874593	Knife River	2110	Street/Traffic	$	2,994.11	1/2" crushed base
09/30/2024	874593	Knife River	5020	Water	$	3,462.23	3/4 " BEDDING ROCK - (102) P/N: 333-005-00040
09/30/2024	874593	Knife River	5020	Water	$	(0.01)	Quantity rounded up.subtract $0.01 to match invoice
09/30/2024	874603	McCromete	5120	Wastewater	$	5,161.74	Spare FL 1500 Flow Logger for WRF UV Cha
09/30/2024	874612	Montana Dakota Utilities	5610	Airport	$	62.82	889 373 1000 6. Mud Wash. September 2024
09/30/2024	874612	Montana Dakota Utilities	6700	Engineering	$	22.82	595 373 1000 1
09/30/2024	874612	Montana Dakota Utilities	6520	Facilities	$	151.88	130 733 1000 8
09/30/2024	874612	Montana Dakota Utilities	6510	Facilities	$	66.55	375 963 4481 4
09/30/2024	874612	Montana Dakota Utilities	6520	Facilities	$	371.05	757 633 1000 2
09/30/2024	874612	Montana Dakota Utilities	6540	Facilities	$	205.50	929 780 1000 4
09/30/2024	874612	Montana Dakota Utilities	6520	Facilities	$	67.73	989 733 1000 0
09/30/2024	874612	Montana Dakota Utilities	6520	Facilities	$	68.27	993 733 1000 4
09/30/2024	874612	Montana Dakota Utilities	2600	Library	$	524.63	219 924 4851 0
09/30/2024	874612	Montana Dakota Utilities	8730	Park Dist 1	$	62.26	061 943 1000 6
09/30/2024	874612	Montana Dakota Utilities	8730	Park Dist 1	$	23.58	371 101 1000 6
09/30/2024	874612	Montana Dakota Utilities	8730	Park Dist 1	$	38.51	437 780 1000 9
09/30/2024	874612	Montana Dakota Utilities	8730	Park Dist 1	$	38.05	571 295 3342 8
09/30/2024	874612	Montana Dakota Utilities	8730	Park Dist 1	$	29.71	927 890 1000 3
09/30/2024	874612	Montana Dakota Utilities	5210	Parking	$	22.82	717 353 1000 6

Check Date	Check #	Name	First	Fund Name		Amount		Item Desc
09/30/2024	874612	Montana Dakota Utilities	5210	Parking	$	22.82	799 152 1209 0	
09/30/2024	874612	Montana Dakota Utilities	1500	Public Safety	$	22.82	062 907 9494 7	
09/30/2024	874612	Montana Dakota Utilities	1500	Public Safety	$	175.41	169 233 1000 3	
09/30/2024	874612	Montana Dakota Utilities	1500	Public Safety	$	90.12	442 190 1000 4	
09/30/2024	874612	Montana Dakota Utilities	1500	Public Safety	$	22.82	514 117 0478 9	
09/30/2024	874612	Montana Dakota Utilities	1500	Public Safety	$	99.50	533 653 1000 1	
09/30/2024	874612	Montana Dakota Utilities	1500	Public Safety	$	63.89	602 589 7178 1	
09/30/2024	874612	Montana Dakota Utilities	1500	Public Safety	$	74.27	885 880 1000 4	
09/30/2024	874612	Montana Dakota Utilities	5410	Solid Waste	$	143.15	284 225 1320 1	
09/30/2024	874612	Montana Dakota Utilities	5410	Solid Waste	$	85.75	602 680 9335 2	
09/30/2024	874612	Montana Dakota Utilities	5410	Solid Waste	$	21.34	770 390 1000 2	
09/30/2024	874612	Montana Dakota Utilities	5710	Transit	$	91.75	962 880 1000 0	
09/30/2024	874612	Montana Dakota Utilities	5120	Wastewater	$	1,735.64	293 780 1000 2	
09/30/2024	874612	Montana Dakota Utilities	5120	Wastewater	$	867.82	293 780 1000 2	
09/30/2024	874612	Montana Dakota Utilities	5120	Wastewater	$	867.82	293 780 1000 2	
09/30/2024	874612	Montana Dakota Utilities	5120	Wastewater	$	33.60	310 490 1000 7	
09/30/2024	874612	Montana Dakota Utilities	5120	Wastewater	$	23.08	410 490 1000 6	
09/30/2024	874612	Montana Dakota Utilities	5120	Wastewater	$	69.28	735 453 1000 2	
09/30/2024	874612	Montana Dakota Utilities	5120	Wastewater	$	64.45	868 563 1000 7	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	28.59	010 490 1000 0	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	64.99	076 225 9180 3	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	21.90	110 490 1000 9	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	21.34	209 077 5055 6	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	24.12	210 490 1000 8	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	100.80	310 490 1000 7	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	69.23	410 490 1000 6	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	102.16	500 490 1000 7	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	21.90	510 490 1000 5	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	21.34	527 033 1000 4	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	21.34	566 923 1000 8	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	10.67	600 490 1000 6	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	10.67	600 490 1000 6	
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$	21.34	610 490 1000 4	

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09/30/2024	874612	Montana Dakota Utilities	5020	Water	$ 21.34	666 923 1000 7
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$ 28.59	700 490 1000 5
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$ 62.26	800 490 1000 4
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$ 21.34	832 001 1000 1
09/30/2024	874612	Montana Dakota Utilities	5020	Water	$ 96.16	900 490 1000 3
09/30/2024	874615	Morrison Maierle	5030	Water	$ 57,858.36	WO 24-01 Cedar Park Water Main Replacement
09/30/2024	874617	MT Dept of Rev-CGR2	8400	Storm Sewer	$ 282.83	WO-23-48 CCTC storm drain
09/30/2024	874617	MT Dept of Rev-CGR2	1990	Tax Incrmnt S	$ 102.68	WO 23-26 Sbura Gravel Streets, Phase II
09/30/2024	874617	MT Dept of Rev-CGR2	5130	Wastewater	$ 909.54	WO 20-44 WRF Nutrient Recovery Improvements
09/30/2024	874617	MT Dept of Rev-CGR2	5030	Water	$ 10,420.13	WO 24-01 Contract 3: Cedar Park Water Main Replac
09/30/2024	874617	MT Dept of Rev-CGR2	5050	Water	$ 22.00	WO 24-27 2024 Water Service Repairs
09/30/2024	874622	Network Information	6060	Phone System	$ 7,785.00	wireless link from 9-1-1 to the new City Hall (SWB).
09/30/2024	874622	Network Information	5710	Transit	$ 1,620.00	remove wireless network hardware for const proj-MET
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 36,755.31	0100482-9. Vault Main Account. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 2,547.49	0100483-7. Runway Lights. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 1,702.95	0100484-5. ARFF Facility. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 381.09	0712792-1. IP-7. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 1,313.02	0712800-2. IP-9. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 169.83	0712809-3. Alpine. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 27.86	1138926-9. Aero Interiors. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 58.73	1647695-4. De Icer. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 863.90	1669567-8. TSA. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 1,451.73	1993430-6. Car Wash. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 326.01	2001846-1. Mud Wash. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 264.52	2001848-7. Detail Bay 1 Hertz. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 261.03	2001855-2. Detail Bay 2 National/Alamo. Sept 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 42.18	2001862-8. Detail Bay 3 Enterprise. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 255.70	2001865-1. Detail Bay 4 Avis/Budget. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 46.03	2001867-7. Detail Bay 5 Thrifty/Dollar. Sept 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 71.11	3085107-5. New Employee Parking. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 222.74	3446396-8. USDA. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 1,259.91	3477231-9. Parking Zone. September 2024
09/30/2024	874625	NorthWestern Energy	5610	Airport	$ 12.36	3733186-5. Airport Storage. September 2024

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09/30/2024	874625	NorthWestern Energy	6700	Engineering	$ 1,079.72	1741314-7
09/30/2024	874625	NorthWestern Energy	6540	Facilities	$ 9,467.15	0100507-3
09/30/2024	874625	NorthWestern Energy	6520	Facilities	$ 2,361.90	0975808-7
09/30/2024	874625	NorthWestern Energy	6520	Facilities	$ 935.79	1160802-3
09/30/2024	874625	NorthWestern Energy	6520	Facilities	$ 1,468.40	1160804-9
09/30/2024	874625	NorthWestern Energy	6520	Facilities	$ 3,861.22	1269391-7
09/30/2024	874625	NorthWestern Energy	6510	Facilities	$ 10,280.66	3927205-9
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 1,591.21	0100506-5
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 6.00	0722237-5
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 9.43	0722247-4
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 274.99	0722251-6
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 5.14	0722254-0
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 91.35	0722255-7
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 681.78	0722257-3
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 327.61	0722260-7
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 26.00	0722261-5
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 33.30	0722262-3
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 82.47	0722263-1
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 164.11	0722265-6
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 104.34	0722266-4
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 32.65	0722268-0
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 10.88	0722269-8
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 10.98	0722292-0
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 32.34	0722293-8
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 18.85	0722905-7
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 144.21	0722933-9
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 11.13	0723027-9
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 88.84	0723035-2
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 6.89	0723036-0
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 199.62	0723037-8
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 35.25	0723042-8
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 19.01	0723044-4
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 125.93	0723048-5

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09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 21.25	0723051-9
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ -	0723052-7
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 570.42	0723054-3
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 10.57	0723055-0
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 30.96	0723056-8
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 7.91	0723057-6
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 38.25	0723058-4
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 8.70	0723090-7
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 6.00	0723162-4
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 831.45	0723170-7
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 29.19	0789437-1
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 332.42	0925496-2
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 8.70	4081700-9
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 143.61	4089118-6
09/30/2024	874625	NorthWestern Energy	8730	Park Dist 1	$ 128.15	4204010-5
09/30/2024	874625	NorthWestern Energy	5210	Parking	$ 1,690.90	0720834-1
09/30/2024	874625	NorthWestern Energy	5210	Parking	$ 1,199.79	1594282-4
09/30/2024	874625	NorthWestern Energy	8720	Parks Maint	$ 209.12	1059093-3
09/30/2024	874625	NorthWestern Energy	1500	Public Safety	$ 3,132.14	3448739-7
09/30/2024	874625	NorthWestern Energy	6070	Radio	$ 310.15	0721580-9
09/30/2024	874625	NorthWestern Energy	5410	Solid Waste	$ 1,696.61	3252194-0
09/30/2024	874625	NorthWestern Energy	2110	Street/Traffic	$ 6.00	0723645-8
09/30/2024	874625	NorthWestern Energy	2110	Street/Traffic	$ 4.80	4203757-2
09/30/2024	874625	NorthWestern Energy	5710	Transit	$ 220.82	1784756-7
09/30/2024	874625	NorthWestern Energy	5120	Wastewater	$ 2,354.30	0100606-3
09/30/2024	874625	NorthWestern Energy	5120	Wastewater	$ 275.96	822 Shiloh Crossing BLVD Lift, August 2
09/30/2024	874625	NorthWestern Energy	5020	Water	$ 1,903.99	0100485-2
09/30/2024	874625	NorthWestern Energy	5020	Water	$ 13,435.77	0100540-4
09/30/2024	874625	NorthWestern Energy	5020	Water	$ 7,062.90	0100606-3
09/30/2024	874625	NorthWestern Energy	5020	Water	$ 178,926.72	0100606-3
09/30/2024	874625	NorthWestern Energy	5020	Water	$ 18,762.32	0722264-9
09/30/2024	874625	NorthWestern Energy	5020	Water	$ 1,303.80	1116452-2
09/30/2024	874627	Performance Engin & Consult	8400	Storm Sewer	$ 4,380.75	WO 24-38 Wicks Lane Storm, Phase II; Pmt 2

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09/30/2024	874628	Petty Cash CCSIU	7180	PD Program	$	4,941.60	Reimbursement of Petty Cash for PE/PI
09/30/2024	874630	Pipestone Equipment	5120	Wastewater	$	3,086.13	Auma Valve Repair Parts
09/30/2024	874630	Pipestone Equipment	5120	Wastewater	$	1,833.00	WRF Bioreactor Auma Valve Replacement co
09/30/2024	874632	Public Utilities	6520	Facilities	$	2,925.60	3090329
09/30/2024	874632	Public Utilities	8730	Park Dist 1	$	273.13	3085074
09/30/2024	874634	Ratco	5130	Wastewater	$	4,948.00	STAHL SOLID TOP SERVICE BODY FOR VEHICLE #7119
09/30/2024	874634	Ratco	5030	Water	$	4,948.00	STAHL SOLID TOP SERVICE BODY FOR VEHICLE #7119
09/30/2024	ACH	RDO Equipment	5410	Solid Waste	$	899.88	55 Gal pre-mix for Landfill equipment.
09/30/2024	ACH	RDO Equipment	5410	Solid Waste	$	1,066.92	Filters and elements for landfill units 0296/0263.
09/30/2024	ACH	RDO Equipment	5410	Solid Waste	$	1,486.84	Hydraulic oil for landfill equipment.
09/30/2024	874638	Rinker Materials	2110	Street/Traffic	$	8,299.68	Reinforced concrete pipe culvert materials
09/30/2024	874638	Rinker Materials	2110	Street/Traffic	$	17,086.68	Reinforced concrete pipe culvert materials
09/30/2024	874638	Rinker Materials	2110	Street/Traffic	$	9,026.64	Reinforced concrete pipe culvert materials
09/30/2024	874638	Rinker Materials	2110	Street/Traffic	$	20,435.28	Reinforced concrete pipe culvert materials
09/30/2024	874639	Riverstone Health	0100	General	$	11,250.00	FY25-QTR1 DEQ Air Quality Monit Contract 7-9 '24
09/30/2024	874640	Rocky Mtn Health Network	6270	City Ins Fund	$	8,000.00	Sept 24 Healthy Is Corporate Wellness
09/30/2024	874640	Rocky Mtn Health Network	6270	City Ins Fund	$	2,325.00	EAP for September 2024
09/30/2024	874641	Sanderson Stewart	2400	Planning	$	1,118.15	Professional Services through August 31, 2024
09/30/2024	874641	Sanderson Stewart	2010	Tax Incrmnt E	$	-	WO2309 5th Ace Corridor-Phase 1 Prelim Design
09/30/2024	874641	Sanderson Stewart	2030	Tax Incrmnt N27	$	5,633.00	WO2309 5th Ace Corridor-Phase 1 Prelim Design
09/30/2024	874645	Sierra Container Group	5410	Solid Waste	$	2,950.00	Freight.
09/30/2024	874645	Sierra Container Group	5410	Solid Waste	$	2,950.00	Freight.
09/30/2024	874645	Sierra Container Group	5410	Solid Waste	$	41,418.00	Purchase residential carts: 95-gallon green
09/30/2024	874645	Sierra Container Group	5410	Solid Waste	$	41,418.00	Purchase residential refuse carts: 95-gallon black
09/30/2024	874649	Standard Drain Cleaning	8400	Storm Sewer	$	28,000.67	WO 23-48 CCTV City Storm Drain
09/30/2024	874650	Steiner Thuesen	8730	Park Dist 1	$	3,695.20	8/24-REPLACE THE TENNIS COURTS AT PIONEER PARK
09/30/2024	874652	Stillwater Traders	1500	Public Safety	$	24,642.00	9-81-03761, high powered IR laser aiming device
09/30/2024	874661	The Cincinnati Insurance Co	6300	Property Ins	$	38,360.00	Annual Current Policy Activity for Machinery/Eqpmnt
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$	3,017.20	Tire purchase and repair. Collections.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$	300.72	Tire purchase. Collections.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$	715.00	Tire purchase. Collections.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$	1,202.64	Tire purchase. Collections.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$	3,167.00	Tire purchase. Collections.

Check Date	Check #	Name	First	Fund Name	Amount	Item Desc
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 3,368.80	Tire purchase. Collections.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 4,756.90	Tire purchase. Collections.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 170.49	Tire purchase. Landfill trailer 0267.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 300.72	Tire purchase. Landfill.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 992.06	Tire purchase. Landfill.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 2,062.88	Tire purchase. Landfill.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 610.44	Tire Repair & purchase. Landfill.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 5,251.00	Tire repair and purchase. Collections.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 627.50	Tire repair. Collections.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 1,285.00	Tire repair. Collections.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 50.00	Tire repair. Landfill.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 525.00	Tire rotation, mount, dismount. Collections.
09/30/2024	874664	Tire-Rama	5410	Solid Waste	$ 75.00	Tire service. Landfill.
09/30/2024	874664	Tire-Rama	2110	Street/Traffic	$ 26.00	105-18794
09/30/2024	ACH	Town & Country Supply	1500	Public Safety	$ 1,104.24	FUEL STATION 6
09/30/2024	ACH	Town & Country Supply	1500	Public Safety	$ 5,374.72	Unleaded Fuel and Diesel
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 1,291.38	ALTRNTR G, S/H, CNSMBLS, ENVIRO FEE
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 65.24	Arm gp-wiper, blade as for landfill unit 0265.
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 81.31	Blade A, Arm gp-wiper for landfill unit 0201.
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 2,343.12	Cartridge AS, Filter-CAB A for landfill unit 0262.
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 106.40	CAT Hydraulic oil for landfill unit 0201.
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 141.22	CLMP-T BLT, HSE, CNSMBLS, ENVIRO FEE
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 62.30	CNSMBLS, ENVIRO FEE
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 165.90	CNSMBLS, ENVIRO FEE
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 130.47	CPLNG, HS BK, CNSMBLS, ENVIRO FEE
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 169.16	Element AS for LF unit 0254.
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 390.93	ELMTS, FLTRS, OIL, CNSMBLS, ENVIRO FEE
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 413.94	ELMTS, KIT DRN, FLTRS, OIL, CNSMBLS, ENVIRO FEE
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 322.44	Filter CAB A for landfill equipment.
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 129.78	Filter-Air for landfill equipment.
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 2,166.38	FILTERS, KIT DRN, ELEMENTS, OIL SMPL RENT, OIL
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 3,334.09	HD AS-CMB, WR AS, GSKT, HS AS, INJCTR, S/H
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 5,017.20	KIT-FILTER A, CNSMBLS, ENVIRO FEE

Check Date	Check #	Name	First	Fund Name	Amount	Item Desc
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 712.00	labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 828.00	labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 830.00	Labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 890.00	labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 890.00	labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 890.00	labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 1,068.00	labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 1,172.00	labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 1,186.00	labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 1,422.00	Labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 1,600.00	labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 1,780.00	labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 1,896.00	Labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 2,370.00	Labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 4,001.00	labor
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 232.64	Main element, filter-air for landfill unit 0264.
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 856.11	MANIFOLD GP, S/H, CNSMBLS, ENVIRO FEE
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 1,480.58	SL, HS AS, CYL GP-BSC, SWVL AS, CNSMBLS
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 1,083.09	SL, LKNT, BRKT, HS AS, RECVR AS, S/H, OIL, CNSMBLS
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 974.31	SL-O-RG, CM GRD, HS AS, CNSMBLS, ENVIRO FEE
09/30/2024	ACH	Tractor & Equipment	5410	Solid Waste	$ 256.21	WINDOW AS, S/H, CNSMBLS, ENVIRO FEE
09/30/2024	874667	TW Ridley	5020	Water	$ 10,200.00	Window Replacement for Control Room & Br
09/30/2024	874668	Tyler Tech	0100	General	$ 1,012.10	to Correct Payment Error on Tax Wise
09/30/2024	874668	Tyler Tech	0100	General	$ 1,944.45	to Correct Payment Error on Tax Wise
09/30/2024	874668	Tyler Tech	0100	General	$ 520.55	to Correct Payment Error on Tax Wise
09/30/2024	874668	Tyler Tech	0100	General	$ 39.15	to Correct Payment Error on Tax Wise
09/30/2024	874668	Tyler Tech	0100	General	$ 129.05	to Correct Payment Error on Tax Wise
09/30/2024	874671	Vermeer Mountain West	5410	Solid Waste	$ 10,000.00	Rental for Landfill equipment.
09/30/2024	874681	Yellowstone Valley Elec	8100	Light Maint	$ 364.67	SILMD 299 Vintage Estates; 4179014 9.23.2024
09/30/2024	874681	Yellowstone Valley Elec	8100	Light Maint	$ 665.82	SILMD 313 Vintage Estates Sub Phase II
09/30/2024	874681	Yellowstone Valley Elec	1500	Public Safety	$ 617.56	4179013 Station 7 Services
09/30/2024	874681	Yellowstone Valley Elec	6070	Radio	$ 276.04	4179002 Sept Radio Tower Services
09/30/2024	874681	Yellowstone Valley Elec	5410	Solid Waste	$ 167.82	Landfill Compost site. 08/01/24 - 09/01/24.

Check Date	Check #	Name	First	Fund Name		Amount	Item Desc
09/30/2024	874681	Yellowstone Valley Elec	5410	Solid Waste	$	433.35	Landfill Flare. 08/01/2024 - 09/01/2024.
09/30/2024	874681	Yellowstone Valley Elec	5410	Solid Waste	$	2,751.91	Electricity service at Landfill. 08/01/24 - 09/01/24.
09/30/2024	874681	Yellowstone Valley Elec	2110	Street/Traffic	$	49.60	4799 Grand Ave Traffic Signal; 9.23.2024
09/30/2024	874681	Yellowstone Valley Elec	2110	Street/Traffic	$	49.84	54th St W & Grand Signal; 9.23.2024
09/30/2024	874681	Yellowstone Valley Elec	2110	Street/Traffic	$	77.25	54th St W & Rimrock - Street Light & Traffic Signal
09/30/2024	874681	Yellowstone Valley Elec	2110	Street/Traffic	$	53.92	Alkali Cr Rd & Interbelt Loop lights
09/30/2024	874681	Yellowstone Valley Elec	2110	Street/Traffic	$	31.61	Ben Steele School - 56th St W

City Council Regular

Date:	10/28/2024
Title:	Annexation 24-04, Resolution to Annex a portion of Lot 27A of the Sunny Cove Fruit Farms Subdivision
Presented by:	Hunter Kelly, Planner 1
Department:	Planning & Community Services
Presentation:	Yes
Legal Review:	Not Applicable
Project Number:	PZX-24-00216

RECOMMENDATION

Staff recommends the City Council hold a public hearing. In this case, a joint public hearing that considers both the annexation and associated zone change. Upon completion of the hearing, staff recommends the City annex the petitioned property with the staff recommended conditions of approval.

NOTE: Though a joint hearing is being held, individual action will need to be taken on each item.

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

J.W. Papez, on behalf of Thomas Romine, submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located Southwest of 58th Street W and Rimrock Road. The land being annexed is described as: A portion of Lot 27A of the Amended Plat of Sunny Cove Fruit Farm Subdivision located in the NW ¼ of Section 31, Township 1 north, Range 25 east, P.M.M. Billings, Yellowstone County, Montana, recorded on December 29, 2009 under Document No. 3536038, more particularly described as: Beginning at the northeast corner of Lot 27A, thence S0°07'20"E a distance of 666.42' to the southeast corner of Lot 27A, thence S89°41'20"W a distance of 607.35', more or less, thence N0°24'55"W a distance of 665.74' to a point on the boundary lot line between Lots 27A and 6A-1, thence N89°37'30"E along the boundary line of Lot 27A and 6A-1 a distance of 610.76' to the point of beginning. Including all adjacent Right-Of-Way of Rimrock Road. Including Mared Street in its entirety extending from the west right-of-way of 58th Street West to its western boundary on the east boundary of Lot 6A-1 of the Sunny Cove Fruit Farms Subdivision, and 58th Street West in its entirety extending from the south right-of-way of Rimrock Road to the north boundary of Sweetgrass Creek Drive.

Said annexation containing 9.31 acres, more or less.

The property currently has the Yellowstone County Zoning Designation of Rural Residential 3 (RR3). RR3 allows for 3 acre to 9.9 acre parcels. As a requirement of annexation the property is concurrently being rezoned to the City Zoning designation of Mid-Century Neighborhood Residential (N2) which allows for single family homes and duplexes among other uses.

It is the City's custom to have staff prepare a brief analysis of predicted impacts to services and facilities. Staff finds the proposed annexation complies with the adopted Annexation Policy criteria as follows:

1. **This area is located within the City's Annexation Petition Area on its Limits of Annexation Map:** The area is located within Zone 1 of the Limits of Annexation Map.
2. **The City must be able to provide adequate city services at a a cost acceptable to the City within a time period mutually agreed to by the property owners requesting annexation and the City:** The Annexation Agreement is the binding contractual agreement that identifies requirements of the City and the Developer to ensure services are provided in a mutually agreed to time.
3. **Existing or proposed public improvements within the area to be annexed must meet City standards:** Public improvements must be followed as stipulated in the Annexation Agreement.
4. **All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts**: The property owners shall sign the Waiver of Right to Protest as stipulated in the Annexation Agreement.
5. **All residential property owners within the area to be annexed must create or join an existing park maintenance district:** No additional parkland is required for the annexed area at this time.
6. **Residential densities planned for development within the area to be annexed must meet an overall average minimum density of primary dwelling units per acre as per the current City of Billings Growth Policy or similar planning documents:** This property is concurrently being rezoned to Mid-Century Residential (N2), which allows for single-family and duplex residential construction on compact lots.

7. **The proposed land use within the area to be annexed must conform to the goals of the Adopted City of Billings Growth Policy.**
    - Strong Neighborhoods:
        - Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
        - Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
        - Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
        - Neighborhoods that are safe and attractive and provide essential services are much desired Implementation of the Infill Policy is important to encourage development of underutilized properties
    - Home Base:
        - A mix of housing types that meet the needs of a diverse population is important.
        - The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development.
        - Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy, and safe.
        - Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.
        - Public safety and emergency service response are critical to the well-being of Billings' residents.
        - Homes that are safe and sound support a healthy community.

Departmental Response: City and County Departments were given the opportunity to comment on this annexation. City departments responded favorably and detailed responses are provided below.

- *Water and Sanitary Sewer:* Public water and sanitary sewer service is available to the property proposed for annexation. The developer will be responsible for the design and construction of a sanitary sewer main and a water main in Rimrock Road along the frontage of the above-described property.
- *Stormwater:* Any development will be compliant with the adopted Stormwater Management Manual.
- *Transportation:* The tract will be accessed from Rimrock Road and Mared Street. The public right-of-way along Rimrock Road and Mared Street will be dedicated to the City of Billings.
- *Fire Stations:* The Billings Fire Department currently serves the subject property through the Billings Urban Fire Service Area agreement. The Billings Fire Department will continue to serve the property upon annexation. As this and additional annexations are built out, additional fire department resources will be needed to meet and maintain our high level of service due to the increased call volume and burden on our department these annexations create The nearest fire station is Fire Station 7, which is located approximately 1.60 miles away.
- *Parks*: No parkland or trails will be required as part of this annexation.
- *School facilities*: The School District did not raise any special requests or concerns during their review of this proposal, but noted that all schools servicing this area are at or over capacity.

General City Services: These are the City of Billings (City) services that are provided to all residents and businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers that responded did not object to the annexation of this property, however the Fire Department in its comments above did note its concerns as additional property is annexed into the City.

- *Transit*: The annexed area is not directly serviced by a MET Route. The nearest route currently operates through the intersection of Rimrock Road and Shiloh Road, which is the nearest accessible point to the property. This intersection is approximately 2.38 miles from the proposed annexation location via roadway. MET does not anticipate that fixed-route would operate in the area until more significant commercial and/or residential growth necessitated transit service in the area.
- *Police*: This proposed development is adjacent to established city limits and will not require an adjustment in schedules or staffing at this time. There is sufficient ingress/egress to the area. Continued annexation and development will affect the ability to deliver service without commensurate resources.
- *Public Utilities*: The Public Works- Distribution and Collection Division had no concerns with the annexation request.
- *Public Works -Street and Traffic Division*: The Street and Traffic Division stated that it has no concerns with serving the property.
- *Public Works-Solid Waste*: The Solid Waste Division had no concerns with annexing the property, but pointed out that State Law allows the property owner to choose what garbage hauler may service the property after it is in the City.
- *Ambulance Service*: The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered

within eight (8) minutes. Depending on factors at any given time such as traffic and congestion, this property may be within the area of acceptable response time.
- *Legal and Finance*: General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation.
- *Other Departments*: City/County services including Library, Planning, and Environmental Health are only slightly affected by the annexation since they will continue to serve the property whether it is in the City or the County.

The Planning Division staff supports the annexation because it is consistent with the Limits of Annexation map and the criteria of the annexation policy has been met. Further, coordination with other departments does not raise concerns that cannot be mitigated. These decisions have a cumulative affect, therefore, City Council is being provided with a recommendation of approval.

STAKEHOLDERS

Annexation by petition does not require notification of adjoining landowners; however, it does require that the City Council conduct a public hearing, advertise the hearing, and post the property with information on the annexation petition and public hearing. Notice of the public hearing was posted on the property and was advertised in the Yellowstone County News.

ALTERNATIVES

The City Council may

- Approve,
- Conditionally approve or
- Deny the petition for annexation.

Denial of the petition will mean the City Council cannot consider other agenda items related to this property regarding the zone change, development agreement and ward boundary ordinance. On August 30, 2024, the annexation petition was submitted to the Planning Division by the owner's agent. On October 28, 2024, the City Council is scheduled to take action on the petition.

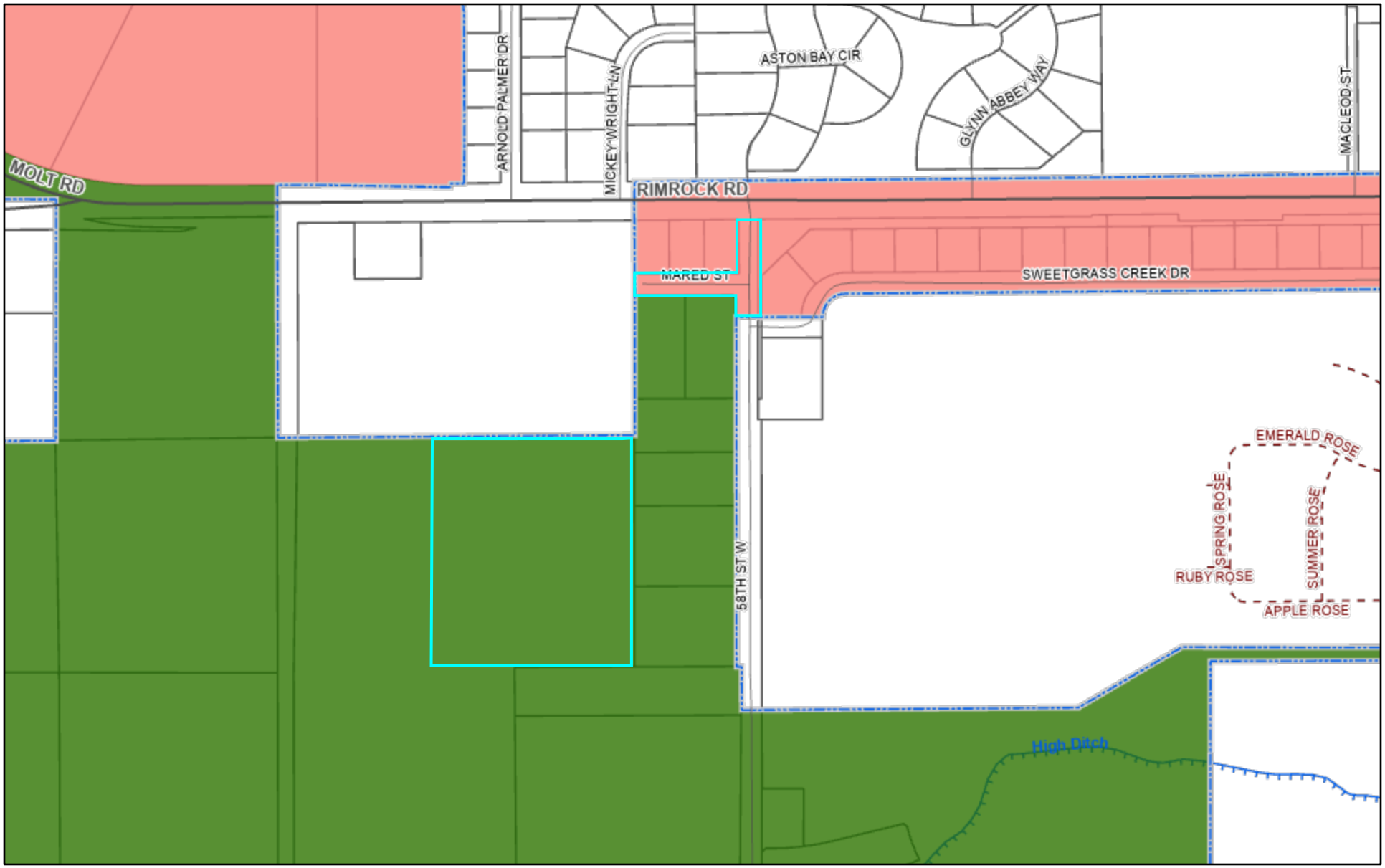
FISCAL EFFECTS

This application has no impact on the Planning Division Budget.

Attachments

Limits of Annexation
Annexation Resolution 24-04

ArcGIS Web Map



10/7/2024, 2:43:43 PM

1:6,819

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Limits of Annexation

- Zone 1 Petition Area
- Zone 3 County Developed Area

Streams, Ditches, Canals

- Canal or Ditch
- Tax Parcels
- Billings City Limits

Road Centerline

- ARTERIAL
- STREET
- PROPOSED ROAD

Web AppBuilder for ArcGIS

RESOLUTION NO. 24 -

A RESOLUTION APPROVING PETITION FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law; and

WHEREAS, annexation of said territory would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

The land being annexed is described as being NW ¼ of Section 31, T1N, R25E, PMM, Billings, Yellowstone County, Montana, more particularly described as follows: A portion of Lot 27A of the Amended Plat of Sunny Cove Fruit Farm Subdivision, recorded on December 29, 2009 under document number 3536038, further described as follows: Beginning at the Northeast corner of Lot 27A, thence S0°07'20"E a distance of 666.42' to the southeast corner of Lot 27A, thence S89°41'20"W a distance of 607.35', more or less, thence N0°24'55"W a distance of 665.74' to a point on the boundary lot line between Lots 27A and 6A-1, thence N89°37'30"E along the boundary line of Lot 27A and 6A-1 a distance of 610.76' to the point of beginning. Including all adjacent Right-Of-Way of Rimrock Road. Including Mared Street in its entirety extending from the west right-of-way of 58th Street West to its western boundary on the east boundary of Lot 6A-1 of the Sunny Cove Fruit Farms Subdivision, and 58th Street West in its entirety extending from the south right-of-way of Rimrock Road to the north boundary of Sweetgrass Creek Drive.

Said annexation containing 9.31 acres, more or less.

(# 24-04) See Exhibit "A" & Exhibit "B" Attached

2. CONDITIONS. The annexation is approved, subject to the following conditions:

- Within 45 working days and prior to site development, a mutually acceptable Annexation Agreement shall be executed between the owner(s) and the City that shall stipulate, among other things, specific infrastructure improvements and right-of-way dedication, provide guarantees for said improvements, and include a Waiver of Right to Protest the creation of special improvement districts which will be recorded with the Yellowstone County Clerk and Recorder.

If the above conditions are not satisfied as set forth herein, the annexation will not be effective and any subsequent requests for annexation of the property legally described within this resolution shall be processed as a new petition for annexation.

3. EFFECTIVE DATE. This resolution to annex the above-described territory shall be effective immediately upon satisfaction of all conditions. If the above condition(s) are not satisfied, this resolution shall be null and void and shall have no effect.

4. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 28th day of October, 2024.

CITY OF BILLINGS:

BY: _____

William A. Cole, Mayor

ATTEST:

BY: _____

Denise R. Bohlman, City Clerk
(# 24-04)

EXHIBIT ‘A’

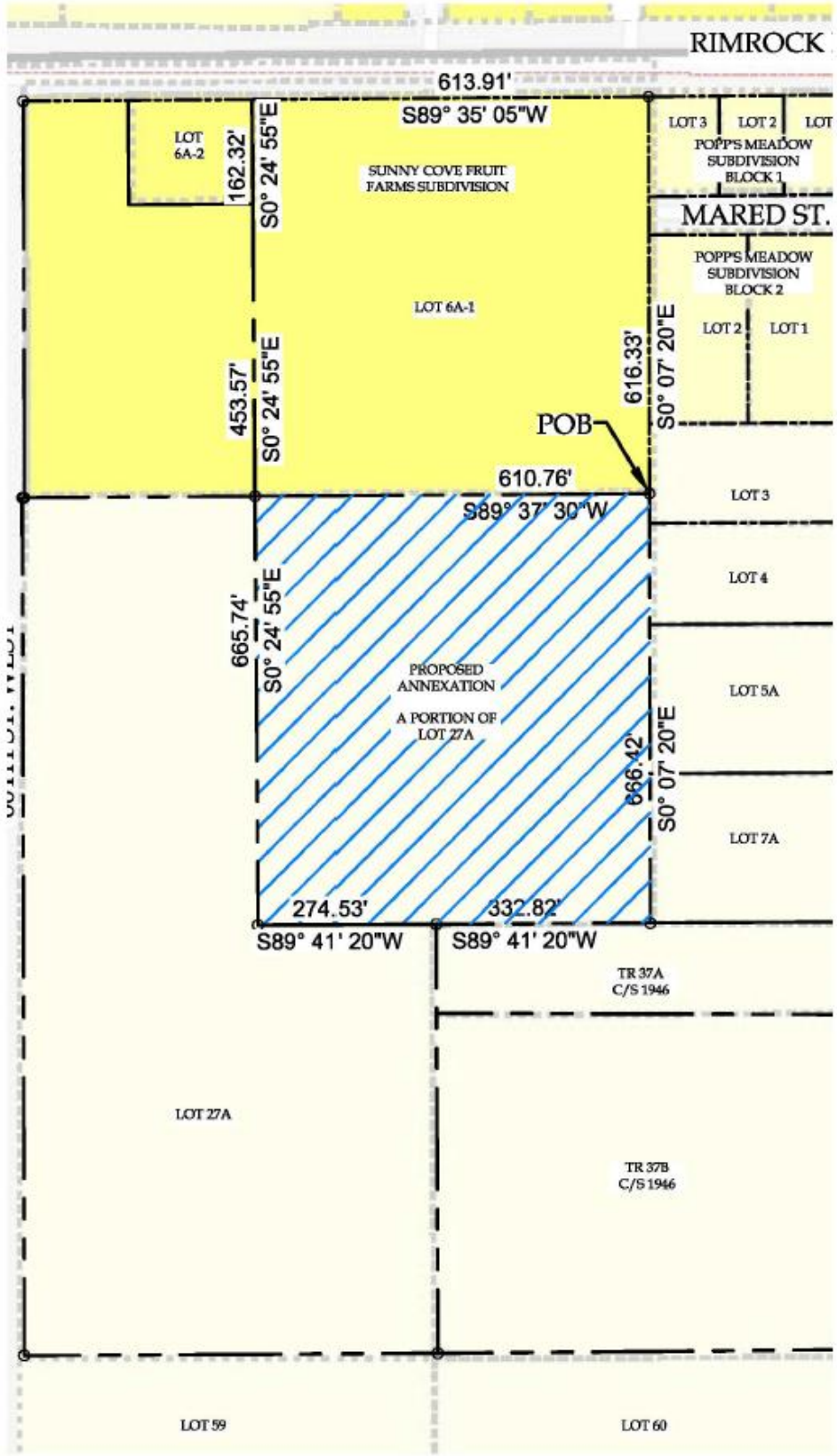
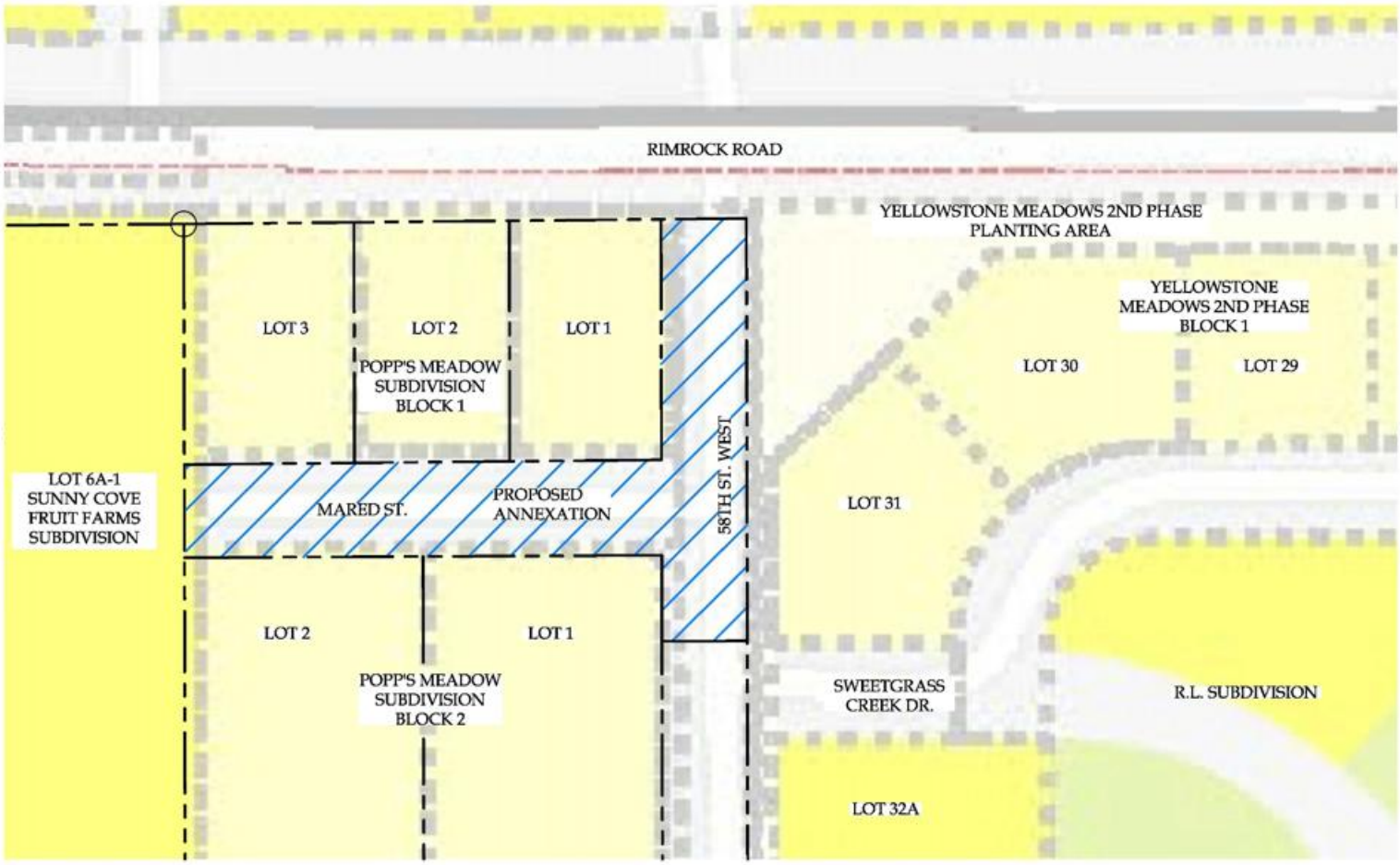

RIMROCK
613.91'
S89° 35' 05"W
LOT 6A-2
162.32'
S0° 24' 55"E
SUNNY COVE FRUIT FARMS SUBDIVISION
LOT 3
LOT 2
POPP'S MEADOW SUBDIVISION BLOCK 1
MARED ST.
POPP'S MEADOW SUBDIVISION BLOCK 2
LOT 2
LOT 1
LOT 6A-1
453.57'
S0° 24' 55"E
616.33'
S0° 07' 20"E
POB
610.76'
S89° 37' 30"W
LOT 3
LOT 4
665.74'
S0° 24' 55"E
PROPOSED ANNEXATION
A PORTION OF LOT 27A
LOT 5A
666.42'
S0° 07' 20"E
LOT 7A
274.53'
S89° 41' 20"W
332.82'
S89° 41' 20"W
TR 37A C/S 1946
LOT 27A
TR 37B C/S 1946
LOT 59
LOT 60

EXHIBIT ‘B’


RIMROCK ROAD
YELLOWSTONE MEADOWS 2ND PHASE
PLANTING AREA
YELLOWSTONE
MEADOWS 2ND PHASE
BLOCK 1
LOT 3
LOT 2
LOT 1
POPP'S MEADOW
SUBDIVISION
BLOCK 1
LOT 30
LOT 29
LOT 6A-1
SUNNY COVE
FRUIT FARMS
SUBDIVISION
MARED ST.
PROPOSED
ANNEXATION
58TH ST. WEST
LOT 31
LOT 2
LOT 1
POPP'S MEADOW
SUBDIVISION
BLOCK 2
SWEETGRASS
CREEK DR.
R.L. SUBDIVISION
LOT 32A

City Council Regular

Date:	10/28/2024
Title:	Zone Change 1057 - 58th Street West and Rimrock Road
Presented by:	Hunter Kelly, Planner 1
Department:	Planning & Community Services
Presentation:	Yes
Legal Review:	Not Applicable
Project Number:	PZX-24-00215

RECOMMENDATION

The Zoning Commission is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1057.

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

This is a zone change request for property legally described as a portion of Lots 6A-1 and 27A of the Sunny Cove Fruit Farms Subdivision, from Suburban Neighborhood Residential (N3) & Rural Residential 3 (RR3 -- County) to Mid-Century Neighborhood (N2), an approximate 18-acre parcel of land. The proposed zoning would facilitate residential development. In order for these parcels to be developed, they will be annexed into the City of Billings. This will give access to municipal water and sewer, among other utilities. When properties are annexed into the City of Billings (City), they must also go through a concurrent process to have the property re-zoned to a City Zoning District. The N2 district is intended to continue the existing character of the residential neighborhoods with single- and two-family homes developed during the middle of the twentieth century. This district may also be used for new neighborhoods designed with similar characteristics of the mid-century neighborhoods. These characteristics include homes wide on the lot, proportionate garages located in the front faÃ§ade, low pitched roofs, and doors and windows on the front facades. Building and garage location are specified in the regulations, with basic parameters for front doors and windows.
nbsp;

APPLICATION DATA

OWNER:	Thomas Romine
LEGAL DESCRIPTION:	A portion of Lots 6A-1 and 27A of the Sunny Cove Fruit Farms Subdivision
ADDRESS:	None
CURRENT ZONING:	Suburban Neighborhood Residential (N3) & Rural Residential 3 (RR3 -- County)
PROPOSED ZONING:	Mid-Century Neighborhood (N2)
EXISTING LAND USE:	Vacant
PROPOSED LAND USE:	Residential Development
SIZE OF PARCEL(S):	18 Acres

SURROUNDING LAND USE & ZONING:

NORTH:	Yellowstone Club Estates -- N3 Zoning
SOUTH:	Sunnycove Fruit Farms -- RR3 Zoning
EAST:	Sweetgrass Creek - N1, N2, N3, NX1 and P1
WEST:	Sunnycove Fruit Farms -- RR3 Zoning

Planning staff recommends approval and adoption of the findings for the 10 review criteria for Zone Change 1057 as detailed in the summary section of this report. The proposed Mid-Century Neighborhood (N2) is compatible with nearby existing facilities and would fit in well with nearby developments.

STAKEHOLDERS

Planning staff notified the surrounding owners, published a legal ad, and posted the property as required by the zoning regulations. At the time this staff report was submitted, Planning staff has not received any correspondence on the proposed zone change from surrounding owners. A pre-application neighborhood meeting was conducted by the applicant on August 14, 2024, at the western end of Mared Street, and 22 persons signed the attendance sheet. The pre-application meeting notes and sign-in sheet are attached.

Zoning Commission Public Hearing

On October 1, 2024, The City of Billings Zoning Commission held a public hearing regarding this zone change. Staff

presented their findings of fact and recommended approval based on the 10 review criteria. Chairperson McCall opened the commission for staff questions. Chairperson McCall then opened the public hearing and invited the public to speak. Over a dozen surrounding property owners, all of whom expressed concerns and resistance for the proposal, and cited several concerns about potential future development. The public was generally concerned about three main issues:

1. Lack of school capacity in the West End area.
2. The underdeveloped and unmaintained connector road, Mared Street.
3. The continuously diminishing underground aquifer serving the wells in the surrounding area (This property would not utilize wells as it would be on City Water and Sewer services).

The public was concerned the scale of any proposed development could impact schools, streets and the aquifer to the point of dysfunction. All the surrounding property owners along Mared Street, which is outside City limits, also stated their reluctance to connect to City Services, and were concerned the annexation of this nearby property and Mared Road will cause pressure to annex their property. Chairperson McCall closed the public hearing.

Commissioner Megarden made a motion for approval, which was seconded by Chairperson McCall. The Zoning Commission recommended approval on a 3-1 vote.

ALTERNATIVES

The City Council may take one of the following actions:

- Approve and adopt the findings of the ten review criteria for Zone Change 1057 per the Zoning Commission recommendation; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1057; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

The applicant has not requested a delay or a withdrawal of the application at this time.

FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY

Prior to any action by the City Council, the Council shall consider the following 10 statutory review criteria per the City Zoning Commission recommendation of approval:

1. Is the new zoning designed in accordance with the Growth Policy and neighborhood plans?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Strong Neighborhoods:
  - Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels.
  - Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill, and social interaction.
  - Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces.
  - Neighborhoods that are safe and attractive and provide essential services are much desired Implementation of the Infill Policy is important to encourage development of underutilized properties.
- Home Base:
  - A mix of housing types that meet the needs of a diverse population is important
  - The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
  - Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
  - Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
  - Public safety and emergency service response are critical to the well-being of Billings' residents
  - Homes that are safe and sound support a healthy community

The proposed zoning will allow for a slightly higher density housing than the established N3 and RR3 Zone districts.

The applicant is intending to develop the property in a way that allows for a large amount of duplexes, however no specific plans have been submitted to the city to the effect.

2. Is the new zoning designed to secure from fire and other dangers?
The new zoning requires minimum setbacks, open and landscaped areas, and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. Additionally, the annexation of the property provides for municipal water service for the site. Any new construction on the site will follow applicable building codes.

3. Whether the new zoning will promote public health, public safety and general welfare?
Public health and public safety are promoted by the proposed zoning. New construction on the site will follow building code requirements to ensure and promote public health, public safety and general welfare. Public health and public safety will be promoted by the proposed zone change.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?
Transportation: The existing zoning and new development will increase traffic on the adjacent street network. City Engineering will review any new development proposed to determine updates that may be required to any original traffic management plan. Surrounding intersections will be evaluated for any needed traffic management improvements. At this time, there are no immediate plans for a subdivision, master site plan, or building permit that would add any internal roads or connections to adjacent lots or streets.

Water and Sewer: The City provides water and sewer to the property. The utilities will be provided in accordance with the associated annexation agreement that is mutually agreed upon between the City of Billings and the Property Owner/Developer. This agreement is a strict condition of approval for annexations. Water and wastewater will be extended to the property via Rimrock Road. Per the annexation agreement, the Developer shall pay any water system and wastewater system development fee prior to the issuance of any building permits.

Schools and Parks: Schools and parks may be affected by the proposed zoning. The proposed development does include residential uses, therefore, additional students due to this zone change would be anticipated. At the time of this staff report, SD #2 had reported all schools near the subdivision are near or over capacity.

Fire and Police: The subject property is served by city public safety services. The property is currently served by the Billings Fire Department and upon annexation will continue to be served. The nearest fire station is Fire Station 7 which is located approximately 1.60 miles miles away. The Police and Fire Departments expressed no concerns with the zone change.

5. Will the new zoning provide adequate light and air?
Similar to criteria 2 and 3, the proposed zone, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently vacant therefore any new structure(s) will be required to meet the standards required by Section 27-500.1 and Building Code Requirements.

6. Will the new zoning effect motorized and non-motorized transportation?
The new zoning itself will not impact motorized and non-motorized transportation. Once developed, there will be increased volume to the transportation network, both motorized and non-motorized. A traffic impact study will be required if the proposed development is intended to create more than 500 Average Vehicle Trips per Day (ADT) and is delivered at the time of Master Site Plan or Subdivision Application.

7. Will the new zoning promote compatible urban growth?
The proposed zoning is compatible with the adjacent zoning and existing uses in the vicinity. Most of the city-zoned areas in the vicinity allow for single family homes and duplexes, which is the current plan for this development.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?
The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow single family and duplex residential development. The proposed zoning is compatible with the adjacent zoning and existing development and uses in the vicinity. The property is suitable for the proposed use and will fit in the surrounding Subdivisions for Yellowstone Club Acreage, Sweetgrass Creek, and Glynn Abbey Subdivision.

9. Will the new zoning conserve the value of buildings?
The property is currently vacant, therefore the new zoning will not have an impact on the value of buildings for the

parcel. Any new structures will need to be in compliance with zoning and building codes, therefore, there are no concerns related to the conservation of value of buildings on the parcels subject to the zone change.

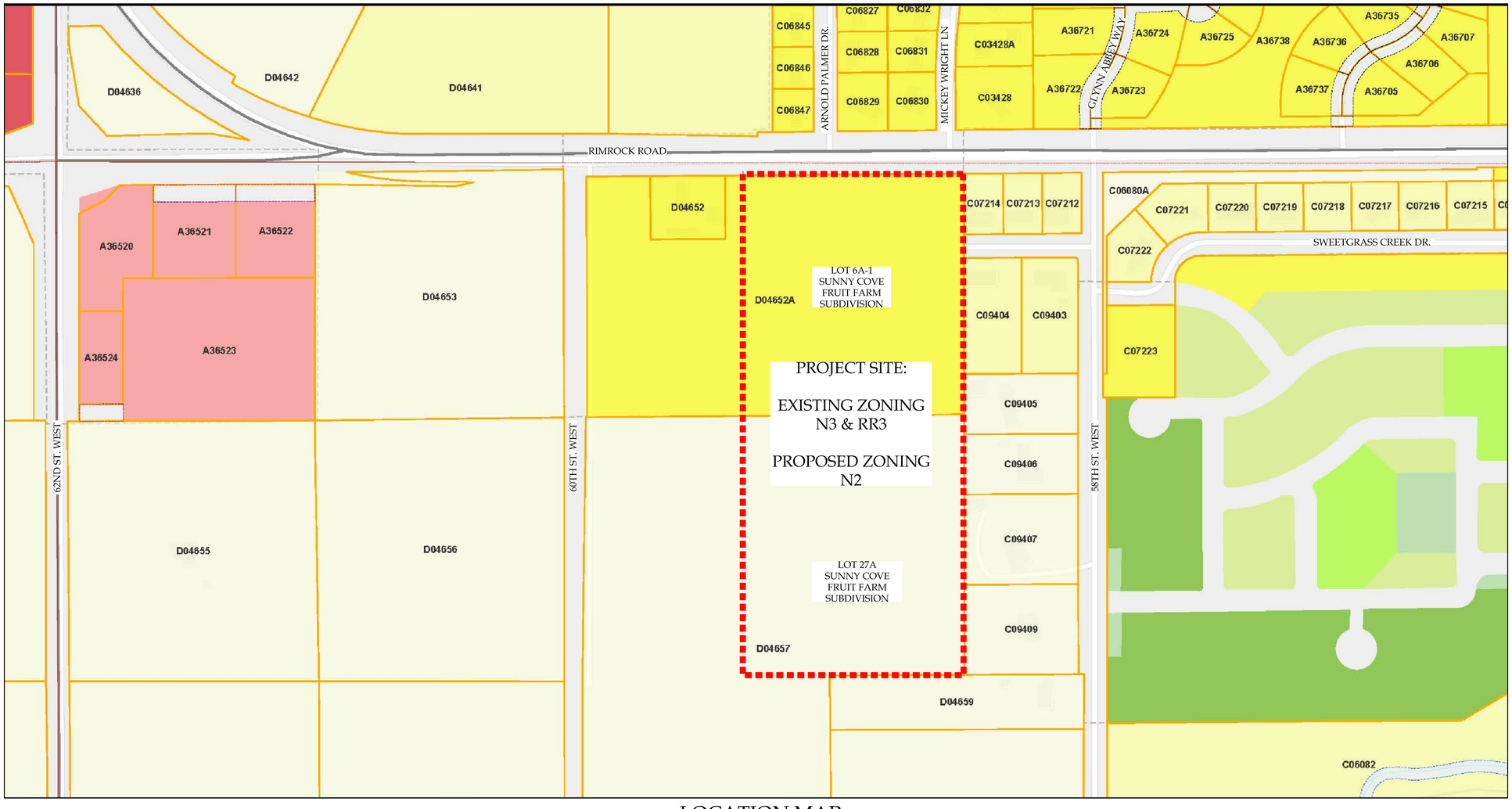
10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
The landowner has chosen the N2 zone as the most appropriate zone and intends to develop the property in accordance with the requirements of the zoning. A use like this is in the adjacent Sweetgrass Creek, and therefore does encourage the most appropriate use throughout the City of Billings.

Attachments

Zoning Map and Photos
Zone Change Application
Zoning History
Neighborhood Meeting Minutes
Neighborhood Meeting Attendance List
Zoning Ordinance 1057

PROPOSED REZONING MAP

BILLINGS, MONTANA



LOCATION MAP

NOT TO SCALE

Parcels - Ownership lines

Zoning - Billings County

- CMU1 - Corridor Mixed-Use
- CMU2 - Corridor Mixed-Use & Commercial Centers
- N1 - First Neighborhood
- N2 - Mid-Century Neighborhood
- N3 - Suburban Neighborhood
- N4 - Large Lot Surburban Neighborhood*
- NX1 - Mixed Residential 1 (1-4 du/structure)
- P1 - Open Space, Parks, Recreation
- RR1 - Rural Residential (1 to 2.99 acres)*
- RR3 - Rural Residential (3 to 9.9 acres)*

LEGEND

2905
EXEMPT
3·53443D

ZONING REQUEST

ZONE CHANGE 1057

SPECIAL REVIEW

VARIANCE

MPO

Billings

September 13, 2024

CITY Zone Change 1057
Project Number: PZK-24-00215

Dear Property Owner:
This is to inform you of the following request recently submitted to the City/County Planning Department:

City Zone Change 1057 – Southwest of Binrock Road & 58th St – from N1 & RR3 to N2 - A zone change request from Suburban Neighborhood Residential (N1) & Rural Residential 3 (RR3 – County) to Mid-Century Neighborhood (N2), on portions of Lot 6A-1 and 27A of Sunny Cove Fruit Farms Subdivision, an approximate 18-acre parcel of land, A pre-application neighborhood meeting was held on August 14, 2024, at the west end of Mored St. A concurrent annexation petition has been submitted for the RR3 zoned land. Tax ID: D04542A, D04657 (portions of each)

The City Zoning Commission will hold its public hearing on October 1, 2024, at 4:30 pm in the Stillwater Building, 1st Floor, Room 3108 at 316 N 26th St. All interested persons are invited to attend in person or view the meeting on-line on the Billings-Planning & Community Services Facebook Page here: https://mysurl.com/YzVr47Bb

Written comments may also be sent to Commission via email to kalich@billingsmt.gov or benoit@billingsmt.gov **before NOON on October 1, 2024. All emails received prior to this time will become part of the record for the zone change. Comments sent prior to this notice are also part of the public record.**
Additional information on this application is available on-line at:
https://www.billingsmt.gov/191/Current-Zoning-Applications

The City Council has designated October 28, 2024, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation and **conduct a public hearing for the first reading of the ordinance for this zone change request. If approved on first reading, a second reading (non-public hearing) will occur on** November 12, 2024, at 5:30 pm. **The City Council meetings will be held on the 2nd Floor of City Hall at 316 N 27th St.**

Before taking any action on an application for a Zone Change, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) delay the application for a period not to exceed thirty (30) days.

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change, or (2) those lots or units, as defined in MCA 70-23-102, one hundred fifty (150) feet from a lot included in **a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision, included in the calculation of the percent of the condominium, as expressed in the declaration, included in the calculation of the percentage of the unit owner's property, as defined in 70-23-102, spans more that one lot, the percentage of lots upon which the property is located. The percentage of the unit owner's undivided interest in the common elements which is correct by the unit owner seeking to protect a change or by the governing documents of the association of unit owners. The protest petition must be received in the Planning Division office by 5:00 p.m. on the Friday preceding the first reading of the amendment by the City Council.

PROPOSED REZONING MAP
BILLINGS, MONTANA

ZONING
REQUEST

Authentisign ID: 2F3F53F3-8061-EF11-991A-002248270DCE

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE **Billings Zone Change #** 1057 **Project #** PZX-24-00215

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning: Suburban Neighborhood Residential (N3) & Rural Residential (RR3)

Proposed Zoning: Mid-Century Neighborhood (N2)

PARCEL TAX ID# D04652A & D04657 CITY ELECTION WARD 4

Legal Description of Property: Portions of Lot 6A-1 and 27A of Sunny Cove Fruit Farms Subdivision. Final Legal Description is yet to be Determined.

Address or General Location (If unknown, contact City Engineering): Southwest of Rimrock Rd and 58th St. W.

Size of Parcel (Area square feet or acres): 18-Acres (proposed)

Present Land-Use: Agriculture

Proposed Land-Use: Residential

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Thomas E. Romine
(Record Owner)
1128 N. 32nd. Street, Billings, MT 59101
(Address)
406-671-7444 thedrom@outlook.com
(Phone Number) (email)

Agent(s): Papez Development Services
(Name)
5420 Molo Rd. Billings, MT 59106
(Address)
406-545-5284 james@pds-eng.net
(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Thomas E Romine Date: 08/23/24
(Record Owner – Digital Signature Allowed)

SUBJECT PROPERTY	Application	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Rimrock & 58th	**Current**	9/1/24	N3 and RR3 to N2	TBD	
SURROUNDING PROPERTY	**Application**	**DATE**	**FOR**	**APPROVED (Y/N)**	**ADDITIONAL DATA**
5640 Grand Ave	City ZC 942	1/13/16	A-1 to Public	Y	For a New School
CS 3618	City SR 941	5/9/16	Church	Y	LDS Meeting House
Sunny Cove FF Lots 101 & 124	City ZC 729	5/10/04	A-1 to R-96 & R70	Y	
Sunny Cove FF Lot 65A	City ZC 734	7/12/04	A1 to R-70	Y	
CS 1323 Tr 1&2 & CS 1815 Tract 1	City ZC 803	5/14/07	A-1 to R-150	Y	For Cottonwood Park
Cottonwood Grove	City ZC 734 Annex	2/28/05	A-1 to R-70	Y	
Mont Vista Sub	City ZC 851	7/13/09	PD	Y	
MK Sub	City ZC 925	9/22/2014	NC to CC	Y	The Den
Daybreak Sub	City ZC 920	5/26/2014	A-1 to R-60	Y	
Grand Peaks Sub	City ZC 938	8/24/2015	R-96 to R-70	Y	
Silver Creek Estates	City ZC 940	11/23/2015	R-96 to R-70	Y	
Copper Ridge	City ZC 960	8/28/2017	Un-zoned to R-70 and R-50	Y	
Coal Creek Sub	City ZC 961	1/8/2018	RP to CC	Y	
Hawk Creek	City ZC 971	12/17/2018	NC to PD-NC	Y	Diamond X Brewing
Sweetgrass Creek	City ZC 998	9/27/21	N4 to PND	Y	

Papez
Development
Services, LLC
james@pds-eng.net (406) 545-5284

MEETING MEMORANDUM

TO: CITY OF BILLINGS PLANNING DEPARTMENT

FROM: JAMES W. PAPEZ, P.E.

SUBJECT: NEIGHBORHOOD ZONE CHANGE MEETING_LOTS 6A-1 AND 27A SUNNYCOVE FRUIT FARMS SUBDIVISION

DATE: AUGUST 14, 2024

NEIGHBORHOOD MEETING RECAP MEMORANDUM

On Wednesday August 14th at 5:15 PM, a neighborhood meeting was conducted to collect comments and/or concerns associated with a proposed zone change over a portion of Lots 6A-1 and 27A of the Sunny Cove Fruit Farms Subdivision. The meeting was held at the west end of Mared Street which is located just east of the subject property. Notification letters for the meeting were sent out on August 6th to notify all property owners located within 1,320-feet of the subject property.

In attendance at the meeting were approximately 22 members of the public.

Questions/Concerns for the individuals present are shown below:

Where is the property located at?

-The property in question is located on portions of Lot 6A-1 and 27A. An exhibit showing the property was provided to the attendees.

Where is the closest similar zoned area?

-A N2 zoned area is located across 58th Street to the east.

What type of homes can be constructed on the proposed N2 zoning?

-N2 zoning allows for the construction of 1 and 2 family homes.

How will the subdivision be accessed?

-Access to the subdivision has not been finalized and will be dictated by the City and County. We are currently in discussions with both the City and County to determine how the subdivision with be accessed.

How much right-of-way does Rimrock Road have, and will you be reconstructing Rimrock Road with new shoulders and turning lanes?

-Rimrock Road currently has a 110-ft right-of-way. Improvements to Rimrock Road will be based on the findings of the traffic study and requirements set forth by the City of Billings.

How many homes are you proposing?

-The final number of proposed homes is not known at this time. The developer anticipates the subdivision could contain around 100-120 units on 7,000-10,000 sf lots.

Do the covenants allow for lots less than 1.5-acre in size?

-The covenants have been amended and will no longer be in effect once brought into the City and zoned.

Where can we review the covenants?

-Covenants are available from the title company or the clerk and recorder.

Residents expressed concern that they would lose parking on Mared Street if it is used as an access point.

-The County has requested that the City annex Mared Street along with a portion of 58th Street. The City has not yet determined if they are willing to annex Mared Street or the requested portion of 58th Street.

Will the housing be subsidized or Section 8?

-No

What is the anticipated value of the houses?

-$375,000 to $500,000.

What is the elevation of the groundwater?

-Ground water was noted 7-8 feet below grade from the monitoring wells placed on the property.

Why not just build on property that has N2 zoning?

-There has been a high demand for this type of home and there are currently not enough homes of this zoning type to fulfill demand.

What is a Mid-Century Neighborhood.

-The description of a Mid-Century Neighborhood from the municipal code was read out loud.

Will there be an alley or roadway located along the back of the properties that abut 58th Street?

-The final design has yet to be determined. It is not anticipated that a roadway or alley will be constructed along the eastern property line of the proposed development.

What are the next steps in this process?

-After the neighborhood meeting the application will be filed with the planning department who will prepare their findings and notify the impacted residents. The application will be presented to the Zoning Commission at which time the public is allowed to provide their concerns and comments. The Zoning Commission will make a recommendation on to approve or deny the application which will then be provided to the City Council, who will make the final decision to approve or deny the zone change request.

Concerns were raised that Glynn Abbey across Rimrock Road did not complete the necessary ditching to address stormwater which they state overtops Rimrock Road and impacts them.

Multiple individuals stated concerns associated with dewatering that will be necessary for deep utility installation. Property owners reported foundation settlement associated with dewatering from Glynn Abbey Subdivision and the sewer main in 58th Street.

Concerns were raised about the impacts to the water table if the existing agricultural land is no longer irrigated.

Residents expressed concern that they would lose parking on Mared Street if it is used as an access point.

Residents expressed concern that their taxes would increase as a result of the development.

ZONE CHANGE NEIGHBORHOOD MEETING

PROJECT:	58th Street and Rimrock Road Subdivision	**MEETING DATE:**	August 14, 2024, 5:15 PM
CONTACT:	James Papez, P.E., (460) 545-5284	**LOCATION:**	West End of Mared Street

NAME	ADDRESS	PHONE	EMAIL
JW Papez	5420 Hob Rd	545-5284	James@pds-eng.net
Trent Parks	2259 Gleneagles	208-4146	parkst@gemail.com
Travis McNeal	2029 Fort Park	697-2173	travis@[illegible]
Roger Daniel	62nd/Rimrock	252 3411	rdanielinsurance@gmail.com
~~Constance Papez~~	2905 Arnold Palmer	~~406 670-7492~~	
Michael Papez	2905 Arnold Palmer	2087466874	
Scott Rosett	2424 ~~[illegible]~~ 58th St.	617-721-5075	scott.rosett@gmail.com
Maya Mansukhani	5805 Mared St	970-331-1493	mayamansukhani@yahoo.com
JEN STATON	5819 Rimrock	406-671-7886	jennifer@westernrockrentals.com
Dennis Tedlar	3005 Mickey Wright	406-591-2410	dtedlar52@gmail.com
Kim Tedlar	3005 Mickey Wright	406-591-2401	
Gary Dickhaut	3045 Arnold Palmer	406-671-0132	
Theresa Dickhaut	" "	406-860-9599	gtdickhaut@charter.net
ROSS RIGHTMIRE	5811 MARED	602-396-9813	
Laura Kelly	2520 58th St W	406-480-4802	Prairchicken@me.com
John Kelly	2520 58th St W	406 480-9243	laura@KellySupply11c.com

9a

ZONE CHANGE NEIGHBORHOOD MEETING

PROJECT:	58th Street and Rimrock Road Subdivision	**MEETING DATE:**	August 14, 2024, 5:15 PM
CONTACT:	James Papez, P.E., (460) 545-5284	**LOCATION:**	West End of Mared Street

NAME	ADDRESS	PHONE	EMAIL
John Ballard	5806 Mared St	5412339942	ballard.johna@gmail.com
Gina Ballard	5806 Mared St	503-310-4470	gjballard@yahoo.com
Tom Rimrock	1128 N 32	406-871-7444	thedomegod@hotmail.com
Janet Lattadugan	2616 58th ST, W	406-697-6833	Frasier5@AOL.com
Teresa Ehrlich	5819 Mared St	406.690.3299	teresamarie49@bresnan.net
Tom Madden	2923 Arnold Palmer Drive	406-861-6644	TJmadden10@gmail.com

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION for A portion of Lots 6A-1 and 27A of the Sunny Cove Fruit Farms Subdivision, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. **RECITALS.** *Title 76, Chapter 2, Part 3, MCA,* and *Sections 27-1628, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. **DESCRIPTION. A portion of Lots 6A-1 and 27A of the Sunny Cove Fruit Farms Subdivision** is presently zoned **Single Family Residential (N3) and Rural Residential 3 ac – 9.99 ac (RR3) ,** and is shown on the official zoning map within this zone districts.

Section 3. **ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **A portion of Lots 6A-1 and 27A of the Sunny Cove Fruit Farms Subdivision,** is hereby changed from **Single Family Residential (N3) and Rural Residential 3 ac – 9.99 ac (RR3)** to **Mid-Century Neighborhood (N2),** and as shown on Exhibit A, and from the effective date of this ordinance, the area shown on Exhibit A shall be subject to all the rules and regulations pertaining to **Mid-Century Neighborhood (N2),** as set out in the Billings, Montana City Code.

Section 4. **EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. **REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. **SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other

provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 28th day of October, 2024.

PASSED, ADOPTED and APPROVED on second reading this 12th day of November, 2024.

CITY OF BILLINGS

BY:_____

William A. Cole, Mayor

Attest:

BY:_____

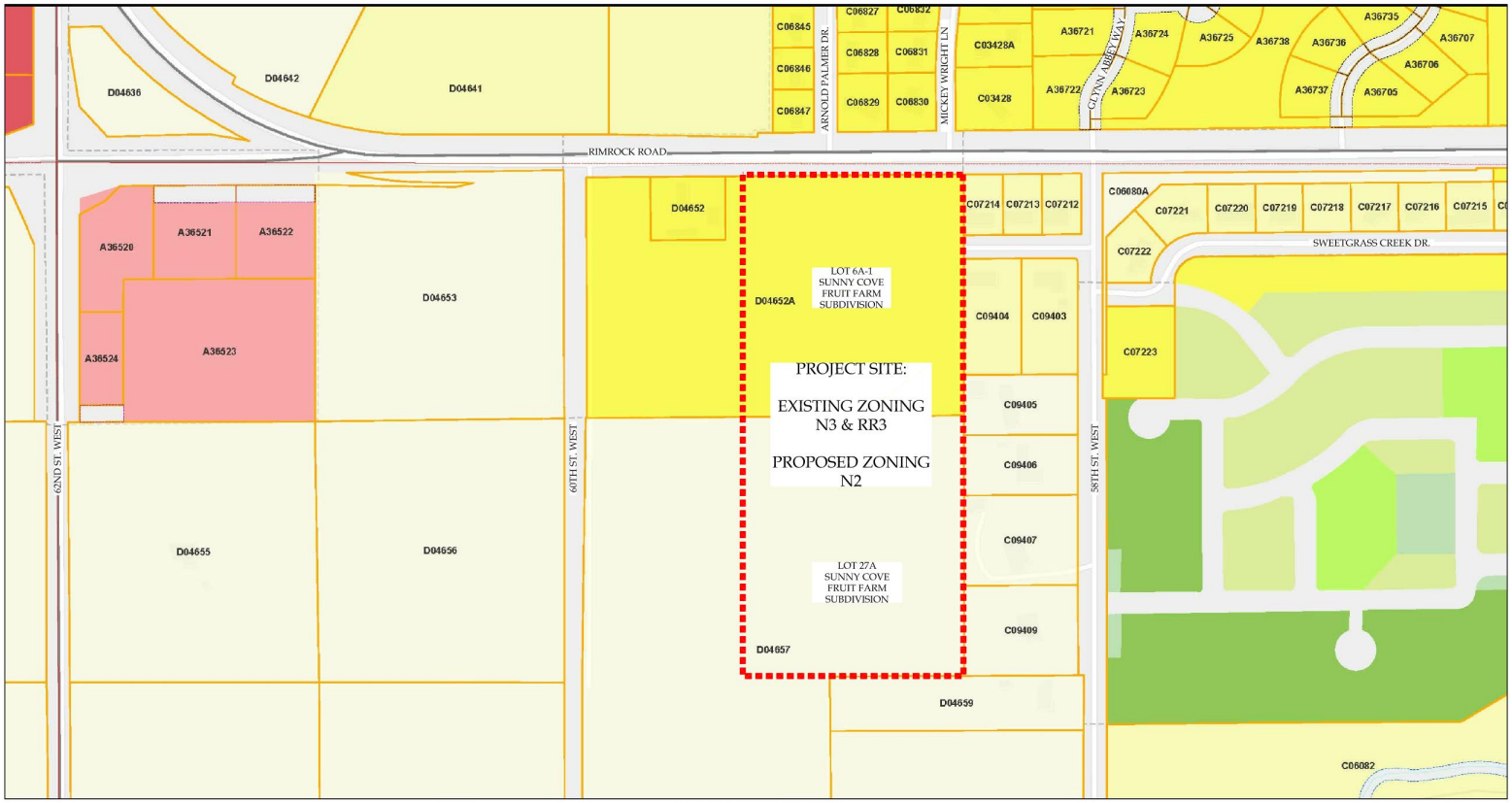
Denise R. Bohlman, City Clerk

Zone Change 1057 – A portion of Lots 6A-1 and 27A of the Sunny Cove Fruit Farms Subdivision

Exhibit A

PROPOSED REZONING MAP

BILLINGS, MONTANA



LOCATION MAP

NOT TO SCALE

Parcels - Ownership lines

Zoning - Billings County

CMU1 - Corridor Mixed-Use

CMU2 - Corridor Mixed-Use & Commercial Centers

N1 - First Neighborhood

N2 - Mid-Century Neighborhood

N3 - Suburban Neighborhood

N4 - Large Lot Surburban Neighborhood*

NX1 - Mixed Residential 1 (1-4 du/structure)

P1 - Open Space, Parks, Recreation

RR1 - Rural Residential (1 to 2.99 acres)*

RR3 - Rural Residential (3 to 9.9 acres)*

LEGEND

City Council Regular

Date:	10/28/2024
Title:	Annexation Agreement with Thomas Romine
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends that the City Council approve the Annexation Agreement with the Thomas Romine.

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

City Council will consider annexation of a portion of Lot 27A of the Amended Plat of Sunny Cove Fruit Farm Subdivision. The property proposed to be annexed is located south of Rimrock Road and west of 58th Street West. Typically, as a condition of approval of the annexation, the property owner enters into an Annexation Agreement with the City of Billings outlining necessary public improvements. The Annexation Agreement outlines the off-site improvements necessary for development, including access to the site and construction of water, sanitary sewer, and storm drain. The Annexation Agreement provides for City-required off-site improvements should the property be annexed and developed without a subdivision plat. The Annexation Agreement for this Council action generally includes the following conditions or improvements:

- Requirement for access;
- Requirement for water service from Rimrock Road and 58th Street West;
- Requirement for right-of-way dedication along Rimrock Road; and
- Requirement for a traffic impact study, mitigation of impacts, and future intersection contributions.

ALTERNATIVES

City Council may:

- If the annexation is approved, then approve the Annexation Agreement with the property owner; or
- Not approve the Annexation Agreement. If the agreement is not approved, the responsibility for infrastructure improvements would be in accordance with policies in place at the time of development.

FISCAL EFFECTS

There are two requirements of the Annexation Agreement that would not be required upon site development. Section 3 requires construction of a water main in Mared Street to serve the development by looping water mains. Section 5 requires right-of-way dedication along Rimrock Road. The financial impact of the remainder of the agreement is dependent on policy changes that may occur before development. If development occurs before any changes to the City's development policies, there would be no financial impact. If development occurs after City development policies change, the financial impact would be dependent on the changes.

Attachments

Annexation Agreement

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made this _____ day of _____, 20 _____, by and between Thomas Romine, 1128 North 32nd Street, Billings, MT 59101 hereinafter referred to as "DEVELOPER," and THE CITY OF BILLINGS, MONTANA, a municipal corporation, c/o City Hall, 210 North 27th Street, Billings, Montana, 59101, hereinafter referred to as the "CITY." DEVELOPER and CITY are sometimes referred to in this Agreement individually as "Party" and collectively as the "Parties."

WHEREAS, DEVELOPER is the owner of certain real property situated in Yellowstone County, Montana, more particularly described as follows:

> A portion of Lot 27A of the Amended Plat of Sunny Cove Fruit Farm Subdivision, recorded on December 29, 2009 under document number 3536038, further described as follows: Beginning at the Northeast corner of Lot 27A, thence S0°07'20"E a distance of 666.42' to the southeast corner of Lot 27A, thence S89°41'20"W a distance of 607.35', more or less, thence N0°24'55"W a distance of 665.74' to a point on the boundary lot line between Lots 27A and 6A-1, thence N89°37'30"E along the boundary line of Lot 27A and 6A-1 a distance of 610.76' to the point of beginning. Said annexation containing 9.31 acres, more or less.

Above referenced property is hereinafter referred to as "Developer Tract"

WHEREAS, DEVELOPER has submitted to the City a Petition for Annexation to the City for Developer Tract; and

WHEREAS, DEVELOPER desires to annex Developer Tract to the City; and

WHEREAS, DEVELOPER proposes to develop the Developer Tract in phases over time; and

WHEREAS, CITY has approved the Petition for Annexation by Resolution No. _____ for the Developer Tract contingent upon an Annexation Agreement being executed between CITY and DEVELOPER to identify required off-site infrastructure improvements and guarantees of those improvements.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties do hereby agree as follows:

1. *Roads and Access.* The Developer Tract will be accessed by way of one access from Lot 6A1, Sunny Cove Subdivision which will have access from Rimrock Road and Mared Street. Developer shall provide a connection to the west for a future access to 60th Street West.

2. *Sanitary Sewer.* The Developer Tract will be served by the existing sanitary sewer main in Rimrock Road through Lot 6A1, Sunny Cove Subdivision.

   DEVELOPER shall be responsible for payment of the City wastewater system development fee prior to the issuance of any building permits.

3. *Water.* The Developer Tract will be served by the existing water main in Rimrock Road. Developer shall also extend a water main in Mared Street from 58th Street West to serve the property.

   DEVELOPER shall be responsible for payment of the City water system development fee prior to the issuance of any building permits.

4. *Storm Drain.* The DEVELOPER will manage storm drainage within the Developer Tract in accordance with the City of Billings Stormwater Management Manual (2018).

5. *Right-of-Way.* Public Right-of-Way will be dedicated to the City of Billings in accordance with the 2018 Billings Urban Area Long Range Transportation Plan and in accordance with the City of Billings Subdivision Regulations. DEVELOPER shall dedicate 10-feet of right-of-way along Rimrock Road to make a 60-foot half right-of-way along the Lot 6A1 at the Developer's cost if Lot 6A1 and 27A are developed together.

6. *Street Improvements.* DEVELOPER will be required at the time of development to submit a traffic study. The traffic study will determine improvements to Rimrock Road that will be required at the time of development. For all future improvements to Rimrock Road, the CITY will assess property owners within the development for their share of the cost of the improvements. Mared Street shall be paved in accordance with City standards at the Developer's cost.

7. *Sidewalk* . A sidewalk will be required to be constructed along Rimrock Road along Lot 6A1 at the expense of the DEVELOPER.

DEVELOPER shall be responsible for the maintenance and replacement of the sidewalk and/or trail after construction.

8. *Future Intersection Contributions.* A traffic impact study will be performed at the time of future subdivision and/or development to determine DEVELOPER contributions to future intersection improvements. The preparation of the traffic impact study and any fees to mitigate impacts to future intersection improvements will be at the expense of the DEVELOPER.

9. *Public Improvements.* Should the City perform improvements listed in the Agreement or not listed in the Agreement benefitting the Developer Tract, the CITY shall rely on the attached Waiver filed concurrently herewith, to ensure the installation of any or all remaining public improvements. Said improvements shall include, but not be limited to, construction, reconstruction or maintenance of streets, curbs, gutter, concrete ribbons, sidewalks, multi-use trails, driveways, survey monuments, street name signs, street lights, street light energy and maintenance, parks and parks maintenance, traffic control devices on-site and off-site inclusive as determined by an overall traffic accessibility study, specific realignments or relocation of sanitary sewer lines and water lines, valley gutters, culverts, storm sewer lines, if any, either within or without the area, and other improvements which the City of Billings may require. The attached Waiver, waiving the right to protest the creation of one or more Special Improvement Districts, by this reference is expressly incorporated herein and part hereof. All of the Developer properties can be included in a Special Improvements District for improvements identified in Development Agreement regardless of location of individual properties in relation to the improvements.

10. *Compliance.* Nothing herein shall be deemed to exempt the Developer Tract from compliance with any current or future City laws, rules, regulations, or policies that are applicable to the development, redevelopment, or use of the subject property.

11. *Runs with Land.* The covenants, agreements, and all statements in this Agreement and in the incorporated and attached Waiver shall run with the land and shall be binding on the heirs, personal representatives, successors, and assigns of the respective parties.

12. *Attorney's Fees.* 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, including those fees and costs of in-house counsel.

13. *Amendments and Modifications.* Any amendments or modifications of this Agreement 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.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

"DEVELOPER" *Thomas Romine*

By: _____

Title: _____

STATE OF MONTANA)
:ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument, and who acknowledged to me that said DEVELOPER 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:_____

This Agreement is hereby approved and accepted by City of Billings, this ___ day of _____, 20___.

"CITY" CITY OF BILLINGS, MONTANA

By:_____
Mayor

Attest:_____
City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

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

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

Approved as to Form:

_____
City Attorney

WAIVER OF RIGHT TO PROTEST

FOR VALUABLE CONSIDERATION, the undersigned, Owner of the hereinafter described real property, does hereby waive the right to protest the formation of one or more Special Improvement Districts (SID) for the construction, reconstruction or maintenance of streets, curbs, gutter, concrete ribbons, sidewalks, multi-use trails, driveways, survey monuments, street name signs, street lights, street light energy and maintenance, parks and parks maintenance, traffic control devices on-site and off-site inclusive as determined by an overall traffic accessibility study, specific realignments or relocation of sanitary sewer lines and water lines, valley gutters, culverts, storm sewer lines, if any, either within or without the area, and other improvements which the City of Billings may require.

The Waiver and Agreement shall run with the land and shall be binding upon the undersigned, its successors and assigns, and shall be recorded in the office of County Clerk and Recorder of Yellowstone County, Montana.

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

A portion of Lot 27A of the Amended Plat of Sunny Cove Fruit Farm Subdivision, recorded on December 29, 2009 under document number 3536038, further described as follows: Beginning at the Northeast corner of Lot 27A, thence S0°07'20"E a distance of 666.42' to the southeast corner of Lot 27A, thence S89°41'20"W a distance of 607.35', more or less, thence N0°24'55"W a distance of 665.74' to a point on the boundary lot line between Lots 27A and 6A-1, thence N89°37'30"E along the boundary line of Lot 27A and 6A-1 a distance of 610.76' to the point of beginning. Said annexation containing 9.31 acres, more or less.

"DEVELOPER" *Thomas Romine*

By: _____
Title:_____

STATE OF MONTANA)
:ss.
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument and who acknowledged to me that said DEVELOPER 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:_____

City Council Regular

Date:	10/28/2024
Title:	Ward Boundary Expansion Ordinance First Reading - Annexation 24-04
Presented by:	Hunter Kelly, Planner 1
Department:	Planning & Community Services
Presentation:	No
Legal Review:	Not Applicable
Project Number:	PZX-24-00216

RECOMMENDATION

Staff recommends the City Council hold a public hearing and approve this ordinance on first reading, adding recently annexed property to Ward IV.

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

J.W. Papez behalf of Thomas Romine submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located southwest of 58th Street West and Rimrock Road. The land being annexed is described as being NW ¼ of Section 31, T1N, R25E, PMM, Billings, Yellowstone County, Montana, more particularly described as follows: A portion of Lot 27A of the Amended Plat of Sunny Cove Fruit Farm Subdivision, recorded on December 29, 2009 under Document Number 3536038, further described as follows: Beginning at the Northeast corner of Lot 27A, thence S0°07'20"E a distance of 666.42' to the southeast corner of Lot 27A, thence S89°41'20"W a distance of 607.35', more or less, thence N0°24'55"W a distance of 665.74' to a point on the boundary lot line between Lots 27A and 6A-1, thence N89°37'30"E along the boundary line of Lot 27A and 6A-1 a distance of 610.76' to the point of beginning. Including all adjacent Right-Of-Way of Rimrock Road. Including Mared Street in its entirety extending from the west right-of-way of 58th Street West to its western boundary on the east boundary of Lot 6A-1 of the Sunny Cove Fruit Farms Subdivision, and 58th Street West in its entirety extending from the south right-of-way of Rimrock Road to the north boundary of Sweetgrass Creek Drive.

Said annexation containing 9.31 acres, more or less.

Upon Council approval, this annexation requires a change in the boundaries of Ward IV. Two readings are required for this action. The first reading and public hearing is scheduled for this meeting. Upon approval, the second reading will occur November 12, 2024.

ALTERNATIVES

City Council may:

- Approve adding the subject property to Ward IV, or;
- Disapprove adding the subject property to Ward IV. Disapproval will not modify the boundary of Ward IV and will create a problem where property inside the City Limits is not within a City Ward.

FISCAL EFFECTS

This application has no impact on the Planning Division Budget.

Attachments

Ward Boundary Ordinance

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING BILLINGS MUNICIPAL CODE, CHAPTER 11, ELECTIONS, IN PARTICULAR, SECTION 11-102(c), WARD BOUNDARIES; AND CHANGING THE WARD BOUNDARIES ESTABLISHED THEREIN BY ADDING CERTAIN NEWLY ANNEXED REAL PROPERTY TO WARD IV PROVIDING FOR CERTIFICATION AND REPEALING OF ALL ORDINANCES AND RESOLUTIONS INCONSISTENT THEREWITH.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102(c) and the State Law, Billings Municipal Code, Section 11-102(c) Ward Boundaries is hereby amended by adding to Ward IV the following described real property:

The property is located Southwest of 58th Street W and Rimrock Road. The land being annexed is described as being NW ¼ of Section 31, T1N, R25E, PMM, Billings, Yellowstone County, Montana, more particularly described as follows: A portion of Lot 27A of the Amended Plat of Sunny Cove Fruit Farm Subdivision, recorded on December 29, 2009 under document number 3536038, further described as follows: Beginning at the Northeast corner of Lot 27A, thence S0°07'20"E a distance of 666.42' to the southeast corner of Lot 27A, thence S89°41'20"W a distance of 607.35', more or less, thence N0°24'55"W a distance of 665.74' to a point on the boundary lot line between Lots 27A and 6A-1, thence N89°37'30"E along the boundary line of Lot 27A and 6A-1 a distance of 610.76' to the point of beginning. Including all adjacent Right-Of-Way of Rimrock Road. Including Mared Street in its entirety extending from the west right-of-way of 58th Street West to its western boundary on the east boundary of Lot 6A-1 of the Sunny Cove Fruit Farms Subdivision, and 58th Street West in its entirety extending from the south right-of-way of Rimrock Road to the north boundary of Sweetgrass Creek Drive.

Said annexation containing 9.31 acres, more or less.

(# 24-04) See Exhibit "A" and Exhibit "B" Attached

2. EFFECTIVE DATE. This ordinance shall be effective either thirty (30) days after second reading and final adoption as provided by law, or upon the effective date of Resolution No. 24-_____ approving the annexation of the above territory, whichever date is later.

3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

4. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.

PASSED by the City Council on the first reading this 28th Day of October, 2024.

PASSED by the City Council on the second reading this 12th Day of November, 2024.

THE CITY OF BILLINGS:

_____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK

(#24-04)

EXHIBIT ‘A’

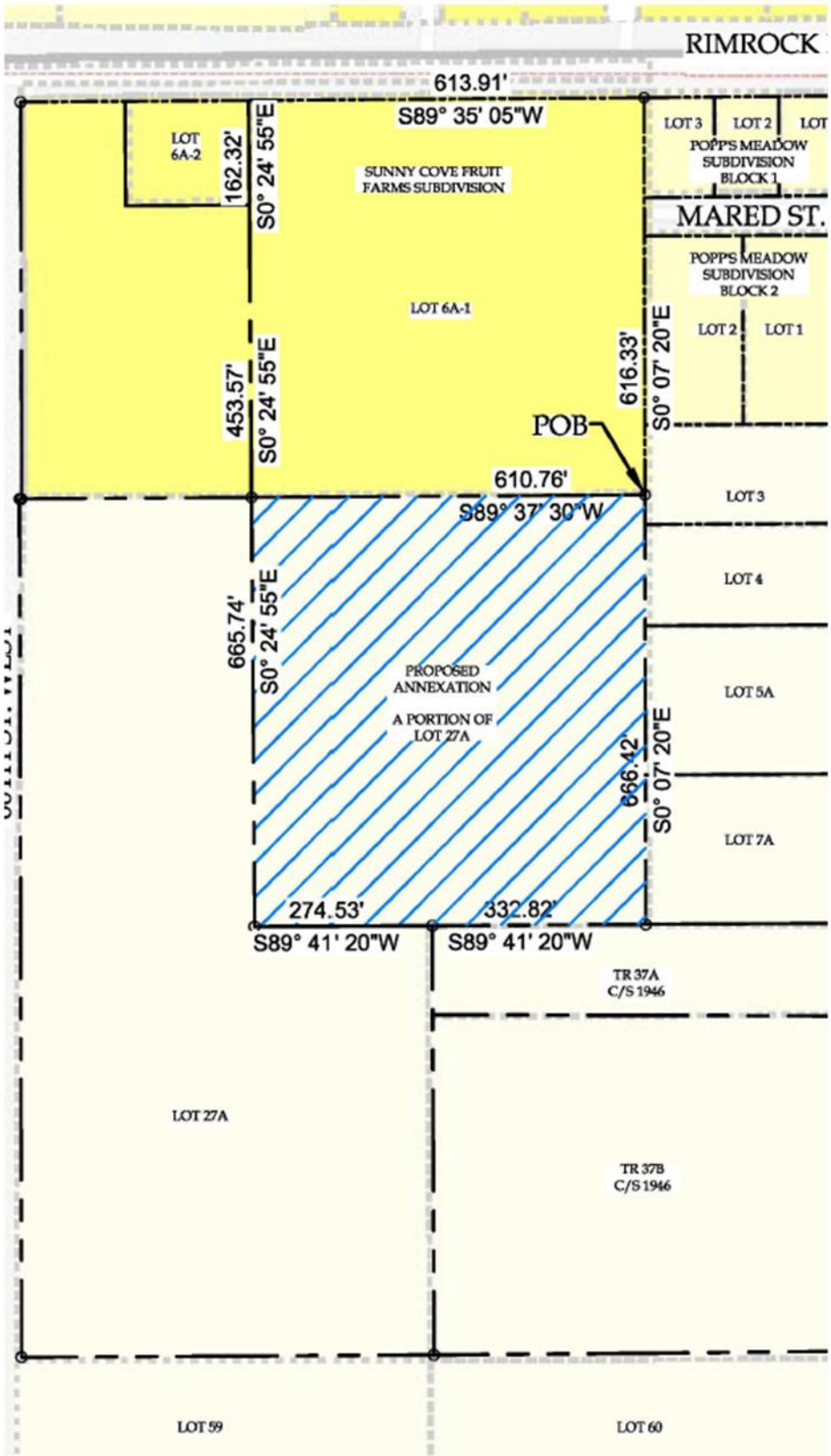
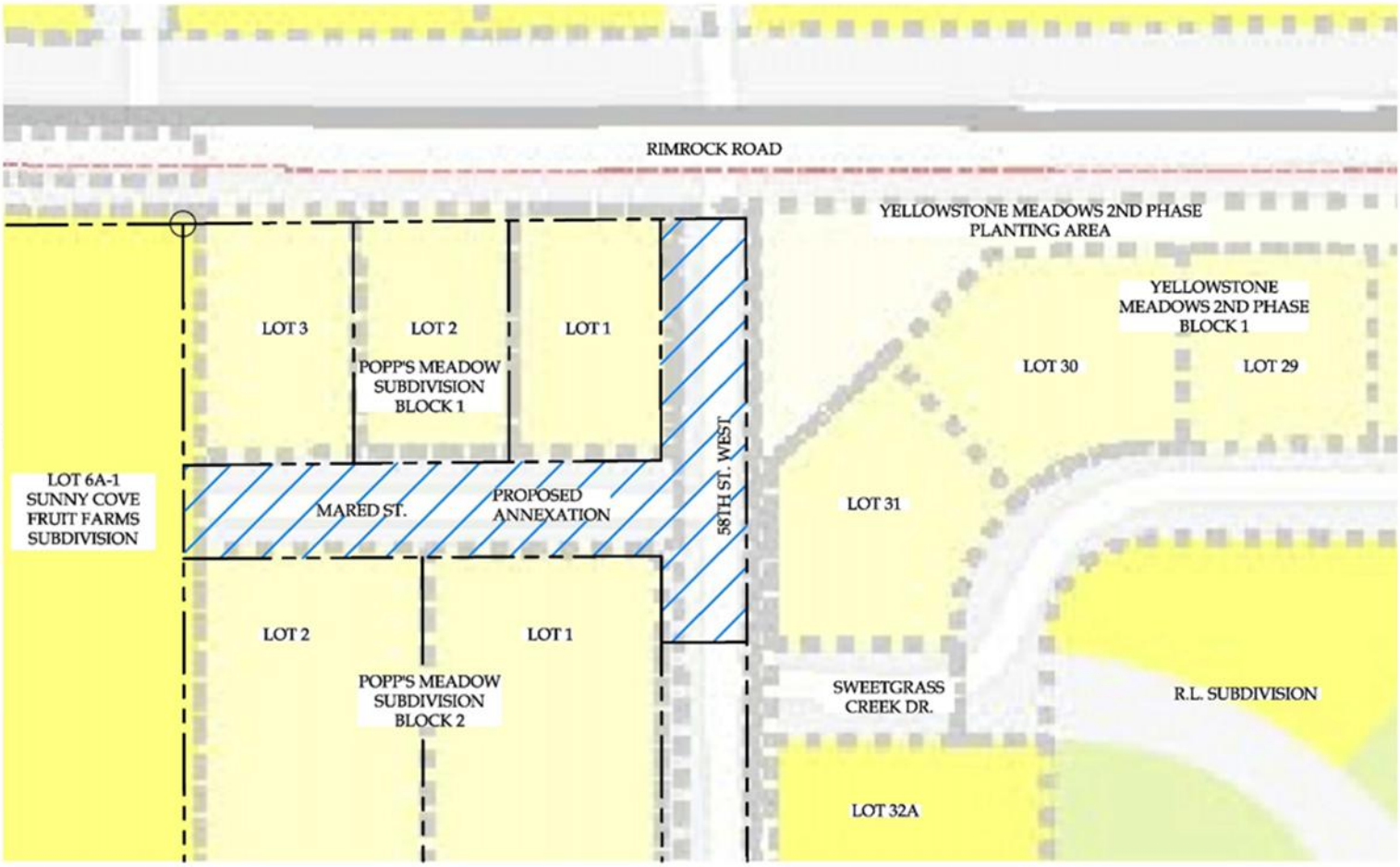

RIMROCK
613.91'
S89° 35' 05"W
LOT 6A-2
162.32'
S0° 24' 55"E
SUNNY COVE FRUIT FARMS SUBDIVISION
LOT 6A-1
453.57'
S0° 24' 55"E
POB
610.76'
S89° 37' 30"W
665.74'
S0° 24' 55"E
PROPOSED ANNEXATION
A PORTION OF LOT 27A
274.53'
S89° 41' 20"W
332.82'
S89° 41' 20"W
616.33'
S0° 07' 20"E
666.42'
S0° 07' 20"E
LOT 3
LOT 2
POPP'S MEADOW SUBDIVISION BLOCK 1
MARED ST.
POPP'S MEADOW SUBDIVISION BLOCK 2
LOT 2
LOT 1
LOT 3
LOT 4
LOT 5A
LOT 7A
TR 37A C/S 1946
TR 37B C/S 1946
LOT 27A
LOT 59
LOT 60

Exhibit ‘B’


RIMROCK ROAD
YELLOWSTONE MEADOWS 2ND PHASE
PLANTING AREA
YELLOWSTONE
MEADOWS 2ND PHASE
BLOCK 1
LOT 3
LOT 2
LOT 1
POPP'S MEADOW
SUBDIVISION
BLOCK 1
LOT 30
LOT 29
LOT 6A-1
SUNNY COVE
FRUIT FARMS
SUBDIVISION
MARED ST.
PROPOSED
ANNEXATION
58TH ST. WEST
LOT 31
LOT 2
LOT 1
POPP'S MEADOW
SUBDIVISION
BLOCK 2
SWEETGRASS
CREEK DR.
R.L. SUBDIVISION
LOT 32A

City Council Regular

Date: 10/28/2024
Title: 2021 International Fire Code Adoption
Presented by: Jaime Fender, Assistant Fire Marshal
Department: Fire
Presentation: Yes
Legal Review: Yes
Project Number: NA

RECOMMENDATION

The Billing's Fire Department, Building Department, general construction and building contractors, and fire protection specialists recommend the approval of the 2021 International Fire Code (IFC).

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

The State of Montana adopted the 2021 Edition of the International Fire Code (IFC) on March 11, 2023. The 2021 Edition of the International Building Code was adopted by the City of Billings on September 1st, 2022. The IFC is considered a companion code created by the International Code Council that is designed to work in unison with other I-Codes (plumbing code, Mechanical Code, Fuel Gas Code, Etc). All I-codes adopted by the City of Billings are using the 2021 Edition, except the IFC.

STAKEHOLDERS

The stakeholders for adopting the 2021 Edition of IFC are the City of Billing's Fire Department, Billing's Building Department, fire protection system designers and contractors, general contractors, building and fire protection plan reviewers.

ALTERNATIVES

City Council may:

- Approve 2021 IFC
- Not Approve 2021 IFC

The City Council may choose from two model fire codes in the United States to adopt; Uniform Fire Code (NFPA1/UFC) and the International Fire Code.
The Pros and Cons to the adoption of either code have been analyzed and are presented for the City Council as follows:

Alternative 1

Adoption of the 2021 IFC (recommended)

Pros: The IFC is a "companion code" and directly correlates with the International Building Code that is adopted throughout the state and in the City of Billings. Private industry, including architects and engineers, support the adoption of the IFC. Fire prevention bureau staff is prepared to implement the 2021 IFC immediately. The fire department has already purchased the 2021 IFC code books for staff. The State Fire Marshal's Office has already adopted the 2021 IFC. Adoption of the 2021 IFC will keep the city consistent with state law.

Cons: None

Alternative 2

Adoption of the 2021 Uniform Fire Code

Pros: None
Cons:NFPA1/UFC is not a "companion code" to the International Codes which control most of the construction in this state. Adoption of a non-companion fire code would decrease staff's effectiveness, increase building plan review times, and cause confusion with architects and engineers concerning fire code requirements. Adoption of a non-companion fire code would cause inconsistencies between the building and fire codes.

Criteria	2021 IFC	2021 UFC
Companion Code	Works with IBC and other I-Codes	Independent, not a companion to IBC

Industry Support	Strong support from architects, engineers	More niche support, especially in fire protection circles
State and Local Adoption	Widely adopted and aligned with state law	Less common in some jurisdictions, including Montana
Implementation Efficiency	Easier to implement due to alignment with other codes	May increase plan review complexity
Comprehensiveness	Comprehensive, covering a wide range of fire safety topics	More focused on fire prevention and protection

FISCAL EFFECTS

There is no significant financial impact of adopting the 2021 IFC. 2021 IFC books have already been purchased.

SUMMARY

Present the 2021 International Fire Code adoption with State of Montana and City of Billing's amendments to City Council for public hearing and 1st reading ordinance. On June 3, 2024, I requested city council's guidance on changing the fire code adoption process from a city ordinance to an administrative order. It was city council's opinion to keep the process of adoption via city ordinance. On September 16, 2024, I presented the local amendments to the 2021 International Fire Code that are stricter than what the State of Montana adopted. All other changes from the state of Montana's code adoption to Billings local amendments are already in place.

State of Montana 2021 Fire Code Adoption
https://rules.mt.gov/browse/collections/aec52c46-128e-4279-9068-8af5d5432d74/policies/3bc741e2-2367-4657-be3f-ccbb026e8746

IFC
https://codes.iccsafe.org/content/IFC2021P2

Attachments

IFC Repeal Ordinance redline
IFC Clean Copy

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT CHAPTER 14 OF THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY AMENDING THIS SECTION OF CHAPTER 14 FIRE PREVENTION AND PROTECTION: 14-301

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. That Section 14-301 of the Billings, Montana City Code (BMCC) be amended so that such article shall read as follows:

Sec. 14-301. - Adoption by reference of the ~~2012~~2021 edition of the International Fire Code.

(a) The International Fire Code, ~~2012~~2021 edition, including Appendices "B", "C", ~~and~~"E", "F", "G", "I~~"~~", as published by the International Code Council, is adopted by reference as the fire code of the city. It regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; provides for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletions and changes, if any, set by ordinance, or as amended and mandated by the State of Montana from time to time.

(b) The following sections of the Fire Code are hereby amended as follows:

Section 101.1 Title. Insert: [City of Billings, Montana] so that such section shall read as follows:

"101.1 Title. These regulations shall be known as the Fire Code of the City of Billings, Montana, hereinafter referred to as "this code."

~~105.6.30 Open burning. Delete Exception so that such section shall read as follows: "105.6.30 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to."~~

(a) 104.2 Application and permits is adopted.

(b) 105.1.1 Permits is adopted.

(c) The Permit sections of the following chapters are adopted: 3, 5, 6, 9, 11, 12, 20 through 35, 37, 39, 50 through 55, and 57 through 67.

(d) 106 CONSTRUCTION DOCUMENTS is adopted.

(e) 107 FEES is adopted.

(f) 108.2.1 Inspection requests is adopted.

(g) 108.2.2 Approval required is adopted.

(h) 108.3 Concealed work is adopted.

(i) 111 MEANS OF APPEALS is not adopted.

Section ~~108 Board~~*111 Means Of Appeals.* Delete: Entire section ~~including 108.1, 108.2, and 108.3.~~ .

Section ~~109~~ *112.4 Violation penalties.* Insert: [Misdemeanor, $500.00, 6 months] so that such section shall read as follows:

"~~109~~112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

Section ~~111~~*113.4 Failure to comply.* Insert: [not less than $100.00 or more than $500.00] so that such section shall read as follows:

"~~111~~113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $100.00 or more than $500.00."

Section 202 GENERAL DEFINITIONS~~. RECREATIONAL FIRE. Delete: [3 feet (914mm)], Insert: [4 feet (1219mm)] so that such section shall read as follows:~~ is amended by adding or modifying the following definitions:

~~RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 4 feet (1219mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.~~

BUILDING OFFICIAL is modified to read:

"The Chief of the Building and Commercial Measurements Bureau of the Department of Labor and Industry or, when made applicable by statute or rule, the building official of the City of Billings, Montana or the building official of Yellowstone County, Montana."

FARM is added and defined as: “A tract of land devoted to agricultural purposes.”

FIRE DEPARTMENT is added and defined as:

“Governmental fire agencies. Any fire department organized under Montana law under the jurisdiction of a city, county, state, fire district, or fire service area.”

NATIONALLY RECOGNIZED STANDARDS is added and defined as:

“Includes, but is not limited to, any of the standards referenced in: NFPA; IFC 2021 edition, Underwriters Laboratories Inc. (UL); American Petroleum Institute (API); American Society for Testing and Materials (ASTM); and American National Standards Institute (ANSI).”

OCCUPANCY CLASSIFICATION Group E, day care facilities is modified to read:

“This group includes buildings and structures or portions thereof occupied by more than five children older than 2 ½ years of age who receive educational, supervision or personal care services for less than 24 hours per day.

(A) Fifteen or fewer children. A facility having fifteen or fewer children receiving such care shall be classified as part of the primary occupancy.

(B) Fifteen or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having fifteen or fewer children receiving such care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code.*

(C) Within places of worship. Rooms and spaces within places of worship providing such care during religious functions shall be classified as part of the primary occupancy."

RANCH is added and defined as: "A tract of land devoted to agricultural purposes."

RURAL AREA is added and defined as:

"Those areas located three miles or more beyond (outside) the corporate limits of a Class 1 or Class 2 city, as defined in 7-2-4111, MCA, when the Class 3 city's population is more than 1,500 residents. In the case of any unincorporated place, city, or community, or town, the unincorporated place, city, community, or town, the unincorporated place, city, community, or town will be considered rural if it has a population of less than 1,500 and a density of less than 800 persons per square mile, according to the most recent U.S. census."

Section 307.2 Permit required. Delete: [recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.], Insert: [approved agricultural and rural burning~~, recreational fires~~, bon fires, and open burning conducted by government agencies subject to the approval of the fire code official. Application for such approval shall only be presented by and permits issued to the owner or lessee of the land upon which the fire is to be kindled or a responsible person.] so that such section shall read as follows:

"307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105~~.6~~ prior to kindling a fire for approved agricultural and rural burning~~, recreational fires~~, bon fires, and open burning conducted by government agencies subject to the approval of the fire code official. Application for such approval shall only be presented by and permits issued to the owner or lessee of the land upon which the fire is to be kindled or a responsible person."

Section 307.3 Extinguishment authority. Insert: [recreational fires, bon fires, portable outdoor fireplaces, or], Delete: [open], [open] so that such section shall read as follows:

"307.3 Extinguishment authority. When recreational fires, bon fires, portable outdoor fireplaces, or open burning creates or adds to a hazardous

situation, or a required permit for burning has not been obtained, the fire code official is authorized to order the extinguishment of the burning operation.

311.6 Unoccupied tenant spaces in mall buildings. 2. and 3. are not adopted.

319.10.3 Fuel gas systems is not adopted.

Section ~~603.4 Portable unvented heaters. Delete Exceptions 1 and 2 to~~ *311.6 Unoccupied tenant spaces in mall buildings.* Items 2 and 3 are deleted.

Section ~~603.4, so that such~~ *405.3 Frequency*. Delete section ~~shall read as follows:~~ and replace with: "Frequency. Required emergency evacuation drills shall be held at the intervals specified in 20-1-402, MCA. There must be at least eight emergency evacuation/disaster drills held a year in a school. At least four of the drills must be fire exit drills. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters." In Table 405.3, delete the word "monthly" from the Frequency column, applicable to Group E, and replace with "20-1-402, MCA."

~~"603.4 Portable unvented heaters. Portable unvented fuel-fired heating equipment shall be prohibited in occupancies in Groups A, E, I, R-1, R-2, R-3 and R-4."~~

407.5 Hazardous Materials Inventory Statement is not adopted.

407.6 Hazardous Materials Management Plan is not adopted.

407.7 Facility closure plans is not adopted.

Section 903.2.4.2 Group F-1 distilled spirits. Amend by adding the following paragraph: "Exception: An automatic sprinkler system is not required where a Group F-1 fire area used for the manufacture of distilled spirits is not more than one story above-grade plane, and not exceeding 2.500 square feet."

Section 903.2.8 Group R. Delete ~~entire section including~~subsection 903.2.8~~,~~ ~~903.2.8.1,~~ and ~~903.2.8.2. Insert~~replace with the following ~~language so that such section shall read as follows~~:

~~"~~"903.2.8 Group R.~~_____~~

1. An approved automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all Group R buildings meeting any of the following criteria:

a. 9 or more transient guests or 5 or more transient guestrooms~~;~~

b. 9 or more occupants in other than dwelling units;

c. 5 or more dwelling units; or

d. more than 2 stories.

2. In lieu of the above required automatic sprinkler system in buildings not more than three stories above the lowest level of exit discharge, each transient guestroom may be provided with at least one door leading directly to an exterior exit access that leads directly to approved exits.

3. Transient guest for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less.

4. The requirements for automatic sprinkler systems for R-4 occupancies are found in ARM 24.301.146."

Section 903.2.9.3 Group S-1distilled spirits or wine is amended to include: "Exception: An automatic sprinkler system is not required where a Group S1 fire area used for the bulk storage of distilled spirits or wine is not more than one story above grade plane, and not exceeding 2,500 square feet."

Section 903.3.5 Water Supplies. Insert: [A minimum safety factor of 10% but not less than 5 psi shall be provided in any automatic sprinkler system hydraulic calculation.] so that such section shall read as follows:

" 903.3.5 Water supplies. "Water supplies for *automatic sprinkler systems* shall comply with this section and the standards referenced in Section 903.3.1. ~~A minimum safety factor of 10% but not less than 5 psi shall be provided in any automatic sprinkler system hydraulic calculation.~~ The potable water supply shall be protected against backflow in accordance with the requirements of this section and the *International Plumbing Code*~~."~~. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the *fire code official*. A minimum safety factor of 10% but not less than 5 psi shall be provided in any automatic sprinkler system hydraulic calculation."

903.4.2 Alarms. Insert [and visual] so that such section shall read as follows:

"903.4.2 Alarms. An approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the

smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

~~Section 906.1~~903.6 Where required ~~. Delete the Exception to Section 906.1~~ in ~~paragraph #1, so that such section shall read as follows:~~

~~"~~~~906.1 Where required. Portable fire extinguishers shall be installed in the following locations.~~

~~1. In new and~~ existing ~~Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.~~

~~2. Within 30 feet (9144 mm) of commercial cooking equipment.~~

~~3. In areas where flammable or combustible liquids are stored, used or dispensed.~~

~~4. On each floor of~~ buildings and structures ~~under construction, except Group R-3 occupancies, in accordance with Section 1415.1.~~

~~5. Where required by the sections indicated in Table 906.1.~~

~~6. Special-hazard areas, including but~~ is not ~~limited to laboratories, computer rooms and generator rooms, where required by the fire code official.~~ adopted.

906.1 Where required. ~~Table 906.1~~

~~. . .~~"

~~Section 907.6.5 Monitoring. Insert: [Single communications technology to the supervising station is prohibited unless the technology contains redundancy and is approved by the fire code official.], and~~Exception 1 is not adopted.

Section 907.6.6 Monitoring. [When required by the fire code official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72 and this code.] so that such section shall read as follows:

"907.6.~~5~~6 Monitoring. Fire alarm systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72. ~~Single communications technology to the supervising station is prohibited unless the technology contains redundancy and is approved by the fire code official.~~ When required by the fire code official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72 and this code.

Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings~~."~~ .

~~1030.3 Obstructions. Insert: [~~

1009.8 Two-way communication. Add "Emergency elevator communication equipment systems for the deaf, hard of hearing, and speech impaired, is amended as follows: Emergency elevator communication systems for the deaf, hard of hearing, and speech impaired. An emergency two-way communication system shall be provided in accordance with the provisions of ASME A17.1/CSA B44 and NFPA 72."

1010.2 Door operations. Adopted, adding the sentence "Exit doors shall not be locked, chained, bolted, barred, latched, or otherwise rendered unusable. ~~All locking devices shall be of an approved type.], so that such section shall read as follows: "1030.3 Obstructions. A means of egress shall be free from obstructions that would prevent its use, including the accumulation of snow and ice. Exit doors shall not be locked, chained, bolted, barred, or otherwise rendered unusable.~~ All locking devices shall be of an approved type."

1020.2 Construction. Amend by adding the following: "Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may have walls and ceilings of not less than one-hour fire-resistive construction as required by this code. Existing walls surfaced with wood lathe and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20- minute fire assemblies or solid wood doors not less than 1 3/4 inches (45 mm) thick. Where the existing frame will not accommodate the 1 3/4-inch-thick door, a 1 3/8-inch-thick solid bonded wood-core door or equivalent insulated steel door shall be permitted. Doors shall be selfclosing or automatic closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with this code or shall be covered with a minimum of 3/4- inch plywood or 1/2-inch gypsum wallboard or equivalent material on the room side. Exception: Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure."

Table 1020.2 CORRIDOR FIRE-RESISTANCE RATING, R Occupancy, replace Greater than 10" with "Greater than 8."

Section 1020.2 Construction and Table 1020.2 are amended as stated in ARM 24.301.146 (20) and as may be amended from time to time.

Section 1030.1 General is amended as stated in ARM 24.301.146 (22) and as may be amended from time to time.

1031.2 Where required. Amend as follows: "In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be required in all sleeping rooms in Group R occupancies located in buildings that do not have an automatic sprinkler system and in the following occupancies:"

Table 1103.1 OCCUPANCY AND USE REQUIREMENTS. Amend to include "R" (required to comply) for Section 1103.9 under "E" Occupancy Classification column.

1103.5 Sprinkler systems is not adopted.

1207.1.2.1 Communication utilities is not adopted.

1207.10.4 Construction documents is not adopted.

1207.10.5 Approved locations is not adopted.

1207.10.7.5 Local staging. Delete words "when the permit is issued."

2006.2 Airport fuel systems. Change NFPA 407 to NFPA 407-12.

Section 2006.3 Construction of aircraft-fueling vehicles and accessories. Change NFPA 407 to NFPA 407-12.

Section 2306.2.1 Underground tanks. Delete: [Chapter 57], Insert: [Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM)] so that such section shall read as follows:

"2306.2.1 Underground tanks. Underground tanks for the storage of Class I, II and IIIA liquid fuels shall comply with Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM)."

2306.2.3 Above-ground tanks located outdoors, above grade, is adopted. See 50-3-103, MCA, for modifications. In paragraph 4., change Section 5706.2 to ARM 23.12.605.

2306.7.9 through 2306.7.9.2.4 Vapor-recovery and vapor-processing systems~~.~~ are not adopted.

3103.2 Approval required. Adopted, but deleting "a permit and."

3103.7 Inspections. Delete~~: Entire~~ the word "permit." After Exception: delete the word "Permit."

3104.2 Flame propagation performance testing and certification. In the first and last sentence of the paragraph, change the word "permit" to "approval."

3105.5 Required documents. Delete the words "the fire code official and."

3106.4.1 Public safety plan for gatherings. Delete the words "with the application for an operational permit as required by section ~~including 2306.7.9, 2306.7.9.1, 2306.7.9~~3106.2.2."

3201.3 Construction documents. In the first sentence, delete the words "and at the time of application for a storage permit." In the second sentence, change the words "storage permit" to "building permit."

3201.4 Fire safety and evacuation plan. Delete the words "at the time of permit application."

3504.3 Area reviews. In the first sentence, delete the words "while the permit is in effect" and delete the second sentence "Information shown on the permit shall be verified prior to signing the permit in accordance with Section 105.5."

5001.6.1 Temporarily out-of-service facilities. Delete the words "maintain a permit and."

5001.6.2 Permanently out-of-service facilities. Replace paragraph with "Facilities not monitored and inspected on a regular basis shall be deemed to be permanently out of service and shall be closed in an approved manner ."

5003.3.1~~, 2306.7.9~~.1.~~2, 2306.7.9~~ Records. Delete the words "by the permittee."

5003.5 Hazard identification signs. Delete the words "in quantities requiring a permit and."

5307.4.1.~~3, 2306.7.9~~ Documentation. Change the words "with the application for permit" to "to the fire code official for approval."

5503.1.~~4, 2306.7.9~~.1.~~5, 2306.7.9.2, 2306.7.9.2~~.1~~, 2306.7.9.2.2, 2306.7.9.2.2~~ Data submitted for approval. Delete the words "with the application."

5601.1~~, 2306.7.9.2~~.3 Fireworks - is not adopted and is replaced by Title 50, chapter 37, MCA.

5601.2 Permit required. Replace section 105.5 with 50-37-107, MCA.

5601.2~~, 2306.7.9~~.2 through 5601.2.~~3, 2306.7.94~~.2.~~3, and 2306.7.9.2.4.~~ are not adopted and are replaced with Title 50, chapter 37, MCA.

5606.5 through 5606.5.2.3 Display and storage in Group M occupancies are not adopted and are replaced with 50-61-120 and 50-61-121, MCA.

Section 5606.5.2. Storage. Delete: [Sections 5606.5.2.1 through 5606.5.2.3], Insert: [Section 5606.5.2.2 and MCA 50-61-121] so that such section shall read as follows:

"~~Section~~ 5606.5.2. Storage. Storage of small arms ammunition components shall comply with Section 5606.5.2.2 and MCA 50-61-~~212~~121."

5608.1 General . Add "and Title 50, chapter 37, MCA" at end of sentence.

(c) That the geographic limits referred to in certain sections of the ~~2012~~2021 International Fire Code are hereby established as follows:

"Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by the City of Billings ~~and Yellowstone County Unified~~ Zoning ~~Regulations~~Code."

5706.1 General. In paragraph 1., delete "farms and."

5706.2 Storage and dispensing of flammable and combustible liquids on farms and construction sites. Delete "farms and" from the heading and "on farms and rural areas and" from the paragraph. Add at the end of the paragraph "See ARM 23.12.605 for requirements of farms and rural areas."

5706.2.5.1 Tanks with top openings only. Paragraph 2. is not adopted.

"Section 5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by the City of Billings ~~and Yellowstone County Unified~~ Zoning ~~Regulations~~Code."

5706.5.4.5 Commercial, industrial, governmental or manufacturing. Paragraph 1. is not adopted. Delete the first sentence in paragraph 3.

5707.1.1 Approval required. Delete the words "first obtaining a permit and."

"Section 5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by the City of Billings ~~and Yellowstone County Unified~~ Zoning ~~Regulations."~~ Code.

"Section 6104.2 Maximum capacity within established limits. For the protection of heavily populated or congested areas, the storage of liquefied petroleum gas shall not exceed the aggregate capacity of 2,000 gallons for any one installation. Storage of liquefied petroleum gas in above-ground tanks outside of buildings is restricted within the limits established by the City of Billings ~~and Yellowstone County Unified~~ Zoning ~~Regulations"~~Code."

On page 80-12, Referenced Standards, change NFPA 407-17 to NFPA 407-12.

Section 2. **EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. **REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. **SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading the _____ day of October, 2024.

PASSED, ADOPTED and APPROVED on second reading this _____ day of November, 2024.

CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

Attest:

BY:_____
Denise R. Bohlman, City Clerk

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT CHAPTER 14 OF THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY AMENDING THIS SECTION OF CHAPTER 14 FIRE PREVENTION AND PROTECTION: 14-301

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. That Section 14-301 of the Billings, Montana City Code (BMCC) be amended so that such article shall read as follows:

Sec. 14-301. - Adoption by reference of the 2021 edition of the International Fire Code.

(a) The International Fire Code, 2021 edition, including Appendices "B", "C", “E”, “F”, “G”, "I", as published by the International Code Council, is adopted by reference as the fire code of the city. It regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; provides for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletions and changes, if any, set by ordinance, or as amended and mandated by the State of Montana from time to time.

(b) The following sections of the Fire Code are hereby amended as follows:

Section 101.1 Title. Insert: [City of Billings, Montana] so that such section shall read as follows:

"101.1 Title. These regulations shall be known as the Fire Code of the City of Billings, Montana, hereinafter referred to as "this code."

(a) 104.2 Application and permits is adopted.

(b) 105.1.1 Permits is adopted.

(c) The Permit sections of the following chapters are adopted: 3, 5, 6, 9, 11, 12, 20 through 35, 37, 39, 50 through 55, and 57 through 67.

(d) 106 CONSTRUCTION DOCUMENTS is adopted.

(e) 107 FEES is adopted.

(f) 108.2.1 Inspection requests is adopted.

(g) 108.2.2 Approval required is adopted.

(h) 108.3 Concealed work is adopted.

(i) 111 MEANS OF APPEALS is not adopted.
Section 111 Means Of Appeals. Delete: Entire section.

Section 112.4 Violation penalties. Insert: [Misdemeanor, $500.00, 6 months] so that such section shall read as follows:

"112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

Section 113.4 Failure to comply. Insert: [not less than $100.00 or more than $500.00] so that such section shall read as follows:

"113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $100.00 or more than $500.00."

Section 202 GENERAL DEFINITIONS is amended by adding or modifying the following definitions:

BUILDING OFFICIAL is modified to read:

"The Chief of the Building and Commercial Measurements Bureau of the Department of Labor and Industry or, when made applicable by statute or rule, the building official of the City of Billings, Montana or the building official of Yellowstone County, Montana."

FARM is added and defined as: “A tract of land devoted to agricultural purposes.”

FIRE DEPARTMENT is added and defined as:

“Governmental fire agencies. Any fire department organized under Montana law under the jurisdiction of a city, county, state, fire district, or fire service area.”

NATIONALLY RECOGNIZED STANDARDS is added and defined as:

“Includes, but is not limited to, any of the standards referenced in: NFPA; IFC 2021 edition, Underwriters Laboratories Inc. (UL); American Petroleum Institute (API); American Society for Testing and Materials (ASTM); and American National Standards Institute (ANSI).”

OCCUPANCY CLASSIFICATION Group E, day care facilities is modified to read:

“This group includes buildings and structures or portions thereof occupied by more than five children older than 2 ½ years of age who receive educational, supervision or personal care services for less than 24 hours per day.

(A) Fifteen or fewer children. A facility having fifteen or fewer children receiving such care shall be classified as part of the primary occupancy.

(B) Fifteen or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having fifteen or fewer children receiving such care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code.*

(C) Within places of worship. Rooms and spaces within places of worship providing such care during religious functions shall be classified as part of the primary occupancy.”

RANCH is added and defined as: “A tract of land devoted to agricultural purposes.”

RURAL AREA is added and defined as:

“Those areas located three miles or more beyond (outside) the corporate limits of a Class 1 or Class 2 city, as defined in 7-2-4111, MCA, when the Class 3 city's population is more than 1,500 residents. In the case of any

unincorporated place, city, or community, or town, the unincorporated place, city, community, or town, the unincorporated place, city, community, or town will be considered rural if it has a population of less than 1,500 and a density of less than 800 persons per square mile, according to the most recent U.S. census."

Section 307.2 Permit required. Delete: [recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.], Insert: [approved agricultural and rural burning, bon fires, and open burning conducted by government agencies subject to the approval of the fire code official. Application for such approval shall only be presented by and permits issued to the owner or lessee of the land upon which the fire is to be kindled or a responsible person.] so that such section shall read as follows:

"307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105 prior to kindling a fire for approved agricultural and rural burning, bon fires, and open burning conducted by government agencies subject to the approval of the fire code official. Application for such approval shall only be presented by and permits issued to the owner or lessee of the land upon which the fire is to be kindled or a responsible person."

Section 307.3 Extinguishment authority. Insert: [recreational fires, bon fires, portable outdoor fireplaces, or], Delete: [open], [open] so that such section shall read as follows:

"307.3 Extinguishment authority. When recreational fires, bon fires, portable outdoor fireplaces, or open burning creates or adds to a hazardous situation, or a required permit for burning has not been obtained, the fire code official is authorized to order the extinguishment of the burning operation.

311.6 Unoccupied tenant spaces in mall buildings. 2. and 3. are not adopted.

Section 311.6 Unoccupied tenant spaces in mall buildings. Items 2 and 3 are deleted.

319.10.3 Fuel gas systems is not adopted.

Section 405.3 Frequency. Delete section and replace with: "Frequency. Required emergency evacuation drills shall be held at the intervals specified in 20-1 -402, MCA. There must be at least eight emergency evacuation/disaster drills held

a year in a school. At least four of the drills must be fire exit drills. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters." In Table 405.3, delete the word "monthly" from the Frequency column, applicable to Group E, and replace with "20-1-402, MCA."

407.5 Hazardous Materials Inventory Statement is not adopted.

407.6 Hazardous Materials Management Plan is not adopted.

407.7 Facility closure plans is not adopted.

Section 903.2.4.2 Group F-1 distilled spirits. Amend by adding the following paragraph: "Exception: An automatic sprinkler system is not required where a Group F-1 fire area used for the manufacture of distilled spirits is not more than one story above-grade plane, and not exceeding 2.500 square feet."

Section 903.2.8 Group R. Delete subsection 903.2.8 and replace with the following:

"903.2.8 Group R.

1. An approved automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all Group R buildings meeting any of the following criteria:

a. 9 or more transient guests or 5 or more transient guestrooms

b. 9 or more occupants in other than dwelling units;

c. 5 or more dwelling units; or

d. more than 2 stories

2. In lieu of the above required automatic sprinkler system in buildings not more than three stories above the lowest level of exit discharge, each transient guestroom may be provided with at least one door leading directly to an exterior exit access that leads directly to approved exits.

3. Transient guest for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less.

4. The requirements for automatic sprinkler systems for R-4 occupancies are found in ARM 24.301.146."

Section 903.2.9.3 Group S-1distilled spirits or wine is amended to include: "Exception: An automatic sprinkler system is not required where a Group S1 fire

area used for the bulk storage of distilled spirits or wine is not more than one story above grade plane, and not exceeding 2,500 square feet."

Section 903.3.5 Water Supplies. Insert: [A minimum safety factor of 10% but not less than 5 psi shall be provided in any automatic sprinkler system hydraulic calculation.] so that such section shall read as follows:

" 903.3.5 Water supplies. “Water supplies for *automatic sprinkler systems* shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the *International Plumbing Code*. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the *fire code official*. A minimum safety factor of 10% but not less than 5 psi shall be provided in any automatic sprinkler system hydraulic calculation.”

903.4.2 Alarms. Insert [and visual] so that such section shall read as follows:

"903.4.2 Alarms. An approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

903.6 Where required in existing buildings and structures is not adopted.

906.1 Where required. Exception 1 is not adopted.

Section 907.6.6 Monitoring. [When required by the fire code official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72 and this code.] so that such section shall read as follows:

"907.6.6 Monitoring. Fire alarm systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72. When required by the fire code official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72 and this code.

Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.

1009.8 Two-way communication. Add "Emergency elevator communication equipment systems for the deaf, hard of hearing, and speech impaired, is amended as follows: Emergency elevator communication systems for the deaf, hard of hearing, and speech impaired. An emergency two-way communication system shall be provided in accordance with the provisions of ASME A17.1/CSA B44 and NFPA 72."

1010.2 Door operations. Adopted, adding the sentence "Exit doors shall not be locked, chained, bolted, barred, latched, or otherwise rendered unusable. All locking devices shall be of an approved type."

1020.2 Construction. Amend by adding the following: "Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may have walls and ceilings of not less than one-hour fire-resistive construction as required by this code. Existing walls surfaced with wood lathe and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20- minute fire assemblies or solid wood doors not less than 1 3/4 inches (45 mm) thick. Where the existing frame will not accommodate the 1 3/4-inch-thick door, a 1 3/8-inch-thick solid bonded wood-core door or equivalent insulated steel door shall be permitted. Doors shall be selfclosing or automatic closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with this code or shall be covered with a minimum of 3/4 - inch plywood or 1/2-inch gypsum wallboard or equivalent material on the room side. Exception: Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure."

Table 1020.2 CORRIDOR FIRE-RESISTANCE RATING, R Occupancy, replace Greater than 10" with "Greater than 8."

Section 1020.2 Construction and Table 1020.2 are amended as stated in ARM 24.301.146 (20) and as may be amended from time to time.

Section 1030.1 General is amended as stated in ARM 24.301.146 (22) and as may be amended from time to time.

1031.2 Where required. Amend as follows: "In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be required in all sleeping rooms in Group R occupancies located in buildings that do not have an automatic sprinkler system and in the following occupancies:"

Table 1103.1 OCCUPANCY AND USE REQUIREMENTS. Amend to include "R" (required to comply) for Section 1103.9 under "E" Occupancy Classification column.

1103.5 Sprinkler systems is not adopted.

1207.1.2.1 Communication utilities is not adopted.

1207.10.4 Construction documents is not adopted.

1207.10.5 Approved locations is not adopted.

1207.10.7.5 Local staging. Delete words "when the permit is issued."

2006.2 Airport fuel systems. Change NFPA 407 to NFPA 407-12.

Section 2006.3 Construction of aircraft-fueling vehicles and accessories. Change NFPA 407 to NFPA 407-12.

Section 2306.2.1 Underground tanks. Delete: [Chapter 57], Insert: [Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM)] so that such section shall read as follows:

"2306.2.1 Underground tanks. Underground tanks for the storage of Class I, II and IIIA liquid fuels shall comply with Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM)."

2306.2.3 Above-ground tanks located outdoors, above grade, is adopted. See 50-3-103, MCA, for modifications. In paragraph 4., change Section 5706.2 to ARM 23.12.605.

2306.7.9 through 2306.7.9.2.4 Vapor-recovery and vapor-processing systems are not adopted.

3103.2 Approval required. Adopted, but deleting "a permit and."

3103.7 Inspections. Delete the word "permit." After Exception: delete the word "Permit."

3104.2 Flame propagation performance testing and certification. In the first and last sentence of the paragraph, change the word "permit" to "approval."

3105.5 Required documents. Delete the words "the fire code official and."

3106.4.1 Public safety plan for gatherings. Delete the words "with the application for an operational permit as required by section 3106.2.2."

3201.3 Construction documents. In the first sentence, delete the words "and at the time of application for a storage permit." In the second sentence, change the words "storage permit" to "building permit."

3201.4 Fire safety and evacuation plan. Delete the words "at the time of permit application."

3504.3 Area reviews. In the first sentence, delete the words "while the permit is in effect" and delete the second sentence "Information shown on the permit shall be verified prior to signing the permit in accordance with Section 105.5."

5001.6.1 Temporarily out-of-service facilities. Delete the words "maintain a permit and."

5001.6.2 Permanently out-of-service facilities. Replace paragraph with "Facilities not monitored and inspected on a regular basis shall be deemed to be permanently out of service and shall be closed in an approved manner ."

5003.3.1.1 Records. Delete the words "by the permittee."

5003.5 Hazard identification signs. Delete the words "in quantities requiring a permit and."

5307.4.1 Documentation. Change the words "with the application for permit" to "to the fire code official for approval."

5503.1.1.1 Data submitted for approval. Delete the words "with the application."

5601.1.3 Fireworks - is not adopted and is replaced by Title 50, chapter 37, MCA.

5601.2 Permit required. Replace section 105.5 with 50-37-107, MCA.

5601.2.2 through 5601.2.4.2 are not adopted and are replaced with Title 50, chapter 37, MCA.

5606.5 through 5606.5.2.3 Display and storage in Group M occupancies are not adopted and are replaced with 50-61-120 and 50-61-121, MCA.

Section 5606.5.2. Storage. Delete: [Sections 5606.5.2.1 through 5606.5.2.3], Insert: [Section 5606.5.2.2 and MCA 50-61-121] so that such section shall read as follows:

"5606.5.2. Storage. Storage of small arms ammunition components shall comply with Section 5606.5.2.2 and MCA 50-61-121."

5608.1 General . Add "and Title 50, chapter 37, MCA" at end of sentence.

(c) That the geographic limits referred to in certain sections of the 2021 International Fire Code are hereby established as follows:

"Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by the City of Billings Zoning Code."

5706.1 General. In paragraph 1., delete "farms and."

5706.2 Storage and dispensing of flammable and combustible liquids on farms and construction sites. Delete "farms and" from the heading and "on farms and rural areas and" from the paragraph. Add at the end of the paragraph "See ARM 23.12.605 for requirements of farms and rural areas."

5706.2.5.1 Tanks with top openings only. Paragraph 2. is not adopted.

"Section 5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by the City of Billings Zoning Code."

5706.5.4.5 Commercial, industrial, governmental or manufacturing. Paragraph 1. is not adopted. Delete the first sentence in paragraph 3.

5707.1.1 Approval required. Delete the words "first obtaining a permit and."

"Section 5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by the City of Billings Zoning Code.

"Section 6104.2 Maximum capacity within established limits. For the protection of heavily populated or congested areas, the storage of liquefied petroleum gas shall not exceed the aggregate capacity of 2,000 gallons for any one installation. Storage of liquefied petroleum gas in above-ground tanks outside of buildings is restricted within the limits established by the City of Billings Zoning Code."

On page 80-12, Referenced Standards, change NFPA 407-17 to NFPA 407-12.

Section 2. **EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. **REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. **SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading the _____ day of October, 2024.

PASSED, ADOPTED and APPROVED on second reading this _____ day of November, 2024.

CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

Attest:

BY:_____
Denise R. Bohlman, City Clerk

City Council Regular

Date:	10/28/2024
Title:	SBBURD TIF Assistance for Montana Trailhead Inn Partial Demolition - 5500 Midland Road
Presented by:	Wyeth Friday
Department:	Planning & Community Services
Presentation:	Yes
Legal Review:	No
Project Number:	N/A

RECOMMENDATION

The South Billings Urban Renewal Association (SBURA) Board has reviewed this application for tax increment assistance and recommends to the City Council, upon project completion, a maximum of $500,000 of Tax Increment Finance funds from the South Billings Boulevard Urban Renewal District (SBBURD) to Montana Trailhead Inn (Tropicana Inn-Vestments 2.0, LLC) for partial demolition of the existing hotel for redevelopment. Actual reimbursement will be based upon 100% of the actual costs incurred for qualified expenses for the improvements made, subject to the following conditions:

1.) The Applicant shall sign a development agreement with the City of Billings and SBURA within 180 days of City Council's approval.

2.) This TIFD reimbursement is the maximum amount that can be received pending satisfactory submission of all paid invoices showing the completion of expenditures related to this project.

3.) The project reimbursement will occur after construction is completed.

4.) If funds are not available, reimbursement will be carried over to the next fiscal year.

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

The SBURA Board considered the Montana Trailhead Inn (Tropicana Inn-Vestments 2.0, LLC) application at its September 4, 2024 board meeting and voted unanimously to recommend $500,000 of tax increment assistance. Tropicana Inn-Vestments 2.0, LLC owns and operates the Montana Trailhead Inn on a 13 acre property at 5500 Midland Road.

The proposed project will demolish a portion of the hotel buildings that include 221 hotel rooms, make some parking lot improvements, add new laundry facilities to the remaining hotel tower, remodel the exterior of the tower, install new landscaping and reroute utilities as needed. The demolition will open up area for construction of new leasable retail or restaurant space and allow for plans to re-purpose the old convention building at the east side of the property for a large retail business. The future plans are focused on revising the parking and excess parking areas to take advantage of retail development and pad sites to better take advantage of the 13 acre property for buildings and businesses. The demolition is expected to be conducted in November 2024 with the other project improvements to follow.

Total project costs are estimated to be $3,347,000. The total requested amount of $500,000 is for demolition specifically and is approximately a 1:7 ratio of investment of public vs private funds. This is a greater investment of private funds than the City TIF policy suggests, which is a minimum of 1:5. The majority of the project cost is the demolition work estimated at about $1.4 million.

Table 1 below details the proposed expenses that qualify for tax increment assistance to Tropicana Inn-Vestments 2.0, LLC. The funds being requested will go specifically toward the demolition portion of the project. There is also detailed information relating to the project costs included in the Tropicana Inn-Vestments 2.0, LLC TIF Application, attached to this memo.

TABLE 1.

Qualified Improvements	Estimated Costs	City TIF Policy	Urban Renewal Plan	MT Code Annotated
Site Demo and Asbestos Abatement	$1,697,000	Section 1(a)	Section 13	7-15-4233(i)
Utilities	$150,000	Section 1(b)	Section 13	7-15-4288(4)
Parking Lot Improvements	$400,000	Section 1(b)	Section 13	7-15-4233(i)

Landscaping	$100,000	Section 1(c)	Section 13	7-15-4233(j)

TABLE 2.

Qualified Improvements	Estimated Costs	City TIF Policy	Urban Renewal Plan	MT Code Annotated

MONTANA TRAILHEAD INN	Cost	Allowability		Total
		MT Code	MT Code	
Preliminary & Final Planning		7-15-4233	7-15-4288	
Demolition	$1,447,000.00		$1,447,000.00	
Acquisition	$5,600,000.00			
Asbestos Abatement	$250,000.00		$250,000.00	
Reroute Utililites	$150,000.00		$150,000.00	
Build new laundry facility	$400,000.00			
Revise & Improve Parking Lot	$400,000.00		$400,000.00	
Remodel hotel exterior	$500,000.00		$500,000.00	
Landscaping	$100,000.00		$100,000.00	
Permits and Design	$100,000.00	$100,000.00		
Total Project Cost	$8,947,000.00			
Total Construction/Rehab Cost	$3,347,000.00			
Maximum TIF Assistance (16.67%) of Total Project Cost	$557,944.90			
Requested TIF Assistance	$500,000.00			
Approved				
Expected Increase in Taxable Value (80%) of Project Cost				
Commercial Tax Rate (1.89%)				
Annual Tax Increment (67.3 Mills)				
Payback Period (years)				

The taxable value increase calculation and payback period were not calculated for this application since the property is first going through demolition (See Table 2). The property tax value, while expected to increase significantly with the improvements and redevelopment, is difficult to calculate now since the extent of the redevelopment is not known at this time until the demolition has occurred and other improvements are made.

The 13 acre Trailhead Inn property sits at one of the most high-profile intersections in the SBBURD. There has been community interest for many years to have this property become a more viable contributor to the District. This property meets the definition of blight as it stands now and demolition of some of the structures, improvements to the property, and future redevelopment to take advantage of such a large commercial property are all goals of the District and meet the intent of the Urban Renewal laws (See Table 1). The long term redevelopment of this property will increase the tax base for the SBBURD and make this area a significant contributor to commercial redevelopment in the area.

STAKEHOLDERS

Stakeholders for this application include the property owners in the SBBURD, the applicant and the general public in Billings. The SBURA Board meeting is a public meeting and the City Council meeting is a public meeting as well, so the public has multiple opportunities to comment on this application as it is reviewed and acted upon. The Planning and Community Services Department did not receive any public comments on this application before this memo was completed. The SBURA Board minutes when this application was reviewed and recommended for approval to the City Council are attached to this memo.

ALTERNATIVES

City Council may:

- Approve the recommendation from the SBURA board for the expenditure of these tax increment finance (TIF) funds; or,
- Modify the recommendation from the SBURA board for the expenditure of these TIF funds; or,
- Disapprove the recommendations from the SBURA board for the expenditure of these TIF funds. If the City Council chooses not to approve the TIF application, specific reasoning for the denial will be important for City

staff and the SBURA Board as consideration for future applications occurs.

FISCAL EFFECTS

The recommendation is for a maximum of $500,000 to be reimbursed to Tropicana Inn-Vestments 2.0, LLC, Inc for the identified work of demolition. There were sufficient funds budgeted in FY25 as "unspecified development assistance" to cover this reimbursement.

Attachments

Trailhead Inn Application and SBURA Board Minutes
South Billings Urban Renewal Plan
City TIF Policy

South Billings Urban Renewal Association Board Meeting
Wednesday 09/04/2024 6:00 p.m.
Billings Hotel and Convention Center
1223 Mullowney lane, Billings, MT
Public Welcome (Zoom Access Provided)

Call to Order: Scott Hanser, SBURA Board Vice President
Courtesies: Welcome Visitors

Meeting Protocol: Visitors wishing to be recognized should raise their hand. Unrecognized remarks will not be acknowledged. Those wishing to offer public comment will be limited to three minutes.

In attendance: Scott Hanser, Jim Ronquillo, Jeff Muri, Mike Erikson, Dick Zier, James Malloy, Mike Yakawich, Mike Boyett, Sara Trautmann, Megan Gummersall, Kelpin Lienemann, Kevin Heaney, Kevin Nelson, Andrew Houlihan, Carolyn Rukstad, Ryan Carroll, Dru Nelson

Agenda Additions/Deletions

Agenda Items:

1. Approval of Minutes for 08/06/2024- Scott (Action)

- Jeff Muri motioned, Andrew Houlihan seconded to approve the minutes **APPROVED**

2. Amend Sports Complex City Council Action- Dick (Information)

- Dick Zier gave a brief summary of the presentation given at the city council meeting. The city council voted unanimously on the project. Two RFP's will be going out; one for the infrastructure and the other for additional property leases available. Estimated publish date for the RFP's is September 17th and it will run continuously for 3 weeks. Once completed, a design team will be put together. The SBURA board thanked city council for their support and Collaborative Designs for going above and beyond to support the project.
- Public comments: Kevin Nelson believes that four courts is not enough and the project should be larger and he suggested six to eight courts instead. Mike Yakawich expressed the positivity that SBURA board is having on the residents on the southside.

3. Montana Trailhead Inn TIF Request- Dick (Action)

- Dick Zier presented the TIF application for MT Trailhead Inn. The owner is requesting 500K to cover demolition of the 221 sleeping rooms in the short portion of the structure. City council and SBURA board agree the funds should only be utilized for the demolition of the structure. This satisfies the SBURA goals of eliminating blight on the southside.
- Public comments: Mike Boyett applauded the owners for coming forward to take on such a large project and thinks it will be a great thing for Billings.
- Board comments: Jeff Muri asked when the parking lot would be repaired and Mr. Malloy stated they would wait to complete parking lot until they know what future plans for the space would be. Jeff also asked if they'd sell the empty space or just lease it and Mr. Malloy stated it would be leased property. Kelpin Lienemann and Caroly Rukstad both agreed this project would change the entire area. Jeff Muri stated that it will eliminate a lot of transient activity in the area.

  Jeff Muri motioned, Andrew Houlihan seconded to approve the 500K TIF request.

  All in favor **APPROVED**

4. Public Comments on non-agenda items: none
5. Adjourn

   Jeff Muri motioned, Carolyn Rukstad seconded to adjourn meeting.

SOUTH BILLINGS URBAN RENEWAL ASSOCIATION

DZ
DICK ZIER
CONSULTING

(406) 698-3153
SBURABILLINGS@GMAIL.COM
DICKZIER@GMAIL.COM

2139 BROADWATER AVE. STE F
BILLINGS, MONTANA 59102

MONTANA TRAILHEAD INN

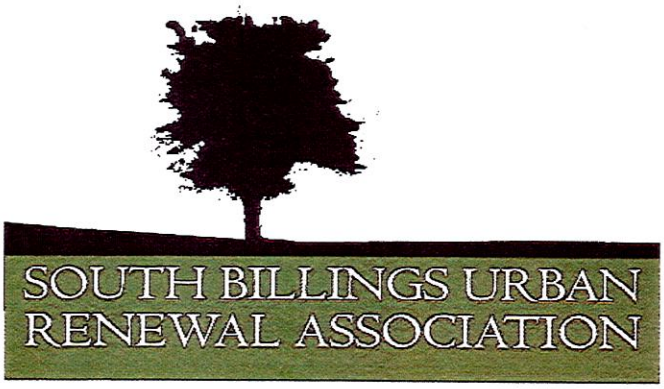
TIF REQUEST

9/03/2024

1. THIS CORNER IS ONE OF THE BEST COMMERCIAL PROPERTIES IN OUR TIF DISTRICT.
2. THE SBURA BOARD OF DIRECTORS HAS WANTED THIS PROPERTY TO ONCE AGAIN BECOME A VIABLE BUSINESS.
3. REMOVAL OF BLIGHT IS ONE OF THE MAIN GOALS OF SBURA.
4. THE NEW OWNERS PLAN TO REMOVE APPROXIMATELY 217 ROOMS THAT ARE NOT PART OF THE HIGH RISE.
5. THE EXISTING CONVENTION CENTER WILL BE USED AS A NEW VENUTRE TO BE DETERMINE.
6. THE PROPERTY THAT IS BEING CLEARED OF THE 217 ROOMS WILL BE USED FOR FUTURE DEVELOPMENT.
7. THE FUTURE REVENUE FROM ANY DEVLOPMENT ON THIS PROPERTY WILL INCREASE THE TAX GENERATED IN THE SBURA TIF DISTRICT.
8. PLEASE SUPPORT THIS VERY WORTHWHILE IMPROVEMENT IN OUR DISTRICT.

DICK ZIER CONSULTANT TO SBURA

MONTANA TRAILHEAD INN	Cost	Allowability		Total
		MT Code	MT Code	
Preliminary & Final Planning		7-15-4233	7-15-4288	
Demolition	$1,447,000.00		$1,447,000.00	
Acquisition	$5,600,000.00			
Asbestos Abatement	$250,000.00		$250,000.00	
Reroute Utililites	$150,000.00		$150,000.00	
Build new laundry facility	$400,000.00			
Revise & Improve Parking Lot	$400,000.00		$400,000.00	
Remodel hotel exterior	$500,000.00		$500,000.00	
Landscaping	$100,000.00		$100,000.00	
Permits and Design	$100,000.00	$100,000.00		
Total Project Cost	$8,947,000.00			
Total Construction/Rehab Cost	$3,347,000.00			
Maximum TIF Assistance (16.67%) of Total Project Cost	$557,944.90			
Requested TIF Assistance	$500,000.00			
Approved				
Expected Increase in Taxable Value (80%) of Project Cost				
Commercial Tax Rate (1.89%)				
Annual Tax Increment (67.3 Mills)				
Payback Period (years)				



City of Billings South Billings Boulevard
Urban Renewal District

Tax Increment Finance Assistance Application

For Public/Private Development Projects

SOUTH BILLINGS BOULEVARD TAX INCREMENT FINANCING ASSISTANCE APPLICATION

Project Name: Montana Trailhead Inn Date Submitted: 6/5/24

APPLICANT INFORMATION

1.Name: Megan Gummersall

2.Address: 16114 E Indiana Ave #200, Spokane Valley, WA 99216

3. Telephone Number: (509) 828-7147

PROJECT INFORMATION

1. Building Address: 5500 Midland Road, Billings, MT 59101

2. Legal Description: Attached in Exhibit A

3.Ownership: Tropicana Inn-Vestments 2.0, LLC

4.Address: 16114 E Indiana Ave #200, Spokane Valley, WA 99216

5. If property is not owned by the Applicant, list leasehold interests (Attach evidentiary materials.)

   Lessor's Name: _____

   Lessor's Address: _____

6. Existing/Proposed Businesses: Hotel, Warehouse, Retail

7. Business Description: Hotel, Warehouse, Retail

8. Employment: Existing FTE jobs 15

9.New Permanent FTE jobs created by project 40 Construction FTE jobs 35

10.Architectural Firm: JRA Architecture & Planning

Address: 2200 W Rosebud Ln, Coeur d' Alene, ID 83814

Representative: Dale Johnson

8. Description of Project: (Attach narrative explanation.) Exhibit B

9. Rehabilitation/construction plans: (Attach schematics, site and landscaping plans.) Exhibit C

10. Project Schedule: (Attach time line or schedule through completion.) Exhibit D

CRITERIA FOR REVIEW

Materials contained in TIF Assistance applications are used to assess the merits of projects in relation to the goals and objectives of the South Billings Urban Renewal Master Plan and in relation to other District development and urban renewal projects. Projects will be evaluated based on the following criteria.

1. **Relevance to the South Billings Urban Renewal Master Plan** – This document is available on SBURA's website (www.southbillings.org).
2. **Economic Stimulus** – The amount of economic activity to be generated by the project.
3. **Tax Generation** – The increase in taxable value due to new construction/rehabilitation as estimated by the County Assessor's office.
4. **Employment Generation** – Total employment generated by the project assessed in terms of new permanent and part-time jobs, and construction jobs.
5. **Elimination of Blight** – The project's direct and indirect impact on the physical and fiscal condition within the District.
6. **Special or Unique Opportunities** – The extent to which the project represents a unique opportunity, meets a special need, or addresses community goals. The provision of public space or workforce housing are examples of special and unique opportunities.
7. **Impact Assessment** – The extent of both positive and negative environmental impacts, appropriateness of the project design, and impact on existing businesses or residents.
8. **Financial Assistance** – Other forms of financing available to the Applicant i.e. lender participation and state and federal grant monies,
9. **Project Feasibility** – Demonstration of market demand for the project
10. **Developer's Ability to Perform** – Applicant's capability to undertake the relative complexities of the project based on past performance on similar or comparable projects.

11. **Timely Completion** – The feasibility of completing the project according to the Applicant's project schedule.

PROJECT COSTS

Land and Site Improvements (Itemized)

1. Equity in Land and Buildings	$ 3,435,000
2.	$
3.	$
4.	$
Subtotal	$ 3,435,000

Construction/Rehabilitation Costs (or attach separate statement)

1. Demolition	$ 1,447,000
2. Asbestos Abatement	$ 250,000
3. Reroute Utilities	$ 150,000
4. Build new laundry facility	$ 400,000
5. Revise & Improve Parking Lot	$ 400,000
6. Remodel hotel exterior	$ 500,000
7. Landscaping	$ 100,000
8.	$
Subtotal	$ 3,247,000

Fees

1. Architectural design/Supervision	$ 85,000
2. Permits	$ 15,000

3. Other fees _____	$ _____
Subtotal	$ 100,000
Total Project Development Costs	$ 3,347,000

PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

Developer Equity

Cash Invested	$ 235,000
Land & Buildings	$ 3,200,000
Other (Specify) _____	$ _____
_____	$ _____
Subtotal	$ 3,435,000

Lender Commitments (Attach evidence i.e. Letters of Credit or other documentation.)

Lender	Loan Amount	Interest	Term	Payment/Period
Mountain West Bank	$2,000,000	8 %	1 yrs	$ 14,615 /Month
Mountain West Bank	$ 500,000	9.15 %	1 yrs	$ 3,500 /Month
Total Loan Amount				$ 2,500,000

DEVELOPER STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY

Applicant

1.Name: Malbco Development

Address: 16114 E Indiana Ave #200, Spokane Valley, WA 99216

2. If the applicant is not an individual doing business under his/her own name, the applicant has the status indicated below and is organized or operating under the laws of State of Washington.

3. The applicant is:

X A corporation.

_____ A nonprofit or charitable institution or corporation

_____ A partnership known as _____

_____ Other (explain): _____

Date of organization: 1992

4.Names, address, title of position (if any), and nature and extent of the interest of the officers and principal members, principal shareholders, investors, or partners of the applicant.

Name and Address	Nature and Extent of Interest
James Mulloy	President/Secretary 50% Owner
Holly Mulloy	Vice President/Treasurer 50% Owner

Financial Condition

1. Provide a current financial statement for each private entity involved in the project. Documentation of financial capacity may include net worth statements, balance sheets, or profit and loss statements. Exhibit E

2. Has the applicant or any individual or entity affiliated with the development of this project been adjudged bankrupt, either voluntary or involuntary, within the past ten years?
No X Yes _____ If yes, give date, place, and under what name:

_____

3. Has the applicant or any individual or entity affiliated with the development of this project been indicted for or convicted of any felony within the past ten years:
No X Yes _____ If yes, give date, charge, place, court and action taken for each case.

_____

_____

CONSTRUCTION CONTRACTOR

1. Identify the construction contractor or builder who will undertake this project.

Name: Malbco Development

Address: 16114 E Indiana Ave #200, Spokane Valley, WA 99216

2. Has such contractor of builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last ten years?
No X Yes _____ If yes, explain.

_____

CERTIFICATION

I (we), Megan Gummersall (please print), certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge and belief.

Signature Megan Gummersall

Title Authorized Representative

Address 16114 E Indiana Ave #200, Spokane Valley, WA 99216

Date 6/5/24

Signature _____

Title _____

Address _____

_____

Date _____

Exhibit B

Project Description

This project is located on a 13-acre parcel at 5500 Midland Road. The scope of work is extensive and includes asbestos abatement, demolishing the existing former Holiday Inn buildings, revising and improving the parking lot, adding new laundry facilities in the remaining hotel tower, remodeling the hotel exterior, installing new landscaping, and rerouting the utilities as needed.

The site is currently in poor condition and an eyesore to the public. Our goal is to improve and redevelop the property to better serve the community and hotel guests. Our management group has existed for 46 years. We have extensive hotel management and development experience and a proven track record of successful projects. We have previously invested heavily in the Montana market including Missoula, Kalispell, Hamilton, Belgrade, Bozeman, Helena, Great Falls, and now Billings. We want to restore this property and make it a beautiful asset for South Billings.

Exhibit C

Construction Plans

Demolition Plans

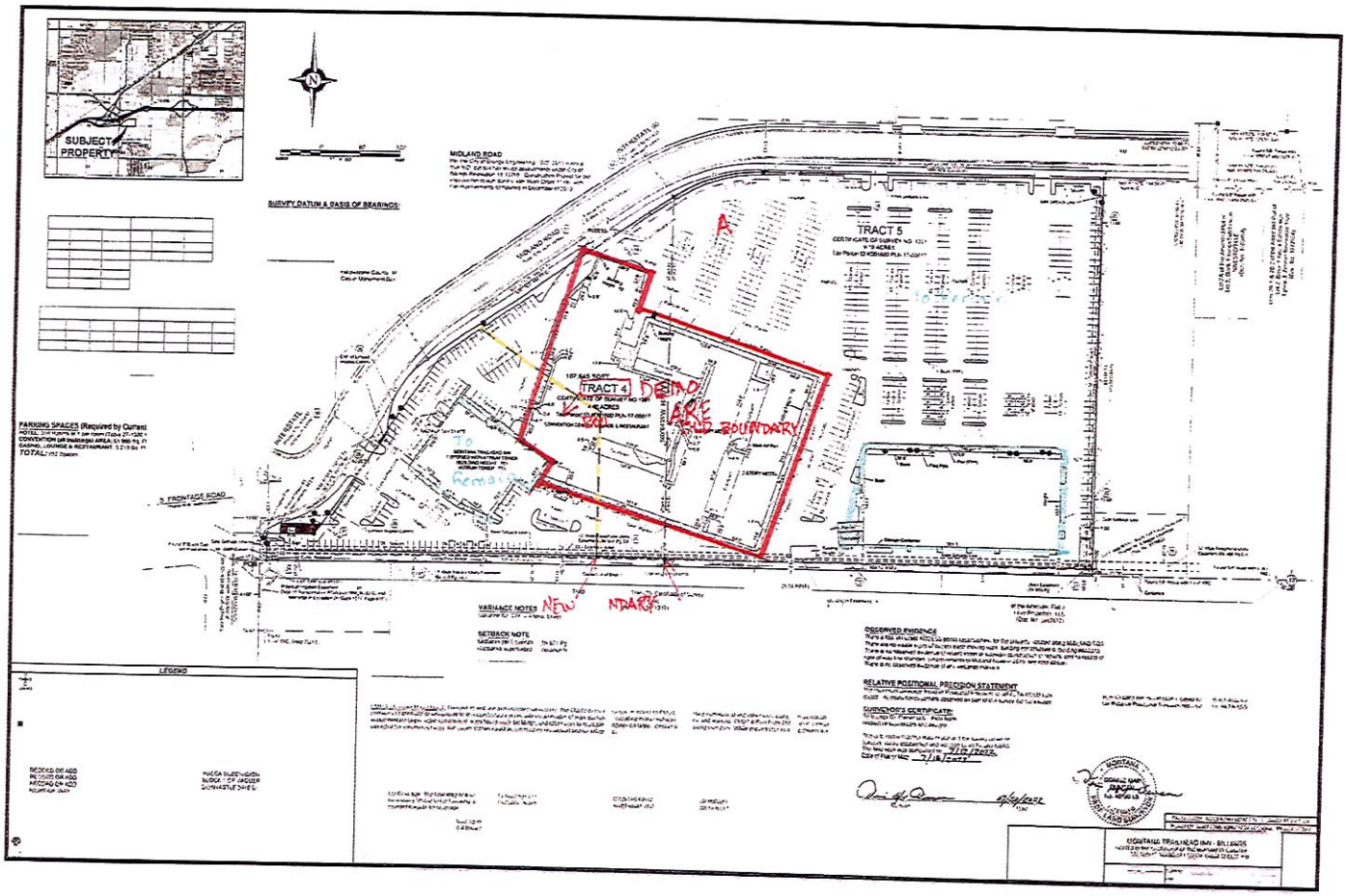


Exhibit A

Legal Description

That part of S1/2 NW1/4 of Section 17, Township 1 South, Range 26 East, of the Principal Montana Meridian, in the City of Billings, Yellowstone County, Montana, described as Tracts 4 and 5, of Certificate of Survey No. 1091 on file in the office of the Clerk and Recorder of said County, under Document No. 819695.

Exhibit D

Project Schedule

Segmented Timeline
60 days - Asbestos Abatement
60 days - Demolition (after abatement is complete)
90-120 days - New laundry room, exterior remodel, landscaping, utilities

nter

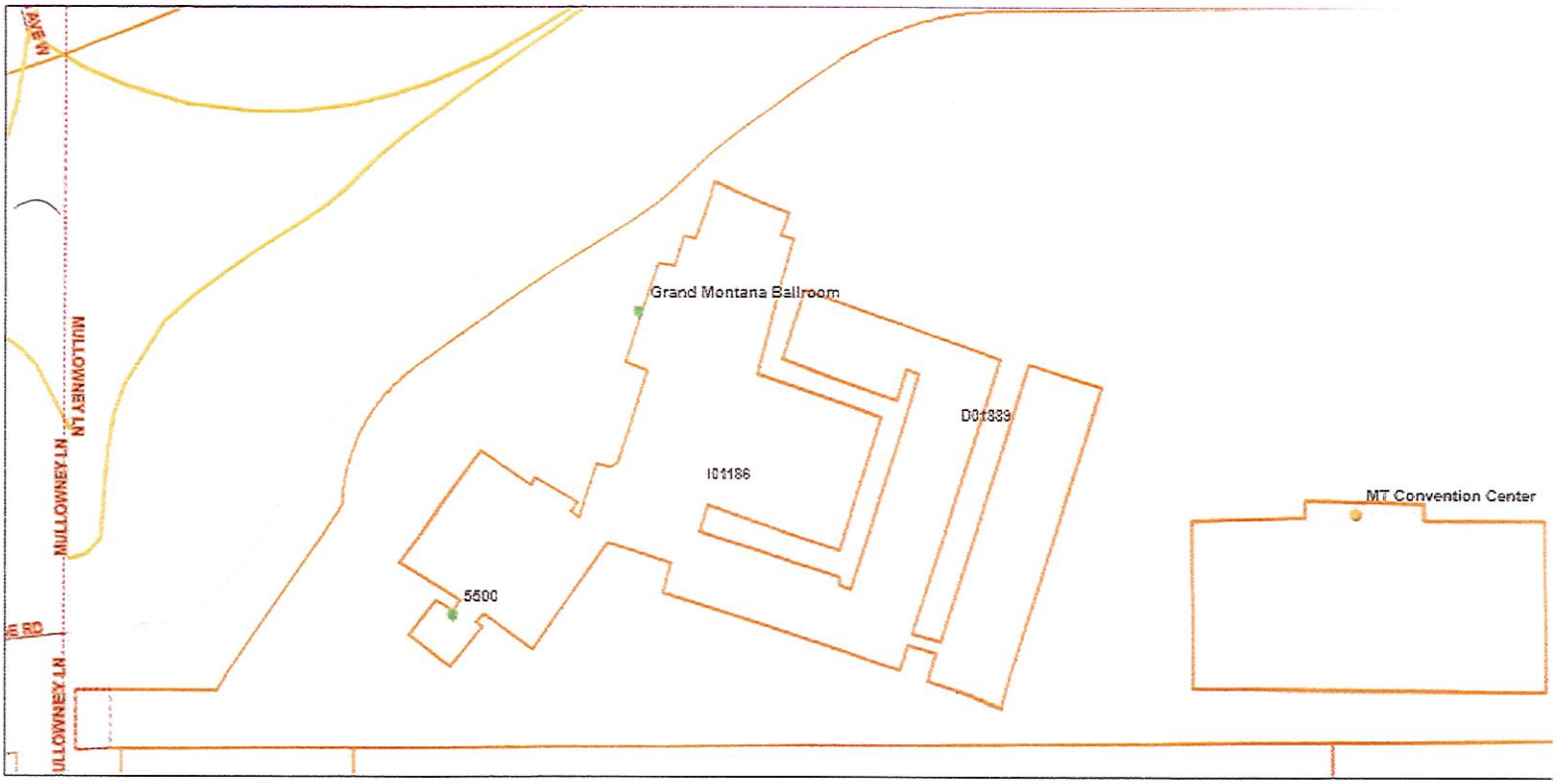
Exhibit E

Financial Statements

Tropicana Inn-Vestments 2.0, LLC
Financial Statement
June 1, 2024
5500 Midland Road
Billings, MT 59101

Assets:		
Cash/Cash Equivalents:		
Wells Fargo Checking	$ 234,000	
Real Estate:	$ 5,700,000	
Total Assets:		$ 5,934,000
Liabilities:		
Mountain West Bank Mortgage	$ 2,000,000	
Mountain West Bank 2nd Mortgage	$ 500,000	
Total Liabilities:		$ 2,500,000
Net Worth:		**$ 3,434,000**

Signed: _____
James Mulloy, Member


Grand Montana Ballroom
D01339
I01186
MT Convention Center
5500
MULLOWNEY LN
MULLOWNEY LN

Yellowstone County, Montana

Property Tax Detail For D01889

TaxCode: D01889

Owner Listed On Last Tax Statement

Last Updated: May 14, 2024

Primary Owner: TROPICAN INN-VESTMENTS 2.0 LLC

Owner as of May 14, 2024

Primary Owner Name: TROPICAN INN-VESTMENTS 2.0 LLC

2024 Mailing Address

Mailing Address: TROPICAN INN-VESTMENTS 2.0 LLC
16114 E INDIANA AVE
SPOKANE VALLEY, WA 99216-1874

Property Information

Property Address: 5500 MIDLAND RD

Township: 01 S Range: 26 E Section: 17

Certificate of Survey: 1091 Parcel: 4 & 5

Full Legal: S17, T01 S, R26 E, C.O.S. 1091, PARCEL 4 & 5, (LESS 2130 SQ FT HWY) APPROX 13.66 ACRES

GeoCode: 03-0927-17-2-01-01-0000

Levy District: 23T5 - SOUTH BILLINGS BLVD URBAN (593.46 Mills)

2023 Assessed Value Summary

Assessed Land Value =	$1,128,798.00
Assessed Building(s) Value =	$0.00
Personal Property Value =	$0.00
Total Assessed Value =	$1,128,798.00

Assessed Value Detail Tax Year: 2023

Description	Tax Rate	Amount
Commercial City/Town Lots %		$1,128,798.00
		Total: $1,128,798.00

SID Payoff Information

Rural SID

NONE

Property Tax Billing History

Year	1st Half	2nd Half	Total
2023 ♦	26,841.03 P	26,841.01 P	53,682.04
2023 ♦	11,158.00 P	0.00	11,158.00
2023 ♦	0.00	9,138.00 P	9,138.00
2023 ♦	0.00	369.08 P	369.08
2023 ♦	0.00	3,054.00	3,054.00
2022 ♦	49,298.78 P	0.00 R	49,298.78
2022 ♦	0.00	42,772.77 P	42,772.77
2021 ♦	30,232.85 P	0.00 P	30,232.85
2021 ♦	0.00	34,370.34 P	34,370.34
2020 ♦	29,795.29 P	29,795.26 P	59,590.55
2019 ♦	91,499.31 P	0.00 P	91,499.31
2019 ♦	0.00	86,183.28 P	86,183.28
2018	92,722.87 P	0.00 R	92,722.87
2018	0.00	92,370.86 P	92,370.86
2017	135,674.42 P	0.00	135,674.42
2017	0.00	56,194.33 P	56,194.33
2016	175,302.55 P	176,450.52 P	351,753.07
2015	130,910.49 P	130,910.49 P	261,820.98
2015	56,182.00 P	0.00	56,182.00
2015	0.00	58,142.00 P	58,142.00
2014	138,146.05 P	0.00 R	138,146.05
2014	0.00	135,832.02 P	135,832.02
2013	107,337.64 P	0.00 R	107,337.64
2013	0.00	139,984.61 P	139,984.61
2012	106,726.91 P	0.00 R	106,726.91
2012	0.00	109,952.89 P	109,952.89
2011	112,974.25 P	0.00 R	112,974.25
2011	0.00	117,958.24 P	117,958.24

2010	128,414.11	P	0.00	R	128,414.11
2010	0.00		132,626.10	P	132,626.10
2009	130,150.50	P	0.00	R	130,150.50
2009	0.00		123,353.21	P	123,353.21
2008	118,881.43	P	0.00	R	118,881.43
2008	0.00		118,370.66	P	118,370.66
2007	88,435.23	P	88,435.23	P	176,870.46
2007	0.00		9,868.50	P	9,868.50
2006	71,010.93	P	71,010.93	P	142,021.86
2005	68,839.46	P	68,839.45	P	137,678.91
2004	62,348.80	P	62,348.80	P	124,697.60
2003	56,597.14	P	56,597.16	P	113,194.30
2002	50,615.58	P	50,615.57	P	101,231.15
2001	49,643.05	P	49,643.03	P	99,286.08
2000	51,179.23	P	51,179.21	P	102,358.44

(P) indicates paid taxes.

♦-Current records indicate tax bill protected under a bankruptcy filing.

Jurisdictional Information

Commissioner: District - 1
John Ostlund (R)
PO Box 35000
Billings,
MT 59107
406-256-2701 - Work

Senate: District - 24
Kathy Kelker (D)
P O Box 20584
Billings,
MT 59102
(406) 698-5610 - Home

House: District - 48
Jodee Etchart (R)
PO BOX 22014
Billings,
MT 59104
(406) 318-9773 - Work

Ward: 3 - (BILLINGS)

Bill Kennedy
902 Parkhill Drive
Billings,
MT 59102
406-698-5229 - Home

Denise Joy
PO Box 31192
Billings,
MT 59107
406-647-0337 - Home

Precinct: 35

High School:	West	**Middle School:**	Elysian	**Elementary School:**	Elysian

Zoning: CMU2-Corridor Mixed Use 2

Click Here to view Billings Regulations
Click Here to view Laurel Regulations
Click Here to view Broadview Regulations
Click Here to view Yellowstone County Regulations

Trustee: School District
Trustee Links

Clerk & Recorder Documents For Tax Code:

Recording #	Document type	Recorded Date	Document Date	Book	Page
4072613	Warranty Deed	4/26/2024	4/26/2024		
4070949	Warranty Deed	4/2/2024	4/2/2024		
4034394	Quit Claim Deed	11/10/2022	7/28/2022		
3820983	Warranty Deed	7/26/2017	7/18/2017		
3764434	Warranty Deed	12/23/2015	12/14/2015		
			2/10/2006	0033	66723
			7/23/2003	PD32	42588
			7/23/2003	0032	42588
			2/11/1998	0019	09822
			10/29/1997	0018	96834

Orion Detail

Owner Information

Primary Owner: TROPICAN INN-VESTMENTS 2.0 LLC
Tax Code: D01889
GeoCode: 03-0927-17-2-01-01-0000
Property Address: 5500 MIDLAND RD BILLINGS 59101
Legal Description: S17, T01 S, R26 E, C.O.S. 1091, PARCEL 4 & 5, (LESS 2130 SQ FT HWY) APPROX 13.66 ACRES
Property Type: VAC_U - Vacant Land - Urban

Site Information - View Codes

Levy District:	03-0981T5-23T5	**Location:**	
Neighborhood Code:	203.007.C	**Fronting:**	
Parking type:		**Parking Prox:**	

Utilities: **Access:**

Lot Size: 13.659 Acres **Topography:**

GENERAL TAX DETAIL

Levy Description	1st Half	2nd Half	Total
CITY			
BILLINGS-GEN OBLIGATION BALLPARK	$14.95	$14.95	$29.90
BILLINGS-GEN OBLIGATION LIBRARY	$13.51	$13.51	$27.02
BILLINGS-GEN OBLIGATION STREETS	$7.16	$7.16	$14.32
BILLINGS-GENERAL	$390.36	$390.35	$780.71
BILLINGS-LIBRARY	$22.80	$22.80	$45.60
BILLINGS-PUBLIC SAFETY 1998	$106.80	$106.80	$213.60
BILLINGS-PUBLIC SAFETY 2020	$320.40	$320.40	$640.80
BILLINGS-PUBLIC SAFETY 2021	$181.56	$181.56	$363.12
BILLINGS-TRANSIT	$45.55	$45.55	$91.10
CITY TOTALS:	**$1,103.09**	**$1,103.08**	**$2,206.17**
COUNTY			
BRIDGE	$18.58	$18.58	$37.16
COUNTY PLANNING	$6.46	$6.46	$12.92
EXTENSION SERVICE	$3.79	$3.79	$7.58
GENERAL FUND	$176.59	$176.59	$353.18
LIABILITY & PROPERTY INSURANCE	$11.21	$11.21	$22.42
MENTAL HEALTH	$4.81	$4.81	$9.62
METRA (CIVIC CENTER)&COUNTY FAIR	$42.93	$42.93	$85.86
MUSEUM	$9.45	$9.45	$18.90
PERMISSIVE MEDICAL LEVY	$50.41	$50.41	$100.82
PUBLIC HEALTH	$35.41	$35.41	$70.82
PUBLIC SAFETY - MENTAL HEALTH	$15.91	$15.91	$31.82
PUBLIC SAFETY - SHERIFF	$139.80	$139.80	$279.60
PUBLIC SAFETY- COUNTY ATTORNEY	$59.54	$59.54	$119.08
SENIOR CITIZENS-ELDERLY ACTIVITIES	$20.35	$20.35	$40.70
WEED CONTROL	$4.17	$4.17	$8.34
COUNTY TOTALS:	**$599.41**	**$599.41**	**$1,198.82**
OTHER			

SOUTH BILLINGS BLVD URBAN	$3,129.40	$3,313.71	$6,443.11
BIG SKY ECONOMIC DEVELOPMENT AUTHORITY	$16.07	$16.07	$32.14
OTHER TOTALS:	**$3,145.47**	**$3,329.78**	**$6,475.25**
SCHOOL			
ELEM & HIGH SCH TRANSPORTATION	$13.08	$13.08	$26.16
ELEMENTARY RETIREMENT	$122.71	$122.71	$245.42
HIGH SCHOOL RETIREMENT	$69.96	$69.95	$139.91
SD #2 (BILLINGS) - HS ADULT EDUCATION	$16.39	$16.39	$32.78
SD #2 (BILLINGS) - HS BUILDING RESERVE	$4.91	$4.91	$9.82
SD #2 (BILLINGS) - HS DEBT SERVICE	$5.87	$5.88	$11.75
SD #2 (BILLINGS) - HS GENERAL	$201.91	$201.91	$403.82
SD #2 (BILLINGS) - HS TECHNOLOGY	$16.07	$16.07	$32.14
SD #2 (BILLINGS) - HS TRANSPORTATION	$36.37	$36.37	$72.74
SD #2 (BILLINGS) - HS TUITION	$21.73	$21.73	$43.46
SD #23 (ELYSIAN) ELEM ADULT ED	$3.85	$3.85	$7.70
SD #23 (ELYSIAN) ELEM BLDG RES	$8.12	$8.12	$16.24
SD #23 (ELYSIAN) ELEM DEBT SERVICE	$169.60	$169.60	$339.20
SD #23 (ELYSIAN) ELEM TECHNOLOGY	$2.03	$2.03	$4.06
SD #23 (ELYSIAN) ELEM TUITION	$13.94	$13.94	$27.88
SD #23 (ELYSIAN) ELEMENTARY GENERAL	$255.57	$255.57	$511.14
SD #23 (ELYSIAN) ELEMENTARY TRANSPORTATI	$33.43	$33.43	$66.86
SCHOOL TOTALS:	**$995.54**	**$995.54**	**$1,991.08**
STATE			
TIDU TID - UNIVERSITY MILLAGE	$31.96	$31.96	$63.92
ACCREDITED HIGH SCHOOL	$96.12	$96.12	$192.24
GENERAL SCHOOL	$144.18	$144.18	$288.36
STATE EQUALIZATION AID	$175.69	$175.69	$351.38
UNIVERSITY MILLAGE	$32.04	$32.04	$64.08
VOCATIONAL-TECHNICAL SCHOOLS	$6.94	$6.94	$13.88
STATE TOTALS:	**$486.93**	**$486.93**	**$973.86**
TOTAL GENERAL TAXES	**$6,330.44**	**$6,514.74**	**$12,845.18**

*** = Voted Levy to impose a New Mill Levy**
**** = Voted Levy Increase to a Levy Submitted to Electors**
***** = Voted Levy to Exceed Levy Limit (MCA 15-10-420)**

SPECIAL ASSESSMENTS

Description	1st Half	2nd Half	Total
2913 BLGS SW/CURB/GTR	$6,653.37	$6,653.37	$13,306.74
BLSW BILLINGS STORM SEWER	$4,090.54	$4,090.54	$8,181.08
BS#2 BLGS STREET MAINT #2	$8,733.26	$8,733.26	$17,466.52
ELEM GENERAL ADD'L MILLS	$0.00	$64.08	$64.08
HS GENERAL ADD'L MILLS	$0.00	$42.72	$42.72
LIGHT MAINTENANCE 324	$1,029.47	$1,029.47	$2,058.94
SOIL SOIL CONSERVATION	$3.95	$3.94	$7.89
STATE EQUAL ADD'L MILLS	$0.00	$75.83	$75.83
TOURISM BUSINESS IMP DIST	$11,158.00	$12,192.00	$23,350.00
VO-TECH EQUAL ADD'L MILLS	$0.00	$2.14	$2.14
TOTAL SPECIAL ASSESSMENTS	**$31,668.59**	**$32,887.35**	**$64,555.94**

General Taxes	District	Mill Levy	1st Half	2nd Half
SOUTH BILLINGS BLVD URBAN	23T5	593.46	6,330.44	6,514.74

TOTAL TAXES DUE CURRENT YEAR: $77,401.12

This property may qualify for a Property Tax Assistance Program. This may include: Intangible Land Value Assistance, Property Tax Assistance, Disabled or Deceased Veteran's Residential Exemption, and/or Elderly Homeowner's Tax Credit. Contact the Department of Revenue at (406)896-4000 for further information.

This Information is current as of 5/23/2024 10:52:35 AM

Yellowstone County, Montana

Property Tax Detail For I01186

TaxCode: I01186

Owner Listed On Last Tax Statement

Last Updated: July 22, 2024

Primary Owner: 5500 MIDLAND HOLDINGS LLC

Owner as of July 22, 2024

Primary Owner Name: 5500 MIDLAND HOLDINGS LLC

2024 Mailing Address

Mailing Address: 5500 MIDLAND HOLDINGS LLC
APF- BILLINGS LLC
5500 MIDLAND ROAD
BILLINGS, MT 59101

Property Information

Property Address:

Township: 01 S Range: 26 E Section: 17

Full Legal: S17, T01 S, R26 E, IMPS @ D01889 (20)

GeoCode: 03-0927-17-2-01-01-4001

Levy District: 23T5 - SOUTH BILLINGS BLVD URBAN (593.46 Mills)

2023 Assessed Value Summary

Assessed Land Value =	$0.00
Assessed Building(s) Value =	$6,007,130.00
Personal Property Value =	$0.00
Total Assessed Value =	$6,007,130.00

Assessed Value Detail Tax Year: 2023

Description	Tax Rate	Amount
Improvements on Commercial City/Town Lots %		$6,007,130.00

Total: $6,007,130.00

SID Payoff Information

Rural SID

NONE

Property Tax Billing History

Year	1st Half		2nd Half		Total
2023	33,710.26	P	33,710.22	P	67,420.48
2023	0.00		1,964.16	P	1,964.16
2022	32,043.90	P	32,043.86	P	64,087.76
2021	29,155.61	P	29,155.59	P	58,311.20
2020	31,228.06	P	31,228.03	P	62,456.09

(P) indicates paid taxes.

Jurisdictional Information

Commissioner: District - 1
John Ostlund (R)
PO Box 35000
Billings,
MT 59107
406-256-2701 - Work

Senate: District - 24
Kathy Kelker (D)
P O Box 20584
Billings,
MT 59102
(406) 698-5610 - Home

House: District - 48
Jodee Etchart (R)
PO BOX 22014
Billings,
MT 59104
(406) 318-9773 - Work

Ward: 3 - (BILLINGS)

Bill Kennedy
902 Parkhill Drive
Billings,
MT 59102
406-698-5229 - Home

Denise Joy
PO Box 31192
Billings,
MT 59107
406-647-0337 - Home

Precinct: 35

High School: West

Middle School: Elysian

Elementary School: Elysian

Zoning: CMU2-Corridor Mixed Use 2
Click Here to view Billings Regulations
Click Here to view Laurel Regulations
Click Here to view Broadview Regulations
Click Here to view Yellowstone County Regulations

Trustee: School District Trustee Links

Clerk & Recorder Documents For Tax Code:

No Documents Were Found

Orion Detail

Owner Information

Primary Owner: 5500 MIDLAND HOLDINGS LLC
Tax Code: I01186
GeoCode: 03-0927-17-2-01-01-4001
Property Address:
Legal Description: S17, T01 S, R26 E, IMPS @ D01889 (20)
Property Type: Improved Property

Site Information - View Codes

Levy District:	03-0981T5-23T5	**Location:**	
Neighborhood Code:	203.007.C	**Fronting:**	
Parking type:		**Parking Prox:**	
Utilities:		**Access:**	
Lot Size:	0 Sq. Ft.	**Topography:**	

Commercial Building 1

Year Built:	1972	**Year Remodel:**	1999
Improvement Class:	3507	**Effective Year:**	
Building Name:	Radisson	**Building Number:**	1
Grade (Factor):	L (0.74)	**Structure Type:**	315 - Hotel/Motel, Low Rise (1 to 4 stories)
Total Identical Buildings:	1	**Units per Building:**	224
ECF:	1.14		

Interior/Exterior Commercial Building 1

Floors	Area/Floor(Sq Ft)	Area (Sq Ft)	Use	Construction	Ptns	Heat	A/C	plumb
01 - 01	47552	47552	012 - Hotel	1-Wood Frame/Joist/Beam	2-Normal	1-Hot Air	1-Central	2-Normal
01 - 01	40063	40063	012 - Hotel	1-Wood Frame/Joist/Beam	2-Normal	1-Hot Air	1-Central	2-Normal
02 - 02	47139	47139	012 - Hotel	1-Wood Frame/Joist/Beam	2-Normal	1-Hot Air	1-Central	2-Normal

Building Total: 134754

Elevator/Escalator Commercial Building 1

Code-Type	Units	Rise	Speed	Stops
EL2-Electric Passenger Elevator	1		150	2

Commercial Building 2

Year Built: 1985 **Year Remodel:** 1999

Improvement Class: 3507 **Effective Year:**

Building Name: Radisson **Building Number:** 2

Grade (Factor): A (1) **Structure Type:** 314 - Hotel/Motel, High Rise (5 stories & up)

Total Identical Buildings: 1 **Units per Building:** 94

ECF: 1.14

Interior/Exterior Commercial Building 2

Floors	Area/Floor(Sq Ft)	Area (Sq Ft)	Use	Construction	Ptns	Heat	A/C	plumb
02 - 07	8197	49182	012 - Hotel	1-Wood Frame/Joist/Beam	2-Normal	2-Hot Water or Steam	2-Unit	2-Normal
01 - 01	17324	17324	012 - Hotel	1-Wood Frame/Joist/Beam	2-Normal	2-Hot Water or Steam	2-Unit	2-Normal

Building Total: 66506

Elevator/Escalator Commercial Building 2

Code-Type	Units	Rise	Speed	Stops
EL2-Electric Passenger Elevator	2		200	8

Commercial Building 3

Year Built: 1985 **Year Remodel:**

Improvement Class: 3507 **Effective Year:**

Building Name: Montana Convention Center **Building Number:** 3

Grade (Factor): F (0.83) **Structure Type:** 315 - Hotel/Motel, Low Rise (1 to 4 stories)

Total Identical Buildings: 1 **Units per Building:** 1

ECF: 1.14

Interior/Exterior Commercial Building 3

Floors	Area/Floor(Sq Ft)	Area (Sq Ft)	Use	Construction	Ptns	Heat	A/C	plumb
01 - 01	43414	43414	012 - Hotel	4-Pre-engineered Steel	2-Normal	2-Hot Water or Steam	2-Unit	2-Normal

Building Total: 43414

Main Features Commercial Building

Code-Type	Quantity
PP1 - Porch, open	1
PP1 - Porch, open	1
RP5 - Swimming Pool, indoor	1
WH1 - Whirlpool/hot tub, < 5 persons	1
OA1 - Open Area, high rise apts/hotels	1
CP6 - Canopy Roof, Average	1
BA1 - Balcony	6
SS1 - Sprinkler System - wet pipe	1
LD4 - Truck & Train Wells	1
PP1 - Porch, open	1
OD4 - Overhead Door, rolling steel with motor & operator	2
OD4 - Overhead Door, rolling steel with motor & operator	1
SS2 - Sprinkler System, dry pipe	1

Other Building and Yard Improvements

Code - Type	Quantity	Area/Unit	Classcode

CLT4 - Light, incandescent, pole & bracket	48	1	3507
CLT4 - Light, incandescent, pole & bracket	25	1	3507
CGFU - Garage, detached, frame, unfinished	1	720	3507
CPA1 - Paving, asphalt	1	91500	3507
CPA2 - Paving, concrete, 4"	1	3570	3507
CGFF - Garage, detached, frame, finished	1	800	3507
CRS3 - Utility Building, brick/stone	1	196	3507
CPA1 - Paving, asphalt	1	269050	3507

GENERAL TAX DETAIL

Levy Description	1st Half	2nd Half	Total
CITY			
BILLINGS-GEN OBLIGATION BALLPARK	$79.57	$79.57	$159.14
BILLINGS-GEN OBLIGATION LIBRARY	$71.90	$71.90	$143.80
BILLINGS-GEN OBLIGATION STREETS	$38.08	$38.08	$76.16
BILLINGS-GENERAL	$2,077.36	$2,077.35	$4,154.71
BILLINGS-LIBRARY	$121.34	$121.34	$242.68
BILLINGS-PUBLIC SAFETY 1998	$568.36	$568.36	$1,136.72
BILLINGS-PUBLIC SAFETY 2020	$1,705.08	$1,705.08	$3,410.16
BILLINGS-PUBLIC SAFETY 2021	$966.21	$966.21	$1,932.42
BILLINGS-TRANSIT	$242.40	$242.41	$484.81
CITY TOTALS:	**$5,870.30**	**$5,870.30**	**$11,740.60**
COUNTY			
BRIDGE	$98.89	$98.89	$197.78
COUNTY PLANNING	$34.39	$34.39	$68.78
EXTENSION SERVICE	$20.18	$20.18	$40.36
GENERAL FUND	$939.78	$939.78	$1,879.56
LIABILITY & PROPERTY INSURANCE	$59.68	$59.68	$119.36
MENTAL HEALTH	$25.58	$25.58	$51.16
METRA (CIVIC CENTER)&COUNTY FAIR	$228.48	$228.48	$456.96
MUSEUM	$50.30	$50.30	$100.60
PERMISSIVE MEDICAL LEVY	$268.27	$268.27	$536.54
PUBLIC HEALTH	$188.41	$188.41	$376.82
PUBLIC SAFETY - MENTAL HEALTH	$84.69	$84.69	$169.38

PUBLIC SAFETY - SHERIFF	$743.98	$743.98	$1,487.96
PUBLIC SAFETY- COUNTY ATTORNEY	$316.86	$316.86	$633.72
SENIOR CITIZENS-ELDERLY ACTIVITIES	$108.27	$108.27	$216.54
WEED CONTROL	$22.17	$22.17	$44.34
COUNTY TOTALS:	**$3,189.93**	**$3,189.93**	**$6,379.86**
OTHER			
SOUTH BILLINGS BLVD URBAN	$16,654.20	$17,635.08	$34,289.28
BIG SKY ECONOMIC DEVELOPMENT AUTHORITY	$85.54	$85.54	$171.08
OTHER TOTALS:	**$16,739.74**	**$17,720.62**	**$34,460.36**
SCHOOL			
ELEM & HIGH SCH TRANSPORTATION	$69.62	$69.62	$139.24
ELEMENTARY RETIREMENT	$653.05	$653.05	$1,306.10
HIGH SCHOOL RETIREMENT	$372.28	$372.28	$744.56
SD #2 (BILLINGS) - HS ADULT EDUCATION	$87.24	$87.24	$174.48
SD #2 (BILLINGS) - HS BUILDING RESERVE	$26.14	$26.14	$52.28
SD #2 (BILLINGS) - HS DEBT SERVICE	$31.26	$31.26	$62.52
SD #2 (BILLINGS) - HS GENERAL	$1,074.48	$1,074.48	$2,148.96
SD #2 (BILLINGS) - HS TECHNOLOGY	$85.54	$85.54	$171.08
SD #2 (BILLINGS) - HS TRANSPORTATION	$193.53	$193.53	$387.06
SD #2 (BILLINGS) - HS TUITION	$115.66	$115.66	$231.32
SD #23 (ELYSIAN) ELEM ADULT ED	$20.46	$20.46	$40.92
SD #23 (ELYSIAN) ELEM BLDG RES	$43.19	$43.19	$86.38
SD #23 (ELYSIAN) ELEM DEBT SERVICE	$902.56	$902.56	$1,805.12
SD #23 (ELYSIAN) ELEM TECHNOLOGY	$10.80	$10.80	$21.60
SD #23 (ELYSIAN) ELEM TUITION	$74.17	$74.17	$148.34
SD #23 (ELYSIAN) ELEMENTARY GENERAL	$1,360.09	$1,360.08	$2,720.17
SD #23 (ELYSIAN) ELEMENTARY TRANSPORTATI	$177.90	$177.90	$355.80
SCHOOL TOTALS:	**$5,297.97**	**$5,297.96**	**$10,595.93**
STATE			
TIDU TID - UNIVERSITY MILLAGE	$170.10	$170.09	$340.19
ACCREDITED HIGH SCHOOL	$511.52	$511.52	$1,023.04

GENERAL SCHOOL	$767.29	$767.29	$1,534.58
STATE EQUALIZATION AID	$934.95	$934.95	$1,869.90
UNIVERSITY MILLAGE	$170.51	$170.51	$341.02
VOCATIONAL-TECHNICAL SCHOOLS	$36.94	$36.94	$73.88
STATE TOTALS:	**$2,591.31**	**$2,591.30**	**$5,182.61**
TOTAL GENERAL TAXES	**$33,689.25**	**$34,670.11**	**$68,359.36**

*** = Voted Levy to impose a New Mill Levy**
**** = Voted Levy Increase to a Levy Submitted to Electors**
***** = Voted Levy to Exceed Levy Limit (MCA 15-10-420)**

SPECIAL ASSESSMENTS

Description	1st Half	2nd Half	Total
ELEM GENERAL ADD'L MILLS	$0.00	$341.02	$341.02
HS GENERAL ADD'L MILLS	$0.00	$227.34	$227.34
SOIL SOIL CONSERVATION	$21.01	$21.00	$42.01
STATE EQUAL ADD'L MILLS	$0.00	$403.54	$403.54
VO-TECH EQUAL ADD'L MILLS	$0.00	$11.37	$11.37
TOTAL SPECIAL ASSESSMENTS	**$21.01**	**$1,004.27**	**$1,025.28**

General Taxes	District	Mill Levy	1st Half	2nd Half
SOUTH BILLINGS BLVD URBAN	23T5	593.46	33,689.25	34,670.11

TOTAL TAXES DUE CURRENT YEAR: $69,384.64

This property may qualify for a Property Tax Assistance Program. This may include: Intangible Land Value Assistance, Property Tax Assistance, Disabled or Deceased Veteran's Residential Exemption, and/or Elderly Homeowner's Tax Credit. Contact the Department of Revenue at (406)896-4000 for further information.

This Information is current as of 8/26/2024 10:58:25 AM

Urban Renewal Plan for the South Billings Boulevard Urban Renewal Area

Prepared by the Planning & Community Services Department
Adopted by the Billings City Council on December 8, 2008
Amended by the Billings City Council on July 22, 2019

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Acknowledgements

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- Mark Astle
- Peggie Denney Gaghen
- Jim Ronquillo
- Vince Ruegamer
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- Ed Ulledalen
- Jani McCall
- Denis Pitman
- Lan-y Brewster

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- Floyd Martin, Vice Chair
- Alan Pomick, Treasurer
- Debbie Rowe, Secretary

Big Sky Economic Development Authority

Downtown Billings Paiinership

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Alta Dean
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City Administration
City Finance Department
Planning and Community Services Department
Billings Police Department

Section 1 - Introduction

On May 12, 2008 the City of Billings adopted an ordinance creating the South Billings Boulevard Urban Renewal District (SBBURD) and established a Tax Increment Finance District. As part of this ordinance, an urban renewal plan and the boundaries of the tax increment finance district were adopted. Public participation for preparing the urban renewal plan involved public meetings and participation with the City of Billings, the Southwest Corridor Neighborhood Task Force, residents and property owners, Downtown Billings Partnership, and Big Sky Economic Development Authority.

In October of 2008, the City began a modification of the SBBURD to include three additional properties. Two of these properties were recently annexed and contiguous to the existing SBBURD; therefore, the properties are now eligible to be included within the SBBURD. The third property is contiguous and requested an expansion of the district boundary. The modification of the urban renewal plan will reflect the addition of those properties.

The December 2008 modification of the urban renewal plan:

- Served as a framework for the official urban renewal plan
- Fulfilled Montana state law
- Updated and define district boundaries
- Classified blight
- Set forth the protocol for its authorization, execution, and management
- Illustrated the development opportunities
- Documented baseline taxable property values and potential areas for redevelopment

The July 2019 amendment of the urban renewal plan will:

- Identify future projects and programs
- Ensure the City has the option to bond future projects
- Update to the 2008 Plan to reflect the 2019 amendment process

Section 2 - Definitions

The following terms have the following meanings unless a different meaning is clearly indicated by the context:

1. "Agency" or "urban renewal agency" means a public agency created by Section 7-15-4232 of the Montana Code Annotated.
2. "Blighted area" means an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs the sound growth of the city or its environs; retards the provision of housing accommodations; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:
    a. The substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
    b. Inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;

c. Inappropriate or mixed uses of land or buildings;
d. High density of population and overcrowding;
e. Defective or inadequate street layout;
f. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
g. Excessive land coverage
h. Unsanitary or unsafe conditions;
1. Deterioration of site;
J. Diversity of ownership;
k. Tax or special assessment delinquency exceeding the fair value of the land;
I. Defective or unusual conditions of title;
m. Improper subdivision or obsolete platting;
n. The existence of conditions that endanger life or property by fire or other causes; or
o. Any combination of the factors listed in the subsection (2).

3. "Bonds" means any bonds, notes, or debentures (including refunding obligations) authorized to be issued pursuant to Section 7-15-4300 MCA.
4. "Clerk" means the clerk or other official of the municipality who is the custodian of the official records of the municipality.
5. "Local governing body" means the council or other legislative body charged with governing the municipality.
6. "Mayor" means the chief executive of a city or town.
7. "Municipality" means any incorporated city or town in the state.
8. "Redevelopment" may include:
   a. acquisition of a blighted area or portion of the area;
   b. demolition and removal of buildings and improvements;
   c. installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions in accordance with the urban renewal plan; and
   d. making the land available for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan. If the property is condemned pursuant to Title 70, chapter 30, the private enterprise or public agencies may not develop the condemned area in a way that is not for a public use.
9. "Urban renewal area" means a blighted area that the local governing body designates as appropriate for an urban renewal project or projects.
10. "Urban renewal plan" means a plan for one or more urban renewal areas or for an urban renewal project. The plan:
    a. must conform to the growth policy if one has been adopted pursuant to Title 76, chapter 1; and;
    b. must be sufficiently complete to indicate, on a yearly basis or otherwise:
       i. any land acquisition, demolition, and removal of structures; redevelopment; improvements; and rehabilitation that is proposed to be carried out in the urban renewal area;
       ii. zoning and planning changes, if any, including changes to the growth policy if one has been adopted pursuant to Title 76, chapter 1;
       iii. land uses, maximum densities, building requirements; and
       iv. the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transp01iation, public utilities, recreational and community facilities, and other public improvements.

Section 3 - Background

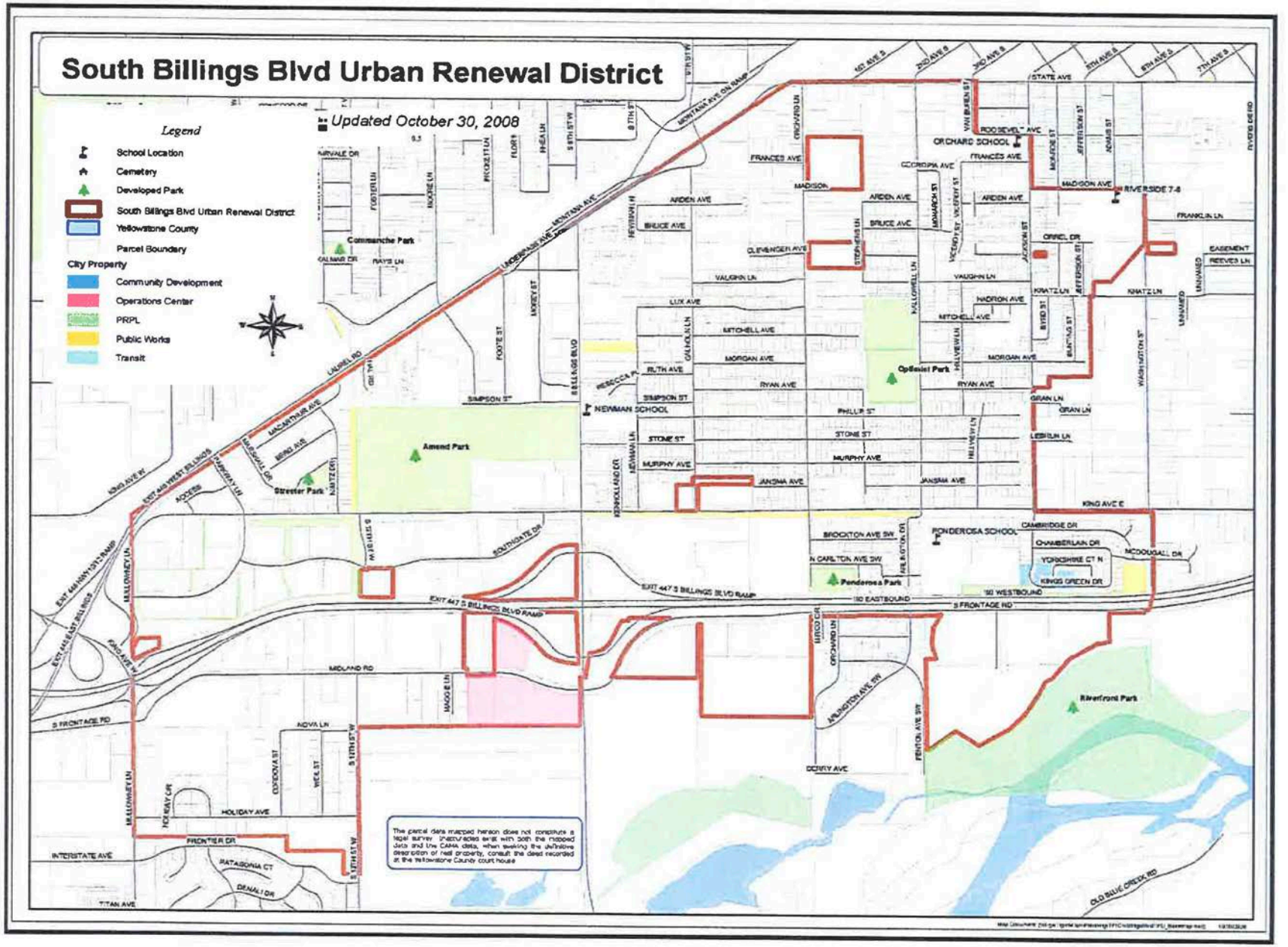
The South Billings Boulevard Urban Renewal District lies within city boundaries, is situated between major transportation routes, and stretches from the east side of the King Avenue Overpass east to Washington Street and from State Avenue South to the city limit boundaries. Located within the district is the I-90/94 Interstate and adjacent north is the major railway line through the city. Map 1 shows the boundaries of the SBBURD.

This district lies within the Southwest Corridor Neighborhood Task Force. The task force was created in the early 1990's in response to the growing problem with the roadway interchanges and associated issues. Since that time, the Task Force has become a more diverse body that handles many issues for the Southwest Billings community. Recent neighborhood issues include the re-opening of the Southgate Cop Shop and the development of Amend Park. Existing land uses and current zoning are shown on Maps 2 and 3.

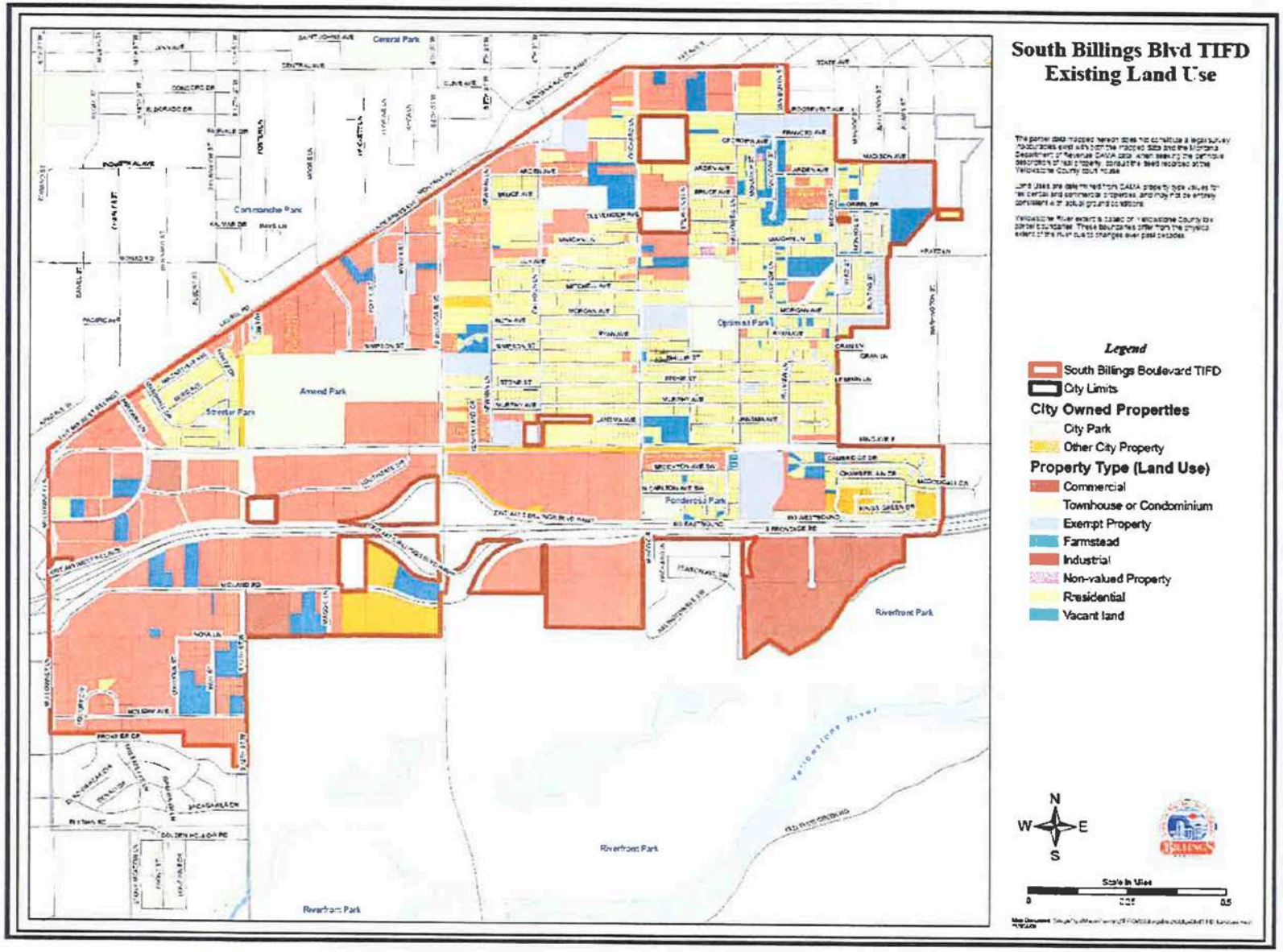
A closer look at this neighborhood shows an established area of mixed residential and commercial uses. This area also includes four schools. Some areas include unimproved streets, no sidewalk, curbs or gutters. In addition, many areas are not served by municipal water and sewer or there is old, inadequate water and sewer infrastructure. Many of the concerns raised by residents within the district center around routes for children to get to school, including bus routes that run on unimproved streets and children walking down the street instead of sidewalks to get to school.

Due to the location, the South Billings Boulevard Urban Renewal District has a tremendous amount of potential to become a major economic force. With the interstate corridor located in this district, the potential exists for this area to become a major destination place for retail, goods and services, manufacturing, and entertainment.

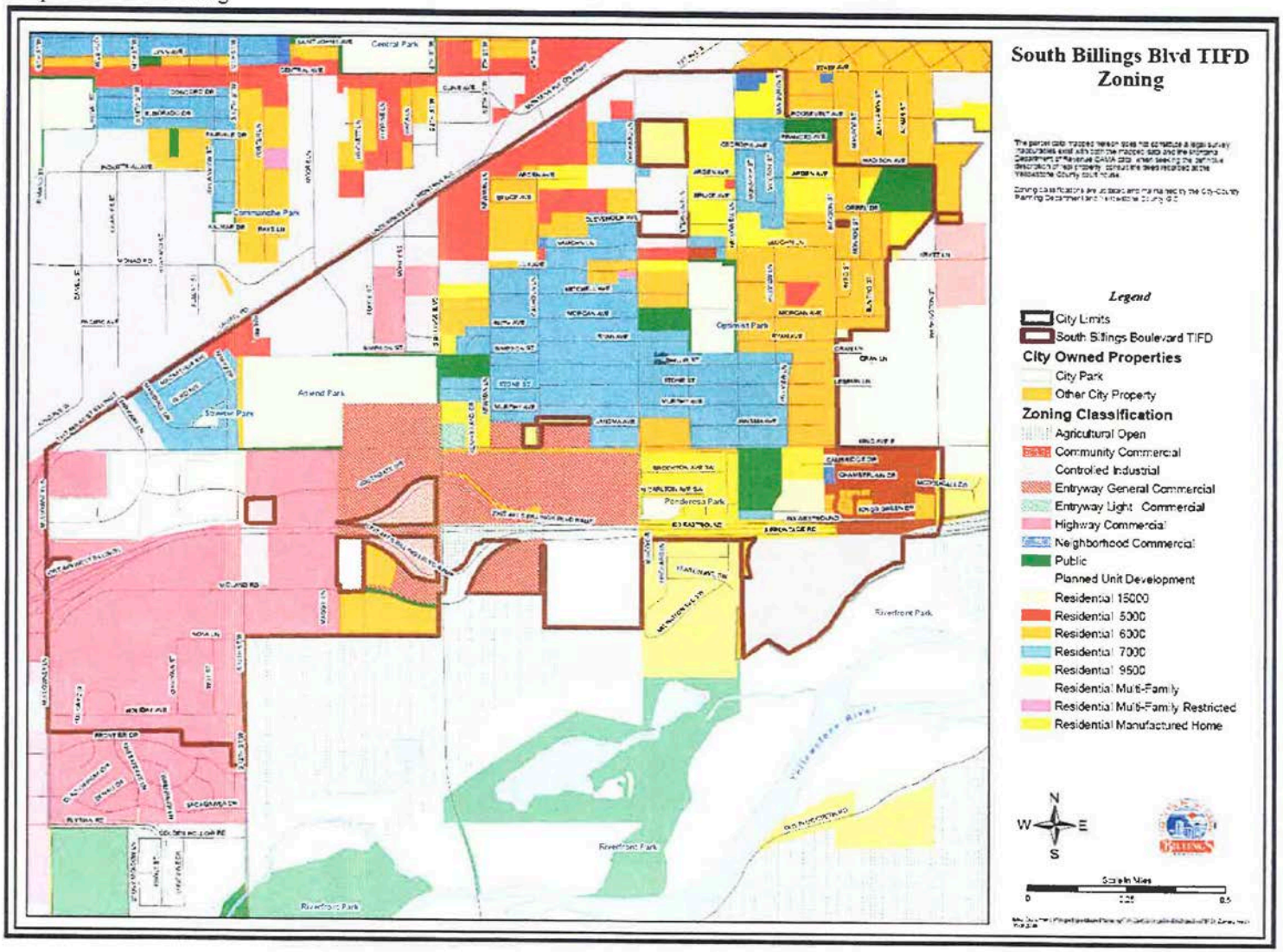
Map 1 – Proposed Boundaries of the District



Map 2 – Existing Land Uses



Map 3 – Current Zoning



Section 4 - Description of Blight

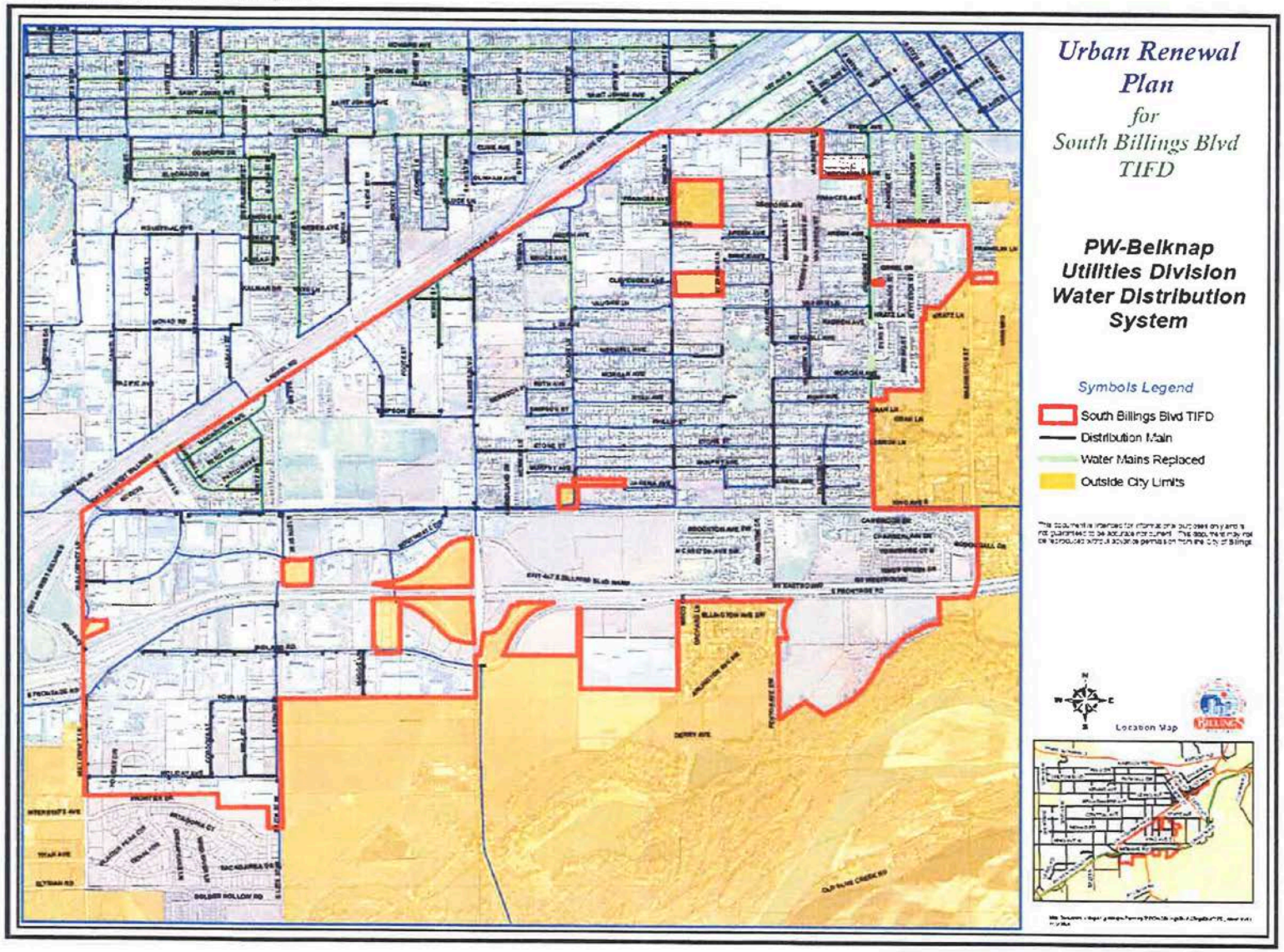
A requirement of Montana Annotated Code 2005 is to justify an urban renewal plan supported through a tax increment finance district through the determination of *blight.* Blight is defined as an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs the sound growth of the city or its environs; retards the provision of housing accommodation; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:

- the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
- inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
- inappropriate or mixed uses of land or buildings;
- high density of population and overcrowding;
- defective or inadequate street layout;
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- excessive landcoverage;
- unsanitary or unsafe conditions;
- deterioration of site;
- diversity ofownership
- tax or special assessment delinquency exceeding the fair value of the land;
- defective or unusual conditions of title;
- improper subdivision or obsolete platting;
- the existence of conditions that endanger life or property by fire or other causes;
- any combination of the factors listed

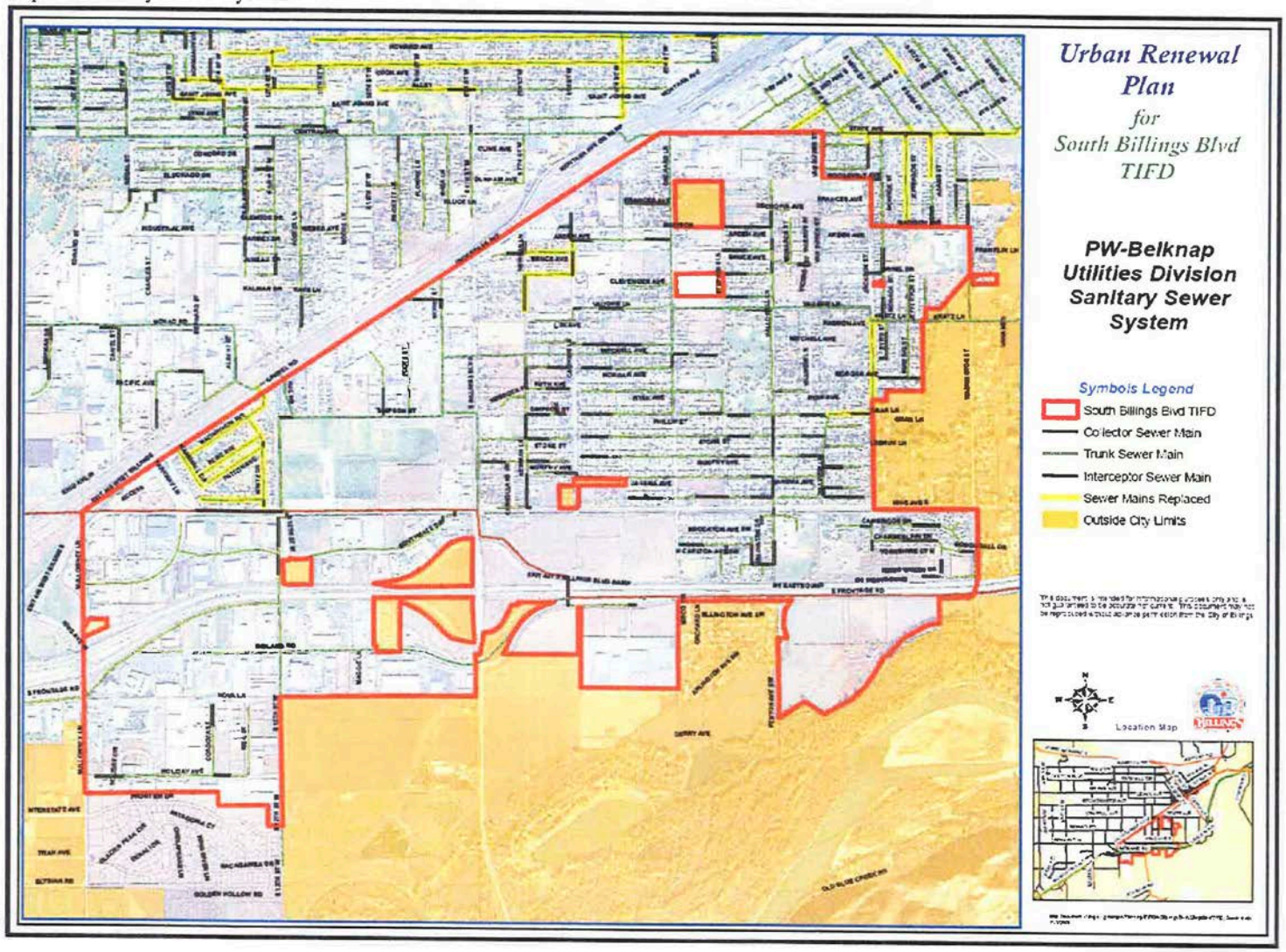
Section 5- Summary of Blight

The area in the proposed district contains a great deal of blight. Within the district there is substantial structural deterioration, long-term land vacancy, and significant infrastructure needs. Several of the commercial buildings in the district are vacant or deteriorated and need demolition. Many of the sidewalks are cracked or nonexistent, alleys are deteriorated, and, in general, much of the area is below city standards. In contrast to the above, there are certain properties within the district in good repair but included in the district to allow for a contiguous block of land within the district; and because pockets of revitalization cannot be sustained if areas of neglect and blight surround them. Over time, without continued managed urban renewal, even these success stories will once again decline in taxable value. Portions of the district fall into the blighted, neglected and under-utilized categories. Maps 4 and 5 show the current infrastructure conditions within the district.

Map 4 – Water Distribution System



Map 5 – Sanitary Sewer System



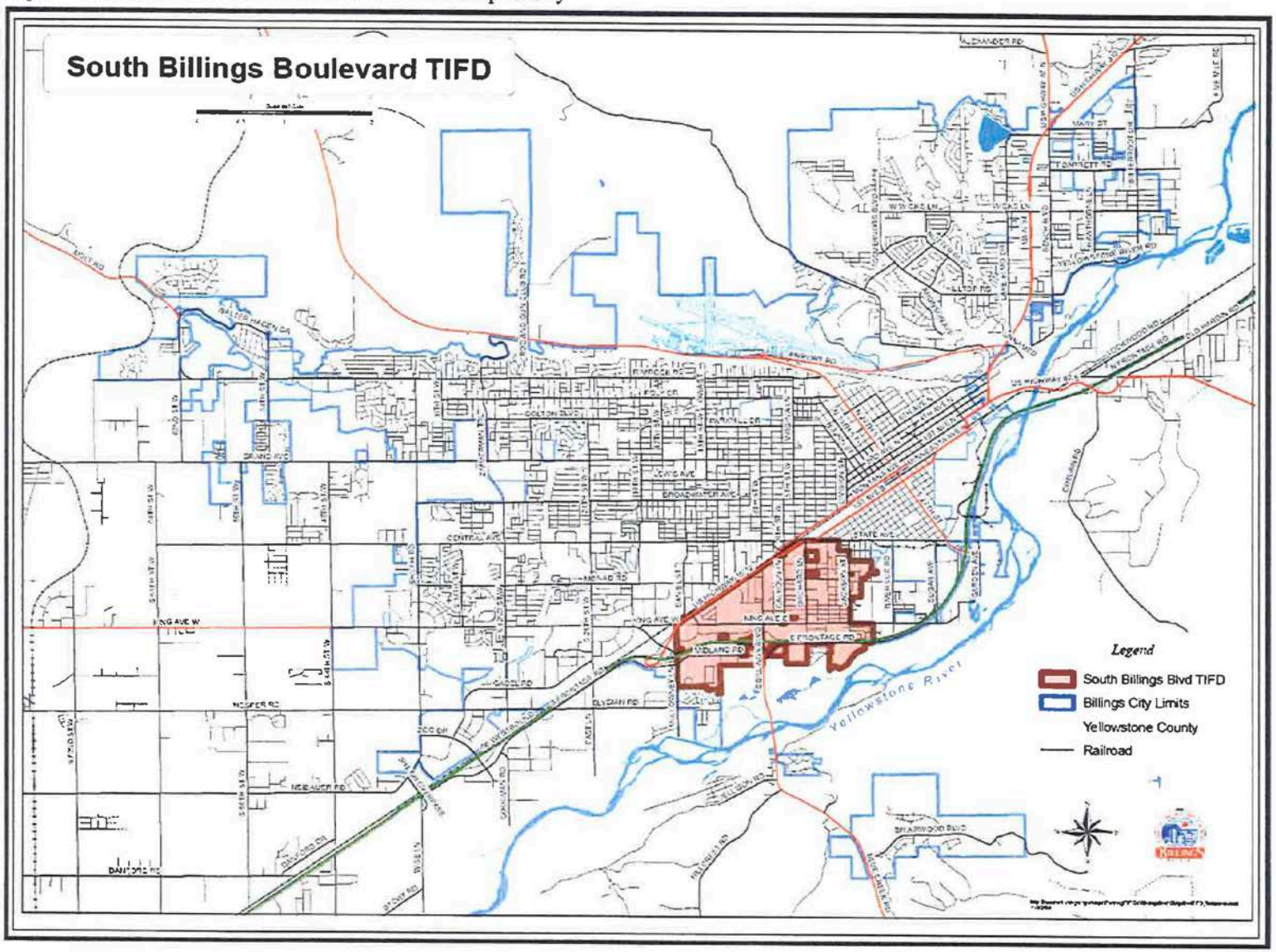
Section 6 - The Site and Its Relationship to the City

The South Billings Boulevard TIFD and Urban Renewal District is located in the south center region of the City of Billings. Bordered by the Interstate Corridor, the main railroad line and principal transportation routes, it is an area where economic development opportunities are numerous. In addition, numerous service, commercial, industrial, parks and recreation and housing choices are located within the district. Map 6 shows the TIFD boundary in relationship to the rest of the city.

Section 7 - Description of the District Boundary

Starting at the intersection of State Avenue and Van Buren Street, extending south down the centerline of Van Buren Street to the intersection of Van Buren Street and Roosevelt Avenue, extending east down the centerline of Roosevelt Avenue to the intersection of Roosevelt Avenue and Jackson Street, extending south down the centerline of Jackson Street to the intersection of Jackson Street and Madison Avenue, extending east down the centerline of Madison Avenue to the intersection of Madison Avenue and Washington Street, extending south down the centerline of Washington Street to the intersection of the centerline of Washington Street and the extension of the northern boundary of Lot 7, Willis Subdivision, extending east along said boundary to the eastern boundary of said lot, extending south along said boundary to the southern boundary of said lot, extending westerly along said boundary and its extension to the centerline of Washington Street, extending north to the existing City of Billings city limit boundary, extending southerly and westerly along the existing city limit boundary to the intersection of Jackson Street and King Avenue East, extending east along the centerline of King Avenue East to the intersection of King Avenue East and Washington Street, extending south along the centerline of Washington Street and its projection across the Interstate 90 right-of-way, to its intersection with South Frontage Road, thence in a westerly direction following the south right-of-way boundary of the South Frontage Road to the intersection of an extension of the east boundary of Riverfront Business Park Subdivision, extending south along eastern boundary of said subdivision to the south boundary of said subdivision, extending southerly and westerly along said boundary to the west boundary of said subdivision, extending northerly and easterly along said boundary and its extension to the south right-of-way boundary of South Frontage Road, extending westerly to the northeast comer of Lot 1, Block 1, Willowbrook Subdivision, thence in a southerly and westerly direction following the existing city limit boundary to a point which intersects with the extension of the southern boundary of Tract 1, C/S 2834, then west along said southern boundary of Tract 1, C/S 2834 and southern boundary of Block 4 of Weil Subdivision to the intersection with the centerline of Mullowney Lane, extending north along the centerline of Mullowney Lane and its projection to the centerline of Laurel Road, extending northeast along the centerline of Laurel Road to its intersection with State Avenue, extending northeast and east along the centerline of State Avenue to the ending point at the intersection of State Avenue and Van Buren Street. Excluding all unincorporated land within the boundary.

Map 6 – Tax Increment Finance District in Relationship to City



Section 8 - Planning Process

Stakeholder and Community Participation

The initial concept of developing a Tax Increment Finance District and an Urban Renewal Plan in the South Billings Boulevard area was brought forward by the City of Billings, Big Sky Economic Development Authority and the Downtown Billings Partnership. After discussions and meetings with the Southwest Corridor Task Force, it was determined that a steering committee would be established to move forward with the development of an Urban Renewal Plan for the creation of the South Billings Boulevard TIF District. After discussions with the participating members, it was apparent that direct communication with business owners, landowners and public participation was critical for the project to be a success. Two public meetings were scheduled to open dialogue on the proposed Urban Renewal Plan and TIF District process, and to set goals and objectives of the project. It also became clear that a grass-roots effort conducted and led by the property owners themselves was needed.

In October of 2008, the city began an urban renewal plan modification process to include 3 additional properties to the district pursuant to Montana Code section 7-15-4221. All property owners affected by the urban renewal plan modification were notified by mail of the public hearing on the Urban Renewal Plan held November 24, 2008.

In May 2019 the City in coordination with the South Billings Urban Renewal Association began the process to amend the South Billings Urban Renewal Plan. All property owners affected by the urban renewal plan amendment were notified by mail of a public meeting to discuss and receive public comment on the Plan amendment on May 30, 2019. All property owners affected by the urban renewal plan amendment were also notified of the public hearing on the Urban Renewal Plan held July 8, 2019.

Urban Renewal Plan

The Urban Renewal Plan is the tool that governs what public improvements are needed and desired within the district. Through public meetings and meetings at the Southwest Corridor Task Force, neighborhood needs and projects were identified.

With input from property owners and the identification of goals and objectives, the City of Billings moved forward with the completion of the Urban Renewal Plan. A draft was reviewed with the property owners and the Southwest Corridor Task Force prior to review by the City of Billings City Council.

The high level of transparency and frequency of meetings has ensured that a large local constituency has been involved, and as many stakeholders as possible participate and approve of the plan.

Eminent Domain

In no case shall eminent domain be used as a tool in the redevelopment of the South Billings Boulevard Urban Renewal District except as a last resort in the case of needed public infrastructure improvements and/or rights-of way.

Residential Relocation Plan

If a residential structure requires relocation as a result of right-of-way acquisition and/or a public infrastructure construction project, that is partially or fully funded with federal assistance (Housing and Urban Development, Federal Highway, etc), the City of Billings shall abide by the Uniform Relocation Assistance Act.

Planning, City Administration and Legal Review

During the many meetings with the local property owners and the Southwest Neighborhood Task Force, it was decided to begin the process of finalizing the urban renewal plan and take it to the city council before the end of 2007. The urban renewal plan was sent to the City Legal Department and City Administration for review and comments. Comments and recommendations from both City Legal and City Administration were taken into account and incorporated into this plan.

The plan was also sent to the Yellowstone County Board of Planning for its review and recommendations regarding the plan's confo1mity to the 2003 Growth Policy Plan. A recommendation of approval was passed by the Planning Board on October 23, 2007. The plan was then presented at a City Council Work Session on November 5, 2007. The public hearing and first reading of the Ordinance was held by the City Council on November 26, 2007 with the second reading and final adoption on December 10, 2007.

The modification to the SBBURD plan began in October of 2008. On November 10, 2008, the Billings City Council passed a Resolution Declaring Blight, Intent to Modify the District, and Setting a Public Hearing Date. The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council with regard to the plan's conformity with the 2003 Growth Policy on November 12, 2008. The affected property owners were notified of the plan's modification and public hearing notices were published on November 6, 2008 and November 13, 2008 for the first reading and public hearing on the modification of the plan.

The City initiated an amendment to the SBBURD plan in May 2019 to ensure future projects contemplated by the City and also provided by public comments and recommendations would be possible if funded by bonding or directly through tax increment funds generated by the SBBURD. The process to amend the plan has followed the process described in Montana Code as follows: The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council with regard to the plan's conformity with the 2016 Growth Policy on June 25, 2019. The affected property owners were notified by mailed postcard of the plan's modification, and public hearing notices were published on June 28, 2019 and July 5, 2019 for the first reading and public hearing on the plan amendment.

Financial Programming

The City of Billings to ensure a sound and adequate financial program to fund projects has concluded the following: For every $1 million dollars of increased market value, assuming Class 4 (commercial) property @ 3.01 % taxable rate and a mill levy of$ .55, it is anticipated that an increment value of $14,500 will be generated yearly.

Modification of SBBURD Plan

The SBBURD may be modified at any time by the City Council as necessary to eliminate and prevent the development or spread of blighted areas, and encourage urban rehabilitation. The process for plan modification shall follow the procedures set forth in 7-15-4212 through 7-15-4219 MCA, with respect to initial adoption of this plan. For purposes of urban renewal district boundary changes only, the notice of public hearing, as described in 7-15-4215 MCA, may only be mailed to those owners whose properties are situated within the area of expansion or contraction of the Urban Renewal District boundaries. In cases where the boundaries are not modified, but the contents of the urban renewal plan are substantially modified, notification shall be mailed to all owners of property within the Urban Renewal District area.

Section 9 - Housing (Conservation of existing affordable housing)

Housing is an important element to the district. Providing the district with housing opportunities is vital to the sustainability of the district. With housing opportunities, individuals and families can live and work within the district. This provides a dual benefit, first the commute to work for individuals will be reduced and second the businesses within the district will have a local work force to draw from.

Current housing in the area consists of single-family, duplex, and multi-family units and include rental units and owner-occupied. Also, manufactured home parks are located within the district. The main concentration of housing is located in the central and eastern portion of the district. During the summer of 2007, the Planning Division developed a map of existing housing conditions within the City of Billings. The information was generated through the Yellowstone County CAMA (Computer Assisted Mass Appraisal) detail system. Properties were queried that were labeled as either unsound, poor, fair or incomplete. This resulted in approximately 2,390 properties within the city limits that met this query. Out of the 2,390, 562 or 24% were located in the SBBURD. Of the 562 residential structures, 7 were rated as unsound, 184 as poor and 371 as fair.

Future housing for the district is encouraged to be developed for the goal of ownership. When rental housing occurs, such facilities shall be developed in connection with mixed-uses and managed by a company that will provide active policy measures to eliminate crime and blight. Approval of multi-family housing will require either a Zone Change or Special Review request that requires approval by the City Council.

Housing in the area shall also be designed to cater to a variety of income demographics as well. All current affordable housing needs in the district shall be accounted for through the development of owned and rental housing that remain within the district. Housing for mid- and higher level income groups shall also be encouraged. To avoid creation of substandard housing or encourage future blight, mixed-use housing developments shall incorporate all income demographics within the same project in a safe and positive way.

Section 10 - Transportation and Pedestrian Circulation

The transportation and circulation situation in the TIF district should be a major focus during redevelopment of the area. Traffic patterns and access issues can affect the function and livability of a community or neighborhood.

During discussions and public meetings, it was apparent the current street conditions and lack of adequate transportation and pedestrian facilities was a high priority for property owners. The majority

of traffic that comes into the district is either pass-through or destination traffic to the major transportation routes located within the district. In addition, the lack of sidewalk and pedestrian routes is a concern with the number of schools and parks located in the district. Safe and attractive pedestrian amenities, such as sidewalks, boulevards, crosswalks, improved signage and shelters or benches would greatly enhance pedestrian experiences.

Section 11 - Public Services and Facilities

Currently there are four public schools located within the district; three elementary schools and one middle school. A concern mentioned many times by residents was the lack of sidewalks for school children to get to school. It was observed that many students are walking directly in the street due to a lack of sidewalks. The creation of a Safe Routes to School Plan should be created to address this concern. In addition to schools, there are several developed parks located in the district. Amend Park provides a multi-use facility for soccer and rugby as well as picnic sites and shelters. Optimist Park has a variety of amenities that include basketball courts, jogging trails, playground, softball and baseball fields and picnic areas. Ponderosa Park provides horseshoe courts, playground, softball and baseball fields and soccer and rugby fields. The City of Billings also provides services to the district with MET Transit and the Southgate Cop Shop. Currently two MET routes serve the neighborhood; the Central and the Southside Loop. Both of these routes travel to and from the Stewart Park and Downtown Transfer Centers. The Southgate Cop Shop was reopened in May of 2007 and operates on Monday, Wednesday and Friday from 4 - 7 p.m. The station is a neighborhood police contact center currently staffed by volunteers. Residents are encouraged to use the Cop Shop to report crimes, suspicious activities or obtain inf01mation and assistance.

Section 12 - Infrastructure and Utilities

The district has infrastructure and utilities deficiencies that need to be addressed prior to any large influx of redevelopment or new building construction. Water and sewer conditions need to be addressed due to out of date installations, inadequate lines, or increases in impacts to existing structures.
The storm water drainage situation is particularly troublesome as many areas either have inadequate storm water facilities or none at all.

By upgrading infrastructure and utilities, therein lies the opportunity for more attractive development opportunities.

Section 13 - Urban Renewal Projects and Programs

The Urban Renewal Projects were identified by property owners within the district during the public meetings at the time the Plan was first adopted in 2008 and also during the amendment process in 2019. Information for the 2008 Plan adoption process utilized the Southwest Corridor Task Force meetings and delivery through comments mailed to the Planning Division. For the 2019 amendment process, a public meeting was held at Orchard Elementary School on May 30, 2019 where projects ideas and comments were collected, as well as at the South Billings Urban Renewal Association meeting on June 4, 2019. It is the City's intent to use Tax Increment to finance public improvement projects. In addition to TIF financing, the City may also use Special Improvement District financing as well as grant funding through but not limited to, the Community Development Block Grant Program. By combining funding opportunities, more projects will be able to be completed.

The project and program list below encompasses both items included in the 2008 Plan as well as the new project recommendations for the 2019 Plan amendment. The items are identified by the year:

2008 Project and Program Recommendations:

Project: Traffic calming measures on Calhoun and Orchard Streets.

Project: Street improvements on Newman Drive between Simpson and Stone Streets, install curb and gutter.

Project: Pave, curb and gutter on Simpson from Calhoun to Newman.

Project: Widen, curb and gutter (where needed) and repave Calhoun the full

length. Project: Widen, curb and gutter (where needed) and repave Orchard the

full length. Project: Widen, curb and gutter (where needed) and repave

Hallowell the full length.

Project: Widen, curb and gutter and install bike path or sidewalk the full length of King Avenue East from Parkway to Riverside Drive.

Project: Safety to school plan.

Project: Crosswalks within the district (where needed).

Project: Sidewalks within the district (where needed).

Project: Street lights along King Avenue East.

Project: Street widening at Optimist Park.

Project: 4100 Block of Vaughn Street - sidewalk.

Project: 4100 Block of Vaughn - public sewer needed, drainfields

failing. Project: Bike/pedestrian routes along King Avenue.

Project: Sewer improvements on South Billings Boulevard from Mitchell north to Underpass Road. Sewer line currently runs east under adjoining residential development.

Project: Repave Morgan Avenue between Hallowell Lane and Jackson Street include sidewalks, street lights.

Project: Install public sewer along Morgan Avenue that includes storm water

improvements. Project: More bike trails throughout neighborhood.

Project: Park improvements for Little League and soccer leagues.

Project: Community Resource Officer within the neighborhood to steer kids away from drugs and promote a safe neighborhood.

Project: Pave Newman Lane behind Newman Elementary School.

Project: Storm water improvement at the Northeast comer of Phillip and

Hallowell. Project: Need school zone signage at Newman Elementary School.

Project: Installation and improvement of municipal water and sewer lines within the

district. Project: Installation of sidewalks on Jackson Street (where needed).

Project: Stop light at South Billings Boulevard and Midland Road.

Project: Neighborhood wide traffic study for traffic calming

strategies.

Project: Assess adequacy of fire hydrants throughout the neighborhood and add fire hydrants as needed.

Project: Traffic light at State Avenue and Hallowell Lane.

Project: Continuation of street lights on Jackson to King

Avenue.

In addition to property owner identification of projects for the district, the City of Billings Public Works Department has several ongoing or future infrastructure projects scheduled. These projects include the following:

- Orchard Lane - Replacement of a water main in Orchard Lane from just south of King Avenue East to Underpass Avenue. This project is scheduled for the spring or fall of 2009.
- Calhoun Lane – Replacement of water main in Calhoun Lane from King Avenue East to Underpass Avenue. This project could be scheduled for 2010 or 2011.
- Jackson Street - Jackson Street is split into two phases. The first phase will provide sidewalk and drive approaches on the west side of Jackson Street from King Avenue East to Ryan Avenue. The second phase will provide drive approaches, sidewalk, curb and gutter, and ADA ramps along both sides of Jackson Street from State Avenue to Kratz Lane. These

phases are programmed in the FY 2009 Budget

- Newman Lane and Bruce Avenue - Sanitary sewer rehabilitation work was completed in the TIF district in 2007 at Newman Lane and Bruce Avenue.

2019 Project and Program Recommendations:

Parks & Recreational Amenities – Construct and enhance public facilities that will increase the quality or quantity of parks and recreational activities within the District. This may include, but is not limited to, a recreation center, swimming pool, ice arena, indoor and outdoor park development, and other amenities.

Public Safety – Construction of Police or Fire facilities within the District, to include necessary furnishings for such facilities.

Railroad Infrastructure – Coordinate with BNSF Railway and Montana Rail Link on safety and long-term viability of railroad crossings and corridors in the District and cooperate on projects with the railroads and City of Billings.

Walking Paths and Trails – Construct sidewalks, trails and pathways throughout the District with landscaping to ensure the safety of children and all pedestrians, as well as provide access to neighborhoods and services.

Transportation Corridor Improvements – Construct and reconstruct transportation infrastructure in the District to include streets, sidewalks, lighting, traffic control, multi-purpose side paths, landscaping, water, sewer, stormwater, and transit access projects.

School and Community Services – Assist in funding projects and programs in the District to enhance school playgrounds and athletic fields, health and wellness programs, access to community meeting and activity spaces, and other efforts that improve access to school and community services.

Section 14 - Identified Projects and Programs in Relationship to the Goals and Objectives Respective to the 2016 City of Billings Growth Policy

One of the requirements of Montana's Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43, MCA) is that the urban renewal plan must conform to the community's growth policy. The 2016 City of Billings Growth Policy ("Growth Policy") refers to and promotes economic development and urban renewal in a variety of ways. The preceding list of urban renewal goals listed in Section 13 are relevant to the Growth Guidelines identified in the Growth Policy in the following areas:

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City

- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure may be the most cost effective
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

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

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Implementation of the Infill Policy is important to encourage development of underutilized properties

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Homes that are safe and sound support a healthy community

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy

Section 15 - Neighborhood Planning

Another tool that is expected to be used in the future to address current conditions within the district and the identification of neighborhood needs will be accomplished through the creation of a Neighborhood Plan. A neighborhood plan may be drafted for this area of Billings in the next three or four years based on available funding. The purpose of the neighborhood plan is to assist residents, governing agencies, planners and developers in making the right choices when determining future growth patterns and development within the neighborhood. The plan also encourages local government, developers and businesses to discuss future land use decisions with neighborhood residents and business owners prior to the proposed land use change. The neighborhood plan is not a regulatory document; instead, it is adopted by the City Council and the Board of County Commissioners as an implementation strategy and is part of the City of Billings and Yellowstone County Growth Policy as an advisory document. The neighborhood plan would be implemented through the City's Capital Improvement Program Planning and by the Southwest Corridor Neighborhood Task Force.

The plan would include general and specific recommendations that reflect the values of the community, encourage sound decision-making, and empower people to take action. The plan also includes realistic implementation strategies that involve both private and public actions, as well as regulatory decisions.

Section 16- Conclusion

The South Billings Boulevard Urban Renewal District has a tremendous amount of potential to become a viable and reliable economic engine. The district has a great potential to become a destination place where Billings residents, business owners, and visitors will purposefully go to conduct business, have goods and services manufactured and enjoy recreation and leisure activities. At the end of the life of this TIFD program it is the hope of all involved that this area of Billings will be a wonderful place to live, work and play far into the future.

ORDINANCE 19-5725

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE SOUTH BILLINGS BOULEVARD URBAN RENEWAL PLAN FOR THE SOUTH BILLINGS BOULEVARD URBAN RENEWAL DISTRICT (SBBURD), FORMED BY THE CITY IN NOVEMBER 2007 AND EXPANDED IN NOVEMBER 2008, BE AMENDED BY REVISING SECTIONS 1, 8, 13 AND 14, PROVIDING FOR ADDITIONAL PROJECTS TO BE FUNDED AND CONSTRUCTED IN THE FUTURE IN THE SBBURD, AS WELL AS UPDATING THE PLAN TO REFLECT THE AMENDMENT PROCESS.

WHEREAS, this Council on May 12, 2008, established the South Billings Boulevard Urban Renewal District and adopted the South Billings Boulevard Urban Renewal Plan under Ordinance 08-5462,

WHEREAS, this Council on December 8, 2008, modified the South Billings Boulevard Urban Renewal District and modified the South Billings Boulevard Urban Renewal Plan under Ordinance 08-5484,

WHEREAS, opportunities have been presented to the City that make it desirable for the City to amend the South Billings Boulevard Urban Renewal Plan to enable further development and redevelopment of properties, demolishing blighted structures, improving such properties with, landscaping, utilities, and other similar improvements, assembling such properties, and making the properties so improved available for private redevelopment.

WHEREAS, the City Council has made amendments to the South Billings Boulevard Urban Renewal Plan as outlined in this Ordinance and as attached as Exhibit A.

WHEREAS, the South Billings Boulevard Urban Renewal Plan has been reviewed and approved by the Yellowstone County Board of Planning, as evidenced by the Board's letter provided to the City Council and the meeting minutes of June 25, 2019.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That Section 1 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

On May 12, 2008 the City of Billings adopted an ordinance creating the South Billings Boulevard Urban Renewal District (SBBURD) and established a Tax Increment Finance District. As part of this ordinance, an urban renewal plan and the boundaries of the tax increment finance district were adopted.

Public participation for preparing the urban renewal plan involved public meetings and participation with the City of Billings, the Southwest Corridor Neighborhood

Task Force, residents and property owners, Downtown Billings Partnership, and Big Sky Economic Development Authority.

In October of 2008, the City began a modification of the SBBURD to include three additional properties. Two of these properties were recently annexed and contiguous to the existing SBBURD; therefore, the properties are now eligible to be included within the SBBURD. The third property is contiguous and requested an expansion of the district boundary. The modification of the urban renewal plan will reflect the addition of those properties.

The December 2008 modification of the urban renewal plan ~~will~~:

- Served as a framework for the official urban renewal plan
- Fulfilled Montana state law
- Updated and define district boundaries
- Classifiedy blight
- Set forth the protocol for its authorization, execution, and management
- Illustrated the development opportunities
- Documented baseline taxable property values and potential areas for redevelopment

The July 2019 amendment of the urban renewal plan will:

- Identify future projects and programs
- Ensure the City has the option to bond future projects
- Update to the 2008 Plan to reflect the 2019 amendment process

Section 8. That Section 8 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

Stakeholder and Community Participation

The initial concept of developing a Tax Increment Finance District and an Urban Renewal Plan in the South Billings Boulevard area was brought forward by the City of Billings, Big Sky Economic Development Authority and the Downtown Billings Partnership. After discussions and meetings with the Southwest Corridor Task Force, it was determined that a steering committee would be established to move forward with the development of an Urban Renewal Plan for the creation of the South Billings Boulevard TIF District. After discussions with the participating members, it was apparent that direct communication with business owners, landowners and public participation was critical for the project to be a success. Two public meetings were scheduled to open dialogue on the proposed Urban Renewal Plan and TIF District

process, and to set goals and objectives of the project. It also became clear that a grass-roots effort conducted and led by the property owners themselves was needed.

In October of 2008, the city began an urban renewal plan modification process to include 3 additional properties to the district pursuant to Montana Code section 7-15-4221. All property owners affected by the urban renewal plan modification were notified by mail of the public hearing on the Urban Renewal Plan held November 24, 2008.

In May 2019 the City in coordination with the South Billings Urban Renewal Association began the process to amend the South Billings Urban Renewal Plan. All property owners affected by the urban renewal plan amendment were notified by mail of a public meeting to discuss and receive public comment on the Plan amendment on May 30, 2019. All property owners affected by the urban renewal plan amendment were also notified of the public hearing on the Urban Renewal Plan held July 8, 2019.

Planning, City Administration and Legal Review

During the many meetings with the local property owners and the Southwest Neighborhood Task Force, it was decided to begin the process of finalizing the urban renewal plan and take it to the city council before the end of 2007. The urban renewal plan was sent to the City Legal Department and City Administration for review and comments. Comments and recommendations from both City Legal and City Administration were taken into account and incorporated into this plan.

The plan was also sent to the Yellowstone County Board of Planning for its review and recommendations regarding the plan's confo1mity to the 2003 Growth Policy Plan. A recommendation of approval was passed by the Planning Board on October 23, 2007. The plan was then presented at a City Council Work Session on November 5, 2007. The public hearing and first reading of the Ordinance was held by the City Council on November 26, 2007 with the second reading and final adoption on December 10, 2007.

The modification to the SBBURD plan began in October of 2008. On November 10, 2008, the Billings City Council passed a Resolution Declaring Blight, Intent to Modify the District, and Setting a Public Hearing Date. The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council with regard to the plan's conformity with the 2003 Growth Policy on November 12, 2008. The affected property owners were notified of the plan's modification and public hearing notices were published on November 6, 2008 and November 13, 2008 for the first reading and public hearing on the modification of the plan.

The City initiated an amendment to the SBBURD plan in May 2019 to ensure future projects contemplated by the City and also provided by public comments and recommendations would be possible if funded by bonding or directly through tax

increment funds generated by the SBBURD. The process to amend the plan has followed the process described in Montana Code as follows: The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council with regard to the plan's conformity with the 2016 Growth Policy on June 25, 2019. The affected property owners were notified by mailed postcard of the plan's modification, and public hearing notices were published on June 28, 2019 and July 5, 2019 for the first reading and public hearing on the plan amendment.

Section 13. That Section 13 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

Section 13 - Urban Renewal Projects and Programs

The Urban Renewal Projects were identified by property owners within the district during the public meetings at the time the Plan was first adopted in 2008 and also during the amendment process in 2019. Information for the 2008 Plan adoption process utilized the Southwest Corridor Task Force meetings and delivery through comments mailed to the Planning Division. For the 2019 amendment process, a public meeting was held at Orchard Elementary School on May 30, 2019 where projects ideas and comments were collected, as well as at the South Billings Urban Renewal Association meeting on June 4, 2019. It is the City's intent to use Tax Increment to finance public improvement projects. In addition to TIF financing, the City may also use Special Improvement District financing as well as grant funding through but not limited to, the Community Development Block Grant Program. By combining funding opportunities, more projects will be able to be completed.

The project and program list below encompasses both items included in the 2008 Plan as well as the new recommendations for the 2019 Plan amendment. The items are identified by the year:

2008 Project and Program Recommendations:

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Project: Pave, curb and gutter on Simpson from Calhoun to Newman.

Project: Widen, curb and gutter (where needed) and repave

Calhoun the full length. Project: Widen, curb and gutter (where

needed) and repave Orchard the full length. Project: Widen, curb

and gutter (where needed) and repave Hallowell the full length.

Project: Widen, curb and gutter and install bike path or sidewalk the full length of King Avenue East from Parkway to Riverside Drive.

Project: Safety to school plan.

Project: Crosswalks within the district (where

needed). Project: Sidewalks within the district

(where needed).

Project: Street lights along King

Avenue East. Project: Street

widening at Optimist Park.

Project: 4100 Block of Vaughn Street - sidewalk.

Project: 4100 Block of Vaughn - public sewer needed,

drainfields failing. Project: Bike/pedestrian routes along

King Avenue.

Project: Sewer improvements on South Billings Boulevard from Mitchell north to Underpass Road. Sewer line currently runs east under adjoining residential development.

Project: Repave Morgan Avenue between Hallowell Lane and Jackson Street include sidewalks, street lights.

Project: Install public sewer along Morgan Avenue that includes storm

water improvements. Project: More bike trails throughout neighborhood.

Project: Park improvements for Little League and soccer leagues.

Project: Community Resource Officer within the neighborhood to steer kids away from drugs and promote a safe neighborhood.

Project: Pave Newman Lane behind Newman Elementary School.

Project: Storm water improvement at the Northeast comer of Phillip

and Hallowell. Project: Need school zone signage at Newman

Elementary School.

Project: Installation and improvement of municipal water and sewer lines

within the district. Project: Installation of sidewalks on Jackson Street

(where needed).

Project: Stop light at South Billings Boulevard and

Midland Road. Project: Neighborhood wide traffic study

for traffic calming strategies.

Project: Assess adequacy of fire hydrants throughout the neighborhood and add fire hydrants as needed.

Project: Traffic light at State Avenue and

Hallowell Lane. Project: Continuation of street

lights on Jackson to King Avenue.

In addition to property ~~1iy~~ owner identification of projects for the district, the City of Billings Public Works Department has several ongoing or future infrastructure projects scheduled. These projects include the following:

- Orchard Lane - Replacement of a water main in Orchard Lane from just south of King Avenue East to Underpass Avenue. This project is scheduled for the spring or fall of 2009.
- Calhoun Lane – Replacement of water main in Calhoun Lane from King Avenue East to Underpass Avenue. This project could be scheduled for 2010 or 2011.
- Jackson Street - Jackson Street is split into two phases. The first phase will provide sidewalk and drive approaches on the west side of Jackson Street from King Avenue East to Ryan Avenue. The second phase will provide drive approaches, sidewalk, curb and gutter, and ADA ramps along both sides

of Jackson Street from State Avenue to Kratz Lane. These phases are programmed in the FY 2009 Budget

- Newman Lane and Bruce Avenue - Sanitary sewer rehabilitation work was completed in the TIF district in 2007 at Newman Lane and Bruce Avenue.

2019 Project and Program Recommendations:

Parks & Recreational Amenities – Construct and enhance public facilities that will increase the quality or quantity of parks and recreational activities within the District. This may include, but is not limited to, a recreation center, swimming pool, ice arena, indoor and outdoor park development, and other amenities.

Public Safety – Construction of Police or Fire facilities within the District, to include necessary furnishings for such facilities.

Railroad Infrastructure – Coordinate with BNSF Railway and Montana Rail Link on safety and long-term viability of railroad crossings and corridors in the District and cooperate on projects with the railroads and City of Billings.

Walking Paths and Trails – Construct sidewalks, trails and pathways throughout the District with landscaping to ensure the safety of children and all pedestrians, as well as provide access to neighborhoods and services.

Transportation Corridor Improvements – Construct and reconstruct transportation infrastructure in the District to include streets, sidewalks, lighting, traffic control, multi-purpose side paths, landscaping, water, sewer, stormwater, and transit access projects.

School and Community Services – Assist in funding projects and programs in the District to enhance school playgrounds and athletic fields, health and wellness programs, access to community meeting and activity spaces, and other efforts that improve access to school and community services.

Section 14. That Section 14 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

Section 14 - Identified Projects and Programs in Relationship to the Goals and Objectives Respective to the 2016 City of Billings ~~County~~ Growth Policy ~~Plan~~

One of the requirements of Montana's Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43, MCA) is that the urban renewal plan must conform to the community's growth policy. The ~~Yellowstone County and~~ 2016 City of Billings ~~2003~~ Growth Policy ~~Plan~~ ("Growth Policy") refers to and promotes economic

development and urban renewal in a variety of ways. The preceding list of urban renewal goals listed in Section 13 are relevant to the ~~goals~~ Growth Guidelines identified in the Growth Policy in the following ~~elements~~areas:

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure may be the most cost effective
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings

- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

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

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Implementation of the Infill Policy is important to encourage development of underutilized properties

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Homes that are safe and sound support a healthy community

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation

- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy

PASSED by the City Council on first reading this 8th day of July, 2019.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of July, 2019.

CITY OF BILLINGS:

CITY OF BILLINGS • SEAL • YELLOWSTONE COUNTY, MONTANA

By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk

RESOLUTION NO. 18-10750

A RESOLUTION OF THE CITY OF BILLINGS FORMING A POLICY FOR THE ADMINISTRATION OF URBAN RENEWAL AREAS OR DISTRICTS (URD) IN THE CITY.

WHEREAS, MCA, Title 7, Chapter 15, Part 42, Section 51 declares: General powers of municipalities in connection with urban renewal. Every municipality shall have all the power necessary or convenient:

(1) To carry out and effectuate the purposes and provisions of this part and part 43;

(2) To undertake and carry out urban renewal projects within the municipality, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part and part 43, and to disseminate blight clearance and urban renewal information;

(3) To organize, coordinate, and direct, within the municipality, the administration of the provisions of this part and part 43 as they apply to such municipality in order that the objective of remedying blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively;

(4) To exercise all or any part or combination of powers granted in this part or part 43; and

WHEREAS, the City of Billings reviews and adopts Urban Renewal Plans for each of its Urban Renewal Districts, and those Plans specify goals for each Urban Renewal District; and

WHEREAS, the City of Billings may establish local policies that guide the establishment, operations, funding and governance of urban renewal districts; and

WHEREAS, development of TIF (Tax Increment Financing) Policies would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

That the City Council now makes and adopts the following TIF Policy:

CITY OF BILLINGS TAX INCREMENT FINANCE POLICY

1. PERMITTED USES OF TIF FUNDS. TIF funds may be used for costs outlined in MCA, Title 7, Chapter 15, Part 42, Section 88. Urban Renewal Plans adopted by the City may limit what TIF funds may be spent on in any Urban Renewal District. Eligible costs may include, but are not limited to:
   a. Land acquisition and assemblage, demolition and removal of structures, relocation of occupants, analysis to determine needs of an urban renewal area, administrative cost for redevelopment activities.
   b. Public infrastructure, including, but not limited to: streets, storm drains, parking, public buildings, water and sewer lines, sidewalks, utility connections.
   c. Private infrastructure with public benefit, including, but not limited to, building façades, windows, doors, fire suppression or alarm systems, storm drainage, environmental remediation, parking, and ADA access.

2. FINANCIAL ASSISTANCE THROUGH TIF. All financial assistance must be approved by the City Council prior to any activity receiving funding. Financial assistance should be requested prior to beginning construction. All activity (design and construction) must be completed prior to issuance of TIF funds from the City Finance Department. Financial thresholds and assistance tools are as follows:
   a. A minimum of $\geq$ $5 of private investment for every $1 of public investment is the preferred threshold to be met for each TIF application. The City Council reserves the right to approve any application that does not meet this minimum. The City Council also may make exceptions for projects of less than $100,000, and for publicly owned projects, properties or facilities.
   b. Grants may be made for uses listed in Part 1 above benefitting any government owned-land or buildings and for profit and non-profit businesses.
   c. Bonding may be available at the discretion of the City Council.
   d. All TIF grants will be formalized by a development agreement that must be signed by the grantee before the City will reimburse eligible expenses.

3. URD MANAGEMENT. Each URD in the City of Billings will be managed as follows:
   a. Each URD should maintain a non-profit advisory board to make recommendations to the City Council regarding TIF expenditures. Unless specifically authorized by a Memorandum of Understanding (MOU) referenced in 3(b) below, a majority of board members must own or lease property within the district, or must represent such owner or lessee, and may include representation from residential or commercial property owners or lessees. Advisory Boards must carry insurance for their members and provide proof of insurance to the City.
   b. A MOU must be executed between the advisory board and the City Council that defines the board's roles, responsibilities, authority, and processes, including for hiring and maintaining board support staff. The MOU must

contain language addressing conflict of interest situations for board members whose property may directly benefit from a TIF expenditure and for board support staff. The MOU also must include language that if there is the appearance of a conflict of interest the issue will be reviewed by City legal staff before moving forward.

c. Training for all URD advisory boards will be conducted biannually in coordination with City staff and URD support staff. The training must include, but is not limited to: review of URD and TIF laws, Administrative Rules, ethics, conflicts of interest, meeting management, and maintenance of minutes and records.

d. URD financial reporting will be consistent across all URDs and be set by coordination between the City Finance Director and the Planning and Community Services Director, and URD support staff.

e. TIF application review and City Council staff report preparation will be conducted by the Planning and Community Services Department Director, in coordination with the Assistant City Administrator, Finance Director, and URD support staff.

PASSED by the City Council and APPROVED this 9th day of July, 2018.

CITY OF BILLINGS

BY: William A Cole
William A. Cole, Mayor

CITY OF BILLINGS SEAL YELLOWSTONE COUNTY, MONTANA

ATTEST

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

City Council Regular

Date:	10/28/2024
Title:	Subdivision Regulation Updates for the City of Billings - 2nd Reading
Presented by:	David Green
Department:	Planning & Community Services
Presentation:	Yes
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

The Planning Board and Staff recommends the City Council adopt the amended City Subdivision Regulations, as amended in the attached ordinance and per the summary of changes provided in this memo. The amended ordinance reflects both legislative changes and local changes provided by City Planning, Engineering, Parks and Fire Department staff. The City Council also provided some edits during its First Reading of the ordinance at its meeting on October 14. City Council voted to update the wording for road widths. This update is reflected on page 45 of the attached subdivision regulation ordinance (A track changes version of the changes is also available on page 52 of the Draft Subdivision Regulations attached to this memo).

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

The Planning staff, after consultation with other departments and divisions of the city, many meetings and listening sessions with the development community, and many meetings with the City Council is bringing forward the proposed updated subdivision regulations for the City of Billings (City).

The Planning Division has diligently worked on updating the subdivision regulations to incorporate recent state legislative amendments and to align them with new documents and policies within the city. In addition, staff is proposing general document updates, including electronic submission requirements.

During the last 10 months, staff have consulted with other divisions within the city. Those divisions include City Engineering, City Fire Department, City Police Department, City Parks, Transportation Planning and the Alternate Modes Coordinator, and Zoning Coordinator. Staff also has taken comment and made changes per public input from the development community, and made amendments per City Council suggested edits.

The new subdivision regulations have three main drivers for the update:
1. Changes required by State Statutes because of legislative changes/updates
2. Moving regulations from zoning to subdivision regulations for consistency and a single point of reference
3. Changes /additions to the subdivision regulations requested by City and County Departments.

- On February 13, 2024, staff made a presentation to developers and engineers for their input on the proposed subdivision update. That meeting was held in the Billings Library Community Room.
- On March 12, 2024, there was a discussion meeting with the Planning Board where further input from the board and members of the public was received.
- The Planning Board held a public hearing on March 26, 2024, at which time the Planning Board delayed the subdivision regulation updates 60 days so that further stakeholder input and clarification of the regulations could be provided to the Planning Board.
- During the delay, Planning Department, City Engineering, City Parks and County Public Works held two public meetings to further discuss the proposed updates and additions to the subdivision regulations on April 23 and May 7.
- On May 29, 2024, the Planning Board held another public hearing regarding the Subdivision Regulations Update. Member Dennie Stephenson motioned to recommend approval of the Subdivision Regulations Updates 2024. Member Jim Ronquillo seconded the motion. The Planning Board voted unanimously to recommend the Subdivision Regulations Update 2024 to the City Council (and County Regulations to the County Commissioners).
- Planning Staff presented the City Subdivision Regulations to the City Council on June 3 and July 1 Work Sessions.
- On July 25, 2024, Mac Fogelsong sent an email to City Council regarding lighting and road width proposed to be in the Subdivision Regulations. During the August 5th City Council Work Session, these items were further discussed.
- A public hearing was held on October 14, 2024. City Council voted to approve the Subdivision Regulations on an

8-3 vote with an update to the wording for road widths. This update is reflected on page 45 of the attached ordinance. City Council also directed staff to look at the term "property" in the road widths section of the regulations. City Legal, Planning, Fire and Engineering staff met and discussed this at length prior to resubmital of this memo for Second Reading. It was determined that it was better to reference City staff review of road width proposals per the proposed language in the regulations and not to try and define property as it is used throughout the subdivision regulations and is better to be left as is.

- A Second Reading of the proposed Subdivision Regulations will be held October 28th, 2024.

STAKEHOLDERS

The public and other key stakeholders have had multiple opportunities to participate in the subdivision regulation amendment process. Here is a timeline of meetings from most recent provided below:

October 14 City Council Public Hearing and First Reading of Ordinance

Staff gave a brief overview of the proposed subdivision changes. Staff then moved on to the questions that had been brought up by City Council at the previous meeting of August 5, 2024. Those included lighting, road widths and Traffic Studies. Traffic studies were addressed as requested and there were no other questions about those. There were a couple of questions regarding road width and what was being proposed. A couple of edit recommendations were presented and those were acceptable to council members. The final item of discussion was street lighting. There were some questions to staff about timing of installation and could installation be delayed. Staff explained that the developer has an option to obtain final plat without installing all infrastructure using a financial guarantee for infrastructure installation. There were other questions about lighting and discussion of benefits of lighting in residential neighborhoods. There were a couple of edits requested by council members for further clarification in the subdivision regulations that will be presented at the second reading.

The public hearing was open, one member of the public stood in support of the proposed subdivision regulations, specifically the proposed requirement for lighting in residential neighborhoods. Another member of the public stood to speak about the proposed subdivision regulations and their opposition of the proposed lighting in residential neighborhoods.

A motion was made to approve the subdivision regulations with the minor wording additions proposed by council; the motion was seconded. There was some discussion about the proposed regulations and then a vote took place on the motion. The motion passed with 8 council members voting to approve the motion and 3 council members voting to deny the motion. The updated wording edits are reflected on page 45 of the attached ordinance.

August 5 City Council Work Session

Staff gave an overview of topics brought up at the July 1st Council Meeting: streetlights and street widths. Staff reviewed these topics showing alternates on how to address each issue. Mac Fogelsong reviewed how traffic and street issues had been addressed. Jamie Fender spoke about on-street parking and concerns about narrow street widths. Neil Lawrence spoke about how narrow street widths affected the Police Department. Nate West spoke about CPTED lighting and how good lighting was one of the most effective crime deterrents. There was some general council questions and discussion.

July 1st City Council Work Session

Staff gave presentations in response to the discussion that took place at the June 3rd work session. Additional discussion brought up new questions concerning street widths, requiring street lighting, sidewalks, road widths, traffic studies and cul-de-sacs. Items discussed within the July 1st City Council Work Session were outlined with staff recommendations in a memo sent to Council on July 25th. Staff will provide clarification, suggestions and answers to these items among others within the presentation on August 5th.

June 3rd City Council Work Session

A presentation was given to the City Council about the proposed updates to the subdivision regulations for the city. These proposed updates include new state legislative changes and updates to the subdivision regulations to remove old information, to clarify some existing language and procedures and to add new items which include some CPTED principles. Some items are for safety and more connected neighborhoods. During this meeting, Council's discussion centered around a few items, street design, street widths, sidewalks vs. trails, streetlights in residential neighborhoods, costs, details about types of lights meeting night sky standards. There were also questions about limiting Cul-de-sacs. City Council asked for more information on what other communities in Montana are doing with lighting, cul-de-sacs and street widths. Also, more details on what costs are for different types of streetlights and different costs for different ways of installation of lights.

May 29th Planning Board Public Hearing

The Planning Board held a meeting May 29th, after the 60-day delay they asked for in March, to discuss the proposed amended subdivision regulations. There were two people there that commented. One person spoke in favor of the proposed amendments to the subdivision regulations and stated that lighting in residential developments is a good step toward more safety and CPTED recommendations. The second person spoke positively about the amended subdivision regulations with the exception of lights being required in residential development. They felt it would add too much to the cost of lots.

The community is directly affected by the changes proposed to the regulations. There are benefits to the community by increasing consistency of requirements, clarity, and some long-term development improvements for future subdivisions. Staff has communicated the proposed changes to the developers and firms that assist in development applications as these are the parties that operate and propose development under regulations. Ensuring good communication with these parties and understanding of proposed changes is important to ensure future development is consistent with the regulations.

March 26th Planning Board Public Hearing Discussion

There was discussion regarding the cost of creating the street lighting infrastructure, which would be paid for by the developer. The cost to maintain electricity for the lights is that of the homeowners via a Light District, which would be a percentage allocated to each homeowner. Another question that was asked was the type of lighting that would be required to be installed. The board discussed other potential costs for family transfers, parkland, and roads.

Public Comment at the March 26th Planning Board Public Hearing:
One individual, Doug Wilde, stated he owns a development company and said the costs to the developer are passed on to the homeowner. The city pays for lighting costs if associated with an arterial street, the state pays if it is a designated US Hwy. Mr. Wilde also stated, if only a portion of an arterial street lies by a new subdivision, it would not make sense to have sporadic lighting. This section should be taken out of the regulations entirely, according to Mr. Wilde.

Staff stated that the board may make a recommendation to withdraw new language from the regulations that is not required by legislative updates or new processes.

Mr. Steve Simonson stated that owning a home is the cornerstone of building wealth. Some regulation changes will increase housing costs and cause people to not be able to afford to purchase a home. Realtors and Home Builders are asking for more time to answer questions and consider changes being proposed.

The Planning Board made a motion to delay action on the proposed amended subdivision regulations for 60 days. The motion was seconded and approved unanimously.

The other public input opportunities included:

- On March 12, the Planning Board held a discussion meeting about the proposed updated subdivision regulations. Staff gave a presentation to the Board going through each section of the regulations.
- A public hearing was held on March 26, 2024, at which time the Planning Board delayed the subdivision regulation updates 60 days.
- The Planning Department, Engineering and Parks have had three other public meetings to further discuss the proposed updates and additions to the subdivision regulations. Those meetings took place on February 13, April 23 and May 7. All three meetings were attended by members of the public. The main topics of discussion at the meetings was lighting required in residential subdivisions and park frontage/access requirements. The argument for lighting was that this item would add extra cost to the purchasers of land in the subdivision. The concerns about the park frontage issues was limiting design and street configurations. It was felt that residential lighting should not be required. One option mentioned was to have residential street lighting as an option but not required. There was one individual that felt street lighting would be a positive requirement. Residential street lighting would provide visibility and additional safety for neighborhoods.

ALTERNATIVES

The Council may:

- Approve of the regulations as amended and presented at second reading, or
- Approve the regulations with additional specific City Council amendments made at second reading; or
- Recommend denial of the regulations. Since the Council approved the regulation amendments on first reading, it would be inconsistent with past action to deny the regulations at this time.

Given that some of the changes are state-required legislative changes, it is important to make sure that they are recognized as different from local proposed amendments if proposed changes are made. The legislative changes need to be included in the amendments to align with state law.

FISCAL EFFECTS

There will be no fiscal effects on the Planning Division because of the Subdivision Regulation updates. Some amendments are expected to expedite further some subdivision processes, reducing some time for developments to be entitled and adding efficiency in this area.

Attachments

Redlined City Subdivision Regulations
Lighting Estimate Costs
Street Light Cost Table
Ordinance Subdivision Regulations

Changes from Current Code
Changes from August 5th Work Session
Changes Proposed per Staff Suggestion since August 5th

CHAPTER 23

SUBDIVISION REGULATIONS

Article 23-100. GENERAL PROVISIONS.

Section 23-101. Title.

These regulations will be known and may be cited as "The Subdivision Regulations of the City of Billings" hereinafter referred to as "these Regulations."

Section 23-102. Authority.

Authorization for these Regulations is contained in the Montana Subdivision and Platting Act (MSPA) (Title 76, Chapter 3, Montana Code Annotated (MCA)). The reviewing authority is the City-County Planning and Community Services Department.

Section 23-103. Purpose.

The purposes of these Regulations are to promote the public health, safety and general welfare of the citizens of the City of Billings by regulating the subdivision of land and to promote a vision for the development of the lands within the City for the best possible environment in which to enjoy life, experience natural features, raise a family, earn a living, conduct business, obtain an adequate education, have access to health care facilities, and to be adequately protected from crime and disasters.

These Regulations are intended to comply with Part 5 of the MSPA, and are intended to provide for:

A. The orderly development of the jurisdictional area in accordance with adopted growth policies, neighborhood plans, motorized and non-motorized transportation plans, park plans, capital improvement plans, and other adopted policies and plans.

B. The public health, safety and general welfare of existing and future residents by avoiding danger or injury by reason of natural hazard or the lack of drainage, access, emergency services or other public services.

C. The coordination of roads within subdivided land with the existing and planned transportation network and avoid and minimize traffic congestion.

D. The dedication of land for roadways and for public utility easements.

E. Proper physical and legal road access, including obtaining of necessary easements and rights of way.

F. The promotion of adequate open spaces for travel, light, air, and recreation.

G. Adequate transportation, water, drainage, and sanitary facilities.

H. The conservation of natural resources and development in harmony with the natural environment.

I. The promotion of cluster development approaches that minimize costs to local citizens and that promote effective and efficient provision of public services.

J. The efficient expenditure of public funds for the supply of public services.

K. The standardization of making and filing of any plat for subdivided lands.

L. The protection of the rights of all documented property owners affected by the proposed subdivision including water, mineral, and air.

M. The administration of these regulations by defining the powers and duties of approving authorities including procedures for the review and approval of all plats of subdivisions covered by these provisions.

Section 23-104. Jurisdiction.

These Regulations govern the subdivision of land within the City of Billings. These Regulations do not cover the Town of Broadview, and the unincorporated areas of Yellowstone County, or the City of Laurel and the four and one-half (4 ½) mile Laurel Planning Jurisdiction as shown on the map filed with the Yellowstone County Clerk and Recorder's Office (see Appendix A for jurisdiction map).

If a proposed subdivision lies partly within an incorporated city or town, the preliminary plat must be submitted to, and approved by, both the City and the County governing bodies (76-3-601(2)(c), MCA).

When a proposed subdivision is also proposed to be annexed to a municipality, the subdivision review and annexation procedures will be coordinated to minimize duplications of hearings, reports and other requirements, whenever possible (76-3-601(2)(d), MCA).

These Regulations supplement all other regulations, and where they are at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements apply.

Section 23-105. Exemptions for Certain Divisions of Land.

The Montana Subdivision and Platting Act provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the method of disposition is adopted for the purpose of evading the requirements of Title 76, Chapter 3, MCA.

The procedures, criteria and requirements provided in Appendix B shall be used to review an exemption from subdivision review and to evaluate whether the division of land is for the purpose of evading the Montana Subdivision and Platting Act.

Section 23-106. Construction Timing.

The applicant or his/her contractors may not proceed with any construction work on a proposed subdivision, including grading and excavation relating to public improvements, until the governing body has given preliminary plat approval of the proposed subdivision plat. If improvements are initiated prior to final plat approval, the subdivider shall assume all risks and liability for error in improvement placement and the improvements must comply with the conditions and agreements of the preliminary plat approval.

Section 23-107. Transfers of Title.

Except as noted below, a final subdivision plat must be filed for record with the Yellowstone County Clerk and Recorder before title to the subdivided land can be sold or transferred in any manner. After the preliminary plat of a subdivision has been approved or conditionally approved, the subdivider may enter into contracts to sell lots in the proposed subdivision if all of the following conditions are met (76-3-303, MCA):

A. That under the terms of the contracts the purchasers of lots in the proposed subdivision make all payments to an escrow agent, which must be a bank, savings and loan association, or title/escrow company chartered to do business in the State of Montana;

B. That under the terms of the contracts and the escrow agreement the payments made by purchasers of lots in the proposed subdivision may not be distributed by the escrow agent to the subdivider until the final plat of the subdivision is filed with the County Clerk and Recorder;

C. That the contracts and the escrow agreement provide that if the final plat of the proposed subdivision is not filed with the County Clerk and Recorder within two years of the preliminary plat approval, the escrow agent shall immediately refund to each purchaser any payments made under the contract;

D. That the County Treasurer has certified that no real property taxes assessed and levied on the land to be divided are delinquent; and

E. That the contracts contain the following language conspicuously set out therein: "The real property which is the subject hereof has not been finally platted, and until a final plat identifying the property has been filed with the County Clerk and Recorder, title to the property cannot be transferred in any manner."

Section 23-108. Suitability of Land.

If the Yellowstone County Board of Planning after review, finds any portion of a parcel of land proposed to be subdivided unsuitable for subdivision because of potential hazards such as flooding, land-slides, steep slopes, rock falls, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion or other features which may be detrimental to the health, safety, or general welfare of existing or future residents, they will not recommend approval of the subdivision unless the hazards can be eliminated or overcome through approved design and construction.

Section 23-109. Permission to Enter.

The governing body or its designated agent(s) or agency may investigate, examine, and evaluate the site of the proposed subdivision to verify information provided by the subdivider. The submission of a preliminary plat or final plat application constitutes a grant of permission by the subdivider to enter the subject property.

Section 23-110. Severability.

If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will affect only the part held invalid.

Section 23-111. Regulations in Effect.

Review and approval or disapproval of a subdivision under these Regulations may occur only under those Regulations in effect at the time an application for approval of a preliminary plat or an extension of preliminary plat approval is submitted to the governing body

Changes from Current Code
Changes from August 5th Work Session
Changes Proposed per Staff Suggestion since August 5th

Article 23-200. DEFINITIONS.

Section 23-201. Definitions.

Whenever the following words or phrases appear in these regulations, they shall have the meaning assigned to them by this section. The word "shall" is always mandatory, and the word "may" indicates use of discretion in making decisions.

ACCESS:

A. LEGAL ACCESS: When the subdivision abuts a public street or road under the jurisdiction of the City, the County, or the State, or when the subdivider has obtained documented, adequate, and appropriate easements from a public road to the subdivision across all intervening properties.

B. PHYSICAL ACCESS: When a road or driveway conforming to City and/or County standards provides vehicular access from a public or private road to the subdivision.

ACTIVE TRANSPORTATION PLAN ~~BILLINGS AREA BIKEWAY AND TRAIL MASTER PLAN (BABTMP)~~: *Refers to the current bike and trail master plan adopted by City Council.*

ADJOINING PROPERTY OWNERS: Persons who are owners of record and/or owners under contract for deed of properties adjoining the land being proposed for subdivision platting.

AGRICULTURE: Montana Code Annotated definitions for "agriculture" and "agricultural" will apply as follows:

41-2-103, MCA. Definitions. As used in this part, the following definitions apply: (1) "Agriculture" means: (a) all aspects of farming, including the cultivation and tillage of the soil; (b)(i) dairying; and (ii) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, including commodities defined as agricultural commodities in the federal Agricultural Marketing Act [12 U.S.C. 1141j(g)]; (c) the raising of livestock, bees, fur-bearing animals, or poultry; and (d) any practices, including forestry or lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.

81-8-701, MCA. Definitions. The following definitions apply: (1) "Agricultural and food product" includes a horticultural, viticultural, dairy, livestock, poultry, bee, other farm or garden product, fish or fishery product, and other foods.

AGRICULTURAL WATER USER FACILITIES: Those facilities which convey water for agricultural land as defined in 15-7-202, MCA, or which provide water for the production of agricultural products as defined in 15-1-101, MCA, including, but not limited to, ditches, drains, pipes, and head gates.

AGRICULTURAL WATER USER: Persons and lands legally entitled to water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right.

APPLICANT: The owner of land proposed for subdivision or the owner's legally designated representative for the purposes of submitting a request to subdivide (See SUBDIVIDER).

~~**BIKEWAY:** A generic term for any road, street, path or way, which is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.~~

BLOCK: A group of lots, tracts or parcels within well-defined and fixed boundaries. Such boundaries may include streets, railroads, irrigation ditches, streams, platted lands or a combination thereof.

BOARD OF COUNTY COMMISSIONERS: The governing body for Yellowstone County, Montana.

BOULEVARD: An area of public right-of-way or private easement between the paved edge of the street or road and the private property line. The boulevard provides for the opportunity to separate vehicle traffic from pedestrian travel. Boulevards often have sidewalks ~~and mailboxes located~~ in them and often are landscaped. A parkway median is a landscaped area located in the middle of the street or road.

CERTIFICATE OF SURVEY: A drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

CONSERVATION SUBDIVISION: A development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.

CHECKPRINT: A paper copy of the final plat submitted by the subdivider for review of errors and omissions, and compliance with Administrative Rules of Montana and conditions of approval by staff prior to submitting the final plat on mylar.

CITY COUNCIL: The governing body for the City of Billings, Montana.

CLUSTER DEVELOPMENT: A subdivision of land with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped (76-3-103(2), MCA). (See Section 23-711 for example)

CONDOMINIUM: The ownership of single units with common elements located on property submitted to the provisions of 70-23-101, et seq., MCA. The term does not include townhome or townhouse.

COVENANT (DEED RESTRICTION): A limitation contained in a deed that restricts or regulates the use of the real property, and are not enforced by the governing body.

DEDICATION: The deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted (76-3-103(3), MCA).

CITY-COUNTY PLANNING DIRECTOR: The Director of the Planning and Community Services Department or an authorized reviewing authority.

DIVISION OF LAND: The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the Montana Subdivision and Platting Act. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land (76-3-103(4), MCA).

DRIVEWAY: A vehicular access serving no more than 2 lots or 5 dwelling units.

DWELLING UNIT: Any building or portion thereof providing complete, independent and permanent living facilities. ~~for one family. A family is any number of individuals, related by blood, marriage, adoption or other legal means, including any number of minor children in foster care, and/or any number of unrelated persons (including any domestic servants or caregivers) living together in a dwelling unit. (24 CFR Part 4, Section 982.401).~~ *A building designed exclusively for residential purposes, including single-unit, two-unit, and multiple-unit dwellings, but not including hotels or motel units, bed and breakfast guest rooms, boarding or lodging houses, tourist homes, or travel trailers and/or vehicles.*

EASEMENT: Authorization by a property owner for another to use the property for a specified purpose, in which the owner agrees not to build, or otherwise obstruct or interfere with the specified purpose.

ENGINEER (REGISTERED PROFESSIONAL ENGINEER): A person licensed in conformance with the Montana Professional Engineers' Registration Act (67-37, MCA) to practice engineering in the State of Montana.

EXPEDITED REVIEW FOR CERTAIN SUBDIVISIONS: *A subdivision application, regardless of the number of lots, that meets the requirements of subsection 3 of MCA 76-3-623 is entitled to the expedited review process.*

FLOOD: When water from any watercourse or drainage rises above the bank or moves outside the channel of that watercourse or drainage (76-5-103, MCA).

100-YEAR FLOOD: A flood magnitude expected to recur on the average of once every 100 years, or a flood magnitude which has a 1% chance of occurring in any given year (76-5-103, MCA).

FLOODPLAIN: The area adjoining the watercourse or drainage that would be covered by the floodwater of a flood of 100-year frequency (76-5-103, MCA).

FLOODWAY: The channel of a watercourse or drainage and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the floodwater of any watercourse or drainage (76-5-103, MCA).

~~**GREENBELT/GREENWAY**~~ ***LINEAR PARK*****:** Corridors of protected open space managed for

conservation and recreation purposes as designated by the governing body. They often follow natural land or water features and link nature reserves, parks, cultural features and historic sites with each other and with populated areas. These corridors may be privately or publicly owned.

GROWTH POLICY: The ~~Yellowstone County and~~ City of Billings Growth Policy and any version of this policy adopted by the Billings City Council ~~and Board of County Commissioners~~ pursuant to 76-1-601, MCA.

LOCAL SERVICES: Any and all services or facilities that local government entities are authorized to provide.

LOT: A parcel, plot, or other land area created by subdivision or certificate of survey for sale, rent, or lease.

LOT MEASUREMENTS:

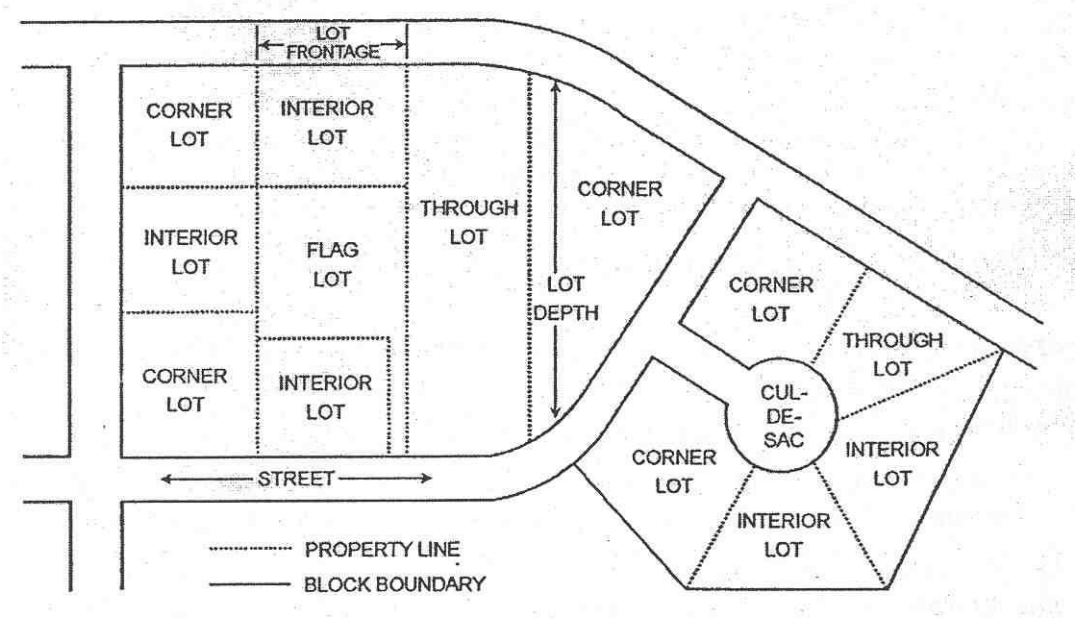
a. Lot Depth -- The length of a line drawn perpendicularly to the front lot line and extending to the rear lot line.
b. Lot Width -- The average width of the lot.
c. Lot Frontage -- The width of the lot line that fronts a public street right-of-way or public road easement where the lot usually has a driveway access.
d. Lot Area -- The area of a lot determined exclusive of street, highway, alley, road, or other rights-of-way.

LOT TYPES: (See Figure 23.200.1)

a. Corner Lot: A lot located at the intersection of two streets.
b. Interior Lot: A lot with frontage on only one street.
c. Through or Double-Frontage Lot: A lot whose front and rear lines both abut on streets.
d. Flag Lot
e. Irregular Lot

MANUFACTURED HOME: A detached residential dwelling unit, constructed on a non-removable steel chassis or frame. Each transportable unit of a manufactured home has a red certification label on the exterior section and is built according to the Manufacture Home Construction and Safety Standards (HUD Code). A manufactured homes does not include a mobile home or house-trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. (See MCA 15-1-101(m)). ~~which may consist of two or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, "trailer homes," "house trailers," and "mobile homes" whether or not the unit has been constructed after, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include "modular" or "factory-built buildings" that are fabricated at a factory in accordance with the International Residential/Building Code applicable to site-built homes, and are transported to the site for final assembly on a permanent foundation.~~

Figure 23.200.1. Lot Types



MANUFACTURED HOME SPACE: A designated portion of a parcel of land designed for the accommodation of one manufactured home and its accessory buildings or structures for the exclusive use of the occupants.

MANUFACTURED HOME PARK: A single parcel of land or a lot that is designed or used for temporary or permanent spaces for 2 or more manufactured homes where either the space for a manufactured home or a manufactured home itself is available to the general public for residential use.

MANUFACTURED HOME PAD: That area of a manufactured home space that has been prepared for the placement of a manufactured home.

MASTER PLAN (Overall Plan; Sequential Development): The plan of a subdivision designed for a single tract and proposed to be subdivided in various stages, phases or configurations.

MEDIAN: A raised divider made of dirt, concrete or other material located in the middle of a street or road between travel lanes that is often landscaped (See BOULEVARD).

MOBILE HOME OR TRAILER: See MANUFACTURED HOME.

MODULAR HOME: A dwelling unit constructed in accordance with the standards set forth in the International Residential/Building Code and bearing the insignia of the State of Montana, applicable to site-built homes, and composed of components assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY MINIMUM STANDARDS: Minimum standards promulgated by the Montana Department of Environmental Quality, pursuant to Title 76, Chapter 4, Part 1, MCA.

MONUMENT (PERMANENT MONUMENT): Any structure of masonry, metal, or other permanent, durable material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

~~**MULTI-USE PATH:** A hard or soft surfaced trail physically separated from motorized vehicular traffic by an open space or barrier and either within the public right-of-way or within an independent right-of-way. These paths may also be used by pedestrians, in-line skaters, wheelchair users, joggers and other non-motorized users.~~

MULTI-MODAL TRAIL TYPES:

- *Bike Lane: A portion of the roadway that has been designated by striping, signage, and pavement markings for the preferential or exclusive use of bicyclists. (NACTO)*

- *Buffered Bike Lane: Conventional bicycle lanes that are paired with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane and/or parking lane (NACTO).*

- *Cut-through: A linking trail through the end of a cul-de-sac or from street to street between lots within a subdivision. It can encourage diverse types of transportation. It can reduce travel time and distance for pedestrians and bicyclists to areas in and out of neighborhoods, thereby reducing vehicle trips. By increasing connectivity with cut-throughs, it can reduce the time it takes to get from point A to point B and promote mobility for people in the subdivision.*

- *Neighborhood Bikeway: A local street or series of contiguous street segments that have been modified to function as a through street for bicyclists, while discouraging through automobile travel. (AASHTO Guide for the Development of Bicycle Facilities 4th Edition)*

- *Neighborhood Trail: A paved path located outside of the right of way of between 7-9.9 feet in width.*

- *Separated Bike Lane: A separated bike lane is a facility for exclusive use by bicyclists that is located within or directly adjacent to the roadway and is physically separated from motor vehicle traffic. A separated bike lane can be configured for one- or two-way travel. (Small Town and Rural Design Guide)*

- *Shared Lane Markings (also known as sharrows): Road symbol used to indicate a shared lane environment for bicycles and automobiles. The shared lane marking is a pavement marking with a variety of uses to support a complete bikeway network; it is not a facility type and should not be considered a substitute for bike lanes or other separation treatments where these types of facilities are otherwise warranted or space permits. Sharrows consist of a double chevron and a bike symbol. The Manual on Uniform Traffic Control Devices (MUTCD) outlines guidance for shared lane markings in section 9C.07. (NACTO)*

- *Shared Use Path: a multi-use facility outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the right-of-way or within an independent alignment. Shared-use paths are used by pedestrians*

(including skaters, users of manual and motorized wheelchairs, and joggers), bicyclists, and other authorized motorized and non-motorized users. (AASHTO Guide for Pedestrian Facilities 2nd Edition)

- *Sidewalk: The portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for use by pedestrians. Sidewalks are paved in concrete. (MCA)*

- *Traffic Calming: Traffic Calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users and area residents (ITE)*

NATURAL ENVIRONMENT: The physical conditions that exist within a given area, including land, air, water, minerals, plants, animals, and objects of aesthetic significance.

NO ACCESS EASEMENT: A line designated on a subdivision plat for the purpose of restricting vehicular access from a public right-of-way to a lot.

OPEN SPACE: Any land which is provided or preserved for park or recreational purposes as designated by the governing body; conservation of land or other natural resources; historic or scenic purposes; or assisting in the shaping of the character, direction, and timing of community development. *Open space may be privately or publicly owned and shall designate through the plat or an easement whether or not the land is publicly accessible.*

PARK: *Land that is dedicated to the City through MCA 76-3-621 or acquired through a donation or purchase by the City and designated on a plat as a park. In order to be platted as a park the land must be owned by a public entity and public access is allowed. A park must be classified as defined by the City of Billings Comprehensive Parks Plan.*

Private parkland dedication may be provided instead of public when it meets the requirements of 76-3-621 (1) a b d (6)(a)(ii).

PARKLAND AMENITIES: *Amenities within a park allow passive or programmed space. Amenities will be considered if they add value to parkland. Below is a short, non-exclusive list of passive and active parkland amenities.*
Shade structure.
Sensory playground equipment.
Park benches and other park furnishings.
Water play areas, splash pads.
Picnic tables and trash cans.
Challenge course.
Slides, swings and ziplines.

PHASED DEVELOPMENT: *Where a subdivision is platted in whole but developed in phases, a phasing plan shall be prepared and included in the Subdivision Improvement Agreement by the subdivider, and reviewed and approved by the City of Billings with the preliminary plat. Phased developments are further defined in MCA 76-3-103.*

PLANNED NEIGHBORHOOD DEVELOPMENT (PND): *See BMCC 27-800.*

PLANNED ~~NEIGHBORHOOD~~ *UNIT* DEVELOPMENT (PUD): A subdivision consisting of a planned mixture of land uses such as residential clusters, industrial parks, shopping centers, and/or office building parks built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (76-3-103(10), MCA).

PLANNING BOARD: The Yellowstone County Board of Planning.

PLAT: A graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

a. Preliminary Plat: A neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnishes a basis for review by a governing body.

b. Final Plat: The final drawing of the subdivision and dedication required to be prepared for filing for record with the County Clerk and Recorder containing all elements and requirements set forth in these regulations and the Montana Subdivision and Platting Act (76-3, MCA).

c. Amended Plat: The final drawing of any change to a filed platted subdivision.

d. Exempt Plat: The final drawing of a plat that is exempt from subdivision review but subject to survey requirements in accordance with 76-3-201 and 76-3-207, MCA.

PUBLIC HEALTH AND SAFETY: A condition of optimal well-being, free from danger, risk, or injury for a community at large, a small class of persons or a specific individual.

PUBLIC IMPROVEMENT: Any structure or facility constructed to serve the residents of a subdivision or the general public.

PUBLIC ROAD OR STREET: A road, street or easement that has been dedicated for public use.

RECREATIONAL CAMPING VEHICLE: A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE PARK: Any area or tract of land containing two (2) or more spaces that are available for rent to the general public for parking or placement of temporary recreational vehicles. This term does not include a parcel composed of individually platted lots.

RECREATIONAL VEHICLE SPACE: A designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

REVIEWING AUTHORITY: City-County Planning Department.

STATE: The State of Montana.

STREET TYPES: For purposes of these regulations, street types are defined using the Institute of Transportation Engineers Manual as follows:

a. Alley: Minor rights-of-way used primarily for vehicular access to the back or side of properties that abut on and are otherwise served by public roads.

b. Arterial: Any major carrier of traffic which generally terminates at both ends at a location that will produce more than 2,000 vehicles per day traffic, or upon which the nature of the traffic is such that more than 60% of the vehicles are using the street for mobility rather than land access. They are typically located no more than 1 mile apart.

1. Principal Arterial: A street which serves the major centers of a metropolitan area, the highest traffic volume corridors, and the longest trip desires, and which carries a high proportion of the total urban area travel on a minimum of mileage.

2. Minor Arterial: A street that interconnects with and augments the principal arterials, provides service to trips of moderate length at a lower level of travel mobility than principal arterials, and distributes travel to geographic areas smaller than those identified as principal arterials.

c. Collector: A street that generally terminates at both ends at an arterial or collector but because of location, curvilinear design, or limited feeder area will not generally serve more than 2,000 vehicles per day, or the nature of the traffic is such that approximately 50% of the traffic is using the street for land access and 50% for mobility. They are typically located between arterial streets at no more than ½ -mile from an arterial street.

d. Cul-de-sac: A street having only one outlet for vehicular traffic and terminating in a turn-around area.

e. Frontage Access (Service Road): A local or collector street, usually parallel and adjacent to an arterial or major collector, which provides access to abutting properties and controls traffic access to arterials or collectors.

f. Half-Street: A portion of the width of a street, usually located along the perimeter of a subdivision, the remaining portion of which street must be located on adjacent property if the street is to be fully constructed.

g. Local Streets: A street or road having the primary function of serving abutting properties, and the secondary function of moving traffic.

h. Loop: A local street which begins and ends on the same street, generally used for access to properties.

SUBDIVIDER: Any person or entity that owns or buys land, divides it into usable lots and develops or rents the lots, or sells the lots to others for development.

SUBDIVISION: A division of land or land so divided which creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold or otherwise transferred and includes any re-subdivision and a condominium or townhome created in accordance with the Unit Ownership Act (70-23-101, et seq., MCA). The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes (76-3-103(15), MCA). However, condominiums or townhomes constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the Act (76-3-203, MCA).

SUBDIVISION, MAJOR: A subdivision that does not qualify for review as a minor subdivision.

SUBDIVISION, FIRST MINOR: A subdivision of a parcel that has never been subdivided or created by a subdivision, or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201 or 76-3-207, MCA since July 1, 1973 (76-3-609(2), MCA). Furthermore, the first minor subdivision contains five or fewer lots, and legal and physical access to all lots is provided.

SUBDIVISION, SUBSEQUENT MINOR: Divisions of land creating five (5) or fewer lots that are not first minor subdivisions from a tract of record.

SUBDIVISION QUALIFYING FOR EXPEDITED REVIEW: *An expedited review and approval process for subdivision plats. It must meet the requirements of Section 23-306 of these subdivision regulations*

SUBDIVISION QUALIFYING FOR ABBREVIATED ~~EXPEDITED~~ REVIEW: A subdivision qualifying for an abbreviated review and approval process when it meets the definition of a first minor subdivision that contains one or two parcels, proper access to all lots is provided, no land in the subdivision will be dedicated to public use for parks or playgrounds, and the plat has been approved by the Montana Department of Environmental Quality whenever approval is required.

SUBDIVISION, ADMINISTRATIVE MINOR: *A subdivision qualifying for an administrative review and approval process when it meets the definition of a first minor or subsequent minor subdivision from a tract of record, is within zoning, proper access to all lots is provided, has a will-serve letter from a municipal or county water and sewer service, and does not require a variance.*

SURVEYOR (REGISTERED LAND SURVEYOR): A person licensed in conformance with the Montana Professional Engineer's Registration Act (Title 37, Chapter 67, MCA) to practice surveying in the State of Montana.

SURVEYOR (EXAMINING LAND SURVEYOR): A registered land surveyor duly appointed by the City of Billings or Yellowstone County to review surveys and plats submitted for filing.

SWALE: A drainage channel or depression designed to direct surface water flow.

TOWNHOME/TOWNHOUSE: Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities (70-23-103(16)(a), MCA).

TRACT OF RECORD: An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office (76-3-103(16)(a), MCA).

TRAFFIC CONTROL DEVICES: All signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or multi-use trail by authority of a public agency having jurisdiction.

TRANSPORTATION PLAN: *Currently adopted* Billings Urban Area Transportation Plan ~~2009 Update~~, or any newer transportation planning document adopted by the Billings City Council and Board of County Commissioners *and Policy Coordinating Committee (PCC)* for the Billings urban area.

UTILITY: A service to the public including, but not limited to, sanitary and storm sewers, water, electric power, gas, telephone, cable television, and other communication means.

VICINITY SKETCH: A map included with a site plan or placed on a plat that enables the viewer to clearly determine the location of a proposed subdivision in the City.

WILDLIFE: Non-domesticated animals.

WILDLAND-URBAN INTERFACE: Areas where wildland vegetation meets urban developments, or where forest fuels meet urban fuels (such as homes). These areas encompass not only the interface (areas immediately adjacent to urban development) but also the continuous slopes and fuels that lead directly to a risk to urban developments, and are generally mapped in the Yellowstone County WUI Community Wildfire Protection Plan.

WILDLIFE HABITAT: A place frequented by wildlife or a site where wildlife lives.

Changes from Current Code
Changes from August 5th Work Session
Changes Proposed per Staff Suggestion since August 5th

Article 23-300. SUBDIVISION REVIEW PROCEDURES.

Section 23-301. Compliance with Local Regulations and State Law.

No subdivision of any lot, tract or parcel of land shall be undertaken; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be constructed, opened or extended for public use and travel, or for the common use of occupants of buildings except in strict accordance with the provisions of this Chapter and related state statutes.

Section 23-302. Major Subdivisions.

Divisions of land creating six (6) or more parcels must be reviewed as a major subdivision. The major subdivision shall be reviewed by the governing body of the jurisdiction where the subdivision is located. A copy of the application shall also be provided to school district trustees (76-3-601(2)(b), MCA).

If the proposed subdivision lies partly within an incorporated city or town, the proposed plat must be submitted to and approved by both the city or town and county governing body (76-3-601(2)(c), MCA).

When a proposed subdivision is also proposed to be annexed to any municipality, the subdivision review and annexation procedures will be coordinated to minimize duplications of hearings, reports, and other requirements whenever possible (76-3-601(2)(d), MCA).

A. **Preapplication Meeting.** The purpose of the preapplication meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than ~~twenty (20)~~ *seven (7)* working days and no earlier than one hundred and twenty (120) working days prior to submittal of a major preliminary plat application for completeness review.

   At the time of request, the subdivider shall provide the Planning Director or designee with ~~ten (10)~~ *electronically submitted* sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See ~~Appendix C~~ *online 'Pre-application form'* for recommended pre-application sketch plan contents and other meeting recommendations.

   The Planning Director or designee will schedule the pre-application meeting to occur within fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

   The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

B. **Pre-application Completeness Review.** One (1) month prior to submittal deadline for major preliminary plat applications, the subdivider shall submit one (1) *electronic* copy of the application including the preliminary plat and supporting documents to the Planning Director or designee for review accompanied by the applicable fee. After receipt of the *electronic* copy the Planning Director or designee shall notify the subdivider within five (5) working days as to the completeness of the application. A complete application will include all those items listed ~~in Appendix D~~ *online* "Preliminary Plat Requirements", where applicable, and any additional information identified at the pre-application meeting. If the Planning Director or designee determines the application complete, the subdivider may submit the application, plat and supporting documentation for sufficiency review. If the Planning Director or designee determines the application is incomplete, the subdivider must correct the deficiencies and resubmit the application.

C. **Preapplication Sufficiency Review.** Within fifteen (15) working days after notifying the applicant that the application is complete, the Planning Director or designee will determine that the information in the application is sufficient to allow for review of the proposed subdivision. If the Planning Director or designee determines the information is sufficient, the applicant will be notified that the complete and sufficient application may be submitted at the application submittal deadline. If the Planning Director or designee determines the information is insufficient, the subdivider must correct the deficiencies prior to the next submittal deadline or postpone submittal to a future submittal deadline.

D. **Major Preliminary Plat Application Submittal.**

1. **Required**. The subdivider shall submit to the Planning Director or designee, for review and recommendation, a preliminary plat of the proposed major subdivision which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.

2. **Application submittal**. Complete and sufficient application for major preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided ~~in Appendix E~~ *online* "Preliminary Plat Application" and must be accompanied by the required preliminary plat, and supporting documents and applicable fee.

3. **Review period.** Upon receipt of a complete and sufficient application, the governing body has sixty (60) working days to approve, conditionally approve, or deny the preliminary plat application. For subdivisions containing fifty (50) or more lots the review period is eighty (80) working days. The review period may be extended upon written consent from the subdivider.

E. **Preliminary Plat Contents and Submittal Copies.**

1. **Content.** The preliminary plat shall clearly show the information listed in ~~Appendix D~~ *online* "Preliminary Plat Requirements."

2. **Copies.** The subdivider shall provide ~~the number of copies~~ *one electronic copy* of *all required documents for* the preliminary plat ~~as determined by~~ *to* the Planning Director or designee. All plats shall be 24 inch by 36-inch size and/or 11 inch by 17-inch size as specified by the Planning Director or designee. ~~One (1) electronic copy of the plat shall be provided in either AutoCad ® or ArcGIS ® format and one (1) copy shall be provided in .pdf, .jpg or .tif format.~~

F. **Supporting Documentation.**

1. **Required documents.** The supporting information shall include those documents listed ~~in Appendix F~~ *online* "Required Supporting Documents for Major Preliminary Plat Applications."

2. **Required copies.** The subdivider shall provide ~~the number of copies~~ *one electronic copy* of the supporting documents ~~as determined by~~ *to* the Planning Director or designee. All documents shall be typed and, in a format, specified by the Planning Director or designee.

G. **Staff and Agency Review.**

1. **Review procedure schedule.** Upon receipt of a complete and sufficient major preliminary plat application, the Planning Director or designee shall develop a schedule for the review period. The schedule shall include the dates, times and location of all key meetings, hearings and actions, and the dates of all key deadlines.

2. **Submittal distribution.** Planning staff shall distribute the application to all affected City Departments, local, state, and federal agencies, school districts and public utilities for review, and include a copy of the review procedure schedule. These affected entities shall determine what effect the proposed subdivision may have on their ability to provide services and submit recommendations for mitigation of those impacts. The affected entities shall respond to the Planning staff within approximately ~~ten (10)~~ *fifteen (15)* working days. A public utility or agency review may not delay the governing body's action on the plan beyond the sixty (60) or eighty (80) working day review period. Failure of any agency to complete a review of a plat will not be the basis for denial of the plat by the governing body (76-3-504(1)(i), MCA).

3. **Department plat review meeting.** Planning staff shall arrange a department plat review meeting to publicly review comments from the affected entities and inform the subdivider of revisions or additions required to bring the application into compliance with local regulations and state law. The subdivider and their representative are required to attend the department plat review meeting and shall be given a copy of all comments received to date from the affected entities.

4. **Application resubmittal.** The Planning staff shall notify the subdivider, in writing, of the resubmittal requirements within one (1) working day of the department plat review meeting. The subdivider shall revise the plat and supporting documents as required and submit ~~the number of copies~~ *one electronic copy* of the revised application and documents as determined by the Planning Director or designee within five (5) working days of receipt of the resubmittal notice.

5. **Final staff comments.** Affected departments shall provide the Planning staff with final written comments regarding the resubmitted documents within five (5) working days of receipt of resubmittal.

6. **Hearing notice.** The Planning Board shall hold a public hearing on all major preliminary plat applications. Planning staff shall place a notice in a newspaper of general circulation in the County not less than fifteen (15) days prior to the date of a public hearing. The Planning staff shall also notify the subdivider and each property owner of record, and each purchaser under contract for deed of property immediately adjoining land included in the plat by certified mail not less than fifteen (15) days prior to the date of hearing (76-3-605(3), MCA).

7. **Staff report.** Planning staff shall prepare staff reports and presentations for the Planning Board plat review meeting and public hearing. A copy of each staff report shall be provided *electronically* to the subdivider at least five (5) working days prior to the Board or governing body meeting. Each staff report shall provide a recommendation for approval, conditional approval or denial of the application and draft findings of fact as basis for the recommendation. The Planning staff shall also prepare a report forwarding the recommendation of the Planning Board to the governing body including the Board's recommendation for approval, conditional approval or denial of the applications and draft findings of fact as basis for the recommendation.

H. **Planning Board Plat Review.** The Planning Board, as the authorized agent of the governing body shall conduct a plat review of the major preliminary plat application at a regularly scheduled meeting prior to the scheduled public hearing. The purpose of the plat review meeting is to consider the following relevant review criteria:

1. The environmental assessment and all criteria discussed therein, unless the plat is exempted from the requirement of submitting an environmental assessment pursuant to 76-3-616, MCA; and

2. The effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA); and

3. Compliance with:

    a. The Montana Subdivisions and Platting Act (76-3-101 et seq., MCA) (76-3-608(3)(b), MCA); and

    b. The provision of easements for the location and installation of any planned utilities (76-3-608(3)(c), MCA); and

    c. The provision of legal and physical access to each parcel within the subdivision (76-3-608(3)(d), MCA); and

    d. The required notation of that access on the applicable plat and any instrument of transfer concerning the parcel (76-3-608(3)(d), MCA); and

    e. Local zoning requirements; and

4. Consistency with the *currently* adopted Growth Policy[1], Transportation Plan, and the ~~Heritage Trail Plan.~~[1] *Active Transportation Plan.*

5. **Determination.** The Planning Board shall determine if there are any significant adverse impacts the subdivision may have based on its review of this information and formulate recommended conditions to reasonably minimize those impacts.

    In reviewing a subdivision and when requiring mitigation, the Planning Board may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude recommendation of approval of the plat.

I. **Public Hearing.** The Planning Board shall conduct the public hearing and consider all relevant evidence as related to the proposed plat before preparing its written findings of fact and recommendation to the governing body. The subdivider or their agent shall be given the opportunity to object to any testimony given. The subdivider shall be allowed to submit in writing his or her own proposed findings of fact to the Board and the governing body following the hearing.

    The relevant evidence considered at the public hearing on the preliminary plat shall include the criteria listed above in Section H. of this Article.

    After holding the public hearing and reviewing the evidence concerning the plat, the Planning Board shall submit its recommendations to the governing body to approve, conditionally approve or deny the major preliminary plat in writing no later than ten (10) days after the public hearing (76-3-605(4), MCA).

[1] A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy (76-1-605(2)(b), MCA).

J. **Subsequent Hearing.** Before acting on the subdivision application, the governing body shall determine whether public comments or documents presented at the Planning Board public hearing constitute:

1. Information that the public has not had a reasonable opportunity to examine and comment, or

2. New information never submitted or considered by the Planning Board or staff.

If the governing body determines that public comments or documents meets at least one (1) of the criteria listed above, it may act on the subdivision application in accordance with this Article or schedule a subsequent public hearing for consideration of the new information only. The subsequent public hearing shall be held by the Planning Board at the Planning Board's next scheduled meeting for which proper notice for the public hearing on the subdivision application can be provided.

If a subsequent hearing is held, the sixty (60) or eighty (80) working day review period is suspended and the new hearing must be noticed and held within forty-five (45) days of the governing body's determination to hold a subsequent public hearing. The sixty (60) or eighty (80) working day review period will resume from the date of the subsequent public hearing. The governing body may not consider any information that is presented after the subsequent hearing (76-3-615, MCA).

K. **Subdivider's Preference for Mitigation.** No later than ten (10) days before the meeting when the governing body is to consider the Planning Board's recommendation on the preliminary plat, the subdivider may submit in writing to the governing body comments on and responses to the Planning Board's recommendations. This document may include the subdivider's alternative proposals, if any, for mitigating the impacts identified in the Planning Board's recommendations. The governing body shall give due weight and consideration to the subdivider's expressed preferences (76-3-608(5)(b), MCA).

L. **Governing Body Action.** The governing body's decision to approve, conditionally approve, or deny a subdivision is based on the preliminary plat, applicable environmental assessment, public hearing, Planning Board recommendations, or additional information that demonstrates the development of the subdivision meets the requirements of the Montana Subdivision and Platting Act and these Regulations. A governing body may not deny approval of a subdivision based solely on the subdivision's impacts on educational services, or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145, MCA (76-3-608(1), MCA), or solely on compliance with a Growth Policy (76-1-605(2)(b), MCA).

The governing body shall issue written findings of fact that weigh the criteria as listed in Section 23-302 H. of this Article. The governing body shall determine if there are any significant adverse impacts the subdivision may have based on its review of this information and formulate conditions to reasonably minimize those impacts (76-3-608(4), MCA).

In reviewing a subdivision and when requiring mitigation, the governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the plat (76-3-608(5)(a), MCA).

The governing body shall approve, conditionally approve or deny the preliminary plat within sixty (60) or eighty (80) working days of the submittal deadline and when the application was considered complete and sufficient. The governing body shall send the subdivider a letter within thirty (30) working days of its decision stating the reasons for the denial or enumerating the conditions which must be met to assure approval of the final plat along with written findings of fact (76-3-608(4), MCA).

M. **Preliminary Plat Approval Period.** The approval or conditional approval shall be valid for not more than three (3) calendar years. At the end of this period the governing body may, at the request of the subdivider, extend its approval for mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing, dated, and signed by the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.

When considering a request for an extension of the preliminary plat approval period, the governing body may use the following criteria to evaluate the request:

1. Changes to the subdivision regulations since the original approval and whether the subdivision as originally approved is essentially compliant with the new regulations;

2. Progress to date in completing the subdivision as a whole and any phases;

3. Phasing of the subdivision and the ability for the existing development to operate without the delayed development;

4. Dependence of infrastructure development on the subdivision;

5. Duration of the requested extension;

6. Demonstrated ability of the subdivider to complete the subdivision;

7. Such other factors or criteria as deemed material in the discretion of the governing body.

After the preliminary plat is approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval, providing the approval is obtained within the original or extended approval period described above (76-3-610(2), MCA).

N. **Appeal Process.** A decision of the governing body regarding a proposed subdivision may be appealed to the district court, as provided in Section 23-1105 of these Regulations and 76-3-625, MCA.

O. **Final Plat.** A final plat application shall be submitted for review and approval following the procedures outlined in Section 23-307 of this Article prior to the expiration of the preliminary plat approval period.

Section 23-303. First Minor Subdivisions from a Tract of Record.

Divisions of land creating five (5) or fewer lots from a tract of record that has not been subdivided or created by a subdivision under the Montana Subdivision and Platting Act, or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201 or 76-3-207, MCA since ~~July 1, 1973~~ *October 1 , 2003* shall be reviewed as first minor subdivisions from a tract of record, hereafter referred to as a "first minor" (76-3-609, MCA). The requirement of holding a public hearing does not apply to the first minor subdivision created from a tract of record (76-3-609(2)(d)(ii), MCA). ~~Unless the subdivision lies within an area that has adopted zoning regulations, the application must include a summary of the probable impacts of the proposed subdivision based on the criteria described in Section 23-303 H. of these Regulations (76-3-609(2)(c), MCA).~~

The first minor subdivision shall be reviewed by the governing body of the jurisdiction where the subdivision is located. A copy of the application shall also be provided to school district trustees (76-3-601(2)(b), MCA).

If the proposed subdivision lies partly within an incorporated city or town, the proposed plat must be submitted to and approved by both the city or town and county governing body (76-3-601(2)(c), MCA).

When a proposed subdivision is also proposed to be annexed to any municipality, the subdivision review and annexation procedures will be coordinated to minimize duplications of hearings, reports, and other requirements when possible (76-3-601(2)(d), MCA).

A. **Pre-application Meeting.** The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than ~~twenty (20)~~ *seven (7)* working days and no earlier than one hundred and twenty (120) working days prior to submittal of a minor preliminary plat application for completeness review. At the time of request, the subdivider shall provide the Planning Director or designee with ~~ten (10)~~ *electronic* sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See ~~Appendix C~~ *the online application* for recommended pre-application sketch plan contents and other meeting recommendations.

The Planning Director or designee will schedule the pre-application meeting to occur within fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

B. **Pre-application Completeness Review.** One (1) month prior to a submittal deadline for minor preliminary plat applications, the subdivider shall submit one (1) *electronic* copy of ~~the application including the preliminary plat and supporting~~ documents to the Planning Director or designee for review accompanied by the applicable fee. After receipt of the ~~copy~~ *copies* the Planning Director or designee shall notify the subdivider within five (5) working days as to the completeness of the application. A complete application will include all those items listed ~~in Appendix D~~ *online* as "Preliminary Plat Requirements", where applicable, and any additional information identified at the pre-application meeting. If the Planning Director or designee determines the application complete, the subdivider may submit the application, plat and supporting documentation for sufficiency review. If the Planning Director or designee determines the application is incomplete, the subdivider must correct the deficiencies and resubmit the application.

C. **Pre-application Sufficiency Review.** Within fifteen (15) working days after notifying the applicant that the application is complete, the Planning Director or designee will determine that the information in the application is sufficient to allow for review of the proposed subdivision. If the Planning Director or designee determines the information is sufficient, the applicant will be notified that the complete and sufficient application may be submitted at the application submittal deadline. If the Planning Director or designee determines the information is insufficient, the subdivider must correct the deficiencies prior to the next submittal deadline or postpone submittal to a future submittal deadline.

D. **First Minor Preliminary Plat Application Submittal.**

1. **Required**. The subdivider shall submit to the Planning Director or designee, for review and recommendation, a preliminary plat of the proposed first minor subdivision, which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana as their respective licensing laws allow.

2. **Application submittal**. Complete and sufficient application for first minor preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first or fifteenth day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided ~~in Appendix E~~ *online* "Preliminary Plat Application" and must be accompanied by the required preliminary plat, supporting documents and applicable fee.

3. **Review period.** Upon receipt of a complete application, the governing body has thirty-five (35) working days to approve, conditionally approve, or deny the preliminary plat application. The review period may be extended upon written consent from the subdivider.

E. **Preliminary Plat Contents and Submittal Copies.**

1. **Content.** The preliminary plat shall clearly show the information listed ~~in Appendix D~~ *online* "Preliminary Plat Requirements."

2. **Copies.** The subdivider shall provide ~~the number of copies~~ *one electronic copy* of the preliminary plat ~~as determined by the Planning Director or designee~~. All plats shall be 24 inches by 36 inches in size or 11 inches by 17 inches in size as specified by the Planning Director or designee. One (1) electronic copy of ~~the plat shall be~~ *all supporting documents shall be provided.* ~~in either AutoCad ® or ArcGIS® format and one (1) copy shall be provided in .pdf, .jpg or .tif format.~~

F. **Supporting Documentation.**

1. **Required documents.** The supporting information shall include those documents listed ~~in Appendix G~~ *online* "Required Supporting Documents for First Minor Preliminary Plat Applications."

2. **Required copies.** The subdivider shall provide ~~the number of copies of the~~ *one copy of each* supporting documents as determined by the Planning Director or designee. All documents shall be typed and, in a format, specified by the Planning Director or designee.

G. **Staff and Agency Review.**

1. **Review procedure schedule.** Upon receipt of a complete and sufficient first minor preliminary plat application, the Planning Director or designee shall develop a schedule for the review period. The schedule shall include the dates, times and location of all key meetings and actions and the dates of all key deadlines.

2. **Submittal distribution.** Planning staff shall distribute the application to all affected City Departments, local, state, and federal agencies, school districts and public utilities for review, and include a copy of the review procedure schedule. These affected entities shall determine what effect the proposed subdivision may have on their ability to provide services and submit recommendations for mitigation of those impacts. The affected entities shall respond to the Planning staff within approximately fifteen (15) working days. A public utility or agency review may not delay the governing body's action on the plan beyond the thirty-five (35) working day review period. Failure of any agency to complete a review of a plat will not be the basis for denial of the plat by the governing body (76-3-504(1)(i), MCA).

3. **Staff report.** Planning staff shall prepare a staff report and presentation for the governing body. A*n electronic* copy of the report shall be provided to the subdivider at least five (5) working days prior to the governing body meeting. The staff report shall provide a recommendation for approval, conditional approval or denial of the applications and draft findings of fact to justify the recommendation.

H. **Governing Body Action.** At a regularly scheduled meeting the governing body shall consider the following information in deciding whether to approve, conditionally approve, or deny a preliminary plat:

1. Unless the subdivision is proposed in an area that is zoned, the effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA); and

2. Compliance with:
   a. The Montana Subdivisions and Platting Act (76-3-101 et seq., MCA) (76-3-608 (3)(b), MCA); and
   b. The provision of easements for the location and installation of any planned utilities (76-3-608(3)(c), MCA); and

   c. The provision of legal and physical access to each parcel within the subdivision (76-3-608(3)(d), MCA); and

   d. The required notation of that access on the applicable plat and any instrument of transfer concerning the parcel (76-3-608(3)(d), MCA); and

   e. Local zoning requirements; and

3. Consistency with the *currently* adopted Growth Policy, Transportation Plan, and the *Active Transportation Plan* ~~Heritage Trail Plan~~ (76-1-606, MCA); and

4. A summary of probable impacts prepared in accordance with Section 23-904 of these Regulations.

5. The governing body shall give due weight and consideration to the subdivider's expressed preferences (76-3-608(5)(b), MCA). The governing body may not deny approval of a subdivision based solely on the subdivision's impacts on educational services, or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145, MCA (76-3-608(1), MCA), or solely on compliance with the Growth Policy (76-3-605(2)(b), MCA).

6. The governing body shall issue written findings of fact that weigh the criteria listed in this section. The governing body shall determine if there are any significant adverse impacts the subdivision may have based on its review of this information and formulate conditions to reasonably minimize those impacts (76-3-608(4), MCA).

7. In reviewing a subdivision and when requiring mitigation, the governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the plat (76-3-608(5)(a), MCA).

8. The governing body shall approve, conditionally approve or deny the preliminary plat within thirty-five (35) working days of the submittal deadline and when the application was considered complete and sufficient. The governing body shall send to the subdivider a letter within thirty (30) working days of its decision stating the reasons for the denial or enumerating the conditions which must be met to assure approval of the final plat, along with written findings of fact (76-3-608(4), MCA).

I. **Preliminary Plat Approval Period.** The approval or conditional approval shall be valid for not more than three (3) calendar years. At the end of this period the governing body may, at the request of the subdivider, extend its approval for a mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing, dated, and signed by the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.

When considering a request for an extension of the preliminary plat approval period, the governing body may use the following criteria to evaluate the request:

1. Changes to the subdivision regulations since the original approval and whether the subdivision as originally approved is essentially compliant with the new regulations;

2. Progress to date in completing the subdivision as a whole and any phases;

3. Phasing of the subdivision and the ability for the existing development to operate without the delayed development;

4. Dependence of infrastructure development on the subdivision;

5. Duration of the requested extension;

6. Demonstrated ability of the subdivider to complete the subdivision.

7. Such other factors or criteria as deemed material in the discretion of the governing body.

After the preliminary plat is approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval, providing the approval is obtained within the original or extended approval period described above (76-3-610(2), MCA).

J. **Appeal Process.** A decision of the governing body regarding a proposed subdivision may be appealed to the district court, as provided in Section 23-1105 of these Regulations and 76-3-625, MCA.

K. **Final Plat.** A final plat application shall be submitted for review and approval following the procedures outlined in Section 23-307 of this Article prior to the expiration of the preliminary plat approval period.

Section 23-304. Subsequent Minor Subdivisions.

Divisions of land creating five (5) or fewer lots that are not first minor subdivisions from a tract of record shall be reviewed as first minor subdivisions in accordance with Section 23-303 of this Article (76-3-609(4), MCA). The subsequent minor subdivision will be reviewed by the governing body where the jurisdiction in which it is located. A copy of the application shall also be provided to school district trustees (76-3-601(2)(b), MCA).

Section 23-305. Subdivisions Qualifying for ~~Expedited~~ *Abbreviated* Review.

A. **Eligibility**. Subdivisions, hereafter referred to as "~~expedited~~ *abbreviated* review plats" containing one (1) or two (2) parcels are eligible for ~~expedited~~ *abbreviated* review when:

1. They meet the definition of a first minor subdivision from a tract of record; and

2. Legal and physical access to all lots is provided; and

3. No land in the subdivision will be dedicated to public use for parks or playgrounds; and

4. The plat has been approved by the Montana Department of Environmental Quality or County Environmental Health whenever approval is required or the plat has been approved by the City of Billings Public Works Department for sanitary water, sewer and storm water facilities[2]; and

5. No public improvements are required.

If the proposed subdivision lies partly within an incorporated city or town, the proposed plat must be submitted to and approved by both the city or town and county governing body (76-3-601(2)(c), MCA).

When a proposed subdivision is also proposed to be annexed to any municipality, the subdivision review and annexation procedures will be coordinated to minimize duplications of hearings, reports, and other requirements when possible (76-3-601 (2)(d), MCA).

[2] If MDEQ or County Health approval has not yet been obtained, the applicant may submit a checkprint for review and approval to the Planning Department. The applicant may submit the checkprint approval to MDEQ or County Health as required as proof of preliminary plat approval. Proof of MDEQ or County Health approval must be submitted with the final plat and supplemental documents prior to recording the final plat.

B. **Pre-application Meeting.** The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than twenty (20) working days and no earlier than one hundred and twenty (120) working days prior to final plat submittal. At the time of request, the subdivider shall provide the Planning Director or designee with ~~ten (10)~~ *electronically submitted* sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See Appendix C for recommended pre-application sketch plan contents and other meeting recommendations.

The Planning Director or designee will schedule the pre-application meeting to occur with fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

C. ~~**Expedited**~~ **Abbreviated Review Plat Application Submittal.**

1. **Required.** The subdivider shall submit to the Planning Director or designee, for review and recommendation, a final plat of the proposed minor subdivision, which conforms to the requirements of Section 23-307 of this Article. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.

2. **Checkprint.** Prior to submitting the final plat on mylar, a subdivider must submit ~~four (4) copies~~ *electronic copies* of a final plat application, ~~four (4) paper prints of the final plat, four (4)~~ *electronic* draft copies of the supporting documents and one (1) copy of the survey closure calculations to the Planning Director or designee for review. The *electronic* final plat application form is provided *online* "Final Plat Application" and the form and content of the checkprint and the supporting documents are described ~~in Appendix J~~ *online* "Final Plat Requirements". The final plat review fee and the subdivision title commitment or title report are also required at this stage.

   ~~One (1) copy~~ *Reviewing departments shall be notified of and provided electronic copies* of the checkprint, supporting documents and survey closure calculations *have been submitted.* ~~shall be forwarded to~~ City Public Works ~~Department for their review and comment. One (1) copy of the checkprint and supporting documents shall be forwarded to the~~ Billings Fire Department, *City Legal, County Treasurer and County Clerk and Reorder shall be asked* for ~~their~~ review and comment. ~~Both departments~~ *These reviewers* shall notify Planning staff of any changes required to conform to the local regulations and state law within ten (10) working days after receipt of the checkprint. Planning staff shall notify the subdivider no later than fifteen (15) working

days after receipt of the checkprint of any changes required. A red-lined copy of the checkprint shall be returned to the subdivider along with the reviewer's comments. ~~If the checkprint is approved by all reviewing departments, the Planning staff shall provide a letter to the County Health Department or the Montana Department of Environmental Quality stating that the plat has been reviewed and is recommended for approval. This letter shall be submitted by the applicant along with their application for sanitary facility approval as proof that the proposed plat has been reviewed and approved.~~

3. **Application submittal.** Application for ~~expedited~~ *abbreviated* plat approval shall be submitted to the Planning Director or designee on or before 3:00 p.m. at least twenty-five (25) working days prior to the date of the City Council memo deadline. The *electronic* application form is provided ~~in Appendix H~~ *online* "~~Expedited~~ *Abbreviated* Final Plat Application" and must be accompanied by the required final plat, supporting documents and applicable fee.

D. **Final Plat and Supporting Documents Contents and Submittal Copies.** The subdivider shall submit one (1) electronic copy ~~in either AutoCad ® or ArcGIS ® format and one (1) copy in .pdf, .jpg or .tif format~~. The subdivider must also submit two (2) signed mylar originals of the final plat. The form and content of final plat is provided ~~in Appendix J~~ *online* "Final Plat Requirements." The final plat must be accompanied by a complete ~~expedited~~ *abbreviated* review plat application form as provided ~~in Appendix H~~ *online* "~~Expedited~~ *Abbreviated* Final Plat Application", a subdivision title commitment or title guarantee prepared within the previous six (6) months, all supporting documents and the required review fee.

E. **Review Procedure.** Planning staff shall route the application, final plat and supporting documents to the appropriate departments and officials for their signatures within sufficient time to assure the documents are placed on the first available agenda of the governing body for their consideration and authorized signatures.

F. **Governing Body Action.** At a regularly scheduled meeting, the governing body shall consider the following information in deciding whether to approve or deny a final plat:

1. The effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608 (3)(a), MCA); and

2. Compliance with:

   a. The Montana Subdivisions and Platting Act (76-3-101 et seq., MCA) (76-3-608 (3)(b), MCA); and

   b. The provision of easements for the location and installation of any planned utilities(76-3-608(3)(c), MCA); and

   c. The provision of legal and physical access to each parcel within the subdivision (76-3-608(3)(d), MCA); and

d. The required notation of that access on the applicable plat and any instrument of transfer concerning the parcel (76-3-608(3)(d), MCA); and

e. Local zoning requirements; and

3. Consistency with the adopted Growth Policy, Transportation Plan, and the Heritage Trail Plan.

4. The governing body shall give due weight and consideration to the subdivider's expressed preferences (76-3-608(5)(b), MCA). The governing body may not deny approval of a subdivision based solely on the subdivision's impacts on educational services, or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145, MCA (76-3-608(1), MCA), or based solely on compliance with the Growth Policy (76-3-605(2)(b), MCA).

5. In the event the governing body denies the final plat, it shall send a letter to the subdivider stating the reasons for the denial along with written findings of fact (76-3-608(4), MCA).

G. **Approval Period.** Final plat approval shall be in force not more than twelve (12) months from the date of the governing body's approval. At the end of the period the governing body may, at the request of the subdivider, after review and recommendation of the Planning Board, extend its approval for no more than twelve (12) months.

After all required signatures have been obtained; the plat shall be recorded with the County Clerk and Recorder within the twelve (12) months of the date of approval.

Section 23-306. Expedited Review for Certain Subdivisions.

*A. **Eligibility**. Subdivisions, hereafter referred to as "expedited review plats" as defined in MCA 76-3-623*

1. Requested by applicant; and

2. Within an incorporated city and is subject to an adopted growth policy and adopted zoning regulations; and

3. Complies entirely with locally adopted zoning regulations; and

4. Complies entirely with the design standards and all other requirements of these regulations; and

5. Includes in its proposal plans for on-site development or extension of public infrastructure in accordance with locally adopted ordinances and regulations.

B. ***Expedited Review Plat Application Submittal.***

1. ***Pre-application Meeting.*** *The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than seven (7) working days and no earlier than one hundred and twenty (120) working days prior to submittal of a major preliminary plat application for completeness review.*

   At the time of request, the subdivider shall provide the Planning Director or designee with electronically submitted sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See online 'Pre-application application' for recommended pre-application sketch plan contents and other meeting recommendations.

   The Planning Director or designee will schedule the pre-application meeting to occur within fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

   The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

2. ***Pre-application Completeness Review.*** *One (1) month prior to submittal deadline for major preliminary plat applications, the subdivider shall submit one electronic copy of the entire application including the preliminary plat and completed supporting documents to the Planning Director or designee for review accompanied by the applicable fee. After receipt of the electronic copy the Planning Director or designee shall notify the subdivider within five (5) working days as to the completeness of the application. An application complete in its entirety will include all those items listed online "Preliminary Plat Requirements", where applicable, and any additional information identified at the pre-application meeting. If the Planning Director or designee determines the application complete, the subdivider may submit the application, plat and supporting documentation for sufficiency review. If the Planning Director or designee determines the application is incomplete, the subdivider must correct the deficiencies and resubmit the application.*

3. ***Pre-application Sufficiency Review.*** *Within fifteen (15) working days after notifying the applicant that the application is complete, the Planning Director or designee will determine that the information in the application is sufficient to allow for review of the proposed subdivision. If the Planning Director or designee determines the information is sufficient, the applicant will be notified that the complete and sufficient application may be submitted at the application submittal deadline. If the Planning*

Director or designee determines the information is insufficient, the subdivider must correct the deficiencies prior to the next submittal deadline or postpone submittal to a future submittal deadline.

4. ***Department plat review meeting.*** *Upon completeness and sufficiency review, Planning staff shall arrange a department plat review meeting to publicly review comments from the affected entities and inform the subdivider of revisions or additions required to bring the application into compliance with local regulations and state law. The subdivider and their representative are required to attend the department plat review meeting and shall be given a copy of all comments received to date from the affected entities.*

C. ***Preliminary Plat Expedited Application Submittal.***

1. ***Required****. The subdivider shall submit to the Planning Director or designee, for review and recommendation, a preliminary plat of the proposed major subdivision, which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.*

2. ***Application submittal****. Complete and sufficient application for major preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided on line "Preliminary Plat Application" and must be accompanied by the required preliminary plat, and supporting documents and applicable fee.*

3. ***Review period.*** *Upon receipt of a complete and sufficient application, the governing body's designee has thirty-five (35) working days to hold a public hearing. Subsequently, the Governing Body must approve, conditionally approve, or deny the preliminary plat application within thirty-five (35) working days. The review period may be extended upon written consent from the subdivider one time up to one hundred and eighty (180) calendar days.*

D. ***Preliminary Plat Contents and Submittal Copies.***

1. ***Content.*** *The preliminary plat shall clearly show the information listed online "Preliminary Plat Requirements."*

2. ***Copies.*** *The subdivider shall provide one electronic copy of all the required documents for the preliminary plat to the Planning Director or designee. All plats shall be 24 inch by 36-inch size and/or 11 inch by 17-inch size as specified by the Planning Director or designee.*

E. ***Supporting Documentation.***

1. **Required documents.** The supporting information shall include those documents listed online "Required Supporting Documents for Major Preliminary Plat Applications."

2. **Required copies.** The subdivider shall provide one electronic copy of the supporting documents to the Planning Director or designee. All documents shall be typed and, in a format, specified by the Planning Director or designee.

F. **Planning Board Review**

1. **Hearing notice.** The Planning Board shall hold a public hearing on all major preliminary plat applications. Planning staff shall place a notice in a newspaper of general circulation in the County not less than fifteen (15) days prior to the date of a public hearing. The Planning staff shall also notify the subdivider and each property owner of record, and each purchaser under contract for deed of property immediately adjoining land included in the plat by certified mail not less than fifteen (15) days prior to the date of hearing (76-3-605(3), MCA).

2. **Staff report.** Planning staff shall prepare staff reports and presentations for the Planning Board plat review meeting and public hearing. A copy of each staff report shall be provided electronically to the subdivider at least five (5) working days prior to the Board or governing body meeting. Each staff report shall provide a recommendation for approval, conditional approval or denial of the application and draft findings of fact as basis for the recommendation. The Planning staff shall also prepare a report forwarding the recommendation of the Planning Board to the governing body including the Board's recommendation for approval, conditional approval or denial of the applications and draft findings of fact as basis for the recommendation.

3. **Public Hearing.** The Planning Board shall conduct the public hearing and consider all relevant evidence as related to the proposed plat before preparing its written findings of fact and recommendation to the governing body. The subdivider or their agent shall be given the opportunity to object to any testimony given. The subdivider shall be allowed to submit in writing his or her own proposed findings of fact to the Board and the governing body following the hearing.

   The relevant evidence considered at the public hearing on the preliminary plat shall include the criteria listed above in Section H. of this Article.

   After holding the public hearing and reviewing the evidence concerning the plat, the Planning Board shall submit its recommendations to the governing body to approve, conditionally approve or deny the major preliminary plat in writing no later than ten (10) days after the public hearing (76-3-605(4), MCA).

G. **Governing Body Action.** The governing body's decision to approve or conditionally approve a subdivision is based on the preliminary plat application, public hearing, Planning Board recommendations, or additional information that demonstrates the development of the subdivision meets the requirements of the Montana Subdivision and

Platting Act and these Regulations, local zoning ordinances, subdivision design standards and regulations, and all other adopted City of Billings regulations.

In reviewing a subdivision and when requiring mitigation, the governing body may only place conditions to ensure an approved subdivision application is completed in accordance with the applicable local requirements or survey requirements pursuant to Title 76 Chapter 4 of the Montana Subdivision and Platting Act.

The governing body shall approve, conditionally approve or deny the preliminary plat within thirty-five (35) working days of the submittal deadline and when the application was considered complete and sufficient.

H. ***Preliminary Plat Approval Period.*** *The approval or conditional approval shall be valid for not more than three (3) calendar years. At the end of this period the governing body may, at the request of the subdivider, extend its approval for mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing, dated and signed by the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.*

When considering a request for an extension of the preliminary plat approval period, the governing body may use the following criteria to evaluate the request:

1. *Changes to the subdivision regulations since the original approval and whether the subdivision as originally approved is essentially compliant with the new regulations;*
2. *Progress to date in completing the subdivision as a whole and any phases;*
3. *Phasing of the subdivision and the ability for the existing development to operate without the delayed development;*
4. *Dependence of infrastructure development on the subdivision;*
5. *Duration of the requested extension;*
6. *Demonstrated ability of the subdivider to complete the subdivision;*
7. *Such other factors or criteria as deemed material in the discretion of the governing body.*

After the preliminary plat is approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval, providing the approval is obtained within the original or extended approval period described above (76-3-610(2), MCA).

I. ***Appeal Process.*** *A decision of the governing body regarding a proposed subdivision may be appealed to the district court, as provided in Section 23-1105 of these Regulations and 76-3-625, MCA.*

*J. **Final Plat.** A final plat application shall be submitted for review and approval following the procedures outlined in Section 23-307 of this Article prior to the expiration of the preliminary plat approval period.*

Section 23-307 Minor Subdivisions Qualifying for Administrative Review

*A. **Eligibility**. Subdivisions, hereafter referred to as "administrative review plats" are eligible for administrative-review when:*

1. They meet the definition of a first minor subdivision from a tract of record or a subsequent minor subdivision from a tract of record; and

2. Legal and physical access to all lots is provided; and

3. Complies entirely with locally adopted zoning regulations; and

4. Complies entirely with the design standards and all other requirements of these regulations; and

5. Does not require a variance to any subdivision regulations

B. Administrative Review Plat Application Submittal.

Pre-application Meeting. The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than seven (7) working days and no earlier than one hundred and twenty (120) working days prior to submittal of a major preliminary plat application for completeness review.

At the time of request, the subdivider shall provide the Planning Director or designee with electronically submitted sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See online 'Pre-application application' for recommended pre-application sketch plan contents and other meeting recommendations.

The Planning Director or designee will schedule the pre-application meeting to occur within fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

C. Administrative Review Plat Review.

1. Required. The subdivider shall submit to the Planning Director or designee, for

review and recommendation, a preliminary plat of the proposed minor subdivision, which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.

2. *Application submittal. Complete and sufficient application for minor preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided online "Preliminary Plat Application" and must be accompanied by the required preliminary plat, and supporting documents and applicable fee.*

3. *Review period. Upon receipt of a complete and sufficient application, the Planning Director or designee has thirty (30) working days to approve, conditionally approve, or deny the preliminary plat application. Subsequently, upon receipt of a complete and sufficient application, the governing body's designee must notify, by first-class mail, each property owner of record whose property is immediately adjoining the land included in the preliminary plat and each purchaser under contract for deed of property immediately adjoining the land included in the Preliminary Plat.*

D. Appeal.

If, and only if, a party identified in Section 23-307.C.3 of this article objects to the Planning Director or designee's decision to approve, conditionally approve, or deny an administrative minor subdivision, the party may request in writing that the subdivision administrator forward the application on to the governing body. The governing body shall sustain the subdivision administrator's decision based on the record as a whole unless the decision was arbitrary, capricious, or unlawful. The governing body has 15 working days from the receipt of the request to review a decision to approve, conditionally approve, or deny the administrative minor subdivision and make a final determination.

Section 23-~~306~~*308*. Amended Plats.

A. **Required.** A division of lots within a platted subdivision filed with the County Clerk and Recorder that results in an increase in the number of lots, or that redesigns or rearranges six (6) or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the County Clerk and Recorder (76-3-207(2)(a), MCA).

B. **Eligibility.** Amended plats shall be processed as first minor subdivisions, as described in Section 23-303, if they meet the following criteria:

1. Legal and physical access to all lots is provided; and

2. No land in the subdivision will be dedicated to public use for parks or playgrounds; and

3. The plat has been approved by the Montana Department of Environmental Quality or County Environmental Health whenever approval is required or the plat has been approved by the City of Billings for sanitary water, sewer and stormwater facilities or no public improvements are required; and

4. The amended plat creates no more than five additional lots.

Amended plats not meeting these criteria shall be reviewed as major subdivisions.

C. **Form and Content.** An amended plat shall be entitled "Amended Plat" and follow the form and content shown in Appendix D "Preliminary Plat Requirements."

Section 23-~~307~~*309*. Final Plat Submittal Requirements.

A. **Required.** After receiving a preliminary plat approval for a major, first minor or subsequent minor, the subdivider may submit a final plat of the proposed subdivision as required by this Article. The final plat shall incorporate all required conditions and changes and conform to the approved preliminary plat and this Section.

B. **Checkprint.** Prior to submitting the final plat on mylar, a subdivider must submit ~~four (4)~~ *electronic* copies of a final plat application, ~~four (4)~~ paper prints of the final plat, ~~four (4)~~ draft copies of the supporting documents and ~~one (1)~~ a copy of the survey closure calculations to the Planning Director or designee for review. The final plat application form is provided ~~in Appendix I~~ *online* "Final Plat Application" and the form and content of the checkprint and the supporting documents are described ~~in Appendix J~~ *online* "Final Plat Requirements". The final plat review fee and the subdivision title commitment or title report are also required at this stage. The Planning Director or designee may require additional documentation to ascertain whether the conditions of preliminary plat approval have been met.

~~One (1) copy of the checkprint, supporting documents and survey closure calculations shall be forwarded to City Public Works Department for their review and comment. One (1) copy of the checkprint and supporting documents shall be forwarded to the Billings Fire Department for their review and comment.~~ *Copies of submitted documents will be available to reviewers electronically.* ~~Both~~ *Reviewing* departments shall notify Planning staff of any changes required to conform to the conditions of final plat approval or local regulations and state law within ten (10) working days after receipt of the checkprint.

Planning staff shall notify the subdivider no later than fifteen (15) working days after receipt of the checkprint of any changes required. A red-lined copy of the checkprint shall be returned to the subdivider along with the reviewer's comments.

C. **Final Mylar Submittal**. Application for final plat approval shall be submitted to the Planning Director or designee on or before 3:00 p.m. at least twenty-five (25) working days prior to the City Council memo deadline. The subdivider shall submit one (1) electronic copy. ~~in either AutoCad ® or ArcGIS ® format and one (1) copy in .pdf, .jpg or .tif format.~~ The subdivider must also submit two (2) signed mylar originals of the final plat. The form and content of final plat is provided ~~in Appendix J~~ *online* "Final Plat-

Requirements." The final plats must be accompanied by a complete final plat application form as provided ~~in Appendix I~~ *online* "Final Plat Application", a subdivision title commitment or title guarantee prepared within the previous six (6) months, all supporting documents and the required review fee.

D. **Review Procedure.** Planning staff shall route the application, final plat and supporting documents to the appropriate departments and officials for their signatures within sufficient time to assure the documents are placed on the first available agenda of the governing body for their consideration and authorized signatures.

E. **Approval Period.** Final plat approval shall be in force not more than twelve (12) months from the date of the governing body's approval. At the end of the period the governing body may, at the request of the subdivider, after review and recommendation of the Planning Board, extend its approval for no more than twelve (12) months.

After all required signatures have been obtained; the plat shall be recorded with the County Clerk and Recorder within the twelve (12) months of the date of approval.

Section 23-~~308~~309. Flowchart of Subdivision Procedures.

MAJOR SUBDIVISION	FIRST MINOR	SUBSEQUENT MINOR	~~EXPEDITED~~ *ABBREVIATED* REVIEW
Preapplication Meeting	Preapplication Meeting	Preapplication Meeting	Preapplication Meeting
120 – 20 working days prior to preliminary plat completeness review submittal	120 – 20 working days prior to preliminary plat completeness review submittal	120 – 20 working days prior to preliminary plat completeness review submittal	120 – 20 working days prior to preliminary plat completeness review submittal
↓	↓	↓	↓
Completeness and Sufficiency Review	Completeness and Sufficiency Review	Completeness and Sufficiency Review	Checkprint Submittal
1 month prior to preliminary plat submittal	1 month prior to preliminary plat submittal	1 month prior to preliminary plat submittal	20 working day review
↓	↓	↓	↓
Preliminary Plat Submittal	Preliminary Plat Submittal	Preliminary Plat Submittal	Final Plat Submittal
1st day of month	1st and 15th day of month	1st and 15th day of month	~~1st and 15th~~ Any day of month
↓			
Department/Agency Review			
~~10~~*15* working days from submittal			
↓			
Notification Legal, subdivider and adjacent property owners. No less than 15 days prior to public hearing			
↓			
Department Plat Review Meeting			
↓			
Application Resubmittal			
6 working days after Department Review Meeting			
↓			
Final Staff Comments			
↓			
Planning Board Plat Review			
↓			
Planning Board Public Hearing			
↓			
Governing Body Action	Governing Body Action	Governing Body Action	Governing Body Action
↓	↓	↓	
Final Plat Submittal	Final Plat Submittal	Final Plat Submittal	

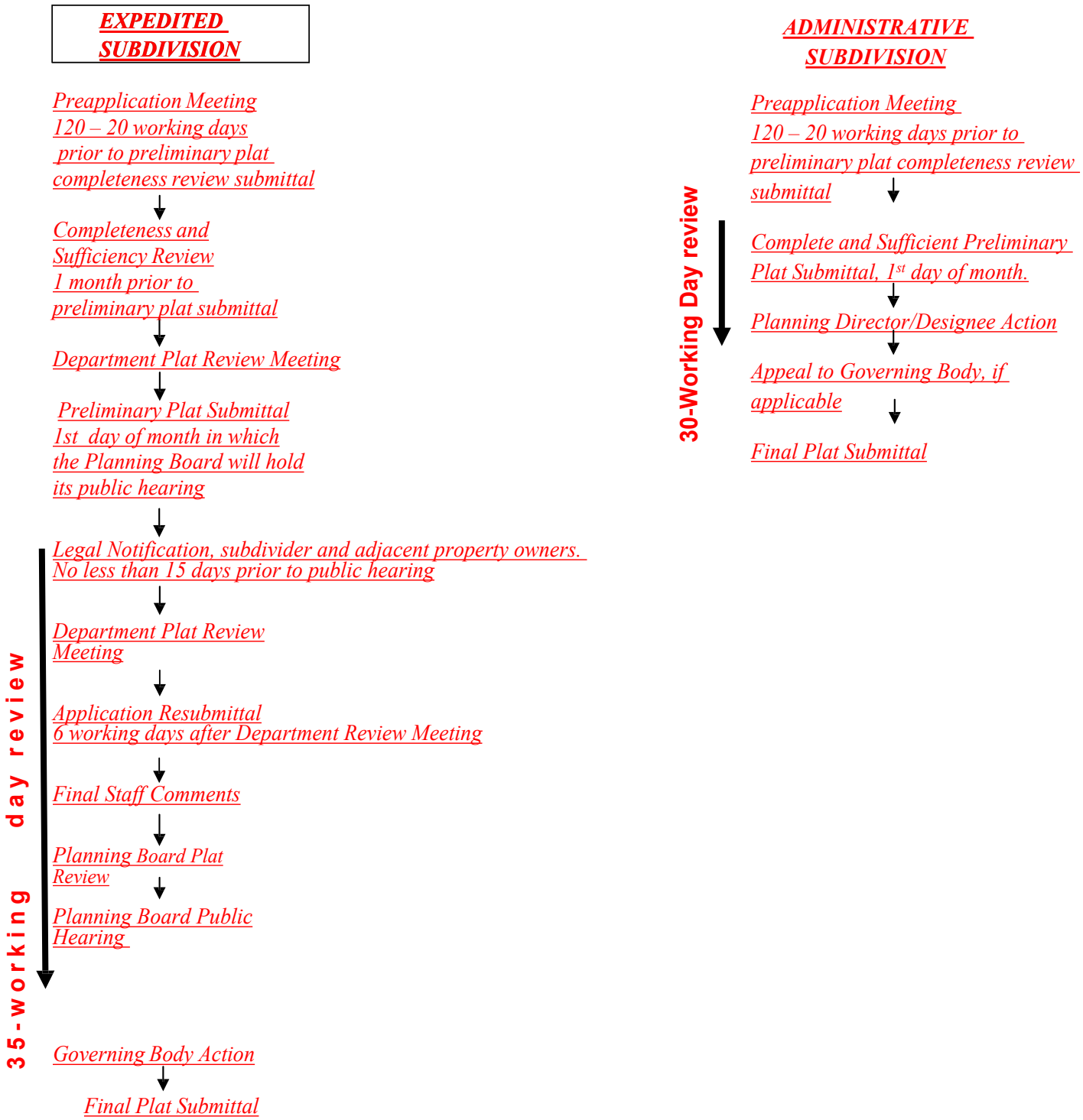
60-80 working day review

35-working day review

35-working day review

25 days prior to Council memo deadline.

Section 23-~~308~~309. Flowchart of Subdivision Procedures. *Continued*



Article 23-400. DEVELOPMENT REQUIREMENTS.

Section 23-401. General.

All subdivisions approved by the governing body must comply with the provisions of this Article, except where granted a variance pursuant to Section 23-1101, Variances, of these Regulations. The requirements contained in this Article apply to subdivisions within the City of Billings as outlined in Section 23-104 of these Regulations.

Section 23-402. Conformance with Zoning.

In addition to the standards outlined in this Article, the design and development of a subdivision must conform to any applicable zoning regulations as found in the ~~Unified~~ Zoning Regulations (Article 27, BMCC).

Section 23-403. Improvement Design.

Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body must be prepared by a professional engineer or professional land surveyor as their respective licensing laws allow in accordance with the Montana Subdivision and Platting Act (MSPA) and these Regulations. ~~All traffic impact studies must be prepared and stamped by a Professional Traffic Operations Engineer (PTOE).~~ Subdivisions must meet the current Access Management Plan adopted by the City.

Section 23-404. Lots.

A. **Regulation of Lots**: Each lot must contain a building site that can be designed to meet applicable building codes, site development standards, driveway slope standards, and zoning requirements of the ~~Unified~~ Zoning Regulations.

B. **Dimensions, Orientation and Topography**: The lot size, depth, shape and orientation shall be appropriate for the location, contemplated use of the subdivision and the zoning of the property. Flag lots shall be ~~discouraged~~ *prohibited* except in cases where ~~they are necessary due to topography or other physical constraints on the property~~ *zoning districts allow flag lots.*

   Slopes of more than 25% are excessive for building sites and shall be subject to a geotechnical analysis. Areas within the subdivision with a slope of 25% or greater shall be identified on the face of the preliminary and final plats.

C. **Frontage:** Residential lots shall ~~have a~~ *provide the* minimum *lot width as required by the existing or proposed zone, as defined in BMCC 27-300 and shall be* ~~of thirty-two (32) feet of frontage~~ on a public right of way or private easement. Lots in commercial and industrial subdivisions shall have a minimum lot width, as defined in BMCC 27-400, ~~frontage of forty-four (44) feet~~ on a public right of way or private easement, or through a reciprocal access easement.

D. **Division by Rights-of-Way**: No single lot may be divided by a public road, alley, or access easement.

E. **Corner Lots:** Design of corner lots must meet the following requirements:

1. Corner lots must be of sufficient size to provide a building site while meeting the clear vision requirements specified in Section 27-618 of the ~~Unified~~ Zoning Regulations.

2. All residential corner lots adjacent to a street identified as a Principal or Minor Arterial must have vehicular access only to an internal street in the subdivision identified as a Collector or Residential street.

F. **Double Frontage Lots:** Double frontage lots (See Figure 23.200.1.) are allowable where they are necessary due to topography and when a one (1) foot wide no-access easement is provided for separation of residential development from railroad or street rights-of-way.

1. Residential Areas: For any residential subdivision where an Arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide ~~lots to back onto the arterial street~~ *for the rear lot line to be adjacent to the arterial street* and provide a one (1) foot wide no-access easement to prevent vehicle access to the arterial street.

2. Commercial Areas: For any commercial subdivision where an Arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for shared accesses to the arterial street or access via internal roads with a one (1) foot wide no-access easement to prevent uncontrolled vehicle access to the Arterial street.

Section 23-405. Blocks.

A. **Size and Orientation Blocks:** Block Length, Section, and Perimeter shall be provided in accordance with Table 23-405.1.

TABLE 23-405.1 REQUIRED BLOCK DESIGN

Zone District	*Block Length*			*Block Perimeter*		*Block Section*	
	Max.	*Min.*	*Preferred*	*Max.*	*Preferred*	*Max.*	*Preferred*
N1/NX1	*780'*	*160'*	*600'*	*1,900'*	*1,480'*	*797'*	*622'*
N2	*950'*	*160'*	*720'*	*2,200'*	*1,700'*	*960'*	*740'*
N3	*1,000'*	*200'*	*780'*	*2,400'*	*1,900'*	*1,029'*	*806'*
NX2/NX3	*700'*	*100'*	*500'*	*1,200'*	*800'*	*708'*	*510'*
RMH	*750'*	*200'*	*570'*	*2,000'*	*1,600'*	*777'*	*605'*
NO/NMU	*780'*	*160'*	*600'*	*1,900'*	*1,480'*	*797'*	*622'*
CMU1	*700'*	*160'*	*500'*	*1,900'*	*1,400'*	*720'*	*525'*
CMU2	*1,400'*	*300'*	*700'*	*4,200'*	*2,800'*	*1,432'*	*762'*
CX	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
I1	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
I2	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
EBURD/CBD/DX	*600'*	*300'*	*160'*	*1,800'*	*1,200'*	*622'*	*340'*
Public 1-3	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*

~~Length, width and shape of blocks shall be determined with consideration of the following:~~

~~1. Provision of adequate building sites suitable to the needs of the type of use contemplated;~~

~~2. Needs for convenient and necessary access, circulation, traffic control and traffic safety, and public safety;~~

~~3. Limitations or opportunities created by the topography.~~

~~4. The block face requirements are:~~

~~a. Maximum Block Face Length: For CMU districts the maximum block face length shall be no more than 660 feet in length. For all districts other than CMU, maximum block face length shall be no more than eight hundred (800) feet.~~

~~b. Maximum Block Perimeter: The maximum perimeter of any block shall be 2,200 feet.~~

~~c. Connectivity: Streets shall connect and continue existing or planned streets from adjoining areas. Block faces at the maximum length above require pedestrian access at mid-block points to ensure walkability. Pedestrian access or walkways may be incorporated as a dedicated alley or as an easement between lots.~~

1. Block Length means the measurement along the property lines of all lots that share the same street frontage until another street intersects (see Figure 23-405.2.). A block length continues until the street frontage changes from one cardinal direction to another.

2. Block Perimeter means the aggregated measurement along all perimeter property lines contained within a Block (see Figure 23-405.3.).

    a. Block Perimeter excludes portions of lots along a project boundary where connections cannot be made because of physical obstacles, such as prior platting of property, existing structures or other barriers, steep slopes, wetlands and other water bodies, railroad and utility rights-of-way, existing highway rights-of-way, and parks and dedicated open space (see Figure 23-405.4.).

3. Block Section measures the greatest straight-line distance between any two points around the perimeter of an area enclosed by streets (see Figure 23-405.5.).

4. Block Length and Block Perimeter preferred measurements are not minimums. Less than the preferred measurement is also acceptable if the design enhances the connectivity of the subdivision.

5. Breaks in Block Length or Block Section such as, a dedicated pedestrian right-of-way of at least 30 feet in width, or a dedicated public park or open space area with at least

30 feet of street frontage (see Figure 23-405.6.) can substitute for an intersecting street. Alleys and similar service corridors will not count as a break in the block perimeter.

6. When designing new roads and streets, curvilinear~~, serpentine and spirograph~~ streets are ~~discouraged and should only be used when a PTOE recommends the design as a traffic calming measure that is warranted or when the topography otherwise prohibits grid street layout~~ still required to follow the basic block layout as outlined in Section 23-405.

7. When Block Lengths exceed 500 feet, traffic calming shall be included in the design.

Figure 23-405.2. Block Length

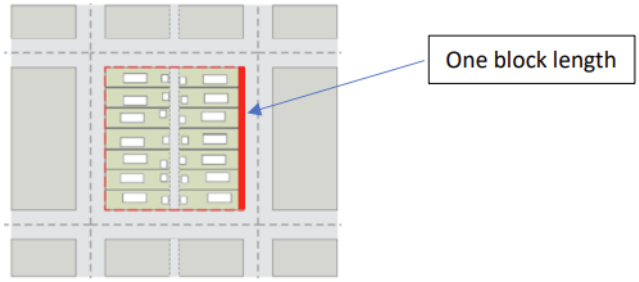


Figure 23-405.3. Block Perimeter

Figure 23-405.4. Block Obstructions

Figure 23-405.5. Block Section

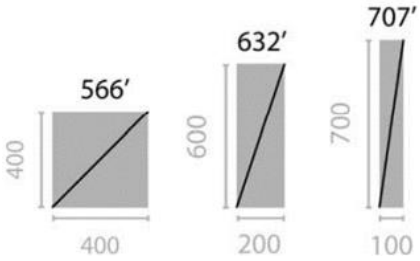
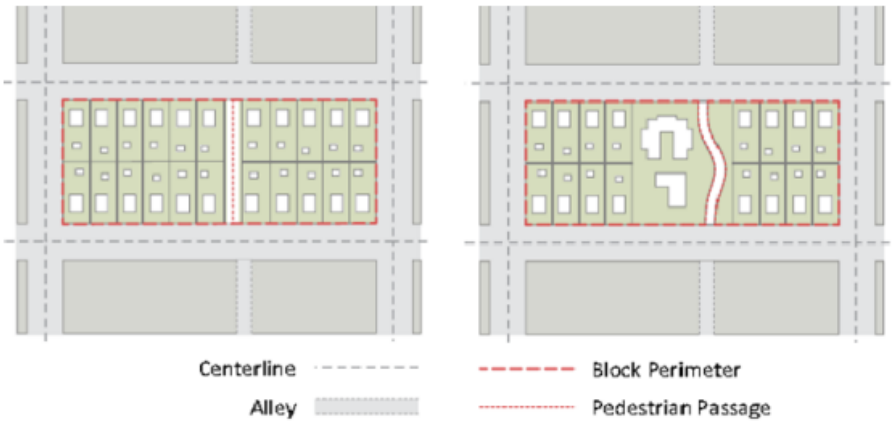


Figure 23-405.6. Breaks in Block Length



B. **Rights-Of-Way for Internal Non-motorized Connections:** Public rights-of-way for internal non-motorized connections within blocks will be required ~~when essential~~ to provide circulation or safe access to schools, playgrounds, shopping, transportation and other community facilities. Pathways shall also be installed at the end of cul-de-sacs. ~~where deemed appropriate~~.

C. **Block Numbering:** All blocks shall be identified with Arabic numerals.

Section 23-406. Streets and Roads.

A. **Streets and Roads, General:** The arrangement, type, extent, width, grade, and location of all streets shall conform to any adopted area plans including, but not limited to, the Growth Policy and Transportation Plan, and must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them.

1. Relation to Undeveloped Areas: When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land *this may require multiple connections to multiple adjacent undeveloped parcels. The maximum distance between connections to undeveloped lands shall no exceed 600 feet.* Streets within the proposed subdivision shall be constructed to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions *or granted by a variance. A variance may not be requested to eliminate connectivity to any street proposed on the most recently adopted Functional Classification Map*.

2. Relation to Developed Areas: The subdivider shall arrange the streets to provide for the continuation of streets between adjacent developed properties ~~when such~~

~~continuation is necessary for the convenient movement of traffic~~, *to provide* effective provision of emergency services and efficient provision of utilities. Such provision may be waived ~~where the adjacent land use is incompatible with the proposed subdivision, or~~ when prevented by topography or other physical conditions.

3. Separation of Through and Local Traffic: Whenever a subdivision abuts or contains an existing or proposed highway, Arterial street or Collector street, the subdivider may be required, as a condition of approval, to provide frontage roads, reverse frontage lots with a no-access strip preventing access along the rear property lines, planting or fencing screens, shared accesses, or other treatment as may be necessary to adequately protect residential properties and to separate through and local traffic.

4. Distance between Parallel Right-of-Way: Where a subdivision borders on or contains a railroad, limited access highway, canal, stream or ditch right-of-way, the subdivider may be required to provide a street or easement approximately parallel to and on each side of the right-of-way at a distance sufficient to allow for the operations and maintenance of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

5. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utilities, all major subdivisions and subsequent minor subdivisions shall provide at least two means of vehicular access built to the standards of this Chapter and designed to ensure public health and safety.

    a. Exceptions to the requirement to provide at least two means of vehicular access may be made for major and subsequent minor subdivisions that meet all of the following criteria:

        1. Access is provided by a cul-de-sac with an approved turnaround that is ~~600~~ 1000 feet or less in length; and
        2. The subject cul-de-sac is served by a local, collector, or arterial street that is not classified as a dead-end street; and
        3. The subject cul-de-sac serves no more than 20 lots, and no more than 30 dwelling units, when residential development is proposed.

    b. Provision of a second means of vehicular access may be required for any subdivision when deemed necessary for public health, safety or welfare.

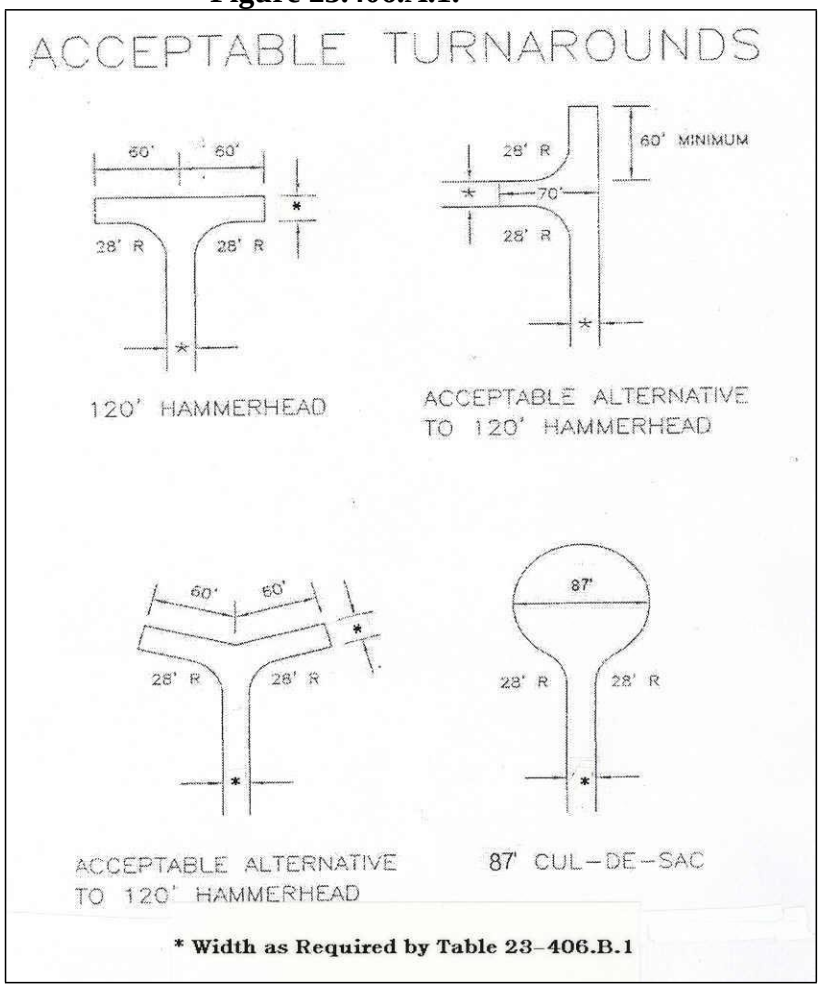
    c. When not otherwise exempt, if a second means of vehicular access built to City street standards cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency access road, built to the standards detailed in Section 23-413 of these Regulations.

    d. Variance requirement in relation to Emergency Access Roads (EAR).

        1. If a full city standard access road is required, and the developer proposes to build an EAR, a variance shall be required showing the hardship encountered.

6. Dead-end Roads: Dead-end access roads or driveways in excess of one hundred fifty (150) feet shall not be permitted without an approved turn around at the terminus. Where streets terminate, the subdivider shall provide a "cul-de-sac" or "hammerhead- T" turnaround conforming to the design standards outlined in Figure 23.406.A.1. The maximum allowable length of a dead-end road is six hundred (600) one thousand (1000) feet. In cases where a dead-end road may be extended in the future, a right-of-way easement or dedication may will be required to be provided.

Figure 23.406.A.1.



7. Half Streets: Half streets are prohibited except when they are essential to the subdivision, are beneficial to the City, or when the City Public Works Department is satisfied that the other half of the street will be dedicated to the public when the adjoining property is subdivided. When an existing half street is adjacent to a tract to be subdivided, the other half of the street must be platted within the new subdivision.

8. Street Continuity: Streets that are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerlines shall coincide and shall have matching names. In cases where straight continuations are not physically possible, such centerline shall be continued by a centerline offset of not less than one hundred twenty-five (125) feet.

9. Tangent for Reverse Curves: A tangent shall be introduced where necessary as determined by City Engineering between reverse curves on arterial and collector streets.

10. Deflected Street Lines to be Curved: When continuing street lines deflect from each other at any one point by more than five (5) degrees, they shall be connected by a curve with a radius adequate to ensure adequate stopping sight distance at the center line of a street in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines.

11. Intersections: Local streets shall be laid out ~~so as~~ to intersect as nearly as possible at right angles and no local street shall intersect any other local street at less than eighty (80) degrees. Such angle of eighty (80) degrees or greater shall be retained for at least fifty (50) feet back from the intersection. Any street intersection involving an arterial and/or collector street, shall intersect at ninety (90) degrees, shall be retained for at least one hundred (100) feet back from the intersection. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City Public Works Department.

12. Lot Corners at intersections: Lot corners at all street intersections shall be designed to accommodate public infrastructure and the requirements of the American Disabilities Act (ADA)

13. Sight distance: The alignment of all streets and roads must provide adequate sight distances in accordance with Section 27-1802 H, Visibility at Intersections, Billings Zoning Code. ~~the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines. Intersections must be designed to provide adequate visibility for traffic safety based on the designed operating speeds of the intersecting roadways.~~

14. Approach Permits: The subdivider shall obtain the applicable approach or curb cut permits for all new accesses to City streets. The subdivider shall obtain an approach permit approved by the Montana Department of Transportation (MDT) for any vehicular access onto a state highway.

15. Street/Road Names and Lot Addresses: New streets/roads aligned with existing streets/roads shall have the same name as the existing street/road. All new street names and lot addresses shall be approved by the ~~City Fire Department~~ *City GIS / Land Management* prior to final plat approval in order to avoid duplication and confusion with names of existing roads.

16. Street/Road Signs and Traffic Control Devices: Street or road signs and traffic control devices of the size, shape, and height approved by the governing body must be placed at all intersections. Traffic control devices must conform to the standards contained in the *Manual on Uniform Traffic Control Devices*.

17. Central Mail Delivery: When required by the United States Postal Service, the

developer shall provide a cluster/gang mailbox area for mail delivery. All access provided to these mail delivery systems shall be ADA compliant.

B. **Streets and Roads Design and Improvement Standards**:

1. General: The design and improvement standards contained in this section shall apply to all construction, reconstruction of streets and roads, public or private, dedicated to the public within the City limits.

2. Improvement Design: All street improvements shall be designed by and constructed under the supervision of a professional Civil Engineer, registered in the State of Montana, and shall meet or exceed the right-of-way and construction standards for the type of street to be constructed found within these regulations, the adopted Transportation Plan, and adopted policies of the City Public Works Department.

3. Plans and Specifications approval: Plans and specifications for all streets shall be provided to and approved by ~~the~~ City Engineer*ing*. The subdivider shall provide professional engineering services for construction inspections, and post-construction certifications. The plans and specifications shall be approved by the City Engineer prior to initiation of any street improvement construction. In addition, a copy of the road plans and specifications for any emergency access roads shall be reviewed and approved by the City Fire Department prior to construction.

4. Traffic ~~Accessibility~~ Impact Study: ~~Prior to the City Council's action on~~ At the time of preliminary plat submittal, a traffic ~~accessibility~~ impact study shall be prepared and stamped by a Professional Engineer and approved by the City Engineer for any new residential, institutional, commercial or industrial subdivision or development which will generate ~~five hundred (500)~~ one thousand (1,000) or more vehicle trips per day or 100 peak-hour trips, as referenced in the Trip Generation Report of the Institute of Transportation Engineers. The Professional Engineer shall certify "that the Traffic Impact Study has been prepared by me or under my immediate supervision and that I have experience and training in the field of traffic and transportation engineering." The report shall be stamped by a Professional Traffic Operations Engineer for five thousand (5,000) or more vehicle trips per day.

   The traffic generation threshold shall apply to any development or cumulative phases of development.

   A vehicular trip is defined as a one-way journey of a person in an automobile or a transit vehicle. If the study indicates a need for the installation of traffic signals, intersection improvements, or other off-site street improvements to facilitate traffic flow generated by the entire proposed development, the identified improvement shall be installed or a financial contribution for the subdivision's proportional share shall be made prior to final plat approval of the subdivision, as determined by City Engineering. The financial contribution for proportionate share shall be by cash contribution, traffic system development fee, or traffic impact fee, whichever is in

effect at the time of final plat approval. The applicant shall meet and discuss elements of the study with City Engineering to determine the general extents of the study at the time of the pre-application meeting.

All developments generating less than 100 peak-hour trips or 1000 average daily trips shall analyze and design for the following basic street design elements. The applicant shall review these elements with City Engineering at the time of a preapplication meeting to determine what elements may apply. In addition, the applicant shall provide an explanation of how each element applies or does not apply, and that summary shall be included with the preliminary plat or development application.

~~The study shall include, but not be limited to the following:~~

~~a. Estimated number of vehicular trips per day;~~
b. Location of approaches (access management);
c. Sight distance review;
d. Turn lane analysis;
e. Connectivity and Circulation review ~~patterns;~~
f. On-street parking impacts;
g. Review of impacts to adjacent property streets, accesses, and intersections with site generated pedestrian and vehicular traffic;
h. Truck circulation, including solid waste pick-up;
i. Location and type of traffic-control devices;
~~e. Pedestrian systems;~~
~~f. Bicycle systems;~~
~~g. Projected turning movements;~~
~~h. Impacts on existing street intersections.~~
i. Traffic Calming

City Engineering reserves the right to require applicant analysis and review of a specific traffic impact due to known traffic or adjacent access issues for a subdivision or development generating less than 100 peak-hour or 1000 trips per day.

5. Street and Road Dedication: All streets providing access to the proposed subdivision shall be dedicated to the public.

6. Right-of-Way and Street Widths: Street right-of-way and surface widths shall be provided as shown in Table 23.406.B.1, below. Street widths (b-b curb width) and lane widths shall be determined and approved by City Engineering Right-of-Way dedications at intersections shall be determined by City Engineering, and may include chamfered corners in order to accommodate ADA or future roundabout.

Table 23-406.B.1. Required Dedications and Street Improvements for Subdivisions within the City Limits

Street Type	Right-of-Way	B-B Curb Width Range	~~Lane Width*~~ ***	Parking Width** **	~~Turn lane width~~	~~Median Width~~	Boulevard Width	Sidewalk Width	***Shared Use Path Width***
Principal Arterial	~~130′~~ *120′*	~~64′49-86′*~~ *	~~11′-12′**~~	---	~~14′~~	~~—~~	10′	5′/~~10′~~ **	*10′*
Minor Arterial	100′	~~42′-66′ * *~~	~~112′~~	---	~~—~~	~~14′~~	10′	5′**	*10′*
Collector	74′	39′-53′*	~~11′~~	8′	~~14′~~	~~—~~	5′	5′	
Commercial Local Access	70′	~~44′-45′~~ 39′-45′	~~13.5′~~	8′	~~14′~~	~~—~~	5′	5′	
Residential Local Access	56′	34′ min. §	~~n/s~~	n/s	~~—~~	~~—~~	5′	5′	
Cul-de-Sac 100-~~600~~ 1000	56′	34′ min.	~~n/s~~	n/s	~~—~~	~~—~~	5′	5′	
Cul-de-Sac <100 feet	40′	29′ min.	~~n/s~~	n/s	~~—~~	~~—~~	---	---	

* As approved by City Engineering. ~~traffic study is required to determine final width.~~

~~** Interior lane(s) is 11' and the outside lane is 12'.~~

** Sidewalk is 5' on one side with a 10-foot multi-use trail on the other side. ~~and 10' *shared use path* on the other side. n/s No specific width is specified.~~

*** Lane Width measured from lip of curb. Parking width measured from face of curb.

§ Street sections that (a) do not require parking or allow for parking on both sides, (b) must be signed no parking, and (c) are approved by City Engineering, City Planning, and City Fire Marshal, may be reduced to 24-feet back of curb to back of curb. For example, a street through a golf course that is fronted by golf course on both sides or an entry road into a subdivision.

§ Street sections with less than 120 average daily trips (ADT), for local residential streets with two street connections or street sections, or that have a block length of 300-feet or less may reduce the back of curb to back of curb width street requirement to 31-feet.

§ Street sections that (a) do not require parking or allow for parking on one side, (b) must be signed no parking, and (c) are approved by City Engineering, City Planning, and City Fire Marshal, may be reduced to 29-feet back of curb to back of curb.. For example, a street that is fronted on one side by a golf course, drainage, or ditch.

7. Alleys: Proposed alleys in both residential and commercial subdivision shall meet the following standards:

   a. The width of an alley shall be a minimum of twenty (20) feet.

b. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed to permit single unit truck movement.

c. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the end.

8. Grading/Cut and Fill: All streets and alleys with adjacent to the subdivision shall be excavated or filled to the grade established and shall provide for surface water drainage as specified by City Public Works according to City specifications.

9. Base Construction: The type of base required will vary depending on the nature of the existing material and with the particular type of traffic to be accommodated, and shall be approved by City Public Works according to a geotechnical analysis.

10. Street Surfacing: A pavement surface shall be required on all streets as specified by City Public Works.

11. Street Grades: All street grades shall conform to the requirements of the City. Street grades shall not exceed the following, with due allowance for reasonable vertical curves and intersection treatment. Street centerline horizontal curves shall be designed for the following minimum speeds:

Street Type	Percent Grade	Speed (M. P. H.)
~~Arterial~~	~~4~~	~~45~~
Collector	7	25-35
Local Access	12	25

12. Curbs and Gutters: Standard integral curb and gutter shall be placed on all arterial, collector and commercial streets. Standard integral curb and gutter is ~~preferred~~ *required* on local residential streets, but ribbon curb may be approved by City Engineering as part of the storm drain design for the subdivision. ~~but drive-over curb may be used upon approval by City Public Works. The allowable minimum curb and gutter grade shall be four-tenths percent and the desirable minimum curb and gutter grade will be five-tenths percent.~~

13. Sidewalks: Boulevard style sidewalks shall be installed on both sides of all streets, except cul-de-sacs less than one hundred (100) feet in length. Arterial and Collector streets may have a multi-use trail on one side in lieu of one of the required boulevard sidewalks. ~~The Planning Board~~ City Engineering may recommend to the City Council that it waive or modify the requirement for boulevard walks on both sides of a local residential street when the subdivision constructs an approved multi-use bicycle/pedestrian path connected and ADA accessible to all lots in combination with or in lieu of sidewalks. Required sidewalk and boulevard widths shall follow those listed in Table 23-406.B.1, above.

14. Street Lights: Street lights shall be installed within residential subdivisions. Residential street lights shall be designed by a licensed professional engineer in accordance with the American National Standard Practice for Roadway Lighting RP-8, current edition.

    a. New Street Lighting

        1. Residential Light Fixture Configuration. Street light fixtures installed after the effective date of these regulations shall be equipped with full cutoff optics, and positioned to minimize any glare source and not create light spillover

        2. Mercury Vapor Bulbs or Lamps. Mercury Vapor bulbs or lamps may not be used in Residential street lights installed after the effective date of this ordinance. LED type luminaires shall be utilized in new street lights.

        3. Residential Street light mounting Height. Residential Street Light fixtures installed after the effective date of this ordinance shall not be mounted higher than 25 feet above grade.

        4. Exceptions to the requirements of 23-406.B.14.

            a. Traffic signals and other traffic safety and control devices
            b. Historic streetlights

15. Access Driveways: Access driveways to new lots shall be allowed as regulated by the City's Curb Cut Regulations found in Article 6-1208, BMCC.

16. Permanent cul-de-sac streets may not represent more than 20% of total roadway miles in a subdivision unless approved by a variance.

    a. Exceptions to this do not require a variance but can be approved administratively. Exception provision are:

        1. Infill projects where a dead-end cul-de-sac is the only viable road option.

        2. Long narrow lots that are not wide enough for more than a single road that is less than 1,000 feet long. Future connections to adjacent properties shall be provided as outlined in Section 23-406.A.1. and Section 23-406.A.2.

        3. Topography that does not allow for a grid system as outlined in the subdivision regulations.

    b. Developments with cul-de-sacs, must provide non-motorized access easements that connect the ends of these streets with each other or provide non-motorized access to existing or reasonable expected future streets, schools, shopping, parks, trails or open space, bus stops and community

facilities.

C. **Multi-Use Trails, General:** All subdivisions must be reviewed for compliance with the ~~Heritage Trail Plan~~[3] *currently adopted Active Transportation Plan* to provide multi-use trail and greenway corridors for safe, convenient non-motorized transportation routes throughout the City and County.

1. To comply with the ~~Heritage Trail Plan~~ *currently adopted Active Transportation Plan*, all subdivisions ~~may~~ *shall* provide a ~~twenty (20)~~ *thirty (30)* foot wide multi-use trail easement across the property if:

a. The ~~Heritage Trail Plan~~ *currently adopted Active Transportation Plan* indicates that a proposed multi-use trail corridor crosses the subdivision property; or

~~b. The Heritage Trail Plan indicates that a proposed greenway corridor crosses the subdivision property.~~

2. If the ~~Heritage Trail Plan~~ *currently adopted Active Transportation Plan* indicates that a proposed trail ~~or greenway~~ ~~corridor~~ crosses the subdivision property, and a segment of the trail ~~or greenway corridor~~ has already been provided on adjacent property, then the subdivision ~~may~~ *shall* connect the trail ~~or greenway segments~~ at the property lines to provide for a continuous trail ~~or greenway~~ corridor.

~~3. In the case of major subdivisions, if the Heritage Trail Plan indicates that a proposed trail or greenway corridor crosses the subdivision property, dedication of linear park land including a trail easement shall be considered as all, or a portion of, the required parkland dedication (See Sections 23-1004 and 23-1002 of these Regulations).~~

3. Trail infrastructure identified and designated as Neighborhood Bikeways, Bike Lanes, Shared Use Path in the currently adopted Active Transportation Plan are required to be constructed by the developer when the trail is in the adjacent right of way or within the development itself. This is considered a public improvement.

Section 23-407. Storm Drainage Facilities.

A. **General:** Facilities and design for storm water drainage shall be provided in accordance with standards set by the City of Billings Storm Water Management Manual (SWMM) and the Montana Department of Environmental Quality (MDEQ). The subdivider shall provide a storm water collection and conveyance system which is designed and constructed in accordance with applicable City standards and which is connected to an existing storm drainage system. If there is no existing storm drainage system in the area or if the existing system has insufficient capacity to carry the additional discharge, the subdivider shall provide an onsite area for retention or detention with controlled outlet capacity, if needed. Such on-site retention or detention and controlled outlet shall be utilized only if specifically approved by the City.

B. **Drainage Discharge:** Discharge of storm drainage is subject to the following:

1. Storm drain systems shall not discharge into sanitary sewer facilities.

2. Storm drain systems shall not discharge into agricultural water user's facilities without the written permission of the appropriate irrigation district.

3. Stormwater detention or retention ponds ~~must~~ *in parkland, reference Section 23-1005 Stormwater Detention / Retention Ponds in Parks of these regulations.* ~~*on a separate parcel and shall not count towards the parkland dedication requirements. Signage is required to indicate the ownership and provide a maintenance contact for the facility. Retention ponds may be located*~~ within a public park land at the discretion of the ~~*when the following criteria is met and approved by the*~~ City Parks Department.

~~a. *The facility is* Such areas shall not count toward the park land dedication requirement unless they are approved by the City Parks Department designed to serve as an amenity to the park and includes improvements such as (trail, benches, walking paths, landscaping, pavilions, etc.)~~

~~b. *The facility* and fits into the planned uses and improvements to the park (See Article 23-1000 of these Regulations).~~

~~[3] The Heritage Trail Plan is not a regulatory document. It is advisory in nature.~~

C. **Easements:** Easements may be required between lots and along public right-of-way to manage storm drainage in subdivisions.

~~D. **System Maintenance:** If any onsite retention or detention facilities are utilized, unless otherwise provided a special maintenance district shall be created prior to filing the final subdivision plat in order to provide funds for the maintenance of such facilities.~~

~~E. **Future Improvements:** If any onsite retention or detention facility is used, a waiver of right to protest against a future storm drain system special improvement district shall be executed by the subdivider and recorded and filed with the final plat.~~

Section 23-408. Sanitary Sewer Systems.

A. ~~If the subdivision is within the City limits, the~~ *The* subdivider shall install complete sanitary sewer system facilities in accordance with the requirements of the City and the Montana Department of Environmental Quality (MDEQ).

An application for extension of sanitary sewer services shall be submitted for review and approval by the City. The subdivider shall submit plans and specifications for the proposed facilities to the City and to MDEQ and shall obtain necessary approvals prior to construction.

B. If any boundary of the subdivision is within five hundred (500) feet of a public sanitary sewer system, the subdivider must *annex into the city and* connect to the sewer district and install sanitary sewer system facilities.

The governing body may grant a variance from the requirement to connect to a public system if the subdivider demonstrates that connection to the public system is physically or economically impractical. For purposes of this section, a connection is economically impractical if the cost is greater than three times the cost of installation of an approvable system on the site.

C. Where individual septic systems are proposed, the system shall meet the standards set forth in Title 17, Chapter 36 (Subdivisions/Onsite Wastewater Treatment), Montana Administrative Rules and obtain approval by the Montana Department of Environmental Quality and/or the Yellowstone County Environmental Health Department.

1. For lots less than twenty (20) acres, MDEQ approval shall be obtained prior to the submission of the final plat application.

2. For lots equal to or greater than twenty (20) acres, Yellowstone City-County Health Department approval is required prior to the submission of the final plat application.

3. A waiver of right to protest the creation of a future special improvement district for a sanitary sewer system shall be executed by the subdivider and recorded and filed with the final plat.

Section 23-409. Water Supply Systems.

A. If the subdivision is within the City limits, The subdivider shall install complete water system facilities in accordance with the requirements of the City and the Montana Department of Environmental Quality (MDEQ). Additionally, the City may as a condition of approval require two water feeds into dead-end roads.

An application for extension of water service shall be submitted for review and approval by the City. The subdivider shall submit plans and specifications for the proposed facilities to the City and to the MDEQ and shall obtain necessary approvals prior to construction.

B. If the subdivision is within the County Water District of Billings Heights (CWDBH), the subdivider shall install complete water system facilities in accordance with the requirements of the CWDBH and the MDEQ.

An application for extension of water service shall be submitted for review and approval by the CWDBH. The subdivider shall submit plans and specifications for the proposed facilities to the CWDBH and to the MDEQ and shall obtain necessary approvals prior to final plat approval.

C. If any boundary of the subdivision is within five hundred (500) feet of a public water

~~system, the subdivider must *annex into the city and* connect to the water system and install system facilities.~~

~~The governing body may grant a variance from the requirement to connect to a public system if the subdivider demonstrates that connection to the public system is physically or economically impractical. For purposes of this section, a connection is economically impractical if the cost is greater than three times the cost of installation of an approvable system on the site.~~

~~D. If individual water supply systems (e.g. wells or cisterns) are proposed, the system shall satisfy the standards set forth in Title 17, Chapter 36 (Subdivisions/Onsite Wastewater Treatment), Montana Administrative Rules and obtain approval by the MDEQ or the Yellowstone County Environmental Health Department.~~

~~1. For lots less than twenty (20) acres, the subdivider must obtain MDEQ approval prior to submission of the final plat.~~

~~2. For lots equal to or greater than twenty (20) acres, the subdivider must obtain Yellowstone City-County Health Department Subdivision approval prior to submission of the final plat.~~

~~3. A waiver of right to protest the creation of a future special improvement district for a water system shall be executed by the subdivider and filed and recorded and filed with the final plat.~~

Section 23-410. Utilities.

A. All new utilities serving the subdivision including electricity, cable television, and telephone shall be placed underground, with the exception of fire hydrants, cable closures, alignment markers, etc. Easements for utilities shall be clearly indicated on the plat.

1. Easements ~~across lots or centered on common rear or common side lot lines~~ shall be provided for public and private utilities *where requested by the city and private utility companies.* ~~and shall be at least sixteen (16) feet wide; easements located along perimeter lot lines shall be at least eight (8) feet in width.~~ The width of an easement may vary depending upon the utility company serving the subdivision.

2. Utility facilities shall be designed by utility firms in cooperation with the subdivider, subject to applicable laws and rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities. The subdivider shall have the construction of all private utilities inspected by a licensed professional engineer prior to final plat approval or release of the financial guarantee for improvements.

B. Where a subdivision is proposed in part or in whole within an airport influence area and noise zone, as defined in BMCC, Article 5-400, a perpetual air rights easement shall be executed.

Section 23-411. Watercourse and Irrigation Easements (76-3-504(1)(j), (k), MCA).

A. **Easements for irrigation facilities WITHIN the subdivision**: Easements are required to be shown on the face of the preliminary and final plats for all drainage ways, irrigation canals/ditches and their laterals, and belowground pipelines that traverse the property to be subdivided, providing for irrigation within the subdivision, except as noted in Section 23-411.B., below. In addition, an easement document shall be filed with the final plat. The easements provided shall meet the following standards:

1. Easements shall be provided in locations of appropriate topography and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of water for irrigation to persons and land legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

2. Easements of a sufficient width to allow for construction, repair, maintenance, and inspection of the ditch shall be provided. The easement width shall be based on the policy of the appropriate irrigation district; and

3. The easement document shall prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the water users.

4. *Irrigation or ditch easements may be located within parkland but shall not be used to satisfy parkland dedication requirements.*

B. **Exclusion of easement requirements for irrigation within the subdivision:** The subdivider need not establish irrigation easements as provided in Section A. above if one of the following is met:

1. The average lot size in the proposed subdivision will be one acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, notifying potential buyers that lots within the subdivision are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable to the lots; or

2. The water rights are removed from the property being subdivided or evidence is provided by the subdivider that the appropriate legal or administrative process has been initiated to remove the water rights from the land within the subdivision. Furthermore, the fact the water rights have been or will be removed from the land within the subdivision shall be denoted on the preliminary plat. If the removal of water rights has not been completed at the time the final plat is filed, the subdivider shall provide written notification to prospective buyers of the subdivider's intention to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

C. **Easements through the subdivision for the benefit of downstream water users:** Easements are required to be shown on the face of the preliminary and final plats for all drainage ways, irrigation canals/ditches and their laterals, and below-ground pipelines on the property being subdivided that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights. In addition, an easement document shall be recorded with the final plat. The easements provided shall meet the following standards:

1. Easements shall be provided in locations of appropriate topography and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of water for irrigation to persons and land legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

2. Easements of a sufficient width to allow for construction, repair, maintenance, and inspection of the ditch shall be provided. The easement width shall be based on the policy of the appropriate irrigation district; and

3. The easement document shall prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the water users.

D. **Additional Provisions:**

1. The realignment or relocation of active irrigation ditches or pipelines is discouraged. If an

   irrigation facility is proposed to be realigned or relocated, the developer shall receive written permission of the appropriate irrigation district and/or water user and the subdivider's Professional Engineer shall certify prior to final plat approval that the water entering and exiting the realigned or relocated irrigation facility is the same quality and amount of water that entered or exited the facility prior to realignment or relocation.

2. New storm water generated from a subdivision shall not be discharged into an irrigation facility unless the subdivider receives written approval from the appropriate irrigation district and/or water user prior to final plat approval.

Section 23-412. Disposition of Water Rights (76-3-504(1) (j), MCA).

~~If a subdivision will create lots averaging less than five acres in size,~~ The subdivider shall submit evidence with the final plat indicating that either A. and B., below, or C., below, has been provided:

A. **Reservation and transfer of water rights:** The subdivider shall reserve all ~~or a portion~~ of the water rights on the land to be subdivided and transfer these water rights to a single entity for use by landowners within the subdivision who have a legal right to the water; ~~Any remaining surface water rights from the land shall be reserved and severed;~~ and

B. **Establish landowner's water use agreement:** If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide for the use of a water right on the subdivision lots, the subdivider shall establish a landowner's water use agreement administered through a single entity. This agreement must specify how the water rights will be administered and describe the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

C. **All rights ~~reserved and~~ severed and granted to the City:** All surface water rights and/or ditch shares shall be ~~reserved and~~ severed from the land proposed for subdivision and granted to the City.

Section 23-413. Fire Protection Requirements.

To ensure a reasonable level of fire protection and life-safety for the public and firefighters, fire apparatus access roads and an approved water supply capable of providing the required water flow for fire protection shall be provided in accordance with this section and the adopted fire code to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction.

A. **Definitions.**
Approved: Acceptable to the fire department having jurisdiction.

Fire Department having jurisdiction: Fire Department or Fire District serving the area in which the subdivision is located.

B. **Major, Minor, and Subsequent Minor Subdivisions:** For all subdivisions, the subdivider shall provide the following minimum mechanism for fire suppression: A pressurized fire hydrant system meeting the flow requirements of the adopted Fire Code, National Fire Protection Association (NFPA) 1142, and the City of Billings Public Utilities Department Rules and Regulations.

C. **Emergency Secondary Access Roads:** In the event that an emergency secondary access road is approved, *through the variance process,* as a means of providing a second access to a subdivision, as required by Section 23-406.A.5. of these Regulations, it shall be built to the following standards:

1. Emergency access roads shall be designed to a minimum unobstructed surface width of not less than twenty (20) feet and shall be constructed to ~~adequately~~ support a forty (40) ton vehicle with a surface ~~so as to~~ *that* provide*s* all weather driving capabilities. The road shall be constructed to City standards. The emergency access road shall be maintained throughout the year including the removal of snow and ice. Where required by the Fire Department having jurisdiction, gates or other approved barricades shall be required at either end of the road to restrict through traffic. A sign shall be fixed to each gate in a conspicuous manner. The sign shall read "EMERGENCY ACCESS ONLY" using black letters not less than two (2) inches wide and six (6) inches high on a white retro reflective background.

2. Prior to construction, a cross-sectional design of the road including location, section,

surfacing, and drainage, and design of gates or barriers shall be submitted to and approved by the Billings Fire Department and the City Engineer's Office. The storm drain design shall accommodate runoff during a ten (10) year storm event to ensure that there is no blockage of the roadway in the event of an emergency. The drainage shall not encroach into the travel way.

3. Emergency access roads will be assigned a name by ~~the Billings Fire Department~~ *City GIS / Land Management*. In order to ensure the roads are entered into and reflected on the County GIS mapping system, the road shall be shown on the plat along with the name assigned to the road. Emergency access roads will not have conventional street signs identifying them by the assigned name.

   Two (2) sets of final plans showing corrections/revisions after review and approval shall be submitted to ~~the Fire Department~~ *City GIS / Land Management*. ~~The Fire Department~~ *City GIS* will forward one (1) set of plans to County GIS to ensure that the emergency access road and road name are entered into the GIS mapping system.

Section 23-414. Flood Hazard Evaluation.

If any portion of a proposed subdivision is within the floodway of a flood of one hundred (100) year frequency as defined by Title 75, Chapter 5, MCA and the Federal Emergency Management Agency (FEMA), or deemed subject to flooding by the City, or if any portion of a proposed subdivision is within two thousand (2,000) horizontal feet and less than twenty (20) vertical feet of a live stream draining an area of twenty-five (25) square miles or more, the flood hazard evaluation criteria found in Appendix O shall be applied, as applicable.

Changes from Current Code
Changes from August 5th Work Session
Changes Proposed per Staff Suggestion since August 5th

Article 23-500. GUARANTEE OF PUBLIC IMPROVEMENTS.

Section 23-501. Subdivision Improvements Agreement.

Prior to granting approval of the final plat by the governing body the subdivider shall have installed all of the required improvements as stipulated in these regulations, or shall, prior to receiving approval of the final plat, provide a financial guarantee in accordance with Section 23-502 and enter into a written subdivision improvement agreement (SIA) with the governing body guaranteeing the construction and installation of all required improvements in conformance with all policies, standards and ordinances adopted by the City. The agreement shall stipulate, among other things, which type of security arrangements acceptable to the governing body the subdivider elects to use, the time schedule acceptable to the City, the subdivider's plans for accomplishing the required improvements and an agreement that the subdivider shall guarantee all improvements for a period of ~~one (1)~~ *two (2)* years from the date of acceptance by the City. ~~(See Appendix K for SIA template)~~

Section 23-502. Security Guarantee. *(MCA 76-3-507).*

The subdivider shall provide a monetary security guarantee from the following listed methods in the amount of one hundred twenty-five (125) percent of the estimated total cost or actual construction contract amount of installing all required improvements including engineering and administration fees, as estimated by a Professional Engineer and approved by the Public Works Department.

A. **Escrow account.** The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the City, or in escrow with a financial institution. The use of any instrument other than cash, and in the case of an escrow account, the financial institution with which the funds are to be deposited, shall be subject to the approval of the governing body or designee. ~~(See Appendix L for Escrow template).~~ In the case of an escrow account, the subdivider shall file with the City an agreement between the financial institution and the subdivider guaranteeing the following:

1. That the funds of the escrow account shall be held in trust until released by the governing body or designee and may not be used or pledged by the subdivider as security in any other matter during that period; and

2. That in the case of a failure on the part of the subdivider to complete the improvements, then the financial institution shall immediately make the funds in the account available to the City for use in the completion of those improvements.

B. **Irrevocable letter of credit.** The subdivider shall provide, from a financial institution or other reputable institution subject to the approval of the governing body or designee, an irrevocable letter of credit. ~~(See Appendix M for Letter of Credit template).~~ This letter shall be deposited with the City and shall certify the following:

1. That the creditor does guarantee funds of the required amounts, as estimated by the subdivider and approved by the Public Works Department, for completing all required improvements; and

2. That, in the case that the subdivider fails to complete the specified improvements within the required time period, the creditor shall pay to the City immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter; and

3. That the letter of credit may not be withdrawn, or reduced in amount, until released by the governing body or designee; and

4. That the letter of credit shall be renewed from year to year until such time the improvements are completed.

C. **Bond.** The subdivider shall provide a surety bond to guarantee the funds to complete improvements, subject to any requirements of the bonding company. The bond shall be payable to the City and shall remain in effect until the improvements have been completed and accepted by the City. The subdivider shall bear all costs associated with the provision of the guarantee.

D. ~~**Sequential development**~~ ***Phased Development*****.** Where a subdivision is to be developed in phases, a phasing plan shall be prepared by the developer, and reviewed and approved by the governing body with the preliminary plat. The phasing plan shall be included in the SIA and shall describe which lots are included in each phase, *and* what improvements shall be completed with each phase~~, and the approximate completion date of each phase.~~ Improvements included in the first phase shall be constructed or guaranteed using one of the acceptable monetary security guarantees prior to final plat approval by the governing body. Lots within subsequent phases shall be restricted from being transferred or developed. A "Restrictions on Transfers and Conveyances" contract shall be entered into for subsequent phases by the subdivider and the governing body and shall be filed with the final plat documents with the Clerk & Recorder ~~(See Appendix N for Restrictions on Transfers and Conveyances template).~~

A release on the restrictions on transfers and conveyances may be filed with the Clerk & Recorder only after the necessary improvements for each particular phase are constructed, approved and accepted by the City, or guaranteed using one of the acceptable monetary security guarantees.

The subdivider shall set a future date that each phase is proposed to commence. Should the date set be passed or the developer determines they are unable to meet the set date a new public hearing will be scheduled to set new dates for future phases. When the developer prepares to release a new phase in the subdivision the developer shall submit to the Planning Department the existing SIA, an updated Environmental Assessment addressing any changes, an updated TIS accounting for growth in the area, and any updates to the MDEQ requirements for the development. Should there be no changes to

the above-mentioned submittal requirements the applicant shall submit documents justifying that finding. A public hearing shall be held to review the proposed phase and its' impacts on the surrounding area with the possibility of additional conditions of approval being added should the findings of fact determine they are needed. A public hearing is required prior to any 'future phase' being released for public sale of lots. (76-3-617 MCA)

All phases included within the phasing plan, if completed within 5 years of final plat approval, are not required to go through the public hearing process as outlined above in paragraph D. They will only be required to obtain a "Release and Certificate" to open each phase. If the subdivider applies to open any phase after 5 years of the approval of the final plat, then the governing body will hold a public hearing in order to determine whether changed circumstances justify amending any conditions of approval or imposing additional conditions of approval as outlined above in paragraph D.

E. ~~**Other.**~~ **Provision for security requirement to ensure construction of public improvements.** Any other method ~~that may be acceptable to the Planning Board and the governing body.~~ *specified in MCA 76-3-507 that is also acceptable to the governing body. In all circumstances the guarantee method shall provide the City of Billings as the beneficiary.*

Section 23-503. Reduction of Guarantees.

In those cases where improvement guarantees have been made by the method in Sections 23-502 ~~A.,B.,C., or D.~~ the amount of the guarantee may be reduced upon installation and acceptance by the City of the required improvements. The amount of the reduction shall not exceed the percentage that the accepted improvements made up of all originally required improvements.

Section 23-504. Release of Guarantee.

Upon completion of required improvements by the subdivider and acceptance of them by the City, all in conformance with this Chapter, the City shall authorize the release of any remaining portion of the improvement guarantee of ninety percent (90%) of the original amount. The remaining ten percent (10%) will be released after any deficiencies are corrected after the ~~one~~ *two*- year warranty inspection. The acceptance of improvements by the City shall initiate the ~~one~~ *two*-year warranty period.

Article 23-600. DEVELOPMENTS PROVIDING MULTIPLE SPACES FOR RENT OR LEASE FOR RECREATIONAL VEHICLES, MOBILE HOMES, AND MANUFACTURED HOMES

Changes from Current Code
Changes from August 5th Work Session
Changes Proposed per Staff Suggestion since August 5th

Section 23-601. General.

A. **Definition.** A development providing multiple spaces for rent or lease for recreational vehicles (RVs) and/or mobile or manufactured homes is created when any portion of a parcel is rented or leased for the purposes of situating a temporary or permanent RV, mobile or manufactured home for residential or commercial use owned by the renter or lessee. The rented/leased land is owned as one parcel under single ownership, which can include a number of persons owning the property in common. These developments are commonly known as mobile home parks, manufactured home parks, and recreational vehicle parks.

B. **Review & approval required.** Manufactured home parks, mobile home parks and RV parks must be submitted for review and approval by the governing body before portions ~~thereof~~ may be rented or leased (76-3-504(s), MCA). Approval must be based on the criteria found in Article 23-300 of these Regulations.

The number of spaces available for rent or lease shall determine the level of review under Article 23-300 (i.e. major, minor, or expedited) as follows:

a. Two spaces for rent/lease meeting all other criteria found in Section 23-305.A. of these regulations shall be reviewed as a subdivision qualifying for expedited review under Section 23-305.

b. Two spaces for rent/lease not meeting one or more of the criteria found in Section 23-305.A. of these regulations shall be reviewed as a first minor subdivision under Section 23-303.

c. Three to five (3-5) spaces for rent/lease shall be reviewed as a first minor subdivision under Section 23-303.

d. Six or more (6+) spaces for rent/lease shall be reviewed as a major subdivision under Section 23-302.

C. **Zoning requirements.** Manufactured home parks, mobile home parks and RV parks shall follow all applicable requirements outlined in the ~~Unified~~ Zoning Regulations (Article 27, BMCC).

Section 23-602. Review Procedures

A. **Submittal requirements.**

1. Manufactured home parks, mobile home parks and RV parks require submittal of those requirements outlined in Article 23-300 of these Regulations except that the subdivider shall submit un-surveyed plans drawn to scale, rather than plats.

2. Supplementary materials. In addition to the submittal requirements outlined in Article 23-300, preliminary and final plans and submittals for manufactured home parks, mobile home parks and RV parks shall include the following:

   a. A layout of all spaces, buildings, or structures proposed for rent or lease.

   b. Location of common areas and facilities.

   c. Parks and/or recreation areas, if required by Article 23-1000, of these Regulations.

   d. Landscaping plan, ~~if~~ required by *Section 27-1200* ~~Section 23-603.E.2, or Section 27-805, 27-912, Section 27-1006, Article 27-1100 or Article 27-1400, BMCC,~~ as applicable.

   e. A Traffic Impact Analysis, if required by Section 23-406.B.4., BMCC.

   f. A Stormwater Pollution Protection Plan (SWPPP) for developments disturbing one acre or more.

B. **Final Approval.** Manufactured home parks, mobile home parks and RV parks shall follow the applicable review procedures outlined in Article 23-300 of these Regulations. In lieu of a final plat, a final plan drawn to scale shall be submitted for approval by the governing body. The approved final plan shall be filed with the Yellowstone County Clerk & Recorder as an exhibit, not as a final plat.

Section 23-603. Manufactured and/or Mobile Home Park Development Requirements.

A. **Manufactured or mobile home spaces.**

1. The number of allowed spaces is limited to what is approved on the final plan.

2. Manufactured or mobile home spaces must be arranged to permit the safe and practical placement and removal of manufactured homes.

3. All manufactured or mobile homes must meet the minimum setback requirements of ~~Article 27-308~~ *Section 27-309*, BMCC from all perimeter boundary lines. In the case where a boundary line is adjacent to an arterial

street, all homes and accessory structures must meet setbacks as required in ~~Article 27-602~~ *Section 27-303 J*, BMCC. *In addition, all manufactured or mobile homes must meet the requirements of fire code separations. Any additional detached building must meet all requirements from building.*

~~4. The manufactured or mobile home pad must be located at least ten (10) feet from the street that serves it.~~

~~5. Location of space limits on the ground must be approximately the same as those shown on the approved plans. Precise surveying of space limits is not required either on the plans or on the ground.~~

~~6. The size of the manufactured or mobile home pad must be suitable for the general market to be served and must fit the dimensions of manufactured homes anticipated. At a minimum the pad should measure fourteen (14) feet wide and seventy (70) feet long. All pads shall be constructed of at least six (6) inches of gravel over a stabilized sub-base.~~

~~7. The total area occupied by a manufactured or mobile home and its roofed accessory buildings and structures may not exceed one-third (1/3) of the area of a space.~~

~~8. All manufactured or mobile homes shall be separated by a minimum of fifteen (15) feet.~~

~~9. There shall be a minimum of fifteen (15) feet between all attached structures such as carports, awnings, decks, and stairs and any adjacent manufactured or mobile home.~~

~~10. There shall be a minimum of six (6) feet between detached structures and any adjacent manufactured or mobile home. Detached structures are defined as any structure that is more than six (6) feet away from the manufactured home.~~

~~11~~*4*. A minimum of two (2) off-street parking spaces must be provided on or adjacent to each manufactured or mobile home space. The driveway must be located to allow for convenient access to the manufactured home, and be a minimum of ten (10) feet wide.

B. **Streets.**

1. Streets within a manufactured or mobile home park or recreational vehicle park shall be private *and built to city standards*.

2. Private streets shall be designed to provide access to all sites. No site shall have vehicular access to a public street. The streets shall be laid out to discourage through traffic and intersections with public streets shall be kept to a minimum.

3. Streets, *pedestrian, and bicycle facilities* shall be designed and built to meet current City Standards.

4. Curvilinear streets shall have no centerline curve with less than a one hundred (100) foot radius. At intersections, the inside edge of the paved street shall have a minimum of a twenty (20) foot radius.

5. All streets shall intersect at an angle of ninety (90) degrees except where the subdivider can show just cause not to and with the approval of the governing body.

6. The layout near street intersections shall be such that a clear vision area is maintained. Stopping sight distance on curves shall be as required on subdivision streets.

7. All traffic-control devices used shall comply with the current edition of the Manual on Uniform Traffic Control Devices, published by the U.S. Department of Transportation.

C. **Fire protection.** The manufactured or mobile home park shall provide an adequate water supply for fire suppression needs, following the requirements as found in Section 23-413 of these Regulations. The means for fire protection shall be subject to approval by the local fire district and the governing body.

D. **Health standards/license requirement.** In addition to the criteria of this Section, manufactured or mobile home parks must also meet the minimum standards of the Montana Department of Public Health and Human Services (MDPHHS) under Title 50, Chapter 52, MCA and the requirements of the Montana Department of Environmental Quality (MDEQ) under Title 50, Chapter 60, MCA. The governing body shall not grant final approval of a manufactured home, mobile home, and/or recreational vehicle park until the subdivider first obtains the applicable licenses and approvals for the facility from MDPHHS and MDEQ.

E. **Additional provisions**

1. Manufactured or mobile home parks shall meet the parkland dedication requirements as outlined in Article 23-1000 of these Regulations.

2. Manufactured or mobile home parks located adjacent to industrial, commercial or lower-density residential land uses shall provide screening such as fences or natural growth along the property boundary lines separating the community from such adjacent uses.

3. All manufactured or mobile home parks shall have a sign near the main entrance showing the park layout.

4. Centralized mail delivery shall be provided at one or more locations within the park. Location and design of such group mail collection site(s) shall be reviewed and approved by the United States Postal Service. ~~and the Public Works department~~.

5. It shall be unlawful to operate a manufactured or mobile home park without holding a valid license issued by the Montana Department of Environmental Quality (MDEQ), to be renewed annually.

Section 23-604. Recreational Vehicle Park Development Requirements.

A. **Recreational vehicle spaces.**

1. Recreational vehicle spaces must be arranged to allow for the safe movement of traffic and access to spaces.

2. Recreational vehicles must be separated from each other and from other structures by at least fifteen (15) feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational vehicle.

3. No recreational vehicle space may be located less than twenty (20) feet from any public street or highway right-of-way.

4. The density of a recreational vehicle park may not exceed twenty five (25) recreational vehicle spaces per acre of gross site area.

B. **Streets.**

1. Roads within recreational vehicle parks must be designed to provide safe traffic circulation and parking.

2. Design of the streets within a recreational vehicle park shall follow those guidelines on street design for manufactured home parks above (Section 23-603.B.).

C. **Additional standards.**

Recreation vehicle parks shall also follow the guidelines listed in Section 23-603.C. **Fire protection**; Section 23-603.D. **Health standards/license requirement**; and Section 23-603.E. **Additional provisions**.

Section 23-605. Timing of Improvements.

A. The subdivider shall install all required improvements before renting or leasing any portion of the subdivision. The governing body or designated agent will inspect all required improvements in order to ensure conformance with the approved construction plans and specifications. The subdivider shall guarantee all improvements for a period of

~~one~~ *two* year*s* from the date of written approval by the governing body or designated agent.

B. If the subdivider seeks approval of the final plan prior to the installation and completion of all required improvements, the subdivider shall enter into a written agreement with the governing body guaranteeing the construction and installation of all required improvements. This agreement shall specify which type of security arrangements the subdivider elects to use and the time schedule proposed for accomplishing the required improvements. Acceptable monetary security guarantees are described in Article 23-500 of these Regulations.

Changes from Current Code
Changes from August 5th Work Session
Changes Proposed per Staff Suggestion since August 5th

Article 23-700. CLUSTER DEVELOPMENTS *(MCA 76-3-509)* ~~AND PLANNED NEIGHBORHOOD DEVELOPMENTS (MCA 76-3-509)~~

Section 23-701. Purpose.

The purpose of this Article is to promote maximum flexibility in the design of new developments within the City of Billings and to encourage innovation within a framework of timely, efficient and flexible design review. Developments that utilize innovative, progressive planning and site design techniques and methods to allow a mixture of land uses, densities, setbacks and building heights are encouraged. Cluster Developments are encouraged where community resources are present and desirable for protection or preservation. Those areas include but are not limited to wildlife habitat, river and stream corridors, wetlands, historical or archeological sites or prime agricultural lands. Planned Neighborhood Developments are encouraged where the proposed development is in excess of twenty acres and diversity in land uses is desirable.

Section 23-702. Definitions.

For the purposes of this Article the following definitions shall apply:

Cluster Development: A Cluster Development is a subdivision creating five (5) or more lots clustered in a group that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped. A minimum of thirty percent (30%) of the area within the subdivision shall be reserved for open space owned by common ownership (76-3-103(2), MCA).

~~**Maximum Density Calculation**: The maximum number of residential dwelling units allowed is calculated by dividing the gross square footage of the Cluster Development area (including any Open Space area) by the required lot area in the underlying zoning district.~~

Master Plan: A master plan is a site plan for a Planned Neighborhood Development that shows lots, blocks, streets, alleys and areas for various land uses including open space within the development. The master plan shall be part of the subdivision approval and any significant change to such master plan shall be considered an amended subdivision.

~~**Planned Neighborhood Development (PND)**: A Planned Neighborhood Development (PND) is a subdivision consisting of a planned mixture of land uses such as residential clusters, industrial parks, shopping centers, and/or office building parks built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (76-3-103(10), MCA).~~

Section 23-703. Cluster Development General Requirements.

A. Cluster development may be applied to any residential subdivision of five (5) or more lots. The subdivision shall generally conform to the Growth Policy and the underlying zoning district(s) although the lots may be smaller in area than required in the underlying zoning district.

B. The maximum size of any developed parcel or lot within a cluster development is 175,000 square feet.

C. A minimum of 30% of the total area within the subdivision shall remain undeveloped in a cluster development. The undeveloped parcel must be protected in perpetuity and prohibit further division of the parcel. (See Section 23-708)

D. Cluster developments are exempt from the review criteria in Section 23-302.H. of these Regulations (76-3-509(e)(ii), MCA).

E. Cluster developments are exempt from the parkland dedication requirements in Article 23-1000 in so far as the cluster development meets or exceeds parkland dedication requirements of Section 23-1002 of these Regulations.

F. Cluster developments shall comply with all other requirements of these Regulations.

Section 23-704. Design Standards and Applications for Cluster Developments.

A. The Cluster development subdivision shall follow all applicable review procedures, as outlined in Article 23-300 of these Regulations.

B. **Site Analysis Map.** A site analysis map shall be submitted with the preliminary plat application including the following information:

1. Property boundaries;
2. All streams, rivers, lakes, wetlands and other hydrologic features;
3. Topographic contours with a minimum of 5-foot intervals; where lots are proposed on slopes 10% or less, contours must be shown at 2-foot intervals.
4. All proposed open space areas;
5. General vegetation characteristics;
6. General soil types;
7. The planned location of protected open space;
8. Existing roads and structures;
9. Potential connections with existing open space, parks and trails.

C. **Open Space Management Plan.** An open space management plan, as described in Section 23-707 of this Article, shall be prepared and submitted with the preliminary plat application. The management plan will be reviewed as a supporting document of the preliminary plat. Review and recommendations to the governing body on the proposed open space management plan will be prepared by the Planning Board.

D. **Instrument of Permanent Protection Required.** An irrevocable covenant prohibiting further subdivision, division, or development of the open space lots or parcels as provided in 70-17-201, et seq., MCA, shall be placed on the open space concurrent with the application for final plat approval.

E. **Maximum Density.** The maximum number of dwelling units shall be calculated by dividing the gross area of the lot including the open space by the required lot area of the underlying zoning district. The applicant need not demonstrate the development capability of the land to calculate the maximum dwelling unit density.

F. **Other Requirements.** The applicant shall adhere to all other applicable requirements of the underlying zoning district(s) with the exception of minimum lot area per dwelling unit (See Maximum Density above). The proposed number of dwelling units shall not exceed the maximum density but each dwelling unit may be placed on a lot of less than the minimum lot area required by the underlying zoning district(s). Subsequent to a preliminary plat approval, the applicant shall apply for and receive a zoning variance (Art. 27-1500, BMCC) from the minimum lot area required within the zoning district(s).

Section 23-705. Open Space.

A. At least thirty percent (30%) of the gross area of a cluster development shall be reserved as open space.

B. **Resource Protection Areas**: The following are considered resource protection areas and are required to be included within the open space when present. These resource areas
must be mapped and shown on the preliminary plat.

1. The 100-year floodplain.
2. Riparian zones of at least seventy five (75) feet in width along all perennial and intermittent streams.
3. Areas of at least 5,000 square feet with percent grade of twenty five percent (25%) or greater.
4. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.
5. Populations of endangered or threatened species, or habitat for such species.
6. Archaeological sites, cemeteries and burial grounds or historic sites listed as such with any state or federal agency.

C. **Other Resource Areas.** The following are considered important resource areas and may or may not be included within the open space at the discretion of the applicant.

1. Historic sites or structures not listed as such with state or federal agencies.
2. Existing native forests or prairie of at least one (1) acre contiguous area.
3. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcrops, particularly those that can be seen from public roads.
4. Prime agricultural lands of at least two (2) acres contiguous area.
5. Existing trails that connect the tract to neighboring areas.
6. Areas at the base of any ridge line or rimrock of at least one (1) contiguous acre.

D. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space. Such areas shall make up not more than

five percent (5%) of the required open space area.

E. At least seventy five percent (75%) of the open space shall be in a contiguous tract of a minimum size of 45,000 square feet. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

F. The open space should be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

Section 23-706. Permitted Uses of Open Space.

A. Uses of Open Space may include the following:

1. Conservation of natural, archeological or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Walking, bicycle trails or other multi-use trails as defined in the ~~Heritage Trail Plan~~ *currently adopted Active Transportation Plan*;
4. Passive recreation areas, such as open fields;
5. Active recreation areas;
6. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are adhered to;
7. Landscaped storm water management facilities approved by the governing body, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses;
8. Easements for drainage, access, and underground utility lines;
9. Other conservation-oriented uses compatible with the purposes of this Article.

B. **Prohibited uses of Open Space.**

1. Golf courses;
2. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
3. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
4. Impoundments;
5. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

Section 23-707. Ownership and Management of Open Space.

A. **Ownership of Open Space**. Open space shall be owned by one of the following entities:

1. The open space ~~shall be dedicated to the public as public parkland~~ *can be provided as allowed per MCA 76-3-621*. Acceptance of the open space shall be at the discretion of the governing body, as recommended by the City*'s* Park *and Recreation Department's staff.* ~~Board.~~ *Open space must allow public access through a plat dedication or easement;* or
2. A Homeowners' Association representing residents of the subdivision may own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. *Open space owned by a Homeowners' Association must indicate through a plat dedication or easement, whether or not there is public access to the open space. The park will display signs indicating public or private use.*

B. **Management Plan.** The applicant shall submit a Plan for Management of Open Space and Common Facilities (Management Plan) that:

1. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
3. Provides that any changes to the Management Plan be approved by the Planning Department, or in the case of publicly *accessible* ~~owned~~ open space, approved by the *Parks and Recreation Department* ~~Park Board~~; and
4. Provides for enforcement of the Management Plan.

C. **Maintenance.**

1. Open space dedicated to the public shall be maintained according to the Management Plan by a Park Maintenance District (PMD) to be established prior to final plat approval.
2. Maintenance of open space owned by a Homeowner's Association shall be the responsibility of the Homeowner's Association. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition the City of Billings may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowners' Association, or to the individual property owners that make up the Homeowners' Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

Section 23-708. Legal Instrument for Permanent Protection of Open Space.

A. **Legal Instrument.** Privately owned open space shall be protected in perpetuity by an irrevocable covenant prohibiting further subdivision, division, or development of the open space lots or parcels as provided in 70-17-201, et seq., MCA, that is recorded with the deed. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all

restrictions contained in this Chapter, as well as any further restrictions the applicant chooses to place on the use of the open space.

B. **Tax Assessment of Open Space**. Once a legal instrument for permanent protection has been placed upon the open space, the Yellowstone County Board of Assessment shall be directed to reassess the open space at a lower value to reflect its more limited use. If the Open Space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment shall be at a value of zero.

Section 23-709. Planned Neighborhood Developments General Requirements.

A Planned Neighborhood Development (PND) project is intended to encourage the use of improved techniques for the development and arrangement of a mixture of land uses more than is available under conventional zoning regulations or land restrictions that separate land uses into distinct zones. It is further the intent of PNDs to allow for the integration of housing, business, and community facilities, and to allow for the preservation of the natural environment through efficient utilization of open space. *PND requirements are outlined in City of Billings Zoning Article 27-800.*

~~A. A PND may be applied to any mixed use subdivision of five (5) or more lots. The subdivision shall generally conform to the adopted Growth Policy. The underlying zoning district(s) land use designations and building setbacks and other limitations shall be used as a general guide. The applicant is encouraged to design the PND to allow a mixture of land uses, densities, setbacks and building heights.~~

~~B. The maximum size of any developed parcel or lot within a PND is 350,000 square feet.~~

~~C. The minimum size for any area designated for common use by the residents or owners of the PND or by the public is 45,000 square feet. The area may be designated for active or passive recreation, for conservation purposes or for any other use in common by the residents and owners of the PND or by the public.~~

~~D. Planned Neighborhood Developments are exempt from the review criteria in Section 23-302.H. of these Regulations.~~

~~E. Planned Neighborhood Developments are exempt from the parkland dedication requirements in Article 23-1000 in so far as the PND meets or exceeds parkland dedication requirements of Section 23-1002.~~

~~F. Planned Neighborhood Developments shall comply with all other requirements of these Regulations.~~

~~G. Planned Neighborhood Developments shall be considered a Special Review use for purposes of the Unified Zoning Code (Article 27-1500, BMCC).~~

Section 23-710. Design Standards and Applications for Planned Neighborhood Developments.

A. The PND shall follow the applicable review procedures, as outlined in Article 23-300 of these Regulations.

B. **Site Analysis Map.** A site analysis map shall be submitted with the preliminary plat application including the following information:

1. Property boundaries;
2. All streams, rivers, lakes, wetlands and other hydrologic features;
3. Topographic contours with a minimum of 5-foot intervals; where lots are proposed on slopes 10% or less, contours must be shown at 2 foot intervals.
4. All proposed open space areas;
5. General vegetation characteristics;
6. General soil types;
7. The planned location of protected open space;
8. Existing roads and structures;
9. Potential connections with existing open space, parks and trails.

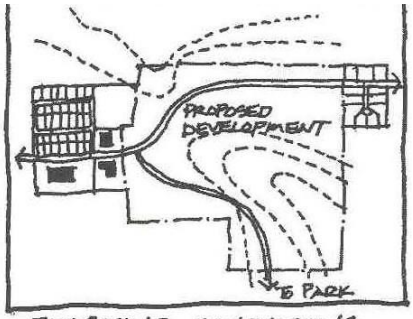
C. Planned Neighborhood Developments are allowed in any zoning district as a Special Review use. Each land use area within a Planned Neighborhood Development will not be a separate zoning district but will apply for and receive special review approval (see Article 27-1500, BMCC for procedure) concurrently with the preliminary plat application (Article 23-300, BMCC). The Planned Neighborhood Development shall provide opportunities for mixed land uses, various housing types and densities, recreational opportunities, and areas for neighborhood services such as schools, community centers, fire or police stations, libraries, and places of employment.

D. **Master Plan:** A Master Plan must be submitted showing the proposed design and land use areas of the development. The Master Plan should be of sufficient detail to determine build-out population, traffic circulation and control requirements, permitted uses or mix of uses within each area, building envelopes for each developed lot, recreation areas and open space. If open space is provided it shall conform to the requirements of Sections 23-705 through 23-708 of this Article.

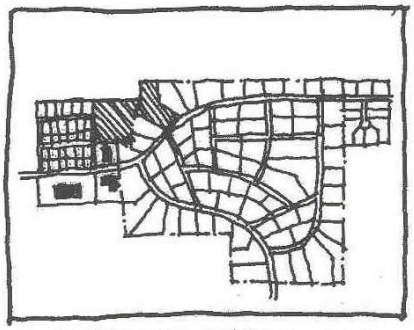
The Master Plan must also show development phasing and construction timing for each phase of the development including any construction or improvements for public parks, trails, community centers, fire and police stations, schools or other public facilities that will serve the Planned Neighborhood Development. Each development phase must contain mixed uses and housing densities. Common elements such as playgrounds, parks, neighborhood service areas and community centers must be included for development within each phase of the development.

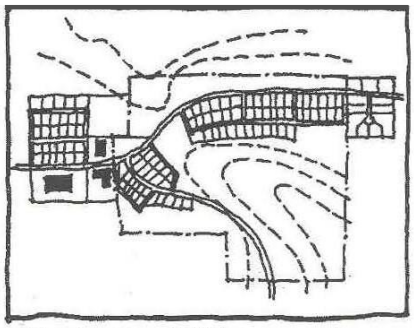
~~E. The Planned Neighborhood Development must be consistent with any adopted Growth Policy, Neighborhood Plan, Heritage Trail Plan, Transportation Plan, Public Utilities Facilities Plan, and any other pertinent public facilities or land use plan that may apply to the PND subdivision area.~~

Section 23-7110. Examples of Cluster Development Designs.

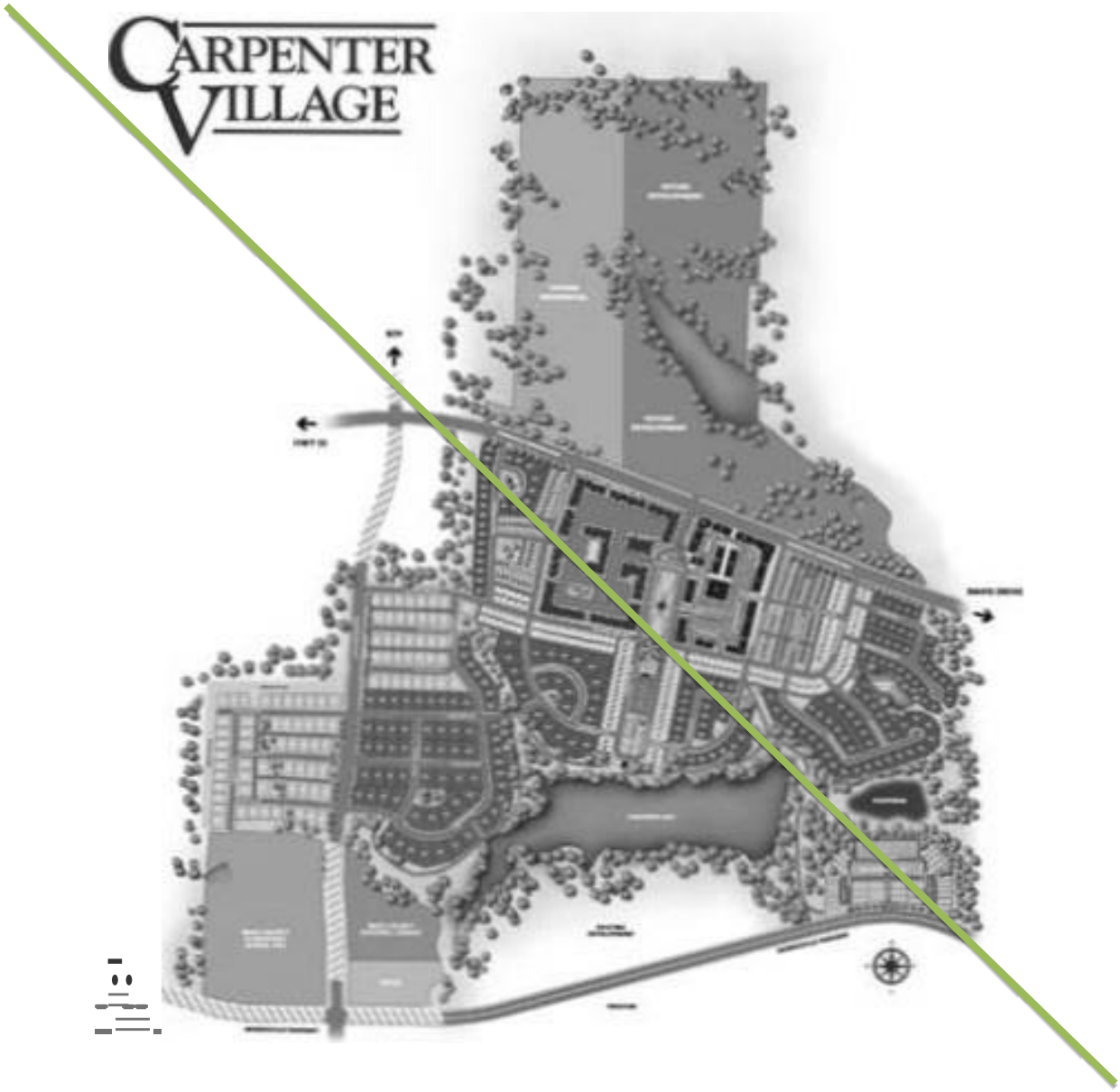


EXISTING CONDITIONS


CONVENTIONAL SUBDIVISION


CLUSTER SUBDIVISION

~~**Section 23-712. Examples of Planned Neighborhood Developments Designs.**~~



Changes from Current Code
Changes from August 5th Work Session
Changes Proposed per Staff Suggestion since August 5th

Article 23-800. CONDOMINIUMS AND TOWNHOMES.

Section 23-801. Condominium and Townhome or Townhouse Development.

A. **Exemptions.** All condominium, townhome, or townhouse developments are subdivisions subject to the terms of these Regulations and the Montana Subdivision and Platting Act (MSPA), except those exempted by 76-3-203, MCA, as described below.

1. The approval of the original subdivision of land expressly contemplated the construction of the condominiums, townhomes, or townhouses, and any applicable park dedication requirements in 76-3-621, MCA are complied with; or

2. The condominium, townhome, or townhouse proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.

B. **Procedures.** All condominium, townhome, or townhouse developments which are not exempt from subdivision review, are subject to the applicable procedures contained in Article 23-300, Subdivision Review Procedures or Article 23-600, Subdivisions for Rent or Lease. The applicable subdivision procedure will be based on:

1. Whether a division of land is to be created.

2. The number of proposed units.

3. Whether the land is a first or subsequent minor subdivision.

Section 23-802. Condominium and Townhome Standards.

A. Condominium and townhome developments shall comply with those standards contained in Article 23-400, Development Requirements and Article 23-1000, Parks, Trails and Open Space.

B. All buildings and structures in a condominium or townhome development shall meet the minimum setback requirements of Article 27-308, BMCC from all perimeter boundary lines. In the case where a boundary line is adjacent to an arterial street, all homes and accessory structures must meet setbacks as required in Article 27-602, BMCC.

C. Condominium, townhome, or townhouse developments shall comply with all applicable provisions of the Unit Ownership Act – Condominiums, Title 70, Chapter 23, MCA, as amended.

Changes from Current Code
Changes from August 5th Work Session
Changes Proposed per Staff Suggestion since August 5th

Article 23-900. ENVIRONMENTAL ASSESSMENT.

Section 23-901. Purpose.

The environmental assessment is a tool by which to evaluate a proposed subdivision's impact on the natural environment, adjacent properties, local services, and the community as a whole. From this evaluation the most appropriate course of action can be determined to mitigate any negative impacts created by the subdivision. The environmental assessment is required by 76-3-603, MCA, unless otherwise exempted.

Section 23-902. General Requirements.

A. **Major Subdivision.** The subdivider shall provide an environmental assessment with the submittal of the preliminary plat containing the following information:

1. A description of the surface and ground water, geology and soils, vegetation, and wildlife use within the area of the proposed subdivision, as required by Section 23-903. **Environmental Description Contents**, of these Regulations.

2. A community impact report containing an analysis of anticipated impacts of the proposed subdivision on the community and local services as required by Section 23-904. **Community Impact Report Contents**, of these Regulations.

3. A summary of probable impacts of the proposed subdivision based on the criteria described in 76-3-608, MCA, as required by Section 23-905. **Summary of Probable Impacts**, of these Regulations.

4. Additional relevant and reasonable information related to the applicable regulatory criteria per 76-3-501, MCA as may be required by the governing body or designee.

B. **Subsequent Minor Subdivision.** An environmental assessment must accompany the preliminary plat and shall include only the summary of probable impacts of the proposed subdivision based on the criteria described in 76-3-608, MCA, as required by Section 23-905. **Summary of Probable Impacts**, of these Regulations.

C. **Exemptions.** The following subdivisions shall not be required to submit an environmental assessment:

1. A first minor subdivision from a tract of record (76-3-609(3), MCA).

2. A subdivision qualifying for expedited review as described in Section 23-305 of these Regulations.

3. Other subdivisions that satisfy all of the following criteria (76-3-616(2), MCA):

   a. The proposed subdivision is completely within an area adopted by the Growth Policy pursuant to 76-1-601, et seq., MCA;

b. The proposed subdivision is located within zoning pursuant to 76-2-203 or 76-2-304, MCA, that avoids significantly reduces, or mitigates adverse impacts identified in a growth policy that includes the provisions of 76-1-601(4)(c); and

c. The proposed subdivision is located within an area where a long-range public works development program (i.e. Capital Improvements Plan) has been adopted pursuant to 76-1-601(4), MCA.

Section 23-903. Environmental Description Contents.

A. **Surface Water.**

1. Locate on a plat overlay or sketch map all surface water and the delineated floodways that may affect or be affected by the proposed subdivision including natural water systems (streams, lakes, rivers, or marshes), artificial water systems (canals, ditches, aqueducts, reservoirs, irrigation or drainage systems), and land subject to flooding (see also Section 23-414 ~~and Appendix O~~ Flood Hazard Evaluation).

2. Describe all surface water that may affect or be affected by the proposed subdivision including name, approximate size, present use, and time of year that water is present.

3. Describe the proximity of proposed construction (such as buildings, sewer systems, roads) to surface water.

4. Describe any existing or proposed stream bank or shoreline alterations and/or any proposed construction or modification of lakebeds or stream channels. Provide information on the location, extent, type, and purpose of any proposed alteration.

5. Please indicate which of the following water quality permits have been or will be applied for and describe the reasons why these permits are required.

PERMIT	**AGENCY**
310 Permit	Local Conservation District
SPA 124 Permit	Department of Fish, Wildlife and Parks
Floodplain Permit	County Floodplain Administrator
Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers
318 Authorization	Department of Environmental Quality
Navigable Rivers Land Use License or Easement	Department of Natural Resources and Conservation

B. **Groundwater**.

1. Using available information, provide the estimated seasonal minimum and maximum depth to the water table, dates on which these depths were determined, and the location and depth of all known aquifers that may be affected by the proposed subdivision.

2. Provide a description of any steps necessary to avoid the degradation of groundwater and groundwater recharge areas.

C. **Geology/Soils/Slopes.**

1. Using available information locate on a plat or overlay any known geologic hazards affecting the proposed subdivision which could result in property damage or personal injury due to any of the following: rock falls or slides; land, mud or snow slides; high water table, unstable or expansive soil conditions, slopes greater than twenty five percent (25%).

2. Explain the measures that will be taken to prevent or materially lessen the danger of future property damage or injury due to existing geologic hazards.

3. Provide a statement describing any unusual soil, topographic or geologic conditions on the property, which may limit the capability for construction or excavation using ordinary and reasonable techniques. The statement should address conditions such as shallow bedrock, high water table, unstable or expansive soil conditions, and slope. Describe the location and amount of any cut or fill three (3) or more feet in depth. Where cuts or fills are necessary, describe prevention of erosion and the promotion of revegetation, such as replacement of topsoil and grading.

4. Include soil reports obtained from the USDA, Natural Resource and Conservation Service (NRCS) containing the physical properties and engineering indexes for each soil type, the soil limitations for sanitary facilities, building site development, and water features for each soil type. Describe any special design methods planned to overcome the soil limitations.

D. **Vegetation.**

1. Indicate the distribution of the major vegetation types and identify critical plant communities as identified by the NRCS.

2. Describe measures to preserve trees and critical plant communities (e.g., design and location of roads, lots and open spaces).

E. **Wildlife**.

1. Describe species of fish and wildlife that inhabit the area affected by the proposed subdivision.

2. Identify on an exhibit map any known critical or "key" wildlife areas, such as big game winter range, migration routes, waterfowl nesting areas, habitat for rare or endangered species, and wetlands.

3. Submit the impacts of the proposed development on fish and wildlife as identified by the Montana Department of Fish, Wildlife and Parks (MFWP). Provide a written statement outlining any recommendation of MFWP and any mitigation efforts to mitigate adverse impacts.

Section 23-904. Community Impact Report Contents.

A. **Impact on agriculture and agricultural water user facilities.**

1. Describe the number of acres in crop production and whether the property is in whole or in part a viable farm unit, e.g. was the property under production during the last regular season.

2. Describe the uses of land within the vicinity of the proposed subdivision.

3. Describe existing irrigation rights on the property and whether the rights will be transferred, retained by the original owner, or severed.

4. Explain any modification or relocation of ditches or any easements to be provided with the subdivision. The subdivider shall notify the affected ditch company of the subdivision and shall obtain permission to reroute or alter the ditch in any way.

B. **Impact on local services and public health and safety.**

1. **Water Supply.**

a. Describe how water will be provided for domestic use and fire protection.

b. Indicate the number of gallons per day of water the proposed subdivision will require and whether the water supply is sufficient to meet the needs of the anticipated population of the subdivision. Describe any anticipated effects on existing water systems or wells within the area.

c. Based on available information, specify whether the proposed water supply satisfies the standards set forth by MDEQ for quality, quantity and construction criteria.

d. If connection to an existing public, community, or shared water system is proposed, identify and describe the existing system and approximate distance to the connection from the proposed subdivision.

i Provide written evidence that permission to connect to that system has been obtained.

ii Provide information regarding the capacity of the existing water system and its adequacy for serving the proposed subdivision.

e. If a new community or shared water system is proposed, identify who will install that system, and how the system will be maintained.

f. If individual water systems are proposed, describe the adequacy of supply of groundwater for individual wells or cisterns and the method used to determine adequacy.

2. **Sewage Disposal.**

a. Describe the proposed method of sewage disposal.

b. Indicate the number of gallons of effluent per day that will be generated by the proposed subdivision at full occupancy, whether the proposed method of sewage disposal is sufficient to meet the anticipated needs of the subdivision, and whether it meets the standards of MDEQ.

c. If connection to an existing public sewer system is proposed, provide a description of the system and the approximate distance from proposed subdivision.

i Provide written evidence from the appropriate sewer jurisdiction granting permission to connect to that system shall be submitted with the preliminary plat.

ii Provide information regarding the installation, maintenance and phasing of any proposed public sewage disposal system.

d. If a new community or shared sewer system is proposed, identify who will install that system, and how the system will be maintained.

e. If individual septic systems are proposed, describe the location and specifications of septic systems.

3. **Solid Waste Disposal.**

a. Provide evidence that there is an existing solid waste collection and disposal system available that can accommodate the anticipated additional volume.

b. If no existing collection and disposal system is available, describe the proposed method of solid waste collection and disposal.

c. Describe how the proposed system satisfies the standards set forth by MDEQ.

4. **Storm water**.

a. Provide calculations indicating how much storm water run-off will be generated as a result of the proposed development.

b. Provide a description of the proposed storm water collection and drainage systems that satisfy the standards set forth by Section 23-407.

5. **Roads.**

   a. Describe any proposed access roads or substantial improvements to existing public or private access roads.

   b. If connections to any existing roads are proposed, identify all access permits that are necessary from the city, county or state.

   c. Discuss whether any of the individual lots or tracts have access directly to arterial roads.

   d. Explain any proposed closure or modification of existing roads.

   e. Describe provisions considered for dust control on roads.

   f. Explain how road maintenance will be provided to meet MDEQ guidelines for prevention of water pollution and erosion.

   g. Indicate who will pay the cost of installing and maintaining the roads.

   h. Discuss how much daily traffic will be generated on existing local and neighborhood roads and main arterials when the subdivision is fully developed.

   i. Indicate the capacity of existing and proposed roads and if they are capable of safely handling the increased traffic resulting from the proposed subdivision. Describe any additional maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.

   j. Indicate ownership of any private access to the subdivision, including private driveway easements.

6. **Utilities.**

   a. Indicate which utility companies are proposed to serve the subdivision.

   b. State the method of furnishing electric, natural gas or telephone service, where provided, the extent to which these utilities will be placed underground, and the estimated completion of each utility installation.

   c. Indicate if there are any existing utility lines on the property such as transmission lines, pipelines, etc. and if so, describe the impacts they may have on the proposed subdivision.

7. **Emergency Services.**

    a. Describe the emergency services available to the subdivision including fire protection, police protection, ambulance, and medical services

    b. Provide an estimate of the number of responses generated by the subdivision, and the method of determining those numbers.

    c. Describe roads to the subdivision and provide information on compaction standards and widths that satisfy the requirements set forth for emergency vehicle access.

    d. In the event that the proposed subdivision is located within the Wildland Urban Interface (WUI), the subdivider shall submit a plan to mitigate fire hazard in accordance with the fire department having jurisdiction.

    e. Describe any health or safety hazards on or near the subdivision, such as mining activity, high-pressure gas lines, dilapidated structures or high voltage power lines. These conditions should be accurately described and their origin and location identified and any proposed mitigation.

8. **Schools.**

    a. Describe the available educational facilities that would service this subdivision.

    b. Provide an estimate of the number of school children that will be generated from the proposed subdivision and provide the basis for the estimate.

    c. Provide information regarding whether increased enrollment can be accommodated by the present personnel, facilities and the existing school bus system. This should include any recommendations of the administrator(s) and plans to mitigate adverse impacts of the proposed development on the provision of educational services.

9. **Parks and Recreation Facilities.**

    a. Describe any park and recreation facilities to be provided within the proposed subdivision and other recreational facilities that may serve the subdivision.

    b. State how the required parkland dedication is being satisfied.

C. **Land Use.**

1. Indicate compliance with zoning encompassing all or part of the proposed subdivision. ~~If the proposed subdivision is located near the jurisdictional area of an incorporated city or town, state whether annexation is proposed~~

2. Describe how the subdivision will affect access to any public lands. Where public lands are adjacent to or near the proposed development, describe present and anticipated uses for those lands.

3. Describe the effect of the subdivision on adjacent land uses.

4. Describe any on-site or off-site land uses creating a nuisance, such as unpleasant odors, unusual noises, dust or smoke.

D. **Historical Features.**

Provide a letter from the State Historic Preservation Office (SHPO) indicating whether any historic features such as paleontological, archeological or cultural sites, structures, or objects are present on the subject property. If such features are present, provide a written statement outlining any recommendations of SHPO and any plans for inventory, study and/or preservation and mitigation for any adverse impacts.

E. **Visual Impact.**

1. Describe any efforts to visually blend development activities with natural surroundings.

2. If the subdivision is located near the Yellowstone River or the Rimrocks, describe any potential impacts to these natural amenities. Discuss any mitigation efforts to preserve the views.

3. Provide information regarding revegetation after construction and any proposed landscaping to be provided along streetscapes.

Section 23-905. Summary of Probable Impacts

A. Describe the effects the proposed subdivision has on the following:

1. Agriculture

2. Agricultural water user facilities

3. Local services

4. The natural environment

5. Wildlife and wildlife habitat

6. Public health and safety

B. Describe how the proposed subdivision complies with the following:

   1. Survey requirements provided in Part 4 of the MSPA

   2. These subdivision regulations

   3. The subdivision review process as described in Article 23-300 of these Regulations

C. Describe how the proposed subdivision provides for easements for the location and installation of any planned utilities.

D. Describe how the proposed subdivision provides for legal and physical access to each lot and the required notation of that access on the plat.

Changes from Current Code
Changes from August 5th Work Session
Changes Proposed per Staff Suggestion since August 5th

Article 23-1000. DEDICATION OF PARKS, TRAILS AND OPEN SPACE

Section 23-1001. Purpose.

The purpose of parkland dedication is to:

- Meet *the objectives associated with adopted City plans and policies.* ~~the goals and objectives associated with parks, open space, trails and other non- motorized transportation facilities in the Heritage Trail Plan, Yellowstone County and City of Billings Growth Policy, Parks2020, The Yellowstone County Comprehensive Parks Plan, the Yellowstone River Greenway Master Plan and the Billings Urban Area Transportation Plan.~~
- ~~Preserve critical wildlife habitat, wetlands, riparian areas, river and stream corridors.~~
- ~~Preserve and protect historical and cultural features.~~
- ~~Provide active and passive park land and open space that is accessible and functional for use by the residents of a specific development and, where preferred, by the community.~~

Section 23-1002. Park Land Dedication Requirements (76-3-621, MCA).

A. Except as provided in Sections 23-1008 and 23-1009, a subdivider shall dedicate to the City a cash or land donation equal to:

1. 11% of the area of the net land proposed to be subdivided into parcels of one-half acre or smaller;

2. 7.5% of the area of the net land proposed to be subdivided into parcels larger than one-half acre and not larger than 1 acre;

3. 5% of the area of the net land proposed to be subdivided into parcels larger than 1 acre and not larger than 3 acres; and

4. 2.5% of the area of the net land proposed to be subdivided into parcels larger than 3 acres and not larger than 5 acres.

B. Park dedication requirements for subdivisions that provide for multi-family and condominium developments, and that provide permanent, multiple spaces for recreational camping vehicles or manufactured homes shall be in lieu of those provided in Section 23-1002(A) and are as follows:

1. 11% of the area of the net land proposed to be developed at a density of one dwelling unit per half acre or less;

2. 7.5% of the area of the net land proposed to be developed at a density of between one dwelling unit per half acre and one dwelling unit per one acre;

3. 5% of the area of the net land proposed to be developed at a density of between one dwelling unit per one acre and one dwelling unit per 3 acres; and

4. 2.5% of the area of the net land proposed to be developed at a density of between one dwelling unit per 3 acres and one dwelling unit per 5 acres.

C. The governing body, in consultation with ~~the subdivider,~~ the Planning Board, ~~and the~~ Parks *and* Recreation ~~and Public Lands~~ Department ~~(PRPL)~~ *and the subdivider* may determine suitable locations for parks. ~~and playgrounds and, provided that consideration is given to the preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. The combination could include some land dedication to meet the requirement with the cash-in-lieu balance going toward park improvements on the land dedicated. In determining whether land or cash is suitable, proximity to existing parks, including schools and other public or private recreational facilities shall be considered by the PRPL.~~

1. Land dedicated for park purposes shall:

a. Be usable land;

b. Street frontage requirements for parks is 200 continuous, linear, feet for each park of one acre, and 30 feet of frontage for every acre after that. The 30 feet segments are not required to be continuous with the original 200 feet. Example: 5-acre park requires 200 linear feet for first acre and 4 x 30 =120 for the others for a total of 320 linear feet. The developer shall coordinate park street frontage openings with the City of Billings Parks Department before the preliminary plat is completed. Minimum width for additional accesses into parkland shall be 30 feet. If the parkland dedication requirement is under 1 acre the required street frontage will be a percentage of the one acre minimum. Minimum street frontage is 60 linear feet for parks less than 1 acre.

For example: If 20,000 square feet is what is required by sub regs, 20,000 divided by 43,560 equals 46%. 200 times 46% equals 92 feet of frontage.

c. Accessible to bicycle and pedestrian facilities where possible;

d. At least 50% of the park must have slopes under 5%.

2. Land not suitable to meet parkland dedication:

a. More than 5% of the area has grades 25% or higher;

b. Riparian resources and areas adjacent to or within irrigation, floodway or wetlands unless it includes a programmable space.

c. Monument entry areas and central landscaped boulevards;

d. Exclusively stormwater facilities;

e. Street lights, cell towers, overhead power, major transmission lines, or other similar uses;

D. A Park Maintenance District shall be formed or expanded with any new parkland dedication. *If a developer provides cash in lieu, but is located directly adjacent to an existing public park maintained by a PMD, the PMD shall be expanded to include the newly subdivided lots.*

E. Irrigation of public and private parkland are encouraged to be provided by ditches

or wells when possible. If neither of these methods is possible, city treated water is an alternative.

Section 23-1003. School Land Dedication in lieu of Park Land Dedication (76-3-621(8), MCA).

Subject to the approval of the governing body and acceptance by the ~~Billings School District #2 Board of Trustees~~ School Board of Trustees that serves the subdivision, a subdivider may dedicate land as required by Section 23-1002 to a school district if the land is adequate to be used for school facilities or buildings.

Section 23-1004. Linear Park Land Dedication for Trail Corridors.

To be consistent with the *adopted active transportation plans and parks and recreation plans, and if reviewed and approved by the review authority, linear park land can be dedicated to the city to provide corridors for trails and satisfy park land dedication requirements.*

A. Maintenance of the linear park is required as per Section 23-1002.D
B. The linear park shall not be used as a substitute for sidewalks or shared use paths adjacent to streets.
C. The linear park shall serve as a connection to other parks or shared use trails.
D. A linear park cannot be dedicated over an irrigation ditch or canal easement.
E. At a minimum, any linear parkland shall be at least 30 feet in width. Privacy fencing in excess of 4'adjacent to linear park is prohibited. When applicable, wording associated with this restriction shall be included within the Subdivision Improvements Agreement.

~~Heritage Trail Plan, Yellowstone County and City of Billings Growth Policy, Parks2020, the Yellowstone River Greenway Master Plan and the Billings Urban Area Transportation Plan, linear parks for trails may be counted toward the required park dedication pursuant to Section 23-1002 of this Article. These parks shall provide corridors for trails and meet the following requirements:~~

~~A. The location of the proposed linear park section is identified as part of the Heritage Trail Plan trail system.~~

~~B. The proposed linear park should be no more than twenty (20) feet in width except when designed to incorporate other park features as approved as part of a parks master plan.~~

~~C. Maintenance of the linear park is provided through a Park Maintenance District as with all other dedicated parks.~~

Section 23-1005. Stormwater Detention/Retention Ponds in Parks.

Stormwater detention or retention ponds may be located within public park land, but such areas shall not count toward the park land dedication requirement unless they are designed and constructed to serve as an amenity to the park and fit into the planned uses and improvements to the park. An example of a stormwater detention area that is an amenity to a park could be several

ponds with water features connecting them designed to have a trail around them with picnic shelters. The developer, at the time of preliminary plat application, shall include documents detailing the amenity improvements. The SIA shall also include language regarding the improvements and the maintenance shall occur through the use of a PMD.

A. A stormwater facility maintenance agreement as per the stormwater management manual must be submitted to the parks department for any ponds located on dedicated park land prior to this regulation.

Section 23-1006. Determining Cash Contribution for Park Land.

Upon submittal of a final plat application, the subdivider shall provide one of the following to verify the fair market value of the land being subdivided that supports the cash contribution for park land the subdivider is providing. All of the below methods shall be completed by a third party. In addition, all methods shall assume the new zoning of the property:

A. A Comparative Market Analysis performed by a licensed realtor that meets the following criteria:

   1. It provides the per acre sale price of at least three (3) comparable parcels of land.

   2. The comparable sales must have occurred within one (1) year of the date of the subdivision final plat application submittal.

   3. The comparable sales must be within two (2) miles of the subdivision.

B. A raw land appraisal by a licensed appraiser.

~~C. The sale price of the property being subdivided if it was purchased within one (1) year of the date of the subdivision final plat application submittal.~~

Section 23-1007. Use of Dedicated Money or Land for Parks (76-3-621(5), MCA).

The governing body shall use the dedicated money or land for development, acquisition, or maintenance of parks to serve the subdivision and community as follows:

A. The governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks or recreational areas, or use the money for the purchase of public open space or conservation easements only if:

   1. The park, recreational area, open space, or conservation easement is within a reasonably close proximity to the proposed subdivision; and
   2. The City Council has formally adopted a park plan that establishes the needs and procedures for use of the money.
   3. The governing body may not use more than 25% of the dedicated money for park maintenance.

Section 23-1008. When Park Land Dedication May Not Be Required (76-3-621(3(c), MCA).

The following subdivisions may not require parkland dedication:

A. A minor subdivision.

B. Land proposed for subdivision into parcels larger than 5 acres.

C. Subdivision into parcels that are all nonresidential.

D. A subdivision in which parcels are not created, except for condominiums and when that subdivision provides permanent multiple spaces for recreational camping vehicles or mobile homes (See Section 23-1002.B. of this Article).

E. A subdivision in which only one additional parcel is created.

F. Cluster Developments ~~and Planned Neighborhood Development~~ (See Sections 703.E. and 709.E. of these Regulations).

Section 23-1009. Waiving Park Land Dedication Requirement (76-3-621(6), MCA).

The governing body shall waive the park dedication requirement if:

A. The subdivision provides for a planned ~~unit~~ development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under Section 23-1002 of this Article.

B. The subdivision provides long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and the area of the land proposed to be subdivided, by virtue of providing long-term protection is reduced by an amount equal to or exceeding the area of the dedication required under Section 23-1002 of this Article.

C. The area of the land proposed to be subdivided, by virtue of a combination of the provisions of Sections 23-1009.A. and B. of this Article, is reduced by an amount equal to or exceeding the area of the dedication required under Section 23-1002 of this Article.

D. The subdivider dedicates land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and the area of the land equals or exceeds the area of the dedication required under Section 23-1002 of this Article.

Changes from Current Code
Changes from August 5th Work Session
Changes Proposed per Staff Suggestion since August 5th

Article 23-1100. ADMINISTRATIVE PROVISIONS.

Section 23-1101. Variances.

The City Council may grant reasonable variances from the design and improvement standards of these Regulations when strict compliance would result in undue hardship and the result would not negatively affect public health and safety. The granting of a variance shall not have the effect of nullifying the intent and purpose of these Regulations or justifying submission of an incomplete application. The City Council may not approve a variance that would permit structures within *the floodway of* the 100-year floodplain, as defined in 76-5-101, MCA.

A. **Requesting a Variance.** The subdivider shall include with the submission of the variance request, a written statement describing the facts of hardship upon which the request for the variance is based. Each requested variance shall be deemed a separate application, for which a fee shall be required. Information addressing each of the following findings shall accompany the application. The Planning Board shall review the submitted findings and make a recommendation to the City Council. The City Council shall not approve variances unless the subdivider has demonstrated that the request satisfies the following findings:

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;

2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;

3. The variance will not result in an increase in taxpayer burden;

4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy; and

5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.

B. In granting variances, the City Council may require conditions of approval that will, in their judgment, secure the objectives of these Regulations.

C. When any such variance is granted, the motion of approval of the proposed subdivision shall contain a statement describing the variance and the facts and conditions upon which the issuance of the variance is based.

D. ~~An application for a variance is not necessary where Planned Neighborhood Developments are proposed, as modifications to the standards and requirements of these Regulations may be approved by the City Council.~~

Section 23-1102. Amendments to Subdivision Regulations.

A. These Regulations may be amended by the City Council by their own motion or upon recommendation of the Planning Board to the City Council.

B. Prior to amending these Regulations, the governing bodies shall conduct a public hearing and public notice shall be given of the intent to amend these Regulations and of the public hearing by publication of the time and place of the hearing in a newspaper of general circulation in the County not less than 15 days prior to the date of the hearing.

Section 23-1103. Corrections or Vacations of Recorded Final Plats and Supporting Documents.

A. Corrections to recorded final plats shall be processed as exempt plats pursuant to the requirements ~~set forth in Appendix B~~, provided that there is evidence of at least one of the following:

1. There is a discrepancy in the map.

2. Material evidence is provided that does not appear on any map filed by the Yellowstone County Clerk and Recorder.

3. There is evidence that suggests alternate locations of lines or points.

4. The recorded plat does not positively show the location, size of lots or blocks, or the location or width of any street or alley.

B. Corrections to a recorded Subdivision Improvements Agreement (SIA) or other supporting document of the final plat to which the City Council is party, may be submitted provided that they do not significantly alter the original approval. Requests to alter a recorded SIA or supporting document shall follow these procedures:

1. A written request to amend the recorded document shall be submitted to the Planning Department.

2. The request will be circulated for review by the agencies affected by the proposed amendment. The Planning Department will, in consultation with the affected agencies, submit a recommendation to the City Council.

3. A public hearing may be required based on the information received by the reviewing agencies. Notice of the public hearing shall be given in accordance with these Regulations.

4. The City Council may approve the request if it does not significantly alter the original approval and does not conflict with the review criteria set forth in these Regulations.

C. Any plat prepared and recorded in accordance with these Regulations may be vacated, either in whole or in part.

1. If the vacation affects five (5) or fewer lots it shall be processed as an exempt plat pursuant to the requirements. ~~set forth in Appendix B~~.

2. If the vacation affects ~~six (6)~~ *twelve (12)* or more lots it shall be reviewed as an amended plat pursuant to Section 23-307 of these Regulations.

3. If the vacation includes public rights-of-way, the applicant must first obtain approval for the right-of-way vacation from the governing body in accordance with the applicable procedures. Title to the streets and alleys of the vacated portions may revert to one or more of the owners of the properties within the platted area adjacent to the vacated portions, as determined by the City Council or designee.

4. When any utility lines or any other public or private facility are located in a vacated street or alley, at the time of the reversion of the title to the vacated street or alley, the owner of the public or private utility facility shall be granted an easement over the vacated land to continue the operation and maintenance of the public or private utility facility.

Section 23-1104. Corrections or Adjustments to Plats, Conditions and Supporting Documents after Preliminary Plat Approval.

A. Minor adjustments may be approved by the City Council or designee, in consultation with the appropriate agencies, prior to the filing of the final plat. Minor adjustments are those changes, which, in the opinion of the City Council or designee, do*es* not affect the basic character of lots or blocks, do*es* not affect the open space requirements *or amount provided*, and do*es* not affect the original street design. Minor adjustments shall not change existing Conditions of Approval or require additional conditions. Minor adjustments may require that a new plat be drawn; however, they do not require that the plat be re-submitted for preliminary plat review.

B. Major adjustments are those which, in the opinion of the City Council or designee, substantially alter the basic design, or ~~alter~~ *change* open space requirements *or amount provided* ~~of~~ *for* the subdivision. Changes to conditions of approval placed on the preliminary plat shall be considered major adjustments unless otherwise determined using the criteria in Section 23-1*2*~~1~~04.C., below. Any changes which constitute a major adjustment shall require that a new plat be drawn and the plat be re-submitted for preliminary plat review as specified in Article 23-300.

C. **Requested Amendments to Conditions.** Upon written request of the subdivider, the City Council may amend conditions of preliminary plat approval where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. Requests to amend a condition of approval shall follow these procedures:

1. The request to amend the condition shall be submitted in writing to the Planning Department.

2. The request will be circulated for review by the agencies affected by the proposed amendment. The Planning Department will, in consultation with the affected agencies, submit a recommendation to the City Council.

3. A public hearing may be required based on the information received by the reviewing agencies. Notice of the public hearing shall be given in accordance with these Regulations.

4. The City Council may approve the request if it can be found that the original condition is unnecessary, impossible or illegal and does not conflict with the review criteria set forth in these Regulations.

D. Once the preliminary plat is approved, unless inaccurate or incomplete information has been found or a change to a condition has been requested, the City Council may not impose any additional conditions as a prerequisite to final plat approval, providing that approval is obtained within the original or extended approval period as provided in these Regulations.

Section 23-1105. Appeals.

A. A person who has filed with the City Council an application for a subdivision under these Regulations may bring an action in district court to sue the City Council to recover actual damages caused by a final action, decision, or order of the City Council or these Regulations that is arbitrary or capricious.

B. A party who is aggrieved by a decision of the City Council to approve, conditionally approve, or disapprove a proposed preliminary plat or final subdivision plat may, within thirty (30) days after the date of the written decision, appeal to the district court. The petition must specify the grounds upon which the appeal is made.

C. The following parties may appeal under the provisions of Section 23-1105.B.:

1. The subdivider;

2. A landowner with a property boundary contiguous to the proposed subdivision or a landowner with property within the county or municipality where the subdivision is proposed if that landowner can show a likelihood of material injury to the landowner's property or its value;

~~3. The Yellowstone County Board of County Commissioners;~~

D. For purposes of this section, "aggrieved" means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Section 23-1106. Schedule of Fees.

The required fee shall accompany the preliminary plat, final plat, exempt surveys, and any proposed variances. A schedule of fees for plats shall be established by the City Council by resolution, ~~as set forth in Appendix P~~ *fee information is available online*.

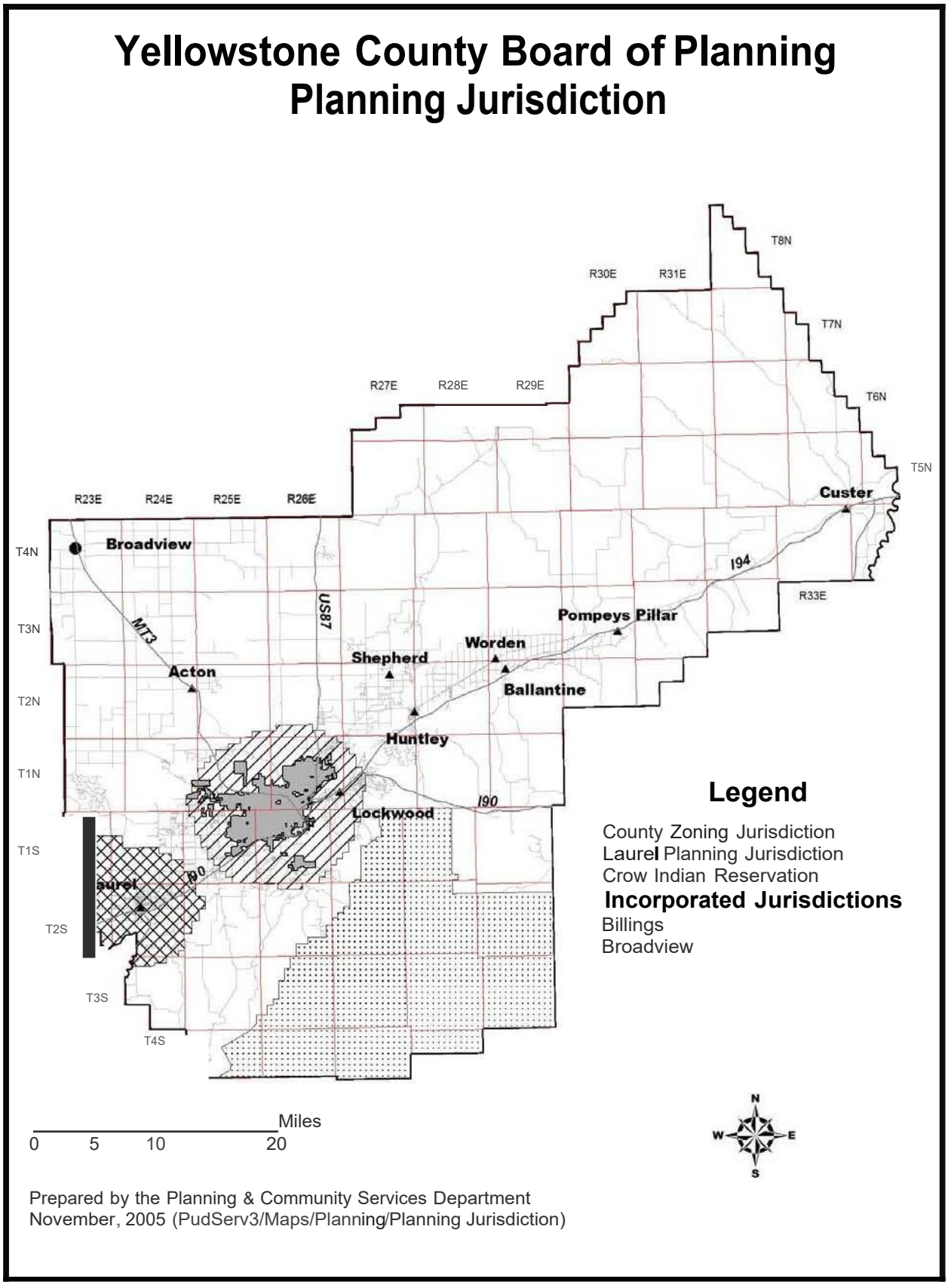
Section 23-1107. Penalty for Violation.

A. Except as provided in 76-3-303, MCA, every final subdivision plat shall be filed with the County Clerk and Recorder before title to the subdivided land can be sold or transferred in any manner. If illegal transfers are completed, the ~~County Attorney~~ *City Attorney* shall commence action to enjoin further sales or transfers and compel compliance with the provisions of the Montana Subdivision and Platting Act (76-3-101 et seq., MCA) and these Regulations. The cost of such action shall be imposed against the person transferring the property.

   Each sale, lease or transfer, or offer of sale, lease, or transfer of each separate parcel of land in violation of any provision of the Montana Subdivision and Platting Act or these Regulations shall be deemed a separate and distinct offense.

B. Any person who violates any of the provisions of the Montana Subdivision and Platting Act (76-3-101 et seq., MCA) or these Regulations is guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by imprisonment in jail for not more than three (3) months or by both fine and imprisonment.

APPENDIX A
Jurisdictional Map



APPENDIX B
Evasion Criteria

City of Billings Evasion Criteria

A. Purpose.

The State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the development is an attempt to evade the Montana Subdivision and Platting Act (MSPA), 76-3-101, et. seq., MCA.

The following procedures, criteria and requirements shall be used to review an exemption from subdivision review and to determine whether the division of land is for the purpose of evading the MSPA.

B. Procedures and General Requirements.

1. Any person seeking exemption from the requirements of the Subdivision and Platting Act (76-3-101 et. seq., MCA) shall submit to the Clerk and Recorder (1) a certificate of survey, exempt amended plat, or where a survey is not required an instrument of conveyance, and (2) evidence of, and a notarized statement affirming, entitlement to the claimed exemption signed by the landowner.

2. When a certificate of survey, exempt amended plat, or instrument of conveyance is submitted to the Planning Department, the Planning Department shall cause the documents to be examined by the designated agents of the governing body: (the City or County Public Works Department, City or County Attorney, Sanitarian, Treasurer, and Clerk and Recorder). The agents shall examine the proposed land division to determine whether it complies with the requirements set forth in this Resolution, the Montana Subdivision and Platting Act, and the Montana Sanitation in Subdivisions Act (76-4-101, et seq., MCA).

3. After the review to evaluate compliance with the requirements contained in this section, the agents shall submit written comments as to whether the use of the exemption is intended to evade the purposes of the Act, after which a written recommendation will be presented to the governing body for its review.

4. If the designated agents find that the proposed use of the exemption complies with the statutes and these criteria, they shall recommend to the Clerk and Recorder to file the certificate of survey, exempt amended plat, or record the instrument of conveyance and accompanying documents. If the agents find that the proposed use of the exemption does not comply with the statutes and these criteria, they shall advise the Clerk and Recorder of their determination and recommend whether or not to file or record the documents, and upon his/her concurrence, the Clerk shall return the materials to the landowner with an explanation as to why the recordation was declined.

5. Any person whose proposed use of an exemption has been denied by the designated agents may appeal the agents' decision to the governing body. The person may request a hearing, and may submit additional evidence to show that the use of the exemption in question is not intended to evade the Act.

   If the governing body concludes that the information provided by the developer overcomes the recommendation by staff that the exemption is being used to evade the Act, they may authorize the use of the exemption in writing. A certificate of survey claiming such an exemption from subdivision review, which otherwise is in proper form, may be filed (or an exempt amended plat or an instrument of conveyance recorded) if the governing body has signed a certificate of an exemption as provided in these regulations.

6. Landowners or their representatives are encouraged to meet with the governing body's designated agents to discuss whether a proposed land division or use of an exemption is in compliance with these criteria.

   The agents may issue an advisory opinion only, and the opinion does not constitute a commitment by the local officials when the documents creating the proposed land division are submitted to the Clerk and Recorder.

7. The governing body and its agents, when determining whether an exemption is claimed for the purpose of evading MSPA, shall consider all of the surrounding circumstances. These circumstances may include but are not limited to: (1) the nature of the use of the parcel, (2) the prior history of uses of the particular tract in question, (3) the proposed configuration of the tracts if the proposed exempt transaction is completed, and (4) any pattern of exempt transactions that will result in the equivalent of a subdivision without local government review (State ex rel. Dreher v. Fuller, 50 St. Rptr. 454, 1993).

8. Exempt divisions of land that would result in a pattern of development equivalent to a subdivision shall be presumed to be adopted for purposes of evading the Act. A "pattern of development" occurs whenever three (3) or more parcels of less than 160 acres each with common covenants or facilities pertaining to each parcel have been divided from the original tract.

9. If the use of an exemption is determined to be an evasion of MSPA, the landowner may submit a subdivision application for the proposed land division.

C Exemption as a Gift or Sale to a Member of the Immediate Family (76-3-207(1)(b), MCA).

1. Statement of Intent: The intention of this exemption is to allow a landowner to convey one parcel to each member of the immediate family without local subdivision review. A single parcel may be conveyed to each member of the immediate family under this exemption in each county where the landowner owns property.

2. "Immediate family" is defined as the spouse, children by blood or adoption, or parents of the grantor (76-3-103(7), MCA).

3. Any certificate of survey filed that would use this exemption to create a parcel for conveyance to a family member must clearly identify the name of the grantee, the grantee's relationship to the landowner, and the parcel to be conveyed under this exemption, and be accompanied by, or contain, the landowner's written certification of compliance. The certificate of survey or other instrument must also cite the exemption claimed and include the proper language. ~~provided in Section H of this Chapter~~. Also, the certificate of survey or instrument of conveyance shall be accompanied by a deed or other conveying document.

4. One conveyance of a parcel to each member of the landowner's immediate family is eligible for exemption from subdivision review. However, the use of the exemption may not result in more than one remaining parcel of less than 160 acres.

5. Any proposed use of the family conveyance exemption to divide a tract that was previously created through use of an exemption shall be presumed to be an evasion of the Act if it creates a pattern of development consistent with an overall plan with characteristics such as common roads, utility easements, restrictive covenants, open space or common marketing. This presumption will not be rebutted by previous ownership of the tracts, and pertains to remaining tracts of less than 160 acres as well as to those tracts that were previously created through the use of one or more of the exemptions.

6. The use of the family conveyance exemption to divide tracts that were created *with the subdivision process are allowed as long as they can also meet the requirements of zoning.* ~~as part of an overall development plan with characteristics such as common roads, utility easements, restrictive covenants, open space or a common marketing or promotional plan shall be presumed that the use of the exemption is an evasion the Act.~~

7. *An immediate family member or the spouse of an immediate family member who receives a division of land as part of a gift or sale may not transfer or otherwise convey the division of land for a period of up to 2 years after the date of the division. The governing body may authorize variances from these requirements to address hardship situations.*

D. Exemption to Provide Security for a Construction Mortgage, Lien or Trust Indenture (76-3-201(1)(b) MCA).

1. Statement of Intent: Under policies of many lending institutions and federal home loan guaranty programs, a landowner who is buying a tract with financing or through a contract for deed is required to hold title to the specific site on which the residence will be built. The intended purpose of this exemption is to allow a landowner who is buying a tract using financing or a contract for deed to segregate a smaller parcel from the tract for security for financing construction of a home on the property.

2. When claiming this exemption, the landowner shall submit the following documents to the City-County Planning Department:

   a. A signed statement from both the landowner and the lending institution that the creation of the exempted parcel is necessary for the owner to secure construction financing through a construction mortgage, lien or trust indenture on the exempted parcel.

   b. Any certificate of survey that uses this exemption must bear the acknowledged certificate of the property owner stating that the division of land in question is exempted from review as a subdivision, cite the exemption claimed, and include the language provided in Section H. of this Chapter.

3. The use of this exemption is presumed to have been adopted for the purpose of evading MSPA if:

   a. It will create a site for more than one dwelling unit;

   b. The loan is for someone other than the owner of record or the recorded contract purchaser of the parcel to be divided.

   c. It will create a pattern of development which is equivalent to a subdivision with characteristics such as common roads, sewer, water, utility easements, restrictive covenants, open space or a common marketing or promotional plan.

E. Exemption for Agricultural Purposes (76-3-207 (1)(c), MCA).

1. Statement of Intent: The intention of this exemption is to allow a landowner to create a parcel without local review where the parcel will be used only for production of livestock or agricultural crops and where no residential, commercial, or industrial buildings will be built.

2. "Agricultural Purpose," for purposes of these evasion criteria, means the use of land for raising crops or livestock, or for the preservation of open space, and specifically excludes residential structures and facilities for commercially processing agricultural products. Agricultural lands are exempt from review by the Montana Department of Environmental Quality (MDEQ), provided the applicable exemption is properly invoked by the property owner.

3. The following conditions must be met or the use of the exemption will be presumed to have been adopted for the purposes of evading MSPA:

   a. The parties to the transaction by gift, sale, or agreement, must enter into a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes or open space. The covenant must be signed by the property owner, the buyer or lessee and the governing body. An example of a covenant is provided in Section H. of this Chapter.

b. The landowner must demonstrate that the planned use of the exempted parcel is for agricultural purposes and that no residential, commercial or industrial buildings will be built (e.g., a statement signed by the buyer).

c. Any change in use of the land for anything other than agricultural purposes subjects the parcel to full review as a subdivision.

d. Residential, commercial and industrial structures, including facilities for commercial processing of agricultural products are excluded uses on parcels created under this exemption unless the covenant is revoked and the land division is reviewed under MCA Title 76, Chapter 3.

e. A certificate of survey that uses this exemption must bear the acknowledged certificate of the property owner stating that the division of land in question is exempted from review as a subdivision, cite the exemption claimed, and include the language provided in Section H. of this Chapter.

F. Relocation of Common Boundary (76-3-207(1) (a, d and e), MCA).

1. Statement of Intent: The intended purpose of this exemption is to allow a change in the location of a boundary line between two parcels and to allow a one-time transfer of a tract to affect that change in location without subdivision review.

2. If the relocation of a common boundary would result in the permanent creation of an additional parcel of land, the division of land must be reviewed as a subdivision. If a temporary tract is created, language shall be added to indicate that the temporary tract is merged forever with the adjacent tract.

3. Within a platted subdivision, a division of lots that redesigns or rearranges six or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the County Clerk and Recorder in accordance with Section 306 of these Regulations.

4. Certificates of survey or amended plats claiming this exemption must be clearly distinguished between the existing boundary location and the new boundary. This shall be accomplished by representing the existing boundary with a dashed line and the new boundary with a solid line. The appropriate certification must be included on the certificate of survey as provided in Section H. of this Chapter.

G. Remainder Parcels.

Statement of Intent: Any part of an original tract of record, less than 160 acres that is left following the segregation of other parcels from the tract for the purpose of transfer shall be reviewed as part of the subdivision.

H. Certification.

1. **Exemption Certificates.** The following represents examples of certificates to be used on certificates of surveys for the following types of exemptions: relocation of common boundaries, land gift or sale to family member, agricultural exemption, and security for constructions.

CERTIFICATE OF EXEMPTION
(RELOCATION OF COMMON BOUNDARY)

I (We) certify that the purpose of this survey is to relocate common boundaries between adjoining properties existing outside of a platted subdivision. Therefore, this survey is exempt from review as subdivision pursuant to Section 76-3-207 (1)(a), (d), or (e), MCA.

DATED THIS _____ day of _____, 20_____.

*(Signature)*_____
Property Owner(s)

CERTIFICATE OF EXEMPTION
(FAMILY GIFT OR SALE)

I (We) certify that the purpose of this survey is to create Tract # _____ for transfer of ownership as a family gift or sale and that no prior family sale has been conveyed to ((name), our (my) (relationship)_____ and that this exemption complies with all conditions imposed on its use. Therefore this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(b), MCA, and the City of Billings Subdivision Regulations.

DATED THIS _____ day of _____, 20_____.

*(Signature)*_____
Property Owner(s)

APPENDIX B
Evasion Criteria

CERTIFICATE OF EXEMPTION
(FOR AGRICULTURAL PURPOSES)

I (We) certify that the purpose of this survey is to create Tract #_____, as shown on this certificate of survey, for gift or sale, which is to be used for agricultural purposes only, and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(c), MCA and the City of Billings Subdivision Regulations.

I also hereby enter a covenant, to run with the land, that Tract _____ as shown hereon, will be used exclusively for agricultural purposes only. No building or structure requiring water or sewer facilities shall be utilized on Tract _____. This covenant is revocable only by the mutual consent of the governing body and the property owner.

DATED THIS _____ day of _____, 20_____.

*(Signature)*_____
Property Owner(s)

CERTIFICATE OF EXEMPTION
(SECURITY FOR CONSTRUCTION)

I certify that the purpose of this survey is to create a parcel of land to provide security for construction or loan purposes and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-201(1)(b) MCA and from review by the Montana Department of Environmental Quality (16.16.605(1)(b)).

DATED THIS _____ day of _____, 20_____.

*(Signature)*_____
Property Owner(s)

2. **Governing Body Certification.** If the exemption is approved after appeal to the Governing Body, the Governing Body shall so certify in a printed certificate on the Certificate of Survey.

I, Mayor of the City of Billings, do hereby certify that the use of the exemption claimed on the accompanying Certificate of Survey has been duly reviewed, and has been found to conform to the requirements of the MSPA, Section 76-3-101, et. seq., MCA, and the City of Billings Subdivision Regulations.

DATED THIS _____ day of _____, 20_____.

*(Signature)*_____
Mayor, City of Billings

Attest: *(Signature)*_____
~~City Clerk~~

APPENDIX C
Preapplication Recommendations

The following information is recommended submittal material for all pre-application meeting requests. The analysis of the feasibility of the proposal by staff may depend on the amount of information that is provided. The submittal material must be provided to the Planning Department at least one week in advance of the scheduled pre-application meeting time.

Submittal Copies Required

10 Copies of conceptual drawing and other supplemental materials

Conceptual drawing identifying the following:

1. Proposed subdivision name
2. Legal description including quarter Section, Township and Range and any underlying survey data
3. Owner, subdivider (if different from owner)
4. Proposed lot layout with approximate dimensions and size
5. Existing streets, roads, alleys and/or access easements within or adjacent to the subject property
6. Proposed legal and physical access to each lot and dimensions of right-of-way and street surfaces; proposed road names
7. Existing easements on or adjacent to the subject property (i.e. access, irrigation, utility, pipelines, trails, etc.)
8. Proposed easements
9. Location of all existing physical features on or adjacent to the subject property, including but not limited:
   - Structures
   - Above-ground utility lines
   - Irrigation facilities
   - Rock outcrops
   - Topographic features (hills, drainages, draws, etc.)
   - Streams, lakes, wetlands, areas within flood plain
10. Location of existing or proposed fire hydrants, or other fire suppression water source
11. Potential layout of:
    - Water distribution system
    - Sanitary sewer system
    - Storm drainage facilities
12. Existing and proposed zoning, if applicable
13. Existing and proposed land use
14. Existing or proposed parkland or trail easements

APPENDIX C
Preapplication Recommendations

Recommended Supplemental and Supporting Documentation

1. Vicinity map showing access to and from property
2. USGS Topographic map with subject property identified
3. Soils survey map (County) or soils hazard map (City) with subject property identified
4. Flood Insurance Rate Map (FIRM) if property is in or nearby a mapped floodplain
5. Well logs from adjacent properties
6. Zoning map showing subject property and surrounding property zoning
7. Photographs of site
8. When subject property is proposed to be subdivided in separate filings, a Master Plan of the entire area to be developed

Frequently Asked Questions at a Pre-Application Meeting

1. What type of review does the proposed subdivision require? (i.e. major, 1st minor, subsequent minor, expedited review, exempt, amended) Procedures for the appropriate review type will be explained.
2. Is the property within an existing subdivision or certificate of survey?
3. Is there an existing Subdivision Improvements Agreement?
4. Will the property be further subdivided?
5. Is there any right-of-way dedication necessary?
6. Does the Transportation Plan or Heritage Trail Plan *BABTMP* affect the property?
7. Will the subdivision generate 500 Average Daily Trips (ADT)? If so, Traffic Study is required.
8. What improvements are necessary? (i.e. water, sewer, storm water management, street, sidewalk/trail)
9. Is public water and sanitary sewer service available or within 500 feet of the property?
10. Will there be a need to request any variances from the Subdivision Regulations?
11. What is the proposed use of the subdivision?
12. Is the property zoned? Is a zone change proposed? Is a special review through zoning needed for the proposed uses?
13. How will parkland dedication requirements be met (if applicable)?
14. Is an Environmental Assessment required?
15. Is the property within a flood hazard area?
16. Are there existing irrigation water rights on the property? If so, how will they be delineated or severed? Will the irrigation facility be moved, altered or covered?

APPENDIX D
Preliminary Plat Requirements

The following information is required for all preliminary plat submittals

Submittal Copies

_____	24"x36" plat and supplements (number of copies specified by staff)
_____	11"x17" plat and supplements (number of copies specified by staff)
___1___	Electronic copy of plat (in AutoCad ® or ArcInfo ® format) and supplements (a high quality scanned copy in .jpg or .pdf may suffice if other formats are unavailable)
___1___	Electronic copy of plat (in .jpg or .pdf format)

Plat Contents:

1. Subdivision name that does not duplicate an existing subdivision name *or not too similar to another's name*
2. Legal description including quarter section, Township and Range
3. Owner, subdivider (if different from owner), engineer and surveyor
4. Date plat was prepared
5. North arrow and scale bar
6. Vicinity map of sufficient detail to locate the subdivision
7. Names and addresses of adjoining property owners
8. Names of adjoining subdivisions and certificates of survey
9. Location of all existing physical features on land adjacent to and within subdivision, including but not limited to:
    - Structures
    - Utilities
    - Irrigation facilities
    - Rock outcrops
    - Areas of 25% slope or greater
10. Locations and dimensions of:
    - Proposed streets and street names that do not duplicate existing street names
    - Sidewalks and/or pathways, trails
    - Alleys, internal private streets, driveways
    - Easements
    - Parkland
    - Street centerline curve radii
11. Proposed layout of:
    - Water distribution system
    - Sanitary sewer system
    - Storm drainage facilities
    - Location of nearest available utilities
12. Lot lines, lot numbers, lot areas and block numbers

~~APPENDIX D~~
~~Preliminary Plat Requirements~~

~~13. Site data including:~~

- ~~Number of lots~~
- ~~Maximum lot area~~
- ~~Minimum lot area~~
- ~~Area of parkland~~
- ~~Linear feet of streets~~
- ~~Net and gross acreage of land to be subdivided~~
- ~~Existing and proposed zoning~~
- ~~Existing and proposed land use~~

~~14. Tentative finished grades of each street indicated by spot elevations~~

~~15. Location of streams, lakes, wetlands, floodplain boundaries, and land subject to flooding~~

~~16. In case of a subsequent subdivision, the subdivision superimposed on a copy of the existing plat~~

~~17. All plats shall be neatly drawn in a professional manner~~

~~18. All plats to be filed as an addition to the City shall be noted in title~~

~~19. Contour lines of not more than five (5) foot intervals; where lots are proposed on slopes 10% or less, contours must be shown at 2 foot intervals~~

~~20. Approximate location of all sections lines and corners pertinent to the proposed subdivision.~~

APPENDIX E
Preliminary Plat Application

Subdivision Name: _____

Date of Preapplication Meeting: _____

Type: Major _____ First Minor _____ Subsequent Minor _____

Tax Code: _____

Location:

Legal Description: _____

1/4 Section: _____, Township: _____, Range: _____

General Location: _____

_____

Subdivider Information:

Name (Include a list of officers if corporation): _____

_____

Address: _____

Telephone: _____ Email: _____

Owner Information:

Name: _____

Address: _____

Telephone: _____ Email: _____

Plat Data:

Gross Area: Net _____

Area: Number of _____

Lots: _____

Maximum Lot Size: _____

Minimum Lot Size: _____

Linear Feet of Streets: _____

Existing Zoning: _____

Surrounding Zoning:

North: _____

South: _____

East: _____

West: _____

Existing Land Use: _____

Proposed Land Use: _____

Parkland Requirement:

Land: _____ Acres: _____

Cash: _____ Cash: $ _____

APPENDIX E
Preliminary Plat Application

Variances Requested (list and attach Variance Request):

1. _____
2. _____
3. _____

Service Providers for Proposed Subdivision

Gas: _____

Electric: _____

Telephone: _____

School (Elementary, Middle, High): _____

Irrigation District: _____

Cable Television: _____

List of Materials Submitted with Application

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Agent Information

Name: _____

Address: _____

Telephone: _____ Email: _____

I declare that I am the owner of record of the above-described property, and have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, is true and correct.

_____ _____

Owner of Record **Date**

_____ _____

Owner Under Contract **Date**

The submission of a preliminary plat application constitutes a grant of permission by the subdivider to enter the subject property (Sec. 23-109).

APPENDIX F
Required Supporting Documents for Major Preliminary Plat Applications

Supplemental and Supporting Documentation

1. Names and addresses of immediately adjoining property owners typed or neatly printed on address labels.
2. Draft Subdivision Improvements Agreement (Appendix L).
3. Environmental Assessment or Summary of Probable Impacts, when applicable (Article 23-900).
4. Traffic Accessibility Study (TAS) when applicable, containing the following information:
    a. Trip generation, using the Institute of Transportation Engineers Trip Generation Manual;
    b. Trip distribution;
    c. Traffic assignment;
    d. Capacity analysis;
    e. Evaluation; and
    f. Recommended access plan, including access points, modifications and any mitigation techniques.
    g. Land use and trip generation in the form of a table of each type of land use, the number of units or square footage, as appropriate, the trip rates used (daily and peak) and resulting trip generation.
    h. Traffic graphics, which show:
        - AM peak hour site traffic;
        - PM peak hour site traffic;
        - AM peak hour total traffic;
        - PM peak hour total traffic;
        - Total daily traffic (with site generated traffic shown separately).
    i. AM and PM capacity analysis with an AM and PM peak hour capacity analysis provided for:
        - All major drive accesses that intersect collector or arterial streets or roads; and
        - All arterial-arterial, collector-collector and arterial-collector intersections within one mile of the site, or as required by the Director of Public Service during the pre-application review.
    j. Capacity. Indicate the levels of service (before and after development) of existing and proposed streets and roads, including appropriate intersections, to safely handle any increased traffic. Describe any anticipated increased maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.
    k. Bicycle and Pedestrian Pathways, Lanes and Routes. Describe bicycle and pedestrian pathways, lanes or routes to be developed with the development.
    l. Traffic Calming. Detailed drawings of any proposed traffic calming installations, including locations and turning radius templates.
5. Preliminary water and sanitation information, including:
    a. A site plan or exhibit that shows:
        – The location, within 100 feet outside of the exterior property line of subdivision and on the proposed lots, of:

- Floodplains
- Surface water features
- Springs
- Irrigation ditches
- Existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems;
- For parcels less than 20 acres, mixing zones identified, and
- The representative drainfield site used for the soil profile description, and

– The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities

b. A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by the Montana Department of Environmental Quality (MDEQ).

c. A drawing of the conceptual lot layout at a scale no smaller than 1 inch equal to 200 feet that shows all information required for a lot layout document in rules adopted by MDEQ pursuant to 76-4-104, MCA.

d. Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:

– A soil profile description from a representative drainfield site identified on the vicinity map, as provided above, that complies with standards published by the MDEQ,

– Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer, and

– In cases in which the soil profile or other information indicates that groundwater is within 7 feet of the natural ground surface, evidence that the groundwater will not exceed the minimum vertical separation distance

e. For new water supply systems, unless cisterns are proposed, evidence of adequate water availability;

– Obtained from well logs or testing of onsite or nearby wells;

– Obtained from information contained in published hydrogeological reports; or

– As otherwise specified by rules adopted by the MDEQ pursuant to 76-4-104, MCA

f. A preliminary analysis of potential impacts to the groundwater quality from new wastewater treatment systems, using as guidance rules adopted by the Board of Environmental Review pursuant to 75-5-301 and 75-5-303, MCA related to standard mixing zones for groundwater, source specific mixing zones, and nonsignificant changes in water quality. The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment

systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection, the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, Chapter 4.

g. A subdivider whose land division is excluded from review under 76-4-125(2), MCA is not required to submit the water and sanitation information listed above.

6. Geotechnical Report that includes:
   a. A summary of hazards present and recommended actions.
   b. A description of proposed construction.
   c. A description of the investigation methods, including field investigations, laboratory analysis and report preparation.
   d. A description of the site conditions, including soil, bedrock, groundwater and other physical features present that may limit development.
   e. Analysis of engineering properties and recommendations in relation to foundations; over-excavation and engineered fill; bearing capacity; lateral loads on basement walls; soil friction factor; earthwork; site grading and runoff control; foundation and retaining wall drainages; slabs on grade; reinforcing, utilities testing and concrete considerations; and ventilation and radon.
   f. Summary of engineering limitations.
   g. The report shall be accompanied by figures and tables sufficient to convey the results of each test hole and an overall site plan showing the location of each test hole. The spacing of test holes will be dependent of the horizontal and vertical variation of the subsurface material. In all cases, the spacing should result in a representation of all soils present on the subdivision.

7. Draft protective and restrictive covenants, if any.

8. Draft Articles of Incorporation when Homeowner's Association is proposed.

9. When a tract of land is to be subdivided in separate filings, a Master Plan of the entire area to be developed.

APPENDIX G

Required Supporting Documents for First Minor Preliminary Plat Applications

Supplemental and Supporting Documentation

1. Draft Subdivision Improvements Agreement

2. Traffic Accessibility Study (TAS) when applicable, containing the following information:
    a. Trip generation, using the Institute of Transportation Engineers Trip Generation Manual;
    b. Trip distribution;
    c. Traffic assignment;
    d. Capacity analysis;
    e. Evaluation; and
    f. Recommended access plan, including access points, modifications and any mitigation techniques.
    g. Land use and trip generation in the form of a table of each type of land use, the number of units or square footage, as appropriate, the trip rates used (daily and peak) and resulting trip generation.
    h. Traffic graphics, which show:
        - AM peak hour site traffic;
        - PM peak hour site traffic;
        - AM peak hour total traffic;
        - PM peak hour total traffic;
        - Total daily traffic (with site generated traffic shown separately).
    i. AM and PM capacity analysis with an AM and PM peak hour capacity analysis provided for:
        - All major drive accesses that intersect collector or arterial streets or roads; and
        - All arterial-arterial, collector-collector and arterial-collector intersections within one mile of the site, or as required by the Director of Public Service during the pre-application review.
    j. Capacity. Indicate the levels of service (before and after development) of existing and proposed streets and roads, including appropriate intersections, to safely handle any increased traffic. Describe any anticipated increased maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.
    k. Bicycle and Pedestrian Pathways, Lanes and Routes. Describe bicycle and pedestrian pathways, lanes or routes to be developed with the development.
    l. Traffic Calming. Detailed drawings of any proposed traffic calming installations, including locations and turning radius templates.

3. Preliminary water and sanitation information, including:

    a. A site plan or exhibit that shows:
        - The location, within 100 feet outside of the exterior property line of subdivision and on the proposed lots, of:
            - Floodplains
            - Surface water features
            - Springs
            - Irrigation ditches
            - Existing, previously approved, and, for parcels less than 20 acres,

proposed water wells and wastewater treatment systems;
- For parcels less than 20 acres, mixing zones identified, and
- The representative drainfield site used for the soil profile description, and

– The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities

b. A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by the Montana Department of Environmental Quality (MDEQ).

c. A drawing of the conceptual lot layout at a scale no smaller than 1 inch equal to 200 feet that shows all information required for a lot layout document in rules adopted by MDEQ pursuant to 76-4-104, MCA.

d. Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:
– A soil profile description from a representative drainfield site identified on the vicinity map, as provided above, that complies with standards published by the MDEQ,
– Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer, and
– In cases in which the soil profile or other information indicates that groundwater is within 7 feet of the natural ground surface, evidence that the groundwater will not exceed the minimum vertical separation distance

e. For new water supply systems, unless cisterns are proposed, evidence of adequate water availability;
– Obtained from well logs or testing of onsite or nearby wells;
– Obtained from information contained in published hydrogeological reports; or
– As otherwise specified by rules adopted by the MDEQ pursuant to 76-4-104, MCA

f. A preliminary analysis of potential impacts to the groundwater quality from new wastewater treatment systems, using as guidance rules adopted by the Board of Environmental Review pursuant to 75-5-301 and 75-5-303, MCA related to standard mixing zones for groundwater, source specific mixing zones, and nonsignificant changes in water quality. The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection, the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, Chapter 4.

g. A subdivider whose land division is excluded from review under 76-4-125(2),

APPENDIX G

Required Supporting Documents for First Minor Preliminary Plat Applications

MCA is not required to submit the water and sanitation information listed above.

4. Geotechnical Report that includes:
    a. A summary of hazards present and recommended actions.
    b. A description of proposed construction.
    c. A description of the investigation methods, including field investigations, laboratory analysis and report preparation.
    d. A description of the site conditions, including soil, bedrock, groundwater and other physical features present that may limit development.
    e. Analysis of engineering properties and recommendations in relation to foundations; over-excavation and engineered fill; bearing capacity; lateral loads on basement walls; soil friction factor; earthwork; site grading and runoff control; foundation and retaining wall drainages; slabs on grade; reinforcing, utilities testing and concrete considerations; and ventilation and radon.
    f. Summary of engineering limitations.
    g. The report shall be accompanied by figures and tables sufficient to convey the results of each test hole and an overall site plan showing the location of each test hole. The spacing of test holes will be dependent of the horizontal and vertical variation of the subsurface material. In all cases, the spacing should result in a representation of all soils present on the subdivision.

5. Draft protective and restrictive covenants, if any.

6. Draft Articles of Incorporation when Homeowner's Association is proposed.

7. When a tract of land is to be subdivided in separate filings, a Master Plan of the entire area to be developed.

APPENDIX H
Expedited Final Plat Application

City of Billings

EXPEDITED FINAL PLAT APPLICATION

1. **Name of Subdivision** _____
2. **Tax ID #** _____
3. **Location**
   a. Legal Description: _____
   ¼ Section:
   Township: _____
   Range: _____
   b. General location: _____
   _____
4. **Name, Address & Telephone Number of Subdivider**
   a. Name:
   b. Address:
   c. Telephone: _____
5. **Name, Address & Telephone Number of Owner**
   a. Name:
   b. Address:
   c. Telephone: _____
6. **Plat Data**
   a. Gross area:
   b. Net area:
   c. Number of lots: _____
7. **List of materials submitted with final application**

   Required:

   a. Final Plat
   b. Subdivision Improvements Agreement and Waiver
   c. Title Report
   d. Red lined check print

   Other:

   _____
   _____
   _____
   _____
   _____
   _____
8. **Deed restrictions or covenants?** Yes_____ No_____

   if yes, please attach copies.

APPENDIX H
Expedited Final Plat Application

9. **Name, address & telephone of professional consultant(s)**

Surveyor/engineer: _____

Address: _____

_____

_____

Attorney: _____

Address: _____

_____

_____

Other: _____

Address: _____

_____

_____

I declare that I am the owner of record and that all the statements and information contained in all exhibits transmitted herewith are true and correct. I hereby apply for approval of the final plat of:

_____

Owner/Owners: _____

_____

_____

_____

(Signature of Owner/Owners)

Owners under Contract: _____

_____

_____

_____

(Signature of Owners under contract)

APPENDIX I
Final Plat Application

City of Billings

FINAL PLAT APPLICATION

1. **Name of Subdivision** _____
2. **Tax ID #** _____
3. **Location**
   a. Legal Description: _____
   ¼ Section:
   Township: _____
   Range: _____
   c. General location: _____
   _____
4. **Name, Address & Telephone Number of Subdivider**
   a. Name:
   b. Address:
   c. Telephone: _____
5. **Name, Address & Telephone Number of Owner**
   a. Name:
   b. Address:
   c. Telephone: _____
6. **Plat Data**
   a. Gross area:
   b. Net area:
   c. Number of lots: _____
7. **Park Requirement**
   a. Land: _____
   b. Cash: $ _____
8. **Date preliminary plat approved:** _____
9. **List of materials submitted with final application**

   Required:

   a. Final Plat
   b. Subdivision Improvements Agreement
   c. Conditions of Approval
   d. Title Report
   e. Red lined check print

APPENDIX I
Final Plat Application

Other:

_____

_____

_____

_____

_____

_____

10. **Deed restrictions or covenants?** Yes_____ No_____

if yes, please attach copies.

11. **Name, address & telephone of professional consultant(s)**

Surveyor/engineer: _____

Address: _____

_____

_____

Attorney: _____

Address: _____

_____

_____

Other: _____

Address: _____

_____

_____

I declare that I am the owner of record and that all the statements and information contained in all exhibits transmitted herewith are true and correct. I hereby apply for approval of the final plat of:

_____

Owner/Owners: _____

_____

_____

_____

(Signature of Owner/Owners)

Owners under Contract: _____

_____

_____

_____

(Signature of Owners under contract)

APPENDIX J
Final Plat Requirements

1. A final subdivision plat may not be approved by the governing body or filed by the County Clerk and Recorder unless it complies with the following requirements:

   a. Final subdivision plats must be legibly drawn with permanent ink or printed or reproduced by a process guaranteeing a permanent record and must be 18 inches by 24 inches or 24 inches by 36 inches overall to include a 1 1/2-inch margin on the binding side.

   b. Two signed copies on 3 mil. or heavier matte stable-base polyester film or equivalent must be submitted.

   c. If more than one sheet must be used to adequately depict the land subdivided, each sheet must show the number of that sheet and the total number of sheets included. All certifications must be placed or referred to on one sheet.

   d. A survey that modifies a filed subdivision plat must be entitled "amended plat of (lot, block and name of subdivision being amended)," and unless it is exempt from subdivision review by 76-3-201 or 76-3-207(1)(d) or (e), MCA, may not be filed with the County Clerk and Recorder unless it meets the filing requirements for final subdivision plats specified in these requirements.

2. A final plat submitted for approval must show or contain, on its face the following information. The surveyor may, at his or her discretion, provide additional information regarding the survey.

   a. A title or title block indicating the quarter section, section, township, range, principal meridian, county and, if applicable city or town, in which the subdivision is located. The title of the plat must contain the words "plat" and either "subdivision" or "addition".

   b. The name of the person(s) who commissioned the survey and the name(s) of the owner of the land to be subdivided if other than the person(s) commissioning the survey, the names of any adjoining platted subdivisions, and the numbers of any adjoining certificates of survey previously filed.

   c. Vicinity sketch of sufficient area to identify the location of the subdivision.

   d. A north arrow.

   e. A scale bar. The scale must be sufficient to legibly represent the required information and data on the plat.

   f. The location of, and other information relating to all monuments found, set, reset, replaced or removed as required by ARM 8.94.3001(1)(c).

      i. If additional monuments are to be set after the plat is filed, the location of these monuments must be shown by a distinct symbol, and the plat must bear a certification by the surveyor as to the reason the monuments have not been set and the date by which they will be set.

      ii. All monuments found during a retracement that influenced the position of any corner or boundary indicated on the plat must be clearly shown as required by ARM 8.94.3001(1)(c).

   g. The location of any section corners or corners of divisions of sections pertinent to the survey.

h. Witness and reference monuments and basis of bearings. For purposes of these the term "basis of bearings" means the surveyor's statement as to the origin of the bearings shown on the plat. The basis of bearings may refer to a particular line between monumented points in a previously filed survey document. If the plat shows true bearings, the basis of bearings must describe the method by which these true bearings were determined.

i. The bearings, distances and curve data of all boundary lines. If the subdivision is bounded by an irregular shoreline or body of water that is a riparian boundary, the bearings and distances of a meander traverse generally paralleling the riparian boundary must be given.

i. The courses along a meander line are shown solely to provide a basis for calculating the acreage of a parcel with one or more riparian boundaries as the parcel existed at the time of survey.

ii. For purposes of these regulations a line that indicates a fixed boundary of a parcel is not a "meander" or "meander line" and may not be designated as one.

j. Data on all curves sufficient to enable the re-establishment of the curves on the ground. For circular curves these data must at least include radius and arc length. For non-tangent curves, which must be so labeled, the plat must include the bearings of radial lines or chord length and bearing.

k. Lengths of all lines shown to at least tenths of a foot, and all angles and bearings shown to at least the nearest minute. Distance measurements must be stated in English units, but their metric equivalents, shown to the nearest hundredth of a meter, may be noted parenthetically.

l. All lots and blocks in the subdivision, designated by number, the dimensions of each lot and block, the area of each lot, and the total acreage of all lots. (Excepted parcels must be marked "Not included in this subdivision" or "Not included in this plat," as appropriate, and the bearings and lengths of these excepted boundaries must be shown.)

m. All streets, alleys, avenues, roads and highways; their widths (if ascertainable) from public records, bearings and area; the width and purpose of all road rights-of-way and all other easements that will be created by the filing of the plat; and the names of all streets, roads and highways.

n. The location, dimensions and areas of all parks, common areas and other grounds dedicated for public use.

o. The total acreage of the subdivision.

p. A narrative legal description of the subdivision as follows:

(i) If the parcel being subdivided is either an aliquot part of a U.S. government section or a U.S. government lot, the information required by this subsection is the aliquot or government lot description of the parcel.

(ii) If the plat depicts the division of a parcel or lot that is shown on a filed certificate of survey or subdivision plat, the information required by

this subsection is the number or name of the certificate of survey or plat and the number of the parcel or lot affected by the survey.

(iii)If the parcel surveyed does not fall within (2)(p)(i) or (ii), above, the information required by this subsection is the metes-and-bounds description of the perimeter boundary of the subdivision.

(iv)If the plat establishes the boundaries of a subdivision containing one or more interior parcels, the information required by this subsection is the legal description of the perimeter boundary of the subdivision.

q. **Certificate of Surveyor.** The dated signature and the seal of the surveyor responsible for the survey and a memorandum of any oaths administered under 76-3-405, MCA. The affixing of this seal constitutes a certification by the surveyor that the final plat has been prepared in conformance with the Montana Subdivision and Platting Act (76-3-101 through 76-3-625, MCA) and the regulations adopted under that Act.

r. **Certificate of Dedication.** The dated, signed and acknowledged consent to the subdivision of the owner of the land being subdivided. For purposes of this rule when the parcel of land proposed for subdivision is being conveyed under a contract for deed, the terms "owner" and "owner of the land" refers to the seller under the contract for deed.

s. **If applicable, Consent to Platting.**

t. **Certificate of Approval.** Certification by the governing body that the final subdivision plat is approved.

u. **Notice of Approval.** Statement that the final plat is approved by the Yellowstone County Board of Planning.

v. **Certificate of City Engineer's Office.** If applicable, Certification by the City Engineer that municipal water, sewage disposal and solid waste disposal will be provided. (City only)

w. **Errors and Omissions Review.** Certification of the reviewing surveyor that the survey has been examined and approved.

x. **Certificate of City Attorney.** Certification that the plat has been reviewed an accepted by the City Attorney.

y. **Certificate of County Treasurer.** Certification of county treasurer showing current tax payment.

z. If applicable, the owner's certificate of dedication of streets, parks, playground easements or other public improvements

aa. Space for the clerk and recorder's filing information.

** See Appendix B for templates of all Certifications.

3. Supporting documentation shall consist of the following:

a. Final plat application completed and signed;

~~APPENDIX J~~
~~Final Plat Requirements~~

~~b. All documentation necessary to guarantee the complete installation of all required improvements including the Subdivision Improvements Agreement and any documents related to financial security for improvements;~~

~~c. An original Title Report or Subdivision Guarantee prepared within the recent 6 months;~~

~~d. Evidence that the Montana Department of Environmental Quality or Yellowstone County Public Health Department has approved the sewage disposal system and/or the water system. This applies to individual and public water supply and sewage disposal systems. When applicable and pursuant to Section 23-504, evidence signed by the City shall be submitted;~~

~~e. Copies of protective and restrictive covenants, if any;~~

~~f. Applicable final plat fee.~~

APPENDIX K

Subdivision Improvements Agreement Template

SUBDIVISION IMPROVEMENTS AGREEMENT

(*Name of Subdivision*)

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(City of Billings, Montana)

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APPENDIX K
Subdivision Improvements Agreement Template

SUBDIVISION IMPROVEMENTS AGREEMENT

(*Name of Subdivision*)

This agreement is made and entered into this ____ day of _____, 200__, by and between *(Subdivider)*, whose address for the purpose of this agreement is **ADDRESS**, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

(for minor subdivisions insert the following)

WHEREAS, the plat of *(Subdivision Name)*, located in the City of Billings, Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

(*for major subdivisions, exclude above and insert the following*)

WHEREAS, at a regular meeting conducted on _____ day of _____, 2004, the Board of Planning recommended conditional approval of a preliminary plat of *(Subdivision Name)*; and

(Insert the following for both major and minor subdivisions)

WHEREAS, at a regular meeting conducted on _____ day of _____, 2004, the City Council conditionally approved a preliminary plat of *(Subdivision Name)*; and

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

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

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

I. VARIANCES

A. Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City's Subdivision Regulations (Section 23.1401, BMCC): *(Please insert any applicable variances in the provided 1, 2, 3 format)*

1. Variance #1

2. Variance #2

APPENDIX K

Subdivision Improvements Agreement Template

II. CONDITIONS THAT RUN WITH THE LAND *(Please insert any applicable conditions in the provided A, B, C format. The following are typical conditions that run with the land which may or may not be applicable to this subdivision)*

A. Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development.

B. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that 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.

C. 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.

D. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

E. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts 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.

F. Lot owners should be aware that portion(s) of this property lie within the floodplain/floodway, as depicted on the Flood Insurance Rate Maps (FIRM) for this area. Please be advised that special development restrictions may apply within these specified areas.

III. TRANSPORTATION

A. Streets

(This section should include, but not be limited to the following):

- Rights-of-way widths
- Pavement widths and surface types
- Curb and gutter design
- Other required street improvements

B. Sidewalks

(This section should include, but not be limited to the following):

- Types of required sidewalk
- Location of required sidewalks
- Widths and surface
- Other required sidewalk improvements

C. Street Lighting *(Describe)*

- Location and types of lighting to be installed, if required

B. Traffic Control Devices *(Describe)*

- Location and type of proposed stop signs and/or signals
- Other required traffic control devices

C. Access *(Describe)*

- Location and widths of proposed accesses
- Restrictions on access
- Other required access improvements

D. Heritage Trail Plan ***BABTMP****(Include)*

- Statement of whether subdivision is within the Heritage Trail Plan *BABTMP*
- Location and type of proposed trail or trail connection
- Ownership arrangement of trail corridor – easement or dedication
- Other required trail improvement

E. Public Transit *(Describe)*

- Location and type of improvements required to ensure public transit service

IV. EMERGENCY SERVICE

(This section should include, but not be limited to the following):

- Location and specifications for emergency access road including width, base and surface material, blockade and required signage
- Urban Wildland Interface Code requirements (required for highly wooded areas)

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division.

(This section should include, but not be limited to the following):

- Description and location of existing and proposed detention facilities
- Any improvements to the existing system
- Other required improvements

VI. UTILITIES

APPENDIX K
Subdivision Improvements Agreement Template

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department – Distribution and Collection Division. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications. The appropriate water and wastewater construction fees and franchise fee in effect shall be submitted with the applications.

It is acknowledged that the properties subject to this Subdivision Improvements Agreement shall be subject to the appropriate water and wastewater local and interior construction fees in effect at the time of payment. Fees shall be paid for the lots in each phase as applied for in the extension application and as per the first paragraph above.

The Developer/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made.

It is acknowledged that all fees stated above are subject to the Franchise Fee in effect at the time of payment.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality.

A. Water

(This section should describe any water facilities unique to the subdivision).

B. Sanitary Sewer

(This section should describe any sanitary sewer facilities unique to the subdivision).

C. Power, Telephone, Gas, and Cable Television

(This section should include, but not be limited to the following):

- Services to be provided within the public right-of-way, existing or to be installed
- Width and location of required utility easements

VII. PARKS/OPEN SPACE

(This section should include, but not be limited to the following):

- The parkland requirement for this subdivision (dedication or cash-in-lieu)
- Required park improvements to the park and timing of construction
- Required formation of a Park Maintenance District

For minor plats, where no parkland dedication is required, please insert the following statement:

There is no parkland requirement for proposed (Subdivision Name), as this is a minor subdivision [MCA 76-3-617(3)(a)].

VIII. IRRIGATION

(This section should include, but not be limited to the following):

- Irrigation District affected by the proposed development
- Required mitigation efforts to protect the ditches during construction
- Location and width of existing and proposed onsite easements for ditches

IX. SOILS/GEOTECHNICAL STUDY

(This section should include, but not be limited to the following):

- Results of geotechnical study
- Construction restrictions due to the results of the study
- Required mitigation efforts

X. PHASING OF IMPROVEMENTS (include if applicable)

Description of each Phase including:

A. Required improvements
B. Timing of improvements
C. Reference to release of lots (documentation)
D. Restrictions on lot sales (documentation)
E. Financial guarantees for improvements

XI. FINANCIAL GUARANTEES

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

XII. LEGAL PROVISIONS

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

B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

C. The covenants, agreements, and all statements in this Agreement 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.

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

"SUBDIVIDER" *(Name of Subdivider)*

By: _____

Its: _____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this _____ day of _____, 2005, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____ of *(Subdivider)*, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 2005.

"CITY"
CITY OF BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

APPENDIX K
Subdivision Improvements Agreement Template

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 2005, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

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

APPENDIX K
Subdivision Improvements Agreement Template

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 special improvement district(s) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

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

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

Subdivision Description/Name

Signed and dated this _____ day of _____, 2005.

Subdivider/Owner

By: _____

Its: _____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 2005, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be *Subdivider/Owner Name*, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

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

_____
Notary Public in and for the State of Montana
Printed name: _____
Residing in Billings, Montana
My commission expires: _____

APPENDIX L

Escrow Agreement Template

ESCROW AGREEMENT

THIS AGREEMENT is made this ____ day of _____, 20__ by and between _____ ("Purchaser"), whose address for purposes of this Agreement is _____, AMERICAN TITLE & ESCROW, a Montana corporation ("American Title"), of 1216 16th Street West, Alpine Village No. 21, Billings, Montana 59102, the CITY OF BILLINGS, MONTANA ("City"), c/o City Engineer's Office, 510 North Broadway, 4th Floor, Billings, Montana 59101, and _____ ("Seller"), whose address for the purposes of this Agreement is _____.

****

1. Seller has agreed to sell and convey unto Purchaser all of its right, title and interest in and to certain real property in _____ Subdivision, (the "Subdivision"), which real property is more particularly described as follows (the "Purchaser's Lot"):

Lot ___, Block ___, of _____ Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. _____.

2. In connection with the development of the Subdivision, certain public improvements (the "Improvements") must be made within or adjacent to the Subdivision in accordance with that certain Subdivision Improvements Agreement between Seller and the City dated the _____ day of _____, 20__, and recorded the ____ day of _____, 20___, under Document No. _____, records of Yellowstone County, Montana (the "SIA"); and

.

3. Pursuant to Article ____ of the SIA, Seller has agreed that an amount equal to the total estimated cost per square foot of the Improvements multiplied by the total square footage of Purchaser's Lot ("Estimated Costs"), as described in the SIA, with respect to any lot in the Subdivision will be deposited into a separate interest bearing account for the benefit of Purchaser to be held in escrow with American Title; and

4. American Title has agreed to act as escrow agent for the purposes of receiving the above-referenced funds and disbursing the same for payment of future SID assessments upon formation of one or more such districts, or for the payment of one or more private contract costs of constructing the Improvements contemplated by the SIA in the event an SID is not formed, which funds will be obtained, held and disbursed by American Title in accordance with the terms of this agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties do hereby agree as follows:

1. Escrowed Funds. Purchaser shall deposit the Estimated Costs in the amount of _____ (spell out) _____ Dollars ($ _____) (the "escrowed funds") into escrow with American Title in an interest bearing account under Purchaser's Federal Identification Number # _____, for the benefit of Purchaser and the City (the "Escrow Account") at the closing of the sale of the Purchaser's Lot, by Seller to Purchaser. The

escrowed funds amount is based upon Estimated Costs of $_____ per square foot on the _____ square feet of land contained within the Purchaser's Lot. The escrowed funds deposited into the Escrow Account will be held and disbursed by American Title in accordance with the provisions of paragraphs 4, 5 and 6 below.

2. Seller's Obligation Terminated. From and after the date of this Agreement, Seller shall have no further obligation or liability for the Estimated Costs, or the construction and/or payments for the Improvements, or any future SID assessments, relating to the Purchaser's Lot.

3. Purpose of Escrow Arrangement. American Title agrees that it shall receive and hold the escrowed funds in the Escrow Account, for the benefit of Purchaser and the City, and shall make disbursements or payments to the City and/or Purchaser pursuant to the provisions of paragraphs 4, 5 and 6 below.

4. Payments from Escrow. Upon receipt of a written authorization from Purchaser and the City for payments in connection with actual SID assessments or private contracts for construction of the Improvements, American Title shall disburse the escrowed funds as follows:

(a) If one or more special improvement districts are created the escrowed funds shall he paid by American Title to the City for application to the actual assessments for the Improvements against the Purchaser's Lot.

(b) In the event one or more special improvement districts for the Improvements is not or cannot be created, then the amounts held on deposit in the Escrow Account shall be applied toward payment under one or more private contracts for construction of the Improvements attributable to the Purchaser's Lot in accordance with the SIA.

5. Interest on the Escrowed Funds. Interest accrued on the escrowed funds shall be paid to Purchaser in annual disbursements on the first day of December of each year, until such time as final disbursement is made pursuant to paragraph 6 below.

6. Additional Assessments: Return of Excess. If the actual amount of the special improvement district assessments for the Improvements is greater than the escrowed funds held in the Escrow Account with respect to the Purchaser's Lot; then the City shall levy said difference against the Purchaser's Lot. If the Improvements are constructed by one or more private contracts and the actual amount of the private contracts for the Improvements attributable to the Purchaser's Lot is greater than the escrowed funds held in the Escrow Account with respect to the Purchaser's Lot, then the Purchaser shall be responsible for said difference. If the actual amount of the special improvement district assessments or the private contracts for the Improvements is less than the escrowed funds held in the Escrow Account, then American Title shall return such excess to Purchaser after payment of the full amount of the actual SID assessments or the private contracts, and Purchaser shall be entitled to retain such excess.

7. Escrow Fees. Purchaser and Seller shall share equally the costs associated with initial set-up fees of the Escrow Account, and thereafter Purchaser shall be solely responsible for all other fees, costs, taxes and expenses related to the escrowed funds and the Escrow Account and the performance of duties under this Agreement by American Title. American Title shall have a

lien upon all moneys, papers and properties held by it in connection herewith for any fees, costs, or expenses, due American Title hereunder.

8. Scope of Agreement. This Agreement governs only the deposit of the escrowed funds relating to the Purchaser's Lot by Purchaser into escrow with American Title, the disbursement of those funds for payment of actual SID assessments or private contracts, if any, related to the Improvements, to or for the benefit of Purchaser's Lot, and the annual disbursement of interest accrued on the escrowed funds to Purchaser. Other than the matters specifically addressed herein, this Agreement shall not supersede or modify the terms and covenants of the SIA, nor shall any party other than those executing this Agreement be entitled to claim the benefits of this Agreement. No payment made under this Agreement with respect to a private contract for all or any portion of the Improvements shall be evidence of the performance of said private contract, either wholly or in part, and no payment or disbursement by American Title shall be construed to be an acceptance by either Purchaser or the City of defective work or improper materials pursuant to such private contract.

9. Rights and Duties of American Title. It is expressly understood between the parties hereto that American Title is to be considered as a depository and agent to collect, hold and disburse the escrowed funds only, and shall not be responsible or liable in any manner whatsoever for the sufficiency or correctness as to form, manner of execution, or validity of any instructions or authorizations for payment relating to said escrowed funds, nor as to the identity, authority or rights of any person executing such written authorization. American Title assumes no responsibility, nor is it to be held liable, as to the condition of title to the Purchaser's Lot involved herein, nor as to any assessments, liens or encumbrances against the Purchaser's Lot, except with respect to liens or encumbrances arising from the negligence or willful misconduct of American Title with reference to its obligations and duties under this Agreement.

10. Disputes. In the event of any disagreement between the parties hereto or any parties interested herein, resulting in adverse claims and conflicting demands being made in connection with the escrowed funds and the Escrow Account, and disbursements therefrom, American Title shall be entitled at its option to refuse to comply with said conflicting demands so long as such disagreement shall continue. In so refusing, American Title may also refuse to deliver any moneys, papers or property involved in or affected by this escrow, and shall not be or become liable to the parties to this escrow for its failure and/or refusal to comply with the conflicting or adverse demands of the parties hereto. Further, American Title shall be entitled to continue to so refrain to act until (a) the parties hereto have reached an agreement settling their differences and shall have notified American Title in writing of such agreement, or (b) the rights of the parties have been duly adjudicated by a court of competent jurisdiction, except that nothing herein shall be construed to require American Title to institute any litigation to determine the rights of the parties hereto.

In the event of any disagreement between the parties hereto, or if conflicting demands or claims are made upon American Title by the parties hereto or interested herein or by any other party, American Title shall have the right to employ 1egal counsel to advise it and/or represent it in any suit or action brought affecting this escrow or the funds held in connection herewith. Purchaser and the City shall be jointly and severally liab1e to American Title for any and all attorney's fees, costs, and disbursements incurred by American Title in connection herewith, and upon demand shall forthwith pay the same to American Title. The liability of Purchaser and the

APPENDIX L
Escrow Agreement Template

City for reimbursement for the amount of such attorney's fees, costs and disbursements paid to American Title shall be governed by the provisions of paragraph 12 below.

11. Default: Remedies. The failure of any party to perform its obligations under the terms of this Agreement shall constitute a default hereunder. In the event of any such default, and the failure of the defaulting party to cure the same within ten (10) days after written notice thereof by the non-defaulting party or parties, then such non-defaulting parties may:

(a) Commence a suit or suits in equity or at law, including without limitation an action for the specific performance of any covenant or agreement contained herein; or

(b) Commence a suit or suits for damages arising from the failure to perform any covenant or agreement contained herein; or

(c) Pursue enforcement of any other appropriate legal or equitable remedies.

12. Attorney Fees and Costs. In the event it becomes necessary for any party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement, to give any notice required herein with respect to any default, or to reimburse American Title for any attorney's fees, costs or disbursements it may incur pursuant to paragraph 10 above, then the prevailing party or parties shall be entitled to payment or reimbursement for reasonable attorney's fees, costs and expenses, from the party or parties who do not prevail.

13. Notices. Any notice required under this Agreement shall be served on all other parties either personally or by certified mail, return receipt requested, addressed to the party to be served at the following address:

Purchaser: _____
_____
_____

American Title: 1216 16th Street West
Alpine Village No. 21
Billings, Montana 59102
ATTN: _____

City: c/o City Engineer's Office
510 North Broadway
4th Floor
Billings, Montana 59101
ATTN: Public Works Director

Seller: _____
_____
_____

APPENDIX L
Escrow Agreement Template

A party wishing to change its designated address shall do so by notice in writing to the other party. Notice served by mail shall be deemed complete when deposited in the United States mail, postage prepaid. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice.

14. Amendments: Waiver. No amendments or modifications to this Agreement, or of any provisions contained herein, shall be binding or enforceable unless the same shall be in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement. Any waiver or failure to enforce the terms of this Agreement by any of the parties hereto shall not constitute a waiver by said parties of the right to enforce or compel performance with respect to any continuing or subsequent default hereunder.

15. Headings. The headings used herein are for convenience only, and shall not be construed as part of this Agreement or as a limitation on the scope of the particular paragraphs to which they refer.

16. Binding Effect. The covenants, agreements and all statements in this Agreement shall inure to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have executed this Escrow Agreement as of the day and year first above written.

"Purchaser"

By: _____
Its: _____
Federal Tax Identification No. _____

"American Title"
AMERICAN TITLE INSURANCE COMPANY

By: _____
Its: _____

"City"
CITY OF BILLINGS, MONTANA

By: _____
Its: _____

"Seller"

By: _____
Its: _____
Federal Tax Identification No. _____

APPENDIX M
Letter of Credit Template

(Must be on Lender's Letterhead)

IRREVOCABLE STANDBY LETTER OF CREDIT

DATE: _____

BENEFICIARY: APPLICANT: Subdivider's name
City of Billings Public Works Subdivider's address
Billings, MT 59101

LETTER OF CREDIT NO. _____

EXPIRATION DATE: _____

AT: OUR COUNTERS PRESENTLY LOCATED AT
Lender's address here

AMOUNT: US$ _____
NOT EXCEEDING: US _____ spell out _____ Dollars

We hereby issue our Irrevocable Standby Letter of Credit available by your draft(s) drawn at sight on us and arccompanied by the following documents:

1. Beneficiary's signed statement certifying that _____ (subdivider's name) _____, has failed to pay for required improvements concerning subdividing _____ Subdivision in the City of Billings,Yellowstone County.
2. Copy of mandatory improvements.
3. The original Leter of Credit

This Letter of Credit sha11 be deemed extended without amendment for one year from the expiration date, unless thirty (30) days prior to any expiration date we shall notify you by Registered Mail that we elect not to consider this Letter of Credit renewed for any such period.

In any communication with us regarding this Letter of Credit, please make specific reference to our Letter of Credit No. at the top of this letter.

Drafts drawn under this Credit must bear the clause: "Drawn under _____ Bank Irrevocable Standby Letter of Credit No. _____ dated _____." The amount of each drawing must be endorsed on the reverse of this credit by the negotiating bank.

To the extent applicable hereto, this Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits, 1993 Revision, International Chamber of Commerce Publication, No. 500.

We hereby engage with you that draft(s) drawn and/or documents presented and negotiated under and in compliance with the terms of this Irrevocable Standby Letter of Credit will be duly honored upon presentation to us.

_____ BANK

APPENDIX M
Letter of Credit Template

By: _____

DECLARATION OF RESTRICTION ON TRANSFERS. AND CONVEYANCES

_____ SUBDIVISION

THIS DECLARATION is made this _____ day of _____ 20__, by (insert owner's name) hereinafter referred to as "Declarant,"

WITNESSETH:

WHEREAS, the Declarant is the owner of all of the lots in _____ Subdivision, situated in Section __, Township ____, Range ____, PMM., City of Billings, Yellowstone County, Montana, hereinafter referred to as the "Subdivision"; and

WHEREAS, in connection with the filing of the plat for the Subdivision, the Declarant executed that certain Subdivision Improvements Agreement dated the _____ day of _____, 20__ to the City of Billings, which Agreement contains restrictions against the sale, conveyance or transfer of certain lots in the Subdivision until such time as a private contract has been executed providing for the installation and construction of required public improvements; and

WHEREAS, in order to more fully evidence the restriction against sale, conveyance, or transfer and to give third parties notice of such restrictions, the Declarant desires to execute and record this Declaration of Restrictions.

NOW, THEREFORE, in consideration of these premises, the Declarant, for itself and its successors and assigns, does hereby declare:

1. Except as hereinafter provided, the Declarant does hereby agree and declare that the following described lots shall not be sold, transferred, or conveyed to any third party unless and until a release has been executed and recorded in accordance with the provisions hereinafter appearing:

Phase II:

Lots ___ through ___, inclusive, Block ___; _____ Subdivision in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (_#_ lots total).

Phase III:

Lots though , inclusive, Block ; and Lots through , inclusive, Block , Subdivision in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (_#_ lots total).

APPENDIX N
Restrictions on Transfers and Conveyances Template

2. It is the express purpose and intent of this Declaration to restrict or preclude sale, transfer, or conveyance of the above-described lots until such time as a private contract has been executed and necessary funding guarantees provided, as the case may be, providing for the construction and installation of those public improvements required under the above-described Subdivision Improvements Agreement which by reference thereto is hereby incorporated herein as though fully set forth at this point. It is anticipated, however, that the Declarant will develop _____ Subdivision, in distinct phases, upon providing for the installation and construction of the public improvement necessary to serve the particular phase. In that regard a release of some but not all of the above described lots may be executed and recorded from time to time, in accordance with the provisions hereinafter appearing, and upon the recording of said release, the covenants and restrictions contained herein with respect to the lots described in said release shall be deemed canceled and terminated, and of no further force and effect.

3. Upon compliance with the requirements for a private contract specified above, a release for the lot or lots affected thereby shall be executed and recorded by the City of Billings, pursuant to the provisions contained in the said Subdivision Improvements Agreement. The execution and recording of said release shall be deemed conclusive evidence to all third parties purchasing or acquiring any lot described therein that the restriction against sale, conveyance, or transfer of said lot has been removed.

4. UNTIL SUCH RELEASE IS EXECUTED AND RECORDED, THIS DECLARATION SHALL SERVE AS NOTICE TO ALL THIRD PARTIES PURCHASING OR ACQUIRING ANY OF THE ABOVE-DESCRIBED LOTS OF THE EXPRESS RESTRICTIONS AGAINST ANY SUCH SALE, CONVEYANCE OR TRANSFER, AND OF THE TERMS AND CONDITIONS OF THE SAID SUBDIVISION IMPROVEMENTS AGREEMENT, AND SHALL FURTHER SERVE AS NOTICE THAT THE CITY OF BILLINGS MAY ENFORCE ANY AND ALL LEGAL RIGHTS AND REMEDIES SPECIFIED IN THE SUBDIVISION IMPROVEMENTS AGREEMENT SHOULD THE TERMS OF THIS DECLARATION BE VIOLATED.

5. The terms, conditions, and restrictions contained in this Declaration shall not preclude or restrict the ability of the Declarant to (a) sell, convey, and transfer all of the above-described lots, all of the lots in one phase, or those lots remaining subject to the terms of this Declaration, as one unit or group, to a third party, parties or entities; provided, however, that such sale shall be subject to this Declaration and the lots shall continue to be subject to the restrictions herein provided against the sale, transfer and conveyance until a release has been executed and recorded; or (b) enter into sale and purchase agreements for individual lots; provided, however, that the deeds or other conveyance documents shall not be delivered to the prospective buyer nor shall the closing under any such sale and purchase agreements occur until such time as a release covering the

affected lot has been executed and recorded.

6. The terms and conditions of this Declaration shall run with the land and shall be binding upon and shall inure to the benefit of the Declarant, the City of Billings, and their successors and assigns.

IN WITNESS WHEROF, the Declarant has executed this Declaration the day and year first above written.

(Name of Declarant)

_____

STATE OF MONTANA)
: ss.
County of YELLOWSTONE)

On this_____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument and who acknowledged to me that he executed the same.

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

APPENDIX ~~O~~*C*
Flood Hazard Evaluation

A. **Definitions. (Sec. 76-5-103, MCA) Whenever the following words and phrases are used in this Appendix, they shall be given the meaning attributed to them by this section.**

1. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

2. Flood Fringe: the identified portion of the floodplain outside of the floodway.

3. Flood of 100-year Frequency: A flood magnitude expecting to recur on the average of once every 100 years or a flood magnitude that has a 1% chance of occurring in any given year.

4. Floodplain: The area adjoining the watercourse or drainway that would be covered by the floodwater of a flood of 100-year frequency, except for sheet flood areas that receive less than 1 foot of water per occurrence and are considered "shaded X zone" by the federal emergency management agency.

5. Floodway: The channel of a watercourse or drainway and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the floodwater of any watercourse or drainway.

B. **General.**

1. Land located within the floodway of a flood of 100-year frequency as defined by Title 76, chapter 5, MCA, may not be subdivided for building purposes, or other uses that may be prohibited by state or local floodplain regulations.

2. Where the 100-year floodway has been delineated by a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), or a City- or County-approved study on land in a subdivision, the 100-year floodway boundary and 100-year floodplain boundary shall be shown on the plat of the subdivision and the area within the 100-year floodway shall be labeled as a "No-Build Zone."

3. Any development of land that is in the flood fringe, a Zone A as shown on a FIRM, or an identified flood prone area is subject to the requirements of the City of Billings Floodplain Regulations.

APPENDIX ~~O~~*C*
Flood Hazard Evaluation

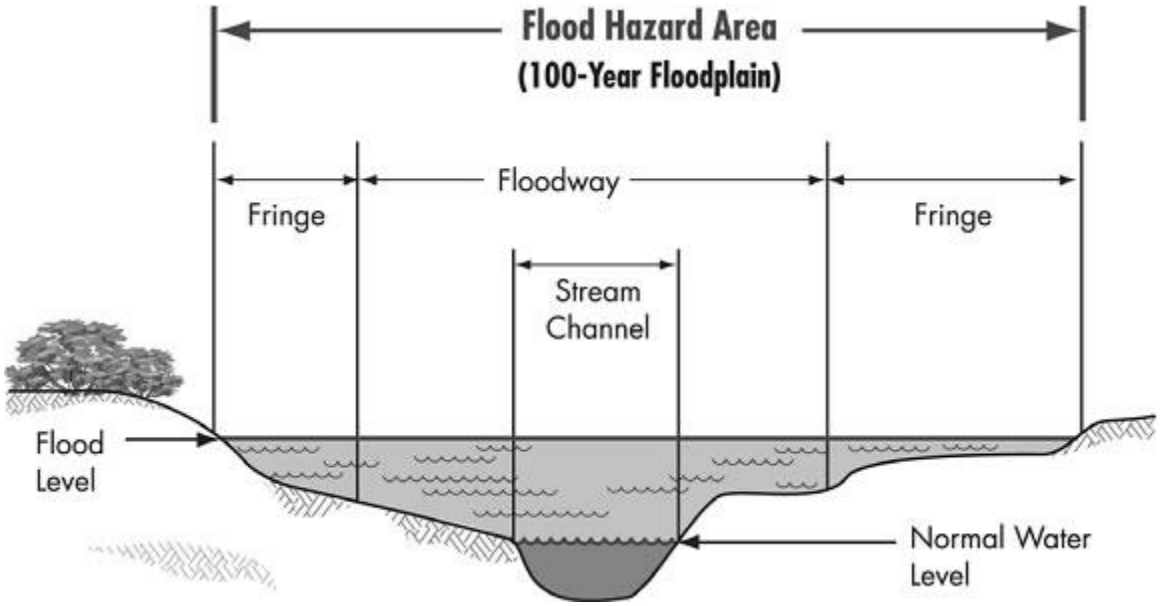


Figure 1. 100-Year Floodplain Cross-Section Diagram

NorthWestern Energy
Delivering a Bright Future

August 20, 2024

City of Billings Subdivision Regulations Update 2024 - Lighting

Dear Mac Fogelsong,

NorthWestern Energy (NWE) has put together a lighting example of what lighting in a subdivision would cost to install with having NWE installing everything.

Assumptions:

- *75 FT lot fronts*
- *Typical 50-60 FT road right-of-way*
- *6 lights – Shoebox 125W LED*
- *25 FT pole- 20 FT light mounting height*
- *500 FT trench*
- *Pull boxes on each light*
- *New construction (during roadway subdivision construction)*

Attached in Exhibit A is a rough sketch of what a subdivision lighting layout could look like and what the rough cost breakdown would be. These lights would illuminate both side of the roadway. NorthWestern Energy would supply all the labor and materials associated with installing these lights.

All of these assumptions and examples above are subject to change based on what the actual project scope is within the City of Billings. NorthWestern Energy does NOT do any lighting study to make sure the ANSI/IES RP-8 requirements and regulations are met. That study would have to be performed by the customer or a third party vendor. NWE would work with said customer/vendor on what lights NWE has to offer and what would work best for the subdivision.

Sincerely,

Cody Lux

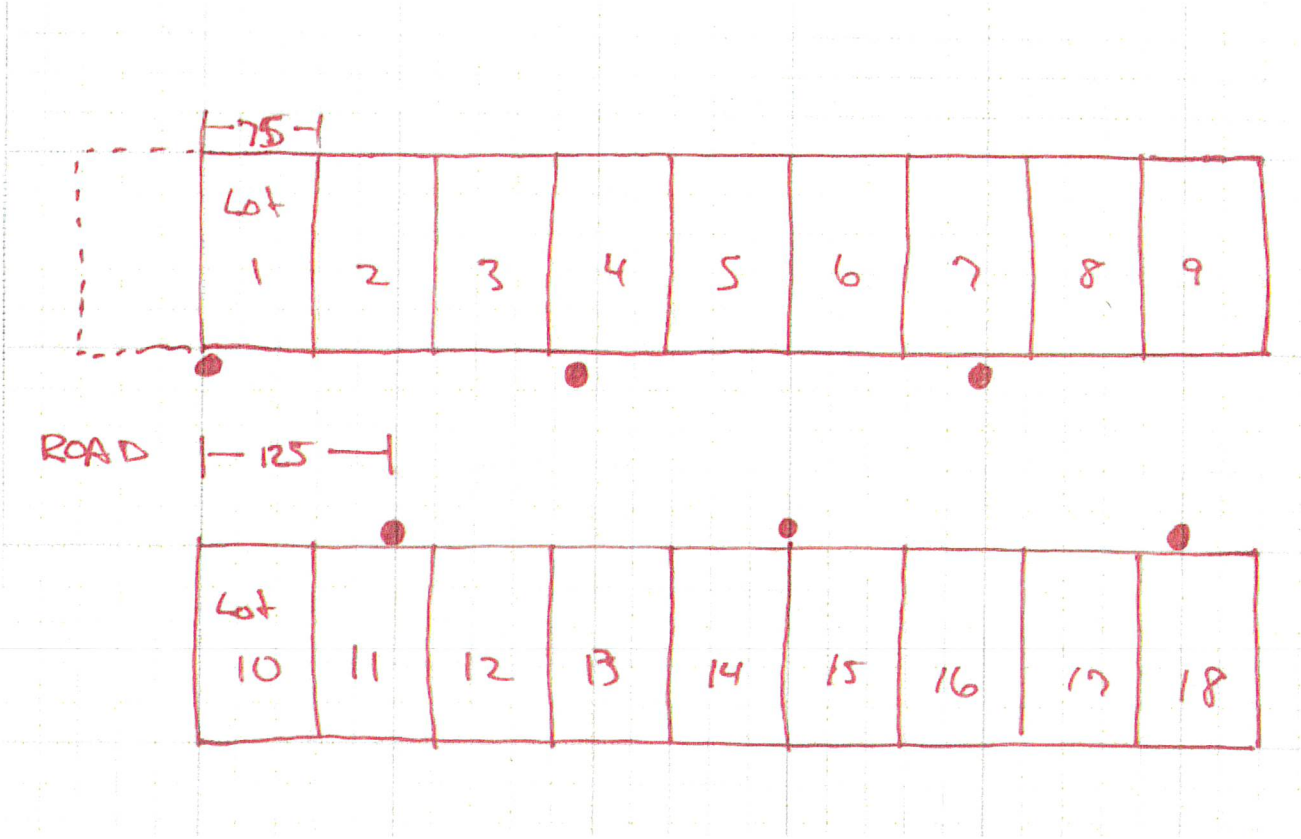
Cody Lux, PE

Cody Lux, PE
Billings Construction Superintendent
cody.lux@northwestern.com
C 406-570-8768
Billings New Construction 1-833-672-8453
24-Hour Service 888-467-2669
1944 Monad Rd | Billings, MT 59102

NorthWestern Energy
Delivering a Bright Future

NorthWestern Energy
Delivering a Bright Future

Exhibit A



$ 432.52 /mo - 6 Lights

$ 72.09 /mo/Light

$ 5,190.24 /yr - 6 Lights

÷ 18 homes - $288.35 /home/year

÷ 12 months - $ 24.03 /home /mo

$ 24.03 /home/month

Cody Lux, PE
Billings Construction Superintendent
cody.lux@northwestern.com
C 406-570-8768
Billings New Construction 1-833-672-8453
24-Hour Service 888-467-2669
1944 Monad Rd | Billings, MT 59102

NorthWestern Energy
Delivering a Bright Future

Table 1. Residential Street Light Options for Installation

Method of Installation	**Example Used for Cost**	**Estimated Cost Per Year**	**Notes**
Developer Installed	Hallowell Lane	For 75-foot-wide lot, $3,750.00 per lot developer cost, results in $25.00 per month if amortized for 30 years at 7%.	Developer installs lighting and recovers costs with sales of developed lots. Street Light maintenance district created for on-going power and maintenance costs.
Special Improvement District (SID)	Annafeld Subdivision SIDs	2024 Costs from SID 1423 and SID 1410 1) For a 3615 SF single family lot; $39.03 monthly for years 1-15, then $5/month for power cost as SID sunsets 2) For a 1843 SF lot; $16.30 monthly for years 1-15, then then $5/month for power cost as SID sunsets (multi-family unit)	Lights installed by contractor through SID. Initial capital cost paid by lot buyer over 15 years **and then cost drops** for on-going power and maintenance costs. Street light maintenance district created for on-going power and maintenance costs. Annafeld examples had higher-end decorative fixtures that are more costly. Interest for SID 1423 was 6.93%, current rates are 5.25%.
Northwestern Energy Installed	Provided by Northwestern Energy	$24.03 per home/month for 75-foot-wide lot. See attached Northwestern Energy calculations.	Northwestern Energy installs lighting and creates a lighting district that bills annually for street lights and on-going power. Cost per month is continuous.

ORDINANCE NO. 24- _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE REGULATIONS IN SECTIONS 23-100 THROUGH 23-1100 INCLUDING APPENDICES A THROUGH P, BE AMENDED TO CONFORM TO STATE LEGISLATION PASSED BY THE 68TH LEGISLATURE IN 2023, AND TO AMEND AND CLARIFY THE SUBDIVISION REGULATIONS FOR THE CITY OF BILLINGS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. The *Montana Subdivision and Platting Act (MSPA) (Title 76, Chapter 3, Montana Code Annotated (MCA)),* and *Sections 23-100 through 23-1100 including Appendices A through P, BMCC,* provide for amendment to the text of the local subdivision regulations from time to time. The City staff have reviewed the proposed changes to the subdivision regulations that pertain to the division of all the real property within the City of Billings. The Planning Board has considered the intent of such regulations as required by Title 76, Chapter 3, Part 5, MCA. The recommendations of the Planning Board and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the intent of subdivision regulations as required by state law. (MCA 76-3-501.(1) a though i)

Section 2. Section 23-201. Definitions, of the Billings, Montana, City Code be amended so that such section shall read as follows:

ACTIVE TRANSPORTATION PLAN ~~BILLINGS AREA BIKEWAY AND TRAIL MASTER PLAN (BABTMP)~~: *Refers to the current bike and trail master plan adopted by City Council.*

~~**BIKEWAY:** A generic term for any road, street, path or way, which is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.~~

BOULEVARD means an area of public right-of-way or private easement between the paved edge of the street or road and the private property line. The boulevard provides for the opportunity to separate vehicle traffic from pedestrian travel. Boulevards often have sidewalks ~~and mailboxes located~~ in them and often are landscaped. A parkway median is a landscaped area located in the middle of the street or road.

DWELLING UNIT means any building or portion thereof providing complete, independent and permanent living facilities. ~~for one family~~. ~~A family is any number of individuals, related by blood, marriage, adoption or other legal means, including any number of minor children in foster care, and/or any number of unrelated persons (including any domestic servants or caregivers) living together in a dwelling unit. (24 CFR Part 4, Section 982.401).~~ A building designed exclusively for residential purposes, including single-unit, two-unit, and multiple-unit dwellings, but not including hotels or motel units, bed and breakfast guest rooms, boarding or lodging houses, tourist homes, or travel trailers and/or vehicles.

EXPEDITED REVIEW FOR CERTAIN SUBDIVISIONS means a subdivision application, regardless of the number of lots, that meets the requirements of subsection 3 of MCA 76-3-623 is entitled to the expedited review process.

~~***GREENBELT/GREENWAY*** means corridors of protected open space managed for conservation and recreation purposes as designated by the governing body. They often follow natural land or water features and link nature reserves, parks, cultural features and historic sites with each other and with populated areas. These corridors may be privately or publicly owned.~~

GROWTH POLICY means the ~~Yellowstone County and~~ City of Billings Growth Policy and any version of this policy adopted by the Billings City Council ~~and Board of County Commissioners~~ pursuant to 76-1-601, MCA.

LINEAR PARK means corridors of protected open space managed for conservation and recreation purposes as designated by the governing body. They often follow natural land or water features and link nature reserves, parks, cultural features and historic sites with each other and with populated areas. These corridors may be privately or publicly owned.

MANUFACTURED HOME a detached residential dwelling unit constructed on a non-removable steel chassis or frame. Each transportable unit of a manufactured home has a red certification label on the exterior section and is built according to the Manufactured Home Construction and Safety Standards (HUD Code). A manufactured home does not include a mobile home or house-trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. (See MCA 15-1-101(m))
~~means a detached residential dwelling unit, which may consist of two or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, "trailer homes," "house trailers," and "mobile homes" whether or not the unit has been constructed after June 15, 1976, January 1, 1990, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include "modular" or "factory-built buildings" that are fabricated at a factory in accordance with the International~~

~~Residential/Building Code applicable to site-built homes, and are transported to the site for final assembly on a permanent foundation.~~

MONUMENT (PERMANENT MONUMENT) means any structure of masonry, metal, or other permanent, durable material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

~~***MULTI-USE PATH*** means a hard or soft-surfaced trail physically separated from motorized vehicular traffic by an open space or barrier and either within the public right-of-way or within an independent right-of-way. These paths may also be used by pedestrians, in-line skaters, wheelchair users, joggers and other non-motorized users.~~

MULTI-MODAL TRAIL *means any of the following:*

a) Bike Lane: A portion of the roadway that has been designated by striping, signage, and pavement markings for the preferential or exclusive use of bicyclists. (NACTO) Shared Use Path: a multi-use facility outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the right-of-way or within an independent alignment.

b) Buffered Bike Lane: Conventional bicycle lanes that are paired with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane and/or parking lane (NACTO).

c) Cut-through: A linking trail through the end of a cul-de-sac or from street to street between lots within a subdivision. It can encourage diverse types of transportation. It can reduce travel time and distance for pedestrians and bicyclists to areas in and out of neighborhoods, thereby reducing vehicle trips. By increasing connectivity with cut-throughs, it can reduce the time it takes to get from point A to point B and promote mobility for people in the subdivision.

d) Neighborhood Bikeway: A local street or series of contiguous street segments that have been modified to function as a through street for bicyclists, while discouraging through automobile travel. (AASHTO Guide for the Development of Bicycle Facilities 4th Edition)

e) Neighborhood Trail: A paved path located outside of the right of way of between 7-9.9 feet in width.

f) Separated Bike Lane: A separated bike lane is a facility for exclusive use by bicyclists that is located within or directly adjacent to the roadway and is physically separated from motor

vehicle traffic. A separated bike lane can be configured for one- or two-way travel. (Small Town and Rural Design Guide)

g) Shared Lane Markings (also known as sharrows): Road symbol used to indicate a shared lane environment for bicycles and automobiles. The shared lane marking is a pavement marking with a variety of uses to support a complete bikeway network; it is not a facility type and should not be considered a substitute for bike lanes or other separation treatments where these types of facilities are otherwise warranted or space permits. Sharrows consist of a double chevron and a bike symbol. The Manual on Uniform Traffic Control Devices (MUTCD) outlines guidance for shared lane markings in section 9C.07. (NACTO)

h) Shared-use paths are used by pedestrians (including skaters, users of manual and motorized wheelchairs, and joggers), bicyclists, and other authorized motorized and non-motorized users. (AASHTO Guide for Pedestrian Facilities 2nd Edition)

i) Sidewalk: The portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for use by pedestrians. Sidewalks are paved in concrete. (MCA)

j) Traffic Calming: Traffic Calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users and area residents (ITE)

OPEN SPACE means any land which is provided or preserved for park or recreational purposes as designated by the governing body; conservation of land or other natural resources; historic or scenic purposes; or assisting in the shaping of the character, direction, and timing of community development. Open space may be privately or publicly owned and shall designate through the plat or an easement whether or not the land is publicly accessible.

PARK means land that is dedicated to the City through MCA 76-3-621 or acquired through a donation or purchase by the City and designated on a plat as a park. In order to be platted as a park the land must be owned by a public entity and public access is allowed. A park must be classified as defined by the City of Billings Comprehensive Parks Plan. Private parkland dedication may be provided instead of public when it meets the requirements of 76-3-621 (1)(a), (b),or (d) and (6)(a)(ii).

PARKLAND AMENITIES: Amenities within a park allow passive or programmed space. Amenities will be considered if they add value to parkland. Below is a short, non-exclusive list of passive and active parkland amenities.

a) Shade structure

b) Sensory playground equipment
c) Park benches and other park furnishings
d) Cultivated gardens and walking paths
e) Water play areas, splash pads
f) Picnic tables and trash cans
g) Challenge course
h) Slides, swings and ziplines

PHASED DEVELOPMENT means when a subdivision is platted in whole but developed in phases, a phasing plan shall be prepared and included in the Subdivision Improvement Agreement. The phasing plan submitted by the subdivider must be reviewed and approved by the City of Billings with the preliminary plat. Phased developments are further defined in MCA 76-3-103.

***PLANNED NEIGHBORHOOD DEVELOPMENT (PND)*:** See BMCC 27-800.

PLANNED ~~NEIGHBORHOOD~~ UNIT DEVELOPMENT (PUD) means a subdivision consisting of a planned mixture of land uses such as residential clusters, industrial parks, shopping centers, and/or office building parks built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (MCA 76-3-103~~(10)~~, and BMCC 27-700).

SUBDIVISION QUALIFYING FOR EXPEDITED REVIEW means ~~a subdivision qualifying for an abbreviated review and approval process when it meets the definition of a first minor subdivision that contains one (1) or two (2) parcels, proper access to all lots is provided, no land in the subdivision will be dedicated to public use for parks or playgrounds, and the plat has been approved by the state department of environmental quality whenever approval is required.~~ an expedited review and approval process for subdivision plats. It must meet the requirements of Section 23-306 of these subdivision regulations

SUBDIVISION QUALIFYING FOR ABBREVIATED REVIEW means a subdivision qualifying for an abbreviated review and approval process when it meets the definition of a first minor subdivision that contains one or two parcels, proper access to all lots is provided, no land in the subdivision will be dedicated to public use for parks or playgrounds, and the plat has been approved by the Montana Department of Environmental Quality whenever approval is required.

SUBDIVISION, ADMINISTRATIVE MINOR means a subdivision qualifying for an administrative review and approval process when it meets the definition of a first minor or subsequent minor subdivision from a tract of record, is within zoning, proper access to all lots is

provided, has a will-serve letter from a municipal or county water and sewer service, and does not require a variance.

TRANSPORTATION PLAN means the *currently adopted* Billings Urban Area Transportation Plan ~~2009 Update~~, or any newer transportation planning document adopted by the Billings City Council and Board of County Commissioners *and Policy Coordinating Committee (PCC)* for the Billings urban area.

Section 3. Sections 23-301 through 23-305 of the Billings, Montana, City Code are amended so that such sections shall read as follows:

Section 23-301. Compliance with Local Regulations and State Law.
No subdivision of any lot, tract or parcel of land shall be undertaken; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be constructed, opened or extended for public use and travel, or for the common use of occupants of buildings except in strict accordance with the provisions of this Chapter and related state statutes.

Section 23-302. Major Subdivisions.

Divisions of land creating six (6) or more parcels must be reviewed as a major subdivision. The major subdivision shall be reviewed by the governing body of the jurisdiction where the subdivision is located. A copy of the application shall also be provided to school district trustees (76-3-601(2)(b), MCA).

If the proposed subdivision lies partly within an incorporated city or town, the proposed plat must be submitted to and approved by both the city or town and county governing body (76-3-601(2)(c), MCA).

When a proposed subdivision is also proposed to be annexed to any municipality, the subdivision review and annexation procedures will be coordinated to minimize duplications of hearings, reports, and other requirements whenever possible (76-3-601(2)(d), MCA).

A. Preapplication Meeting. The purpose of the preapplication meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than ~~twenty (20)~~ seven (7) working days and no earlier than one hundred and twenty (120) working days prior to submittal of a major preliminary plat application for completeness review.

At the time of request, the subdivider shall provide the Planning Director or designee with

~~ten (10)~~ electronically submitted sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See ~~Appendix C~~ online 'Pre-application form' for recommended pre-application sketch plan contents and other meeting recommendations.

The Planning Director or designee will schedule the pre-application meeting to occur within fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

B. Pre-application Completeness Review. One (1) month prior to submittal deadline for major preliminary plat applications, the subdivider shall submit one (1) electronic copy of the application including the preliminary plat and supporting documents to the Planning Director or designee for review accompanied by the applicable fee. After receipt of the electronic copy the Planning Director or designee shall notify the subdivider within five (5) working days as to the completeness of the application. A complete application will include all those items listed ~~in Appendix D~~ online "Preliminary Plat Requirements", where applicable, and any additional information identified at the pre-application meeting. If the Planning Director or designee determines the application complete, the subdivider may submit the application, plat and supporting documentation for sufficiency review. If the Planning Director or designee determines the application is incomplete, the subdivider must correct the deficiencies and resubmit the application.

C. Preapplication Sufficiency Review. Within fifteen (15) working days after notifying the applicant that the application is complete, the Planning Director or designee will determine that the information in the application is sufficient to allow for review of the proposed subdivision. If the Planning Director or designee determines the information is sufficient, the applicant will be notified that the complete and sufficient application may be submitted at the application submittal deadline. If the Planning Director or designee determines the information is insufficient, the subdivider must correct the deficiencies prior to the next submittal deadline or postpone submittal to a future submittal deadline.

D. Major Preliminary Plat Application Submittal.

1. **Required**. The subdivider shall submit to the Planning Director or designee, for review

and recommendation, a preliminary plat of the proposed major subdivision which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.

2. **Application submittal**. Complete and sufficient application for major preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided ~~in Appendix E~~ online "Preliminary Plat Application" and must be accompanied by the required preliminary plat, and supporting documents and applicable fee.
3. **Review period.** Upon receipt of a complete and sufficient application, the governing body has sixty (60) working days to approve, conditionally approve, or deny the preliminary plat application. For subdivisions containing fifty (50) or more lots the review period is eighty (80) working days. The review period may be extended upon written consent from the subdivider.

E. Preliminary Plat Contents and Submittal Copies.

1. **Content.** The preliminary plat shall clearly show the information listed in ~~Appendix D~~ online "Preliminary Plat Requirements."
2. **Copies.** The subdivider shall provide ~~the number of copies~~ one electronic copy of all required documents for the preliminary plat ~~as determined by~~ to the Planning Director or designee. All plats shall be 24 inch by 36-inch size and/or 11 inch by 17-inch size as specified by the Planning Director or designee. ~~One (1) electronic copy of the plat shall be provided in either AutoCad ® or ArcGIS ® format and one (1) copy shall be provided in .pdf, .jpg or .tif format.~~

F. Supporting Documentation.

1. **Required documents.** The supporting information shall include those documents listed ~~in Appendix F~~ online "Required Supporting Documents for Major Preliminary Plat Applications."
2. **Required copies.** The subdivider shall provide ~~the number of copies~~ one electronic copy of the supporting documents ~~as determined by~~ to the Planning Director or designee. All documents shall be typed and, in a format, specified by the Planning Director or designee.

G. Staff and Agency Review.

1. **Review procedure schedule.** Upon receipt of a complete and sufficient major preliminary plat application, the Planning Director or designee shall develop a schedule for the review period. The schedule shall include the dates, times and location of all key meetings, hearings and actions, and the dates of all key deadlines.
2. **Submittal distribution.** Planning staff shall distribute the application to all affected City Departments, local, state, and federal agencies, school districts and public utilities for review, and include a copy of the review procedure schedule. These affected entities shall determine what effect the proposed subdivision may have on their ability to provide services and submit recommendations for mitigation of those impacts. The affected entities shall respond to the Planning staff within approximately ~~ten (10)~~ fifteen (15) working days. A public utility or agency review may not delay the governing body's action on the plan beyond the sixty (60) or eighty (80) working day review period. Failure of any agency to complete a review of a plat will not be the basis for denial of the plat by the governing body (76-3-504(1)(i), MCA).
3. **Department plat review meeting.** Planning staff shall arrange a department plat review meeting to publicly review comments from the affected entities and inform the subdivider of revisions or additions required to bring the application into compliance with local regulations and state law. The subdivider and their representative are required to attend the department plat review meeting and shall be given a copy of all comments received to date from the affected entities.
4. **Application resubmittal.** The Planning staff shall notify the subdivider, in writing, of the resubmittal requirements within one (1) working day of the department plat review meeting. The subdivider shall revise the plat and supporting documents as required and submit ~~the number of copies~~ one electronic copy of the revised application and documents as determined by the Planning Director or designee within five (5) working days of receipt of the resubmittal notice.
5. **Final staff comments.** Affected departments shall provide the Planning staff with final written comments regarding the resubmitted documents within five (5) working days of receipt of resubmittal.
6. **Hearing notice.** The Planning Board shall hold a public hearing on all major preliminary plat applications. Planning staff shall place a notice in a newspaper of general circulation in the County not less than fifteen (15) days prior to the date of a public hearing. The Planning staff shall also notify the subdivider and each property owner of record, and each purchaser under contract for deed of property immediately adjoining land included in the plat by certified mail not less than fifteen (15) days prior to the date of hearing (76-3-605(3), MCA).
7. **Staff report.** Planning staff shall prepare staff reports and presentations for the Planning Board plat review meeting and public hearing. A copy of each staff report shall be

~~provided~~ available electronically to the subdivider at least five (5) working days prior to the Board or governing body meeting. Each staff report shall provide a recommendation for approval, conditional approval or denial of the application and draft findings of fact as basis for the recommendation. The Planning staff shall also prepare a report forwarding the recommendation of the Planning Board to the governing body including the Board's recommendation for approval, conditional approval or denial of the applications and draft findings of fact as basis for the recommendation.

H. Planning Board Plat Review. The Planning Board, as the authorized agent of the governing body, shall conduct a plat review of the major preliminary plat application at a regularly scheduled meeting prior to the scheduled public hearing. The purpose of the plat review meeting is to consider the following relevant review criteria:

1. The environmental assessment and all criteria discussed therein, unless the plat is exempted from the requirement of submitting an environmental assessment pursuant to 76-3-616, MCA; and
2. The effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA); and
3. Compliance with:

    A. The Montana Subdivisions and Platting Act (76-3-101 et seq., MCA) (76-3-608(3)(b), MCA); and
    B. The provision of easements for the location and installation of any planned utilities (76-3-608(3)(c), MCA); and
    C. The provision of legal and physical access to each parcel within the subdivision (76-3-608(3)(d), MCA); and
    D. The required notation of that access on the applicable plat and any instrument of transfer concerning the parcel (76-3-608(3)(d), MCA); and
    E. Local zoning requirements; and

4. Consistency with the currently adopted Growth Policy[1], Transportation Plan, and the ~~Heritage Trail Plan.~~[1] Active Transportation Plan.
5. **Determination.** The Planning Board shall determine if there are any significant adverse impacts the subdivision may have based on its review of this information and formulate recommended conditions to reasonably minimize those impacts. In reviewing a subdivision and when requiring mitigation, the Planning Board may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will

preclude recommendation of approval of the plat.

I. Public Hearing. The Planning Board shall conduct the public hearing and consider all relevant evidence as related to the proposed plat before preparing its written findings of fact and recommendation to the governing body. The subdivider or their agent shall be given the opportunity to object to any testimony given. The subdivider shall be allowed to submit in writing his or her own proposed findings of fact to the Board and the governing body following the hearing.

The relevant evidence considered at the public hearing on the preliminary plat shall include the criteria listed above in Section H. of this Article.

After holding the public hearing and reviewing the evidence concerning the plat, the Planning Board shall submit its recommendations to the governing body to approve, conditionally approve or deny the major preliminary plat in writing no later than ten (10) days after the public hearing (76-3-605(4), MCA).

J. Subsequent Hearing. Before acting on the subdivision application, the governing body shall determine whether public comments or documents presented at the Planning Board public hearing constitute:

1. Information that the public has not had a reasonable opportunity to examine and comment, or

2. New information never submitted or considered by the Planning Board or staff.

If the governing body determines that public comments or documents meets at least one (1) of the criteria listed above, it may act on the subdivision application in accordance with this Article or schedule a subsequent public hearing for consideration of the new information only. The subsequent public hearing shall be held by the Planning Board at the Planning Board's next scheduled meeting for which proper notice for the public hearing on the subdivision application can be provided.

Footnote -1- A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy (76-1-605(2)(b), MCA).

If a subsequent hearing is held, the sixty (60) or eighty (80) working day review period is suspended and the new hearing must be noticed and held within forty-five (45) days of the governing body's determination to hold a subsequent public hearing. The sixty (60) or eighty (80) working day review period will resume from the date of the subsequent public

hearing. The governing body may not consider any information that is presented after the subsequent hearing (76-3-615, MCA).

K. Subdivider's Preference for Mitigation. No later than ten (10) days before the meeting when the governing body is to consider the Planning Board's recommendation on the preliminary plat, the subdivider may submit in writing to the governing body comments on and responses to the Planning Board's recommendations. This document may include the subdivider's alternative proposals, if any, for mitigating the impacts identified in the Planning Board's recommendations. The governing body shall give due weight and consideration to the subdivider's expressed preferences (76-3-608(5)(b), MCA).

L. Governing Body Action. The governing body's decision to approve, conditionally approve, or deny a subdivision is based on the preliminary plat, applicable environmental assessment, public hearing, Planning Board recommendations, or additional information that demonstrates the development of the subdivision meets the requirements of the Montana Subdivision and Platting Act and these Regulations. A governing body may not deny approval of a subdivision based solely on the subdivision's impacts on educational services, or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145, MCA (76-3-608(1), MCA), or solely on compliance with a Growth Policy (76-1-605(2)(b), MCA).

The governing body shall issue written findings of fact that weigh the criteria as listed in Section 23-302 H. of this Article. The governing body shall determine if there are any significant adverse impacts the subdivision may have based on its review of this information and formulate conditions to reasonably minimize those impacts (76-3-608(4), MCA).

In reviewing a subdivision and when requiring mitigation, the governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the plat (76-3-608(5)(a), MCA).

The governing body shall approve, conditionally approve or deny the preliminary plat within sixty (60) or eighty (80) working days of the submittal deadline and when the application was considered complete and sufficient. The governing body shall send the subdivider a letter within thirty (30) working days of its decision stating the reasons for the denial or enumerating the conditions which must be met to assure approval of the final plat along with written findings of fact (76-3-608(4), MCA).

M. Preliminary Plat Approval Period. The approval or conditional approval shall be valid

for not more than three (3) calendar years. At the end of this period the governing body may, at the request of the subdivider, extend its approval for mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing, dated, and signed by the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.

When considering a request for an extension of the preliminary plat approval period, the governing body may use the following criteria to evaluate the request:

1. Changes to the subdivision regulations since the original approval and whether the subdivision as originally approved is essentially compliant with the new regulations;

2. Progress to date in completing the subdivision as a whole and any phases;

3. Phasing of the subdivision and the ability for the existing development to operate without the delayed development;

4. Dependence of infrastructure development on the subdivision;

5. Duration of the requested extension;

6. Demonstrated ability of the subdivider to complete the subdivision;

7. Such other factors or criteria as deemed material in the discretion of the governing body.

After the preliminary plat is approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval, providing the approval is obtained within the original or extended approval period described above (76-3-610(2), MCA).

N. Appeal Process. A decision of the governing body regarding a proposed subdivision may be appealed to the district court, as provided in Section 23-1105 of these Regulations and 76-3-625, MCA.

O. Final Plat. A final plat application shall be submitted for review and approval following the procedures outlined in Section 23-307 of this Article prior to the expiration of the preliminary plat approval period.

Section 23-303. First Minor Subdivisions from a Tract of Record.

Divisions of land creating five (5) or fewer lots from a tract of record that has not been subdivided or created by a subdivision under the Montana Subdivision and Platting Act, or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201 or 76-3-207, MCA since ~~July 1, 1973~~ October 1 , 2003, shall be reviewed as first minor subdivisions from a tract of record, hereafter referred to as a "first minor" (76-3-609, MCA). The requirement of holding a public hearing does not apply to the first minor subdivision created from a tract of record (76-3-609(2)(d)(ii), MCA). ~~Unless the subdivision lies within an area that has adopted zoning regulations, the application must include a summary of the probable impacts of the proposed subdivision based on the criteria described in Section 23-303 H. of these Regulations (76-3-609(2)(c), MCA).~~

The first minor subdivision shall be reviewed by the governing body of the jurisdiction where the subdivision is located. A copy of the application shall also be provided to school district trustees (76-3-601(2)(b), MCA).

If the proposed subdivision lies partly within an incorporated city or town, the proposed plat must be submitted to and approved by both the city or town and county governing body (76-3-601(2)(c), MCA).

When a proposed subdivision is also proposed to be annexed to any municipality, the subdivision review and annexation procedures will be coordinated to minimize duplications of hearings, reports, and other requirements when possible (76-3-601(2)(d), MCA).

A. Pre-application Meeting. The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than ~~twenty (20)~~ seven (7) working days and no earlier than one hundred and twenty (120) working days prior to submittal of a minor preliminary plat application for completeness review. At the time of request, the subdivider shall provide the Planning Director or designee with ~~ten (10)~~ electronic sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See ~~Appendix C~~ the online application for recommended pre-application sketch plan contents and other meeting recommendations.

The Planning Director or designee will schedule the pre-application meeting to occur within fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

The pre-application meeting shall not constitute approval of a preliminary or final plat.

Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

B. Pre-application Completeness Review. One (1) month prior to a submittal deadline for minor preliminary plat applications, the subdivider shall submit one (1) electronic copy of ~~the application including the preliminary plat and supporting~~ documents to the Planning Director or designee for review accompanied by the applicable fee. After receipt of the ~~copy~~ copies the Planning Director or designee shall notify the subdivider within five (5) working days as to the completeness of the application. A complete application will include all those items listed ~~in Appendix D~~ online as "Preliminary Plat Requirements", where applicable, and any additional information identified at the pre-application meeting. If the Planning Director or designee determines the application complete, the subdivider may submit the application, plat and supporting documentation for sufficiency review. If the Planning Director or designee determines the application is incomplete, the subdivider must correct the deficiencies and resubmit the application.

C. Pre-application Sufficiency Review. Within fifteen (15) working days after notifying the applicant that the application is complete, the Planning Director or designee will determine that the information in the application is sufficient to allow for review of the proposed subdivision. If the Planning Director or designee determines the information is sufficient, the applicant will be notified that the complete and sufficient application may be submitted at the application submittal deadline. If the Planning Director or designee determines the information is insufficient, the subdivider must correct the deficiencies prior to the next submittal deadline or postpone submittal to a future submittal deadline.

D. First Minor Preliminary Plat Application Submittal.

1. **Required**. The subdivider shall submit to the Planning Director or designee, for review and recommendation, a preliminary plat of the proposed first minor subdivision, which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana as their respective licensing laws allow.

2. **Application submittal**. Complete and sufficient application for first minor preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first or fifteenth day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided ~~in Appendix E~~ online "Preliminary Plat Application" and must be accompanied by the required preliminary plat, supporting documents and

applicable fee.

3. **Review period.** Upon receipt of a complete application, the governing body has thirty-five (35) working days to approve, conditionally approve, or deny the preliminary plat application. The review period may be extended upon written consent from the subdivider.

E. Preliminary Plat Contents and Submittal Copies.

1. **Content.** The preliminary plat shall clearly show the information listed ~~in Appendix D~~ online "Preliminary Plat Requirements."

2. **Copies.** The subdivider shall provide ~~the number of copies~~ one electronic copy of the preliminary plat ~~as determined by the Planning Director or designee~~. All plats shall be 24 inches by 36 inches in size or 11 inches by 17 inches in size as specified by the Planning Director or designee. One (1) electronic copy of ~~the plat shall be~~ all supporting documents shall be provided. ~~in either AutoCad ® or ArcGIS® format and one (1) copy shall be provided in .pdf, .jpg or .tif format.~~

F. Supporting Documentation.

1. **Required documents.** The supporting information shall include those documents listed ~~in Appendix G~~ online "Required Supporting Documents for First Minor Preliminary Plat Applications."

2. **Required copies.** The subdivider shall provide ~~the number of copies of the~~ one copy of each supporting documents as determined by the Planning Director or designee. All documents shall be typed and, in a format, specified by the Planning Director or designee.

G. Staff and Agency Review.

1. **Review procedure schedule.** Upon receipt of a complete and sufficient first minor preliminary plat application, the Planning Director or designee shall develop a schedule for the review period. The schedule shall include the dates, times and location of all key meetings and actions and the dates of all key deadlines.

2. **Submittal distribution.** Planning staff shall distribute the application to all affected City Departments, local, state, and federal agencies, school districts and public utilities for review, and include a copy of the review procedure schedule. These affected entities

shall determine what effect the proposed subdivision may have on their ability to provide services and submit recommendations for mitigation of those impacts. The affected entities shall respond to the Planning staff within approximately fifteen (15) working days. A public utility or agency review may notdelay the governing body's action on the plan beyond the thirty-five (35) working day review period. Failure of any agency to complete a review of a plat will not be the basis for denial of the plat by the governing body (76-3-504(1)(i), MCA).

3. **Staff report.** Planning staff shall prepare a staff report and presentation for the governing body. A*n electronic* copy of the report shall be provided to the subdivider at least five (5) working days prior to the governing body meeting. The staff report shall provide a recommendation for approval, conditional approval or denial of the applications and draft findings of fact to justify the recommendation.

H. Governing Body Action. At a regularly scheduled meeting the governing body shall consider the following information in deciding whether to approve, conditionally approve, or deny a preliminary plat:

1. Unless the subdivision is proposed in an area that is zoned, the effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA); and

2. Compliance with:

    1. The Montana Subdivisions and Platting Act (76-3-101 et seq., MCA) (76-3-608 (3)(b), MCA); and
    2. The provision of easements for the location and installation of any planned utilities (76-3-608(3)(c), MCA); and

    3. The provision of legal and physical access to each parcel within the subdivision (76-3-608(3)(d), MCA); and

    4. The required notation of that access on the applicable plat and any instrument of transfer concerning the parcel (76-3-608(3)(d), MCA); and

    5. Local zoning requirements; and

3. Consistency with the currently adopted Growth Policy, Transportation Plan, and the Active Transportation Plan ~~Heritage Trail Plan~~ (76-1-606, MCA); and

4. A summary of probable impacts prepared in accordance with Section 23-904 of these Regulations.

5. The governing body shall give due weight and consideration to the subdivider's expressed preferences (76-3-608(5)(b), MCA). The governing body may not deny approval of a subdivision based solely on the subdivision's impacts on educational services or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145, MCA (76-3-608(1), MCA), or solely on compliance with the Growth Policy (76-3-605(2)(b), MCA).

6. The governing body shall issue written findings of fact that weigh the criteria listed in this section. The governing body shall determine if there are any significant adverse impacts the subdivision may have based on its review of this information and formulate conditions to reasonably minimize those impacts (76-3-608(4), MCA).

7. In reviewing a subdivision and when requiring mitigation, the governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the plat (76-3-608(5)(a), MCA).

8. The governing body shall approve, conditionally approve or deny the preliminary plat within thirty-five (35) working days of the submittal deadline and when the application was considered complete and sufficient. The governing body shall send to the subdivider a letter within thirty (30) working days of its decision stating the reasons for the denial or enumerating the conditions which must be met to assure approval of the final plat, along with written findings of fact (76-3-608(4), MCA).

I. Preliminary Plat Approval Period. The approval or conditional approval shall be valid for not more than three (3) calendar years. At the end of this period the governing body may, at the request of the subdivider, extend its approval for a mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing, dated, and signed by the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.

When considering a request for an extension of the preliminary plat approval period, the governing body may use the following criteria to evaluate the request:

1. Changes to the subdivision regulations since the original approval and whether the subdivision as originally approved is essentially compliant with the new regulations;

2. Progress to date in completing the subdivision as a whole and any phases;

3. Phasing of the subdivision and the ability for the existing development to operate without the delayed development;

4. Dependence of infrastructure development on the subdivision;

5. Duration of the requested extension;

6. Demonstrated ability of the subdivider to complete the subdivision.

7. Such other factors or criteria as deemed material in the discretion of the governing body.

After the preliminary plat is approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval, providing the approval is obtained within the original or extended approval period described above (76-3-610(2), MCA).

J. Appeal Process. A decision of the governing body regarding a proposed subdivision may be appealed to the district court, as provided in Section 23-1105 of these Regulations and 76-3-625, MCA.

K. Final Plat. A final plat application shall be submitted for review and approval following the procedures outlined in Section 23-307 of this Article prior to the expiration of the preliminary plat approval period.

Section 23-304. Subsequent Minor Subdivisions.

Divisions of land creating five (5) or fewer lots that are not first minor subdivisions from a tract of record shall be reviewed as first minor subdivisions in accordance with Section 23-303 of this Article (76-3-609(4), MCA). The subsequent minor subdivision will be reviewed by the governing body where the jurisdiction in which it is located. A copy of the application shall also be provided to school district trustees (76-3-601(2)(b), MCA).

Section 23-305. Subdivisions Qualifying for ~~Expedited~~ Abbreviated Review.

A. Eligibility. Subdivisions, hereafter referred to as "~~expedited~~ abbreviated review plats" containing one (1) or two (2) parcels are eligible for ~~expedited~~ abbreviated review when:

1. They meet the definition of a first minor subdivision from a tract of record; and

2. Legal and physical access to all lots is provided; and

3. No land in the subdivision will be dedicated to public use for parks or playgrounds; and

4. The plat has been approved by the Montana Department of Environmental Quality or County Environmental Health whenever approval is required or the plat has been approved by the City of Billings Public Works Department for sanitary water, sewer and storm water facilities~~2~~; and

5. No public improvements are required.

If the proposed subdivision lies partly within an incorporated city or town, the proposed plat must be submitted to and approved by both the city or town and county governing body (76-3-601(2)(c), MCA).

When a proposed subdivision is also proposed to be annexed to any municipality, the subdivision review and annexation procedures will be coordinated to minimize duplications of hearings, reports, and other requirements when possible (76-3-601 (2)(d), MCA).

~~2 If MDEQ or County Health approval has not yet been obtained, the applicant may submit a checkprint for review and approval to the Planning Department. The applicant may submit the checkprint approval to MDEQ or County Health as required as proof of preliminary plat approval. Proof of MDEQ or County Health approval must be submitted with the final plat and supplemental documents prior to recording the final plat.~~

B. Pre-application Meeting. The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than twenty (20) working days and no earlier than one hundred and twenty (120) working days prior to final plat submittal. At the time of request, the subdivider shall provide the Planning Director or designee with ~~ten (10)~~ *electronically submitted* sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of

a topographic map. See Appendix C for recommended pre-application sketch plan contents and other meeting recommendations.

The Planning Director or designee will schedule the pre-application meeting to occur with fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

C. ~~Expedited~~ Abbreviated Review Plat Application Submittal.

1. **Required.** The subdivider shall submit to the Planning Director or designee, for review and recommendation, a final plat of the proposed minor subdivision, which conforms to the requirements of Section 23-307 of this Article. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.

2. **Checkprint.** Prior to submitting the final plat on mylar, a subdivider must submit ~~four (4) copies~~ *electronic copies* of a final plat application, ~~four (4) paper prints of the final plat, four (4)~~ *electronic* draft copies of the supporting documents and one (1) copy of the survey closure calculations to the Planning Director or designee for review. The *electronic* final plat application form is provided *online* "Final Plat Application" and the form and content of the checkprint and the supporting documents are described ~~in Appendix J~~ *online* "Final Plat Requirements". The final plat review fee and the subdivision title commitment or title report are also required at this stage. ~~One (1) copy~~ *Reviewing departments shall be notified of and provided electronic copies* of the checkprint, supporting documents and survey closure calculations *have been submitted.* ~~shall be forwarded to~~ City Public Works ~~Department for their review and comment. One (1) copy of the checkprint and supporting documents shall be forwarded to the~~ Billings Fire Department, *City Legal, County Treasurer and County Clerk and Reorder shall be asked* for ~~their~~ review and comment. ~~Both departments~~ *These reviewers* shall notify Planning staff of any changes required to conform to the local regulations and state law within ten (10) working days after receipt of the checkprint. Planning staff shall notify the subdivider no later than fifteen (15) working days after receipt of the checkprint of any changes required. A red-lined copy of the checkprint shall be returned to the subdivider along with the reviewer's comments. ~~If the checkprint is approved by all reviewing departments, the Planning staff shall provide a letter to the County Health~~

~~Department or the Montana Department of Environmental Quality stating that the plat has been reviewed and is recommended for approval. This letter shall be submitted by the applicant along with their application for sanitary facility approval as proof that the proposed plat has been reviewed and approved.~~

~~9~~

3. **Application submittal.** Application for ~~expedited~~ *abbreviated* plat approval shall be submitted to the Planning Director or designee on or before 3:00 p.m. at least twenty-five (25) working days prior to the date of the City Council memo deadline. The *electronic* application form is provided ~~in Appendix H~~ *online* "~~Expedited~~ *Abbreviated* Final Plat Application" and must be accompanied by the required final plat, supporting documents and applicable fee.

D. Final Plat and Supporting Documents Contents and Submittal Copies. The subdivider shall submit one (1) electronic copy ~~in either AutoCad ® or ArcGIS ® format and one (1) copy in .pdf, .jpg or .tif format~~. The subdivider must also submit two (2) signed mylar originals of the final plat. The form and content of final plat is provided ~~in Appendix J~~ *online* "Final Plat Requirements." The final plat must be accompanied by a complete ~~expedited~~ *abbreviated* review plat application form as provided ~~in Appendix H~~ *online* "~~Expedited~~ *Abbreviated* Final Plat Application", a subdivision title commitment or title guarantee prepared within the previous six (6) months, all supporting documents and the required review fee.

E. Review Procedure. Planning staff shall route the application, final plat and supporting documents to the appropriate departments and officials for their signatures within sufficient time to assure the documents are placed on the first available agenda of the governing body for their consideration and authorized signatures.

F. Governing Body Action. At a regularly scheduled meeting, the governing body shall consider the following information in deciding whether to approve or deny a final plat:

1. The effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608 (3)(a), MCA); and

2. Compliance with:

    a. The Montana Subdivisions and Platting Act (76-3-101 et seq., MCA) (76-3-608 (3)(b), MCA); and

b. The provision of easements for the location and installation of any planned utilities(76-3-608(3)(c), MCA); and

c. The provision of legal and physical access to each parcel within the subdivision
d. (76-3-608(3)(d), MCA); and

e. The required notation of that access on the applicable plat and any instrument of transfer concerning the parcel (76-3-608(3)(d), MCA); and

f. Local zoning requirements; and

3. Consistency with the adopted Growth Policy, Transportation Plan, and the Heritage Trail Plan. (MCA 76-1-606).

4. The governing body shall give due weight and consideration to the subdivider's expressed preferences (76-3-608(5)(b), MCA). The governing body may not deny approval of a subdivision based solely on the subdivision's impacts on educational services, or based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145, MCA (76-3-608(1), MCA), or based solely on compliance with the Growth Policy (76-3-605(2)(b), MCA).

5. In the event the governing body denies the final plat, it shall send a letter to the subdivider stating the reasons for the denial along with written findings of fact (76-3-608(4), MCA).

G. Approval Period. Final plat approval shall be in force not more than twelve (12) months from the date of the governing body's approval. At the end of the period the governing body may, at the request of the subdivider, after review and recommendation of the Planning Board, extend its approval for no more than twelve (12) months.

After all required signatures have been obtained; the plat shall be recorded with the County Clerk and Recorder within the twelve (12) months of the date of approval.

Section 4. Sections 23-306 and 23-307 BMCC are re-number Section 23-308 and 27-309, respectively, and new Sections 23-306 and 23-307 shall read as follows:

Section 23-306. Expedited Review for Certain Subdivisions.

A. Eligibility. Subdivisions, hereafter referred to as "expedited review plats" as defined in MCA 76-3-623

1. Requested by applicant; and

2. Within an incorporated city and is subject to an adopted growth policy and adopted zoning regulations; and

3. Complies entirely with locally adopted zoning regulations; and

4. Complies entirely with the design standards and all other requirements of these regulations; and

5. Includes in its proposal plans for on-site development or extension of public infrastructure in accordance with locally adopted ordinances and regulations.

B. Expedited Review Plat Application Submittal.

1. **Pre-application Meeting.** The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than seven (7) working days and no earlier than one hundred and twenty (120) working days prior to submittal of a major preliminary plat application for completeness review.

   At the time of request, the subdivider shall provide the Planning Director or designee with electronically submitted sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See online 'Pre-application application' for recommended pre-application sketch plan contents and other meeting recommendations.

   The Planning Director or designee will schedule the pre-application meeting to occur within fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

   The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

2. **Pre-application Completeness Review.** One (1) month prior to submittal deadline for major preliminary plat applications, the subdivider shall submit one electronic copy of the entire application including the preliminary plat and completed supporting documents to the Planning Director or designee for review accompanied by the applicable fee. After receipt of the electronic copy the Planning Director or designee shall notify the subdivider within five (5) working days as to the completeness of the application. An application complete in its entirety will include all those items listed online "Preliminary Plat Requirements", where applicable, and any additional information identified at the pre-application meeting. If the Planning Director or designee determines the application complete, the subdivider may submit the application, plat and supporting documentation for sufficiency review. If the Planning Director or designee determines the application is incomplete, the subdivider must correct the deficiencies and resubmit the application.

3. **Pre-application Sufficiency Review.** Within fifteen (15) working days after notifying the applicant that the application is complete, the Planning Director or designee will determine that the information in the application is sufficient to allow for review of the proposed subdivision. If the Planning Director or designee determines the information is sufficient, the applicant will be notified that the complete and sufficient application may be submitted at the application submittal deadline. If the Planning Director or designee determines the information is insufficient, the subdivider must correct the deficiencies prior to the next submittal deadline or postpone submittal to a future submittal deadline.

4. **Department plat review meeting.** Upon completeness and sufficiency review, Planning staff shall arrange a department plat review meeting to publicly review comments from the affected entities and inform the subdivider of revisions or additions required to bring the application into compliance with local regulations and state law. The subdivider and their representative are required to attend the department plat review meeting and shall be given a copy of all comments received to date from the affected entities.

C. Preliminary Plat Expedited Application Submittal.

1. **Required**. The subdivider shall submit to the Planning Director or designee, for review and recommendation, a preliminary plat of the proposed major subdivision, which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.

2. **Application submittal**. Complete and sufficient application for major preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided on line "Preliminary Plat Application" and must be accompanied by the required preliminary plat, and supporting documents and applicable fee.

3. **Review period.** Upon receipt of a complete and sufficient application, the governing body's designee has thirty-five (35) working days to hold a public hearing. Subsequently, the Governing Body must approve, conditionally approve, or deny the preliminary plat application within thirty-five (35) working days. The review period may be extended upon written consent from the subdivider one time up to one hundred and eighty (180) calendar days.

D. Preliminary Plat Contents and Submittal Copies.

1. **Content.** The preliminary plat shall clearly show the information listed online "Preliminary Plat Requirements."

2. **Copies.** The subdivider shall provide one electronic copy of all the required documents for the preliminary plat to the Planning Director or designee. All plats shall be 24 inch by 36-inch size and/or 11 inch by 17-inch size as specified by the Planning Director or designee.

E. Supporting Documentation.

1. **Required documents.** The supporting information shall include those documents listed online "Required Supporting Documents for Major Preliminary Plat Applications."

2. **Required copies.** The subdivider shall provide one electronic copy of the supporting documents to the Planning Director or designee. All documents shall be typed and, in a format, specified by the Planning Director or designee.

F. Planning Board Review

1. **Hearing notice.** The Planning Board shall hold a public hearing on all major preliminary plat applications. Planning staff shall place a notice in a newspaper of general circulation in the County not less than fifteen (15) days prior to the date of a public hearing. The Planning staff shall also notify the subdivider and each property

owner of record, and each purchaser under contract for deed of property immediately adjoining land included in the plat by certified mail not less than fifteen (15) days prior to the date of hearing (76-3-605(3), MCA).

2. **Staff report.** Planning staff shall prepare staff reports and presentations for the Planning Board plat review meeting and public hearing. A copy of each staff report shall be provided electronically to the subdivider at least five (5) working days prior to the Board or governing body meeting. Each staff report shall provide a recommendation for approval, conditional approval or denial of the application and draft findings of fact as basis for the recommendation. The Planning staff shall also prepare a report forwarding the recommendation of the Planning Board to the governing body including the Board's recommendation for approval, conditional approval or denial of the applications and draft findings of fact as basis for the recommendation.

3. **Public Hearing.** The Planning Board shall conduct the public hearing and consider all relevant evidence as related to the proposed plat before preparing its written findings of fact and recommendation to the governing body. The subdivider or their agent shall be given the opportunity to object to any testimony given. The subdivider shall be allowed to submit in writing his or her own proposed findings of fact to the Board and the governing body following the hearing.

4. The relevant evidence considered at the public hearing on the preliminary plat shall include the criteria listed above in Section H. of this Article.

5. After holding the public hearing and reviewing the evidence concerning the plat, the Planning Board shall submit its recommendations to the governing body to approve, conditionally approve or deny the major preliminary plat in writing no later than ten (10) days after the public hearing (76-3-605(4), MCA).

G. Governing Body Action. The governing body's decision to approve or conditionally approve a subdivision is based on the preliminary plat application, public hearing, Planning Board recommendations, or additional information that demonstrates the development of the subdivision meets the requirements of the Montana Subdivision and Platting Act and these Regulations, local zoning ordinances, subdivision design standards and regulations, and all other adopted City of Billings regulations.

In reviewing a subdivision and when requiring mitigation, the governing body may only place conditions to ensure an approved subdivision application is completed in accordance with the applicable local requirements or survey requirements pursuant to Title 76 Chapter 4 of the Montana Subdivision and Platting Act.

The governing body shall approve, conditionally approve the preliminary plat within thirty-five (35) working days of the submittal deadline and when the application was considered complete and sufficient.

H. Preliminary Plat Approval Period. The approval or conditional approval shall be valid for not more than three (3) calendar years. At the end of this period the governing body may, at the request of the subdivider, extend its approval for mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing, dated and signed by the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.

When considering a request for an extension of the preliminary plat approval period, the governing body may use the following criteria to evaluate the request:

1. Changes to the subdivision regulations since the original approval and whether the subdivision as originally approved is essentially compliant with the new regulations;

2. Progress to date in completing the subdivision as a whole and any phases;

3. Phasing of the subdivision and the ability for the existing development to operate without the delayed development;

4. Dependence of infrastructure development on the subdivision;

5. Duration of the requested extension;

6. Demonstrated ability of the subdivider to complete the subdivision;

7. Such other factors or criteria as deemed material in the discretion of the governing body.

After the preliminary plat is approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval, providing the approval is obtained within the original or extended approval period described above (76-3-610(2), MCA).

I. Appeal Process. A decision of the governing body regarding a proposed subdivision may be appealed to the district court, as provided in Section 23-1105 of these Regulations and 76-3-625, MCA.

J. Final Plat. A final plat application shall be submitted for review and approval following the procedures outlined in Section 23-307 of this Article prior to the expiration of the preliminary plat approval period.

Section 23-307 Minor Subdivisions Qualifying for Administrative Review

A. Eligibility. Subdivisions, hereafter referred to as "administrative review plats" are eligible for administrative-review when:

1. They meet the definition of a first minor subdivision from a tract of record or a subsequent minor subdivision from a tract of record; and

2. Legal and physical access to all lots is provided; and

3. Complies entirely with locally adopted zoning regulations; and

4. Complies entirely with the design standards and all other requirements of these regulations; and

5. Does not require a variance to any subdivision regulations

B. Administrative Review Plat Application Submittal.

1. **Pre-application Meeting.** The purpose of the pre-application meeting is to provide the subdivider with requirements of local subdivision regulations and the Montana Subdivision and Platting Act. A pre-application meeting must be requested no later than seven (7) working days and no earlier than one hundred and twenty (120) working days prior to submittal of a major preliminary plat application for completeness review.

   At the time of request, the subdivider shall provide the Planning Director or designee with electronically submitted sketch plans of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn to scale no greater than 1 inch = 400 feet (1:4,800), showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. See online 'Pre-application application' for recommended pre-application sketch plan contents and other meeting recommendations.

2. The Planning Director or designee will schedule the pre-application meeting to occur within fifteen (15) working days of the receipt of the sketch plan, and shall notify the subdivider and any affected City Departments of the time and place of the meeting.

3. The pre-application meeting shall not constitute approval of a preliminary or final plat. Rather, it shall be deemed an expression of general acceptance of the sketch plan submitted.

C. Administrative Review Plat Review.

1. Required. The subdivider shall submit to the Planning Director or designee, for review and recommendation, a preliminary plat of the proposed minor subdivision, which conforms to the requirements of these Regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana, as their respective licensing laws allow.

2. Application submittal. Complete and sufficient application for minor preliminary plat approval shall be made to the Planning Director or designee on or before 3:00 p.m. of the first day of any given month. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day by 3:00 p.m. The application form is provided online "Preliminary Plat Application" and must be accompanied by the required preliminary plat, and supporting documents and applicable fee.

3. Review period. Upon receipt of a complete and sufficient application, the Planning Director or designee has thirty (30) working days to approve, conditionally approve, or deny the preliminary plat application. Subsequently, upon receipt of a complete and sufficient application, the governing body's designee must notify, by first-class mail, each property owner of record whose property is immediately adjoining the land included in the preliminary plat and each purchaser under contract for deed of property immediately adjoining the land included in the Preliminary Plat.

D. Appeal.

If, and only if, a party identified in Section 23-307.C.3 of this article objects to the Planning Director or designee's decision to approve, conditionally approve, or deny an administrative minor subdivision, the party may request in writing that the subdivision administrator forward the application on to the governing body. The governing body shall sustain the subdivision administrator's decision based on the record as a whole unless the decision was arbitrary, capricious, or unlawful. The governing body has 15 working days from the receipt

of the request to review a decision to approve, conditionally approve, or deny the administrative minor subdivision and make a final determination.

Section 5. Sections 23-306 and 23-307 BMCC are re-numbered 23-308 and 23-309 and amended so that such section shall read as follows:

Section 23-~~306~~*308*. Amended Plats.

A. Required. A division of lots within a platted subdivision filed with the County Clerk and Recorder that results in an increase in the number of lots, or that redesigns or rearranges six (6) or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the County Clerk and Recorder (76-3-207(2)(a), MCA).

B. Eligibility. Amended plats shall be processed as first minor subdivisions, as described in Section 23-303, if they meet the following criteria:

1. Legal and physical access to all lots is provided; and

2. No land in the subdivision will be dedicated to public use for parks or playgrounds; and

3. The plat has been approved by the Montana Department of Environmental Quality or County Environmental Health whenever approval is required or the plat has been approved by the City of Billings for sanitary water, sewer and stormwater facilities or no public improvements are required; and

4. The amended plat creates no more than five additional lots.

Amended plats not meeting these criteria shall be reviewed as major subdivisions.

C. Form and Content. An amended plat shall be entitled "Amended Plat" and follow the form and content shown in Appendix D "Preliminary Plat Requirements."

Section 23-~~307~~309. Final Plat Submittal Requirements.

A. Required. After receiving a preliminary plat approval for a major, first minor or subsequent minor, the subdivider may submit a final plat of the proposed subdivision as required by this Article. The final plat shall incorporate all required conditions and changes and conform to the approved preliminary plat and this Section.

B. Checkpoint. Prior to submitting the final plat on mylar, a subdivider must submit ~~four (4)~~ electronic copies of a final plat application, ~~four (4)~~ paper prints of the final plat, ~~four (4)~~ draft copies of the supporting documents and ~~one (1)~~ a copy of the survey closure calculations to the Planning Director or designee for review. The final plat application form is provided ~~in Appendix I~~ online "Final Plat Application" and the form and content of the checkprint and the supporting documents are described ~~in Appendix J~~ online "Final Plat Requirements". The final plat review fee and the subdivision title commitment or title report are also required at this stage. The Planning Director or designee may require additional documentation to ascertain whether the conditions of preliminary plat approval have been met.

~~One (1) copy of the checkprint, supporting documents and survey closure calculations shall be forwarded to City Public Works Department for their review and comment. One (1) copy of the checkprint and supporting documents shall be forwarded to the Billings Fire Department for their review and comment.~~ *Copies of submitted documents will be available to reviewers electronically.* ~~Both~~ *Reviewing* departments shall notify Planning staff of any changes required to conform to the conditions of final plat approval or local regulations and state law within ten (10) working days after receipt of the checkprint.

Planning staff shall notify the subdivider no later than fifteen (15) working days after receipt of the checkprint of any changes required. A red-lined copy of the checkprint shall be returned to the subdivider along with the reviewer's comments.

C. Final Mylar Submittal. Application for final plat approval shall be submitted to the Planning Director or designee on or before 3:00 p.m. at least twenty-five (25) working days prior to the City Council memo deadline. The subdivider shall submit one (1) electronic copy. ~~in either AutoCad ® or ArcGIS ® format and one (1) copy in .pdf, .jpg or .tif format.~~ The subdivider must also submit two (2) signed mylar originals of the final plat. The form and content of final plat is provided ~~in Appendix J~~ online "Final Plat-Requirements." The final plats must be accompanied by a complete final plat application form as provided ~~in Appendix I~~ online "Final Plat Application", a subdivision title commitment or title guarantee prepared within the previous six (6) months, all supporting documents and the required review fee.

D. Review Procedure. Planning staff shall route the application, final plat and supporting documents to the appropriate departments and officials for their signatures within sufficient time to assure the documents are placed on the first available agenda of the governing body for their consideration and authorized signatures.

E. Approval Period. Final plat approval shall be in force not more than twelve (12) months from the date of the governing body's approval. At the end of the period the governing body may, at the request of the subdivider, after review and recommendation of the Planning Board, extend its approval for no more than twelve (12) months.

After all required signatures have been obtained; the plat shall be recorded with the County Clerk and Recorder within the twelve (12) months of the date of approval.

Section 23-~~308~~309. Flowchart of Subdivision Procedures.

MAJOR SUBDIVISION	FIRST MINOR	SUBSEQUENT MINOR	~~EXPEDITED~~ *ABBREVIATED* REVIEW
Preapplication Meeting 120 – 20 working days prior to preliminary plat completeness review submittal	Preapplication Meeting 120 – 20 working days prior to preliminary plat completeness review submittal	Preapplication Meeting 120 – 20 working days prior to preliminary plat completeness review submittal	Preapplication Meeting 120 – 20 working days prior to preliminary plat completeness review submittal
↓	↓	↓	↓
Completeness and Sufficiency Review 1 month prior to preliminary plat submittal	Completeness and Sufficiency Review 1 month prior to preliminary plat submittal	Completeness and Sufficiency Review 1 month prior to preliminary plat submittal	Checkprint Submittal 20 working day review
↓	↓	↓	↓
Preliminary Plat Submittal 1st day of month	Preliminary Plat Submittal 1st and 15th day of month	Preliminary Plat Submittal 1st and 15th day of month	Final Plat Submittal ~~1st and 15th~~ Any day of month
↓			
Department/Agency Review ~~10~~*15* working days from submittal			
↓			
Notification Legal, subdivider and adjacent property owners. No less than 15 days prior to public hearing			
↓			
Department Plat Review Meeting			
↓			
Application Resubmittal 6 working days after Department Review Meeting			
↓			
Final Staff Comments			
↓			
Planning Board Plat Review			
↓			
Planning Board Public Hearing			
↓			
Governing Body Action	Governing Body Action	Governing Body Action	Governing Body Action
↓	↓	↓	
Final Plat Submittal	Final Plat Submittal	Final Plat Submittal	

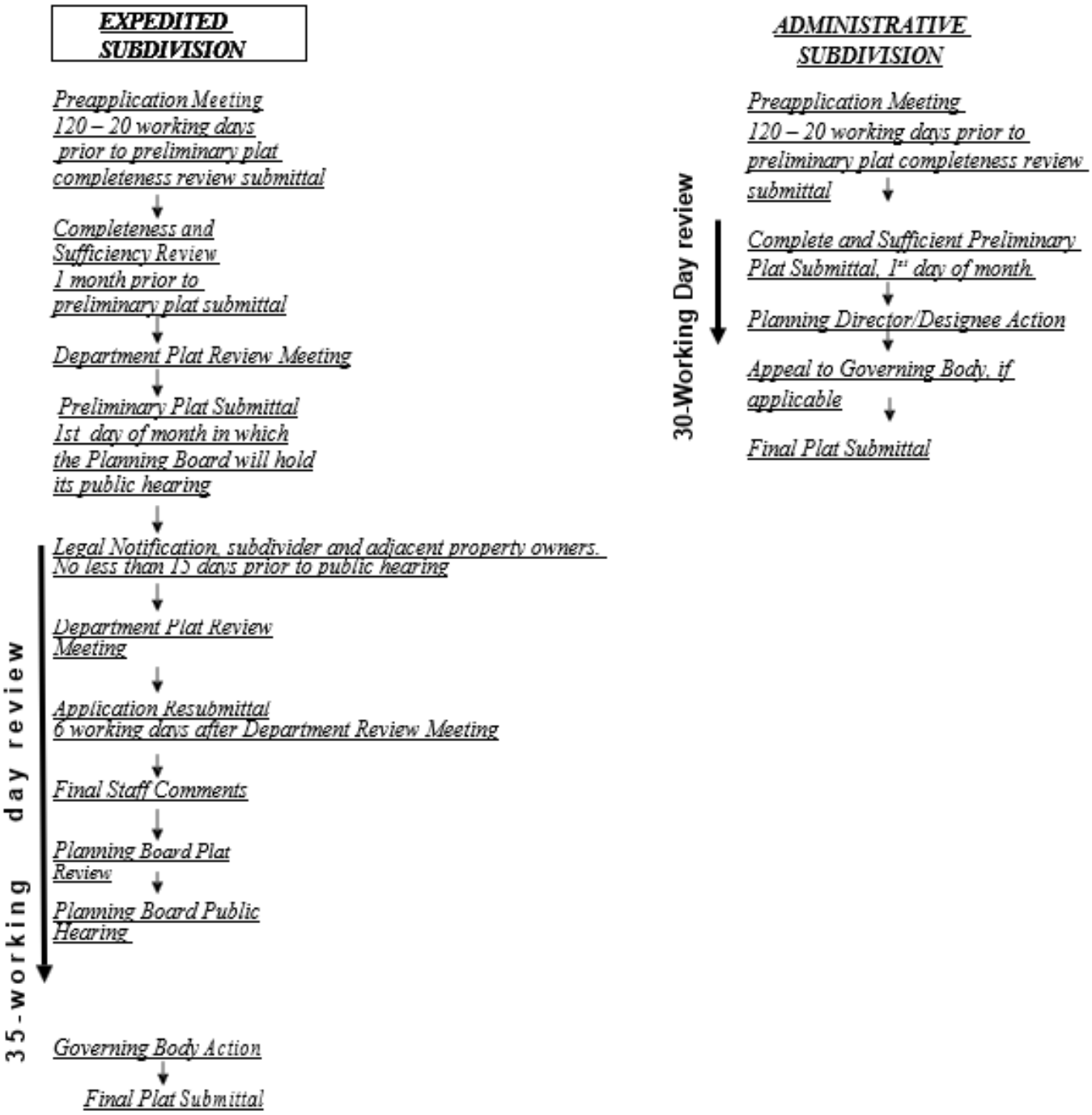
60-80 working day review

35-working day review

35-working day review

25 days prior to Council memo deadline.

Section 23-~~308~~309. Flowchart of Subdivision Procedures. *Continued*



Section 6. That Section 23-402 through Section 23-413 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-402. Conformance with Zoning.

In addition to the standards outlined in this Article, the design and development of a subdivision must conform to any applicable zoning regulations as found in the ~~Unified~~ Zoning Regulations (Article 27, BMCC).

Section 23-403. Improvement Design.

Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body must be prepared by a professional engineer or professional land surveyor as their respective licensing laws allow in accordance with the Montana Subdivision and Platting Act (MSPA) and these Regulations. ~~All traffic impact studies must be prepared and stamped by a Professional Traffic Operations Engineer (PTOE).~~ Subdivisions must meet the current Access Management Plan adopted by the City.

Section 23-404. Lots.

A. Regulation of Lots: Each lot must contain a building site that can be designed to meet applicable building codes, site development standards, driveway slope standards, and zoning requirements of the ~~Unified~~ Zoning Regulations.

B. Dimensions, Orientation and Topography: The lot size, depth, shape and orientation shall be appropriate for the location, contemplated use of the subdivision and the zoning of the property. Flag lots shall be ~~discouraged~~ *prohibited* except in cases where ~~they are necessary due to topography or other physical constraints on the property~~ *zoning districts allow flag lots.*

Slopes of more than 25% are excessive for building sites and shall be subject to a geotechnical analysis. Areas within the subdivision with a slope of 25% or greater shall be identified on the face of the preliminary and final plats.

C. Frontage: Residential lots shall ~~have a~~ *provide the* minimum *lot width as required by the existing or proposed zone, as defined in BMCC 27-300 and shall be* ~~of thirty-two (32) feet of frontage~~ on a public right of way or private easement. Lots in commercial and industrial subdivisions shall have a minimum lot width, as defined in BMCC 27-400, ~~frontage of forty-four (44) feet~~ on a public right of way or private easement, or through a reciprocal access easement.

D. Division by Rights-of-Way: No single lot may be divided by a public road, alley, or access easement.

E. Corner Lots: Design of corner lots must meet the following requirements:

1. Corner lots must be of sufficient size to provide a building site while meeting the clear vision requirements specified in Section 27-618 of the ~~Unified~~ Zoning Regulations.

2. All residential corner lots adjacent to a street identified as a Principal or Minor Arterial must have vehicular access only to an internal street in the subdivision identified as a Collector or Residential street.

F. Double Frontage Lots: Double frontage lots (See Figure 23.200.1.) are allowable where they are necessary due to topography and when a one (1) foot wide no-access easement is provided for separation of residential development from railroad or street rights-of-way.

1. Residential Areas: For any residential subdivision where an Arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide ~~lots to back onto the arterial street~~ *for the rear lot line to be adjacent to the arterial street* and provide a one (1) foot wide no-access easement to prevent vehicle access to the arterial street.

2. Commercial Areas: For any commercial subdivision where an Arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for shared accesses to the arterial street or access via internal roads with a one (1) foot wide no-access easement to prevent uncontrolled vehicle access to the Arterial street.

Section 23-405. Blocks.

A. Size and Orientation Blocks: Block Length, Section, and Perimeter shall be provided in accordance with Table 23-405.1

TABLE 23-405.1 REQUIRED BLOCK DESIGN

Zone District	***Block Length***			***Block Perimeter***		***Block Section***	
	Max.	***Min.***	***Preferred***	***Max.***	***Preferred***	***Max.***	***Preferred***
N1/NX1	*780'*	*160'*	*600'*	*1,900'*	*1,480'*	*797'*	*622'*
N2	*950'*	*160'*	*720'*	*2,200'*	*1,700'*	*960'*	*740'*
N3	*1,000'*	*200'*	*780'*	*2,400'*	*1,900'*	*1,029'*	*806'*
NX2/NX3	*700'*	*100'*	*500'*	*1,200'*	*800'*	*708'*	*510'*
RMH	*750'*	*200'*	*570'*	*2,000'*	*1,600'*	*777'*	*605'*
NO/NMU	*780'*	*160'*	*600'*	*1,900'*	*1,480'*	*797'*	*622'*
CMU1	*700'*	*160'*	*500'*	*1,900'*	*1,400'*	*720'*	*525'*
CMU2	*1,400'*	*300'*	*700'*	*4,200'*	*2,800'*	*1,432'*	*762'*
CX	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
I1	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
I2	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
EBURD/CBD/DX	*600'*	*300'*	*160'*	*1,800'*	*1,200'*	*622'*	*340'*
Public 1-3	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*

~~Length, width and shape of blocks shall be determined with consideration of the following:~~

~~1. Provision of adequate building sites suitable to the needs of the type of use contemplated;~~

~~2. Needs for convenient and necessary access, circulation, traffic control and traffic safety, and public safety;~~

~~3. Limitations or opportunities created by the topography.~~

~~4. The block face requirements are:~~

~~a. Maximum Block Face Length: For CMU districts the maximum block face length shall be no more than 660 feet in length. For all districts other than CMU, maximum block face length shall be no more than eight hundred (800) feet.~~

~~b. Maximum Block Perimeter: The maximum perimeter of any block shall be 2,200 feet.~~

~~c. Connectivity: Streets shall connect and continue existing or planned streets from adjoining areas. Block faces at the maximum length above require pedestrian access at mid-block points to ensure walkability. Pedestrian access or walkways may be incorporated as a dedicated alley or as an easement between lots.~~

1. Block Length means the measurement along the property lines of all lots that share the same street frontage until another street intersects (see Figure 23-405.2.). A block length continues until the street frontage changes from one cardinal direction to another.

2. Block Perimeter means the aggregated measurement along all perimeter property lines contained within a Block (see Figure 23-405.3.).

    a. Block Perimeter excludes portions of lots along a project boundary where connections cannot be made because of physical obstacles, such as prior platting of property, existing structures or other barriers, steep slopes, wetlands and other water bodies, railroad and utility rights-of-way, existing highway rights-of-way, and parks and dedicated open space (see Figure 23-405.4.).

3. Block Section measures the greatest straight-line distance between any two points around the perimeter of an area enclosed by streets (see Figure 23-405.5.).

4. Block Length and Block Perimeter preferred measurements are not minimums. Less than the preferred measurement is also acceptable if the design enhances the connectivity of the subdivision.

5. Breaks in Block Length or Block Section such as, a dedicated pedestrian right-of-way of at least 30 feet in width, or a dedicated public park or open space area with at least 30 feet of street frontage (see Figure 23-405.6.) can substitute for an intersecting street. Alleys and similar service corridors will not count as a break in the block perimeter.

6. When designing new roads and streets, curvilinear~~, serpentine and spirograph~~ streets are ~~discouraged and should only be used when a PTOE recommends the design as a traffic calming measure that is warranted or when the topography otherwise prohibits grid street layout~~ still required to follow the basic block layout as outlined in Section 23-405.

7. When Block Lengths exceed 500 feet, traffic calming shall be included in the design.

Figure 23-405.2. Block Length

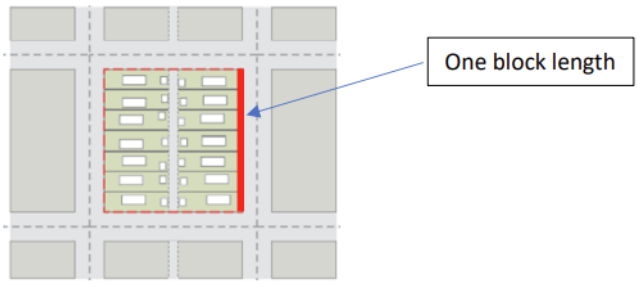
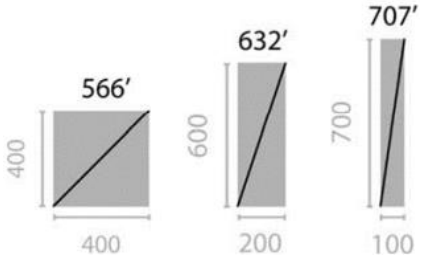


Figure 23-405.3. Block Perimeter

Figure 23-405.4. Block Obstructions

Figure 23-405.5. Block Section



B. Rights-Of-Way for Internal Non-motorized Connections: Public rights-of-way for internal non-motorized connections within blocks will be required ~~when essential~~ to provide circulation or safe access to schools, playgrounds, shopping, transportation and other community facilities. Pathways shall also be installed at the end of cul-de-sacs. ~~where deemed appropriate~~.

C. Block Numbering: All blocks shall be identified with Arabic numerals.

Section 23-406. Streets and Roads.

A. Streets and Roads, General: The arrangement, type, extent, width, grade, and location of all streets shall conform to any adopted area plans including, but not limited to, the Growth Policy and Transportation Plan, and must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them.

1. Relation to Undeveloped Areas: When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land *this may require multiple connections to multiple adjacent undeveloped parcels. The maximum distance between connections to undeveloped lands shall no exceed 600 feet.* Streets within the proposed subdivision shall be constructed to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions *or granted by a variance. A variance may not be requested to eliminate connectivity to any street proposed on the most recently adopted Functional Classification Map*.

2. Relation to Developed Areas: The subdivider shall arrange the streets to provide for the continuation of streets between adjacent developed properties ~~when such continuation is necessary for the convenient movement of traffic~~, *to provide* effective provision of emergency services and efficient provision of utilities. Such provision may be waived ~~where the adjacent land use is incompatible with the proposed subdivision, or~~ when prevented by topography or other physical conditions.

3. Separation of Through and Local Traffic: Whenever a subdivision abuts or contains an existing or proposed highway, Arterial street or Collector street, the subdivider may be required, as a condition of approval, to provide frontage roads, reverse frontage lots with a no-access strip preventing access along the rear property lines, planting or fencing screens, shared accesses, or other treatment as may be necessary to adequately protect residential properties and to separate through and local traffic.

5. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utilities, all major subdivisions and subsequent minor subdivisions shall provide at least two means of vehicular access built to the standards of this Chapter and designed to ensure public health and safety.

    a. Exceptions to the requirement to provide at least two means of vehicular access may be made for major and subsequent minor subdivisions that meet all of the following criteria:

1. Access is provided by a cul-de-sac with an approved turnaround that is ~~600~~ *1000* feet or less in length; and
2. The subject cul-de-sac is served by a local, collector, or arterial street that is not classified as a dead-end street; and
3. The subject cul-de-sac serves no more than 20 lots, and no more than 30 dwelling units, when residential development is proposed.

b. Provision of a second means of vehicular access may be required for any subdivision when deemed necessary for public health, safety or welfare.

c. When not otherwise exempt, if a second means of vehicular access built to City street standards cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency access road, built to the standards detailed in Section 23-413 of these Regulations.

d. Variance requirement in relation to Emergency Access Roads (EAR).

1. If a full city standard access road is required, and the developer proposes to build an EAR, a variance shall be required showing the hardship encountered.

6. Dead-end Roads: Dead-end access roads or driveways in excess of one hundred fifty (150) feet shall not be permitted without an approved turn around at the terminus. Where streets terminate, the subdivider shall provide a "cul-de-sac" or "hammerhead- T" turnaround conforming to the design standards outlined in Figure 23.406.A.1. The maximum allowable length of a dead-end road is ~~six hundred (600)~~ *one thousand (1000)* feet. In cases where a dead-end road may be extended in the future, a right-of-way easement or dedication ~~may~~ *will* be required to be provided.

13. Sight distance: The alignment of all streets and roads must provide adequate sight distances in accordance with Section 27-1802 H, Visibility at Intersections, Billings Zoning Code. ~~the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines. Intersections must be designed to provide adequate visibility for traffic safety based on the designed operating speeds of the intersecting roadways.~~

15. Street/Road Names and Lot Addresses: New streets/roads aligned with existing streets/roads shall have the same name as the existing street/road. All new street names and lot addresses shall be approved by the ~~City Fire Department~~ *City GIS / Land Management*

prior to final plat approval in order to avoid duplication and confusion with names of existing roads.

17. Central Mail Delivery: When required by the United States Postal Service, the developer shall provide a cluster/gang mailbox area for mail delivery. All access provided to these mail delivery systems shall be ADA compliant.

B. Streets and Roads Design and Improvement Standards:

3. Plans and Specifications approval: Plans and specifications for all streets shall be provided to and approved by ~~the~~ City Engineer*ing*. The subdivider shall provide professional engineering services for construction inspections, and post-construction certifications. The plans and specifications shall be approved by the City Engineer prior to initiation of any street improvement construction. In addition, a copy of the road plans and specifications for any emergency access roads shall be reviewed and approved by the City Fire Department prior to construction.

4. Traffic ~~Accessibility~~ Impact Study: ~~Prior to the City Council's action on~~ At the time of preliminary plat submittal, a traffic ~~accessibility~~ impact study shall be prepared and stamped by a Professional Engineer and approved by the City Engineer for any new residential, institutional, commercial or industrial subdivision or development which will generate one thousand (1,000) or more vehicular trips per day or 100 peak-hour trips, as referenced in the Trip Generation Report of the Institute of Transportation Engineers. The Professional Engineer shall certify "that the Traffic Impact Study has been prepared by me or under my immediate supervision and that I have experience and training in the field of traffic and transportation engineering." The report shall be stamped by a Professional Traffic Operations Engineer for five thousand (5,000) or more vehicle trips per day.

   The traffic generation threshold shall apply to any development or cumulative phases of development.

   A vehicular trip is defined as a one-way journey of a person in an automobile or a transit vehicle. If the study indicates a need for the installation of traffic signals, intersection improvements, or other off-site street improvements to facilitate traffic flow generated by the entire proposed development, the identified improvement shall be installed or a financial contribution for the subdivision's proportional share shall be made prior to final plat approval of the subdivision, as determined by City Engineering. The financial contribution for proportionate share shall be by cash contribution, traffic system development fee, or traffic impact fee, whichever is in effect at the time of final plat approval. The applicant shall meet and discuss elements of the study with City Engineering to determine the general extents of the study at the time of the pre-application meeting.

All developments generating less than 100 peak-hour trips or 1000 average daily trips shall analyze and design for the following basic street design elements. The applicant shall review these elements with City Engineering at the time of a preapplication meeting to determine what elements may apply. In addition, the applicant shall provide an explanation of how each element applies or does not apply, and that summary shall be included with the preliminary plat or development application.

~~The study shall include, but not be limited to the following:~~

~~a. Estimated number of vehicular trips per day;~~
a. Location of approaches (access management);
b. Sight distance review;
c. Turn lane analysis;
d. Connectivity and Circulation review ~~patterns;~~
e. On-street parking impacts;
f. Review of impacts to adjacent property streets, accesses, and intersections with site generated pedestrian and vehicular traffic;
g. Truck circulation, including solid waste pick-up;
h. Location and type of traffic-control devices;
~~b. Pedestrian systems;~~
~~c. Bicycle systems;~~
~~d. Projected turning movements;~~
~~e. Impacts on existing street intersections.~~
i. Traffic Calming

City Engineering reserves the right to require applicant analysis and review of a specific traffic impact due to known traffic or adjacent access issues for a subdivision or development generating less than 100 peak-hour or 1000 trips per day.

6. Right-of-Way and Street Widths: Street right-of-way and surface widths shall be provided as shown in Table 23.406.B.1, below. Street widths (b-b curb width) and lane widths shall be determined and approved by City Engineering Right-of-Way dedications at intersections shall be determined by City Engineering, and may include chamfered corners in order to accommodate ADA or future roundabout.

Table 23-406.B.1. Required Dedications and Street Improvements for Subdivisions

Street Type	**Right-of-Way**	**B-B Curb Width Range**	~~**Lane Width **********~~	**Parking Width******	~~**Turn lane width**~~	~~**Median Width**~~	**Boulevard Width**	**Sidewalk Width**	***Shared Use Path Width***
Principal Arterial	~~130'~~ *120'*	~~64'~~49 ~~86'~~* *	~~11' 12'~~**	---	~~14'~~	~~---~~	10'	5'/~~10'~~ **	*10'*
Minor Arterial	100'	~~42'-66' *~~	~~11 2'~~	---	~~---~~	~~14'~~	10'	5' **	*10'*
Collector	74'	39'-53'	~~11'~~	8'	~~14'~~	~~---~~	5'	5'	
Commercial Local Access	70'	~~44'-45'~~ 39'-45' *	~~13.5'~~	8'	~~14'~~	~~---~~	5'	5'	
Residential Local Access	56'	34' min. §	~~n/s~~	n/s	~~---~~	~~---~~	5'	5'	
Cul-de-Sac 100-~~600~~ 1000	56'	34' min.	~~n/s~~	n/s	~~---~~	~~---~~	5'	5'	
Cul-de-Sac <100 feet	40'	29' min.	~~n/s~~	n/s	~~---~~	~~---~~	---	---	

* As approved by City Engineering. ~~traffic study is required to determine final width.~~

~~** Interior lane(s) is 11' and the outside lane is 12'.~~

** Sidewalk is 5' on one side with a 10-foot multi-use trail on the other side. ~~and 10' *shared use path* on the other side. n/s No specific width is specified.~~

*** Lane Width measured from lip of curb. Parking width measured from face of curb.

§ Street sections that (a) do not require parking or allow for parking on both sides, (b) must be signed no parking, and (c) are approved by City Engineering, City Planning, and City Fire Marshal, may be reduced to 24-feet back of curb to back of curb. For example, a street through a golf course that is fronted by golf course on both sides or an entry road into a subdivision.

§ Street sections with less than 120 average daily trips (ADT) for local residential streets with two street connections or street sections or that have a block length of 300-feet or less may reduce the back of curb to back of curb width street requirement to 31-feet.

§ Street sections that (a) do not require parking or allow for parking on one side, (b) must be signed no parking, and (c) are approved by City Engineering, City Planning, and City Fire Marshal, may be reduced to 29-feet back of curb to back of curb. For example, a street that is fronted on one side by a golf course, drainage, or ditch.

11. Street Grades: All street grades shall conform to the requirements of the City. Street grades shall not exceed the following, with due allowance for reasonable vertical curves and intersection treatment. Street centerline horizontal curves shall be designed for the following minimum speeds:

Street Type	Percent Grade	Speed (M. P. H.)
~~Arterial~~	~~4~~	~~45~~
Collector	7	25-35
Local Access	12	25

12. Curbs and Gutters: Standard integral curb and gutter shall be placed on all arterial, collector and commercial streets. Standard integral curb and gutter is preferred *required* on local residential streets, but ribbon curb may be approved by City Engineering as part of the storm drain design for the subdivision. ~~but drive-over curb may be used upon approval by City Public Works. The allowable minimum curb and gutter grade shall be four-tenths percent and the desirable minimum curb and gutter grade will be five-tenths percent.~~

13. Sidewalks: Boulevard style sidewalks shall be installed on both sides of all streets, except cul-de-sacs less than one hundred (100) feet in length. Arterial and Collector streets may have a multi-use trail on one side in lieu of one of the required boulevard sidewalks. ~~The Planning Board~~ City Engineering may recommend to the City Council that it waive or modify the requirement for boulevard walks on both sides of a local residential street when the subdivision constructs an approved multi-use bicycle/pedestrian path connected and accessible to all lots in combination with or in lieu of sidewalks. Required sidewalk and boulevard widths shall follow those listed in Table 23.406.B.1, above.

14. Street Lights: Street lights shall be installed within residential subdivisions

    Residential street lights shall be designed by a licensed professional engineer in accordance with the American National Standard Practice for Roadway Lighting RP-8, current edition.

    a. New Street Lighting

        1. Residential Light Fixture Configuration. Street light fixtures installed after the effective date of these regulations shall be equipped with full cutoff optics, and positioned to minimize any glare source and not create light spillover

2. Mercury Vapor Bulbs or Lamps. Mercury Vapor bulbs or lamps may not be used in Residential street lights installed after the effective date of this ordinance. LED type luminaires shall be utilized in new street lights.

3. Residential Street light mounting Height. Residential Street Light fixtures installed after the effective date of this ordinance shall not be mounted higher than 30 feet above grade.

4. Exceptions to the requirements of 23-406.B.14.

   a. Traffic signals and other traffic safety and control devices
   b. Historic streetlights

16. Permanent cul-de-sac streets may not represent more than 20% of total roadway miles in a subdivision unless approved by a variance.

a. *Exceptions to this do not require a variance but can be approved administratively. Exception provision are:*

   1. *Infill projects where a dead-end cul-de-sac is the only viable road option.*

   2. *Long narrow lots that are not wide enough for more than a single road that is less than 1,000 feet long. Future connections to adjacent properties shall be provided as outlined in Section 23-406.A.1. and Section 23-406.A.2.*

   3. *Topography that does not allow for a grid system as outlined in the subdivision regulations.*

b. *Developments with cul-de-sacs, must provide non-motorized access easements that connect the ends of these streets with each other or provide non-motorized access to existing or reasonable expected future streets, schools, shopping, parks, trails or open space, bus stops and community facilities.*

C. Multi-Use Trails, General: All subdivisions must be reviewed for compliance with the ~~Heritage Trail Plan~~[3] *currently adopted Active Transportation Plan* to provide multi-use trail and greenway corridors for safe, convenient non-motorized transportation routes throughout the City and County.

1. To comply with the ~~Heritage Trail Plan~~ *currently adopted Active Transportation Plan*, all subdivisions ~~may~~ *shall* provide a ~~twenty (20)~~ *thirty (30)* foot wide multi-use trail easement across the property if:

   a. The ~~Heritage Trail Plan~~ *currently adopted Active Transportation Plan* indicates that a proposed multi-use trail corridor crosses the subdivision property; or

   ~~b. The Heritage Trail Plan indicates that a proposed greenway corridor crosses the subdivision property.~~

2. If the ~~Heritage Trail Plan~~ *currently adopted Active Transportation Plan* indicates that a proposed trail ~~or greenway~~ ~~corridor~~ crosses the subdivision property, and a segment of the trail ~~or greenway corridor~~ has already been provided on adjacent property, then the subdivision ~~may~~ *shall* connect the trail ~~or greenway segments~~ at the property lines to provide for a continuous trail ~~or greenway~~ corridor.

~~3. In the case of major subdivisions, if the Heritage Trail Plan indicates that a proposed trail or greenway corridor crosses the subdivision property, dedication of linear park land including a trail easement shall be considered as all, or a portion of, the required parkland dedication (See Sections 23-1004 and 23-1002 of these Regulations).~~

3. Trail infrastructure identified and designated as Neighborhood Bikeways, Bike Lanes, Shared Use Path in the currently adopted Active Transportation Plan are required to be constructed by the developer when the trail is in the adjacent right of way or within the development itself. This is considered a public improvement.

Section 23-407. Storm Drainage Facilities.

B. Drainage Discharge: Discharge of storm drainage is subject to the following:

3. Stormwater detention or retention ponds ~~must~~ *in parkland, reference Section 23-1005 Stormwater Detention / Retention Ponds in Parks of these regulations.* ~~*on a separate parcel and shall not count towards the parkland dedication requirements. Signage is required to indicate the ownership and provide a maintenance contact for the facility. Retention ponds may be located*~~ within a public park land at the discretion of the ~~*when the following criteria is met and approved by the*~~ City Parks Department.

~~D. **System Maintenance:** If any onsite retention or detention facilities are utilized, unless otherwise provided a special maintenance district shall be created prior to filing the final subdivision plat in order to provide funds for the maintenance of such facilities.~~

~~**E. Future Improvements:** If any onsite retention or detention facility is used, a waiver of right to protest against a future storm drain system special improvement district shall be executed by the subdivider and recorded and filed with the final plat.~~

Section 23-408. Sanitary Sewer Systems.

A. ~~If the subdivision is within the City limits, the~~ *The* subdivider shall install complete sanitary sewer system facilities in accordance with the requirements of the City and the Montana Department of Environmental Quality (MDEQ).

An application for extension of sanitary sewer services shall be submitted for review and approval by the City. The subdivider shall submit plans and specifications for the proposed facilities to the City and to MDEQ and shall obtain necessary approvals prior to construction.

~~B. If any boundary of the subdivision is within five hundred (500) feet of a public sanitary sewer system, the subdivider must *annex into the city and* connect to the sewer district and install sanitary sewer system facilities.~~

~~The governing body may grant a variance from the requirement to connect to a public system if the subdivider demonstrates that connection to the public system is physically or economically impractical. For purposes of this section, a connection is economically impractical if the cost is greater than three times the cost of installation of an approvable system on the site.~~

~~C. Where individual septic systems are proposed, the system shall meet the standards set forth in Title 17, Chapter 36 (Subdivisions/Onsite Wastewater Treatment), Montana Administrative Rules and obtain approval by the Montana Department of Environmental Quality and/or the Yellowstone County Environmental Health Department.~~

~~1. For lots less than twenty (20) acres, MDEQ approval shall be obtained prior to the submission of the final plat application.~~

~~2. For lots equal to or greater than twenty (20) acres, Yellowstone City-County Health Department approval is required prior to the submission of the final plat application.~~

~~3. A waiver of right to protest the creation of a future special improvement district for a sanitary sewer system shall be executed by the subdivider and recorded and filed with the final plat.~~

Section 23-409. Water Supply Systems.

A. ~~If the subdivision is within the City limits,~~ The subdivider shall install complete water system facilities in accordance with the requirements of the City and the Montana Department of Environmental Quality (MDEQ). Additionally, the City may as a condition of approval require two water feeds into dead-end roads.

An application for extension of water service shall be submitted for review and approval by the City. The subdivider shall submit plans and specifications for the proposed facilities to the City and to the MDEQ and shall obtain necessary approvals prior to construction.

~~**C.** If any boundary of the subdivision is within five hundred (500) feet of a public water system, the subdivider must *annex into the city and* connect to the water system and install system facilities.~~

~~The governing body may grant a variance from the requirement to connect to a public system if the subdivider demonstrates that connection to the public system is physically or economically impractical. For purposes of this section, a connection is economically impractical if the cost is greater than three times the cost of installation of an approvable system on the site.~~

~~D. If individual water supply systems (e.g. wells or cisterns) are proposed, the system shall satisfy the standards set forth in Title 17, Chapter 36 (Subdivisions/Onsite Wastewater Treatment), Montana Administrative Rules and obtain approval by the MDEQ or the Yellowstone County Environmental Health Department.~~

~~1. For lots less than twenty (20) acres, the subdivider must obtain MDEQ approval prior to submission of the final plat.~~

~~2. For lots equal to or greater than twenty (20) acres, the subdivider must obtain Yellowstone City-County Health Department Subdivision approval prior to submission of the final plat.~~

~~4. A waiver of right to protest the creation of a future special improvement district for a water system shall be executed by the subdivider and filed and recorded and filed with the final plat.~~

Section 23-410. Utilities.

A. All new utilities serving the subdivision including electricity, cable television, and telephone shall be placed underground, with the exception of fire hydrants, cable closures, alignment markers, etc. Easements for utilities shall be clearly indicated on the plat.

1. Easements ~~across lots or centered on common rear or common side lot lines~~ shall be provided for public and private utilities *where requested by the city and private utility companies.* ~~and shall be at least sixteen (16) feet wide; easements located along perimeter lot lines shall be at least eight (8) feet in width.~~ The width of an easement may vary depending upon the utility company serving the subdivision.

Section 23-411. Watercourse and Irrigation Easements (76-3-504(1)(j), (k), MCA).

A. **Easements for irrigation facilities WITHIN the subdivision**: Easements are required to be shown on the face of the preliminary and final plats for all drainage ways, irrigation canals/ditches and their laterals, and belowground pipelines that traverse the property to be subdivided, providing for irrigation within the subdivision, except as noted in Section 23-411.B., below. In addition, an easement document shall be filed with the final plat. The easements provided shall meet the following standards:

1. Easements shall be provided in locations of appropriate topography and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of water for irrigation to persons and land legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

2. Easements of a sufficient width to allow for construction, repair, maintenance, and inspection of the ditch shall be provided. The easement width shall be based on the policy of the appropriate irrigation district; and

3. The easement document shall prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the water users.

4. *Irrigation or ditch easements may be located within parkland but shall not be used to satisfy parkland dedication requirements.*

Section 23-412. Disposition of Water Rights (76-3-504(1) (j), MCA).

~~If a subdivision will create lots averaging less than five acres in size,~~ The subdivider shall submit evidence with the final plat indicating that either A. and B., below, or C., below, has been provided:

A. **Reservation and transfer of water rights:** The subdivider shall reserve all ~~or a portion~~ of the water rights on the land to be subdivided and transfer these water rights to a single entity for use by landowners within the subdivision who have a legal right to the water; ~~Any remaining surface water rights from the land shall be reserved and severed;~~ and

C. **All rights ~~reserved and~~ severed and granted to the City:** All surface water rights and/or ditch shares shall be ~~reserved and~~ severed from the land proposed for subdivision and granted to the City.

Section 23-413. Fire Protection Requirements.

To ensure a reasonable level of fire protection and life-safety for the public and firefighters, fire apparatus access roads and an approved water supply capable of providing the required water flow for fire protection shall be provided in accordance with this section and the adopted fire code to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction.

C. **Emergency Secondary Access Roads:** In the event that an emergency secondary access road is approved, *through the variance process*, as a means of providing a second access to a subdivision, as required by Section 23-406.A.5. of these Regulations, it shall be built to the following standards:

1. Emergency access roads shall be designed to a minimum unobstructed surface width of not less than twenty (20) feet and shall be constructed to ~~adequately~~ support a forty (40) ton vehicle with a surface ~~so as to~~ *that* provides all weather driving capabilities. The road shall be constructed to City standards. The emergency access road shall be maintained throughout the year including the removal of snow and ice. Where required by the Fire Department having jurisdiction, gates or other approved barricades shall be required at either end of the road to restrict through traffic. A sign shall be fixed to each gate in a conspicuous manner. The sign shall read "EMERGENCY ACCESS ONLY" using black letters not less than two (2) inches wide and six (6) inches high on a white retro reflective background.

3. Emergency access roads will be assigned a name by ~~the Billings Fire Department~~ *City GIS / Land Management*. In order to ensure the roads are entered into and reflected on the County GIS mapping system, the road shall be shown on the plat along with the name assigned to the road. Emergency access roads will not have conventional street signs identifying them by the assigned name.

   Two (2) sets of final plans showing corrections/revisions after review and approval shall be submitted to ~~the Fire Department~~ *City GIS / Land Management*. ~~The Fire Department~~ *City GIS* will forward one (1) set of plans to County GIS to ensure that the emergency access road and road name are entered into the GIS mapping system.

Section 7. That Section 23-501 through Section 23-504 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-501. Subdivision Improvements Agreement.
Prior to granting approval of the final plat by the governing body the subdivider shall have installed all of the required improvements as stipulated in these regulations, or shall, prior to receiving approval of the final plat, provide a financial guarantee in accordance with Section 23-502 and enter into a written subdivision improvement agreement (SIA) with the governing body guaranteeing the construction and installation of all required improvements in conformance with all policies, standards and ordinances adopted by the City. The agreement shall stipulate, among other things, which type of security arrangements acceptable to the governing body the subdivider elects to use, the time schedule acceptable to the City, the subdivider's plans for accomplishing the required improvements and an agreement that the subdivider shall guarantee all improvements for a period of ~~one (1)~~ *two (2)* years from the date of acceptance by the City. ~~(See Appendix K for SIA template)~~

Section 23-502. Security Guarantee. *(MCA 76-3-507).*

The subdivider shall provide a monetary security guarantee from the following listed methods in the amount of one hundred twenty-five (125) percent of the estimated total cost or actual construction contract amount of installing all required improvements including engineering and administration fees, as estimated by a Professional Engineer and approved by the Public Works Department.

A. **Escrow account.** The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the City, or in escrow with a financial institution. The use of any instrument other than cash, and in the case of an escrow account, the financial institution with which the funds are to be deposited, shall be subject to the approval of the governing body or designee. ~~(See Appendix L for Escrow~~

~~template).~~ In the case of an escrow account, the subdivider shall file with the City an agreement between the financial institution and the subdivider guaranteeing the following:

B. **Irrevocable letter of credit.** The subdivider shall provide, from a financial institution or other reputable institution subject to the approval of the governing body or designee, an irrevocable letter of credit. ~~(See Appendix M for Letter of Credit template).~~ This letter shall be deposited with the City and shall certify the following:

D. ~~**Sequential development**~~ ***Phased Development.*** Where a subdivision is to be developed in phases, a phasing plan shall be prepared by the developer, and reviewed and approved by the governing body with the preliminary plat. The phasing plan shall be included in the SIA and shall describe which lots are included in each phase, *and* what improvements shall be completed with each phase~~, and the approximate completion date of each phase.~~ Improvements included in the first phase shall be constructed or guaranteed using one of the acceptable monetary security guarantees prior to final plat approval by the governing body. Lots within subsequent phases shall be restricted from being transferred or developed. A "Restrictions on Transfers and Conveyances" contract shall be entered into for subsequent phases by the subdivider and the governing body and shall be filed with the final plat documents with the Clerk & Recorder ~~(See Appendix N for Restrictions on Transfers and Conveyances template).~~

A release on the restrictions on transfers and conveyances may be filed with the Clerk & Recorder only after the necessary improvements for each particular phase are constructed, approved and accepted by the City, or guaranteed using one of the acceptable monetary security guarantees.

The subdivider shall set a future date that each phase is proposed to commence. Should the date set be passed or the developer determines they are unable to meet the set date a new public hearing will be scheduled to set new dates for future phases. When the developer prepares to release a new phase in the subdivision the developer shall submit to the Planning Department the existing SIA, an updated Environmental Assessment addressing any changes, an updated TIS accounting for growth in the area, and any updates to the MDEQ requirements for the development. Should there be no changes to the above-mentioned submittal requirements the applicant shall submit documents justifying that finding. A public hearing shall be held to review the proposed phase and its' impacts on the surrounding area with the possibility of additional conditions of approval being added should the findings of fact determine they are needed. A public hearing is required prior to any 'future phase' being released for public sale of lots. (76-3-617 MCA)

All phases included within the phasing plan, if completed within 5 years of final plat approval, are not required to go through the public hearing process as outlined above in paragraph D. They will only be required to obtain a "Release and Certificate" to open each phase. If the subdivider applies to open any phase after 5 years of the approval of the final plat, then the governing body will hold a public hearing in order to determine whether changed circumstances justify amending any conditions of approval or imposing additional conditions of approval as outlined above in paragraph D.

E. ~~**Other.**~~ **Provision for security requirement to ensure construction of public improvements.** Any other method ~~that may be acceptable to the Planning Board and the governing body.~~ *specified in MCA 76-3-507 that is also acceptable to the governing body. In all circumstances the guarantee method shall provide the City of Billings as the beneficiary.*

Section 23-503. Reduction of Guarantees.

In those cases where improvement guarantees have been made by the method in Sections 23-502 ~~A.,B.,C., or D.~~ the amount of the guarantee may be reduced upon installation and acceptance by the City of the required improvements. The amount of the reduction shall not exceed the percentage that the accepted improvements made up of all originally required improvements.

Section 23-504. Release of Guarantee.

Upon completion of required improvements by the subdivider and acceptance of them by the City, all in conformance with this Chapter, the City shall authorize the release of any remaining portion of the improvement guarantee of ninety percent (90%) of the original amount. The remaining ten percent (10%) will be released after any deficiencies are corrected after the ~~one~~ *two*- year warranty inspection. The acceptance of improvements by the City shall initiate the ~~one~~ *two*-year warranty period.

Section 8. That Section 23-601 through 23-603 and Section 23-605 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Article 23-600. DEVELOPMENTS PROVIDING MULTIPLE SPACES FOR RENT OR LEASE FOR RECREATIONAL VEHICLES, MOBILE HOMES, AND MANUFACTURED HOMES

Section 23-601. General.

B. **Review & approval required.** Manufactured home parks, mobile home parks and RV parks must be submitted for review and approval by the governing body before portions ~~thereof~~ may be rented or leased (76-3-504(s), MCA). Approval must be based on the criteria found in Article 23-300 of these Regulations.

C. **Zoning requirements.** Manufactured home parks, mobile home parks and RV parks shall follow all applicable requirements outlined in the ~~Unified~~ Zoning Regulations (Article 27, BMCC).

Section 23-602. Review Procedures

A. **Submittal requirements.**

1. Manufactured home parks, mobile home parks and RV parks require submittal of those requirements outlined in Article 23-300 of these Regulations except that the subdivider shall submit un-surveyed plans drawn to scale, rather than plats.

2. Supplementary materials. In addition to the submittal requirements outlined in Article 23-300, preliminary and final plans and submittals for manufactured home parks, mobile home parks and RV parks shall include the following:

   d. Landscaping plan, ~~if~~ required by *Section 27-1200* ~~Section 23-603.E.2, or Section 27-805, 27-912, Section 27-1006, Article 27-1100 or Article 27-1400, BMCC,~~ as applicable.

Section 23-603. Manufactured and/or Mobile Home Park Development Requirements.

A. **Manufactured or mobile home spaces.**

3. All manufactured or mobile homes must meet the minimum setback requirements of ~~Article 27-308~~ *Section 27-309*, BMCC from all perimeter boundary lines. In the case where a boundary line is adjacent to an arterial street, all homes and accessory structures must meet setbacks as required in ~~Article 27-602~~ *Section 27-303 J*, BMCC. *In addition, all manufactured or mobile homes must meet the requirements of fire code separations. Any additional detached building must meet all requirements from building.*

~~4. The manufactured or mobile home pad must be located at least ten (10) feet from the street that serves it.~~

~~5. Location of space limits on the ground must be approximately the same as those shown on the approved plans. Precise surveying of space limits is not required either on the plans or on the ground.~~

~~6. The size of the manufactured or mobile home pad must be suitable for the general market to be served and must fit the dimensions of manufactured homes anticipated. At a minimum the pad should measure fourteen (14) feet wide and seventy (70) feet long. All pads shall be constructed of at least six (6) inches of gravel over a stabilized sub-base.~~

~~7. The total area occupied by a manufactured or mobile home and its roofed accessory buildings and structures may not exceed one-third (1/3) of the area of a space.~~

~~8. All manufactured or mobile homes shall be separated by a minimum of fifteen (15) feet.~~

~~9. There shall be a minimum of fifteen (15) feet between all attached structures such as carports, awnings, decks, and stairs and any adjacent manufactured or mobile home.~~

~~10. There shall be a minimum of six (6) feet between detached structures and any adjacent manufactured or mobile home. Detached structures are defined as any structure that is more than six (6) feet away from the manufactured home.~~

~~11~~*4*. A minimum of two (2) off-street parking spaces must be provided on or adjacent to each manufactured or mobile home space. The driveway must be located to allow for convenient access to the manufactured home, and be a minimum of ten (10) feet wide.

B. **Streets.**

1. Streets within a manufactured or mobile home park or recreational vehicle park shall be private *and built to city standards.*

3. Streets, *pedestrian, and bicycle facilities* shall be designed and built to meet current City Standards.

E. Additional provisions

4. Centralized mail delivery shall be provided at one or more locations within the park. Location and design of such group mail collection site(s) shall be reviewed and approved by the United States Postal Service. ~~and the Public Works department.~~

Section 23-605. Timing of Improvements.

A. The subdivider shall install all required improvements before renting or leasing any portion of the subdivision. The governing body or designated agent will inspect all required improvements in order to ensure conformance with the approved construction plans and specifications. The subdivider shall guarantee all improvements for a period of ~~one~~ *two* years from the date of written approval by the governing body or designated agent.

Section 9. That Article 23-700 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Article 23-700. CLUSTER DEVELOPMENTS *(MCA 76-3-509)* ~~**AND PLANNED NEIGHBORHOOD DEVELOPMENTS (MCA 76-3-509)**~~

…….

Section 23-702. Definitions.

For the purposes of this Article the following definitions shall apply:

~~**Maximum Density Calculation means t**he maximum number of residential dwelling units allowed is calculated by dividing the gross square footage of the Cluster Development area (including any Open Space area) by the required lot area in the underlying zoning district.~~

~~**Planned Neighborhood Development (PND) means a** Planned Neighborhood Development (PND) is a subdivision consisting of a planned mixture of land uses such as residential clusters, industrial parks, shopping centers, and/or office building parks built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (76-3-103(10), MCA).~~

Section 23-704. Design Standards and Applications for Cluster Developments.

~~E. **Maximum Density.** The maximum number of dwelling units shall be calculated by dividing the gross area of the lot including the open space by the required lot area of the underlying zoning district. The applicant need not demonstrate the development capability of the land to calculate the maximum dwelling unit density.~~

~~F. **Other Requirements.** The applicant shall adhere to all other applicable requirements of the underlying zoning district(s) with the exception of minimum lot area per dwelling unit (See Maximum Density above). The proposed number of dwelling units shall not exceed the maximum density but each dwelling unit may be placed on a lot of less than the minimum lot area required by the underlying zoning district(s). Subsequent to a preliminary plat approval, the applicant shall apply for and receive a zoning variance (Art. 27-1500, BMCC) from the minimum lot area required within the zoning district(s).~~

Section 23-706. Permitted Uses of Open Space.

A. Uses of Open Space may include the following:

1. Conservation of natural, archeological or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Walking, bicycle trails or other multi-use trails as defined in the ~~Heritage Trail Plan~~ *currently adopted Active Transportation Plan*;
4. Passive recreation areas, such as open fields;
5. Active recreation areas;
6. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are adhered to;
7. Landscaped storm water management facilities approved by the governing body, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses;
8. Easements for drainage, access, and underground utility lines;
9. Other conservation-oriented uses compatible with the purposes of this Article.

Section 23-707. Ownership and Management of Open Space.

A. **Ownership of Open Space**. Open space shall be owned by one of the following entities:

1. The open space ~~shall be dedicated to the public as public parkland~~ *can be provided as allowed per MCA 76-3-621*. Acceptance of the open space shall be at the discretion of the governing body, as recommended by the City*'s* Park *and Recreation Department's staff.* ~~Board.~~ *Open space must allow public access through a plat dedication or easement;* or

2. A Homeowners' Association representing residents of the subdivision may own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. *Open space owned by a Homeowners' Association must indicate through a plat dedication or easement, whether or not there is public access to the open space. The park will display signs indicating public or private use.*

B. **Management Plan.** The applicant shall submit a Plan for Management of Open Space and Common Facilities (Management Plan) that:

1. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
3. Provides that any changes to the Management Plan be approved by the Planning Department, or in the case of publicly *accessible* ~~owned~~ open space, approved by the *Parks and Recreation Department* ~~Park Board~~; and
4. Provides for enforcement of the Management Plan.

Section 23-709. Planned Neighborhood Developments General Requirements.

A Planned Neighborhood Development (PND) project is intended to encourage the use of improved techniques for the development and arrangement of a mixture of land uses more than is available under conventional zoning regulations or land restrictions that separate land uses into distinct zones. It is further the intent of PNDs to allow for the integration of housing, business, and community facilities, and to allow for the preservation of the natural environment through efficient utilization of open space. *PND requirements are outlined in City of Billings Zoning Article 27-800.*

1. ~~A PND may be applied to any mixed use subdivision of five (5) or more lots. The subdivision shall generally conform to the adopted Growth Policy. The underlying zoning district(s) land use designations and building setbacks and other limitations shall be used as a general guide. The applicant is encouraged to design the PND to allow a mixture of land uses, densities, setbacks and building heights.~~

2. ~~The maximum size of any developed parcel or lot within a PND is 350,000 square feet.~~

3. ~~The minimum size for any area designated for common use by the residents or owners of the PND or by the public is 45,000 square feet. The area may be designated for active or passive recreation, for conservation purposes or for any other use in common by the residents and owners of the PND or by the public.~~

4. ~~Planned Neighborhood Developments are exempt from the review criteria in Section 23-302.H. of these Regulations.~~

5. ~~Planned Neighborhood Developments are exempt from the parkland dedication requirements in Article 23-1000 in so far as the PND meets or exceeds parkland dedication requirements of Section 23-1002.~~

6. ~~Planned Neighborhood Developments shall comply with all other requirements of these Regulations.~~

7. ~~G. Planned Neighborhood Developments shall be considered a Special Review use for purposes of the Unified Zoning Code (Article 27-1500, BMCC).~~

~~Section 23-710. Design Standards and Applications for Planned Neighborhood Developments.~~

~~A. The PND shall follow the applicable review procedures, as outlined in Article 23-300 of these Regulations.~~

~~B. **Site Analysis Map.** A site analysis map shall be submitted with the preliminary plat application including the following information:~~

~~1. Property boundaries;~~
~~2. All streams, rivers, lakes, wetlands and other hydrologic features;~~
~~3. Topographic contours with a minimum of 5-foot intervals; where lots are proposed on slopes 10% or less, contours must be shown at 2-foot intervals.~~
~~4. All proposed open space areas;~~
~~5. General vegetation characteristics;~~
~~6. General soil types;~~
~~7. The planned location of protected open space;~~
~~8. Existing roads and structures;~~
~~9. Potential connections with existing open space, parks and trails.~~

~~C. Planned Neighborhood Developments are allowed in any zoning district as a Special Review use. Each land use area within a Planned Neighborhood Development will not be a separate zoning district but will apply for and receive special review approval (see Article 27-1500, BMCC for procedure) concurrently with the preliminary plat application (Article 23-300, BMCC). The Planned Neighborhood Development shall provide opportunities for mixed land uses, various housing types and densities, recreational opportunities, and areas for neighborhood services such as schools, community centers, fire or police stations, libraries, and places of employment.~~

~~D.~~ **~~Master Plan:~~** ~~A Master Plan must be submitted showing the proposed design and land use areas of the development. The Master Plan should be of sufficient detail to determine build-out population, traffic circulation and control requirements, permitted uses or mix of uses within each area, building envelopes for each developed lot, recreation areas and open space. If open space is provided it shall conform to the requirements of Sections 23-705 through 23-708 of this Article.~~

~~The Master Plan must also show development phasing and construction timing for each phase of the development including any construction or improvements for public parks, trails, community centers, fire and police stations, schools or other public facilities that will serve the Planned Neighborhood Development. Each development phase must contain mixed uses and housing densities. Common elements such as playgrounds, parks, neighborhood service areas and community centers must be included for development within each phase of the development.~~

~~E.~~ ~~The Planned Neighborhood Development must be consistent with any adopted Growth Policy, Neighborhood Plan, Heritage Trail Plan, Transportation Plan, Public Utilities Facilities Plan, and any other pertinent public facilities or land use plan that may apply to the PND subdivision area.~~

Section 23-71~~1~~0 Examples of Cluster Development Designs

~~Section 23-712 Examples of Planned Neighborhood Development Designs.~~

Section 10. That Section 23-903 and Section 23-904 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-903. Environmental Description Contents.

A. **Surface Water.**

1. Locate on a plat overlay or sketch map all surface water and the delineated floodways that may affect or be affected by the proposed subdivision including natural water systems (streams, lakes, rivers, or marshes), artificial water systems (canals, ditches, aqueducts, reservoirs, irrigation or drainage systems), and land subject to flooding (see also Section 23-414 ~~and Appendix O~~ —Flood Hazard Evaluation).

Section 23-904. Community Impact Report Contents.

C. **Land Use.**

1. Indicate compliance with zoning encompassing all or part of the proposed subdivision. ~~If the proposed subdivision is located near the jurisdictional area of an incorporated city or town, state whether annexation is proposed~~

Section 11. That Section 23-1001 through Section 23-1006 and Section 23-1008 through Section 23-1009 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-1001. Purpose.

The purpose of parkland dedication is to:

- Meet *the objectives associated with adopted City plans and policies.* ~~the goals and objectives associated with parks, open space, trails and other non- motorized transportation facilities in the Heritage Trail Plan, Yellowstone County and City of Billings Growth Policy, Parks2020, The Yellowstone County Comprehensive Parks Plan, the Yellowstone River Greenway Master Plan and the Billings Urban Area Transportation Plan.~~
- ~~Preserve critical wildlife habitat, wetlands, riparian areas, river and stream corridors.~~
- ~~Preserve and protect historical and cultural features.~~
- ~~Provide active and passive park land and open space that is accessible and functional for use by the residents of a specific development and, where preferred, by the community.~~

Section 23-1002. Park Land Dedication Requirements (76-3-621, MCA).

……

C. The governing body, in consultation with ~~the subdivider,~~ the Planning Board, ~~and the~~ Parks *and* Recreation ~~and Public Lands~~ Department ~~(PRPL)~~ *and the subdivider* may determine suitable locations for parks. ~~and playgrounds and, provided that consideration is given to the preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. The combination could include some land dedication to meet the requirement with the cash-in-lieu balance going toward park improvements on the land dedicated. In determining whether land or cash is suitable, proximity to existing parks, including schools and other public or private recreational facilities shall be considered by the PRPL.~~

1. *Land dedicated for park purposes shall:*
   a. *Be usable land;*
   b. *Street frontage requirements for parks is 200 continuous, linear, feet for each park of one acre, and 30 feet of frontage for every acre after that. The 30 feet segments are not required to be continuous with the original 200 feet. Example: 5-acre park requires 200 linear feet for first acre and 4 x 30 =120 for the others for a total of 320 linear feet. The developer shall coordinate park street frontage openings with the City of Billings Parks Department before the preliminary plat is completed. Minimum width for additional accesses into parkland shall be 30 feet. If the parkland dedication requirement is under 1 acre the required street frontage will be a percentage of the one acre minimum. Minimum street frontage is 60 linear feet for parks less than 1 acre.*

      For example: If 20,000 square feet is what is required by sub regs, 20,000 divided by 43,560 equals 46%. 200 times 46% equals 92 feet of frontage.

c. Accessible to bicycle and pedestrian facilities where possible;
d. At least 50% of the park must have slopes under 5%.

2. Land not suitable to meet parkland dedication:
a. More than 5% of the area has grades 25% or higher;
b. Riparian resources and areas adjacent to or within irrigation, floodway or wetlands unless it includes a programmable space.
c. Monument entry areas and central landscaped boulevards;
d. Exclusively stormwater facilities;
e. Street lights, cell towers, overhead power, major transmission lines, or other similar uses;

D. A Park Maintenance District shall be formed or expanded with any new parkland dedication. *If a developer provides cash in lieu, but is located directly adjacent to an existing public park maintained by a PMD, the PMD shall be expanded to include the newly subdivided lots.*

E. Irrigation of public and private parkland are encouraged to be provided by ditches or wells when possible. If neither of these methods is possible, city treated water is an alternative.

Section 23-1003. School Land Dedication in lieu of Park Land Dedication (76-3-621(8), MCA).

Subject to the approval of the governing body and acceptance by the ~~Billings School District #2 Board of Trustees~~ School Board of Trustees that serves the subdivision, a subdivider may dedicate land as required by Section 23-1002 to a school district if the land is adequate to be used for school facilities or buildings.

Section 23-1004. Linear Park Land Dedication for Trail Corridors.

To be consistent with the ~~Heritage Trail Plan, Yellowstone County and City of Billings Growth Policy, Parks2020, the Yellowstone River Greenway Master Plan and the Billings Urban Area Transportation Plan, linear parks for trails may be counted toward the required park dedication pursuant to Section 23-1002 of this Article. These parks shall provide corridors for trails and meet the following requirements~~ *adopted active transportation plans and parks and recreation plans, and if reviewed and approved by the review authority, linear park land can be dedicated to the city to provide corridors for trails and satisfy park land dedication requirements.*

A. Maintenance of the linear park is required as per Section 23-1002.D
B. The linear park shall not be used as a substitute for sidewalks or shared use paths adjacent to streets.
C. The linear park shall serve as a connection to other parks or shared use trails.
D. A linear park cannot be dedicated over an irrigation ditch or canal easement.
E. At a minimum, any linear parkland shall be at least 30 feet in width. Privacy fencing in excess of 4'adjacent to linear park is prohibited.

~~A. The location of the proposed linear park section is identified as part of the Heritage Trail Plan trail system.~~

~~B. The proposed linear park should be no more than twenty (20) feet in width except when designed to incorporate other park features as approved as part of a parks master plan.~~

~~C. Maintenance of the linear park is provided through a Park Maintenance District as with all other dedicated parks.~~

Section 23-1005. Stormwater Detention/Retention Ponds in Parks.

Stormwater detention or retention ponds may be located within public park land, but such areas shall not count toward the park land dedication requirement unless they are designed and constructed to serve as an amenity to the park and fit into the planned uses and improvements to the park. An example of a stormwater detention area that is an amenity to a park could be several ponds with water features connecting them designed to have a trail around them with picnic shelters. The developer, at the time of preliminary plat application, shall include documents detailing the amenity improvements. The SIA shall also include language regarding the improvements and the maintenance shall occur through the use of a PMD.

A. A stormwater facility maintenance agreement as per the stormwater management manual must be submitted to the parks department for any ponds located on dedicated park land prior to this regulation.

Section 23-1006. Determining Cash Contribution for Park Land.

Upon submittal of a final plat application, the subdivider shall provide one of the following to verify the fair market value of the land being subdivided that supports the cash contribution for park land the subdivider is providing. All of the below methods shall be completed by a third party. In addition, all methods shall assume the new zoning of the property:

A. A Comparative Market Analysis performed by a licensed realtor that meets the following criteria:

1. It provides the per acre sale price of at least three (3) comparable parcels of land.

2. The comparable sales must have occurred within one (1) year of the date of the subdivision final plat application submittal.

3. The comparable sales must be within two (2) miles of the subdivision.

B. A raw land appraisal by a licensed appraiser.

~~C. The sale price of the property being subdivided if it was purchased within one (1) year of the date of the subdivision final plat application submittal.~~

Section 23-1008. When Park Land Dedication May Not Be Required (76-3-621(3(c), MCA).

The following subdivisions may not require parkland dedication:

F. Cluster Developments ~~and Planned Neighborhood Development~~ (See Sections 703(e) and 709(5) of these regulations).

Section 23-1009. Waiving Park Land Dedication Requirement (76-3-621(6), MCA).

The governing body shall waive the park dedication requirement if:

A. The subdivision provides for a planned ~~unit~~ development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under Section 23-1002 of this Article.

Section 12. That Section 23-1101 and Section 23-1103 through Section 23-1107 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Section 23-1101. Variances.

The City Council may grant reasonable variances from the design and improvement standards of these Regulations when strict compliance would result in undue hardship and the result would not negatively affect public health and safety. The granting of a variance shall not have the effect of nullifying the intent and purpose of these Regulations or justifying submission of an incomplete application. The City Council may not approve a variance that would permit structures within *the floodway of* the 100-year floodplain, as defined in 76-5-101, MCA.

~~D. An application for a variance is not necessary where Planned Neighborhood Developments are proposed, as modifications to the standards and requirements of these Regulations may be approved by the City Council.~~

Section 23-1103. Corrections or Vacations of Recorded Final Plats and Supporting Documents.

A. Corrections to recorded final plats shall be processed as exempt plats pursuant to the requirements ~~set forth in Appendix B~~, provided that there is evidence of at least one of the following:

C. Any plat prepared and recorded in accordance with these Regulations may be vacated, either in whole or in part.

1. If the vacation affects five (5) or fewer lots it shall be processed as an exempt plat pursuant to the requirements. ~~set forth in Appendix B~~.

2. If the vacation affects ~~six (6)~~ *twelve (12)* or more lots it shall be reviewed as an amended plat pursuant to Section 23-307 of these Regulations.

Section 23-1104. Corrections or Adjustments to Plats, Conditions and Supporting Documents after Preliminary Plat Approval.

A. Minor adjustments may be approved by the City Council or designee, in consultation with the appropriate agencies, prior to the filing of the final plat. Minor adjustments are those changes, which, in the opinion of the City Council or designee, do*es* not affect the basic character of lots or blocks, do*es* not affect the open space requirements *or amount provided*, and do*es* not affect the original street design. Minor adjustments shall not change existing Conditions of Approval or require additional conditions. Minor adjustments may require that a new plat be drawn; however, they do not require that the plat be re-submitted for preliminary plat review.

B. Major adjustments are those which, in the opinion of the City Council or designee, substantially alter the basic design, or ~~alter~~ *change* open space requirements *or amount provided* ~~of~~ *for* the subdivision. Changes to conditions of approval placed on the preliminary plat shall be considered major adjustments unless otherwise determined using the criteria in Section 23-12~~1~~04.C., below. Any changes which constitute a major adjustment shall require that a new plat be drawn and the plat be re-submitted for preliminary plat review as specified in Article 23-300.

Section 23-1105. Appeals.

C. The following parties may appeal under the provisions of Section 23-1105.B.:

1. The subdivider;

2. A landowner with a property boundary contiguous to the proposed subdivision or a landowner with property within the county or municipality where the subdivision is proposed if that landowner can show a likelihood of material injury to the landowner's property or its value;

3. ~~The Yellowstone County Board of County Commissioners;~~

Section 23-1106. Schedule of Fees.

The required fee shall accompany the preliminary plat, final plat, exempt surveys, and any proposed variances. A schedule of fees for plats shall be established by the City Council by resolution, ~~as set forth in Appendix P~~ *fee information is available online*.

Section 23-1107. Penalty for Violation.

A. Except as provided in 76-3-303, MCA, every final subdivision plat shall be filed with the County Clerk and Recorder before title to the subdivided land can be sold or transferred in any manner. If illegal transfers are completed, the ~~County Attorney~~ *City Attorney* shall commence action to enjoin further sales or transfers and compel compliance with the provisions of the Montana Subdivision and Platting Act (76-3-101 et seq., MCA) and these Regulations. The cost of such action shall be imposed against the person transferring the property.

Section 13. That the Appendices of the Billings, Montana, City Code Section 23 be amended Appendix B: subsection C, 3, 6 and 7. Removing in their entirety Appendices C through N, with that such section shall read as follows:

Appendix B. Subsection C. Exemption as a Gift or Sale to a Member of the Immediate Family (76-3-207(1)(b), MCA).

3. Any certificate of survey filed that would use this exemption to create a parcel for conveyance to a family member must clearly identify the name of the grantee, the grantee's relationship to the landowner, and the parcel to be conveyed under this exemption, and be accompanied by, or contain, the landowner's written certification of compliance. The certificate of survey or other instrument must also cite the exemption claimed and include the proper language. ~~provided in Section H of this Chapter~~. Also, the certificate of survey or instrument of conveyance shall be accompanied by a deed or other conveying document.

6. The use of the family conveyance exemption to divide tracts that were created *with the subdivision process are allowed as long as they can also meet the requirements of zoning.* ~~as part of an overall development plan with characteristics such as common roads, utility easements, restrictive covenants, open space or a common marketing or promotional plan shall be presumed that the use of the exemption is an evasion the Act.~~

7. An immediate family member or the spouse of an immediate family member who receives a division of land as part of a gift or sale may not transfer or otherwise convey the division of land

for a period of up to 2 years after the date of the division. The governing body may authorize variances from these requirements to address hardship situations.

Section 14. That the Appendices of the Billings, Montana, City Code Section 23 be amended Appendix O to be known as Appendix C that such section shall read as follows:

APPENDIX ~~O~~*C* Flood Hazard Evaluation

Section 15. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 16. REPEALER. All resolutions, ordinance, and sections of the City Code inconsistent herewith are hereby repealed.

Section 17. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invaled, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on the first reading this 14th day of October, 2024.

PASSED, ADOPTED and APPROVED on second reading this 28th day of October, 2024.

CITY OF BILLINGS

By_____
William A. Cole, Mayor

Attest:

BY: _____
Denise R. Bohman, City Clerk

City Council Regular

Date:	10/28/2024
Title:	City Administrator's Annual Performance Evaluation Compensation Consideration
Presented by:	Chris Kukulski, City Administrator
Department:	City Hall Administration
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

The Council will consider adjusting the city administrator's base salary based on his performance over the past year.

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

Annually, the city council evaluates the city administrator's performance consistent with the Employment Agreement. The evaluation will be discussed during a closed executive session prior to the city council meeting. The Council will consider adjusting my compensation based on performance over the past year.

ALTERNATIVES

As determined by the City Council.

FISCAL EFFECTS

The city administrator's base pay is currently $212,628.