

****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.



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

**WORK SESSION AGENDA
AUGUST 5, 2024**

COUNCIL CHAMBERS

5:30 P.M.

CALL TO ORDER: Mayor Cole

PUBLIC COMMENT ON ALL ITEMS. This is the time to comment on any matter (Agenda or Non-Agenda) falling within the scope of the Billings City Council. There will also be time in conjunction with each agenda item for public comment relating to that item. You may only speak once for each item during the meeting.

Please note, the City Council cannot take action on any item of significant interest to the public that does not appear on the agenda. Comments are limited to three (3) minutes during each public comment period or as set by the Mayor. **Speaker sign-in required.** Please sign the roster at the cart located at the back of the Council chambers or at the podium.

- 1. Consultants for Real Estate Introduction.**
-Public Comment
- 2. Subdivision Regulation Updates.**
-Public Comment
- 3. Draft 2025 Unified Planning Work Program (UPWP).**
-Public Comment

HIGHLIGHT UPCOMING AGENDA ITEMS OF COUNCIL INTEREST:

COUNCIL DISCUSSION:

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.)*

ADJOURN:

Note:

- This meeting is an "informal" meeting of the City Council. The content of the Agenda is subject to change at the meeting.
- In the event there is a Closed Executive Session, the sole purpose is to discuss litigation strategy. The other parties to the case(s) discussed are not public bodies or associations as described in Section 2-3-203(1) and (2), MCA. The meeting is closed, as allowed by Section 2-3-203(4) (a), MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.

City Council Work Session

Date: 08/05/2024
Title: Consultants for Real Estate
Presented by: Chris Kukulski, City Administrator
Department: City Hall Administration
Presentation: Yes
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

The Consultants for Real Estate will be introduced to the City Council at the meeting on August 5. There will be a report out to all those who participated on Friday morning August 9 at 9am at the Billings Association of Realtors office.

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

The Billings Association of Realtors was awarded one of four national grants to bring in experts to meet with community stakeholders regarding the attainable workforce housing needs in Billings and Yellowstone County with a focus on Community Land Trusts, CLTs.

STAKEHOLDERS

Consultants for Real Estate, (CRE).

ALTERNATIVES

CRE will be recommending properties suitable for building attainable workforce housing as part of their focus during the week.

FISCAL EFFECTS

The city of Billings could see a positive impact from additional non performing lands owned within the City through additional property tax generation. There is also an impact to the park budget to maintain these under-utilized properties.

SUMMARY

The CRE team of consultants will be introduced to the City Council and answer any relevant questions to this time. Wendy Timm, bio attached will be leading the team during the Billings visit. If additional council members are interested in meeting with the team, please contact Steve Simonson to make arrangements at 4065301334 or steve@billings.org

Attachments

Consultants



Wendy Timm, CRE, CCIM, MAI
Executive Vice President



CONTACT

Enhanced Value Strategies, Inc.
1401 S. Brentwood Boulevard, Suite 400
St. Louis, MO 63144
314.932.4097 direct
314.963.9715 fax
[wtimm@evsinc.net](mailto:wtimmm@evsinc.net)

CAREER SUMMARY

Ms. Timm is a real estate industry leader with advanced expertise in owner representation and advocacy from start to finish and in all aspects of real estate ownership and investing, including asset acquisition and development, partnership structure and management, designing and procuring debt and equity financing, valuations and appraisals. Her professional experience extends to advisory and consulting services, as well as brokerage and transaction services.

Prior to joining EVS, Ms. Timm was the COO/ CFO and Principal for Conrad Properties Corporation where she led all finance, investment and sales activities for the firm. She was instrumental in developing several urban infill developments, primarily high-rise residential condominiums and apartments, mid-rise office parks, and mixed-use office and commercial developments. Ms. Timm is currently a development consultant in mixed-use and age-in-place housing for seniors. Total career development, financing, investment and brokerage transactions exceed \$1.2 billion.

BUSINESS ORGANIZATIONS

Commercial Real Estate Institute (CIREI), of the National Association of Realtors
Counselors of Real Estate (CRE)
Missouri Growth Association, former president
National Network of Commercial Real Estate Women (NNCREW)
CREW – St. Louis, former president
Urban Land Institute, corporate member

PROFESSIONAL DESIGNATIONS

MAI – Member Appraisal Institute
CCIM – Designated member of National Association of Realtors
CRE – Counselors of Real Estate
Licensed Broker State of Missouri

COMMUNITY ORGANIZATIONS

Enterprise Bank & Trust, advisory board member
St. Louis Development Corporation (SLDC), board member
St. Louis Land Clearance Authority, commissioner
St. Louis Planned Industrial Expansion Authority, chairperson
St. Louis Enhanced Enterprise Zone, commissioner
St. Louis University Urban Planning and Development Advisory Board

EDUCATION

Bachelor of Science in Finance, University of Illinois
Emphasis in Real Estate and Urban Economics

Honors

*CREW-St. Louis
Lifetime
Achievement
Award 2018*

*Midwest Real
Estate Hall of
Fame 2014,
Midwest Real
Estate Journal*

*Most Influential
Business Woman,
St. Louis Business
Journal, 2004*



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Mr. Michael Christensen, CRE®

Practice Focus: Residential and commercial valuation product development and counseling.



President

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Email the CRE®

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Chapter Affiliation

Utah

RESUME & PROFILES



RESUME

- [A Closer Look](#)

Formally established in 1994, this professional firm has provided local, regional, national, and international real estate valuation and counseling services to investment, government, regulated banking, business, educational, religious, and professional sectors of the global markets. From the most basic residential evaluation report to the most complex commercial issue that needs tackling, excellent counseling and servicing is provided through well-reasoned, educated, experienced perspectives, and professionally qualified interaction with each client to ensure their unique needs are met every time.

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 - [Tax Consulting](#)



- Property Types
 - Other: Government, Nonprofit
 - Residential
- Markets Served
 - Metro Areas
 - Salt Lake City (UT)

 - State
 - All U.S. Markets

 - Country
 - Australia
 - Australia-Oceania
 - New Zealand
 - Northern America
 - United Kingdom
 - Western Europe

The professional organization for the most trusted advisors in real estate.



Mark Reiling joins Schafer Richardson as Partner and will lead its Real Estate Investment Trust

January 10, 2017

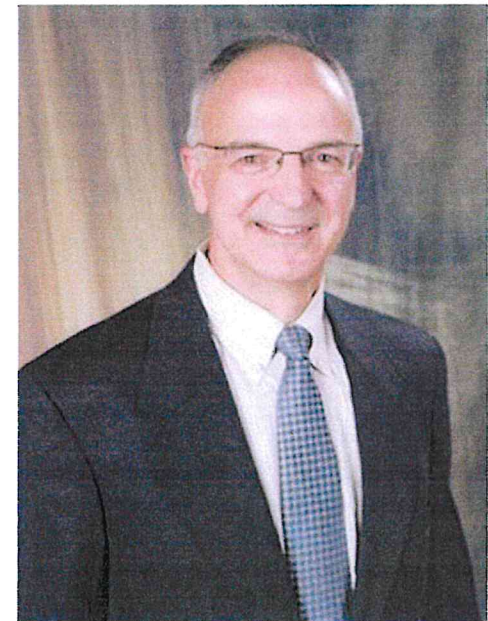
Schafer Richardson, Inc. announced today that Mark W. Reiling, CRE, SIOR has joined the firm as Partner. His primary role as President will be to oversee and direct SR Realty Trust, Inc., a private equity real estate investment trust, focused on the acquisition of income-producing properties located in Minneapolis and the Upper Midwest. Mark has more than 35 years of commercial real estate investment, finance, development, sales, leasing, management and consulting experience. Most recently, Mr. Reiling held the position of Chief Investment Officer for IRET Properties, and prior to that, was with Colliers Towle Real Estate Company and its successor companies for 29 years, 17 of them as President. He began his career at Citicorp Real Estate, Inc.

Mr. Reiling holds a BBA in Finance from the University of Notre Dame. He also holds the CRE designation from the Counselors of Real Estate and SIOR designation from the Society of Industrial and Office Realtors. Mark is also the 2016 NAIOP Minnesota Chapter President and a licensed real estate broker in the State of Minnesota. Mr. Reiling is also a member of the Urban Land Institute and Young Presidents Organization. Mark has also served as a member on Sunrise Bank's Board of Directors since 1985.

"We are excited to have Mark Reiling join our firm," stated Brad Schafer, CEO of Schafer Richardson. "We have known Mark for a long time, have completed two joint ventures with him during his time with IRET, and we value his integrity. Mark will guide the direction of SR Realty Trust, manage portfolio growth and focus on increasing net operating income. We value his experience in successfully leading a large, full-service real estate company, as well as his investment track record."

About SR Realty Trust, Inc. (SRRT)

SRRT is a real estate investment trust (REIT) sponsored by Schafer Richardson, and was founded in 2014. The REIT currently owns 14 properties and minority interests in five other properties, primarily located in the Minneapolis and Omaha metropolitan areas. The company holds its assets through an operating partnership which it controls as General Partner and is organized as an Umbrella Partnership Real Estate Investment Trust (UPREIT). The Company uses this structure to facilitate the acquisition of commercial real estate properties on a tax-deferred basis for the transferring property owner.



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<https://www.facebook.com>

Richard <https://www.instagram.com>

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Dana Rowan, CRE

MANAGING PARTNER, THE EXETER COMPANIES

Dana Rowan has over 40 years of real estate experience working on investment, development and advisory projects. He has particular expertise repositioning value-add properties; master planning and developing large urban and exurban land assemblages, restoring and creatively redeveloping select historic properties and developing attractive waterfront projects.



aging and obsolete maritime industrial districts. During real estate down cycles, Dana has extensive experience working out, restructuring, recapitalizing and disposing of large portfolios of distressed real estate assets involving all product types. During up cycles, Mr Rowan typically engages in a more conventional array of real estate business activities including acquiring medium to large commercial assets; leading the asset management operation and portfolio strategy of large multi-billion real estate private equity funds and running disposition programs for portfolio assets that have achieved their investment objectives.

Since 2003, Mr. Rowan has served as Managing Director of The Exeter Companies (TEC). During this twelve year period Dana has formed three ventures. The first was with a New York based hedge fund (XE Capital) to help the firm acquire large scale real estate assets in Eastern Europe and India. The second was with a Greenwich-based (CT) hedge fund to structure and launch a real estate arbitrage investment fund targeting single tenant triple-net assets with weak credit tenants that could be credit enhanced very profitably using CDS derivatives. The third venture was formed with Paradigm Properties (dba Paradigm-Exeter Advisors) focusing on working out, restructuring, recapitalizing and disposing of distressed assets for both debtors and creditors. During the venture, Dana established and managed a strategic relationship nationally with Bank of America working out B of A distressed and underperforming hotel properties across the US. Prior to running TEC, Mr. Rowan served as head of asset management and dispositions for New Boston Fund; head of real estate workout and restructuring for both Resolution Capital Corporation and The Recovery Group (now operating as CRG/Deloitte) during which he worked out and disposed of \$3.5 billion of distressed; and as an investment manager in Prudential's Acquisition and Sales Group, originating and managing roughly \$500 million of equity transactions annually in the Northeast and Mid-Atlantic states.

Mr. Rowan has also served in a leadership capacity in the real estate industry and in academic institutions. He is the past national chairman and director emeritus of NAIOP, a founder and past director of NAIOP's Research Foundation; an active member of the Urban Land Institute, the Real Estate Finance Association and the Real Estate Investment and Advisory Council. Dana is also the recent Chair of the Trustees of the Boston Architectural College and now serves as an adjunct professor in the college's Real Estate Development graduate program. Mr. Rowan is a member of the Harvard Alumni Real Estate Board, a recent director of the

Harvard Alumni Association, a former Chairman of the Harvard Kennedy School's global alumni association and a recent member of the Dartmouth Alumni Council. Mr. Rowan holds a BA in Geography and Environmental Studies from Dartmouth College, an MPP in Finance and Urban Economic Development from the Harvard Kennedy School and an Executive MBA from Boston University.

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Mr. Roger Sherman, CRE®

achieve wide impact by being brought to scale. Projects include an Infrastructure/Development Plan for NE Haiti; 2 riverfront parks in Wuhan, China; a pilot street furniture installation for the LA Dept. of Transportation; a Community Resilience Hub in Compton, CA; a new downtown campus center for UCSD; a distance learning center for sustainability in Cameroon; and a master plan for AltaSea at the Port of LA. He has worked on numerous supportive and affordable housing projects including “Urban Awning” which won a World-Changing Design Ideas Award from Fast Company in 2021. Prior to joining Gensler, Roger was Director of Roger Sherman Architecture and Urban Design. He has appeared at TEDx and MoMA, in Newsweek and on CNN, and had his work featured at the Venice, Rotterdam and Chicago Architecture Biennales. In 2006, Sherman co-founded cityLAB (www.citylab.ucla.edu), an urban "do-tank" at UCLA, where he is an Adjunct Professor. Roger is author of “LA Under the Influence: The Hidden Logic of Urban Property”; “Re American Dream: New Housing Prototypes for Los Angeles”, and “Fast Forward Urbanism”. He has taught and lectured widely, including at Harvard, Princeton and UC Berkeley.

- Experience

- Professional Disciplines
 - Architect
 - Urban/Land Planner

- Areas of Expertise
 - Affordable Housing
 - Feasibility Studies
 - Green Development, Sustainable/Renewable
 - Land Use, Master Planning
 - Public-Private Partnerships
 - Redevelopment Planning, Projects
 - Site Analysis
 - Teaching/Lecturing



- Zoning Entitlements

- Designations and Certifications
- Fellow, American Institute of Architects

- Property Types
 - Hospitality & Leisure: Recreational, Parks
 - Infrastructure
 - Infrastructure: Ports
 - Infrastructure: Public Spaces
 - Land
 - Land: Vacant Infill Sites
 - Office: Urban
 - Other: Cultural/Religious Buildings
 - Other: Schools/Campuses
 - Residential: Affordable Housing
 - Residential: Multi-Family Rental Housing
- Markets Served
 - Metro Areas
 - Los Angeles-Long Beach-Santa Ana (CA)

 - State
 - California



City Council Work Session

Date: 08/05/2024
Title: Subdivision Regulation Updates for the City of Billings
Presented by: Anna Vickers, Planning Division Manager
Department: Planning & Community Services
Presentation: Yes
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

Direction is requested from the City Council regarding the Planning Board's recommended amendments to the subdivision regulations. Final action will occur at a future regular business meeting of the City Council.

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

The Planning staff, after consultation with other departments and divisions of the city, 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 past several 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.

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 in June 3 and July 1 Work Sessions. On July 25, 2024, Mac Fogelson sent an email to City Council regarding the Subdivision Regulations. During the August 5th City Council Work Session these items will be the main focus of discussion and to get direction from Council to bring the regulations back for formal action, along with addressing any other Council questions/concerns.

STAKEHOLDERS

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 amongst 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 within 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 Billings City Council is reviewing and discussing the subdivision regulations at this Work Session. At a future regular business meeting, the Council may:

- Approve of the regulations, or
- Approve the regulations with specific City Council approved amendments; or
- Recommend denial of the regulations.

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.

Attachments

Aug 5 Presentation
Proposed Subdivision Regulations
Staff Email 7/25/2024
Traffic impact study checklist
1 Year of Parking Complaints
1 year of CPC parking citations issues
Question to Mike Pigg about water source in parks
State Staute on Cash in lieu
Neighborhoods with cul-de-sacs



Proposed Amendments to City Subdivision Regulations

City Council Work Session
August 5, 2024

Public Meetings

February 13, 2024 - Public Discussion Meeting
March 12, 2024 - Planning Board Public Discussion
March 21, 2024 - BAR Presentation
March 26, 2024 - Planning Board Public Hearing
April 23, 2024 - Public Coffee Talk
May 7, 2024 - Public Coffee Talk
May 29, 2024 - Planning Board Public Hearing
June 3, 2024 - City Council Work Session
July 1, 2024 - City Council Work Session
August 5, 2024 - City Council Work Session
TBD - City Council Public Hearing

Staff Memo 7/25/2024

Issue and Section	Page	Staff Recommendation	City Council Recommendation
1) Sec 23-403 Improvement Design. (Traffic Studies)	42	Delete reference to all studies must be completed by professional traffic operations Engineer (PTOE)—See Section 43-406 B. for more information	
2) Section 23-405 Blocks. (Traffic Calming)	45	Add 7. Where block lengths exceed 500 feet, traffic calming shall be included in the design	
3) Section 23-406 B. Streets and Roads. 4. Traffic Impact Study (Traffic Studies)	50	Provide a two-tier checklist review of traffic mitigation 1) Require PTOE for 100 peak-hour or 1000 trips per day 2) Developments generating less traffic have simplified review elements Proposed language allows traffic SDF or impact fee if they are developed and approved	
4) Section 23-406 B. Streets and Roads. 6. Right-of-way and Street Widths (Traffic Speed and Road Cost)	52	For local residential streets, maintain 34-foot width. Variance process could be used for specific reductions in width, to maintain fire code required travel lanes.	
5) Section 23-406 B. Streets and Roads. 11. Street Grades (Traffic Speeds)	53	Denote maximum collector speed as 25-35 mph Denote maximum local access street as 25 mph	
6) Section 23-406 B. Streets and Roads. 12. Curbs and Gutters (Allow more curb choice)	53	Since City Engineering currently allows ribbon curb in certain applications, amend to allow ribbon curb upon City Engineering approval as part of the storm water management design	
7) Section 23-406 B. Streets and Roads. 13. Sidewalks (Sidewalks)	53	Require boulevard sidewalk on both sides of the street, but allow approved multi-use trail that provides ADA access to all lots	
8) Section 23-406 B. Streets and Roads. 14. Street Lights (Promote CPTED)	53	Propose requiring street lights on residential streets, Policy Decision by City Council	

ISSUES 1 & 2

Page 42 – Delete reference to all studies must be completed by professional traffic operations Engineer (PTOE)—See Section 43-406 B. for more information

Page 45 – Add 7. Where block lengths exceed 500 feet, traffic calming shall be included in the design.

ISSUE 3

Traffic Impact Studies

- ▶ Staff has received incomplete or inadequate studies
- ▶ Development Community Small Studies
 - ▶ Cost versus Outcomes
- ▶ The Solution:
 - ▶ Two Tier Review
 - ▶ Traffic Study Checklist (minimizes surprises)
 - ▶ Reviewed subdivision traffic studies from 2016-2023

ISSUE 3

Traffic Impact Studies

- ▶ Two Tier System
- ▶ 100 Peak-Hour or 1000 trips Per Day---Full Traffic Study
 - ▶ Threshold to likely impact operations (ITE)
- ▶ Less than 100 Peak-Hour or 1000 Trips Per Day
 - ▶ Short Memo
 - ▶ Basic elements to document smaller impacts
 - ▶ Historically, only outcome was cash contribution to intersections

ISSUE 3

Traffic Impact Studies

▶ Background

- ▶ Other Montana cities do not require Professional Traffic Operations Engineer (PTOE)
- ▶ Authors need some level of qualification in traffic

▶ Solution

- ▶ Traffic Studies 100 Peak-Hour and 1000 trips: Certified by PE with experience in traffic and transportation engineering
- ▶ Greater than 5000 trips per day require PTOE
 - ▶ Costco 12,800 Trips
 - ▶ Zimmerman Home Place 18,000 Trips
 - ▶ Annafeld Subdivision 10,000 Trips



Traffic Impact Study Checklist

1. **Project Description** – Include location, horizon year, phasing (if applicable), type, size and site plan of the development
2. **Access Plan** – include access points or approaches, circulation patterns, modifications and any mitigation techniques
3. **Existing Conditions and Operations** – describe existing transportation network and summarize study area traffic volumes
 - a. and pedestrian pathways, lanes or routes and those to be installed with the development.
 - b. Speed data and analysis if determined at the pre-application meeting
4. **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 using the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual
5. **Trip Distribution**
6. **Traffic Assignment**
7. **Traffic Graphics**, which show:
 - a. AM peak hour site traffic
 - b. PM peak hour site traffic
 - c. Total daily site traffic
 - d. AM peak hour total traffic
 - e. PM peak hour total traffic
 - f. Total daily traffic
8. **Capacity Analysis** - Indicate the levels of service (before and after development) of existing and proposed roads, including appropriate intersections, to safely handle any increased traffic.

AM and PM peak hour capacity analysis provided for:

 - a. All major drive accesses that intersect collector or arterial streets or roads; and
 - b. All arterial-arterial, collector-collector, and arterial-collector intersections within one mile of the site, or as required by the City Engineer during the pre-application review.
9. **Traffic Calming** – detailed drawings of any proposed traffic calming installations, including locations and turning radius templates.
10. **Drive-thru Queuing Analysis** (if applicable)
11. **Evaluation** – Summarize development generated traffic impacts to the adjacent transportation network included in the study. Provide mitigation alternatives and recommendations for improvements based on the analysis results. Include information on the location and type of any proposed traffic control devices.



ISSUE 4

Street Width

Page 52 – For local residential streets, maintain 34-foot width. Variance process could be used for specific reductions in width, to maintain fire code required travel lanes.

Residential Local



Just west of the intersection of N 32nd Street and Avenue F.



Annafeld



Annafeld



31-Foot Street Example-Whitefish



PARKING ENFORCEMENT SUMMARY

Parking Complaints: 1 yr – 7/23 thru 7/24

571 calls for service

*includes BPD, CSOs, & CPC Volunteers

Tickets Issued: 1 yr – 7/23 thru 7/24

479 tickets issued

*BPD & CSOs - 258

*CPC Volunteers – 221

Narrow roadway may decrease speeding; however, it will not stop it completely

Wider roadway may increase speeding; however, it allows a driver more time to react to a potential hazard (ex. Child running into the roadway)

No parking on one side of the roadway: potential for parking complaints in the no parking zones & parking complaints in the area (ex. Driveways being blocked)

Narrow roadway increases parking issues for 1st Responders. BPD, BFD, AMR, & supporting vehicles on the scene of a critical incident together creates problems for the vehicles needing to be as close to the incident as possible. (ex. Number of vehicles & size of vehicles)

MULTIPLE UNIT RESPONSE

July 26, 2023 – July 26, 2024:

12,321 incidents requiring AMR, BFD apparatus, or multiple BFD apparatus.

ORI	Incident Type	Calendar 2023	Calendar 2024	Grand Total
03001	EMS Code Response	3,528	5,008	8,536
	EMS No Code Response	1,552	1,973	3,525
	Structure Fire	74	106	180
	Vehicle Fire	38	42	80
03001 Total		5,192	7,129	12,321
Grand Total		5,192	7,129	12,321

1,605 incidents requiring BPD, BFD, and AMR response.

ORI	Incident Type	Calendar 2023	Calendar 2024	Grand Total
MT0560100	Accident w/Injuries	321	329	650
	Shooting	18	15	33
	Sick/Injured Person	395	494	889
	Stabbing	11	22	33
MT0560100 Total		745	860	1,605
Grand Total		745	860	1,605

ISSUES 5&6

Page 53 – max collector speed 25-35mph
max local access speed 25 mph

Page 53 – Ribbon curb allowable upon City engineering approval as part of storm water management design

ISSUE 7

Page 53 – Boulevard sidewalk on both sides of street, but allow multi-use trail that provides ADA access to lots with City Engineering approval

ISSUE 8

Page 53 – Require street lights on residential streets

LIGHTING

Good lighting is one of the most effective crime deterrents. When used properly, light discourages criminal activity and enhances surveillance, reducing fear

One of lightings main purposes is to illuminate human activity.

If criminals are in well lit areas causing them the feeling that they are able to be seen, they are less likely to commit crime.

Proper lighting also helps individuals observe their surroundings. Benefits of this are observing potential threats, identifying avenues of escape, or being able see and report criminal or suspicious activity.

EFFECTS OF IMPROPER LIGHTING

Light pollution-The human made alteration of outdoor light levels from those occurring naturally.

Glare-Excessive brightness that causes visual discomfort.(Improper light and fixture, too many lights in one area).

Sky Glow-Brightening of the night sky over inhabited areas.(Improper fixtures, allowing wasted light in unneeded directions-up)

Light Trespass-Light falling where it is not intended, or needed.(Residential street lights illuminating residential properties.)

Clutter-Bright, confusing, and excessive grouping of light sources.(Too many light sources in one area) Quality not quantity.

These issues were introduced and exist in our older areas and neighborhoods in our community-we can fix this going forward!

All of these issues can be avoided by using the proper equipment, planning, and standards-"DarkSky" Compliant.

PUBLIC PERCEPTION - SAFETY

2021 National Police Services Survey

8% feel unsafe in their neighborhood during daytime hours

This stat increases to 25% feeling unsafe in their neighborhood during night time hours-substantial increase.

In correlation to this increase- 47% indicated they do not have adequate lighting in their neighborhood at night.

This seems to be a clear indication that people who live in areas that are not adequately lit do not feel safe in their neighborhood during night time hours.

As community leaders, it is our duty and responsibility to make the citizens of our community feel safe.

71% of people indicated they do not feel safe in major recreational areas(parks, trails, pathways) during night time hours.

Page 47- No- access strip

At the previous work session, July 1st, a discussion developed about fences along arterial roads and no maintenance of the property between the fence and the street, safety and appearance.

Although staff understands the concerns of this issue, this particular concern falls into the zoning requirements of the city. The subdivision regulations do not control use of land, only the division of land.

Sec. 25-204. - Responsibility for trees and vegetative care.

In addition to caring for trees and vegetative growth on owned property, the person in control of the property is charged with care, maintenance and full responsibility for trees and all vegetative growth on adjacent streets, alleys, boulevards and public ways; provided, that to maintain rights-of-way, clear vision zones and unobstructed view, traffic-control signs and devices, the city may in its discretion prune and remove trees and other vegetative growth.

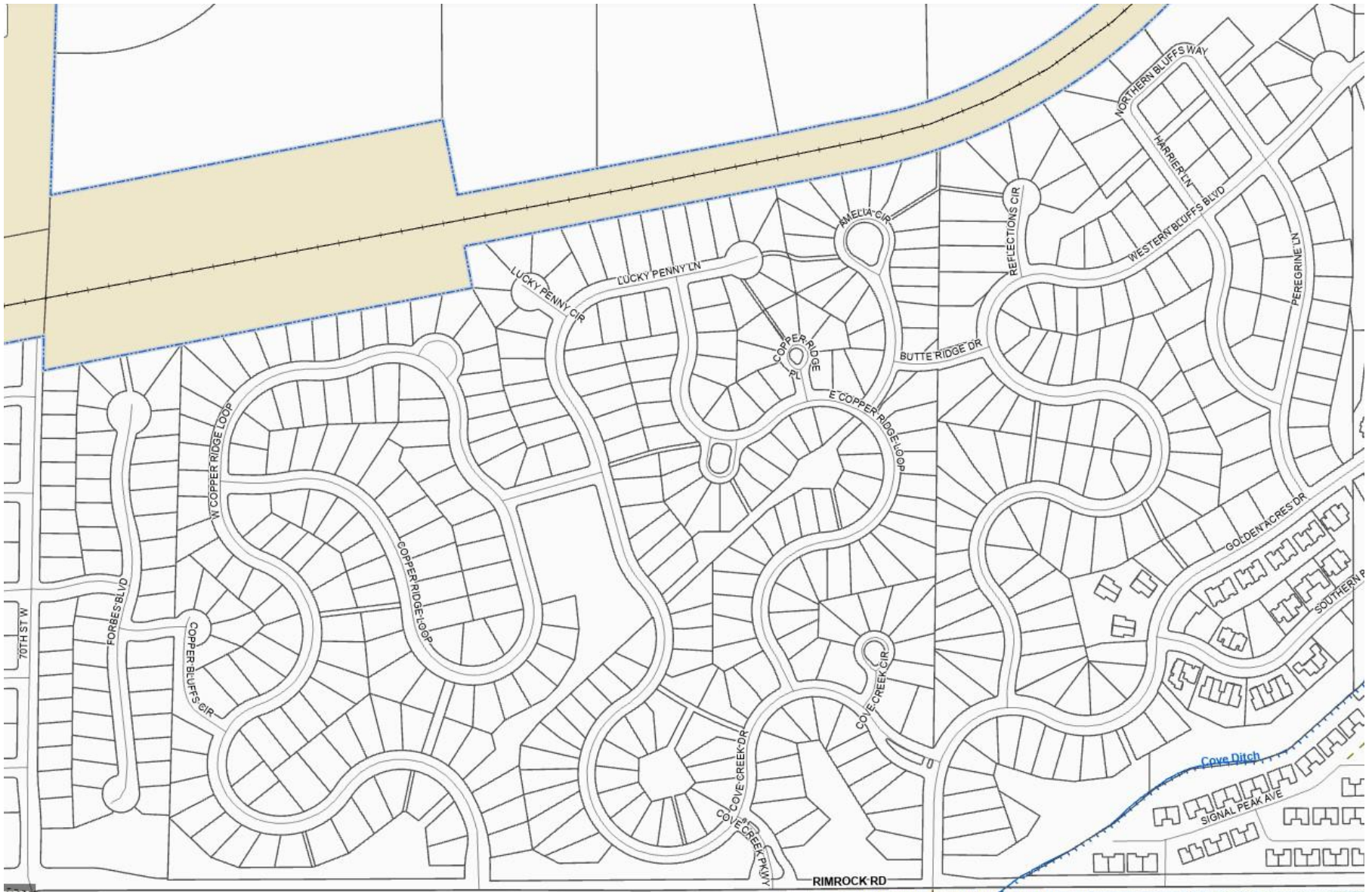
Page 54- Permanent Cul-de-Sacs

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.
3. Topography that does not allow for a grid system as outlined in the subdivision regulations.

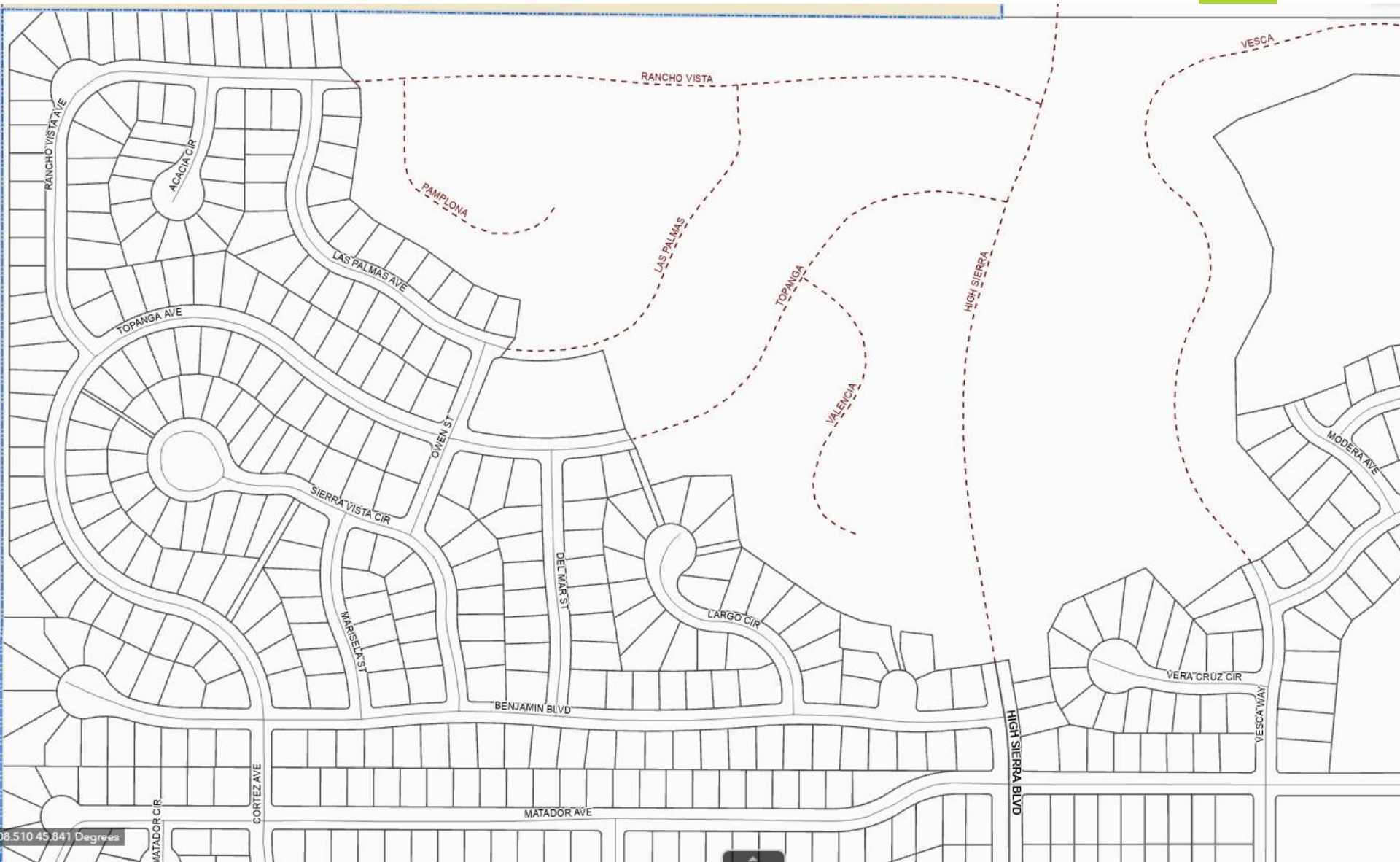
PORTION OF COPPER RIDGE SUBDIVISION



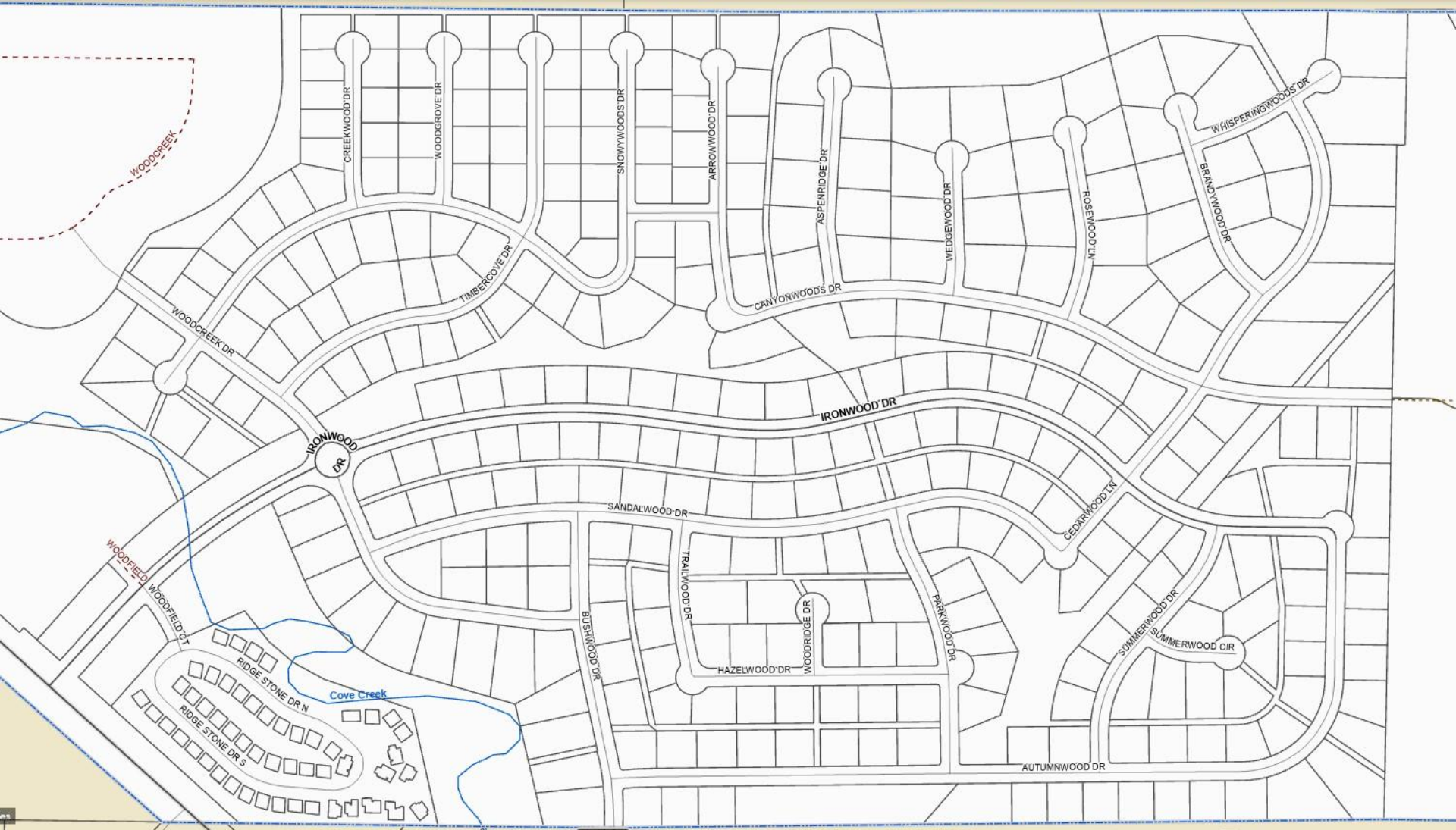
PORTIONS OF KIMBERLY, GALAXY, AND TERRACE ESTATES SUBDIVISIONS



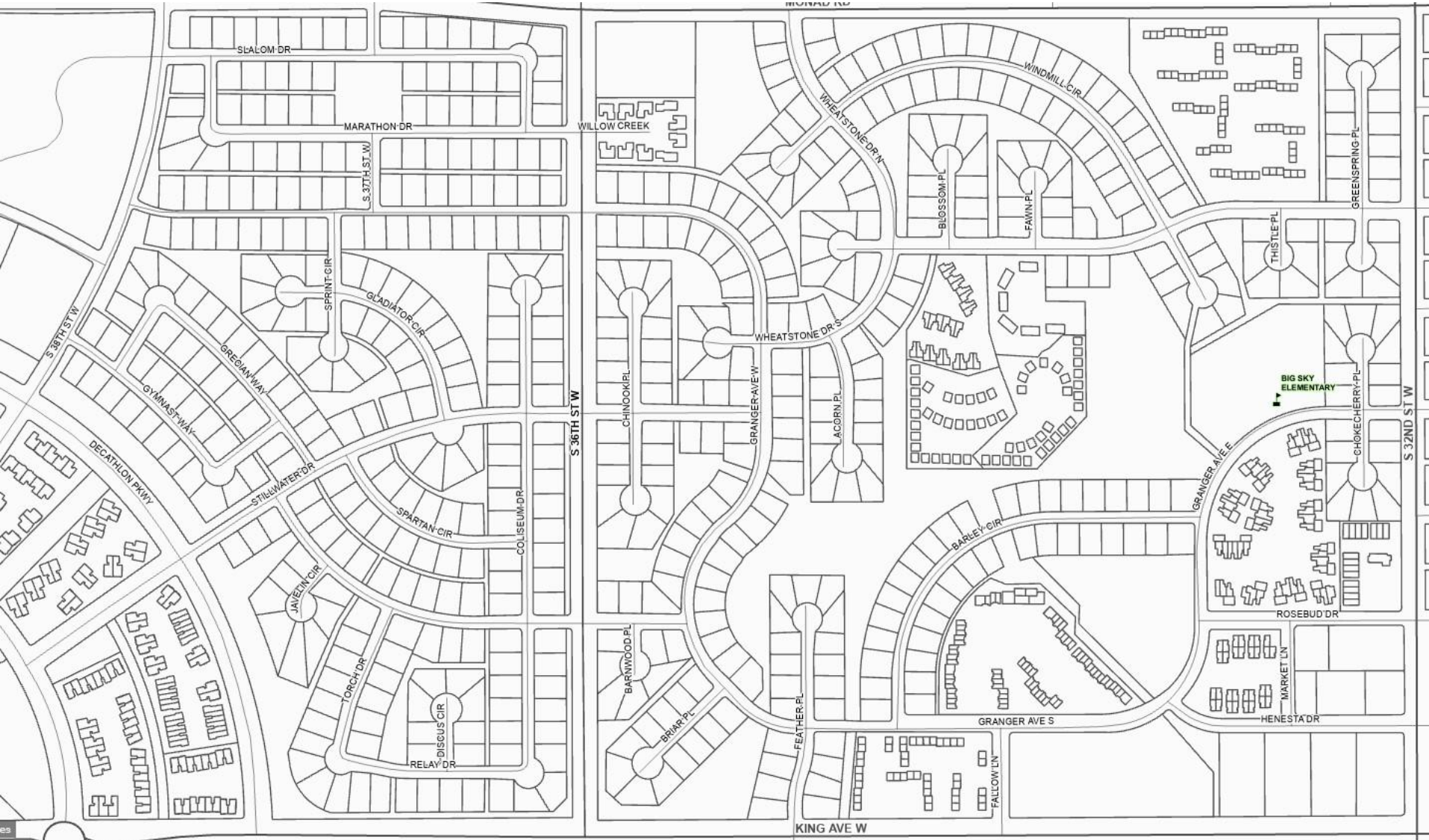
PORTION OF HIGH SIERRA SUBDIVISION



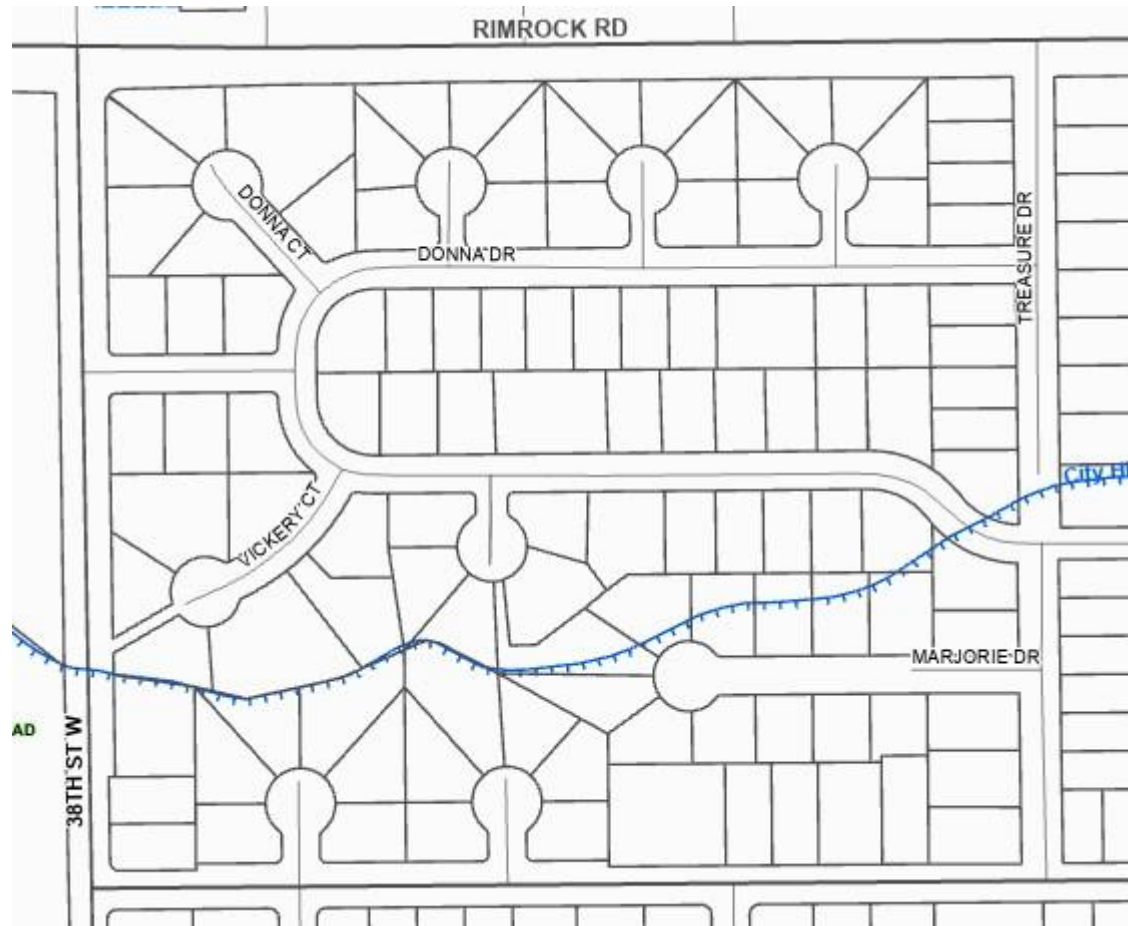
PORTION OF IRONWOOD SUBDIVISION



Portions of Olympic Park and Harvest Subdivisions



Portion of Poly Vista Subdivision



Portion of Rim Point Subdivision



Portions of Shiloh Point and Rush Subdivisions



Wilshire Heights Subdivision



Red - Legislative Change
Green - Staff Change
Purple - July 1 Change
Blue - Proposed per Staff
Suggestion since July 1

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

Red - Legislative Change
Green - Staff Change
Purple - July 1 Change
Blue - Proposed per Staff
Suggestion since July 1

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:

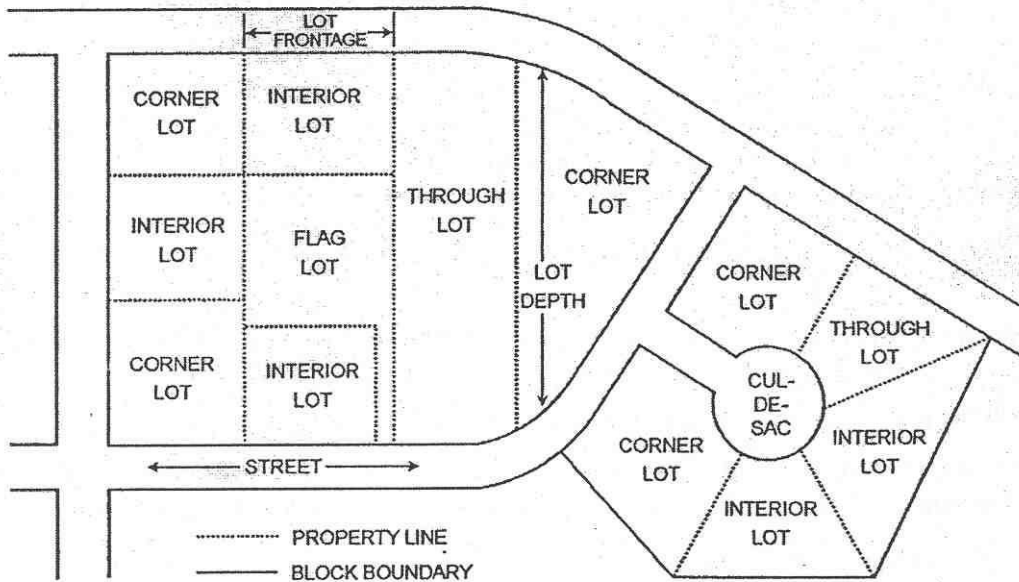
- a. Lot Depth -- The length of a line drawn perpendicularly to the front lot line and extending to the rear lot line.
- b. Lot Width -- The average width of the lot.
- c. Lot Frontage -- The width of the lot line that fronts a public street right-of-way or public road easement where the lot usually 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, 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.

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 walking, biking, and rolling.*
- *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.

Red - Legislative Change

Green - Staff Change

Purple - July 1 Change

Blue - Proposed per Staff Suggestion since July 1

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~~ provide 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 Policy¹, Transportation Plan, and the ~~Heritage Trail Plan.~~ *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. An *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 facilities²; 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.

- 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 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.

- B. **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.

- 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. 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 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~~ 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.

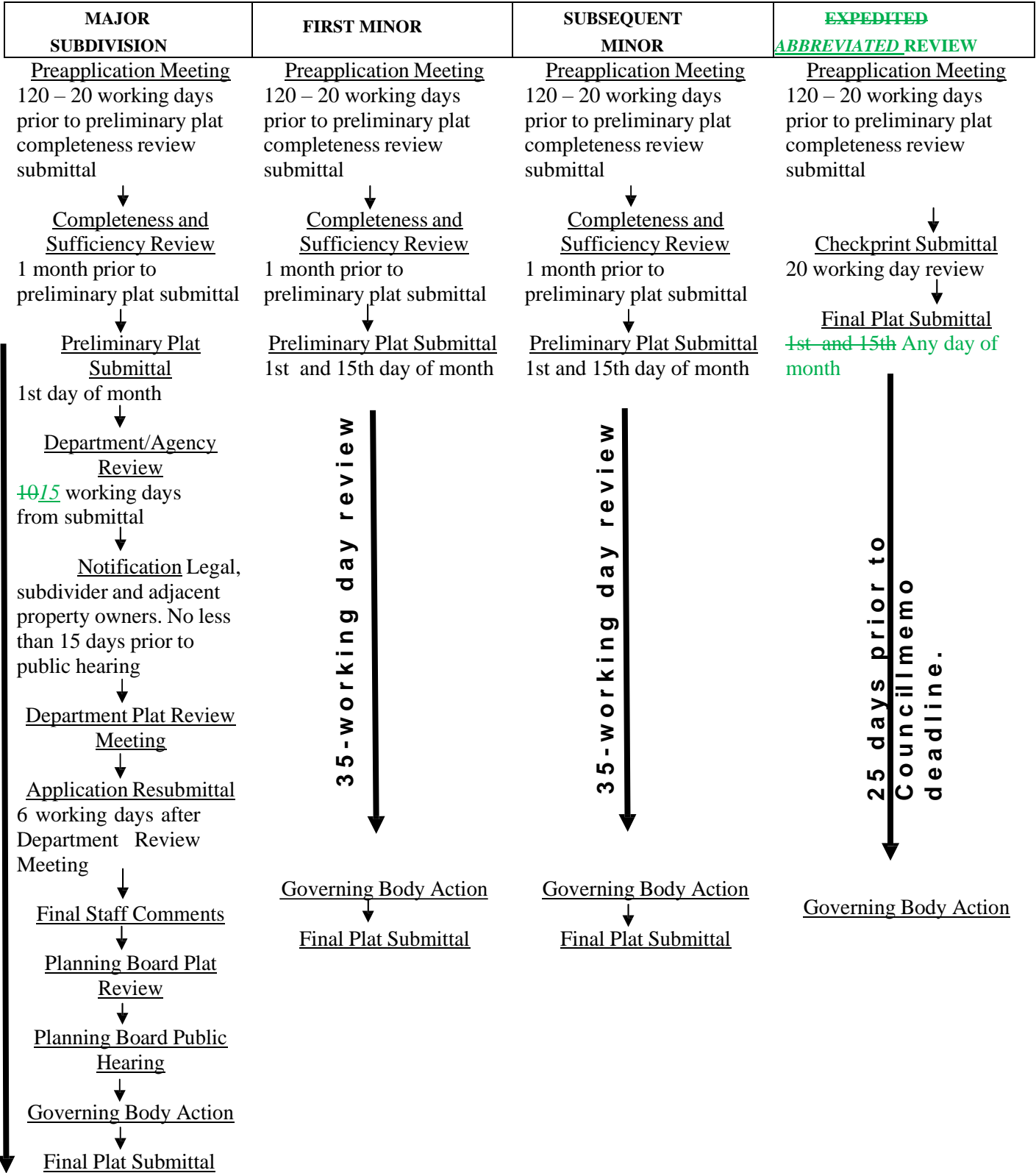
- C. **Final Mylar Submittal.** Application for final plat approval shall be submitted to the Planning Director or designee on or before 3:00 p.m. at least twenty-five (25) working days prior to the City Council memo deadline. The subdivider shall submit one (1) electronic copy. ~~in either AutoCad ® 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 23-308309. Flowchart of Subdivision Procedures.



60 - 80 working day review

Section 23-308309.

Flowchart of Subdivision Procedures. *Continued*

**EXPEDITED
SUBDIVISION**

Preapplication Meeting
120 – 20 working days
prior to preliminary plat
completeness review submittal



Completeness and
Sufficiency Review
1 month prior to
preliminary plat submittal



Preliminary Plat Submittal
1st day of month in which
the Planning Board will hold
its public hearing

35-working day review

Governing Body Action



Final Plat Submittal

Red - Legislative Change
Green - Staff Change
Purple - July 1 Change
Blue - Proposed per Staff
Suggestion since July 1

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.

Commented [AV1]: The following changes requested by the Zoning Coordinator

TABLE 23-405.1 REQUIRED BLOCK DESIGN

<u>Zone District</u>	<u>Block Length</u>			<u>Block Perimeter</u>		<u>Block Section</u>	
	<u>Max.</u>	<u>Min.</u>	<u>Preferred</u>	<u>Max.</u>	<u>Preferred</u>	<u>Max.</u>	<u>Preferred</u>
<u>N1/NX1</u>	<u>780'</u>	<u>160'</u>	<u>600'</u>	<u>1,900'</u>	<u>1,480'</u>	<u>797'</u>	<u>622'</u>
<u>N2</u>	<u>950'</u>	<u>160'</u>	<u>720'</u>	<u>2,200'</u>	<u>1,700'</u>	<u>960'</u>	<u>740'</u>
<u>N3</u>	<u>1,000'</u>	<u>200'</u>	<u>780'</u>	<u>2,400'</u>	<u>1,900'</u>	<u>1,029'</u>	<u>806'</u>
<u>NX2/NX3</u>	<u>700'</u>	<u>100'</u>	<u>500'</u>	<u>1,200'</u>	<u>800'</u>	<u>708'</u>	<u>510'</u>
<u>RMH</u>	<u>750'</u>	<u>200'</u>	<u>570'</u>	<u>2,000'</u>	<u>1,600'</u>	<u>777'</u>	<u>605'</u>
<u>NO/NMU</u>	<u>780'</u>	<u>160'</u>	<u>600'</u>	<u>1,900'</u>	<u>1,480'</u>	<u>797'</u>	<u>622'</u>
<u>CMU1</u>	<u>700'</u>	<u>160'</u>	<u>500'</u>	<u>1,900'</u>	<u>1,400'</u>	<u>720'</u>	<u>525'</u>
<u>CMU2</u>	<u>1,400'</u>	<u>300'</u>	<u>700'</u>	<u>4,200'</u>	<u>2,800'</u>	<u>1,432'</u>	<u>762'</u>
<u>CX</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>I1</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>I2</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>EBURD/CBD/DX</u>	<u>600'</u>	<u>300'</u>	<u>160'</u>	<u>1,800'</u>	<u>1,200'</u>	<u>622'</u>	<u>340'</u>
<u>Public 1-3</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

~~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

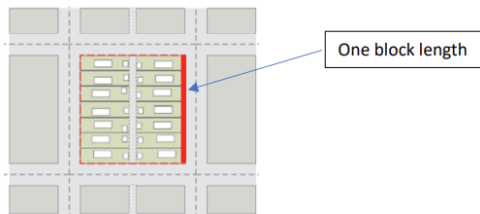


Figure 23-405.3. Block Perimeter



Figure 23-405.4. Block Obstructions



Figure 23-405.5. Block Section

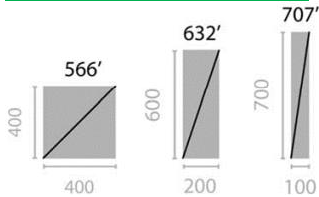


Figure 23-405.6. Breaks in Block Length



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.

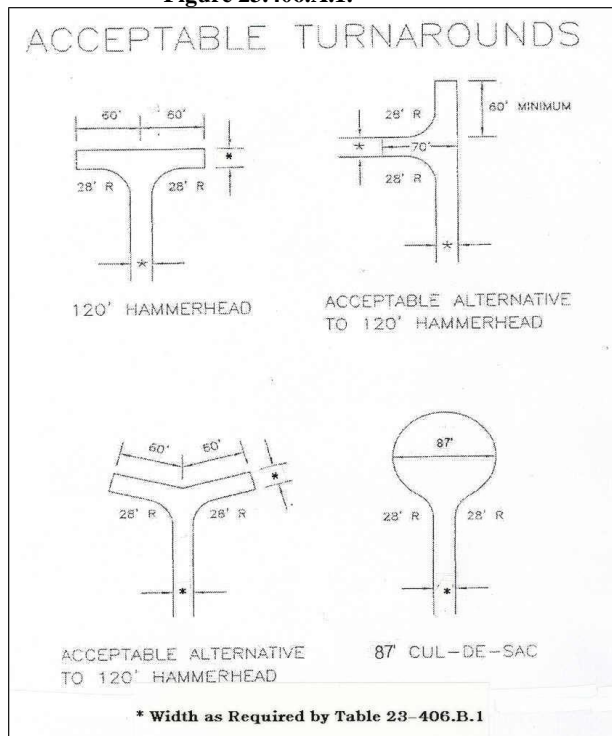
1. Relation to Undeveloped Areas: When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land ~~this may require multiple connections to multiple adjacent undeveloped parcels. The maximum distance between 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 Engineering. 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~~ 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' <u>120'</u>	64'-49' <u>86'</u> *	11' <u>12'</u> ***	---	14'	—	10'	5'/10' ***±	<u>10'</u>
Minor Arterial	100'	42'-66' * <u>42'</u>	11' <u>12'</u>	---	—	14'	10'	5'	<u>10'</u>
Collector	74'	39'-53'	<u>11'</u>	8'	14'	—	5'	5'	
Commercial Local Access	70'	44'-45' <u>39'-45'</u>	<u>13.5'</u>	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.

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:

<u>Street Type</u>	<u>Percent Grade</u>	<u>Speed (M. P. H.)</u>
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

Commented [GD2]: Requested by Engineering and Planning to incorporate CPTED

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

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.

Commented [GD3]: Requested by Planning for safety and connectivity

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 parkland 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).

³The 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~~ 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.
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.

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Blue - Proposed per Staff Suggestion since July 1

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

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).

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Purple - July 1 Change
Blue - Proposed per Staff Suggestion since July 1

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.~~
- ~~114.~~ 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 years 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.

Red - Legislative Change
Green - Staff Change
Purple - July 1 Change

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).~~

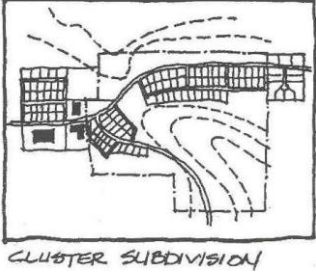
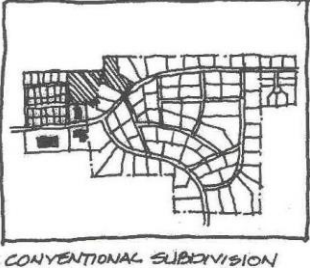
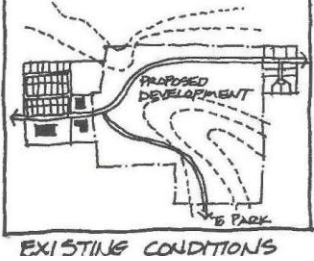
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Section 23-710. — Design Standards and Applications for Planned Neighborhood Developments.

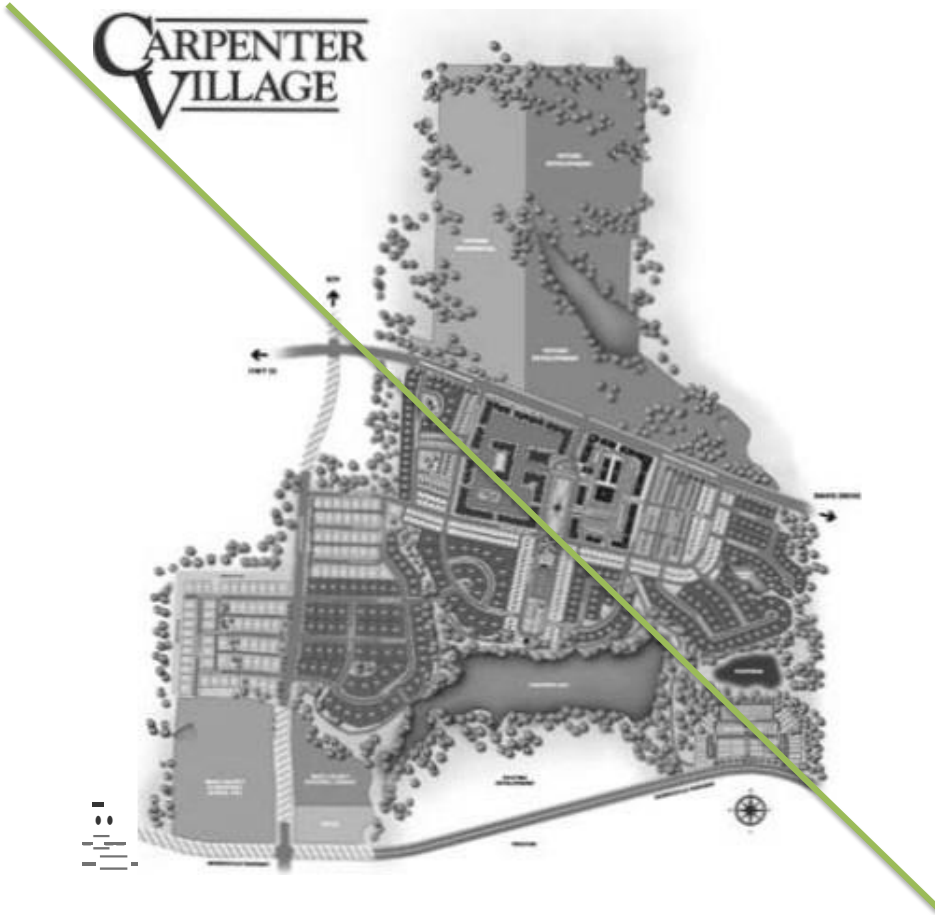
- A. ~~The PND shall follow the applicable review procedures, as outlined in Article 23-300 of these Regulations.~~
- B. **Site Analysis Map.** ~~A site analysis map shall be submitted with the preliminary plat application including the following information:~~
- ~~1. Property boundaries;~~
 - ~~2. All 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 23-7140. Examples of Cluster Development Designs.



Section 23-712. — Examples of Planned Neighborhood Developments Designs.



Red - Legislative Change
Green - Staff Change
Purple - July 1 Change

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.

Red - Legislative Change
Green - Staff Change
Purple - July 1 Change
Blue - Proposed per Staff Suggestion since July 1

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.

<u>PERMIT</u>	<u>AGENCY</u>
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.

Red - Legislative Change
Green - Staff Change
Purple - July 1 Change

Article 23-1000. DEDICATION OF PARKS, TRAILS AND OPEN SPACE

Section 23-1001. Purpose.

Commented [AV1]: Below edits requested by Parks and Public Lands Department

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 $4 \times 30 = 120$ 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 reqs, 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.

Red - Legislative Change

Green - Staff Change

Purple - July 1 Change

Blue - Proposed per Staff Suggestion since July 1

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, does not affect the basic character of lots or blocks, does not affect the open space requirements or amount provided, and does 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 ~~or 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 23-12104.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.

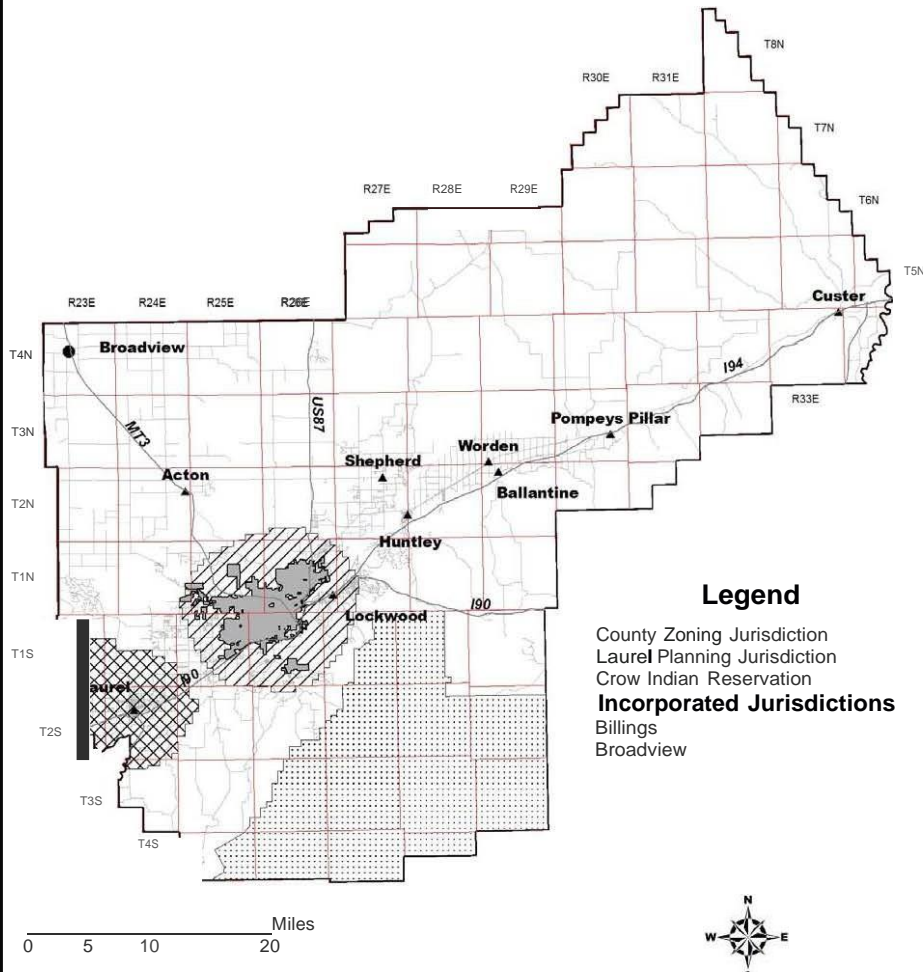
A. Except as provided in 76-3-303, MCA, every final subdivision plat shall be filed with the County Clerk and Recorder before title to the subdivided land can be sold or transferred in any manner. If illegal transfers are completed, the ~~County Attorney~~ *City Attorney* shall commence action to enjoin 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

Yellowstone County Board of Planning Planning Jurisdiction



Prepared by the Planning & Community Services Department
November, 2005 (PudServ3/Maps/Planning/Planning Jurisdiction)

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.

APPENDIX B
Evasion Criteria

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.

APPENDIX B
Evasion Criteria

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 II 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.

APPENDIX B
Evasion Criteria

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.

APPENDIX B
Evasion Criteria

- 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.

**APPENDIX B
Evasion Criteria**

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)

APPENDIX B
Evasion Criteria

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.~~

Commented [GD1]: Proposed to be removed by Planning. All required documents are available on line.

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:~~

APPENDIX F

Required Supporting Documents for Major Preliminary Plat Applications

- 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

APPENDIX F

Required Supporting Documents for Major Preliminary Plat Applications

- 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,~~

APPENDIX G

Required Supporting Documents for First Minor Preliminary Plat Applications

- 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).
- e. 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: _____

1/4 _____ 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: _____

$\frac{1}{4}$ _____ Section: _____

Township: _____

Range: _____

e. General location: _____

4. **Name, Address & Telephone Number of Subdivider**

a. _____ Name: _____

b. _____ Address: _____

e. Telephone: _____

5. **Name, Address & Telephone Number of Owner**

a. _____ Name: _____

b. _____ Address: _____

e. Telephone: _____

6. **Plat Data**

a. _____ Gross area: _____

b. _____ Net area: _____

e. 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

e. 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.~~

APPENDIX J
Final Plat Requirements

- ~~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~~~~

APPENDIX J
Final Plat Requirements

~~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 and 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~~

APPENDIX K
Subdivision Improvements Agreement Template

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:~~

APPENDIX K
Subdivision Improvements Agreement Template

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

APPENDIX K
Subdivision Improvements Agreement Template

~~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

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 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 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~~

APPENDIX L
Eserow Agreement Template

~~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 Eserow 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 Eserow 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 be 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 Eserow 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 Eserow 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 Eserow 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 Eserow 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. Eserow Fees. Purchaser and Seller shall share equally the costs associated with initial set up fees of the Eserow Account, and thereafter Purchaser shall be solely responsible for all other fees, costs, taxes and expenses related to the escrowed funds and the Eserow Account and the performance of duties under this Agreement by American Title. American Title shall have a~~

APPENDIX L
Escrow Agreement Template

~~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 legal 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 liable 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 accompanied 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 Letter of Credit

This Letter of Credit shall 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~~

APPENDIX N
Restrictions on Transfers and Conveyances Template

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 WHEREOF, the Declarant has executed this Declaration the day and year first above written.~~

~~(Name of Declarant)~~

~~STATE OF MONTANA →~~
~~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 9C
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 **OC**
Flood Hazard Evaluation

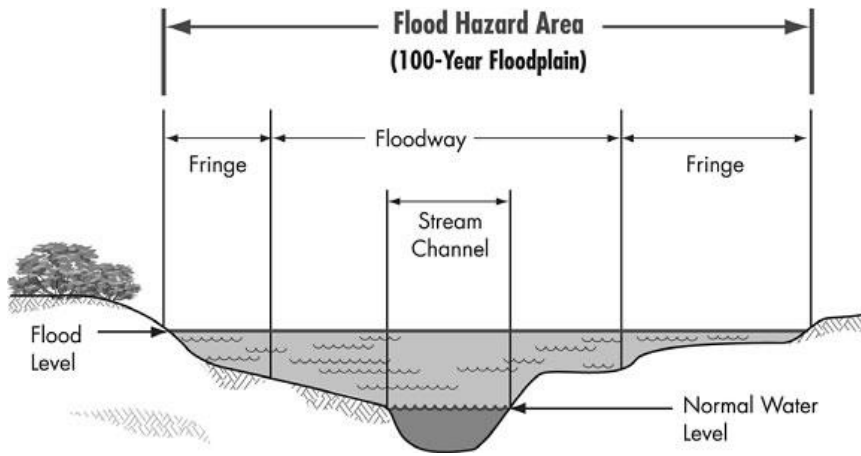


Figure 1. 100-Year Floodplain Cross-Section Diagram

Summary of Subdivision Issues and Proposed Regulation Changes for August 5, 2024 Council Work Session

Staff summarized the items discussed at the City Council Work Session on July 1, 2024 and provided recommendations to each regulation change below. Detailed information for each change and rationale follows this summary. Staff requests City Council feedback at the August 5 work session to propose final regulations for adoption.

Issue and Section	Page	Staff Recommendation	City Council Recommendation
1) Sec 23-403 Improvement Design. (Traffic Studies)	42	Delete reference to all studies must be completed by professional traffic operations Engineer (PTOE)—See Section 43-406 B. for more information	
2) Section 23-405 Blocks. (Traffic Calming)	45	Add 7. Where block lengths exceed 500 feet, traffic calming shall be included in the design	
3) Section 23-406 B. Streets and Roads. 4. Traffic Impact Study (Traffic Studies)	50	Provide a two-tier checklist review of traffic mitigation 1) Require PTOE for 100 peak-hour or 1000 trips per day 2) Developments generating less traffic have simplified review elements Proposed language allows traffic SDF or impact fee if they are developed and approved	
4) Section 23-406 B. Streets and Roads. 6. Right-of-way and Street Widths (Traffic Speed and Road Cost)	52	For local residential streets, maintain 34-foot width. Variance process could be used for specific reductions in width, to maintain fire code required travel lanes.	
5) Section 23-406 B. Streets and Roads. 11. Street Grades (Traffic Speeds)	53	Denote maximum collector speed as 25-35 mph Denote maximum local access street as 25 mph	
6) Section 23-406 B. Streets and Roads. 12. Curbs and Gutters (Allow more curb choice)	53	Since City Engineering currently allows ribbon curb in certain applications, amend to allow ribbon curb upon City Engineering approval as part of the storm water management design	
7) Section 23-406 B. Streets and Roads. 13. Sidewalks (Sidewalks)	53	Require boulevard sidewalk on both sides of the street, but allow approved multi-use trail that provides ADA access to all lots	
8) Section 23-406 B. Streets and Roads. 14. Street Lights (Promote CPTED)	53	Propose requiring street lights on residential streets, Policy Decision by City Council	

The following is a more detailed discussion of the proposed regulation changes and rationale for the changes.

1) Section 23-403 Improvement Design. Page 42

Issue	The City traffic impact study threshold has been in-place since the 1980's and has not been updated. All traffic studies do not necessarily need a PTOE and the regulations should be updated to reflect current industry trends and desired outcomes.
Staff Recommendation	Delete—"All traffic impact studies must be prepared by a Professional Traffic Operations Engineer (PTOE)"
Rationale	Refer to Section 23-406 B. for more detail. Provide a two-tiered approach to traffic impact mitigation and review.

2) Section 23-405 Blocks. Page 45

Issue	Long, straight streets tend to allow higher traffic speeds.
Staff Recommendation	6. Delete reference to requiring a PTOE for street design. Add 7. When Block lengths exceed 500 feet, traffic calming shall be included in the design.
Rationale	Since the proposed subdivision regulations allow block lengths up to 750-1400 feet long, blocks should have traffic calming designed and included, but traffic calming design does not require a PTOE.

3) Section 23-406 Streets and Roads B. Streets and Road Design and Improvement Standards. Page 50

Issue 1	Historically, since the 1980's, the City has utilized a 500 trip per-day trigger requiring a traffic study. The City desires to update the current threshold to be more representative of current industry trends, but also make reviews of smaller subdivisions more efficient, while still addressing the impacts of traffic from small development.
Staff Recommendation	Staff proposes the following language, changes underlined 4. <u>Traffic Impact Study.</u> At the time of preliminary plat submittal, a traffic impact study shall be prepared by a professional traffic operations Engineer (PTOE) and approved by the City Engineer for any new residential, institutional, commercial, or industrial subdivision or development which will <u>generate one thousand (1000) or more vehicle trips per day or 100 peak-hour trips</u> , as referenced in the most recent edition of the Trip Generation

	<p>Report from the Institute of Transportation Engineers. The traffic generation threshold shall apply to any development or cumulative phases of development. A vehicle trip is defined as a one-way journey of a person in an automobile or a transit vehicle. If the study indicated a need for the installation of traffic signals, intersection improvements, or other off-site improvements to facilitate traffic flow generated by the entire development, the identified improvement shall be installed or a financial contribution for the development or subdivision's proportionate share shall be made prior to the final plat approval of the subdivision, as determined by City Engineering. <u>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.</u> City Public Works will provide the traffic study impact checklist to the applicant.</p>
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<p>Rationale</p>	<p>The Institute of Transportation Engineers recommends reviewing traffic capacity impacts at 100 peak-hour or 1000 trips per day. Capacity and system impacts should be analyzed by a PTOE at this level of traffic, since it requires specialized training in intersection analysis and traffic operations. Staff reviewed most of the subdivision traffic studies submitted since 2016 and found most studies met the proposed 100 peak-hour or 1000 trip per day level. There was one study in the 500 trip per day range that did not have significant system impacts. That study was used primarily to calculate off-site cash contributions for impact. Utilizing traffic impact criteria in Appendix F from previous subdivision regulations is generally working for subdivision review of traffic impact, and similar language is proposed in the checklist that will be provided to applicants. The City Engineering Division has a current PTOE on staff to review traffic studies.</p>
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<p>Issue 2</p>	<p>How to incorporate traffic impact review of small subdivisions and communicate that information to the public, while keeping the process simple? For smaller subdivisions, Planned Unit Development, and Planned Neighborhood developments, some basic traffic review criteria is necessary to mitigate impact, but the analysis level does not require a PTOE.</p>
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<p>Staff Recommendation</p>	<p>Staff recommends the following language for development generating less than 100 peak-hour or 1000 trips per day</p> <p>All developments generating less than 100 peak-hour 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 pre-application meeting to determine what elements may apply. In addition, the applicant shall</p>
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	<p>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.</p> <ul style="list-style-type: none"> • Location of approaches (access management) • Sight distance review • Turn lane analysis • Traffic calming • Connectivity and circulation review • On-street parking impacts • Review of impacts to adjacent property streets, accesses and interactions with site generated pedestrian and vehicular traffic • Truck circulation, including solid waste pick-up <p>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.</p>
Rationale	<p>A two-tier level of review at the subdivision level allows flexibility of review for smaller developments that may only have limited traffic impacts or a couple of specific elements to review such as access locations or impact to adjacent properties. These smaller levels of impact do not require a PTOE to prepare and general street design elements can be designed by a registered professional engineer in the state of Montana. Furthermore, the applicant can provide this information with the preliminary plat, such that adjacent owners and the general public are aware of the traffic impacts (or lack thereof) through the subdivision review process.</p>

4) Section 23-406 Streets and Roads B. Streets and Road Design and Improvement Standards. Page 52

<p>Issue</p>	<p>The street width for residential local access has been discussed by Council at previous work sessions, primarily related to traffic speed and cost of construction.</p>																																																								
<p>Staff Recommendation</p>	<p>6. <u>Right-of-Way and Street Width.</u> 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.</p> <p>Table 23-406.B.1. Required Dedications and Street Improvements for Subdivisions within the City Limits</p> <table border="1" data-bbox="583 532 1936 1003"> <thead> <tr> <th>Street Type</th> <th>Right-of- Way</th> <th>B-B Curb Width Range</th> <th>Parking Width****</th> <th>Boulevard Width</th> <th>Sidewalk Width</th> <th>Shared Use Path Width</th> </tr> </thead> <tbody> <tr> <td>Principal Arterial</td> <td><u>120'</u></td> <td>*</td> <td>---</td> <td>10'</td> <td>5' **‡</td> <td><u>10'</u></td> </tr> <tr> <td>Minor Arterial</td> <td>100'</td> <td>*</td> <td>---</td> <td>10'</td> <td>5'</td> <td><u>10'</u></td> </tr> <tr> <td>Collector</td> <td>74'</td> <td>53'-39'</td> <td>8'</td> <td>5'</td> <td>5'</td> <td></td> </tr> <tr> <td>Commercial Local Access</td> <td>70'</td> <td><u>39'-45'</u></td> <td>8'</td> <td>5'</td> <td>5'</td> <td></td> </tr> <tr> <td>Residential Local Access</td> <td>56'</td> <td>34' max.</td> <td>n/s</td> <td>5'</td> <td>5'</td> <td></td> </tr> <tr> <td>Cul-de-Sac <u>100-1000 feet</u></td> <td>56'</td> <td>34' min.</td> <td>n/s</td> <td>5'</td> <td>5'</td> <td></td> </tr> <tr> <td>Cul-de-Sac <100 feet</td> <td>40'</td> <td>29' min.</td> <td>n/s</td> <td>---</td> <td>---</td> <td></td> </tr> </tbody> </table> <p>* As approved by City Engineering. **‡ Sidewalk is 5' on <u>both sides</u>. **** Lane Width measured from lip of curb. Parking width measured from face of curb.</p>	Street Type	Right-of- Way	B-B Curb Width Range	Parking Width****	Boulevard Width	Sidewalk Width	Shared Use Path Width	Principal Arterial	<u>120'</u>	*	---	10'	5' **‡	<u>10'</u>	Minor Arterial	100'	*	---	10'	5'	<u>10'</u>	Collector	74'	53'-39'	8'	5'	5'		Commercial Local Access	70'	<u>39'-45'</u>	8'	5'	5'		Residential Local Access	56'	34' max.	n/s	5'	5'		Cul-de-Sac <u>100-1000 feet</u>	56'	34' min.	n/s	5'	5'		Cul-de-Sac <100 feet	40'	29' min.	n/s	---	---	
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<p>Rationale</p>	<p>Staff understands Council’s request to reduce street width requirements. Internal discussions with Police, Fire, Public Works and Planning Departments outlined concerns associated with meeting fire code requirements (maintaining code required clear widths) if a reduction of street width requirements was implemented. Enforcement of no parking zones associated with reductions in width adds additional burden to the police department. Developers may still request a reduction of width through the variance process. Generally, the 34-</p>																																																								

foot width for local residential streets has not exhibited issues with speeding where proper street design techniques are used.

5) Section 23-406 Streets and Roads B. Streets and Road Design and Improvement Standards. Page 53

Issue	Current regulations require clarification for design speeds of collector and local access streets.									
Staff Recommendation	<p>11. <u>Street Grades</u>. 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 maximum speeds:</p> <table border="1" data-bbox="598 535 1837 657"> <thead> <tr> <th>Street Type</th> <th>Percent Grade</th> <th>Speed (miles per hour)</th> </tr> </thead> <tbody> <tr> <td>Collector</td> <td>7</td> <td>25-35</td> </tr> <tr> <td>Local Access</td> <td>12</td> <td>25</td> </tr> </tbody> </table>	Street Type	Percent Grade	Speed (miles per hour)	Collector	7	25-35	Local Access	12	25
Street Type	Percent Grade	Speed (miles per hour)								
Collector	7	25-35								
Local Access	12	25								
Rationale	Remove Arterials from list as they are typically constructed by the City. Give a range of design speeds for collectors based on type and use. Provide a maximum speed of 25 mph for local access streets. These changes clarify to minimize traffic speeds on collector and local access streets.									

6) Section 23-406 Streets and Roads B. Streets and Road Design and Improvement Standards. Page 53

Issue	Ribbon curb has been requested to be included in subdivision regulations.
Staff Recommendation	<p>12. <u>Curbs and Gutters</u>. Standard integral curb and gutter shall be placed on all arterial, collector, and commercial streets. Standard integral curb and gutter is required on local residential streets, but ribbon curb may be approved by City Engineering as part of the storm drain design for the subdivision.</p>
Rationale	There are areas where the ribbon curb concept will function adequately, and the proposed regulations allow for this opportunity.

7) Section 23-406 Streets and Roads B. Streets and Road Design and Improvement Standards. Page 53

Issue	Staff received comments requesting more flexibility in sidewalk design and accessibility.
Staff Recommendation	<p>13. <u>Sidewalks:</u> 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. City Engineering may recommend to City Council that it waive or modify the requirement for boulevard walks on both sides of a local residential street when the subdivision or development constructs an approved multi-use bicycle/pedestrian path connected to 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.</p>
Rationale	Based on Council work session discussions, staff recommends leaving the language from the previous subdivision regulations that requires sidewalks on both sides of the street, but allows for a waiver for a condition where a bicycle/pedestrian path is connected and accessible to all lots.

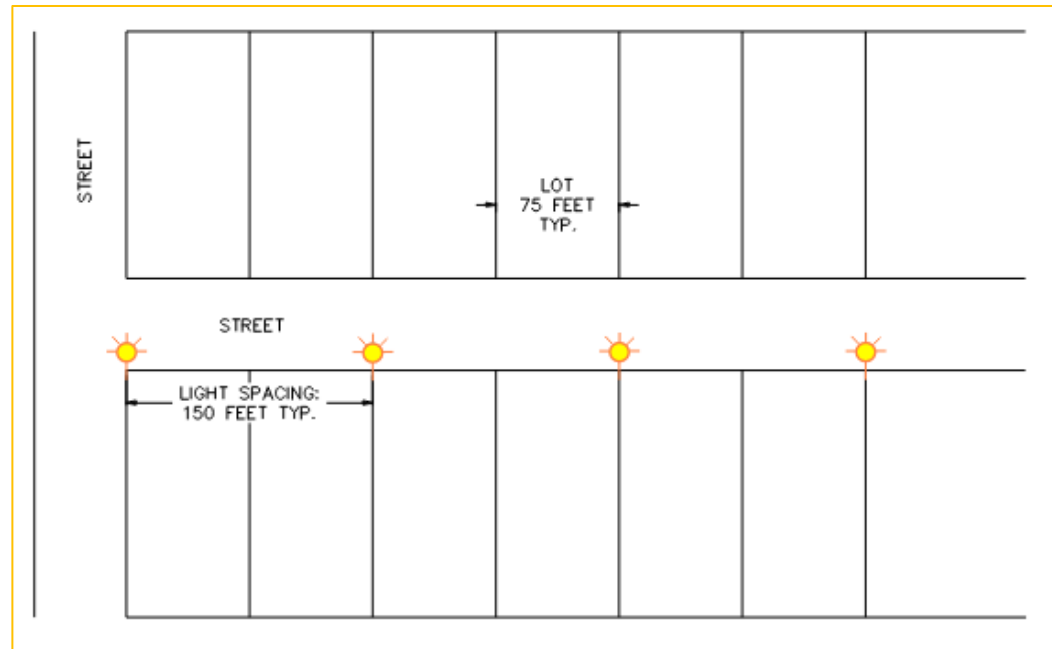
8) Section 23-406 Streets and Roads B. Streets and Road Design and Improvement Standards. Page 53

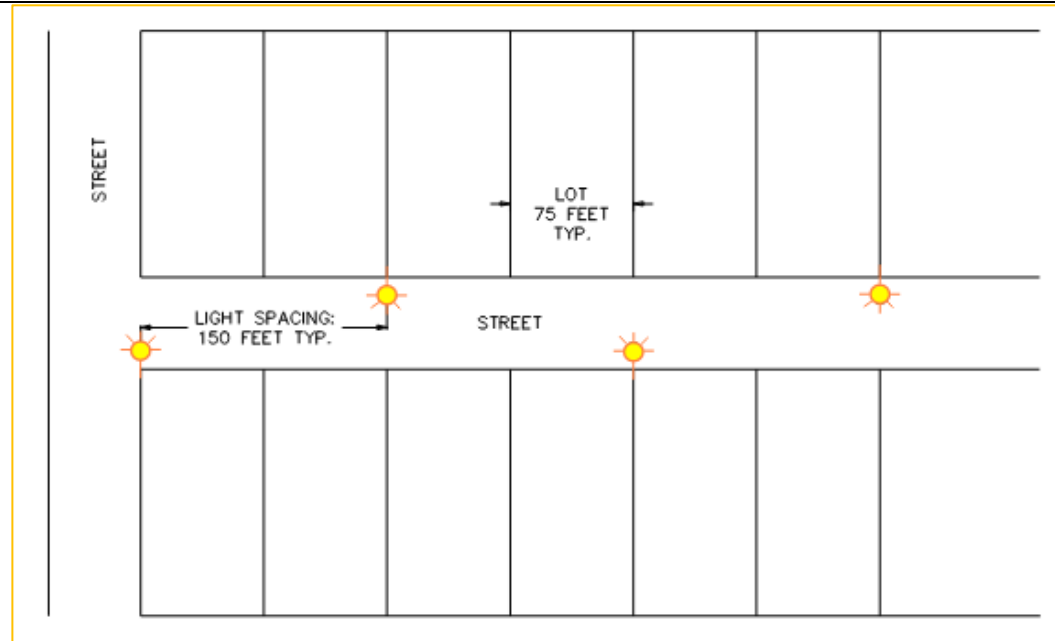
Issue	CPTED principles have been discussed to be included in subdivision regulations, one of which relates to street lighting on residential streets.
Staff Recommendation	<p>14. <u>Street Lights:</u> Residential Street Lights Street lights shall be installed within residential subdivisions. Residential 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.</p> <p style="padding-left: 40px;">a. New Street Lighting</p> <p style="padding-left: 80px;">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</p>

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

Rationale

The following two lighting layout sketches are for 75-foot-wide single-family lots, with additional cost detail for Council consideration:





At a lighting cost of \$100.00 per lineal foot of street centerline using the Hallowell Lane construction costs and a cost escalator, the cost for four lots is as follows:

150 lineal feet of street lighting x \$100/lineal foot / 4 lots = \$3,750.00/lot. Streetlights can be on one side or alternating sides, but the cost is similar and covers the same number of lots. On a 30-year mortgage at 7% interest, for a cost of \$3,750.00, the monthly payment is \$25.00 per month.

This example is for a group of single-family lots with a 75-foot lot frontage. If unit density fronting the street is increased, the per unit cost may decrease, depending on the lot frontage.



Traffic Impact Study Checklist

1. **Project Description** – Include location, horizon year, phasing (if applicable), type, size and site plan of the development
2. **Access Plan** – include access points or approaches, circulation patterns, modifications and any mitigation techniques
3. **Existing Conditions and Operations** – describe existing transportation network and summarize study area traffic volumes
 - a. and pedestrian pathways, lanes or routes and those to be installed with the development.
 - b. Speed data and analysis if determined at the pre-application meeting
4. **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 using the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual
5. **Trip Distribution**
6. **Traffic Assignment**
7. **Traffic Graphics**, which show:
 - a. AM peak hour site traffic
 - b. PM peak hour site traffic
 - c. Total daily site traffic
 - d. AM peak hour total traffic
 - e. PM peak hour total traffic
 - f. Total daily traffic
8. **Capacity Analysis** - Indicate the levels of service (before and after development) of existing and proposed roads, including appropriate intersections, to safely handle any increased traffic.

AM and PM peak hour capacity analysis provided for:

 - a. All major drive accesses that intersect collector or arterial streets or roads; and
 - b. All arterial-arterial, collector-collector, and arterial-collector intersections within one mile of the site, or as required by the City Engineer during the pre-application review.
9. **Traffic Calming** – detailed drawings of any proposed traffic calming installations, including locations and turning radius templates.
10. **Drive-thru Queuing Analysis** (if applicable)
11. **Evaluation** – Summarize development generated traffic impacts to the adjacent transportation network included in the study. Provide mitigation alternatives and recommendations for improvements based on the analysis results. Include information on the location and type of any proposed traffic control devices.



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2024-00008454	02/07/2024 12:32:22	Parking Complaint
2024-00008447	02/07/2024 11:47:47	Parking Complaint
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2024-00008316	02/06/2024 20:39:22	Parking Complaint
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2024-00007684	02/03/2024 19:33:44	Parking Complaint
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2024-00007036	02/01/2024 09:49:35	Parking Complaint
2024-00006885	01/31/2024 15:41:47	Parking Complaint
2024-00006772	01/31/2024 09:22:48	Parking Complaint
2024-00006608	01/30/2024 16:03:33	Parking Complaint
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2024-00006260	01/29/2024 10:29:32	Parking Complaint
2024-00005925	01/27/2024 23:04:42	Parking Complaint
2024-00005893	01/27/2024 20:17:04	Parking Complaint
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2024-00005327	01/25/2024 17:47:57	Parking Complaint
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2024-00004474	01/22/2024 10:32:23	Parking Complaint
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2024-00004232	01/21/2024 04:54:25	Parking Complaint
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2024-00003953	01/19/2024 22:55:33	Parking Complaint
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2024-00003567	01/18/2024 07:42:54	Parking Complaint
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2024-00002172	01/10/2024 17:27:03	Parking Complaint
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2023-00090815	12/31/2023 00:23:33	Parking Complaint
2023-00090703	12/30/2023 15:43:59	Parking Complaint
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2023-00084994	12/05/2023 17:18:39	Parking Complaint
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2023-00084366	12/03/2023 08:56:18	Parking Complaint
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2023-00081735	11/22/2023 08:10:17	Parking Complaint
2023-00081561	11/21/2023 15:14:30	Parking Complaint
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2023-00075121	10/27/2023 14:36:00	Parking Complaint
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2023-00074419	10/24/2023 12:17:30	Parking Complaint
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2023-00072454	10/16/2023 12:29:04	Parking Complaint
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2023-00071711	10/13/2023 14:10:25	Parking Complaint
2023-00071707	10/13/2023 13:32:34	Parking Complaint
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2023-00071555	10/13/2023 02:55:35	Parking Complaint
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2023-00070089	10/07/2023 09:26:28	Parking Complaint
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2023-00069916	10/06/2023 14:31:48	Parking Complaint
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2023-00069139	10/03/2023 17:46:24	Parking Complaint
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2023-00063451	09/12/2023 16:48:58	Parking Complaint
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2023-00060485	08/31/2023 15:18:47	Parking Complaint
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2023-00059988	08/29/2023 18:31:55	Parking Complaint
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2023-00059308	08/27/2023 00:39:58	Parking Complaint
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2023-00055971	08/14/2023 14:10:29	Parking Complaint
2023-00055967	08/14/2023 12:27:28	Parking Complaint
2023-00055917	08/14/2023 10:11:49	Parking Complaint
2023-00055738	08/13/2023 13:51:04	Parking Complaint
2023-00055697	08/13/2023 10:48:56	Parking Complaint

Parking Complaints – 571

2023-00055704	08/13/2023 10:48:56	Parking Complaint
2023-00055643	08/13/2023 01:22:27	Parking Complaint
2023-00055525	08/12/2023 14:22:24	Parking Complaint
2023-00055450	08/12/2023 11:33:45	Parking Complaint
2023-00055433	08/12/2023 10:25:43	Parking Complaint
2023-00055415	08/12/2023 08:13:39	Parking Complaint
2023-00055347	08/11/2023 23:41:02	Parking Complaint
2023-00055280	08/11/2023 19:23:53	Parking Complaint
2023-00055214	08/11/2023 15:16:51	Parking Complaint
2023-00055137	08/11/2023 10:17:37	Parking Complaint
2023-00054964	08/10/2023 14:44:57	Parking Complaint
2023-00054930	08/10/2023 11:36:02	Parking Complaint
2023-00054786	08/09/2023 20:24:49	Parking Complaint
2023-00054727	08/09/2023 14:07:39	Parking Complaint
2023-00054653	08/09/2023 11:11:10	Parking Complaint
2023-00054551	08/09/2023 00:16:05	Parking Complaint
2023-00054274	08/07/2023 22:18:26	Parking Complaint
2023-00054262	08/07/2023 20:03:13	Parking Complaint
2023-00054124	08/07/2023 09:33:11	Parking Complaint
2023-00053732	08/05/2023 13:56:27	Parking Complaint
2023-00053461	08/04/2023 13:26:17	Parking Complaint
2023-00052861	08/02/2023 12:13:05	Parking Complaint
2023-00052652	08/01/2023 18:13:57	Parking Complaint
2023-00052089	07/30/2023 13:09:32	Parking Complaint
2023-00051642	07/28/2023 12:23:49	Parking Complaint
2023-00051467	07/27/2023 22:19:25	Parking Complaint
2023-00051326	07/27/2023 12:45:56	Parking Complaint
2023-00051297	07/27/2023 11:23:28	Parking Complaint
2023-00050892	07/25/2023 21:06:59	Parking Complaint
2023-00050634	07/25/2023 06:55:00	Parking Complaint
2023-00050532	07/24/2023 19:29:43	Parking Complaint

226 complaints 12/31/23 – 7/24/23



OFFICER STATISTIC REPORT

FILTERS: ISSUE DATE IS GREATER THAN OR EQUAL TO 07/23/2023, ISSUE DATE IS LESS THAN OR EQUAL TO 07/23/2024, OFFICE ID IS LIKE V%

OFFICER:

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
512950	NO PARKING ANYTIME	Unpaid	\$25.00
513269	FIRE HYDRANT	Paid	\$0.00
UNPAID: 1	INACTIVE: 0	ON APPEAL: 0	TOTAL: 2

OFFICER: V08 - HOSTETTLER, ED

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
513239	PARKED AGAINST TRAFFIC	Paid	\$0.00
512890	YELLOW ZONE	Paid	\$0.00
512891	HANDICAP ZONE	Unpaid	\$100.00
513235	HANDICAP ZONE	Unpaid	\$100.00
513259	YELLOW ZONE	Paid	\$0.00
513260	BUS/CAB ZONE	Inactive	\$0.00
513261	BUS/CAB ZONE	Inactive	\$0.00
513226	FIRE HYDRANT	Paid	\$0.00
513227	HANDICAP ZONE	Inactive	\$0.00
512930	YELLOW ZONE	Paid	\$0.00
512940	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512939	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
513108	HANDICAP ZONE	Unpaid	\$100.00
512246	NO PARKING ANYTIME	Inactive	\$0.00
512245	HANDICAP ZONE	Unpaid	\$90.00
512943	HANDICAP ZONE	Unpaid	\$100.00
513105	HANDICAP ZONE	Inactive	\$0.00
513107	HANDICAP ZONE	Unpaid	\$100.00
513106	PARKED AGAINST TRAFFIC	Paid	\$0.00
513104	NO PARKING ANYTIME	Paid	\$0.00
512934	HANDICAP ZONE	Inactive	\$0.00
512929	YELLOW ZONE	Unpaid	\$40.00
512234	HANDICAP ZONE	Inactive	\$0.00
512231	HANDICAP ZONE	Paid	\$0.00
512232	HANDICAP ZONE	Inactive	\$0.00
512233	HANDICAP ZONE	Inactive	\$0.00

512938	HANDICAP ZONE	Unpaid	\$100.00
512247	HANDICAP ZONE	Paid	\$0.00
512933	HANDICAP ZONE	Paid	\$0.00
512931	PARKED AGAINST TRAFFIC	Paid	\$0.00
512981	NO PARKING ANYTIME	Paid	\$0.00
513352	NO PARKING ANYTIME	Unpaid	\$25.00
513353	FIRE HYDRANT	Paid	\$0.00
512250	HANDICAP ZONE	Inactive	\$0.00
513112	HANDICAP ZONE	Paid	\$0.00
513240	PARKED AGAINST TRAFFIC	Paid	\$0.00
513237	SIDEWALK	Unpaid	\$25.00
513361	SIDEWALK	Unpaid	\$25.00
512944	HANDICAP ZONE	Paid	\$0.00
512248	HANDICAP ZONE	Inactive	\$0.00
512249	HANDICAP ZONE	Paid	\$0.00
512932	HANDICAP ZONE	Inactive	\$0.00

UNPAID: 13 INACTIVE: 12 ON APPEAL: 0 TOTAL: 42

OFFICER: V10 - MARISKA, JAMES

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
513054	18 INCHES + FROM CURB	Paid	\$0.00

UNPAID: 0 INACTIVE: 0 ON APPEAL: 0 TOTAL: 1

OFFICER: V12 - DAVIES, STEVE

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
512235	PARKED AGAINST TRAFFIC	Paid	\$0.00

UNPAID: 0 INACTIVE: 0 ON APPEAL: 0 TOTAL: 1

OFFICER: V32 - STRUCK, TERRY

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
513356	YELLOW ZONE	Paid	\$0.00
512677	YELLOW ZONE	Paid	\$0.00
512678	YELLOW ZONE	Paid	\$0.00
512676	NO PARKING ANYTIME	Unpaid	\$25.00
512679	YELLOW ZONE	Paid	\$0.00
512999	FIRE HYDRANT	Paid	\$0.00
512888	YELLOW ZONE	Unpaid	\$40.00
513355	YELLOW ZONE	Paid	\$0.00
512994	YELLOW ZONE	Unpaid	\$40.00
512995	YELLOW ZONE	Unpaid	\$40.00
512996	YELLOW ZONE	Paid	\$0.00
512997	YELLOW ZONE	Paid	\$0.00
513102	HANDICAP ZONE	Unpaid	\$100.00
512889	FIRE HYDRANT	Paid	\$0.00

513247	PARKED AGAINST TRAFFIC	Paid	\$0.00
513248	YELLOW ZONE	Unpaid	\$40.00
513249	YELLOW ZONE	Paid	\$0.00
513246	NO PARKING ANYTIME	Unpaid	\$25.00
512553	YELLOW ZONE	Unpaid	\$40.00
512554	YELLOW ZONE	Paid	\$0.00
513114	FIRE HYDRANT	Unpaid	\$200.00
516113	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512935	YELLOW ZONE	Paid	\$0.00

UNPAID: 10	INACTIVE: 0	ON APPEAL: 0	TOTAL: 23
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OFFICER: V43 - REDMAN, ALAN

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
512900	YELLOW ZONE	Paid	\$0.00
513053	HANDICAP ZONE	Paid	\$0.00
513070	YELLOW ZONE	Unpaid	\$40.00
513052	YELLOW ZONE	Paid	\$0.00
512926	HANDICAP ZONE	Paid	\$0.00
512893	YELLOW ZONE	Unpaid	\$40.00
512892	YELLOW ZONE	Paid	\$0.00
512241	YELLOW ZONE	Paid	\$0.00
512240	YELLOW ZONE	Paid	\$0.00
512239	YELLOW ZONE	Unpaid	\$40.00
512244	YELLOW ZONE	Inactive	\$0.00
512243	YELLOW ZONE	Unpaid	\$40.00
512242	HANDICAP ZONE	Inactive	\$0.00
512876	FIRE LANE	Unpaid	\$200.00
513071	YELLOW ZONE	Paid	\$0.00
512998	NO PARKING ANYTIME	Paid	\$0.00
513263	YELLOW ZONE	Paid	\$0.00
512688	OTHER	Paid	\$0.00
513255	YELLOW ZONE	Paid	\$0.00
513258	NO PARKING ANYTIME	Unpaid	\$25.00
513257	HANDICAP ZONE	Inactive	\$0.00
513256	SIDEWALK	Paid	\$0.00
512927	YELLOW ZONE	Paid	\$0.00
512985	PARKED AGAINST TRAFFIC	Paid	\$0.00
512983	YELLOW ZONE	Paid	\$0.00
512541	SIDEWALK	Paid	\$0.00
512776	HANDICAP ZONE	Paid	\$0.00
512237	SIDEWALK	Unpaid	\$25.00
513060	HANDICAP ZONE	Unpaid	\$100.00
513265	SIDEWALK	Unpaid	\$25.00
512683	YELLOW ZONE	Unpaid	\$40.00

513066	NO PARKING ANYTIME	Unpaid	\$25.00
512540	NO PARKING ANYTIME	Paid	\$0.00
513065	HANDICAP ZONE	Paid	\$0.00
512991	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512987	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512988	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512982	SIDEWALK	Unpaid	\$25.00
512989	YELLOW ZONE	Paid	\$0.00
512986	YELLOW ZONE	Paid	\$0.00
512992	PARKED AGAINST TRAFFIC	Paid	\$0.00
513064	YELLOW ZONE	Paid	\$0.00
513067	NO PARKING ANYTIME	Paid	\$0.00
513267	NO PARKING ANYTIME	Paid	\$0.00
513266	FIRE HYDRANT	Paid	\$0.00
512877	YELLOW ZONE	Unpaid	\$40.00
513000	NO PARKING ANYTIME	Unpaid	\$25.00
513057	YELLOW ZONE	Unpaid	\$40.00
513058	HANDICAP ZONE	Paid	\$0.00
513059	HANDICAP ZONE	Paid	\$0.00
513061	YELLOW ZONE	Paid	\$0.00
513056	YELLOW ZONE	Unpaid	\$40.00
513055	NO PARKING ANYTIME	Unpaid	\$25.00
512550	YELLOW ZONE	Paid	\$0.00
512894	HANDICAP ZONE	Unpaid	\$100.00
513271	YELLOW ZONE	Unpaid	\$40.00
512895	YELLOW ZONE	Paid	\$0.00
513273	YELLOW ZONE	Inactive	\$0.00
513274	YELLOW ZONE	Paid	\$0.00
513272	YELLOW ZONE	Unpaid	\$40.00
512896	NO PARKING ANYTIME	Paid	\$0.00
512897	NO PARKING ANYTIME	Unpaid	\$25.00
512899	YELLOW ZONE	Unpaid	\$40.00
512898	NO PARKING ANYTIME	Unpaid	\$25.00
512978	NO PARKING ANYTIME	Paid	\$0.00
512978	FIRE HYDRANT	Paid	\$0.00
512977	NO PARKING ANYTIME	Unpaid	\$25.00
512976	NO PARKING ANYTIME	Unpaid	\$25.00
513051	PARKED AGAINST TRAFFIC	Unpaid	\$25.00

UNPAID: 29 INACTIVE: 4 ON APPEAL: 0 TOTAL: 69

OFFICER: V50 - PETERSON, DOUG

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
513241	YELLOW ZONE	Paid	\$0.00
513243	PARKED AGAINST TRAFFIC	Unpaid	\$25.00

513244	YELLOW ZONE	Paid	\$0.00
512945	NO PARKING ANYTIME	Paid	\$0.00
513230	YELLOW ZONE	Unpaid	\$40.00
513229	YELLOW ZONE	Paid	\$0.00
513232	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
513233	YELLOW ZONE	Unpaid	\$40.00
513231	YELLOW ZONE	Unpaid	\$40.00
490626	YELLOW ZONE	Paid	\$0.00
512400	YELLOW ZONE	Paid	\$0.00
512887	FIRE HYDRANT	Unpaid	\$200.00
512885	YELLOW ZONE	Unpaid	\$40.00
512886	YELLOW ZONE	Unpaid	\$40.00
512555	YELLOW ZONE	Paid	\$0.00
512556	YELLOW ZONE	Unpaid	\$40.00
513101	YELLOW ZONE	Unpaid	\$40.00
512883	PARKED AGAINST TRAFFIC	Paid	\$0.00
512878	YELLOW ZONE	Unpaid	\$40.00
512552	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512690	PARKED AGAINST TRAFFIC	Unpaid	\$25.00

UNPAID: 13 INACTIVE: 0 ON APPEAL: 0 TOTAL: 21

OFFICER: V65 - HANES, JUSTIN

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
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513894	OTHER	Unpaid	\$25.00
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UNPAID: 1 INACTIVE: 0 ON APPEAL: 0 TOTAL: 1

OFFICER: V75 - NOLTE, SHARON

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
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512782	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512783	PARKED AGAINST TRAFFIC	Inactive	\$0.00
512779	YELLOW ZONE	Paid	\$0.00
512560	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512559	PARKED AGAINST TRAFFIC	Paid	\$0.00
512781	PARKED AGAINST TRAFFIC	Paid	\$0.00
512546	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512548	YELLOW ZONE	Unpaid	\$40.00
512547	NO PARKING ANYTIME	Unpaid	\$25.00
512549	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512545	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512545	18 INCHES + FROM CURB	Unpaid	\$25.00
512979	PARKED AGAINST TRAFFIC	Paid	\$0.00
512785	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
513103	PARKED AGAINST TRAFFIC	Paid	\$0.00
512928	PARKED AGAINST TRAFFIC	Unpaid	\$25.00

512543	PARKED AGAINST TRAFFIC	Paid	\$0.00
512542	PARKED AGAINST TRAFFIC	Paid	\$0.00
512777	PARKED AGAINST TRAFFIC	Paid	\$0.00
513264	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512557	PARKED AGAINST TRAFFIC	Paid	\$0.00
512558	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
513072	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
513252	YELLOW ZONE	Unpaid	\$40.00
513109	PARKED AGAINST TRAFFIC	Paid	\$0.00
513110	NO PARKING ANYTIME	Paid	\$0.00
513354	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512689	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512544	HANDICAP ZONE	Unpaid	\$100.00

UNPAID: 17	INACTIVE: 1	ON APPEAL: 0	TOTAL: 29
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OFFICER: V77 - HANSEN, WAYNE

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
512879	HANDICAP ZONE	Paid	\$0.00
512685	PARKED AGAINST TRAFFIC	Unpaid	\$25.00

UNPAID: 1	INACTIVE: 0	ON APPEAL: 0	TOTAL: 2
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OFFICER: V79 - BRAILER, PHOEBE

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
519217	HANDICAP ZONE	Inactive	\$0.00
519217	YELLOW ZONE	Inactive	\$0.00

UNPAID: 0	INACTIVE: 2	ON APPEAL: 0	TOTAL: 2
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OFFICER: V82 - KASTROP, MARVIN

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
513254	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512993	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512936	PARKED AGAINST TRAFFIC	Paid	\$0.00
512882	HANDICAP ZONE	Inactive	\$0.00
512684	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
513351	PARKED AGAINST TRAFFIC	Paid	\$0.00
512786	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512551	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512686	YELLOW ZONE	Paid	\$0.00
513176	NO PARKING ANYTIME	Paid	\$0.00
513177	NO PARKING ANYTIME	Unpaid	\$25.00
513178	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
512946	YELLOW ZONE	Inactive	\$0.00
512948	PARKED AGAINST TRAFFIC	Paid	\$0.00
513180	PARKED AGAINST TRAFFIC	Unpaid	\$25.00

UNPAID: 8	INACTIVE: 2	ON APPEAL: 0	TOTAL: 15
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OFFICER: V85 - CAIN, SAM

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
512880	YELLOW ZONE	Paid	\$0.00
512881	YELLOW ZONE	Paid	\$0.00
512949	NO PARKING ANYTIME	Paid	\$0.00
513253	NO PARKING ANYTIME	Paid	\$0.00
512942	FIRE LANE	Unpaid	\$200.00

UNPAID: 1	INACTIVE: 0	ON APPEAL: 0	TOTAL: 5
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OFFICER: V86 - WEST, CRYSTAL

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
512681	YELLOW ZONE	Unpaid	\$40.00
512680	YELLOW ZONE	Unpaid	\$40.00
512682	YELLOW ZONE	Paid	\$0.00

UNPAID: 2	INACTIVE: 0	ON APPEAL: 0	TOTAL: 3
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OFFICER: V87 - BAKKEN, JANICE

TICKET NUMBER	VIOLATION	STATUS	AMOUNT DUE
513069	PARKED AGAINST TRAFFIC	Unpaid	\$25.00
513270	HANDICAP ZONE	Unpaid	\$100.00
513063	PARKED AGAINST TRAFFIC	Paid	\$0.00
513268	YELLOW ZONE	Paid	\$0.00
513068	PARKED AGAINST TRAFFIC	Paid	\$0.00

UNPAID: 2	INACTIVE: 0	ON APPEAL: 0	TOTAL: 5
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UNPAID: 98	INACTIVE: 21	ON APPEAL: 0	TOTAL: 221
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Dave,

Yes, we still like that language.

Mike

From: Green, Dave <greend@billingsmt.gov>

Sent: Monday, July 22, 2024 4:32 PM

To: Pigg, Mike <piggm@billingsmt.gov>

Subject: RE: Cottonwood Park Development Agreement -- copy attached

Mike, a member of the city council asked us to verify the use of irrigation ditches and wells for parks and asked if this wording, which is in the current proposed subdivision regulations, is what you want.

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.

dave

TITLE 76. LAND RESOURCES AND USE

CHAPTER 3. LOCAL REGULATION OF SUBDIVISIONS

Part 6. Local Review Procedure

Park Dedication Requirement

76-3-621. Park dedication requirement.

(4) The governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation.

(5) (a) In accordance with the provisions of subsections (5)(b) and (5)(c), the governing body shall use the dedicated money or land for development, acquisition, or maintenance of parks to serve the subdivision.

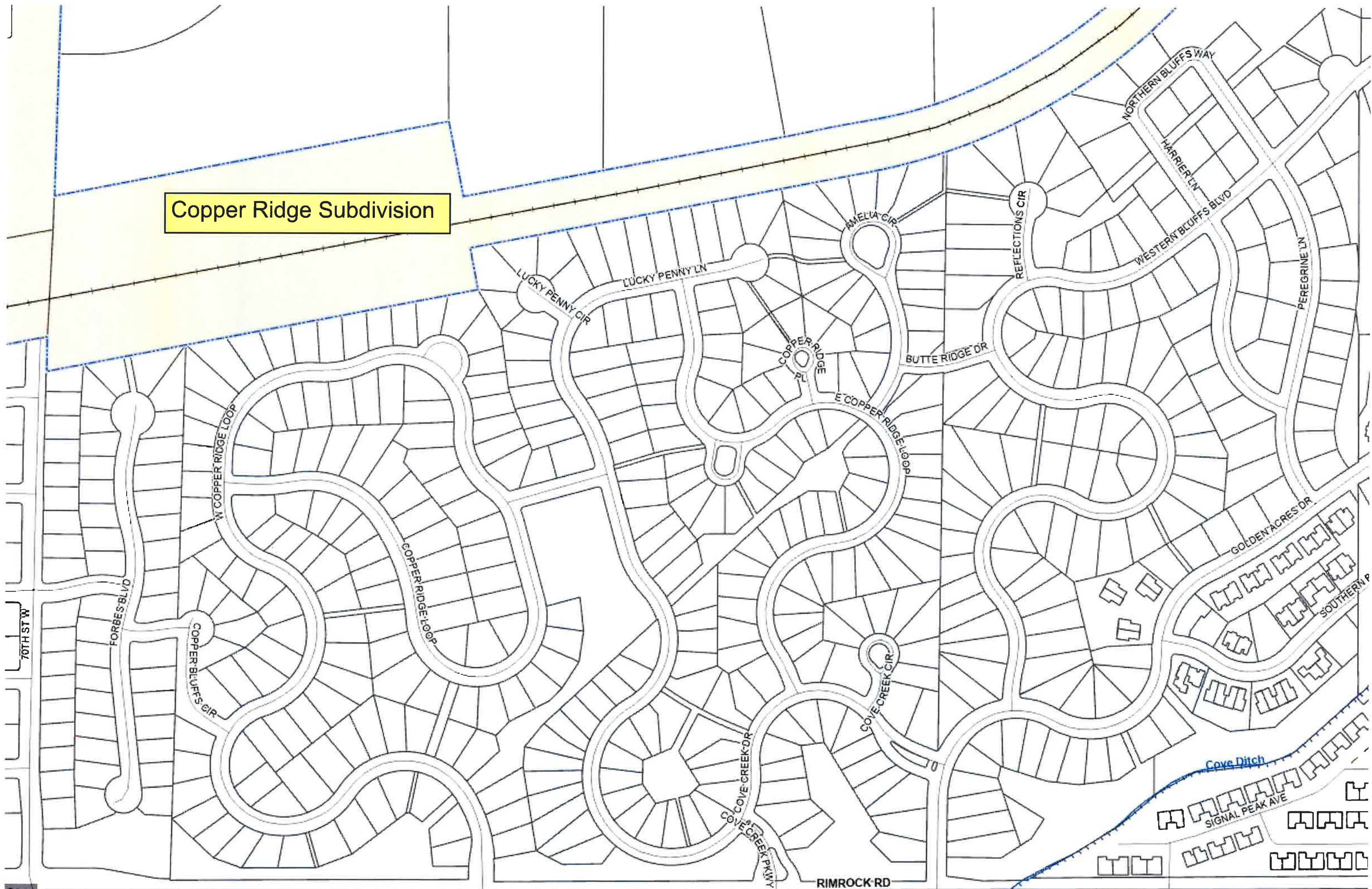
(b) The governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks or recreational areas or for the purchase of public open space or conservation easements only if:

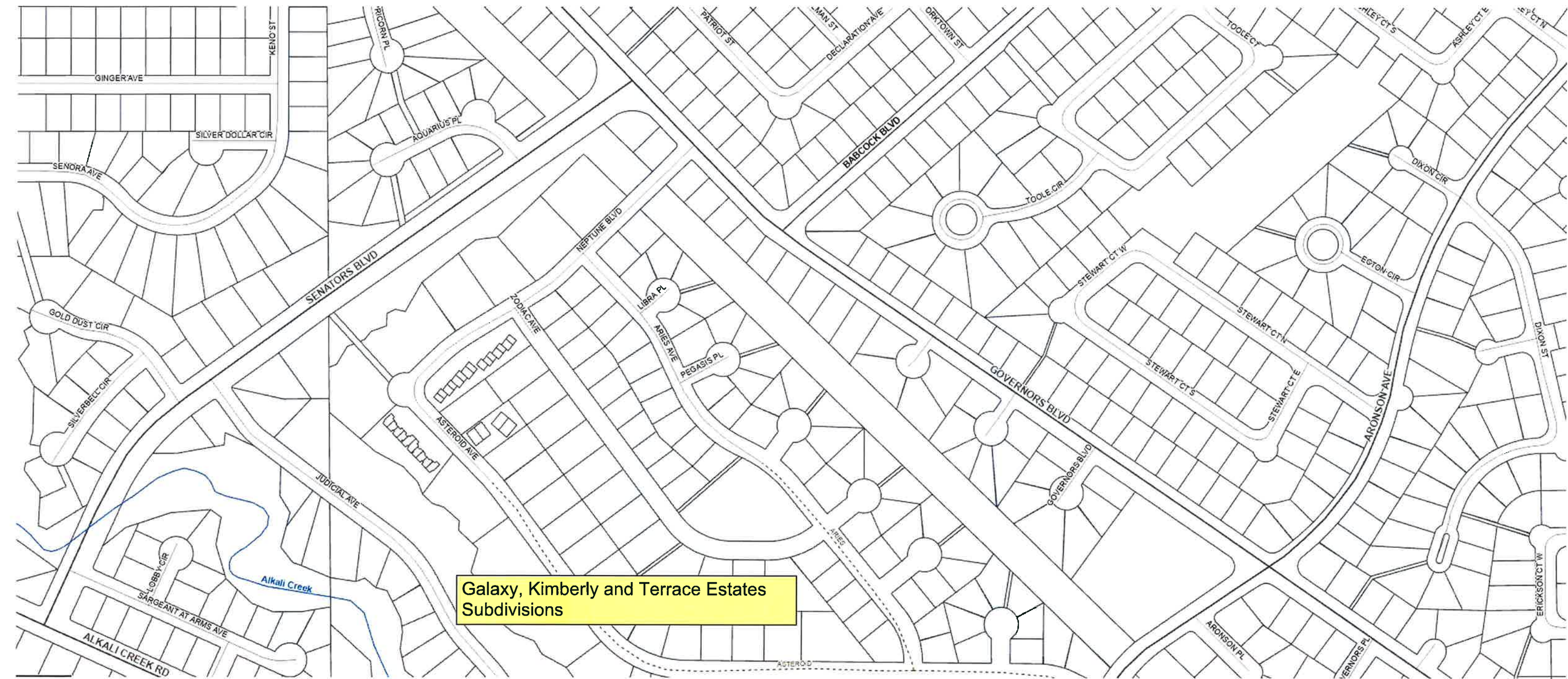
(i) the park, recreational area, open space, or conservation easement is within a reasonably close proximity to the proposed subdivision; and

(ii) the governing body has formally adopted a park plan that establishes the needs and procedures for use of the money.

(c) The governing body may not use more than 50% of the dedicated money for park maintenance.

Copper Ridge Subdivision





**Galaxy, Kimberly and Terrace Estates
Subdivisions**

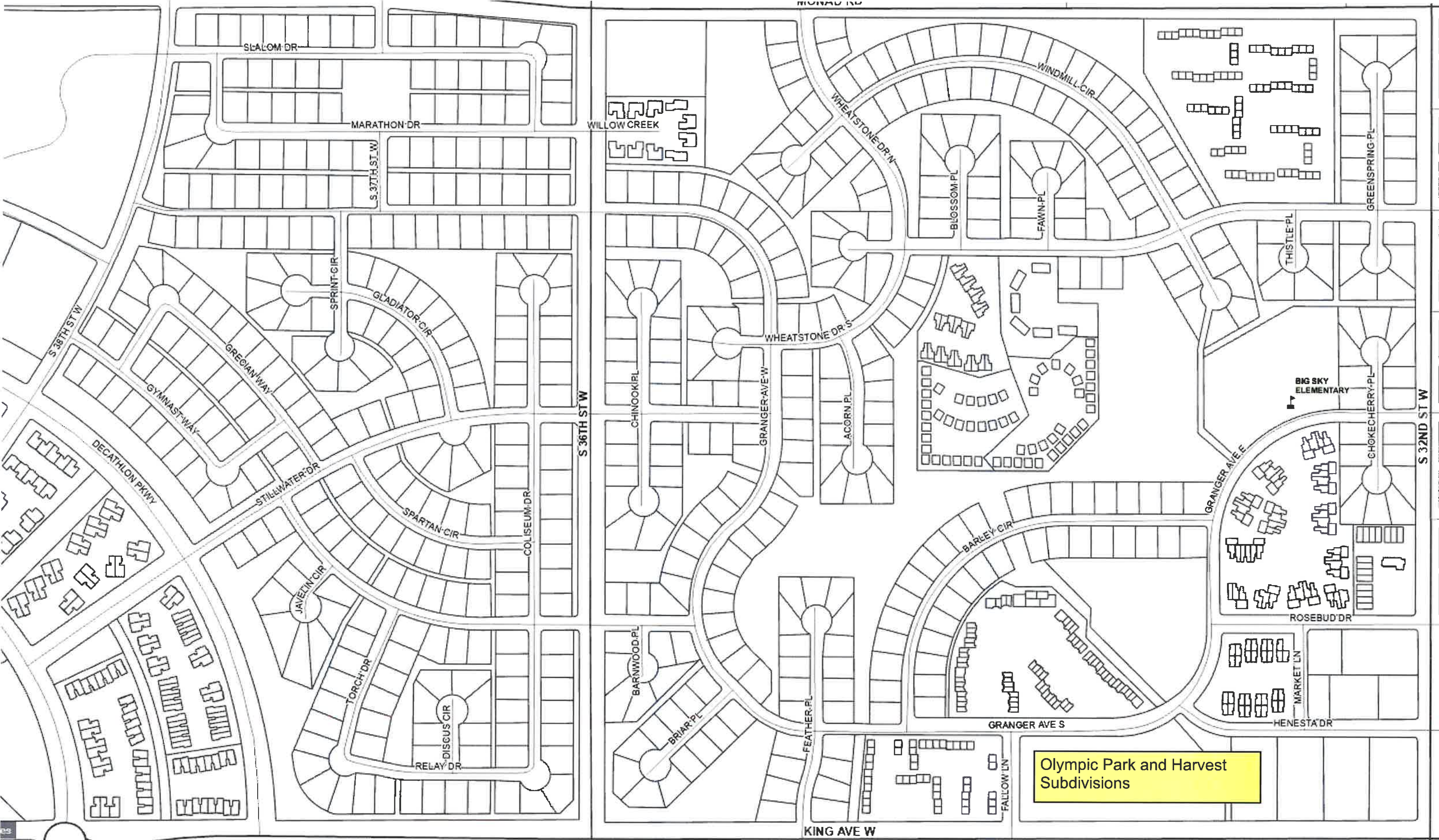
High Sierra Subdivision



0.51045841 Degrees

Ironwood Subdivision





Olympic Park and Harvest Subdivisions

RIMROCK RD

DONNA CT

DONNA DR

TREASURE DR

Poly Vista Estates

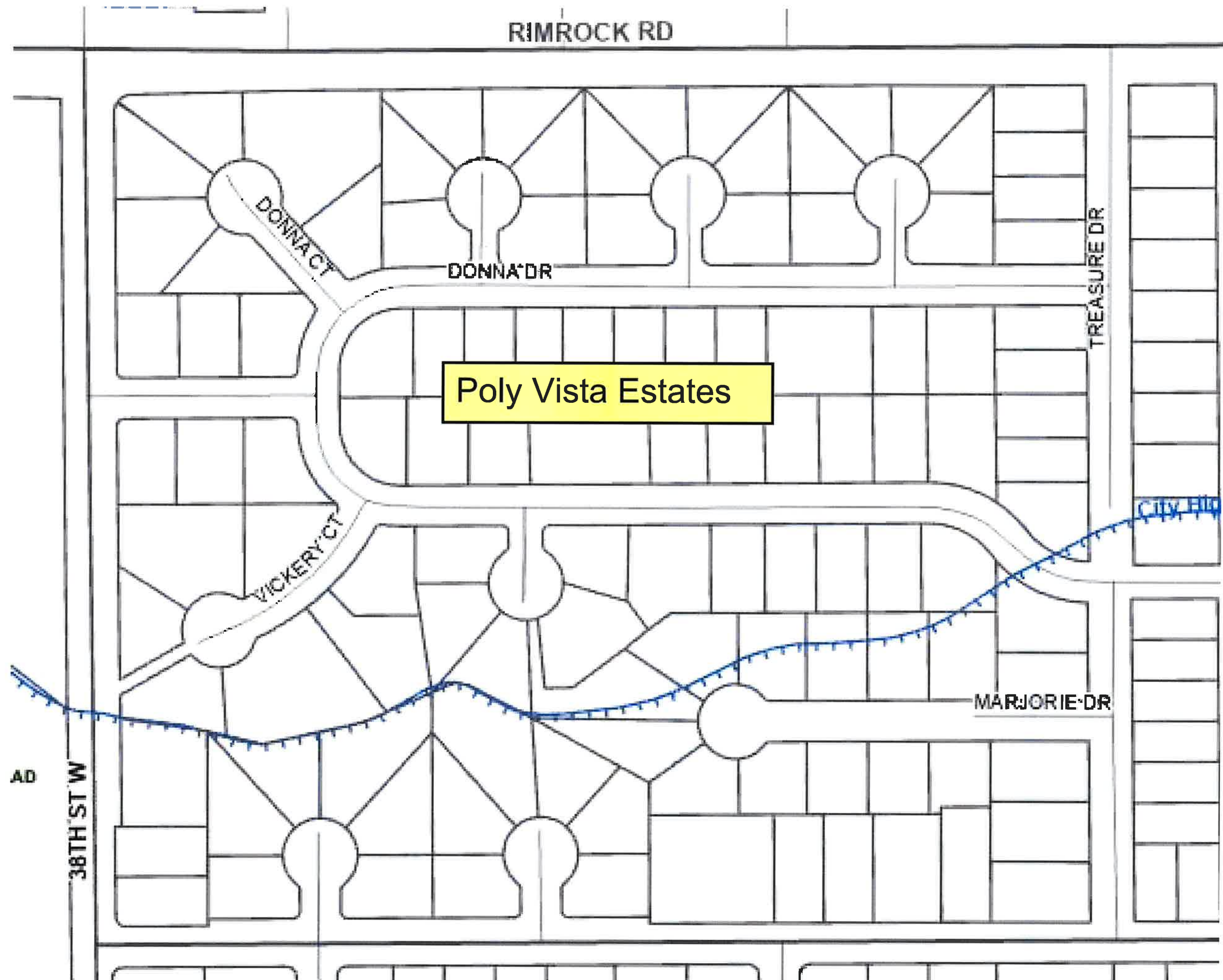
VICKERY CT

CITY HILL

MARJORIE DR

AD

38TH ST W



Rimpoint Subdivision



48TH ST W

PALISADES PARK DR

PINE COVE

RIM POINT DR

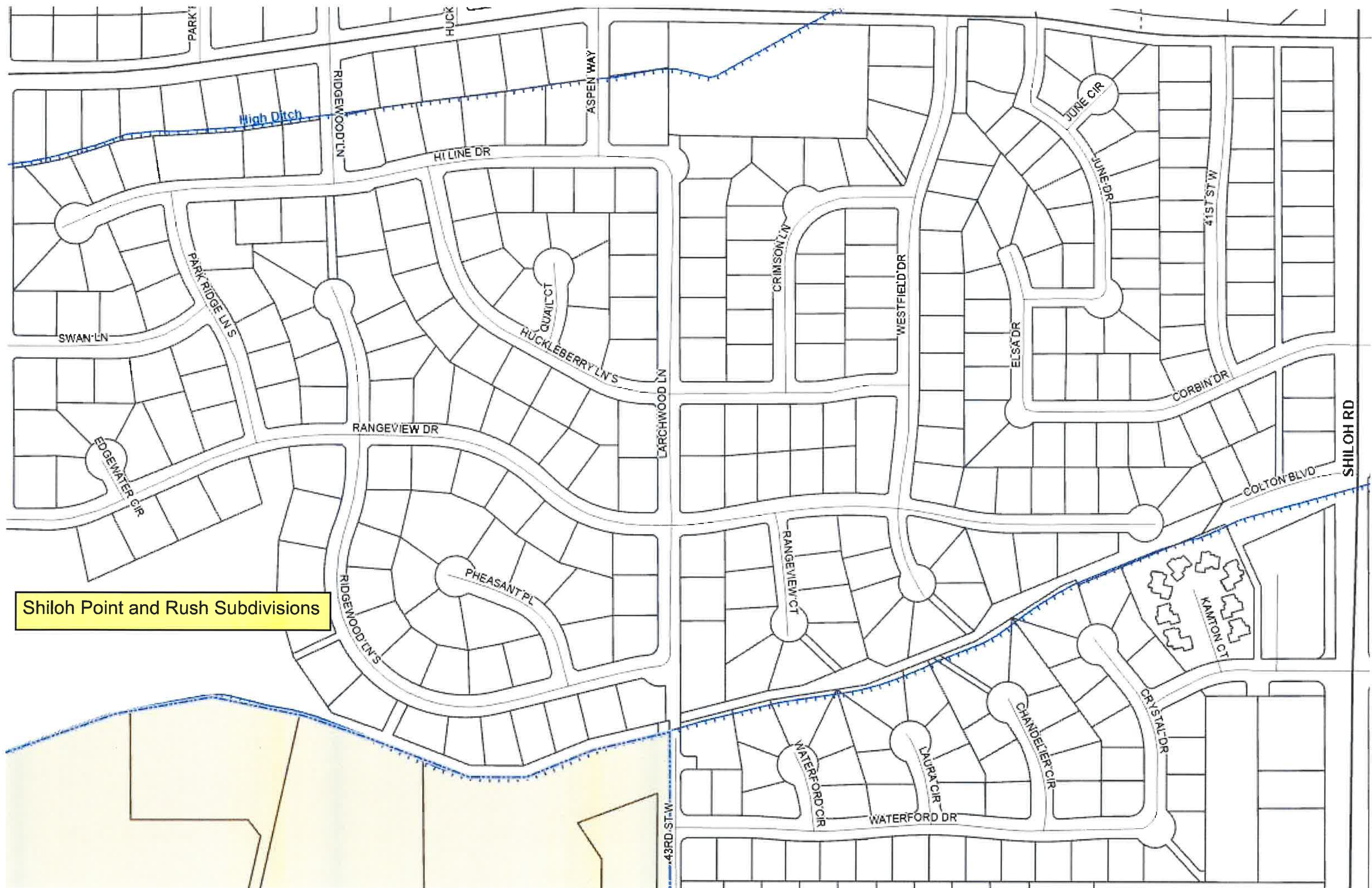
RIM POINT PL

HIGH PARK DR

RIMROCK-FRONTAGE RD

N WAY

OCK RD



Shiloh Point and Rush Subdivisions

PARK T

HUCK

RIDGEWOOD LN

ASPEN WAY

High Ditch

HI LINE DR

JUNE CIR

JUNE DR

41ST ST W

PARK RIDGE LN S

SWAN LN

QUAIL CT

HUCKLEBERRY LN S

CRIMSON LN

WESTFIELD DR

ELSA DR

CORBIN DR

EDGEWATER CIR

RANGEVIEW DR

LARCHWOOD LN

COLTON BLVD

SHILOH RD

Shiloh Point and Rush Subdivisions

RIDGEWOOD LN S

PHEASANT PL

RANGEVIEW CT

KANAWON CT

43RD ST W

WATERFORD CIR

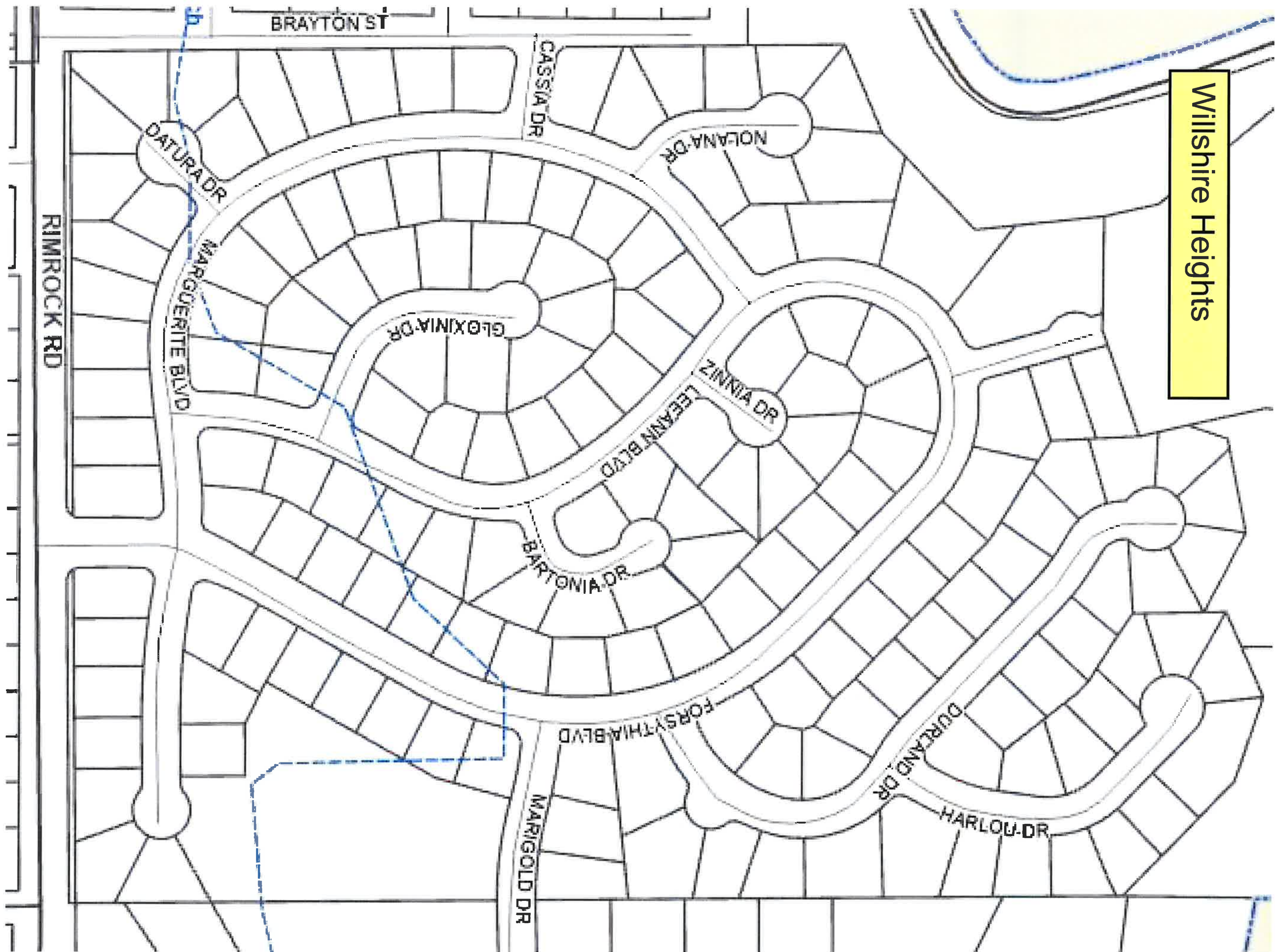
WATERFORD DR

LAURA CIR

CHANDLER CIR

CRYSTAL DR

Willshire Heights



City Council Work Session

Date: 08/05/2024
Title: Draft 2025 Unified Planning Work Program (UPWP)
Presented by: Lora Mattox
Department: Planning & Community Services
Presentation: Yes
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

Staff recommends that the Billings City Council at the August 5 Work Session hear a presentation on the 2025 Unified Planning Work Program (UPWP). The Council at the August 12 meeting will act on the UPWP and forward a recommendation to the Policy Coordinating Committee (PCC) scheduled to meet on August 20, 2024.

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

The City-County Planning Division is presenting the Draft 2025 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization (MPO) to the Billings City Council for review and recommendation to the Policy Coordinating Committee (PCC). The TAC reviewed and recommended approval of the UPWP to City Council, Board of County Commissioners and Planning Board at its meeting on July 18. The UPWP is primarily for programming federal funds that Billings receives from the Federal Highway Administration (FHWA) for transportation planning and the Federal Transit Administration (FTA) for transit (MET) planning. These funds are passed through the Montana Department of Transportation (MDT). All transportation planning activities are included in the UPWP to represent a comprehensive document for the urban transportation planning program. This UPWP proposes planning activities for Federal Fiscal Year 2025, running from October 1, 2024, through September 30, 2025, and corresponds directly with the Planning Division's annual work plan. Significant changes to this year's program include:

- Funding to maintain the Billings MPO Travel Demand Model, staff is anticipating that the ability to access the model in conjunction with the City of Billings Transportation System Study proposed will assist with review of proposed changes to road design and functionality;
- The review and modification of the 2023 Long Range Transportation Plan Project list and MPO Planning Boundary to comply with recent recommendations from FHWA;
- Update to the Mobile Trail Application;
- Completion of the transportation elements of the West End and Billings Heights Neighborhood Plans;
- The 21st Street Underpass Study (carry over from 2024);
- Bike Share RFP; and
- An update to the City of Billings Complete Streets Progress Report also in conjunction with the City of Billings Transportation System Study.

The Transit section is Chapter II of the UPWP. The document is consistent with past programs in both content and format.

STAKEHOLDERS

The local review of the UPWP each year involves public discussion sessions, work sessions, and regular business meetings of the City Council, Yellowstone County Board of County Commissioners, and Yellowstone County Board of Planning (Planning Board). The Planning Board also conducts a legally advertised public hearing at one of its meetings to review the UPWP. The public can provide comments, ask questions at any of these meetings, as well as provide formal public testimony at the Planning Board.

ALTERNATIVES

No action required, presentation only.

FISCAL EFFECTS

Approval of the 2025 UPWP allows the City to access federal funds for transportation planning in the community. Federal and local funds are combined to provide most of the planning work done by the Planning Division for the City and the County. If the UPWP is not approved, there would be a significant loss of resources for community planning, and the community's ability to manage transportation planning projects and programs would be severely limited.

The estimated breakdown of funding sources for the FY 2025 UPWP is as follows:

- \$274,000 Planning Dept. Fee Revenue (City of Billings)
- \$170,000 Planning Dept. Fee Revenue (Yellowstone County)
- \$642,650 Yellowstone County Planning Levy
- \$1,121,534 Federal Planning (PL) Allocation

Total Local and Federal Program Funding (UPWP): \$2,208,184

SUMMARY

Staff recommends that the City Council hear a presentation on the 2025 Unified Planning Work Program (UPWP). The Council at the August 12 meeting will take action on the UPWP and forward a recommendation to the Policy Coordinating Committee (PCC) scheduled to meet on August 20, 2024.

Approval of the UPWP grants access to federal funds for transportation planning, combining federal and local funds to support most planning work. Without approval, community planning resources would be significantly reduced, limiting the management of transportation projects.

Attachments

Draft 2025 UPWP
UPWP Power Point Slides

Billings Urban Area

Unified Planning Work Program

(UPWP)

Federal Fiscal Year

2025

Prepared By:

Billings/Yellowstone County Planning Division
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Billings, Montana 59101

In Cooperation With:

Montana Department of Transportation
Federal Highway Administration
Federal Transit Administration



UNIFIED PLANNING WORK PROGRAM

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INTRODUCTION

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

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

This year, Federal Fiscal Year 2025, the format for work program activities conforms to Federal Transit Administration (FTA) Ch 2 pt 4 of FTA Circular 8100.1D. The Montana Department of Transportation and the Yellowstone County Board of Planning have mutually agreed upon use of this format.

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

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

This document includes two chapters, Highway and Transit. Each chapter contains individual work elements. These work elements describe work the planning and transit staff will undertake in the program year as well as work accomplished in the past year. Also included is a breakdown of funding sources which include, Planning (PL) funds and Local (City & County) funds which are used to provide funding for non-PL eligible activities. Priorities this year include completing the Heights Neighborhood Plan, 21st Street Underpass Safety, Roadway, and Multi-Modal Improvement Study, the development of a Bike Share Request for Proposals, an update of the Complete Streets Progress Report, an update to the Trail App, a Long-Range Transportation Project List Audit and plan modification, and other projects.

IIJA/BIL requires an annual 2.5 percent of an MPO's PL allocation to be set aside for safe and accessible transportation options (SATO). To date, the MPO in FY24 is anticipating expending \$25,900. This included expenditures in the update to the Pedestrian/Bicycle Plan, the West End and Billings Heights Neighborhood Plan. The FY 25 set-aside is estimated at \$20,492. The MPO will program expenditure of the remaining required set-aside in this year's projects. Note: PCC as a governing body has not formally adopted any policy outside the Federal Mandate for Alternative Modes. Any reference to Complete Streets in this document refers to the City of Billings only.

DATES OF LOCAL APPROVAL

TAC -7/18/24
PLANNING BOARD -8/13/24
COUNTY COMMISSION -8/6/24
CITY COUNCIL -8/12/24
PCC -8/20/24
MDT- FWHA -

CHAPTER I

YELLOWSTONE COUNTY BOARD OF PLANNING

SECTION I UNIFIED PLANNING WORK PROGRAM

100 PROGRAM SUPPORT & ADMINISTRATION

100 PROGRAM ADMINISTRATION

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

Conformance with federal, state, and local administrative and regulatory requirements, as well as maintenance of planning operations was achieved for FY24.

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

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

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

City's Capital Improvement Plan (CIP). Implementation of the City of Billings Complete Streets Policy is ongoing with the continued collection of data to be incorporated into the City of Billings Complete Streets Status Report that is updated and published every three years. Implementation of the Billings Community Transportation Safety Plan will continue with reporting to MDT as required.

Online permitting continues to have a positive impact on development.

PROPOSED ACTIVITIES - FISCAL YEAR 2025

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

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

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

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

With the refilling of the Planner 1 positions, senior staff has had the ability to undertake a few neighborhood planning efforts this last year and will continue in this next year with the initiation of the update to the Growth Policy, and land use plan for the newly opened Skyway Drive area. These projects have been identified with local funding.

PL Eligible Activities

- As per the MPO's public participation plan and ongoing public outreach efforts, the planning staff will make available the documents and guidelines for transportation planning activities to the community, as well as keep abreast of federal and state requirements as they relate to the overall planning processes. These activities may include distribution of the Billings Area Bikeway and Trail Master Plan (soon to be the Billings Area Pedestrian and Bicycle Master Plan) to community organizations or individuals, distribution of the current Billings Area Tour Map for bicycle and pedestrian users and visitors, distribution and explanation of the latest Billings Urbanized Area Traffic Count Map and Bicycle Count Map, explanation and distribution of the MPO's public participation plan to groups involved or interested in transportation planning processes in the community, and explanation and information dissemination of the TA or other grant programs to possible project applicants in the community.
- Staff will monitor the PL & Memorandum of Agreement as necessary to meet the requirements of the IJA or any new legislation they may be approved in the upcoming fiscal year.

- Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation (MDT) in order to maintain federal funding support.
- The FY 2025 UPWP will be continually appraised and monitored in terms of content and budget allocations and will be revised when deemed necessary.
- The Fiscal Year 2026 UPWP will be developed under this work element.
- The Board of Planning, Board of County Commissioners and City Council will be kept informed of the activities of the staff and their progress in completing the approved UPWP.
- All planning staff will participate in recognized and approved training programs in order to improve staff skills and capabilities. Planning expertise will be maintained through enrollment in appropriate planning and transportation-related courses at area colleges, workshops, seminars, webinars and conferences.
- Staff will adapt software programs to effectively utilize traffic data and continue computer-training programs.
- The use of PL funds for out-of-state travel and/or registration fees for the above or other purposes will continue to be subject to prior approval of MDT.
- The MPO TA Program administration will be funded through this work element.
- The Infrastructure Investment and Jobs Act (IIJA) will be reviewed so staff may become familiar with changes affecting the metropolitan planning process.
- Transportation Planning Intern, to mainly assist in Active Transportation duties including provide information to the Public Works Board, Bicycle and Pedestrian Advisory Committee and others. Data collection as it pertains to Active Transportation
- Planning activities pertaining to Bicycle-Pedestrian in this work element will include:
 - Work field inspections, handle complaints and investigate problem areas of the Bike/Pedestrian system.
 - Presentations as needed.

Locally Funded Activities

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

STAFFING

24.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

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

PRODUCT

- An ongoing administrative program focused primarily on effective and expeditious implementation of this UPWP.

- The continual enhancement of the Planning Division staff skills and knowledge.
- Maintenance of a coordinated, comprehensive, and cooperative planning process that is endorsed and supported by the local community.
- The development of the FY26 UPWP.

FUNDING SCHEDULE - ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

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

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	55	45	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$295,900	\$242,100	\$538,000**
TOTAL	\$280,500	\$229,500	\$510,000**

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

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

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

Members of the planning staff were involved in a wide range of service tasks. Planning services included presentations related to roadways and alternative transportation, responding to citizen inquiry and complaints regarding streets, subdivision layout, site distance, zoning request, conformance with the 2024 Transportation Plan and the Billings Area Bikeway and Trails Master Plan, City of Billings 2016 Growth Policy, the Lockwood Growth Policy and various neighborhood and community plans.

Staff presented transportation planning information to its organization and agency partners as needed for educational and decision-making purposes. Planning staff also shared information with the community and stakeholders throughout the development of several planning efforts.

PROPOSED ACTIVITIES - FISCAL YEAR 2025

PL Eligible Activities

- Staff is targeting webinars which educate staff and public on the transportation planning process and funding as related to the operation of the MPO.
- The Planner I position will also be working within this element. These positions will provide transportation and related planning information to the general public and interested organizations.
- Planning Division and Transportation Planning staff continually look at ways to disseminate and provide information on transportation activities, social media posts addressing transportation safety, and upcoming events.

Locally Funded Activities

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

STAFFING

4 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

As Assigned.

PRODUCT

- A responsive and flexible planning process utilizing staff capable of providing short-term findings and recommendations, as well as ongoing customer service to the public on all levels of planning projects and regulations.
- Provide transportation related webinars to staff, local officials and general public to educate on current transportation issues.
- In addition to the transportation specific webinars, staff also provides general planning webinars that are advertised to all city staff, local officials and the general public. These webinars are scheduled routinely and can include up to 3 webinars a month. Participation anticipated at these webinars is 5-10 person per viewing. This number can fluctuate depending on the topic. Staff participation is approximately 3-5 per viewing contingent on scheduling.

FUNDING SCHEDULE - SERVICE

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

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

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	50	50	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$32,500	\$32,500	\$65,000
TOTAL	\$32,500	\$32,500	\$65,000

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

102 CITIZEN INVOLVEMENT

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

Numerous meetings with service clubs, civic groups, and professional organizations were attended by staff members to discuss all facets of local planning. The Planning Board used extensive public input to review and receive comments on a wide range of planning issues throughout the City and County. Meetings of neighborhood task force organizations and neighborhood advisory committees were also attended as requested to answer questions and review long-range planning issues, particularly related to transportation planning and projects, as well as code enforcement complaints. Projects specifically related to citizens and citizen boards included the update to the 2016 Pedestrian/Bicycle Master Plan and the final development of the Phase II Safe Routes to School Plan.

PROPOSED ACTIVITIES - FISCAL YEAR 2025

PL Eligible Activities

- Outreach to the public and all affected jurisdictions for ongoing transportation projects, including but not limited to several MDT planning and construction projects such as the North Billings Bypass, 1st Avenue North reconstruction, 6th Street Underpass project and several MPO projects. The MPO has several projects that will be completed and initiated this upcoming year including the completion of the update to the 2016 Bike/Ped plan as well as the new transportation planning studies identified in this UPWP.
- The staff will continue to support the Bicycle and Pedestrian Advisory Committee. The Committee is responsible for forwarding recommendations to the Planning Board and governing bodies on bicycle safety, bike lanes, pedestrian safety and access, and other matters. The group will be involved in the nomination and review of TA Program eligible projects, bicycle and pedestrian signing and safety projects, grant applications for non-motorized transportation projects, and community education and outreach on bicycle and pedestrian safety within the MPO.
- The MPO has several planning efforts this year and next, as part of its continuous efforts to engage the public in these transportation planning efforts, staff will be actively engaged with the City of Billings Public Information Officer (PIO) to push information and public participation opportunities to the community.
- TAC and PCC meetings will be held, and meeting information disseminated as necessary.
- Staff will continue to update and maintain the MPO's website to provide the most current up to date information to the community.
- Staff will utilize web-based GIS and web mapping software for assistance in transportation planning.
- Some of the specific projects that will involve community participation include the completion of the update to the Bike and Ped Plan, an update to the Complete Street Progress Report, a Bike/Scooter Share RFP, and other transportation planning elements identified in Work Element 302. These projects will include extensive public participation and solicitation.

Locally Funded Activities

- Meetings with various citizen groups will be coordinated and attended for the purpose of soliciting information and ideas on a broad range of planning issues within the Billings Urban Area and throughout Yellowstone County.

- Community participation using new tools and techniques will also be included in all planning studies proposed within this document.
- Staff will utilize web-based GIS and Web mapping software for assistance in land-use planning.

STAFFING

6.0 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

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

FUNDING SCHEDULE - CITIZEN INVOLVEMENT

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

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

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	50	50	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$51,000	\$51,000	\$102,000
TOTAL	\$51,000	\$51,000	\$102,000

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

200 GENERAL DEVELOPMENT & COMPREHENSIVE PLANNING

200 Community Planning

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

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

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

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

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

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

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

While not a part of PL funds, the City of Billings was awarded a Safe Streets for All (SS4A) grant from the US DOT. The Active Transportation Planner anticipates dedicating a significant amount of time to managing this grant, including coordinating a public education campaign about Safe Routes to School and helping to provide management for the implementation of Safe Routes to School projects.

PROPOSED ACTIVITIES - FISCAL YEAR 2025

PL Eligible Activities

- The MPO is proposing adding an additional employee this year to the PL formula. In 2008, the recession forced the Planning Division to reorganize staffing and eliminated the Long Range/Neighborhood Planner position. Based on community and City Council goals, this position is needed to complete numerous neighborhood, subarea, and long range plans. The funding structure is set at a 30-70 split, with 30 percent of the budget provided by the PL and the remaining 70 percent covered by local funding. This collaborative funding approach ensures that the Neighborhood Planner is well-resourced to address local needs while aligning with broader planning objectives. The Neighborhood Planner will play a crucial role in the MPO’s transportation planning activities, including:
 - Community Engagement.
 - Data Collection and Analysis.
 - Assistance with the development of Transportation Plans.

- The web-based GIS software is compatible with available datasets and utilizes the existing data sets more effectively. The GIS software will be utilized to develop a series of maps, including existing and proposed pedestrian trail routes and projects in the community, maps to implement the Long-Range Transportation Plan, updates to a preferred growth area map in conjunction with the City’s Limits of Annexation Map, mapping of focus areas for implementation of the City’s Infill Development Policy, and others. This ability of the GIS program allows for anticipating and planning for the transportation network in areas of annexation and infill. This will assist in the implementation of our LRTP and project planning for future plans and studies.
- The planning staff, under the direction of the Board of Planning, will continue to work on long-range planning projects according to the priorities established by both the City of Billings and Yellowstone County. In particular, the continuing implementation of the 2024 Long Range Transportation Plan Update, and the update to the 2017 Bikeway and Trails Master Plan.

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

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

Locally Funded Activities

- Senior staff will be undertaking development of a variety of long-range land use plans this upcoming year that all will include significant public involvement and engagement including as mentioned earlier.
- The Planner I’s will continue to undertake the review of:
 - Zoning applications. The development and adoption of Project Re:Code now ties land uses and land patterns to the road and street network.
 - Site development plans to address clear vision and controlled and shared access points.
 - Site development plans address newly implemented build to zones which prevent traffic flow in front of buildings.
 - Site orientations that allow for internal traffic and other services, for example, drive through locations.
- Staff also will continue to work with the Big Sky Economic Development (BSED) to implement the Master Plan for the East Billings Urban Renewal District (EBURD), the Hospitality Corridor Planning Study, the Exposition Gateway Concept Plan and the South Billings Boulevard Urban Renewal District (SBBURD) Master Plan. The plans include detailed analysis of the transportation and land use connections in the area and promote sustainable development projects.
- Staff plans to work with the City, County, BSED, and neighborhood groups to identify planning needs in various parts of the urbanized area.
- Continued maintenance and update of socio-economic and land use data for both transportation and comprehensive planning activities will continue in 2025, with 2020 Decennial Census data and the 2022 American Community Survey data.
- Various GIS databases and layers will continue to be developed and centrally maintained, including information on neighborhoods, community assets, route planning, trail systems and transportation plans.
- The new web-based system tracking and managing projects will include application information on zoning and subdivision applications.
- Neighborhood planning activities will be initiated to identify local issues and strategies to assist neighborhood groups and organizations with neighborhood sustainability, equity, and safety.

STAFFING

29 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- Various reports, files, and projections of socio-economic data necessary for current transportation and comprehensive planning activities, as well as support of City/County economic development activities.
- An ongoing GIS database/mapping system for the City of Billings and Yellowstone County.
- Ongoing updates to the preferred growth areas mapping and analysis for the City, implementation of the City Infill Development Policy, SBURD Master Plan, the 2024 Long Range Transportation Plan Update, 2018 Public Participation Plan, the Downtown Area Traffic Circulation and Safety Study, Wayfinding Sign Plan, and the Heritage Trail Tour Map and App.

FUNDING SCHEDULE - COMMUNITY PLANNING

FUNDS PROGRAMMED - FISCAL YEAR 2024

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

DISBURSEMENT PERCENTAGE			
AGENCY	PL	LOCAL	TOTAL
MPO	30	70	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE			
AGENCY	PL*	LOCAL	TOTAL
MPO	\$104,400	\$243,600	\$348,000
TOTAL	\$104,400	\$243,600	\$348,000

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

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

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

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

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

PROPOSED ACTIVITIES - FISCAL YEAR 2025**PL Eligible Activities**

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

- Site development plans to address newly implemented build to zones which prevent traffic flow in front of buildings.
- Site orientations that allow for internal traffic and other services, for example, drive through locations.

Locally Funded Activities

- Carrying out the day-to-day activities required to effectively administer the zoning regulations as well as ensure that land use information is current and available for all long-range transportation planning efforts, including Transportation Plan updates, specific road projects, corridor studies and the North Bypass project.
- Activity in 2025 will include ordinance updates as required by State law or requested by the public or governing bodies.
- All zone change applications will be reviewed for compliance with local plans.
- Staff will continue the update to Zoning Code based on fulfilling policy goals set by the local governing body including Growth Policy, Neighborhood Plans, and by increasing safe and accessible transportation planning options Streets and Infill Policies.

STAFFING

13.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

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

FUNDING SCHEDULE - ZONING ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

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

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	20	80	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$42,000	\$168,000	\$210,000
TOTAL	\$42,400	\$168,000	\$210,000

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

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

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

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

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

PROPOSED ACTIVITIES - FISCAL YEAR 2025

PL Eligible Activities

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

2025 for a variety of projects, including the implementation of the Long-Range Transportation Plan, the Bike/Ped Plan and continued analysis for the North Bypass.

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

Locally Funded Activities

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

STAFFING

15 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- An effective subdivision review process regarding local and state law, the Growth Policy, and the Billings Area Transportation Plan.
- Accurately identified and reviewed the street segments proposed in the new subdivision to ensure their alignment with the designated road functional classifications as outlined in the 2023 Transportation Plan Functional Classification Map. This involved a thorough analysis to verify that each street segment meets the specific criteria and standards set forth in the plan, ensuring consistency with the broader transportation network and supporting the intended flow of traffic. The review process included cross-referencing proposed street layouts with the functional classification map, assessing potential impacts on traffic patterns, and confirming that the street segments will contribute to an efficient and well-coordinated transportation system within the subdivision and its connection to existing infrastructure.

FUNDING SCHEDULE - SUBDIVISION ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

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

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	30	70	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$63,900	\$149,100	\$213,000
TOTAL	\$63,900	\$149,100	\$213,000

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

300 LONG RANGE TRANSPORTATION PLANNING

300 TRANSPORTATION SYSTEM DATA

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

The traffic, trail and bike lane count programs for FY 2024 was completed. Travel times/delay/speed studies were completed, calculations computed, and level-of-service values determined. This data was used for various planning and engineering projects throughout the year. In addition, the public commonly requests this data for land use planning.

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

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

PROPOSED ACTIVITIES - FISCAL YEAR 2025

PL Eligible Activities

- The traffic count program for the Billings Urban Area as well as the Yellowstone County influence area will be conducted and the appropriate data recorded during FY2025. All traffic count data will be submitted to the MDT by February 1, 2025.
- Staff will update, where appropriate, the City's Capital Improvement Program.
- Continue with the contract position with City Engineering to continue traffic and trail counts.
- Staff will collect and maintain bike/pedestrian information through the trail census and use of the trail-bike/pedestrian scanners. The information from the bike/pedestrian counts links directly to the development of the LRTP and the MPO's non-motorized planning studies. These counts also contribute to other planning projects such as the City of Billings Complete Streets Progress Report. This activity is in conjunction with MPO region wide planning.
- The traffic count data archive will be maintained and accessible for other agencies and the public.
- Data will also be used during proposed FY25 Planning Studies.
- The Bicycle-Pedestrian activities will continue. Duties will include but not limited to:
 - Maintain Bike/pedestrian data bases in conjunction with MPO region wide planning purposes.
 - Maintain data base for easement acquisition.
 - Transportation Planning Intern will assist in the above-mentioned duties for the Active Transportation Planner.

STAFFING

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

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning/MDT

PRODUCT

- Documentation as necessary, support of transportation grant programs, transportation system modeling, updated Traffic Count Program, and research and integration of traffic information into planning projects and development review activities.
- Current traffic count data. Traffic counts are vital for any long-range planning efforts and during development of commercial and residential projects. Traffic counts also directly relate to the development of projects in the LRTP and ultimately for programming in the TIP.
- Current bike/pedestrian counts. MPO uses these counts for the development of the non-motorized network. This information is used for the development of the Bikeway and Trails Master Plan (being updated as the Billings Area Pedestrian and Bicycle Master Plan) as well as for applications for various grants.
- To comply with Federal Guidelines for reporting Performance Measures under the BUILD Grant, the MPO will contract to develop the following performance measure components: Crash rates by type and severity, average daily traffic, and bike and pedestrian count/trips. This information is required at various time frames including a baseline, year 1, year 2, and final report in year 3.
- The City of Billings is developing a Transportation Master Plan to evaluate the existing road network and various transportation elements. The Metropolitan Planning Organization (MPO) proposes using PL funding for travel demand modeling to analyze proposed roadway improvements or scenario planning. This modeling will help assess how the proposed roadways would function and their overall impact on the transportation network. The MPO has previously contracted with Kittelson & Associates for modeling assistance with transportation planning projects as needed.

FUNDING SCHEDULE - TRANSPORTATION SYSTEM DATA

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

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

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$190,000	\$0	\$190,000**
TOTAL	\$190,000	\$0	\$190,000**

*The matching ratio is Federal PL--86.58% and State match-13.42%. **This Includes - \$12,500 for Traffic Counters, \$500 for a Traffic Tech tablet, \$75,000 for Maintenance of the Billings MPO Travel Demand Model.

301 TRANSPORTATION PLAN

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

Staff implemented the 2023 Long Range Transportation Plan. Elements in the Plan include Goals and Objectives, a Transit section, an analysis of the railroad interface with the community, and a review of current projects listed in the Plan.

Staff has actively been participating in the update to the Billings West End Plan. This plan, completed in 2013, created a land use plan for a rapidly growing area. With the grant funds, plus PL funds for a transportation element, this plan can be updated to look at today's current land use and the community desire for this continuing growing area of the MPO. In addition to the West Billings Plan, the Planning Division is also updating the Heights Neighborhood Plan that also contains a separate PL funded transportation element. Also, with the changes in the land use section of the Montana Code during this last Legislative session, the Billings City Council allocated funding to update the 2016 Billings Growth Policy. Finally, with the construction of Skyway Drive (Inner Belt Loop), the Division will be undertaking a joint project with the City of Billings Public Works Department on a land use plan that will identify infrastructure/utility needs and desired land use development.

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

PROPOSED ACTIVITIES - FISCAL YEAR 2025

PL Eligible Activities

- During the FHWA/MDT audit of the Billings MPO, FHWA provided constructive recommendations on the project list in the 2023 LRTP, highlighting several inaccuracies and noting that the list was confusing to review. The MPO proposes using PL funds to audit and redesign the project list to ensure accurate funding sources and listings. Additionally, the MPO needs to update its urban planning boundary to comply with the 2020 Census review of the urbanized area. These updates will be incorporated into a modification of the 2023 LRTP to address these needs.
- Update the Trail Mobile Application. The trail mobile application was created in 2019 to make it easier for residents and visitors to utilize the bikeway and trail system with an easy to use mobile app. 5 years later, the app needs to be updated to ensure compatibility with newer mobile devices and to update some of the user interface.
- Continue and complete the update to the Billings Heights Neighborhood Plan. The plan has a significant MPO lead transportation element this will include accident and volume data as well as neighborhood mobility, safety and equity in the transportation system. In addition to this neighborhood plan, Planning staff will be leading an effort to complete a City Council funded land use plan for the area of the Inner Belt Loop. This connection has been constructed through a Federal BUILD grant. This land use plan will build off the 2020 Inner Belt Loop Corridor Study completed by the MPO.
- Projects will continue to be reviewed for future implementation in the City's CIP and the MPO's TIP.

STAFFING

13 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

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

FUNDING SCHEDULE - TRANSPORTATION PLAN

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

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

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$150,000	\$0	\$150,000**
TOTAL	\$150,000	\$0	\$150,000**

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

**Approximately \$50,000 for LRTP Project Audit/Plan Modification, \$20,000 Update to the Mobile Trail Application, \$37,500 to complete the Heights Neighborhood Plan.

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

- Completed and adopted Phase II of the Safe Routes to School Plan. This study includes Billings Middle, County Urban Elementary, and Private Schools interested in participating in the development of a Safe Routes to School Plan.
- The continuation of the update to the 2017 Bikeway and Trails Master Plan.
- Hired a transportation intern to assist with transportation planning project. This intern has been continuously assisting the staff in public outreach, GIS tasks, social media posts on transportation safety, and other items.

PROPOSED ACTIVITIES - FISCAL YEAR 2025**PL Eligible Activities**

- Develop a Bike and Scooter Share RFP. In 2020, the MPO completed a Bike and Scooter Share Feasibility Study Plan. At that time, the plan recommended implementing a City run bike and scooter share program. The industry has since changed, and several companies have approached the Billings community about running a shared mobility program in Billings. To get the most out of a potential partnership, the MPO will assist in developing an RFP to solicit a company (or possibly more) to operate in Billings. Using an RFP will help the community help to keep the shared system organized and improve integration into the rest of the transportation system.

The Bike/Scooter Share RFP will be completed mainly in-house with a small consultant contract. The MPO anticipates beginning to draft the bike/scooter share RFP in the 2nd quarter of FY2025. Given the small amount for the consultant contract, the MPO can negotiate directly with the consultant in Q2. The consultant will be brought on board to help review the RFP and provide suggestions of best practices of what has worked in other cities. During Q2, the MPO will also discuss possible bike/scooter share with the Billings City Council. During the 3rd quarter, the MPO will finish drafting the RFP. During the 4th quarter, the MPO will release the RFP for consideration by possible providers.

- 21st Street Underpass Study, this study was slated to be completed in the 2024 UPWP, but due to circumstances, this study has been moved and budget enhanced to this UPWP. The purpose of the study is to review the current facility and identify strategies and improvements for safety, multi-modal, and roadway improvements. This underpass is currently only one of two access points to circumvent the railroad during train use. Improvements to this vital connection are key to public safety and would allow use for all users, motorized and non-motorized. This project will require significant input and cooperation with Montana Rail-Link and BNSF Railroad. The MPO is proposing to draft and release the RFP for this project in the 1st quarter of FY2025 and select the consultant.

We anticipate that in the 2nd quarter of FY2025, we will work with consultant and steering committee to develop the desired elements of the study. Finally, the 3rd quarter of FY2025 would include issuing the draft for public comment, finalize the study, incorporate comments received and begin the local transportation planning review process with final action and approval by the Policy Coordinating Committee.

- The MPO will undertake the update of the Complete Streets Progress Report. This report is updated every three years, and tracks progress of the City of Billings’ Complete Streets policy. The progress report tracks performance measures and shares information about different efforts happening in the community.

The Complete Streets progress report will be completed mainly in-house with a small consultant contract. The consultant will likely conduct an economic analysis of the complete streets policy. The MPO anticipates convening the stakeholder group for the Complete Streets Progress report in the 1st quarter of FY2025. Given the small amount for the consultant contract, the MPO can negotiate directly with the consultant in Q1. During the 2nd quarter, the MPO, along with stakeholders, will draft the plan. During Q3, the MPO anticipates wrapping up the report and presenting it to City Council.

- The Transportation Planning Intern is scheduled to assist in a variety of transportation activities including Safe Routes to School activities, Kids in Motion activities, Commuter Challenge, and other transportation activities identified by MPO staff.

Locally Funded Activities

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

STAFFING

8.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

- Completed Urban Area-wide transportation studies for the 21st Street Underpass, update the Complete Streets Progress Report and develop a RFP for a Bike Share Project.

FUNDING SCHEDULE – PLANNING STUDIES

FUNDS PROGRAMMED - FISCAL YEAR 2024

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

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	60	40	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$120,000	\$80,000	\$200,000**
TOTAL	\$120,000	\$80,000	\$200,000**

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

** 21st Street Underpass \$150,000; Bike Share RFP \$20,000; Complete Streets Progress Report Update \$20,000; Transportation Planning Intern \$10,000.

500 TRANSPORTATION IMPROVEMENT PROGRAM

500 TRANSPORTATION IMPROVEMENT PROGRAM

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

The MPO completed four TIP amendments in FY24. These updates included updating projects, project costs and project timing. The last amendment was approved on April 28, 2024. Since that last amendment, the MPO developed a new TIP for 2024-2028.

PROPOSED ACTIVITIES - FISCAL YEAR 2025

PL Eligible Activities

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

STAFFING

2.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

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

FUNDING SCHEDULE - TRANSPORTATION IMPROVEMENT PROGRAM

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$35,000	\$0	\$35,000
TOTAL	\$35,000	\$0	\$35,000

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$35,000	\$0	\$35,000
TOTAL	\$35,000	\$0	\$35,000

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

600 SPECIAL PROJECTS

600 ENVIRONMENTAL CONSIDERATIONS

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

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

The MPO collaborated with MDT on the development MDT Statewide Carbon Reduction Strategy Plan.

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

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

PROPOSED ACTIVITIES - FISCAL YEAR 2025

PL Eligible Activities

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

STAFFING

2.5 Staff Months – City/County Planning

FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

PRODUCT

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

FUNDING SCHEDULE - ENVIRONMENTAL CONSIDERATIONS

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

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

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE

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

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

700 OTHER ACTIVITIES

700 UN-PROGRAMMED FUNDS

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

N/A

PROPOSED ACTIVITIES - FISCAL YEAR 2025

PL Eligible Activities

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

STAFFING

N/A

FUNCTIONAL AGENCY RESPONSIBILITY

N/A

PRODUCT

N/A

FUNDING SCHEDULE - CONTINGENCY

FUNDS PROGRAMMED - FISCAL YEAR 2024

FUNDING SOURCE

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

DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	100	100

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$5,834	\$120,350	\$126,184
TOTAL	\$5,834	\$120,350	\$126,184

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

SECTION II -- FUNDING

TABLE I FUNDING SUMMARY FEDERAL FISCAL YEAR 2025

WORK ELEMENT	FUNDING SOURCES FY 2025		
	PL*	LOCAL	EST. COST
100 Administration	\$295,900	\$242,100	\$538,000
101 Service	\$32,500	\$32,500	\$65,000
102 Citizen Involvement	\$51,000	\$51,000	\$102,000
200 Community Planning	\$104,400	\$243,600	\$348,000
204 Zoning	\$42,000	\$168,000	\$210,000
205 Subdivision	\$63,900	\$149,100	\$213,000
300 Transportation System	\$190,000	\$0	\$190,000
301 Transportation Plan	\$150,000	\$0	\$150,000
302 Planning Studies	\$120,000	\$80,000	\$200,000
500 T.I.P.	\$30,000	\$0	\$30,000
600 Environmental	\$36,000	\$0	\$36,000
700 Un-Programmed Funds	\$5,834	\$120,350	\$126,184
TOTAL	\$1,121,534	\$1,086,650	\$2,208,184

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

TABLE II FUNDING COMPARISONS

WORK ELEMENT	FY 2025 ESTIMATED COST	FY 2024 ESTIMATED COST
100 Administration	\$538,000	\$510,000.00
101 Service	\$65,000	\$64,000.00
102 Citizen Involvement	\$102,000	\$100,000.00
200 Community Planning	\$348,000	\$350,000.00
204 Zoning	\$210,000	\$212,000.00
205 Subdivision	\$213,000	\$215,000.00
300 Transportation System	\$190,000	\$175,000.00
301 Transportation Plan	\$150,000	\$400,000.00
302 Planning Studies	\$200,000	\$360,000.00
500 T.I.P.	\$30,000	\$37,000.00
600 Environmental	\$36,000	\$36,000.00
700 Un-Programmed Funds	\$126,184	\$13,790.00
TOTAL	\$2,208,184	\$2,472,790.00

**TABLE III
FUNDING PERCENTAGES FEDERAL FISCAL YEAR 2025**

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

**TABLE IV
STAFF MONTHS BY WORK ELEMENT FISCAL YEAR 2025**

Work Element	Director-Friday	MPO Coord.-Mattox-Planner II	Planner I-Husman	Planning Manager-Vickers	Planner II (Trans)-Vac	Clerk-Berns	Planner II-Green	Planner I-Johnson	Planner I-Kelly	Zoning Coord.Planner II-Cromwell	Planner I (Trans)-Monat	Planner II (LRP)-Vac	Total M.M.
100	7	1.5	2.5	5.5	0.5	1.5	0.5	0.5	2	1	1.5	0.5	24.5
101	0.5	0	1	0	0	0	0.5	0.5	0	1	0	0.5	4
102	0.5	0	0.5	0.5	0.5	0.5	1	0.5	0	0	0	2	6
200	1.5	0	5	2	1	2	1	5	3	1	2.5	5	29
204	0	0	0.5	0.5	0	0.5	0.5	2	3	6	0	0.5	13.5
205	0	0	0.5	1	0	0.5	7.5	0	3	2	0	0.5	15
300	0	2.5	0.5	0.5	5	2	0	0	0	0	3	0	13.5
301	0.5	4	0	0.5	2	2	0	0	0	0	2	2	13
302	0.5	1	0	0.5	1	1	0	2.5	0	0	2	0	8.5
500	0.5	1	0	0	0.5	0.5	0	0	0	0	0	0	2.5
600	0	1	0.5	0	0.5	0.5	0	0	0	0	0	0	2.5
Total	11	11	11	11	11	11	11	11	11	11	11	11	132

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

WORK ELEMENT	CITY TRAF. TECHNICIAN
300	11
TOTAL	11

TABLE V
ELIGIBLE SAFE AND ACCESSIBLE TRANSPORTATION OPTIONS
PLANNING ACTIVITY BY WORK ELEMENT FISCAL YEAR 2025

WORK ELEMENT	FY 2025 ELIGIBLE SAFE AND ACCESSIBLE TRANSPORTATION OPTIONS PLANNING ACTIVITY ESTIMATED COST	FY 2024 ELIGIBLE SAFE AND ACCESSIBLE TRANSPORTATION OPTIONS PLANNING ACTIVITY ESTIMATED COST
301 Transportation Plan	\$10,000	\$11,100
302 Planning Studies	\$10,492	\$25,900
TOTAL	\$20,492	\$37,000

The 2.5% PL Funding set-aside for Alternative Modes Planning activities have a match ratio of 86.58% Federal Share/13.42% State Share and are eligible for 100% Federal Share in FFY2024 and FFY2025.

SECTION III

INDIRECT COST PLAN

INTRODUCTION

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

IDENTIFICATION OF COSTS

The costs are delineated below by type:

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

ALLOCATION OF COSTS

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

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

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

FUNDING SOURCES

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

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

Planning Dept. Fees (City of Billings)	\$274,000
Planning Dept. Fees (Yellowstone Co.)	\$170,000
Yellowstone County (Mill)	\$642,650
PL*	\$1,121,534
TOTAL	\$2,208,184

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

SUMMARY

The indirect cost rate is a predetermined fixed rate which is not subject to adjustment. The base period used in determining the rate is the period from July 1, 2023, through June 30, 2024. The calculated rate is applicable to the grant period, which is October 1, 2024, through September 30, 2025.

CHAPTER II

CITY OF BILLINGS TRANSIT DIVISION

SECTION I UNIFIED PLANNING WORK PROGRAM ELEMENTS

44.21.00 PROGRAM SUPPORT ADMINISTRATION

44.21.01 ADMINISTRATION

OBJECTIVE

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

ACCOMPLISHMENTS - FISCAL YEAR 2024

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

Staff remained informed of Federal and State requirements concerning all federal funding sources including, but not limited to, sections 5303, 5307, 5310, and 5339. Staff managed and revised grants in response to additional allocations from state and federal sources.

Staff prepared and submitted quarterly progress and expenditure reports to MDT to maintain federal and state funding support.

Staff attended training opportunities to enhance knowledge and skills, including the Spring Montana Transit Association conference focused on transit safety planning and procurement compliance, American Public Transportation Mobility Conference with emphasis on changing mobility trends and zero emission vehicle strategies, FTA Financial Management Oversight and Procurement Training, and other education opportunities and webinars on various safety and federal requirements.

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

Updated the Public Transit Agency Safety Plan for MET Transit for the required annual review; this included additional training program development for operator and dispatch staff including a newly acquired Bus Operator Training Simulator awarded with FY22 5339c competitive funding.

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

Staff prepared the DBE Program semi-annual reports and completed webinar training on updated DBE Program Plan updates from the Federal level, to ensure continued attempts to meet DBE Program goals while planning capital purchases.

Staff participated in the two-day MPO Review with FHWA, FTA, and MDT staff members, discussing and evaluating current MPO and Transit policies and procedures.

PROPOSED ACTIVITIES - FISCAL YEAR 2025

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

- Continue to assess data-keeping and gathering practices with focus on further technology utilization and process improvement in response to findings in the FTA Triennial Review completed in FY2023.
- Update the 2012 DBE Program Plan based on newly required Federal updates.
- Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation, Urban Planning Division to maintain funding requirements.
- The FY2025 UPWP will be monitored and revised as necessary.
- The FY2026 UPWP for transit activities will also be developed within this element.
- Staff will execute grant administrative functions; staff will continue research and development regarding the utilization of FTA funding, including furthering innovative funding practices and partnerships.
- Maintenance of coordination agreements with 5310 providers and, as the lead agency, updates to the Billings Area Human Services Transportation Coordination Plan.
- Research feasibility and make recommendations for capital grants in the 5339 Bus and Bus Facilities programs and other funding opportunities utilizing the TAM plan as well as the City Equipment Replacement plan.
- Extensive division policy development including procedures, regulations, codes, and practices to ensure compliance with federal, state, and local requirements as they relate to the transit planning process.
- Participate with the TAC, Transportation Coordination Plan Committee, citizen advisory boards and other committees throughout the community as needed.
- Staff will continue updating and maintaining the FTA mandated Transit Asset Management Plan.
- Staff will continue to update and implement the required Public Transit Agency Safety Plan, including annual updates, as well as further research and development of best practices.
- Assist in development of improved transit integrations in the local area Emergency plan, including regular participation in committee meetings

STAFFING

- 115.00 Transit Manager Staff Hours
- 240.00 Transit Planner Staff Hours
- 30.00 Administrative Support Staff Hours
- 80.00 Transit Operations Coordinator
- 60.00 Marketing and Outreach Coordinator Staff Hours
- 10.00 Aviation/Transit Director Staff Hours

535.00 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

PRODUCT

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

FUNDING SCHEDULE - ADMINISTRATION

FUNDS PROGRAMMED - FISCAL YEAR 2024

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

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$ 9,538	\$38,152	\$47,690
TOTAL	\$ 9,538	\$38,152	\$47,690

44.24.00 SHORT RANGE TRANSPORTATION PLANNING

44.24.01 FUTURE SERVICE ANALYSIS AND ENHANCEMENTS

OBJECTIVE

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

ACCOMPLISHMENTS FISCAL YEAR 2024

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

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

Staff successfully implemented fixed-route service overhaul and extended service hours developed through the previously completed Transit Development Plan on October 02, 2024, including over 450 designated bus stops.

Staff implemented a new automated vehicle location system (AVL) with automatic passenger counters (APCs) and received FTA certification for passenger counting data to be used for NTD reporting as well as approval of the associated Benchmarking Plan.

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

Staff tracked and compiled on-going ridership metrics by route and mode to support planning practices, and updated cost of service rates with new routes and budget figures.

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

Staff continued evaluating approximately 450 designated bus stop locations for placement, bus stop amenities, and ADA requirements based on the newly completed Bus Stop Master Plan.

Transit members attended and participated in a diverse range of transit-related and general community meetings including the Billings Technical Advisory Committee (TAC), the Policy Coordinating Committee (PCC), City of Billings Transportation Team meetings, Healthy By Design Coalition meetings, City of Billings Annexation Committees, Bike and Pedestrian and West End Plan Steering Committees, Yellowstone County Health Improvement Planning

Meeting, Aging Friendly Community meetings, Safe Routes to Schools, Local Emergency Planning Committee, and various project specific coordinating committees for transportation related projects. As the lead agency on the Coordinated Human Services Transportation Plan Committee, staff also provided guidance and updates to the plan.

PROPOSED ACTIVITIES FISCAL YEAR 2025

Functions necessary in support of future transit planning and development will be performed under this work element, including continuation of activities undertaken in FY2024. These activities necessitate the ongoing cloud-based software costs and run-cutting module, for route development and planning, which is split between this element and current service enhancements. Activities are as follows:

- Continue investigating feasibility of expanding service beyond existing city limits and engage county stakeholders in discussion regarding potential for service to outlying areas.
- In support of potential to expand service, staff intends to complete a Transit Governance and Sustainability Study to evaluate current funding levels, potential changes to Governance in support of expanded funding and transit opportunities, and model sustainability for each option; this activity will be completed using an outside consulting group and has been carried forward from 2024.
- Assess feasibility of adding additional transfer locations, specifically in growing areas of the City including the Heights and near the West End Reservoir locations.
- Assess feasibility of a rapid transit line to directly connect Heights, Downtown, and West End to decrease passenger travel time.
- Continue to analyze and evaluate current City and other area government practices for right of way requirements regarding future bus stop locations.
- Assessing ongoing and future capital and operating requirements based upon projected demand and growth. Continue to assess financial and infrastructure requirements of transitioning eligible fleet vehicles to electric or alternative fuel sources. Assess feasibility of adding additional green technology to facility locations.
- Continue research on feasibility of, and make recommendations for, additional technology conveniences for passengers including amenities at transfer centers.
- Continuation of planning efforts regarding public and stakeholder involvement and input opportunities, including recruiting involvement from key partners.
- Facilitation of public meetings to support system improvements as well as specialized services for seniors and disabled.
- Perform additional analysis of fare structure including comparisons to similar systems and populations to ensure equitable and sustainable fare generation.
- Analyze, develop, and recommend opportunities for MPO and Transit collaboration on projects eligible for multiple funding sources, including flex funding, to support integration of transit and overall surface transportation structure.

STAFFING

- 150.00 Transit Manager Staff Hours
- 170.00 Transit Planner Staff Hours
- 20.00 Administrative Support Staff Hours
- 60.00 Transit Operations Coordinator
- 85.00 Marketing and Outreach Coordinator Staff Hours
- 10.00 Aviation/Transit Director Staff Hours

495.00 Total Staff Hours

PRODUCT

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

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

FUNDING SCHEDULE – FUTURE SERVICE EVALUATION AND ANALYSIS

FUNDS PROGRAMMED - FISCAL YEAR 2024

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

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$43,400	\$173,599	\$216,999
TOTAL	\$43,400	\$173,599	\$216,999

**The 2025 amounts figure above includes \$150,000 total for programmed studies, \$20,500 for planning software, and \$46,499 budgeted for staff hours.

44.24.02 CURRENT SERVICE ENHANCEMENT

OBJECTIVE

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

ACCOMPLISHMENTS FISCAL YEAR 2024

Staff continued implementation of expanded marketing programs, including outreach to various community groups, education institutions, and public events.

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

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

Staff implemented an updated AVL system that integrates with Google Maps and provides a substantial improvement in ability to report ridership and NTD data and analytics. As now required by FTA, MET has a published GTFS feed.

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

Received approval and certification for third-party CDL testing site at MET Transit to expedite the hiring and testing process.

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

Staff prepared National Transit Database reports for monthly submission of ridership, safety, and operational data, as well as annual reporting requirements.

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

PROPOSED ACTIVITIES FISCAL YEAR 2025

Functions necessary in support of planning and development of enhancements to the current systems will be performed under this work element, including continuation of activities undertaken in FY2024. These activities necessitate the ongoing cloud-based software costs and run cutting module, for route development and planning, which is split between this element and future service enhancements. Activities are as follows:

- Continue to develop and implement criteria for stop amenities and other required items and make changes to stop amenities as needed; make recommendations on funding priorities to support bus stops with high usage and infrastructure needs.
- Continue development and implementation of education and outreach strategies to guide market research, promote public awareness, and engagement to increase ridership.
- Develop and implement further education and outreach programs to increase partnerships and other forms of participation.
- Investigate, analyze, and recommend methods for bringing existing technology solutions into a single portal to streamline customer engagement with and use of the transit system; make recommendations on implementation of an integrated app with existing technology providers.
- Develop modified fixed-route service including routes and schedules in the Downtown core due to the City’s planned conversion of 1-way streets to 2-way streets.
- Procurement and implementation of further technology enhancements to the existing technology solutions system to gather data, improve efficiency, provide further customer conveniences, and enhance safety.
- Collect and analyze ridership data from automatic passenger counters hardware and software.
- Develop FY2025 APC Benchmarking Plan update, due to mandatory sampling year.
- Continue to sample manual ridership on all bus routes to ensure data reporting is correct and consistent.
- Develop further marketing strategies including opportunities for increased revenue generation through amenity expansion and innovative concession programs. Include analysis of potential concession for retail space and other revenue generators at the Downtown Transfer Center.
- Assessment of current personnel usage for areas of improvement in utilization of resources and effectiveness; evaluate effectiveness of current staffing levels.
- Maintain monthly ridership figures and summary figures for effective decision-making and complete related National Transit Database reports.
- Solicit and record public reaction to any modified routes, schedules, education efforts, and technology enhancements.
- Assessment of current budgetary impact of recommended improvements.

STAFFING

200.00	Transit Manager Staff Hours
350.00	Transit Planner Staff Hours
32.62	Administrative Support Staff Hours
100.00	Transit Operations Coordinator
100.00	Marketing and Outreach Coordinator Staff Hours
20.00	Aviation/Transit Director Staff Hours

802.62 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

PRODUCT

- FY2025 APC Benchmarking Plan Update.
- Information relating to potential enhancements to existing service and system.
- Recommendations for immediate improvements.
- Modified routing for fixed-route services in Downtown core due to street conversion.
- Information and recommendations on passenger education and outreach.
- Analysis of current system functions.
- Budget alternatives.

FUNDING SCHEDULE – CURRENT SERVICE ENHANCEMENTS

FUNDS PROGRAMMED - FISCAL YEAR 2024

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

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$18,817	\$75,268	\$94,085
TOTAL	\$18,817	\$75,268	\$94,085

44.25.00 Transportation Improvement Program (TIP)

01 T.I.P

OBJECTIVE

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

ACCOMPLISHMENTS FISCAL YEAR 2024

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

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

Attended and participated in MPO meetings.

PROPOSED ACTIVITIES FISCAL YEAR 2025

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

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

STAFFING

- 35.00 Transit Manager Staff Hours
- 24.00 Transit Planner Staff Hours
- 4.00 Administrative Support Staff Hours
- 5.00 Aviation/Transit Director Staff Hours

68.00 Total Staff Hours

FUNCTIONAL AGENCY RESPONSIBILITY

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

PRODUCT

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

FUNDING SCHEDULE – T.I.P.

FUNDS PROGRAMMED - FISCAL YEAR 2024

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

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$1,526	\$6,103	\$7,629
TOTAL	\$1,526	\$6,103	\$7,629

44.26.12 Coordination of Non-Emergency Human Service Transportation

<p>01 COORDINATION OF NON-EMERGENCY HUMAN SERVICE TRANSPORTATION</p>
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OBJECTIVE

To ensure optimal use of City of Billings funds in meeting the transportation needs of seniors and individuals with disabilities in both demand response and fixed route transportation in accordance with Federal Regulations.

ACCOMPLISHMENTS FISCAL YEAR 2024

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

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

Members also continued to assess the financial and operational functioning of paratransit services, including contractual agreements with area agencies including the Adult Resource Alliance and the State of Montana Developmental Disabilities Bureau. MET did not renew the State of Montana DD contract for FY2025, as subscription services were causing inconsistencies with federal requirements.

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

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

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

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

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

PROPOSED ACTIVITIES FISCAL YEAR 2025

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

- Research and submit initial Section 5310 Program Management Plan for grant funding to MDT and FTA for approval.
- Continue developing and refining improvements to current travel training options to the public using available technology and updated delivery methods; improve education and outreach surrounding these services.
- Staff will continue to evaluate each bus stop for ADA compliance and suggest improvements based on priority of needs and funding availability, as outlined in the Bus Stop Master Plan.
- Staff will continue to provide outreach and education for professionals, organizations, and other identified entities in the community, including participating on advisory groups in order to maintain positive relationships with individuals with disabilities and senior communities.
- Staff will continue to facilitate and encourage involvement in regular Billings Area Human Services Transportation Coordination Plan meetings with human service providers, social service agencies, transportation providers, and the public to coordinate efforts associated with transit capital and service planning.
- Continue to facilitate effective service provision and usage of lift-equipped fixed-route vehicles; assess and recommend capital and operational projects with the intent of supporting existing service, increased demand, and adding potential enhancements.
- Continue identification of means to address transit and paratransit needs, assessing both short- and long-term paratransit needs, the organizational and financial capabilities of addressing those needs.
- Continue community outreach to the public and organizations in support of improving access to transportation for seniors, individuals with disabilities, and low-income populations; continue participation on community committee meetings while exploring avenues for further outreach and engagement.
- Analyze and recommend improvements to current scheduling practices including more advanced use of available technologies to expand availability of services to seniors and low-income groups.
- Continue to assess, evaluate, and recommend improvements to the Paratransit Eligibility process to respond to increased demand for services to ensure all requirements regarding capacity and service are executed efficiently and equitably.

STAFFING

- 110.00 Transit Manager Staff Hours
- 125.00 Transit Planner Staff Hours
- 20.00 Administrative Support Staff Hours
- 120.00 Transit Operations Coordinator
- 80.00 Marketing and Outreach Coordinator Staff Hours
- 10.00 Aviation/Transit Director Staff Hours

- 465.00 Total Staff Hours**

FUNCTIONAL AGENCY RESPONSIBILITY

City of Billings Transit Division – MET Transit

PRODUCT

- Section 5310 Program Management Plan
- Continued consensus with and support of City of Billings compliance with ADA regulations related to transit.
- Continued community consensus and support of City of Billings methods for addressing of specialized needs, including lift-equipped vehicles and other options for individuals with disabilities and seniors.
- Recommendations and proposals for enhancements to existing system and programs in support of ADA compliance and regulations aimed at increasing efficiency and effectiveness.
- Public involvement and feedback regarding potential system enhancements in support of transportation for seniors and individuals with disabilities.

FUNDING SCHEDULE – ADA SERVICE (COORDINATION OF NON-EMERGENCY HUMAN SERVICE TRANSPORTATION)

FUNDS PROGRAMMED - FISCAL YEAR 2024 (ADA SERVICE)

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

FUNDS PROGRAMMED - FISCAL YEAR 2025

FUNDING SOURCE			
AGENCY	LOCAL	FTA	TOTAL
MET	\$8,572	\$34,289	\$42,861
TOTAL	\$8,572	\$34,289	\$42,861

SECTION II FUNDING SUMMARY

FEDERAL FISCAL YEAR 2025

WORK ELEMENT	FUNDING SOURCES FY 2025			STAFF HOURS
	LOCAL	FTA	EST.COST	
44.21.01 Administration				
Staff Hours	\$9,538	\$38,152	\$47,690	535.00
44.24.01 Future Service				
Staff Hours	\$9,300	\$37,199	\$46,499	495.00
Studies	\$30,000	\$120,000	\$150,000	
Planning Software	\$4,100	\$16,400	\$20,500	
44.24.02 Current Service				
Staff Hours	\$14,717	\$58,868	\$73,585	802.62
Planning Software	\$4,100	\$16,400	\$20,500	
44.25.01 T.I.P.				
Staff Hours	\$1,526	\$6,103	\$7,629	68.00
44.26.12 Coordination of Non- Emergency Human Service Transportation				
Staff Hours	\$8,572	\$34,289	\$42,861	465.00
TOTAL	\$81,853	\$327,411	\$409,264	2,365.62

ALLOCATION OF COSTS

Expenditures identified include direct costs, benefits at the rate of 61% of direct salary or wages, and indirect costs at the rate of 9% of direct salary or wages.

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

LIST OF ACRONYMS

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

**Billings Urban Area
Unified Planning Work Program
(UPWP)
Federal Fiscal Year
2025
DRAFT**



Prepared By:
Billings/Yellowstone County Planning Department
2825 3rd Avenue North, 4th Floor
Billings, Montana 59101

In Cooperation With:
Montana Department of Transportation
Federal Highway Administration
Federal Transit Administration

INTRODUCTION

- Metropolitan Planning Organization (MPO) must be established in communities over 50,000 in population to do transportation planning and be eligible for federal transportation planning funds.
- The Work Program for the MPO is required to be revised and adopted annually by the Policy Coordination Committee (PCC) whose members are four – The Mayor or his designee, the Chair of the County Commission, the Planning Board Chair and the local MDT District Administrator.
- The Work Program is reviewed and recommended for approval by the:
 - Technical Advisory Committee (TAC)
 - Planning Board
 - County Commission
 - City Council
 - Montana Department of Transportation (MDT)



Work Elements

- There are 12 work elements in the MPO Work Program and the staff activity that is reimbursed to the MPO must be defined in those elements
- Reimbursement of funds occurs quarterly
- Each element has a different percentage rate for reimbursement
- 2.5% of PL funds must be set aside for Safe and Accessible Transportation Options



FUNDING SOURCES

The degree of participation by each funding agency is based on the pro-rations which have been determined for each line item. Each agency contributes their share of the total charges made against each line item according to the approved pro-rations. Funding sources and amounts contained in the UPWP are as follows:

SUMMARY:

- The UPWP is updated annually and is current between October 1, 2024 through September 30, 2025.
- All Work Elements in the UPWP must be related to Transportation and/or Transportation Planning.



**FUNDING SUMMARY
FEDERAL FISCAL YEAR 2025**

WORK ELEMENT	FUNDING SOURCES FY 2025		
	PL	LOCAL	EST. COST
100 Administration	\$295,900	\$242,100	\$538,000
101 Service	\$32,500	\$32,500	\$65,000
102 Citizen Involvement	\$51,000	\$51,000	\$102,000
200 Community Planning	\$104,400	\$243,600	\$348,000
204 Zoning	\$42,000	\$168,000	\$210,000
205 Subdivision	\$63,900	\$149,100	\$213,000
300 Transportation System	\$190,000	\$0	\$190,000
301 Transportation Plan	\$150,000	\$0	\$150,000
302 Planning Studies	\$120,000	\$80,000	\$200,000
500 T.I.P.	\$30,000	\$0	\$30,000
600 Environmental	\$36,000	\$0	\$36,000
700 Un-Programmed Funds	\$5,834	\$120,350	\$126,184
TOTAL	\$1,121,534	\$1,086,650	\$2,208,184



**TABLE II
FUNDING COMPARISONS**

WORK ELEMENT	FY 2025 ESTIMATED COST	FY 2024 ESTIMATED COST
100 Administration	\$538,000	\$510,000.00
101 Service	\$65,000	\$64,000.00
102 Citizen Involvement	\$102,000	\$100,000.00
200 Community Planning	\$348,000	\$350,000.00
204 Zoning	\$210,000	\$212,000.00
205 Subdivision	\$213,000	\$215,000.00
300 Transportation System	\$190,000	\$175,000.00
301 Transportation Plan	\$150,000	\$400,000.00
302 Planning Studies	\$200,000	\$360,000.00
500 T.I.P.	\$30,000	\$37,000.00
600 Environmental	\$36,000	\$36,000.00
700 Un-Programmed Funds	\$126,184	\$13,790.00
TOTAL	\$2,208,184	\$2,472,790.00

**FUNDING PERCENTAGES
FEDERAL FISCAL YEAR 2025**

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



2024 Priorities

- Complete the Update to our Ped/Bike Plan
- Complete the Feasibility Study for the 21st Street Underpass (Move to 2025)
- Finalize the Transportation Elements to Neighborhood Plans (West End and Heights)



2025 Priorities

- Complete the Feasibility Study for the 21st Street Underpass (budget updated)
- Complete Transportation Elements to Neighborhood Plans
- MPO LRTP Plan Modification – Project list and MPO Boundary
- Update to the Mobile Trail Application
- City of Billings Complete Street Progress Report Update
- Bike Share RFP
- FHWA requirement for a 2.5% set-aside to complete Safe and Accessible Transportation Planning Options.
- Travel Demand Modeling



Transit Section

- The Transit section of the UPWP is also structured into separate elements with specific activities and functions outlined within each element.
- Reimbursement of funds occurs quarterly; amounts will differ for each quarter based upon the activities undertaken and eligible hours spent per element.
- Federal funding is provided via FTA Section 5303 for multimodal transportation planning in metropolitan areas. Funds are apportioned via a formula, including factors such as urbanized area population. Local match is provided through local transportation mills, advertising revenue, and other applicable sources.



Transit Funding Overview

2025 Funding Detail

WORK ELEMENT	FUNDING SOURCES FFY 2025			STAFF HOURS
	LOCAL	FTA	EST. COST	
44.21.01 Administration	\$9,538	\$38,152	\$47,690	535.00
44.24.01 Future Service Personnel Hours	\$13,400	\$53,599	\$66,999	495.00
44.24.01 Future Service Studies	\$30,000	\$120,000	\$150,000	
44.24.02 Current Service	\$18,817	\$75,268	\$94,085	802.62
44.25.01 T.I.P.	\$1,526	\$6,103	\$7,629	68.00
44.26.12 Coordination of Non-Emergency Transportation	\$8,572	\$34,289	\$42,861	465.00
TOTAL	\$81,853	\$327,411	\$409,264	2,365.62

2024 to 2025 Funding Comparison

WORK ELEMENT	FFY 2024	FFY 2025
44.21.01 Administration	\$34,767	\$47,690
44.24.01 Future Service	\$89,215	\$66,999
44.24.02 Current Service	\$69,213	\$94,085
44.25.01 T.I.P.	\$6,489	\$7,629
44.26.12 Coordination of Non-Emergency Transportation	\$36,491	\$42,861
Programmed Studies	\$150,000	\$150,000
TOTAL	\$386,275	\$327,411

Transit 2024

- Required Plan Updates (PTASP, DBE, TAM)
- Executed fixed-route service overhaul with over 450 designated bus stops
- Implemented a new Automated Vehicle Location System (AVL), integrated with Google Maps, and received FTA certification for passenger counting data usage
- Planned, developed and implemented third-party CDL testing program with State of Montana



Transit 2025

- Complete a Transit Sustainability and Governance Study (moved from FY24).
- Assess feasibility of rapid transit line connecting Heights, Downtown, and Westend to decrease passenger travel time, along with additional transfer locations
- Evaluate and upgrade bus stops as needed to comply with ADA requirements and Bus Stop Master Plan
- Plan changes to routes to adjust to one-way to two-way street conversions downtown



Draft 2025 UPWP Review Schedule

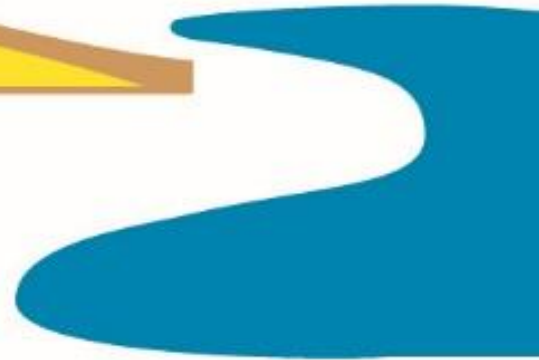
- TAC July 18th
- Planning Board August 13th
- County Commission August 6th
- City Council August 12th
- PCC August 20th
- MDT, FHWA, FTA September 30th



BILLINGS - YELLOWSTONE COUNTY



MPO



METROPOLITAN PLANNING ORGANIZATION

