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**YELLOWSTONE COUNTY BOARD OF PLANNING**  
**CITY OF BILLINGS AND YELLOWSTONE COUNTY, MONTANA**  
**March 12, 2024**

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**SUBJECT:** Subdivision regulation updates for City and County  
**THROUGH:** Planning Department  
**PRESENTED BY:** Dave Green, Planner II

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**INTRODUCTION**

The planning department is bringing forward the proposed updated subdivision regulations for both the City of Billings and Yellowstone County.

The Planning Division has diligently worked on updating the subdivision regulations to incorporate recent State legislative amendments and to align them with new documents, policies within the City and County, and general document updates, including electronic submission requirements.

During that time, we have consulted with other divisions within the city and county. Those divisions include City Engineering, Public Works, City Fire Department, City Parks, Transportations, Alternate Modes Coordinator and Zoning.

With the county we consulted with County Public Works, County Parks, Fire departments providing fire service in the county, Alternate Modes Coordinator and Zoning.

A presentation was given to developers and engineers for their input on the proposed subdivision update. That meeting was held in the Billings Library Community Room on February 13<sup>th</sup>. Later in this report their input is shown, highlighted in yellow.

The new subdivision regulations have three main drivers for the subdivision regulations update.

1. Changes required by State Statutes because of legislative changes/updates
2. Moving regulations from zoning to subdivision regulations
3. Changes to the subdivision regulations requested by other City and County Departments.

City Section                      County Chapter  
23-100                              Chapter 1

**General Provisions:**

No changes to this part of the subdivision regulations.

City Section  
23-200

County Chapter  
Chapter 2

**Definitions:**

There are some updates and new definitions. They either clarify by providing the correct current name or definition of the section / chapter. Some definitions are completely new based on the new legislature requirements, or clearly defining an item such as, Multi-Modal Trail Types, Parkland Amenities and Phased Development.

City Section  
23-300

County Chapter  
Chapter 3

**Subdivision Review Procedures:**

This section/chapter of the subdivision regulations go through processes. This one had a lot of clean up in it because the current regulations tell you how many paper copies need to be submitted with every subdivision process. Those submittals are now done electronically and do not require a paper submittal.

**Expedited Review for Certain Subdivisions.**

This section/chapter also contain the new legislature requirements for subdivision processes. There is the new Expedited Review for Certain Subdivisions. This option gives the developer the opportunity to have an expedited review of a subdivision with any number with 6 or more lots. The up-front process is the same as a major subdivision and requires pre-app, completeness and sufficiency review and departmental review then resubmittal of all documents which starts the maximum 35 working days to go through the planning board and then go before the governing body.

**Minor Subdivisions Qualifying for Administrative Review**

The administrative review is the same process as a minor subdivision with a pre-app, completeness and sufficiency, then submittal to the Planning Department. It is reviewed by staff and an administrative result is determined, approved, conditionally approved or denied. Once the determination is made then the planning staff mails a letter to 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.

If, and only if, a party 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.

What was previously known as an Expedited Subdivision is now called an Abbreviated Review.

City Section  
23-400

County Chapter  
Chapter 4

## Development Requirements:

This section / chapter is where what was in zoning, Size and Orientation Block Length and Perimeter is proposed to be moved to subdivision.

There are a few other items in this section / chapter that have been updated or modified to be clearer on what is required for subdivisions.

In this section/chapter at a public meeting held with engineers and developers present there was a fair amount of discussion around the two items below.

### *Originally proposed*

*14. Street Lighting: Street lights are required to be installed along new streets within subdivisions and shall be in conformance with standards adopted by the City.*

### *Alternative after public meeting with developers and engineers.*

*14. Street Lighting: Street lights are required for all new subdivisions when arterial or collectors are adjacent to the subdivision and for all arterial or collectors that may run through or are located within the newly proposed subdivision. All lights shall be maintained by a street light district created by the developer.*

### *Originally proposed*

#### *16. Dead-End Streets and Cul-de-Sacs:*

- a. Permanent cul-de-sac streets may not represent more than 15% of total roadway miles in a subdivision unless approved by a variance.*
- 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.*

### *Alternative after public meeting with developers and engineers.*

- a. Permanent cul-de-sac streets may not represent more than (25%) of total roadway miles in a subdivision unless approved by a variance.*
  - 1. Exceptions to this do not require a variance but can be approved administratively. Exception provision are:*
    - Infill projects where a dead-end cul-de-sac is the only viable road option.*
    - Long narrow lots that are not wide enough for more than a single road that is less than 1,000 feet long.*

- 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.

Some language was removed from city subdivision regulations because they were in reference to well and septic systems.

In the county updates the chapter on Traffic Impact Studies, TIS, has been expanded to include all the information expected by the county in a TIS.

The county also proposes to require all community septic system drain fields to be in a public county parcel with a Rural Special Improvement District (RSID) created for maintenance of the drain field and mowing.

The same is true with a community water system as the community septic system.

In the county it has been required to provide water suppression tanks for fighting fires. In the past 3 to 5 lots required a 10,000-gallon dry hydrant and 6 or more lots required a 30,000-gallon dry hydrant. The county proposes to require a 30,000-gallon dry hydrant for a subdivision that has 4 or more lots proposed.

Under no circumstance will an open water pond or stream be used as an alternative to a pressurized system or in ground dry hydrant tank.

Dry hydrants shall be located on a public street.

City Section	County Chapter
23-500	Chapter 5

**Guarantee of Public Improvements:**

This section / chapter includes Phased Development. State legislation a few years ago changed phased development to require a public hearing with each opening of a phase. Legislation in 2023 amended the process of phasing: 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. 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.

City Section                      County Chapter  
23-600                                Chapter 6

**Developments Providing Multiple Spaces for Rent or Lease for Recreational Vehicles, Mobile Homes, and Manufactured Homes:**

This section /chapter is for developments for lease or rent, mobile home parks, RV parks. This chapter has edits to clarify existing requirements and update references to fire code.

City Section                      County Chapter  
23-700                                Chapter 7

**Cluster Developments and Planned Neighborhood Developments:**

This section / chapter referred to cluster development and planned neighborhood developments. It has had some edits for clarification and the planned neighborhood developments portion removed because that is covered in the zoning code.

City Section                      County Chapter  
23-800                                Chapter 8

**Condominiums and Townhomes**

This section / chapter is unchanged

City Section                      County Chapter  
23-900                                Chapter 9

**Environmental Assessment:**

There are no changes in the city section. The county chapter has some additional language in it about what is required for Environmental Assessments.

City Section                      County Chapter  
23-1000                                Chapter 10

**Dedication of Parks, Trails, and Open Space:**

The parks section / chapter has been modified to define more clearly what is acceptable parkland and what is not. In the definitions section of the subdivision regulations a short list of Parkland Amenities has been included. There is also clarification and more information about Linear Park dedications.

In the County private parkland will no longer count towards required parkland dedication.

City Section  
23-1100

County Chapter  
Chapter 11

**Administrative Provisions:**

There was one edit to this section removing reference to the county in city subdivision regulations.

City Section

County Chapter

Appendices: because all subdivision forms and templates are on line the appendices are proposed to be removed. The exception to that is the reference to the subdivision Evasion Criteria.

**RECOMMENDATION**

Staff proposes the Planning Board recommend to the City Council / Board of County Commissioners adoption of the new subdivision regulations.