



**YELLOWSTONE COUNTY BOARD OF PLANNING**  
 CITY OF BILLINGS AND  
 YELLOWSTONE COUNTY, MONTANA



**AGENDA**  
 NOVEMBER 13, 2024 MEETING TIME: 6:00 p.m.  
 3rd Floor Stillwater Building, Room 3108  
 316 N. 26th St, Billings MT

**NOTICE TO THE PUBLIC**

Citizens are invited to:

- . Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- . View the meeting live online at Facebook
- . Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to the Board via email before 12:00 pm on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:
  - . Mail: City/County Planning Division, PO Box 1178, Billings MT 59103
  - . Email: [plnonline@billingsmt.gov](mailto:plnonline@billingsmt.gov)
  - . NOTICE: All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify the Planning Division Office, at 406-247-8610.

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

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA\*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. Approval of Meeting Minutes of August 27, 2024  
**Attachments**  
 Minutes of August 27, 2024
4. **PUBLIC COMMENT PERIOD** -- As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
  - 4a) **Comments on items not on agenda and requests to add items to future agendas**
  - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.

7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
  - a. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached guidelines for the criterion. Thank you for participating!
8. **NEW BUSINESS:** (Agenda items new to this meeting).
  - a. **Collier Ridge Subdivision - Preliminary County Major. Board Discussion.**  
The Proposed subdivision creates 51 lots for development. The subject property is generally located East of Collier Road and North of Secret Valley Drive. The property is zoned RR3 - Rural Residential 3 and partially unzoned. The land is currently used as Vacant Land.

**Attachments**

Preliminary Plat

Draft Subdivision Improvement Agreement

Findings of Fact

9. **OTHER BUSINESS:**
  - a. **Motion. Appointment of the Planning Board Nominating Committee for the 2025 Planning Board Officers.** Nominating Committee: The President shall at the first regular meeting in November appoint three (3) members who will present their recommendations for new officers at the first meeting in December, as the first order of business following the approval of the minutes. Nominations from the floor may be made at this time. Election of officers will follow the nominations at the first meeting in December (See Article VII, Section 2). The President shall not be a member of the Nominating Committee.
  - b. **Presentation and Discussion on Planning Commission and Future Land Use Plan**
  - c. **(Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.**
10. **ADJOURNMENT**

**FUTURE AGENDA ITEMS**

**CITY/COUNTY PLANNING BOARD**  
3rd Floor Stillwater Building, Room 3108  
316 N 26th St, Billings MT



### **Public Hearing Participation Guidelines**

All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify the Planning Division Office, at 406-247-8676.

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

**By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). These criteria include: Effect on agriculture and agricultural water user facilities; Effect on local services; Effect on the natural environment; Effect on wildlife and wildlife habitat; Effect on public health and safety.**

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

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

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

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

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

*Thank you for participating.*

Date: 11/13/2024  
Title:  
Presented by:  
Department: Planning & Community Services  
Presentation:

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### Information

#### RECOMMENDATION

MEETING MINUTES: August 27, 2024

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

#### ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

#### FISCAL EFFECTS

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### Attachments

Minutes of August 27, 2024

# CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview, and Yellowstone County"

**Tuesday, August 27, 2024 at 6:00pm**

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

	Position	01/09/2024	01/23/2024	02/13/2024	02/27/2024	03/12/2024	03/26/2024	04/09/2024	04/23/2024	05/14/2024	05/29/2024	06/11/2024	06/25/2024	07/09/2024	07/23/2024	08/13/2024	08/27/2024	09/10/2024	09/24/2024	10/08/2024	10/22/2024	11/12/2024	11/26/2024	12/10/2024
<b>Jim Ronquillo</b>	Mayor/Billings Ward I	A	1	A	1	A	1	C	C	C	1	C	C	C	1	1	1							
<b>Roger Gravgard Co-Chair</b>	Mayor/Billings Ward II	1	V	1	V	1	1	C	C	C	1	C	C	C	1	1	1							
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1	1	1	1	1	1	C	C	C	1	C	C	C	1	1	1							
<b>John Staley</b>	Mayor/Billings Ward IV	1	1	A	1	V	1	C	C	C	1	C	C	C	1	1	1							
<b>David Nordel</b>	Mayor/Billings Ward V	A	1	1	1	V	V	C	C	C	1	C	C	C	1	V	1							
<b>Troy Boucher</b>	YC District 1	V	V	A	A	V	A	C	C	C	A	C	C	C	V	V	A							
<b>Dennis Cook</b>	YC District 2	A	1	1	1	1	1	C	C	C	1	C	C	C	V	1	A							
<b>Vacant</b>	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Vacant</b>	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Woody Woods, President</b>	YC District 5	1	1	1	1	1	1	C	C	C	1	C	C	C	1	1	1							
<b>Alexis Bonogofsky</b>	YC District 6	1	V	V	V	A	V	C	C	C	1	C	C	C	1	1	1							
<b>Morgan Tuss</b>	YC District 7	1	A	A	A	A	A	C	C	C	A	C	C	C	A	A	A							

**CITY/COUNTY PLANNING BOARD**

*“Serving Billings, Broadview, and Yellowstone County”*

**Tuesday, August 27, 2024 at 6:00pm**

<b>Vacant</b>	Y County Cons. District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	A	V	A	A	A	V	C	C	C	A	C	C	C	A	A	A					

**Call the Meeting to Order:** President Woods called the meeting to order at 6:00 p.m. on Tuesday, August 27, 2024.

**Introduction of Planning Board Members and Planning Department Staff**  
 President Woods called for introductions of the members of the Planning Board and staff.

**Participating Planning staff members;** Anna Vickers, Planning Division Manager; Hunter Kelly, Planner; Brenda Berns, Planning Clerk

**Virtual Participation:** Wyeth Friday, Planning & Community Services Director

- 1. Others in Attendance:** Kolten Knatterud, IMEG Corp
- 2. Approval of Agenda:** Motion by Board member Stephenson, seconded by Board member Staley to approve the agenda as submitted. The motion was carried with a unanimous vote.
- 3. Approval of Minutes:** August 13, 2024

Motion by Board member Gravgard, seconded by Board member Stephenson to approve the August 13, 2024 minutes as submitted. The motion was carried with a unanimous vote.

**4. Public Comment:** As required (3 minute maximum per person). Any member of the public might be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time but could choose to add an item to the next meeting agenda for discussion. There were no comments from the public.

**5- 6. Disclosure of Outside (Ex-Parte) Communication or Conflicts of Interest:** None were disclosed.

***Tuesday, August 27, 2024 at 6:00pm***

**7. Old Business**

**7a. Public Hearing. Motion/Recommendation to BOCC. Eastslope Meadows County Major Subdivision.** Hunter Kelly, Planner

Hunter Kelly gave an overview of the subject property and the review criteria necessary to recommend approval to the BOCC. Mr. Kelly elaborated on the criteria briefly outlined below:

1. Protect public health and safety.
2. Build internal roads to County standards and provide for the maintenance of these roads.
3. Work with County Public Works to provide an acceptable Traffic Impact Study and address findings.
4. Provide fire suppression facilities.
5. Minimize the effects on local service.
6. Minimize the efforts on the natural environment.
7. Update the SIA and final documents as specified by Planning, Legal, or the Public Works department.
8. Final plat shall comply with all the requirements of the Yellowstone County Subdivision Regulations, as well as the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

Staff is recommending approval with those conditions.

**Questions:**

Board member Ronquillo commented that the final user is unknown, but they will need to comply with state regulations for the property. Hunter Kelly confirmed this.

Board member Gravgaard said that the facilities seem to be warehouses and that large trucks will be using the area. He asked if any traffic studies have been conducted. Anna Vickers explained that the Public Works department conducts studies based on worst-case scenarios.

Board President Woods asked if the ultimate end use is addressed in the Traffic Impact Study (TIS). Anna affirmed it was.

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## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview, and Yellowstone County"*

***Tuesday, August 27, 2024 at 6:00pm***

Board member Staley requested Mr. Kelly explain the distance criteria between the proposed subdivision and the existing underground 30,000-gallon tank. Hunter stated that if the furthest structure in the subdivision is within half a road mile of the nearest dry hydrant tank, it must connect to that system and participate in its maintenance. If it's beyond that distance, an additional tank will be necessary. There's a slight margin for error, so it's not yet clear whether they will connect to the existing system or need a new tank. This will be determined in consultation with the Billings Fire Department once the distance is finalized.

Board member Staley pointed out that if the end user is deemed 'high hazard,' they might have to install their own tank. Board member Nordel concurred, adding that this consideration should happen before an end user takes possession of the building.

Board member Nordel asked about the two bodies of water shown on the aerial view map, to which Anna confirmed they are classified as ponds and not for recreational use.

### **Applicant's Agent**

Kolten Knatterud from IMEG reported that a Traffic Impact Study (TIS) was submitted to Billings Public Works, and they have received feedback. If the study indicates an increase in traffic trips, a new TIS will be required. He also noted that the two bodies of water originated from a historical gravel pit with high groundwater, which is why development is focused solely on the east side of the property.

Board member Bonogofsky remarked that original plans often differ from actual outcomes, citing her experience with a nearby property. She questioned how the impact can be assessed if the end user is unknown.

Kolten acknowledged the concern but noted that it allows for fewer restrictions on the developer.

### **Public Hearing:**

#### **In Opposition**

Doug Hayes, 6312 Bear Paw Dr S, expressed concerns about increasing traffic from trucks and the constant noise they generate. He also noted that the well water in the area is diminishing and questioned where it will come from with further development.

Darrell Sept, 6318 Bear Paw Dr S and the HOA President for Grizzly Creek, raised issues about the noise from semi-truck jake brakes and their speed. He mentioned that his water well pump is set at 26 feet and has been consistently lowering.

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## CITY/COUNTY PLANNING BOARD

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**Tuesday, August 27, 2024 at 6:00pm**

Dolores Lix, 3019 S 67th St W, inquired whether the drainage will be covered and if the roads in the subdivision will be paved.

### **Applicant's Agent Rebuttal**

Kolten Knatterud confirmed that the roads within the subdivision will be paved according to regulations. However, there are no plans to cover drains or ditches. If stormwater enters a property, historical drainage patterns will be maintained as part of the DEQ approval process.

### **Motion:**

Board member Stephenson made a motion, seconded by Board member Nordel, to recommend to the Board of County Commissioners (BOCC) that the preliminary plat of Eastslope Meadows Subdivision be conditionally approved, along with the eight conditions and the Findings of Fact as outlined in the staff report.

Board President Woods called for any additional comments or questions from the board.

### **Comments**

Wyeth Friday, the Planning & Community Services Director, addressed the board and attendees about matters beyond the Planning Board's scope. He mentioned that the West End Ground Water Study is forthcoming and will be shared with the board, as well as the City and County, to discuss the declining groundwater levels. Mr. Friday pointed out that the County has an ordinance outlining truck routes, which applies to regular trucking operations, except for local deliveries. He recommended consulting County Public Works regarding these regulated routes. Additionally, he noted that gravel mining permits come with conditions based on location and require a contract with the mining company, allowing residents to report any issues that may arise.

Board President Woods called for a voice vote on the motion to recommend the Eastslope Meadows Subdivision to the BOCC. The motion carried with a vote of 5 in favor and 2 against.

## **8. New Business**

Anna Vickers shared that the creation of the Planning Commission will be presented to the City Council on September 9, 2024. Following this, staff will provide a debrief on the implications of this development. Until the growth policy and future land use map are adopted by May 2026, all subdivisions will continue to be reviewed by the Planning Board as they currently are. The Planning Board will maintain its role in evaluating major subdivisions for both the City and County. Meanwhile, the Planning Commission will serve as an advisory role, gathering input from residents on the growth policy and neighborhood plans to make recommendations to the City Council.

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## CITY/COUNTY PLANNING BOARD

*"Serving Billings, Broadview, and Yellowstone County"*

***Tuesday, August 27, 2024 at 6:00pm***

Board President Woods emphasized the importance of initiating communication with the County Commissioners about the upcoming process and the operation of the Planning Commission.

Wyeth Friday agreed, suggesting that a review of the collaboration between the City and Yellowstone County would be beneficial at some point.

### **9. Other Business.**

**9a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.**

**ADJOURNMENT: 7:07pm**

**10. Future Agenda Items.** There was no discussion on this topic.

**DRAFT—TO BE APPROVED BY A MOTION AT THE NEXT SCHEDULED MEETING**

*-Brenda J Berns, Planning Clerk*

## Planning Board

**Date:** 11/13/2024  
**Title:** Collier Ridge Subdivision - Major Preliminary Plat  
**Presented by:** Hunter Kelly, Planner 1  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### Information

#### RECOMMENDATION

Staff recommends the Planning Board recommend to the Board of County Commissioners that the preliminary plat of Collier Ridge Subdivision be conditionally approved and the Findings of Fact adopted as presented in the staff report.

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

On October 1, 2024, IMEG Engineering, on behalf of AA Properties, applied for preliminary major plat approval of Collier Ridge Subdivision. The proposed subdivision creates 51 lots for development over seven (7) phases. The subject property is generally located east of Collier Road and north of Secret Valley Drive. The property is zoned RR3 - Rural Residential 3 and partially unzoned. The land is currently vacant.

#### VARIANCES

The applicant has requested a variance from Section 4.6.B.1 of the Yellowstone County Subdivision Regulations. Section 4.6.B.1 requires the subdivider to provide road connections to undeveloped land adjacent to the proposed subdivision. The maximum distance between connections to undeveloped lands shall not exceed 600 feet. In particular, the variance is waiving the requirement for a connection on the eastern portion of the subdivision, to parcel 1A of Amended Certificate of Survey 2156. The applicant is requesting this variance due to topographical concerns with the surrounding land.

Staff is recommending an approval of this variance. The topographical constraints present at the site would prevent adequate connections at the areas required by the regulations. The proposed subdivision and adjacent property face mutual geographic constraints that prevent connections between the properties.

#### PROPOSED CONDITIONS OF APPROVAL

1. To protect public health and safety, prior to final plat approval, the applicant will receive approval from Montana Department of Environmental Quality (MDEQ) for all parcels less than 20 acres in size and the Yellowstone County Health Department for all parcels equal to or greater than 20 acres in size for the proposed water systems and septic systems
2. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of delivery system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
3. To minimize effects on the natural environment, prior to final plat approval a Weed Management Plan and property inspection shall be completed by the County Weed Department.
4. To protect public health and safety and provide for future road use, prior to final plat approval, the applicant will build the internal roads to county standards and create an Rural Special Improvement District (RSID) for the maintenance of those roads.
5. For the protection of public health and safety and to ensure protection of structures within the subdivision, it is strongly advised that the applicant submit a petition to expand the service area boundary of Blue Creek Fire Department to the Yellowstone County Department of Emergency Services in correlation with Montana Code Annotated (MCA) 7-33-2401.
6. To protect public health and safety and provide for future dry hydrant maintenance, prior to final plat approval, the applicant shall install two 30,000-gallon dry hydrants tanks in conformance with City of Billings Fire Department Dry Hydrant standards. The maintenance for the tanks and dry hydrants will require the formation of an RSID for maintenance. If the jurisdiction of the Blue Creek Fire Department is expanded to include Collier Ridge Subdivision prior to final plat approval, then the applicant shall have the design and installation of the two 30,000 gallon dry hydrant storage tanks reviewed and approved by the Blue Creek Fire Department.
7. Restriction on Conveyances associated with the phases within the subdivision shall be filed with the final plat.
8. Prior to final plat approval, the Traffic Impact Study and any identified improvements shall be completed and approved by the Public Works Department.
9. Minor changes may be made to the SIA and final documents, as requested by the Planning, Legal, or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
10. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, regulations, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of

Montana.

## PROCEDURAL HISTORY

Pre-Application Meeting: August 15, 2024  
Preliminary Plat application submitted to Planning Division: October 1, 2024  
Departmental Review Meeting: October 17, 2024  
Preliminary Plat Resubmittal: October 24, 2024  
Planning Board Plat Review: November 13, 2024  
Planning Board Public Hearing: November 26, 2024  
Preliminary Plat to Board of County Commissioners: December 17, 2024  
60 Working-Day Preliminary Plat Review period ends: February 3, 2025

## PLAT INFORMATION

General Location: East of Collier Road and north of Secret Valley Drive  
Legal Description: NW ¼ less C/S 2156 & C/S 2331 of Section 4, E ½ E frac14; Section 5, Township 2 South, Range 26 East  
Owner/Subdivider: AA Properties  
Engineer/Surveyor: IMEG Engineering  
Existing Zoning: RR3 - Rural Residential 3 and partially unzoned  
Existing Land Use: Vacant Land  
Proposed Zoning: RR3 - Rural Residential 3 and partially unzoned  
Proposed Land Use: Residential  
Gross & Net Area: 246.45 Acres Gross & 227.64 Acres Net  
Lot Size:  
    Minimum: 3 Acres  
    Maximum: 50.97 Acres  
Parkland Requirements: 4.42 Acres required, 0 Acres provided, the applicant will provide a cash-in-lieu contribution to cover the absence of parkland.

## STAKEHOLDERS

The Planning Division has received no public comment at this time. Stakeholder input will be received at a public hearing scheduled for this subdivision on November 26, 2024.

## ALTERNATIVES

In accordance with state law, the Board of County Commissioners has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends February 3, 2025. State and County subdivision regulations also require that preliminary plat be reviewed using specific criteria, as stated within this report. The County may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the Board of County Commissioners is required to:

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

## FISCAL EFFECTS

The preliminary plat of this subdivision will have no financial impact on the Planning Division.

## SUMMARY

One of the purposes of the County's subdivision review process is to identify potential negative effects of property being subdivided. Negative effects that are identified become the subdivider's responsibility to mitigate. Various County departments, private service/utility providers and the affected school district/s, have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be some impacts from this proposed subdivision.

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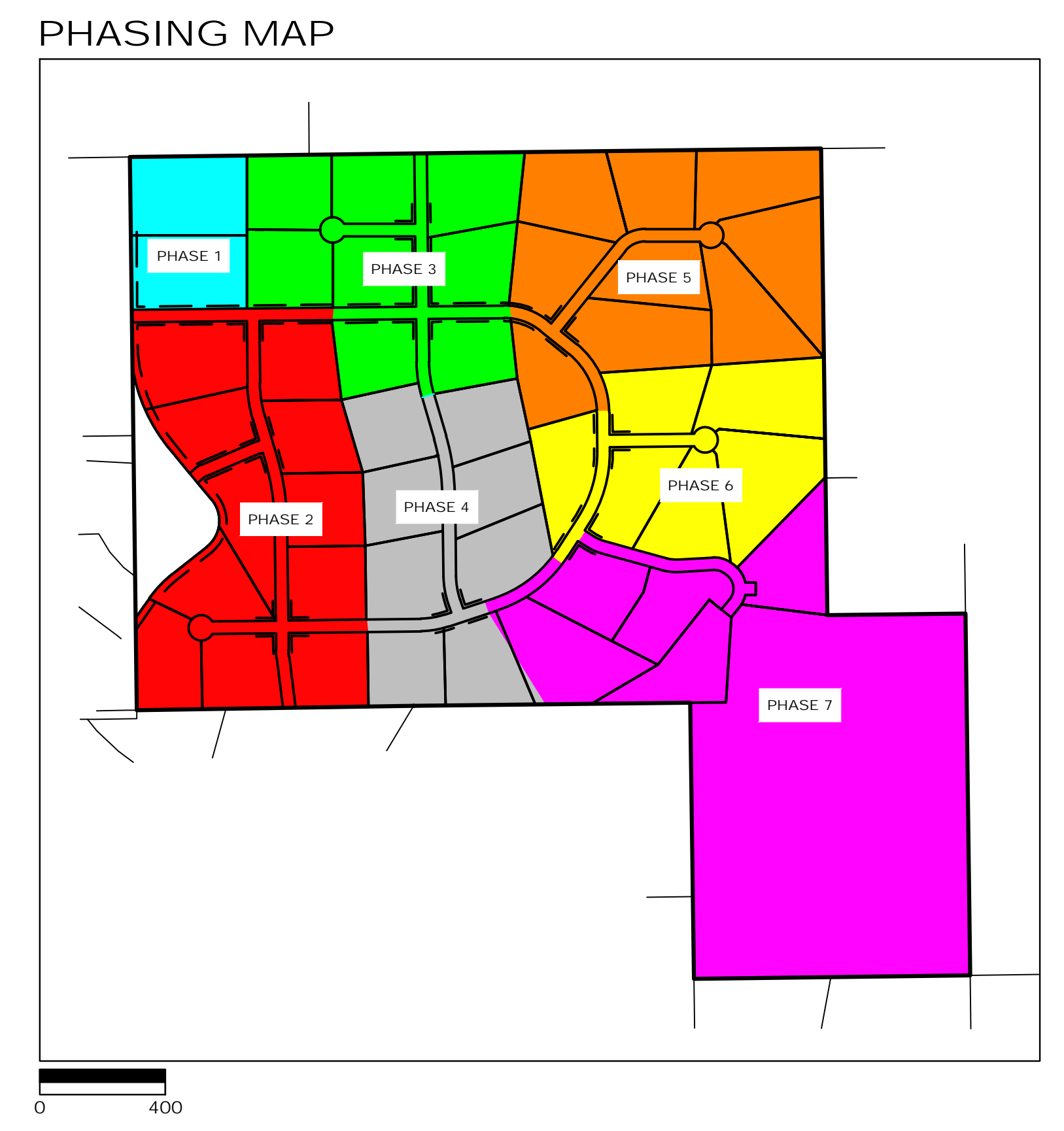
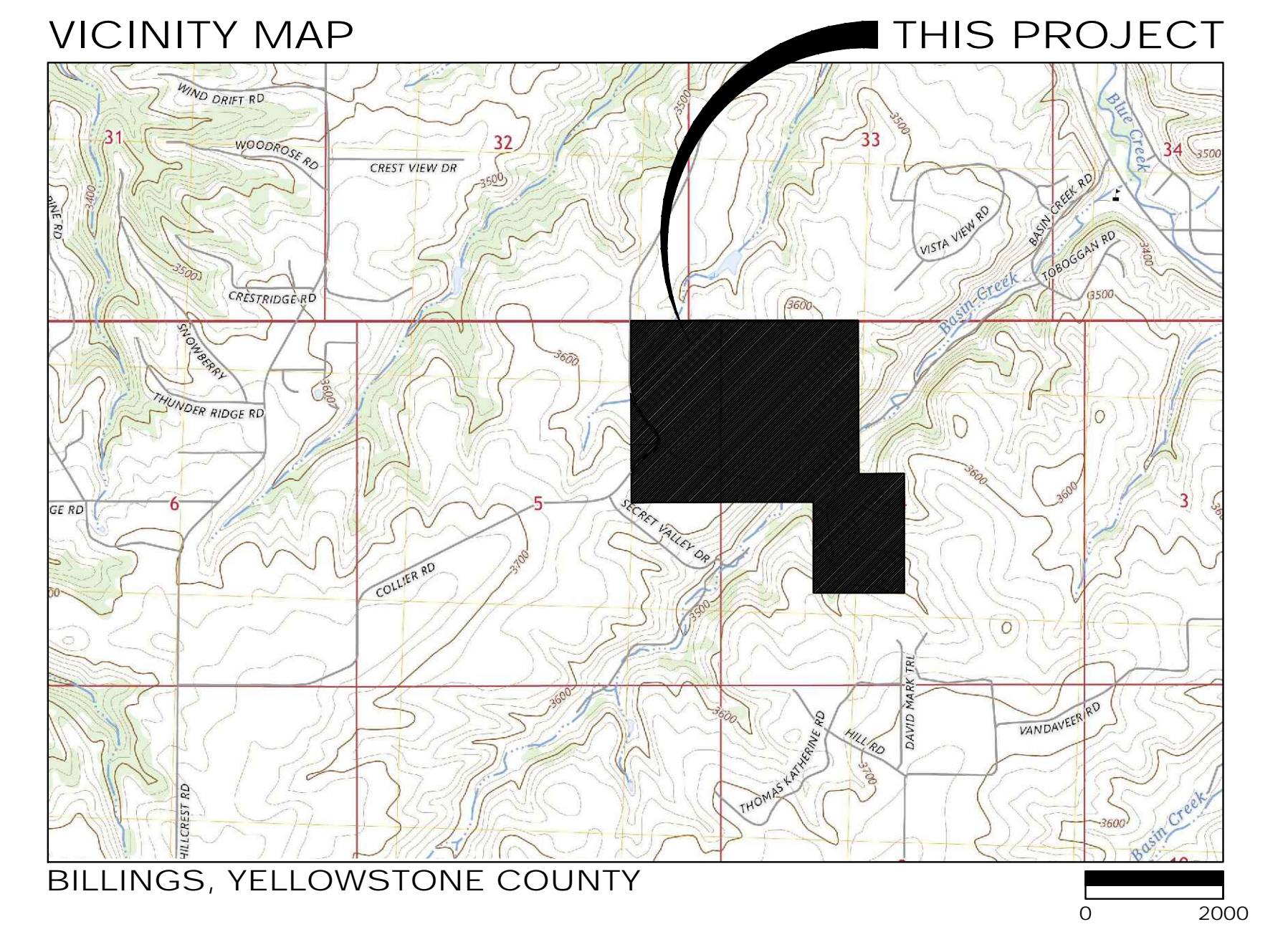
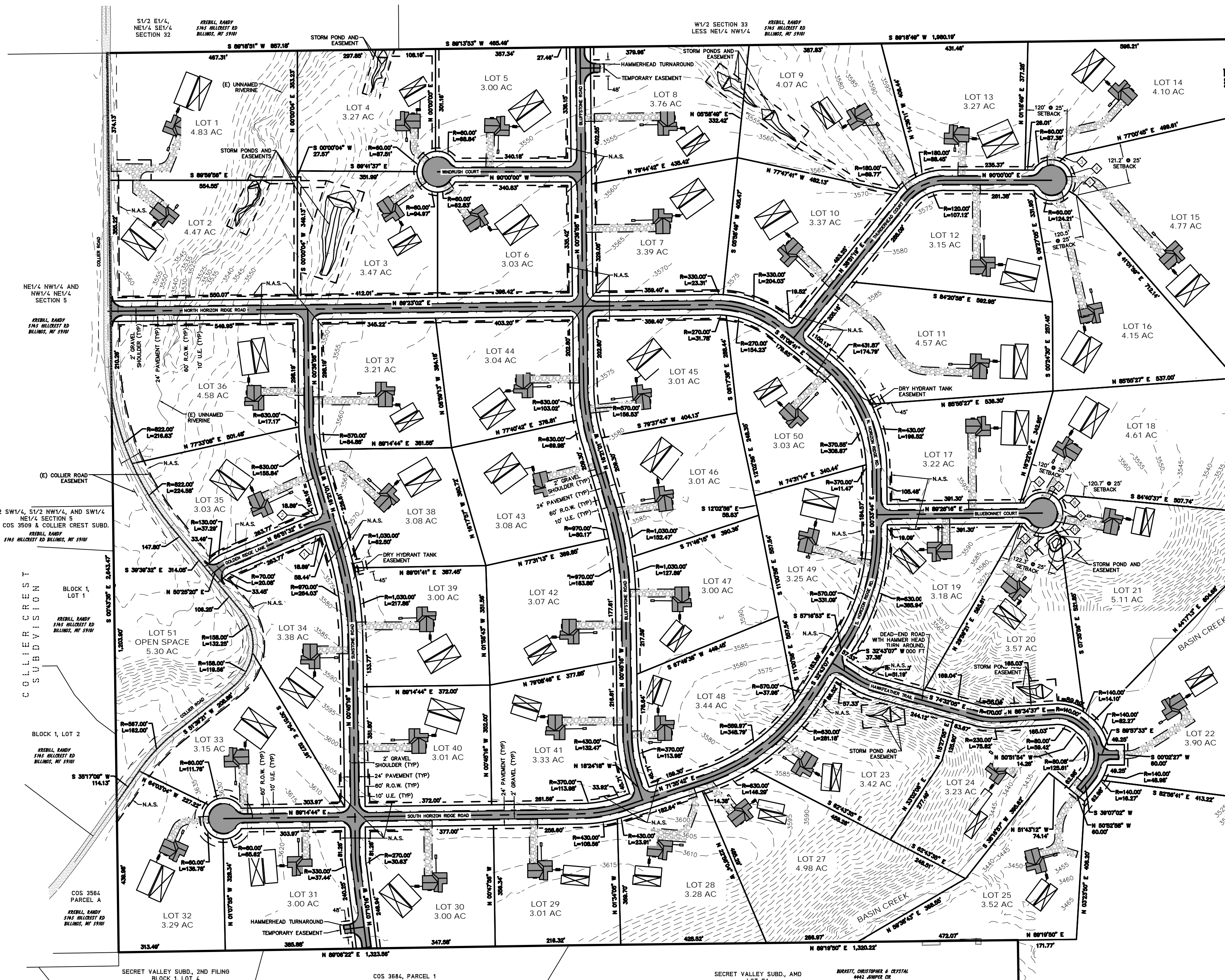
## Attachments

Preliminary Plat  
Draft Subdivision Improvement Agreement  
Findings of Fact



# PRELIMINARY PLAT OF COLLIER RIDGE SUBDIVISION

LOCATED IN SECTION 4 AND SECTION 5, TOWNSHIP 2 SOUTH, RANGE 26 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA



SITE DATA	
NUMBER OF LOTS	51
MAXIMUM LOT AREA	50.97 AC
MINIMUM LOT AREA	3.00 AC
AREA OF OPEN SPACE	5.30 AC
LINEAR FEET OF STREETS	12,445 LF
NET ACREAGE	227.64 AC
GROSS ACREAGE	246.45 AC
EXISTING ZONING	RR3 & UNZONED
PROPOSED ZONING	RR3
EXISTING LAND USE	AGRICULTURAL
PROPOSED LAND USE	RESIDENTIAL

LINE & CURVE DATA		
NAME	R	L
◇	R=70.00'	L=8.30'
◇	R=130.00'	L=15.41'
◇	S 46°29'41" W	L=26.48'
◇	R=60.00'	L=102.60'
◇	S 58°36'30" E	L=25.00'
◇	N 89°28'16" E	L=13.00'
◇	R=60.00'	L=117.53'
◇	N 51°40'04" E	L=25.00'
◇	R=60.00'	L=94.76'
◇	S 37°48'36" E	L=25.00'
◇	R=60.00'	L=101.84'
◇	N 89°28'16" E	L=13.00'

**LEGEND**  
 (E) = EXISTING  
 (P) = PROPOSED  
 R/W OR R.O.W. = RIGHT-OF-WAY  
 U.E. = UTILITY EASEMENT  
 N.A.S. = NO ACCESS STRIP  
 □ = CISTERN  
 ▨ = DRAINFIELD

**PERIMETER LEGAL DESCRIPTION**  
 TOWNSHIP 2 SOUTH, RANGE 26 EAST, P.M.M.  
 SECTION 4: NW1/4, LESS CERTIFICATE OF SURVEY NO. 2156 AND 2331;  
 NE1/4SW1/4  
 SECTION 5: E1/2NE1/4

PREPARED BY:  
**IMEG**  
 1817 SOUTH AVE. W. STE. A PH: 406.721.0142  
 MISSOULA, MT FAX: 406.721.5224  
 59801 www.imegcorp.com  
 IMEG PROJECT NO. 23007562

Return To:  
AA Properties, LLC  
33630 County Road 103  
Savage, MT 59262

SUBDIVISION IMPROVEMENTS AGREEMENT  
*COLLIER RIDGE SUBDIVISION*  
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*Subdivision Improvements Agreement*

This agreement is made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between *AA Properties, LLC*, whose address for the purpose of this agreement is 33630 County Road 103, Savage, Montana 59626, hereinafter referred to as “Subdivider,” and YELLOWSTONE COUNTY, Montana, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on \_\_\_ day of \_\_\_\_\_, 20\_\_\_, the Board of Planning recommended conditional approval of a preliminary plat of *Collier Ridge Subdivision*, and

WHEREAS, at a regular meeting conducted on \_\_\_ day of \_\_\_\_\_, 20\_\_\_, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *Collier Ridge Subdivision*, and

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

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

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

I. VARIANCES

- A. Subdivider has requested, and the County hereby grants, the following variances by the Board of County Commissioners from the strict interpretation of the County’s Subdivision Regulations (Chapter 11, Yellowstone County Subdivision Regulations):
  - 1. A variance from the Yellowstone County Subdivision Regulations Section 4.6.B(1) is granted with this subdivision due to topographic hardship. The variance from this regulation alleviates the Subdivider from the requirement to provide access to all undeveloped land adjacent to the proposed subdivision with those connections not to exceed 600 feet. Strict compliance with this regulations would cause undue hardship for the Subdivider.

II. CONDITIONS THAT RUN WITH THE LAND

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

damage to commercial crops and/or a threat to public health and safety.

- B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C. No water rights have been transferred to the lot owners. If irrigation ditches exist on the perimeter of this development, they will be preserved for the benefit of other properties. Any existing perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.
- H. Lot owners or their agent will obtain an Access Permit from County Public Works prior to any construction on any lot within the subdivision. The application will include a site plan showing the desired location of the access and show that it meets the requirements outlined by the DEQ storm water requirements for the subdivision. Failure to do so will result in the lot owner or their agent removing what has been installed and locating the access in an approved location at the lot owners expense.
- I. Lot owners are required to obtain a zoning compliance permit prior to any construction on lots.

### III. TRANSPORTATION

The subdivider agrees to guarantee all improvements for a period of one (1) year from the date of final acceptance by Yellowstone County.

#### A. Streets

The Collier Ridge Subdivision proposes the following eight internal public access roads:

- Standard asphalt 28-foot-wide public roads maintained by an RSID created with this subdivision and to be known as North Horizon Ridge Road, located within a 60' Right-of-Way as shown on the plat. The road will intersect with Collier Road and provide access to the subdivision. The road will begin construction during phase 2 and will be completed by phase 7.
- Standard asphalt 28-foot-wide public roads maintained by an RSID created with this subdivision and to be known as South Horizon Ridge Road, located within a 60' Right-of-Way as shown on the plat. The road provides connectivity to the south of the subdivision. The road will begin construction during phase 2 and will be completed by phase 7.
- Standard asphalt 28-foot-wide public roads maintained by an RSID created with this subdivision and to be known as Golden Ridge Lane, located within a 60' Right-of-Way as shown on the plat. The road will intersect with Collier Road and provide access to the subdivision. This road will be entirely constructed during phase 2.
- Standard asphalt 28-foot-wide public roads maintained by an RSID created with this subdivision and to be known as Sunstone Road, located within a 60' Right-of-Way as shown on the plat. The road provides connectivity to the south of the subdivision. The road will be entirely constructed during phase 2.
- Standard asphalt 28-foot-wide public roads maintained by an RSID created with this subdivision and to be known as Bluffstone Road, located within a 60' Right-of-Way as shown on the plat. The road provides connectivity to the north of the subdivision. The road will begin construction during phase 3 and will be completed in phase 4.
- Standard asphalt 28-foot-wide public roads maintained by an RSID created with this subdivision and to be known as Hawkfeather Trail, located within a 60' Right-of-Way as shown on the plat. This road will be constructed during phase 7.
- Standard asphalt 28-foot-wide public roads maintained by an RSID created with this subdivision and to be known as Windrush Court, located within a 60' Right-of-Way as shown on the plat. This road will be constructed during phase 3.
- Standard asphalt 28-foot-wide public roads maintained by an RSID created with this subdivision and to be known as Bluebonnet Court, located within a 60' Right-of-Way as shown on the plat. This road will be constructed during phase 6.
- Standard asphalt 28-foot-wide public roads maintained by an RSID created with this subdivision and to be known as Thunderhead Court, located within a 60' Right-of-Way as shown on the plat. This road will be constructed during phase 5.

#### B. Traffic Control Devices

- There will be 2 stop signs within Collier Ridge Subdivision.
- The two stop signs will be at the two intersections of Horizon Ridge Circle and Collier Road. These stop signs will be provided during phase 2.
- A traffic impact study shall be completed for the preliminary plat filing of the Collier Ridge Subdivision. All recommended changes from the traffic impact study shall be installed in correlation with the phases indicated on the preliminary plat and within this document.

### C. Access

- There will be two accesses for the proposed subdivision, both from Collier Road. Each approach will be 60' wide.
- All lots within the subdivision, with the exception of Lots 1 and 2, shall be accessed using the internal public road network.
- A no-access-strip along Collier Road adjacent to this subdivision, aside from Lots 1 and 2, will be utilized to limit access from Collier Road.
- Lot 26 will be provided with access from Hawkfeather Trail.

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

The BABTMP appears to have a “Bike Lane Future” along Collier Road, to be built when the road is built or widened. There are no plans to widen Collier Road, thus a bike lane will not be constructed as part of the Collier Ridge Subdivision.

## IV. EMERGENCY SERVICE

- Billings Urban Fire Service Area will provide fire protection for the subdivision. Two 30,000-gallon dry hydrants will be constructed for this subdivision to provide fire protection. One dry hydrant is located along Sunstone Avenue and will be constructed during phase 2. The other dry hydrant is located along Horizon Ridge Circle and will be constructed during phase 5. Both are represented on the final plat.
- Police protection will be provided by Yellowstone County Sheriff's Department.
- Ambulance Service will be provided by American Medical Response.

## V. STORM DRAINAGE

- A system of stormwater retention ponds for each lot, as well as regional stormwater retention ponds for road runoff will be approved by MDEQ prior to filing the final plat.
- All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by MDEQ, or its designee.

## VI. UTILITIES

### A. Water

- Each lot will have an individual cistern to be supplied by a local water service provider. Water will be provided for this subdivision in compliance with Section 4.9 of the Yellowstone County Subdivision Regulations.
- MDEQ approval for these systems will be included with the final plat filing.

### B. Septic System

- Each lot will have an individual drainfield for the treatment of wastewater. The sanitary sewer systems will comply with Section 4.8 of the Yellowstone County Subdivision Regulations.
- MDEQ approval for these systems will be included with the final plat filing.

### C. Power, Telephone, Gas, and Cable Television

- These utilities will be provided within the utility easements created as part of this

subdivision, displayed on the face of the final plat and included as documents within the final plat submittal.

D. Solid Waste

- Solid waste disposal will be provided by local waste disposal companies. Each property owner will be responsible to arrange solid waste pickup.

VII. PARKS/OPEN SPACE

The Subdivider is providing cash-in-lieu of a parkland dedication to satisfy the parkland dedication requirement.

VIII. IRRIGATION

- There are no irrigation districts affected by the proposed subdivision.
- There are no water rights associated with the underlying parcels thus no water rights are being transferred.

IX. WEED MANAGEMENT

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

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

X. SOILS/GEOTECHNICAL STUDY

The subdivider has not completed any geotechnical study. Lot owners are encouraged to perform individual geotechnical studies prior to building.

XI. PHASING OF IMPROVEMENTS

The Collier Ridge Subdivision proposes to phase infrastructure improvements in seven phases. In correlation with MCA76-3-617(4) the Subdivider must notify the governing body 30 days prior to the commencement of each phase.

- Phase 1 of Collier Ridge Subdivision will include Lots 1 and 2. There will be no improvements associated with this phase. Phase 1 will commence immediately.
- Phase 2 of Collier Ridge Subdivision will include Lots 30-40. This phase includes complete construction of Sunstone Road, complete construction of Golden Ridge Lane, and partial construction of North Horizon Ridge Road and South Horizon Ridge Road. Temporary turnarounds will be provided at the unfinished ends of North Horizon Ridge Road and South Horizon Ridge Road during the development of this phase. Stop signs will be installed at the intersections between Horizon Ridge Circle and Collier Road. A 30,000-gallon dry hydrant will be installed along Sunstone Avenue during this phase as shown on the plat. Phase 2 will commence no later than June 1, 2025.

- Phase 3 of Collier Ridge Subdivision will include Lots 3-8 and Lot 44 and Lot 45. This phase includes complete construction of Windrush Court, partial construction of Bluffstone Road and partial construction of North Horizon Ridge Road. Temporary turnarounds will be provided where necessary to allow safe emergency vehicle access during the development of this phase. Phase 3 will commence no later than June 1, 2027.
  - Phase 4 of Collier Ridge Subdivision will include Lots 41-43, Lots 46-48, and Lots 28-29. This phase includes completion of construction for the remaining portion of Bluffstone Road and partial construction of South Horizon Ridge Road. Temporary turnarounds will be provided to allow safe emergency vehicle access during the development of this phase. Phase 4 will commence no later than June 1, 2029.
  - Phase 5 of Collier Ridge Subdivision will include Lots 9-16 and Lot 50. This phase includes complete construction of Thunderhead Court and partial construction of North Horizon Ridge Road. A 30,000-gallon dry hydrant will be provided along North Horizon Ridge Road during this phase, as shown on the plat. Temporary turnarounds will be provided to allow safe emergency vehicle access during the development of this phase. Phase 5 will commence no later than June 1, 2031.
  - Phase 6 of Collier Ridge Subdivision will include Lots 17-21 and Lot 49. This phase includes complete construction of Bluebonnet Court, partial completion of construction for South Horizon Ridge Road. Temporary turnarounds will be provided to allow safe emergency vehicle access during the development of this phase. Phase 6 will commence no later than June 1, 2033.
  - Phase 7 of Collier Ridge Subdivision will include Lots 22-27. This phase includes complete construction of Hawkfeather Trail and complete construction of South Horizon Ridge Road. Phase 7 will commence no later than June 1, 2035.
- **FINANCIAL GUARANTEES**

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

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

- LEGAL PROVISIONS

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



This agreement is hereby approved and accepted by Yellowstone County, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

“COUNTY”  
COUNTY OF YELLOWSTONE  
MONTANA

County of Yellowstone  
Board of County Commissioners

By: \_\_\_\_\_  
John Ostlund, Chairman

\_\_\_\_\_  
Donald Jones, Commissioner

\_\_\_\_\_  
Mark Morse, Commissioner

Attest: \_\_\_\_\_  
Jeff Martin, County Clerk and  
Recorder

STATE OF MONTANA     )  
  : ss  
County of Yellowstone    )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared John Ostlund, Donald Jones, Mark Morse and Jeff Martin, known to me to be the Board of County Commissioners and the County Clerk and Recorder, respectively, of Yellowstone County, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of Yellowstone County, Montana.

SS \_\_\_\_\_



## FINDINGS OF FACT

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

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

#### **1. Effect on agriculture and agricultural water users' facilities**

The subject property is not currently used for farming purposes in the past the property was used for cattle grazing. The subject property was not used for farming purposes according to historical aerial imagery. The subdivision does contain two soils that are classified by the United States Department of Agriculture Natural Resources Conservation Service as farmland of statewide importance, Bruston Lonna and Hopley Loam. No ditch runs through the proposed subdivision. There will be no effect on water user facilities with this subdivision.

#### **2. Effect on local services**

a. **Water and Septic** – The proposed subdivision is not located within any public water district. It is proposed that each lot will have a cistern on it for domestic water use. The proposed cisterns in the subdivision will be reviewed and receive approval from Montana Department of Environmental Quality (MDEQ). The applicant will provide a copy of the MDEQ approval for the septic systems at the time of final plat. **(Condition #1)** Maintenance of the individual cisterns will be the responsibility of the homeowner.

It is proposed that each lot, within the proposed subdivision, will have a septic system. The proposed septic systems will need to be reviewed and installed in accordance with Section 4.8 of the Yellowstone County Subdivision Regulations and will need to have MDEQ approval. The applicant will provide a copy of the MDEQ approval for the septic systems at the time of final plat. **(Condition #1)** Maintenance of the individual septic systems will be the responsibility of the homeowner.

b. **Streets and roads** – There will be several new roads within the proposed subdivision. These roads will be public roads and will be built to Yellowstone County Paved Road Standards in accordance with Table 4.6.C.1 within 60-foot-wide rights-of-way.

The applicant will be required to create an RSID for maintenance of roads within the subdivision. **(Condition #4)**

A Traffic Impact Study (TIS) has been submitted for this subdivision. It will be reviewed by County Public Works for impacts to the roads and intersections in the area.

c. **Fire and Police services** – The property is not within the Blue Creek Fire Service Area for structure protection. The applicant is heavily recommended to petition the Yellowstone County Department of Emergency Services to expand the service area boundary of Blue Creek Fire Department, as described in Montana Code Annotated (MCA) 7-33-2401 (**Condition #5**) The two proposed 30,000-gallon dry hydrants tanks will be built according to Billings Fire Department standards and tested and approved prior to final plat by the Blue Creek Fire Department, if the aforementioned petition to expand the service area is approved. The applicant will be required to create an RSID for maintenance of dry hydrant tanks within the subdivision. (**Condition #6**)

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

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

e. **Storm water drainage** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and MDEQ. A storm water plan will have to be reviewed and approved by the MDEQ to ensure the proposed stormwater management is feasible and will work satisfactorily. (**Condition #1**)

f. **School facilities** – The proposed subdivision is served by School District 2 and School District 3. The property will be served by Blue Creek Elementary, Riverside Middle School, and Senior High School. Blue Creek Elementary and Riverside Middle School are both under capacity and Senior High School is nearing capacity.

g. **Parks and recreation** – This proposed subdivision is required to provide parkland. The applicant is required to provide 4.42 acres of parkland, and has provided 0 acres. The applicant shall provide Yellowstone County with a cash-in-lieu contribution to satisfy the parkland dedication requirement. Determination of the cash-in-lieu contribution shall be done in accordance with the Yellowstone County Subdivision Regulations.

h. **Postal Service** – The USPS responded to request for comments. The mailboxes for the proposed subdivision will need to be setup with a centralized box location with other mailboxes located on the corner of Collier Road and Secret Valley Drive. If there are any questions they can contact the USPS. The applicant will be required to coordinate with the USPS to ensure they are providing what has been requested. (**Condition #2**)

i. **Historic features** – No known historic or cultural assets exist on the site. The applicant reached out to Montana State Historic Preservation Office for comment, and they requested should anything be found of historical/cultural significance during the project that their office be contacted.

j. **Phasing of Development** - The applicant is proposing to phase this subdivision. There are seven (7) phases being proposed. Associated infrastructure for each phase shall be installed in accordance with emergency service standards and Yellowstone County

Public Works standards. Infrastructure installation, phase opening dates, and lots included in each phase are within the SIA. (**Condition #7**)

<b>Phase</b>	<b>Lots</b>	<b>Timeline</b>
Phase 1	Lots 1 and 2	Immediately
Phase 2	Lots 30-40	June 1, 2025
Phase 3	Lots 3-8, 44 and 45	June 1, 2027
Phase 4	Lots 28-29, 41-43, and 46-48,	June 1, 2029
Phase 5	Lots 9-16 and 50	June 1, 2031
Phase 6	Lots 17-21 and 49	June 1, 2033
Phase 7	Lots 22-27	June 1, 2035

**3. Effects on the natural environment**

The applicant submitted an environmental assessment in accordance with the Yellowstone County Subdivision Regulations. Within the environmental assessment the Montana State Library Natural Heritage Program (MTNHP) report identified plant species that could be on the property as Giant Helleborine, Letterman’s Needlegrass, and Double Bladderpod. The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. Prior to final plat approval, the applicant will apply for and obtain a weed management plan with the County Weed Department. That plan will be submitted with final plat approval. (**Condition #3**)

There are no apparent or known natural hazards on the property. Slopes over 25% are not proposed for building sites without a geotechnical report.

**4. Effects on wildlife and wildlife habitat**

A subdivision that contains over 200 acres will create some impact on wildlife and wildlife habitat. The applicant submitted an environmental assessment as required by the Yellowstone County Subdivision Regulations. MTNHP identified that there have been observations of several Species of Concern (native wildlife that are at-risk due to declining population trends, threats to their habitats, restricted distribution, and/or other factors) in the area based on the Section, Township and Range of the proposed subdivision. The Yellow-billed Cuckoo, Plumbeous Vireo, Eastern Screech Owl, Sharp-tailed Grouse, Golden Eagle, Black-and-white warbler, Burrowing Owl, Ferruginous Hawk, Northern Hawk Owl, Pinyon Jay, Veery, Black-billed Cuckoo, Broad-tailed Hummingbird, Green-tailed Towhee, Common Poorwill, American White Pelican, Hooded Merganser, Short-eared Owl, Dickcissel, Long-billed Curlew, Brewer’s Sparrow, Loggerhead Shrike, Rufous Hummingbird, Red-headed Woodpecker, Eastern Bluebird, Greater Sage-Grouse, Ovenbird, Cassin’s Finch, Bobolink, Sprague’s Pipit, Sage Thrasher, Evening Grosbeak, Great Blue Heron and the Great Gray Owl are all native bird species of concern or potential concern that may inhabit the area. The Bald Eagle, a special status species, has also been observed in the area surrounding this subdivision. Other species of concern or special concern include the Western Milksnake, Monarch, Suckley Cuckoo Bumble Bee, Greater Short-horned Lizard, Snapping Turtle, Great

Plains Toad, Plains Hog-nosed Snake, Northern Leopard Frog, Spiny Softshell, Berry's Mountain snail, Black-tailed Prairie Dog, Dwarf Shrew, Merriam's Shrew, Hayden's Shrew, Meadow Jumping Mouse, Canada Lynx, Grizzly Bear, North American Porcupine, Western Spotted Skunk, Long-eared Myotis, Spotted Bat, Eastern Red Bat, Silver-haired Bat, Fringed Myotis, Little Brown Myotis, Townsend's Big-eared Bat, Long-legged Myotis, Hoary Bat, and fish species Brook Stickleback, Burbot, Sauger, and Yellowstone Cutthroat Trout. It's important to note that these are observations within the entire township, section, and range; the species have not necessarily been observed at the site. It's also important to note that since there is not year-round surface water on the property, the likelihood of any fish species inhabiting this proposed subdivision is extremely low. The Planning Division has reached out to several Montana Fish Wildlife and Parks biologists for Region 5. At the time of writing this report, no response has been received. A paragraph in the 'Conditions that Run with the Land' section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

#### **5. Effects on public health and safety**

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

Emergency services are provided for this proposed subdivision from the Yellowstone County Sheriff's department. The subdivision is not within the structure protection area of Blue Creek Fire Department, but is within the wildland urban interface protection area of Blue Creek Fire Department. It is highly recommended that the applicant petition for a boundary amendment to the Blue Creek Fire Department service area to obtain structure protection of the subdivision. As a requirement of subdivision two 30,000 gallon dry hydrants are provided within the subdivision.

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

An environmental assessment was required for this subdivision pursuant Section 9.2 C of the County Subdivision Regulations. In the environmental assessment, it was determined that the impacts to the environment, which include, agricultural, water user facilities, natural environment wildlife and habitat, will be minimal. The land is not currently being used for agricultural purposes, but was used as grazing land in the past. There have been observations of endangered species in the area based on the Section, Township and Range of the proposed subdivision. The applicant and the Planning Division have reached out to FWP for comment on endangered species but received no response at this time.

**C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2023 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]**

**1. Yellowstone County - 2008 Growth Policy**

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

- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)

*The subdivision is consistent with the type of residential development in the surrounding area.*

- Goal: New developments that are sensitive and compatible with the character of adjacent County town sites. (p. 6)

*There is residential development directly adjacent to the subject property.*

- Goal: Controlled weed populations. (p. 9)

*The developer shall complete a weed management plan and shall provide a re-vegetation plan for any ground disturbed by development.*

**2. 2023 Urban Area Transportation Plan**

The subject property is partially within the boundary the 2023 Urban Area Transportation Plan. The subdivision will be accessed from Collier Road, a dedicated collector road. All the proposed internal roads will be local roads.

**3. Billings Area Bikeway and Trail Master Plan Update (BBTMP)**

The subject property is within the Billings Area Bikeway and Trail Master Plan Update. Collier Road is intended to contain a bike lane at the time of future road building or widening along Collier Road. This subdivision will not be widening Collier Road, so no additional construction is required at this time.

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

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

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

The subdivider must receive approval from the MDEQ prior to final approval. New parcels are subject to DEQ review.

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

The proposed subdivision is partially within a zoned area of RR3 and partially outside of Yellowstone County.

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

Private utilities are to be installed in the public road right-of-way or utility easement. Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies.

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

Legal and physical access will be provided for the new proposed lots from Collier Road. The internal streets will provide access to individual lots.

**CONCLUSIONS OF FINDINGS OF FACT**

- This subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal, and can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

**RECOMMENDATION**

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Collier Ridge to the Board of County Commissioners and adopt the Findings of Fact as presented in the staff report, the SIA and Waiver.