

## COMMISSIONER MEETINGS

All meetings take place in the Commissioners Conference Room (3107)  
located in the Stillwater Building @ 316 North 26th Street (3rd Floor)  
and are open to the public unless otherwise noted

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THURSDAY- SEPTEMBER 12, 2024

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PLEDGE

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2:00 COMMISSIONERS DISCUSSION

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### DEPARTMENTS

1. **Planning Department** - Eastslope Meadows Subdivision, Preliminary County Major
2. **GIS** - Review of the New MOU with the City of Billings
3. **Public Works** - Residential Request for Access through Pryor Hills and Pryor Creek Estates  
Parkland

### COMMISSIONERS

### PUBLIC COMMENTS ON COUNTY BUSINESS

**Closed:** STDF

**Closed:** Litigation Update

Meeting Date: 09/12/2024

SUBJECT: Eastslope Meadows Subdivision - Preliminary Major Plat - Discussion

THROUGH: Hunter Kelly

FROM: Hunter Kelly

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TOPIC

**Planning Department - Eastslope Meadows Subdivision, Preliminary County Major**

INTRODUCTION

On July 1, 2024, the Planning Division received an application for major plat for the proposed Eastslope Meadows Subdivision. The subject property is generally located on the west side of South 64th Street West and north of Danford Road. This subdivision would create nine (9) lots from a 33.61-acre parcel of land. The applicant is proposing to develop a commercial subdivision. The property is outside of zoning. The land is currently used as farmland.

RECOMMENDATION

The Planning Board recommends to the Board of County Commissioners conditional approval for the preliminary plat of Eastslope Subdivision and adopt the Findings of Fact as presented in the staff report.

VARIANCE REQUESTED

No variance requested

PROPOSED CONDITIONS OF APPROVAL

1. To protect public health and safety, prior to final plat approval, the applicant will receive approval from Yellowstone City-County Health Department for the proposed water systems, septic systems and the proposed storm water management. The applicant will also add language in the SIA under the heading Utilities A Water and also in B Septic the language stating they will be following the Yellowstone County Subdivision Regulations for Water, Section 4.9 and Septic, Section 4.8.
2. 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 a Rural Special Improvements District (RSID) for the maintenance of those roads.
3. To protect public health and safety the applicant will work with County Public Works to provide an acceptable TIS to the County for the proposed subdivision prior to final plat approval. The applicant is responsible to make any corrections or additions to the TIS as requested by County Public Works. Any road improvements identified shall be addressed or constructed in coordination with County Public Works prior to final plat approval.
4. To protect public health and safety and to provide fire suppression facilities, prior to final plat approval, the applicant will determine, with the Billings Fire Department, if the 30,000 gallon dry hydrant tank at the intersection of Bear Paw Drive South and Bear Paw Drive North, is within 1/2 road mile of the furthest structure within the proposed subdivision. The applicant shall provide construction documents and access information to meet the requirement for being within 1/2 road mile of the furthest structure distance within the proposed subdivision, pay a fee, if necessary, and add the proposed subdivision to the RSID that maintains the tank. If the 30,000 gallon dry hydrant tank at the intersection of Bear Paw Drive South and Bear Paw Drive North is not within the 1/2 road mile from the furthest distance within the proposed subdivision, the applicant shall install a 30,000 gallon dry hydrant at a location approved by Billings Fire Department and County Public Works. The Billings Fire Department shall review drawings, provided by the applicant, for approval prior to

construction of the tank. When the tank is installed, the applicant shall have the Billings Fire Department test the tank and if it is acceptable the Billings Fire Department will provide a letter stating the tank is functional and approved. The applicant shall create a RSID for maintenance of the dry hydrant tank.

5. To minimize the effects on local service, prior to final plat approval, the applicant shall coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the proposed subdivision.
6. 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.
7. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
8. 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 April 18, 2024

Preliminary plat application submitted to Planning Division on June 21, 2024

Planning Board plat review August 13, 2024

Planning Board public hearing August 27, 2024

Preliminary plat to Board of County Commissioners, September 24, 2024

60 working-day preliminary plat review period ends September 25, 2024

## PLAT INFORMATION

General Location West side of South 64th Street West and north of Danford Road

Legal Description Tract 1A of Amended Tract 1 of Certificate of Survey 3206 in SE1/4 Section 30, Township 1 south, Range 25E, P.M.M, Yellowstone County, Montana

Owner/Subdivider Hardrives Construction, Inc. C/O Brian Hudson

Engineer/Surveyor IMEG Corp.

Existing Zoning Outside of zoning

Existing Land Use Agriculture

Proposed Land Use Commercial

Gross Acreage 33.61 ac.

Net Acreage 27.17 ac.

Proposed Number of Lots 9

Lot Size Max. 11.15 ac.

Lot Size Min. 1.8 ac.

Parkland Not required per Yellowstone County Subdivision Regulations Section 10.8 and MCA 76-3-621(3)(b).

## PLANNING BOARD PUBLIC HEARING DISCUSSION

### **Planning Board Plat Review**

President Woods opened the meeting for staff to present on Eastslope Subivision. After staff concluded its presentation, President Woods asked the Board for discussion. Boardmember Staley was the first to speak. Boardmember Staley objected to the wording of condition #4 regarding fire protection. Staley questioned the efficacy of giving the applicant the option to connect to a 30,000 gallon dry hydrant tank within a 1/2 road mile instead of installing one on-site. Staley went on to state that as a commercial subdivision, an on-site 30,000 gallon dry hydrant tank would be insufficient. Anna Vickers explained the wording is in conformance with the adopted standards of the County Subdivision Regulations. Staley stated by the time structures could be built, a 30,000 gallon dry hydrant tank would be insufficient for commercial property without any zoning to regulate the type of commercial/industrial use. The agent of

the applicant, Kolten Knatterud, came up to speak and assured the Planning Board he and the Subdivider are willing to have additional discussions with the Billings Fire Department in order to provide adequate fire protection in the future. President Woods closed the discussion.

Planning staff did follow up with Billings Fire Department Fire Marshall and Fire Chief after the Plat Review and the Billings Fire Department affirmed its requirements per the County Subdivision Regulations the conditions of approval, and also pointed out that future commercial building construction on the subdivision would be subject to commercial building and fire code standards per the State of Montana Building Codes Bureau and State Fire Marshall's Office.

### **Planning Board Public Hearing**

President Woods opened the meeting for staff to present on Eastslope Subivision. After staff concluded its presentation, President Woods asked the Board for discussion. Boardmember Ronquillo asked staff to clarify that while it is unknown what specific commercial activity would transpire at the subdivision, whatever is built there would be subject to state building codes. Staff responded in the affirmative. Boardmember Nordel asked staff if a Traffic Study had been done for the project. Staff responded in the affirmative, referring back to one of the conditions of approval. Staff went on to explain how an applicant works with Public Works to prepare a Traffic Impact Statement. Boardmember Staley asked staff, for the record, to explain the criteria regarding condition of approval #4. President Woods then invited the applicant to speak and field questions regarding the Traffic Impact Statement as well as some features in the land adjacent to the subject property.

President Woods opened the public hearing. Three adjacent property owners came to speak. The First property owner states his opposition to the subdivision on the basis of dwindling potable water supplies in the area. The second property owner voiced his displeasure with the subdivision on the basis of dwindling water supplies and cited concerns the commercial intent of the subdivision will invite truck traffic to the immediate vicinity, which would negatively affect his neighborhood and surrounding roads. The third property owner voiced her concerns regarding whether the roads would be paved, as well as runoff concerns for the nearby open drain. The applicant came up to speak regarding the road and drains. The applicant explained the DEQ Stormwate requirements did not require covering the nearby drain. President Woods closed the public hearing.

Boardmember Nordel called for a motion for approval with the eight conditions of approval, seconded by Boardmember Staley . The Board recommended approval on a 4-2 vote.

## YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS FINDINGS OF FACT

### CONCLUSIONS OF FINDINGS OF FACT

### RECOMMENDATION

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Attachments

Preliminary Plat

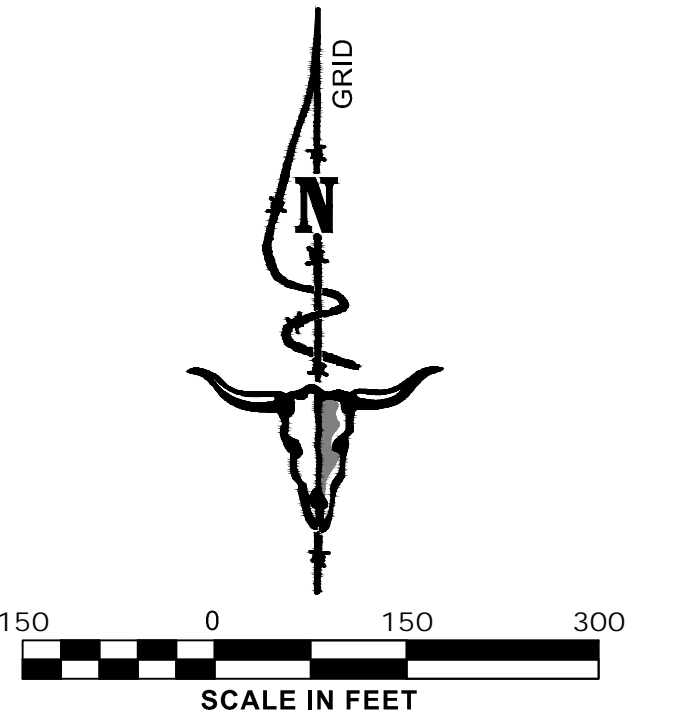
Draft Subdivision Improvement Agreement

Findings of Fact

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# PRELIMINARY PLAT OF EASTSLOPE SUBDIVISION

LOCATED IN THE SE1/4 OF SECTION 30, T.01S., R.25E., P.M.M., YELLOWSTONE COUNTY, MONTANA



**BASIS OF BEARING:**  
AMENDED TRACT 1B OF CERTIFICATE OF SURVEY 3206

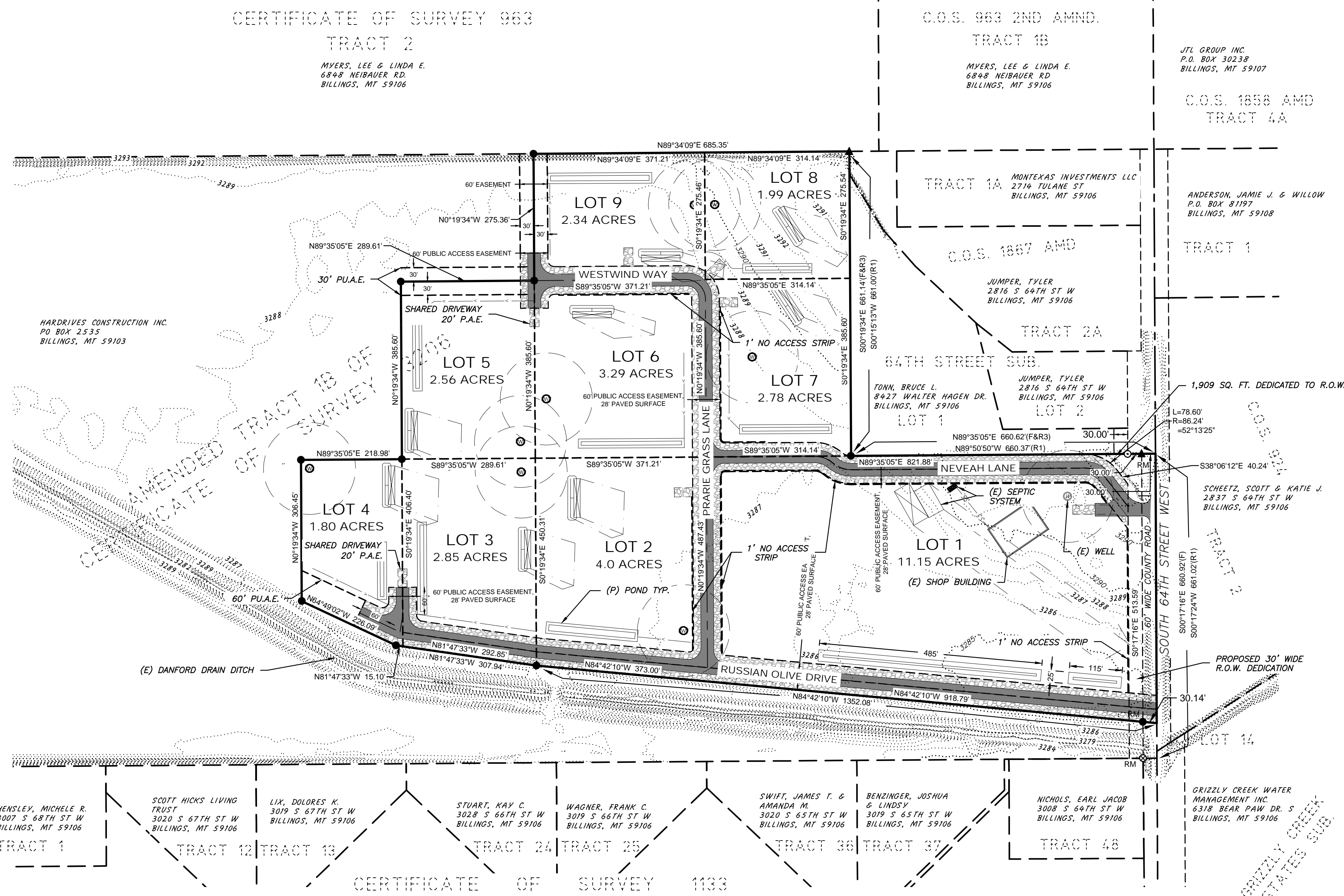
**RECORD OWNERS:**  
HARDRIVES CONSTRUCTION INC.

**SUBDIVIDER:**  
HARDRIVES CONSTRUCTION INC.

**DATE:**  
JULY, 2024

**TOTAL SUBDIVISION AREA:**  
33.61 ACRES (GROSS)  
2.89 ACRES (ROADS)  
5.59 ACRES (ROAD EASEMENTS)  
N/A ACRES (PARK)  
25.12 ACRES (NET)

1/4	SEC.	T.	R.
1	30	1S.	25E.



SITE DATA	
NUMBER OF LOTS	9
MAXIMUM LOT AREA	11.15 AC
MINIMUM LOT AREA	1.80 AC
AREA OF PARKLAND	N/A
LINEAR FEET OF STREETS	4,118 LF
NET ACREAGE	27.17 AC
GROSS ACREAGE	33.61 AC
EXISTING ZONING	N/A
PROPOSED ZONING	N/A
EXISTING LAND USE	COMMERCIAL
PROPOSED LAND USE	COMMERCIAL

**PERIMETER LEGAL DESCRIPTION**  
TRACT 1A OF AMENDED TRACT 1 OF COS 3206 RECORDED AS DOCUMENT NO. 4070842, IN THE OFFICE AT THE YELLOWSTONE COUNTY CLERK AND RECORDER LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 25 EAST, PRINCIPAL MERIDIAN MONTANA, YELLOWSTONE COUNTY MONTANA.

- LEGEND**
- (E) = EXISTING
  - (P) = PROPOSED
  - C.O.S. = CERTIFICATE OF SURVEY
  - R.O.W. = RIGHT-OF-WAY
  - P.A.E. = PRIVATE ACCESS EASEMENT
  - P.U.A.E. = PUBLIC ACCESS EASEMENT
  - U.E. = UTILITY EASEMENT
  - N.A.S. = NO ACCESS STRIP
  - ⊙ = WELL
  - ▲ = SOIL PROFILE
  - ☒ = DRAINFIELD

POND SIZE TABLE			
LOT #	TOP WIDTH	TOP LENGTH	DEPTH
LDT 2	25'	200'	2'
LDT 3	20'	200'	2'
LDT 4	20'	125'	2'
LDT 5	20'	175'	2'
LDT 6	20'	230'	2'
LDT 7	20'	200'	2'
LDT 8	20'	150'	2'
LDT 9	23'	226'	3'

PREPARED BY:  
**IMEG**  
175 N. 27TH, ST. STE. 1312 PH: 406.249.9000  
BILLINGS, MT FAX: 406.721.5224  
59101 www.imegcorp.com  
IMEG PROJECT NO. 23000514

1/4	SEC.	T.	R.
1	30	1S.	25E.

Return To:

SUBDIVISION IMPROVEMENTS AGREEMENT  
*EASTSLOPE MEADOWS SUBDIVISION*  
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Yellowstone County

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*(Subdivision Improvements Agreement)*

This agreement is made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between *Hardrives Construction, Inc.*, whose address for the purpose of this agreement is PO Box 2535, Billings, MT 59103, 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 *Eastslope Meadows 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 *Eastslope Meadows 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 *Eastslope Meadows 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. The subdivider requests no variances for the *Eastslope Meadows Subdivision*.

II. CONDITIONS THAT RUN WITH THE LAND

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

B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

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

### 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 Eastslope Meadows Subdivision proposes the following internal public access roads:

- All four roads within the subdivision will be standard asphalt 28-foot-wide public roads located within 60' wide public access easements as displayed on the final plat and will be maintained by an RSID created with this subdivision. The four roads are named Westwind Way, Prairie Grass Lane, Russian Olive Drive and Neveah Lane. Russian Olive Drive and Neveah Lane will provide access to the subdivision from South 64<sup>th</sup> Street West.



#### B. Traffic Control Devices

- Stop signs are proposed at the intersection of Russian Olive Drive and S 64<sup>th</sup> Street W and the intersection of Neveah Lane and S 64<sup>th</sup> Street W. Both stop signs will face internally into the subdivision.
- A traffic impact study shall be completed before the final plat filing of the Eastslope Meadows Subdivision. All recommended changes from the traffic impact study shall be installed.

#### C. Access

- There will be two accesses for the proposed subdivision, each approach will be 60' wide. Both approaches will be from South 64<sup>th</sup> St. West.
- All lots within the subdivision shall be accessed using the internal public road network.

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

The Eastslope Meadows Subdivision is near the BABTMP, with a Bike Lane Future and Shared Use Path located along South 64<sup>th</sup> St. West, however the trail does not intersect the property thus no easements or trail improvements are required.

### IV. EMERGENCY SERVICE

- Billings Urban Fire Service Area will provide fire protection for the subdivision. The existing 30,000-gallon dry hydrant located at the corner of Bear Paw Drive South and Bear Paw Drive North is within .5 miles of this proposed subdivision and will be utilized by this subdivision if approved by the Billings Urban Fire Department. If not approved, a new 30,000-gallon dry hydrant will be constructed within the subdivision to provide fire protection.
- 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 roadside ditches and retention ponds for each lot 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 well approved by MDEQ and DNRC.
- MDEQ approval for these systems will be included with the final plat filing.

#### B. Septic System

- Lot 1 is served by an existing gravity septic system.
- Lots 2-9 are proposed to be served by individual raised sand mound drainfields.
- 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 60' public access 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 will be disposed of by a local waste collection company and will be sent to the Billings Regional Landfill.

VII. PARKS/OPEN SPACE

There is no parkland dedication requirement for this subdivision, as all parcels are nonresidential pursuant to (76-3-621(3)(a-e), MCA) and the Yellowstone County Subdivision Regulations Section 10.8.

VIII. IRRIGATION

- The Danford Drain irrigation ditch located adjacent to the southern border of the property will remain unobstructed and unaffected by this subdivision.
- No water rights exist within this subdivision thus no water rights will be transferred to individual lot owners.

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. 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)

## XII. LEGAL PROVISIONS

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

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

“SUBDIVIDER”

*Hardrives Construction, Inc.*

\_\_\_\_\_  
James A. Bailey, President, Hardrives  
Construction, Inc

STATE OF \_\_\_\_\_ )  
: ss  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared James A. Bailey, President, Hardrives Construction, Inc., (*Subdivider*), who executed the foregoing instrument and acknowledged to me that he executed the same.

SS \_\_\_\_\_



Return To:

**Waiver of Right to Protest**

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's), for a period of no more than twenty years from the recording of this waiver, which Yellowstone County 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:

*Eastslope Meadows Subdivision*

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
James A. Bailey, President, Hardrives  
Construction Inc.

STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of \_\_\_\_\_, personally appeared James A. Bailey, President of Hardrives Construction, Inc., the person who executed the forgoing instrument and acknowledged to me that he executed the same.

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

SS \_\_\_\_\_

## FINDINGS OF FACT

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

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

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

The subject property is used for farming purposes. The Danford Drain irrigation ditch located adjacent to the southern border of the property will remain unobstructed and unaffected by this subdivision. All other drains and ditches will not be disturbed by the proposed subdivision. No water rights exist within this subdivision so no water rights will be transferred to individual lot owners. There will be no affect on water user facilities with this subdivision.

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

a. **Water** – The proposed subdivision is not located within any public water district. It is proposed that each lot will have an individual well for domestic water use. Wells for each lot will be the responsibility of the lot purchaser at the time of building construction. Maintenance of the individual cisterns will be the responsibility of the home owner. The proposed water system will be approved by MDEQ prior to final plat approval. In the SIA under the heading VI Utilities A, Water the applicant will add language that they will follow the requirements of Section 4.9 Yellowstone County Subdivision Regulations. **(Condition #1)**

**Septic** - It is proposed that each lot, within the proposed subdivision, will have a septic system. Lot 1 in the proposed subdivision has an existing gravity septic system. Lots 2-9 are proposed to have individual raised sand mound drain fields. Installation of septic systems for each lot will be the responsibility of the lot purchaser at the time of building construction. Maintenance of the individual septic systems will be the responsibility of the home owner. The proposed septic system will be approved by MDEQ prior to final plat approval. In the SIA under the heading VI Utilities B, Septic systems the applicant will add language that they will follow the requirements of Section 4.8 Yellowstone County Subdivision Regulations. **(Condition #1)**

b. **Streets and roads** – Access to Eastslope Meadows Subdivision is proposed to come from South 64<sup>th</sup> Street West. All roads within the subdivision are to be public roads. All roads will be built to County Road Standards, 24-foot paved surface with 2-foot gravel shoulders on each side all within a 60-foot-wide access easement. All lots will be accessed from internal subdivision roads. The applicant will create an RSID for road maintenance. **(Condition #2)** The applicant is proposing to install stop signs at the intersection of Russian Olive Drive and South 64<sup>th</sup> Street West. The stop signs will be

facing into the subdivision. The applicant will have the TIS to County Public works before preliminary plat approval. Any required modifications to the TIS will be corrected before final plat. **(Condition #3)**

c. **Fire and Police services** – The property is within the BUFSA service area. The applicant is proposing to use an existing 30,000-gallon dry hydrant system in Bear Paw Drive South and Bear Paw Drive North to the south east of the proposed subdivision. The applicant believes it is within the ½ road mile to the farthest point in the subdivision. Billings Fire Department will be checking the measurement to verify if it meets the maximum distance requirement. If it does fall within ½ road mile to the furthest distance the applicant will expand the RSID on the above defined 30,000 gallon dry hydrant. Should the Billings Fire Department find it is farther than ½ road mile to the farthest location within the subdivision the applicant will install a 30,000 gallon dry hydrant system within the subdivision. They will create an RSID for the new dry hydrant. Prior to building the tank the applicant will get plans approved by the Billings Fire Department and when it is installed the Billings Fire Department will test it to verify that it is working correctly. The Billings Fire Department will provide a sign off for the dry hydrant prior to final plat approval. **(Condition #4)**

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 to arrange for collection.

e. **Storm water drainage** – Storm water drainage shall satisfy Yellowstone County Storm Water Management requirements and DEQ. Internal roads for this subdivision will have drainage locations that will be identified as required by Section 4.7 of Yellowstone County Subdivision Regulations as called out in the SIA under the heading V. Storm Drainage. They will also be installing retention ponds for each lot as approved by MDEQ prior to final plat. See SIA V, Storm Drainage.

f. **School facilities** – The proposed subdivision is located within Broadview School for K-12. At the time of the writing of these findings there was no response from the Broadview School regarding capacity or bus routes.

g. **Parks and recreation** – This proposed subdivision is not required to provide parkland. The subdivision is proposed to be a commercial subdivision and so parkland dedication is not required.

h. **Postal Service** – The applicant will be required to coordinate with the USPS to ensure they are providing a location for mail delivery that is convenient and safe and approved by the USPS. **(Condition #5)**

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



j. **Phasing of Development** - The applicant is not proposing to phase this subdivision.

**3. Effects on the natural environment**

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. 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 #6)**

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

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

There are no known endangered or threatened species on the property. The impact study shows there is wildlife in the area but available information for these studies is for a broad area which include this acreage. The land has been farmed for many years and that has disrupted the native wildlife on this parcel. 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 landscaping.

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

Plans and designs for the water and septic system will be reviewed and approved by the Yellowstone City-County Health Department prior to submittal of final plat.

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

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

An environmental assessment was required for this subdivision pursuant Section 9.2 C of the County Subdivision Regulations. The impacts to the environment which include, agricultural, water user facilities, natural environment wildlife and habitat, will be minimal. The land is not used for agricultural purposes, it is grassland and shrubs. With the large lots proposed the impacts to the natural environment should be minimal. There are no known endangered species on the land.

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

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

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

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

*The subdivision is consistent with similar types of large lot development in the surrounding area.*

- 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 maintains the road the study area of the Transportation Plan. As proposed, there are only neighborhood streets associated with this subdivision.

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

A proposed future Bike Lane and Shared Use Path is located along South 64th St. West, however the trail does not intersect the property. No easements or trail improvements are required with this subdivision.

### **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 subdivision must receive approval from the MDEQ prior to any building construction on each lot. New parcels, without existing septic systems, are subject to MDEQ review.

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

The proposed subdivision is not within a zoned area 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 road rights-of-way. 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 from South 64<sup>th</sup> Street West to the new proposed subdivision roads. 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, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal, and can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

## **RECOMMENDATION**

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

B.O.C.C Thursday Discussion

2.

Meeting Date: 09/12/2024

Title: Review of the new MOU with the City of Billings

Submitted By: Mike Powell

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TOPIC:

**GIS** - Review of the New MOU with the City of Billings

BACKGROUND:

Need to establish a new MOU with the City

RECOMMENDED ACTION:

Discussion

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Attachments

MOU with City of Billings

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**MEMORANDUM OF UNDERSTANDING FOR SHARING OF  
GIS DATA AND SERVICES**

This Memorandum of Understanding for Sharing of GIS Data and Services (Agreement) is entered into between YELLOWSTONE COUNTY (COUNTY) and the CITY OF BILLINGS (CITY) on this \_\_\_\_ day of September 2024.

**WHEREAS**, CITY and COUNTY desire to continue to develop, share and integrate geographic information systems (GIS) data and services to improve the planning and management processes of CITY and COUNTY departments and infrastructure, including dispatch operations of the 911 Center.

**THEREFORE**, this Agreement sets forth the following terms pursuant to which CITY and COUNTY shall agree:

1. Term. This Agreement shall begin on October 1, 2024 and shall last for five fiscal years, ending on June 30, 2029. The parties may mutually agree, in writing, to terminate this deal at any time. Further, either party may terminate this Agreement unilaterally with written notice of at least 90 days.
2. Compensation. In exchange for the services stated in this Agreement to be performed by COUNTY, CITY agrees to pay COUNTY \$40,000 for the 2024-2025 fiscal year. The amount of compensation paid by CITY to COUNTY shall increase 3% each year. For the first year of the Agreement, covering the remainder of the 2024-2025 fiscal year, CITY shall pay COUNTY a prorated amount of \$30,896 due on October 1, 2024. The remaining payments shall be made annually, at the start of each fiscal year.
3. COUNTY shall provide CITY with the following GIS data and services along with associated metadata if applicable:
  - City limits;
  - Zoning;
  - Preliminary subdivision reviews;
  - Cadastral;
  - Fire Districts, those opting out, and yearly audits;
  - Wards, legislative boundaries;
  - Landmark features;
  - Address points;
  - Preliminary address points;
  - Documentation and coordination with CITY address coordinators;

- Road lines and address ranges, other attributes including Alternate Names Table;
  - Driveways;
  - Mile markers;
  - Zip code areas;
  - Cell towers;
  - Irrigation and drain ditches and districts;
  - Levy all RSID, school and other jurisdictional boundaries;
  - AVL application data maintenance for Sheriff's station at 911 Center;
  - Updated wall maps to 911 Center whenever changes are made to response areas/boundaries of any public safety agency that serves COUNTY;
  - Coordinated MSAG maintenance with 911 Manager;
  - Reconciling phone customer databases with address points and MSAG;
  - Attribute analysis for data validation, verification using GIS as well as relational database tools and techniques;
  - FDID; COUNTY will maintain this layer outside approximate CITY limits boundary and surrounding counties;
  - Fire Station Response Zones; COUNTY will maintain this layer for ¼ mile buffer outside approximate CITY limits boundary and surrounding counties;
  - LAW-ORI; COUNTY will maintain this layer outside approximate CITY limits boundary and surrounding counties; and
  - Police Beats; COUNTY will maintain this layer outside approximate CITY limits boundary and surrounding counties.
4. CITY shall provide COUNTY with the following GIS data and services along with associated metadata if applicable:
- FIDI; City will maintain this layer inside approximate CITY limits boundary;
  - City Fire Station Response Zones; CITY will maintain this layer inside ¼ mile buffer outside approximate CITY limits boundary;
  - LAW-ORI; CITY will maintain this layer inside approximate CITY limits boundary; and
  - Police Beats; CITY will maintain this layer inside approximate CITY limits boundary.
5. Authorized Representatives. The parties appoint the following authorized representative to receive notices and to provide direct communication between the parties:

For CITY:  
GIS Coordinator, City of Billings  
City of Billings  
210 N. 27<sup>th</sup> Street  
Billings, MT 59101

For COUNTY:  
Yellowstone County GIS Manager  
217 N. 27<sup>th</sup> Street  
Billings, MT 59101

6. No Creation of Entity, Hold Harmless. This Agreement shall not be construed to create, either expressly or by implication, the relationship of agency or partnership between CITY and COUNTY. Neither CITY nor COUNTY is authorized to act on behalf of the other in any manner in relation to the subject matter of this Agreement, and neither shall be liable for the acts, errors, or omissions of the other entered into, committed or performed with respect to or in the performance of this Agreement. Each party agrees to indemnify and hold the other party harmless against any claims arising from the acts errors or omissions of its employees or agents.
7. Governing Law, Informal Dispute Resolution, Venue. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Montana. Should a dispute arise regarding the terms of this Agreement, the parties shall first enter into good faith discussions in an attempt to resolve the dispute. Should the dispute result in litigation, the parties agree that proper venue lies in the Montana 13<sup>th</sup> Judicial District Court.
8. Entire Agreement and Revocation of Prior Agreements. This Agreement embodies the entire understanding between CITY and COUNTY with respect to the specific subject matter hereof, and no prior oral or written representation shall serve to modify or amend this Agreement. This Agreement may not be modified except by action of both governing bodies.  
  
The parties hereby state and represent that the Memorandum of Understanding dated March 15, 2018 between CITY and COUNTY is hereby rescinded and revoked upon execution of this Agreement.
9. Authorized Signatures. The parties represent and agree that the persons signing this Agreement have authorization to bind their respective governmental entities to the terms of the Agreement.
10. Services Delineated between CITY and COUNTY. CITY and COUNTY will manage, respectively, their own GIS software and hardware upgrades and purchases of any other computer equipment necessary for an integrated GIS system.

Passed and Adopted on this \_\_\_\_ day of  
September 2024

Passed and Adopted on this \_\_\_\_ day of  
September 2024

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

CITY OF BILLINGS, MONTANA

\_\_\_\_\_  
John Ostlund  
Yellowstone County Board Chair

\_\_\_\_\_  
City

\_\_\_\_\_  
Mark Morse  
Yellowstone County Commissioner

\_\_\_\_\_  
Donald W. Jones  
Yellowstone County Commissioner

Attest:

Attest:

\_\_\_\_\_  
Jeff Martin  
Yellowstone County Clerk and Recorder

\_\_\_\_\_  
City of Billings Clerk



Meeting Date: 09/12/2024

Title: Residential Request for Access through Pryor Hills and Pryor Creek Estates Parkland

Submitted By: Monica Plecker

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TOPIC:

**Public Works** - Residential Request for Access through Pryor Hills and Pryor Creek Estates Parkland

BACKGROUND:

Dan Petersen is under contract to purchase property known as Tract 1 of Certificate of Survey 3826. There is an existing approach that leads to a two track into the property. The topography to the south creates site distance and safety concerns. As such, he has approached Public Works to learn if it would be possible to establish access through the park and move the approach north and enter through the parkland.

The Parkland is described as PRYOR CREEK ESTATES SUB 1ST, S06, T01 N, R28 E, PARKS IN PRYOR CREEK SUB 1ST - 6TH FIL & PRYOR HILLS SUB 1ST - 2ND FIL (09). The parkland is undeveloped and is open space. Neither of the subdivision referenced in the legal descriptions appear to be adjacent to the parkland. At the time this staff report was completed, staff research was not able to yield a clear answer of why the offsite parkland was given. Further research will be required.

Attached is a parcel map and aerial for context.

RECOMMENDED ACTION:

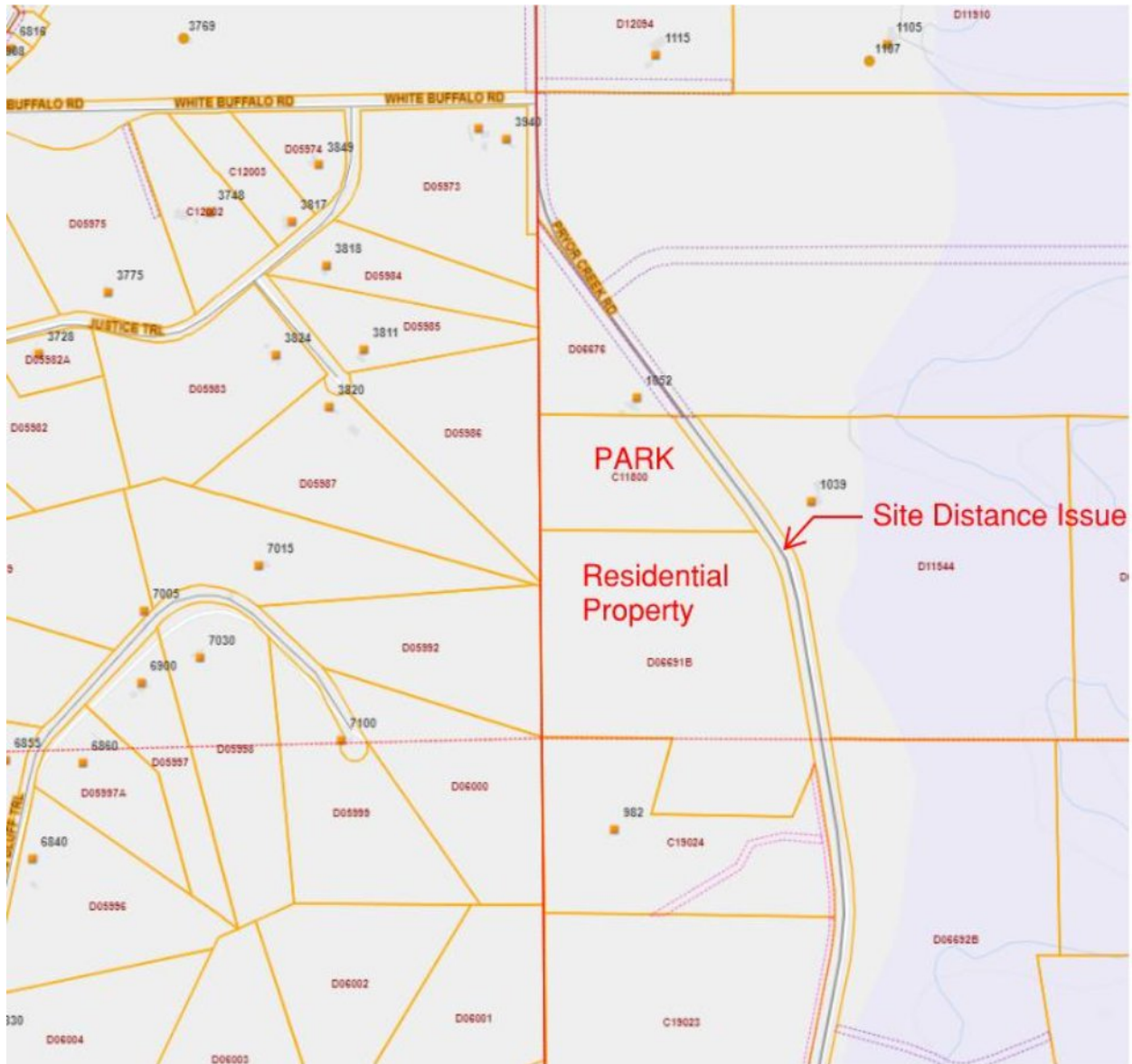
Provide staff guidance on whether to proceed with establishing a legal access through the parkland/open space.

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Attachments

Parcel Map and Aerial

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Site Distance Issue

Steep Topography

B.O.C.C Thursday Discussion

Meeting Date: 09/12/2024

Title: Closed

Submitted For: Jennifer Jones, Finance Director      Submitted By: Erika Guy

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TOPIC:

**Closed:** STDF

BACKGROUND:

Closed

RECOMMENDED ACTION:

Closed

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B.O.C.C Thursday Discussion

Meeting Date: 09/12/2024

Title: Litigation update

Submitted By: Steve Williams

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TOPIC:

**Closed:** Litigation Update

BACKGROUND:

Litigation update

RECOMMENDED ACTION:

Discuss litigation in closed session.

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